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, April 21, 2026

6:30 PM

Council Chambers

City Council

CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
City Hall, Council Chambers

NOTICE: The City Council will hold a hybrid meeting in the Council Chambers, The Gwen Hotel, and virtually via Zoom

PUBLIC PARTICIPATION
How to observe the Meeting:

1. *Comcast TV Channel 15*
2. *Live stream https://hayward.legistar.com/Calendar.aspx*
3. *YouTube Live stream: https://www.youtube.com/user/cityofhayward*

How to submit written Public Comment:

1. Use eComment on the City's Meeting & Agenda Center webpage at: https://hayward.legistar.com/Calendar.aspx. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

2. Send an email to List-Mayor-Council@hayward-ca.gov by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 3:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

How to provide live Public Comment during the City Council Meeting:

Participate in the Council Chambers or click link below to join the meeting: https://hayward.zoom.us/j/86581656738?pwd=7RUvt838b4hIpu11Z7Hknw4vhV53Tq.1

Meeting ID: 865 8165 6738
Password: Cc4/21@630

or

Dial: +1 669 900 6833 or +1 646 931 3860

Meeting ID: 865 8165 6738
Password: 0360280334

CITY COUNCIL MEETING
777 B Street, Hayward, CA 94541
City Hall, Council Chambers

Pursuant to Government Code section 54953(b), the meeting will include a teleconference location at The Gwen Hotel, 521 North Rush Street, Chicago, Illinois, 60611. Council Member Bonilla Jr. will participate via teleconference. The agenda will be posted at the teleconference location, and the public will have an opportunity to address the City Council.

CALL TO ORDER: Mayor Salinas

Pledge of Allegiance: Council Member Syrop

SB 707 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATIONS

Hayward Poet Laureate Recognition

April 19-25, 2026 - National Library Week
April 21, 2026 - National Library Workers Day

April 19-25, 2026 - National Crime Victims' Rights Week

43rd Annual Earth Day Poster & Writing Contest Awards Presentation

PUBLIC COMMENTS

The Public Comments section provides an opportunity to address the City Council on items not listed on the agenda or Informational Staff Presentation items. The Council welcomes 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, items will be taken under consideration and may be referred to staff. The City Council welcomes comments, including criticism, about the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a City Council. The City is committed to maintaining a workplace free of unlawful harassment and is mindful that City staff regularly attend Council meetings. Discriminatory statements or conduct that is hostile, intimidating, oppressive, or abusive – are per se disruptive to a meeting and will not be tolerated. ration and may be referred to staff.

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.

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 CALENDAR

1. MIN 26-045 Approve the City Council Minutes of the City Council Meeting on April 7, 2026

Attachments: Attachment I Draft Minutes of 4/7/2026

2. CONS 26-108 Affirm the Appointment of a New Hayward Poet Laureate for the Period of April 2026 - March 2028

Attachments: Attachment I Staff Report
Attachment II Resolution

3. CONS 26-120 Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Pavement Engineering, Inc., Increasing the Maximum Compensation by $572,225, for a Total Maximum Compensation Amount Not-to-Exceed $911,245 to Provide Engineering Services for the Fiscal Year 2026-27 Pavement Improvement Project, Project No. 05360

Attachments: Attachment I Staff Report
Attachment II Resolution

4. CONS 26-129 Adopt a Resolution Approving Addendum No. 1 and No. 2 and Awarding a Contract to SubTerra Construction, Inc. for the A Street Sewer Line Replacement Project, Project No. 07831, in a Not-to-Exceed Amount of $4,150,449

Attachments: Attachment I Staff Report
Attachment II Resolution

5. CONS 26-134 Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Advanced Mobility Group, Inc., to 1) Extend the Term of Agreement by One Year, 2) Update the Agreement to Allow Two Additional One-Year Extensions, and 3) Increase the Contract Amount by $250,000 Annually for a Total Not-to-Exceed Amount of $1,000,000 for the One-Year Extension and $1,500,000 for the Two Additional Extensions

Attachments:
Attachment I Staff Report
Attachment II Resolution

6. CONS 26-135 Adopt a Resolution Authorizing the City Manager to Execute the Alameda County Transportation Commission Master Programs Funding Agreement for Measure B, Measure BB, and Vehicle Registration Fee Direct Local Distribution Funds

Attachments:
Attachment I Staff Report
Attachment II Resolution
Attachment III Measure BB VRF Agreement
Attachment IV Measure B Master Programs Agreement
Attachment V ACTC Implementation Guidelines

7. CONS 26-140 Adopt a Resolution Awarding a Contract to Bay Cities Paving & Grading, Inc., for the FY 26 Pavement Improvement Project, Project No. 05347, in the Amount of $10,063,947.60 and Authorizing an Administrative Change Order Budget of $1,436,052.40

Attachments:
Attachment I Staff Report
Attachment II Resolution
Attachment III List of Streets
Attachment IV Map
Attachment V BPMP Deviation List

8. CONS 26-143 Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Five-Year Landscape Management Contract for the 92 Reliever Route with Los Loza, Inc. with a Maximum Compensation Not-to-Exceed $387,000

Attachments:
Attachment I Staff Report
Attachment II Resolution

9. CONS 26-144 Adopt a Resolution Authorizing the City Manager to Negotiate and Execute Landscape Management Contract for CalTrans Surplus Property Weed Abatement with Joe's Landscaping and Concrete, Inc., with a Maximum Compensation Not-to-Exceed $700,000 through FY 2030

Attachments: Attachment I Staff Report
Attachment II Resolution

10. CONS 26-145 Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for Cannery Place Landscape and Lighting Assessment District 13 with Los Loza, Inc. with Maximum Compensation Not-to-Exceed $470,000 Over Five Years

Attachments: Attachment I Staff Report
Attachment II Resolution

11. CONS 26-148 Adopt a Resolution Approving the Project List for FY 27 Road Repair and Accountability Act (RRAA) Funding for the FY 27 Pavement Improvement Project, Project No. 05360

Attachments: Attachment I Staff Report
Attachment II Resolution
Attachment III Map of Project Limits

12. CONS 26-162 Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Association of Management Employees Deferring the Cost of Living Adjustment Increase Due the Pay Period Containing July 1, 2026, and Authorizing the City Manager to Execute the Agreement

Attachments: Attachment I Staff Report
Attachment II Resolution
Attachment III Tentative Agreement
Attachment IV Side Letter of Agreement

13. CONS 26-163 Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Police Management Unit Modifying Cost of Living Adjustment Increases and Authorizing the City Manager to Execute the Agreement

Attachments:
Attachment I Staff Report
Attachment II Resolution
Attachment III Tentative Agreement
Attachment IV Side Letter of Agreement

14. CONS 26-164 Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the International Federation of Professional and Technical Engineers, Local 21 Deferring the Cost of Living Adjustment Increase Due the Pay Period Including July 1, 2026, and Authorizing the City Manager to Execute the Agreement

Attachments:
Attachment I Staff Report
Attachment II Resolution
Attachment III Tentative Agreement
Attachment IV Side Letter of Agreement

15. CONS 26-165 Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and Service Employees International Union, Local 1021 Clerical Unit Deferring the Cost of Living Adjustment Increase Due the Pay Period Including July 1, 2026, and Authorizing the City Manager to Execute the Agreement

Attachments:
Attachment I Staff Report
Attachment II Resolution
Attachment III Tentative Agreement
Attachment IV Side Letter of Agreement

16. CONS 26-166 Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Police Officers' Association Modifying Cost of Living Adjustment Increases and Extending Previous Shift Change Agreements; and Authorizing the City Manager to Execute the Agreement

Attachments:
Attachment I Staff Report
Attachment II Resolution
Attachment III Tentative Agreement
Attachment IV Side Letter of Agreement

17. CONS 26-168 Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and Both Units Represented by the International Association of Firefighters, Local 1909: the Hayward Firefighters Association and the Hayward Fire Officers Association, for Deferring Cost of Living Adjustment Increases and Extending Previous Cost Saving Agreements; and Authorizing the City Manager to Execute the Agreement

Attachments:
Attachment I Staff Report
Attachment II Resolution
Attachment III Side Letter of Agreement

PUBLIC HEARING

18. PH 26-018 Stratford Village Proposition 218 Hearing: Proposition 218 Public Hearing to Receive and Tabulate Property Owner Ballots Regarding the Establishment and Levying of a New Assessment for the Stratford Village Flood Control Facilities Improvement Assessment District (MD1); Adopt a Resolution Establishing the New Stratford Village Flood Control Facilities Improvement Assessment (MD1-2026); Approve the Final Engineer's Report; and Order Levy and Collection of Assessments for Fiscal Year 2027

Attachments:
Attachment I Staff Report
Attachment II Resolution
Attachment III MD1-2026 Final Engineer's Report

19. PH 26-017 Business Friendly Hayward: Proposed Text Amendments to Hayward Municipal Code Chapter 10 Articles 1, 2, 24, and 28 and Chapter 6 Article 2; Proposed Zoning Map Revisions; and Proposed Master Fee Schedule Updates Related to the Business-Friendly Hayward Project (Report from Development Services Director Buizer)

Attachments:
Attachment I Staff Report
Attachment II Resolution Text Amendments
Attachment III Resolution Master Fee Update
Attachment IV Ordinance
Attachment IV, Exhibit A Commercial Districts - Clean
Attachment IV, Exhibit B Commercial Districts - Redline
Attachment IV, Exhibit C Industrial Districts - Redline
Attachment IV, Exhibit D General Regs - Redline
Attachment IV, Exhibit E Alcoholic Beverage Outlets - Redline
Attachment IV, Exhibit F Major Conditional Use Permit - New
Attachment IV, Exhibit G Definitions - Redline
Attachment IV, Exhibit H Off-Street Parking - Redline
Attachment IV, Exhibit I Mission Boulelvard Code - Redline
Attachment IV, Exhibit J Downtown Development - Redline
Attachment IV, Exhbit K Cabarets - Redline
Attachment IV, Exhibit L Maps of Properties to Be Rezoned
Attachment V Written Public Correspondence

20. PH 26-020 Master Fee Schedule: Adopt a Resolution Approving the Master Fee Schedule Fiscal Year 2026-2027 and the Fiscal Year 2026-2027 Fine and Bail Schedule, and Finding the Action is Exempt from California Environmental Quality Act Review (Report from Finance Director Hilbrants)

Attachments:
Attachment I Staff Report
Attachment II Resolution
Attachment III Proposed Master Fee Schedule FY 26-27
Attachment IV Fiscal Year 2026-27 Fine and Bail Schedule

LEGISLATIVE BUSINESS

21. LB 26-007 Massage Permits: Introduction of an Ordinance Amending Article 10, Chapter 6 of the Hayward Municipal Code Relating to Massage Permits and Finding that the Action is Exempt from Environmental Review (Report from City Attorney Lawson and Police Chief Matthews)

Attachments:
Attachment I Staff Report
Attachment II Ordinance
Attachment III Exhibit A to Attachment II

22. LB 26-008 Salary and Benefits Resolution & Employment Agreements: Adopt Resolutions Amending the Unrepresented Employees Salary and Benefits Resolution, the City Clerk Employment Agreement, the City Attorney Employment Agreement, and the City Manager Employment Agreement (Report from Human Resources Director Tecson)

Attachments:
Attachment I Staff Report
Attachment II Resolution - Unrepresented Employees
Attachment III Unrepresented Salary and Benefits Resolution
Attachment IV Resolution - City Attorney
Attachment V Resolution - City Clerk
Attachment VI Resolution - City Manager

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

COUNCIL REFERRALS

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

ADJOURNMENT

NEXT SPECIAL MEETING, April 28, 2026

PUBLIC COMMENT RULES

Any member of the public desiring to address the Council shall limit their comments 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.

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 City website, Cable Channel 15 - KHRT, and YouTube. ****

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 cityclerk@hayward-ca.gov.

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.

File #: MIN 26-045

DATE: April 21, 2026

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve the City Council Minutes of the City Council Meeting on April 7, 2026

RECOMMENDATION

That the City Council approves the City Council meeting minutes of April 7, 2026.

SUMMARY

The City Council held a City Council meeting on April 7, 2026.

ATTACHMENTS

Attachment I Draft Minutes of 4/7/2026

The City Council meeting was called to order by Mayor Salinas at 7:00 p.m. in the Council Chambers.

Pledge of Allegiance: Council Member Roche

ROLL CALL

Present: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on April 7, 2026, at 5:30 p.m., with Council Member Andrews absent and no public comment, regarding conference with labor negotiators with all bargaining groups pursuant to Government Code section 54957.6. City Attorney Lawson reported that the City Council met and discussed the item but took no reportable action. The closed session adjourned at 6:44 p.m.

PRESENTATIONS

Mayor Salinas read a proclamation declaring April 12-18, 2026, as National Public Safety Telecommunicators Week in Hayward. Police Chief Matthews and Crime Prevention Specialist Strawser thanked the City Council and accepted the proclamation on behalf of the Hayward Police Department.

Mayor Salinas read a proclamation declaring April 24, 2026, as National Arbor Day in Hayward. Maintenance Services Director Rullman thanked the City Council and accepted the proclamation on behalf of the Maintenance Services Department. Mayor Salinas added that the City will celebrate Arbor Day on April 28, 2026, at Treeview Elementary School, and encouraged residents to participate by planting trees.

PUBLIC COMMENTS

Sean Sullivan announced the grand opening of Covenant House California on April 18, 2026, at 27221 Tyrrell Avenue, Hayward. The facility will provide 30 young people with access to shelter and services.

CITY MANAGER'S COMMENTS

City Manager Ott made two announcements: 1) construction is underway on La Vista Park, a new 39-acre recreation area in South Hayward slated for completion in Fall 2027, and a groundbreaking ceremony is scheduled for April 14, 2026; and 2) the City in partnership with the County Workforce Development Board is co-hosting an Apprenticeship Pathways: Employer and Educator forum on April 23, 2026, at City Hall.

CONSENT CALENDAR

Consent Item No. 3 and No. 9 were removed from the Consent Calendar for comment.

1. Approve the City Council Minutes of the City Council Meeting on March 17, 2026 **MIN 26-036**

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the City Council meeting minutes of March 17, 2026.

2. Approve the City Council Minutes of the City Council Meeting on March 24, 2026 **MIN 26-037**

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the City Council meeting minutes of March 24, 2026.

3. Adopt Resolutions Authorizing the City Manager to Accept and Appropriate 1) Up to $350,000 Annually in Funding from the California State Library and 2) Up to $350,000 Annually in Donations, Contributions, and Grants from Various Groups and Individuals for Library Services and Programs through the End of Fiscal Year 2028-29 **CONS 26-109**

    Staff report submitted by Library Director Addleman, dated April 7, 2026, was filed.

In response to Council Member Roche's request for clarification on authorizing up to $350,000 in potential library grants, Library Director Addleman responded that the Library received its usual annual funding of more than $200,000 but raised concerns about next year, particularly the possible loss of $130,000 in state support for ESL programs serving roughly 300 residents.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolutions.

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 26-029, "Resolution Authorizing the City Manager to Accept and Appropriate up to $350,000 Annually in Funding from the California State Library for Library Services and Programs"

Resolution 26-030, "Resolution Authorizing the City Manager to Accept and Appropriate up to $350,000 in Donations and Grants to Support Library Services and Programs Through the End of Fiscal Year 2028-29"

4. Adopt a Resolution Approving Participation in the National Opioid Remnant Defendants Settlement and Authorizing the City Manager to Execute and Submit all Necessary Settlement Participation Documents on Behalf of the City of Hayward **CONS 26-111**

   Staff report submitted by City Attorney Lawson and Sr. Assistant City Attorney Vigilia, dated April 7, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 26-031, "Resolution Approving Participation in the National Opioid Remnant Defendants Settlement and Authorizing the City Manager to Execute and Submit All Necessary Settlement Participation Documents on Behalf of the City of Hayward"

5. Adopt a Resolution Authorizing the City Manager to Execute a Cooperation Agreement for Fiscal Years 2027-2029 between the City of Hayward and the County of Alameda to Participate in the Alameda County HOME Consortium **CONS 26-112**

   Staff report submitted by Development Services Director Buizer, Deputy Development Services Director Morales and Principal Planner Schmidt, dated April 7, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-032, "Resolution Authorizing the Continued Participation of the City of Hayward in the Alameda County Home Consortium for Home Funds and Authorizing Execution of the Necessary Documents to Maintain the Eligibility of the Consortium for Home Program Funds in Accordance With the National Affordable Housing Act of 1990"

6. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with St. Francis Electric, Inc., to Increase the Contract Amount by $400,000 for a Total Amount Not-to-Exceed Maximum Compensation of $1,600,000, Update Exhibit A (Bid Price Schedule), and to Extend the Term of the Agreement by 1-year to Continue On-Call Traffic Signal and Streetlight Maintenance and Emergency Repair Support Services **CONS 26-114**

   Staff report submitted by Public Works Director Ameri, dated April 7, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-033, "Resolution Authorizing the City Manager to Execute Amendment No.2 to the Professional Services Agreement With St. Francis Electric, Inc., to Increase the Maximum Compensation Amount by $400,000 for a Total Maximum Compensation Not-to-Exceed $1,600,000, Update Exhibit a (Bid Price Schedule), and to Extend the Term of the Agreement by 1-Year to Continue on-Call Traffic Signal and Streetlight Maintenance and Emergency Repair Support Services"

7. Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with EKI Environment & Water, Inc., Increasing the Maximum Compensation by $125,000 for a Total Not-to-Exceed Maximum Compensation Amount of $625,000 to Provide Geographic Information System (GIS) Services, and Appropriating Additional Funds in an Amount of $250,000 for the GIS Data Development and Conversion Project No. 07117 **CONS 26-115**

   Staff report submitted by Public Works Director Ameri, dated April 7, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 26-034, "Resolution Authorizing the City Manager to Execute Amendment No.2 to the Professional Services Agreement With Eki Environment & Water, Inc., Increasing the Maximum Compensation by $125,000 for a Total Maximum Compensation Not-to-Exceed $625,000 to Provide Geographic Information System (Gis) Services for the Gis Data Development and Conversion Project, and Appropriate Additional Funds in an Amount of $250,000 From the Water and Sewer Enterprise Funds for the Gis Data Development and Conversion Project No. 07177"

8. Adopt a Resolution Approving Annexation of the Parcel Group 3 Development into the Hayward Geologic Hazard Abatement District **CONS 26-125**

   Staff report submitted by Hayward Geologic Hazard Abatement District Manager Rolsten, dated April 7, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-035, "Resolution Approving the Annexation of the Parcel Group 3 Development into the Hayward Geologic Hazard Abatement District"

9. Adopt a Resolution Approving the Speed Management Plan to Reduce and Manage Traffic Speeds Citywide **CONS 26-127**

Staff report submitted by Public Works Director Ameri, dated April 7, 2026, was filed.

In response to Council Member Syrop's inquiry into how the Local Speed Management Plan responds to recent concerns about street safety and fatalities, Principal Transportation Engineer Tang noted that the plan outlines long-term strategies and tools to reduce speeds citywide and advance safety initiatives.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-036, "Resolution to Approve the Speed Management Plan, Project No. 06943, to Reduce and Manage Traffic Speeds Citywide"

10. Adopt a Resolution Approving a Side Letter of Agreement Amending the Memoranda of Understanding between the City of Hayward and the Hayward Fire Chiefs Association and Authorizing Staff to Execute the Agreement **CONS 26-128**

Staff report submitted by Human Resources Director Tecson, dated April 7, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-037, "Resolution Authorizing the City Manager to Execute a Side Letter of Agreement with the Hayward Fire Chiefs Association to Amend the Current Memoranda of Understanding"

11. Adopt a Resolution Designating City-Owned Properties at City Center Drive (APNs 415-0250-111-02, 415-0250-112-00, 415-0250-113-00), C Street and Main Street (1026 C Street & 22696 Main Street; APNs 428-0066-037-00, 428-0066-038-02, 428-0066-038-01), and Cinema Place (22631 Foothill Boulevard; APNs 428-0066-085-00, 428-0066-086-00) as Surplus Land, Authorizing Notices of Availability, and Finding the Action Exempt from California Environmental Quality Act Review **CONS 26-132**

Staff report submitted by City Attorney Lawson and Assistant City Manager Thomas, dated April 7, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 26-038, "Resolution Designating Certain City-Owned Properties Located at City Center Drive (APNs 415-0250-111-02, 415-0250-112-00, 415-0250-113-00), C Street and Main Street (1026 C Street & 22696 Main Street; APNs 428-0066-037-00, 428-0066-038-02, 428-0066-038-01), and 22631 Foothill Boulevard (APNs 428-0066-085-00 AND 428-0066-086- 00), Hayward, California as Surplus Land Pursuant to Government Code Section 54221; Authorizing the City Manager to Issue Notices of Availability as Required by the Surplus Land Act; and Finding that the Action is Exempt From Environmental Review"

12. Adopt a Resolution (1) Authorizing the City Manager to Negotiate and Execute an Agreement to Transfer the Open Space Subdivision of Parcel Group 8 to Hayward Area Recreation and Park District and Grant an Easement for a Trail Across the Market Rate Middle Segment, and (2) Finding that the Transfer is Exempt from California Environmental Quality Act Review **CONS 26-133**

    Staff report submitted by Assistant City Manager Thomas, dated April 7, 2026, was filed.

It was moved by Council Member Syrop, seconded by Council Member Goldstein, and carried unanimously, to adopt the resolution.

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 26-039, "Resolution Authorizing the City Manager to Execute an Agreement to Transfer the Open Space Subdivision of Parcel Group 8 and Grant an Easement for a Trail Across the Market Rate Subparcel to Hayward Area Parks and Recreation District (HARD); and Finding that the Action is Exempt from Environmental Review"

WORK SESSION

13. Work Session: Potential Ballot Measure to Modernize the City of Hayward Business License Tax Ordinance (Staff Report from City Manager Ott) **WS 26-010**

    Staff report submitted by Assistant City Manager Thomas, dated April 7, 2026, was filed.

City Manager Ott opened the work session and introduced Management Analyst Perez, who, together with Blue Sky Consultant Newman, summarized the staff report on the proposed modernization of the Business License Tax (BLT) ordinance. FM3 Research Consultant Everitt presented key findings from a voter survey conducted March 10–19, 2026. City Manager Ott stated that staff were seeking City Council feedback on the proposal's structure and will return in May with finalized ordinance amendments and the materials required to place the measure on the November ballot.

Mayor Salinas opened the public comment section at 7:42 p.m.

Emily Wallace expressed concern that labor groups were not consulted on the business license tax proposal; stated that if Hayward intends to align with neighboring cities, it should

look to jurisdictions that have successfully modernized their business license taxes in recent years; and urged the City to adopt stronger tax rates targeting high-profit industries such as professional services, business services and commercial rentals to address fiscal challenges and sustain public services.

Suzanne Luther, with Hayward Concerned Citizens, raised concerns about the survey methodology and the framing of the tax proposal, indicating it lacks transparency; and called for clearer, more direct communication about the true impact of the proposed tax increase.

Ro Aguilar, Hayward resident, asked whether revenue from the proposed measure could be used to address homelessness and related services; and emphasized that solving homelessness is critical to supporting a healthy business environment.

Derek Barnes, East Bay Rental Housing Association (EBRHA) Chief Executive Officer, supported modernizing the business license tax but raised concerns about the disproportionately high flat tax on residential rental properties; and urged the City Council to consider a tiered or reduced rate for small "mom-and-pop" property owners to ensure fairness.

Mayor Salinas closed the public comment section at 7:50 p.m.

Council Member Andrews asked about the sources of voter dissatisfaction in the survey, the benefits the City would highlight if the tax measure were approved, the potential use of funds for homelessness and core services, outreach to labor groups, and whether rental tax thresholds could be adjusted. FM3 Consultant Everitt clarified that no follow-up data was collected on dissatisfaction. City Manager Ott noted the tax is a General Fund measure primarily supporting public safety but flexible enough to fund homelessness services; and added that labor groups were invited to prior BLT ordinance discussions. Blue Sky Consultant Newman noted that the City Council could revise or create a more graduated tax structure for small rental property owners.

Council Member Zermeño asked how the proposed business license tax would position Hayward relative to neighboring cities, and whether hardship waivers could be offered for small "mom-and-pop" property owners. Blue Sky Consultant Newman explained that the proposal would place Hayward roughly in the middle of comparable cities, slightly above San Jose, and noted that hardship waivers are uncommon due to administrative challenges. Council Member Zermeño expressed general support for the proposed ballot measure and recommended including pedestrian and bicycle safety into the ballot language.

Council Member Roche asked about best practices for polling thresholds, whether current support levels are sufficient given economic conditions, and whether businesses demonstrated an understanding of the need to update the tax. FM3 Consultant Everitt

reported that the polling result, showing up to 68% support, are strong compared to typical measures. Management Analyst Perez and City Manager Ott added that groups such as Hayward Chamber of Commerce and Downtown Hayward Improvement Association Board acknowledged the need to modernize the outdated tax structure. Council Member Roche expressed support for the measure, emphasized the importance of highlighting that the tax has not been updated since 1978 in the ballot language, and underscored the need for a balanced, proportional approach that avoids overburdening businesses while addressing the City's fiscal challenges.

Council Member Syrop requested refinements to better compare Hayward's proposal with cities that have recently modernized their business license taxes; noted that the flat tax structure for small residential rentals is appropriate given their revenue levels, while suggesting that commercial rental rates could be further evaluated; invited public input on the survey design; emphasized continued collaboration with labor partners; and voiced overall support for advancing the measure with minor adjustments.

Council Member Bonilla Jr. requested clarification on the real-world financial impact of the proposed tax on small businesses and landlords and emphasized the importance of communicating that the tax has not been updated since 1978. City Manager Ott provided examples illustrating relatively modest increases for small businesses, such as small retailers and restaurants, and larger increases for rental properties to help contextualize the proposal. Council Member Bonilla Jr. expressed support for the "match-neighbors" approach, underscored the need to balance fairness and competitiveness, and added that the proposal offers a thoughtful, responsible way to modernize the tax and sustain essential City services.

Council Member Goldstein asked about the potential impact of other tax measures appearing on the ballot and whether they could influence voter support for this proposal. FM3 Consultant Everitt explained that survey results indicate voters typically evaluate each measure independently and that support for this proposal remains strong, particularly because most residents would not directly pay the tax. Council Member Goldstein expressed support for the measure, emphasized the importance of highlighting that the tax has not been updated since 1978, and recommended messaging that underscores both community and business benefits while reinforcing that Hayward remains business-friendly.

Mayor Salinas emphasized that if the City is asking businesses to pay higher taxes, it must also demonstrate clear, tangible benefits in return, such as improvements to permitting processes or direct business support; confirmed consensus on the proposed residential rental (1-3 units) tax category; and expressed overall support for the proposal, noting encouragement from the survey results.

City Manager Ott summarized the key direction, including emphasizing the importance of "since 1978" messaging and returning in November with programmatic details that demonstrate benefits to businesses; noted that staff will also provide updated comparisons to cities that have modernized their business license taxes; and confirmed that staff will incorporate feedback as appropriate while maintaining the established timeline, with the City Council generally agreeing to proceed with the current proposal.

Work Session: Tree Mitigation In-Lieu Fees **(Report from Development Services Director Buizer) WS 26-011**

Staff report submitted by Development Services Director Buizer, dated April 7, 2026, was filed.

Development Services Director Buizer announced the item and introduced Landscape Architect Spores who provided a synopsis of the staff report.

There being no comment, Mayor Salinas opened and closed the public comment section at 8:48 p.m.

Council Member Syrop expressed support for allocating 15 percent of the in-lieu fees towards program administration; noted the value of revisiting the allocation annually to align funding tree-planting priorities; and asked how equity would be incorporated into expanding the tree canopy and how community partnerships, such as with 100K Trees for Hayward, would use allocated funds to maximize impact and identify the most cost-effective strategies for environmental resilience. Landscape Architect Spores clarified that the funding would support both outreach and planting, with estimated costs of about $465 per tree; emphasized that grassroots partnerships help stretch available resources; and noted that community-based programs offer the greatest long-term value.

Council Member Andrews emphasized reducing the heat island effect, incentivizing businesses to plant more trees, and ensuring programs are funded through in-lieu fees without impacting the General Fund; called for coordination with partners such as the Bay Area Water Supply and Conservation Agency (BAWSCA) on water and fire safety and the Clean and Green Commission for outreach; emphasized strategic tree placement for economic and aesthetic benefits; and suggested renaming "Master Plan" to a term such as "Tree Canopy Action Plan" to avoid terminology with connotations of subordination.

Council Member Zermeño supported the plan and proposed three focus areas: heritage tree identification, tree count, and fruit tree planting. Landscape Architect Spores clarified that tree inventory and heritage tree identification are already being addressed through the City's Planet Geo system and Tree Preservation Ordinance.

Council Member Bonilla Jr. expressed support for allocating 15 percent of in-lieu fees towards program administration, supported the community projects, partnerships, and programs with an emphasis on applying a strong equity focus, ensuring underserved areas are prioritized.

Council Member Roche supported the plan and prioritizing social equity programs and suggested that any unspent funds from planning studies be redirected to community equity programs; and raised the idea of coordinating with the permitting/planning process to educate homeowners about tree planting opportunities during renovations.

Council Member Goldstein supported the 15% program administration fee and called for focusing canopy expansion on currently neglected areas such as Tennyson Road; asked about and confirmed the continued existence of a tree giveaway program (funded through a grant) and requested renewed outreach promoting it, provided it does not draw from the General Fund.

Mayor Salinas expressed general support for the plan; noted the need for funding support for tree trimming, which is a significant cost burden for many homeowners; supported Council Member Andrews' suggestion to rename the "Master Plan" to "Tree Canopy Action Plan" and reiterated the need to expand tree coverage citywide.

LEGISLATIVE BUSINESS

14. Fiscal Year 2026 Salary Plan Amendment: Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2026 **(Report from Human Resources Director Tecson) LB 26-006**

    Staff report submitted by Human Resources Director Tecson, dated April 7, 2026, was filed.

Mayor Salinas forewent staff's presentation.

Council Member Syrop asked for clarification on the funding source for the salary plan amendment and whether it would impact the General Fund. Human Resources Director Tecson clarified that the costs are covered by Water Enterprise, Sewer, and Stormwater funds. Council Member Syrop further confirmed that these funds operate such as self-sustaining businesses and that the salary adjustments are already built into existing labor agreements.

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

It was moved by Council Member Goldstein, seconded by Council Member Andrews, and carried unanimously, to adopt the resolution.

AYES:	COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño MAYOR Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 26-040, "Resolution Approving the Amended Fiscal Year 2026 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 25-208 and all Amendments Thereto"

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Syrop recognized Council Member Andrews' tree planting efforts.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Salinas adjourned the City Council meeting at 9:15 p.m.

APPROVED

_____
Mark Salinas
Mayor, City of Hayward

ATTEST:

_____
Miriam Lens
City Clerk, City of Hayward

File #: CONS 26-108

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Library Services

SUBJECT

Affirm the Appointment of a New Hayward Poet Laureate for the Period of April 2026 - March 2028

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) to establish Mo Kim-Tong as the Hayward Poet Laureate from April 21, 2026, through March 31, 2028.

SUMMARY

Based on the success of the Hayward Poet Laureate Program (Program) since its inception in 2015, Hayward Public Library staff was directed by the Mayor to create a competitive process by which future Poet Laureate appointments would be made with the approval of the City Council. Following the application process and the review of written and video material, Mo Kim-Tong ("Mo") has been selected to be the next Poet Laureate of Hayward and shall serve in this capacity through March 31, 2028. Mo shall receive a stipend in the amount of $1,000 for the entire 2-year tenure.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Library Services

SUBJECT: Affirm the Appointment of a New Hayward Poet Laureate for the Period of April 2026 - March 2028

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) to establish Mo Kim-Tong as the Hayward Poet Laureate from April 21, 2026, through March 31, 2028.

SUMMARY

Based on the success of the Hayward Poet Laureate Program (Program) since its inception in 2015, Hayward Public Library staff was directed by the Mayor to create a competitive process by which future Poet Laureate appointments would be made with the approval of the City Council. Following the application process and the review of written and video material, Mo Kim-Tong ("Mo") has been selected to be the next Poet Laureate of Hayward and shall serve in this capacity through March 31, 2028. Mo shall receive a stipend in the amount of $1,000 for the entire 2-year tenure.

FISCAL IMPACT

The appointed Hayward Poet Laureate receives a $1,000 stipend for their 2-year tenure to help defray the cost of travel and materials and to recognize the significant contribution of time and service the Poet Laureate makes to the Hayward community. This stipend is included in the adopted FY 2026-27 operating budget, so no additional appropriation is needed.

BACKGROUND AND DISCUSSION

The City Council established the Hayward Poet Laureate Program in 2015 to raise awareness of the power of poetry and other forms of literature. The title of Poet Laureate of Hayward has been held by two poets since the inception of the program. An application process to find the next Poet Laureate of Hayward was open from February 24, 2026 through March 17, 2026.

The application process was open to poets 18 years of age or older, who live within the city limits of incorporated Hayward. Each applicant was asked to submit between three (3) and five (5) original works of poetry demonstrating commitment to, and mastery of, the art and craft of poetry in any style or form; submit a brief paragraph describing why the applicant wants to be Hayward's Poet Laureate and who or what inspires them to write poetry; and submit a video no longer than five (5) minutes of one poem read aloud as if to a large audience.

The selected poet laureate is expected to promote creativity and the appreciation of poetry and the literary arts, write at least two (2) poems annually dedicated to Hayward or major occasions or current events affecting Hayward residents, as and when mutually agreed upon, and attend between one (1) and four (4) City of Hayward and/or literary events annually and read or otherwise perform their poetry at these events. They may be invited to other events also.

Selected Candidate: Mo Kim-Tong

Mo Kim-Tong was selected from a field of applicants to be the next Poet Laureate of Hayward because of the quality and depth of his poetry, his enthusiasm and the potential for inspiring future poets and youth, as well as the passion of delivery in the video that was submitted.

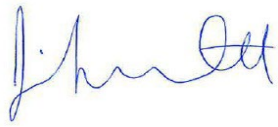
STRATEGIC INITIATIVES

This agenda item relates to the Council's Strategic Initiative to Enhance Community Safety and Quality of Life by Implementing Community Enrichment.

Prepared by: Melissa Burkley, Management Analyst I

Recommended by: Jayanti Addleman, Director of Library Services

Approved by:



Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION TO AFFIRM THE APPOINTMENT OF A NEW HAYWARD POET LAUREATE EFFECTIVE APRIL 21, 2026.

WHEREAS, the Hayward City Council established the Hayward Poet Laureate Program in 2015 to raise awareness of the power of poetry and other forms of literature; and

WHEREAS, based on the past success of the Hayward Poet Laureate Program, the Mayor directed Hayward Public Library staff to create a competitive process by which future Poet Laureate appointments would be made with the approval of the City Council; and

WHEREAS, following the acceptance of applications from poets living within City limits of incorporated Hayward, Mo Kim-Tong has been selected to be the next Poet Laureate of Hayward; and

WHEREAS, the Hayward Poet Laureate will act as an ambassador representing the City of Hayward in the local literary arts community and representing poetry in the wider arts community; and

WHEREAS, the Hayward Poet Laureate will represent the City in a professional and positive manner; and

WHEREAS, the Hayward Poet Laureate will attend between one and four City of Hayward or literary events annually, and they will read or otherwise perform their poetry at these events and may attend additional events at their discretion; and

WHEREAS, the Hayward Poet Laureate will write at least two poems annually dedicated to Hayward or major occasions or current events affecting Hayward residents; and

WHEREAS, the Hayward City Council approves that a stipend in the amount of $1,000 for the entire 2-year tenure be provided to the appointed Poets Laureate to help defray the cost of the Poet Laureate's travel and materials, and to recognize the significant contribution of time and service that the Poet Laureate makes to the Hayward community.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby affirms the continuance of the Hayward Poet Laureate Program; and

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby appoints Poet Mo Kim-Tong to serve as the Hayward Poet Laureate effective April 21, 2026 through March 31, 2028.

IN COUNCIL, HAYWARD, CALIFORNIA _____ 2026.

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

File #: CONS 26-120

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Pavement Engineering, Inc., Increasing the Maximum Compensation by $572,225, for a Total Maximum Compensation Amount Not-to-Exceed $911,245 to Provide Engineering Services for the Fiscal Year 2026-27 Pavement Improvement Project, Project No. 05360

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement (PSA) with Pavement Engineering, Inc., (PEI) to provide engineering services for the Fiscal Year 27 Pavement Improvement Project (FY27 PIP), increasing the maximum compensation by $572,225, for a total not-to-exceed maximum compensation of $911,245.

SUMMARY

Staff have initiated the design phase for the FY27 PIP (05360) and are seeking professional engineering services to finalize the project design and provide construction support.

Under the existing PSA, PEI provides engineering services for the FY26 PIP. An amendment No. 1 to the existing PEI PSA, dated June 16, 2025, is needed to extend the scope of the Agreement to include engineering services for the upcoming FY27 PIP.

PEI will provide engineering services to evaluate pavement conditions, recommend pavement treatment, measure field quantities, design curb ramps upgrades, and provide construction support for the FY27 PIP.

The project budget for the FY27 PIP of $12,350,000 is funded via the Gas Tax, Road Repair and Accountability Act (RRAA) Senate Bill 1 (SB1), Measure BB, Vehicle Registration Fees, and Street System Improvement funds.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Pavement Engineering, Inc., Increasing the Maximum Compensation by $572,225, for a Total Maximum Compensation Not-to-Exceed $911,245 to Provide Engineering Services for the FY27 Pavement Improvement Project, Project No. 05360

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement (PSA) with Pavement Engineering, Inc., (PEI) to provide engineering services for the Fiscal Year 27 Pavement Improvement Project (FY 27 PIP), increasing maximum compensation by $572,225, for a total maximum compensation not-to-exceed $911,245.

SUMMARY

Staff have initiated the design phase for the FY27 PIP (05360) and are seeking professional engineering services to finalize the project design and provide construction support.

Under the existing PSA dated June 16, 2025, PEI provides engineering services for the FY26 PIP. An amendment No. 1 to the existing PEI PSA is needed to extend the scope of the Agreement to include engineering services for the upcoming FY27 PIP.

PEI will provide engineering services to evaluate pavement conditions, recommend pavement treatment, measure field quantities, design curb ramps upgrades, and provide construction support for the FY27 PIP.

The project budget for the FY 27 PIP of $12,350,000 is funded via the Gas Tax, Road Repair and Accountability Act (RRAA) Senate Bill 1 (SB1), Measure BB, Vehicle Registration Fees, and Street System Improvement funds.

FISCAL IMPACT

There is no General Fund or Measure C contribution to this project.

The estimated project funding sources are as follows:

210 - Gas Tax	$750,000
211 – RRAA (SB1)	$4,500,000
212 - Measure BB – Local Transportation	$4,300,000
218 – Vehicle Registration Fee	$700,000
450 – Street System Improvements	$2,100,000
Total:	$12,350,000

BACKGROUND

On June 3, 2025[1], Council authorized the City Manager to execute a PSA with PEI in an amount not-to-exceed $339,020 for engineering services for the FY26 PIP.

PEI has extensive experience providing engineering services for City's annual pavement projects, such as those spanning FY19 to FY26.

Staff is currently undertaking the street selection for the FY27 PIP where Pavement Condition Index (PCI), location equity, public input, and funding availability are considered. Staff recommends PEI to provide the engineering services for analysis, design, and construction support for the project.

DISCUSSION

The scope of work for this PSA consists of the following six tasks:

Task 1 – Project Management/Coordination:
PEI will manage the deliverables, project schedule, and communication with the City of Hayward.

Task 2 – Street Investigation/Engineering Review:
PEI will visually evaluate the pavement condition of each of the proposed project streets. The review will confirm the appropriate pavement treatment for each street, such as pavement rehabilitation, preventive maintenance and resurfacing, among other options. This task will allow staff to refine the project budgets and identify any specific problem areas.

Task 3 – Pavement Evaluation on Pavement Rehabilitation:
PEI will perform a pavement evaluation on each street segment to determine the most cost-effective rehabilitation treatments based on structure requirements, reflective cracking requirements, longevity, and economy.

[1] https://hayward.legistar.com/LegislationDetail.aspx?ID=7420492&GUID=1CC7F335-095E-4DDC-B288-DAB76D58554E&Options=&Search=

Task 4 – Measurement of Field Quantities:
PEI will provide field site evaluations for each of the locations identified on the project streets list to measure and record all pertinent field quantities, such as location of crack sealing, dig-outs, and other pavement repairs.

Task 5 – Curb Ramp Design:
PEI will assist the City with curb ramp designs related to this project. This task involves designing Americans with Disabilities Act (ADA) ramps in the field to provide limits of removal and quantities of work.

Task 6 – Construction Support / Mark Pavement Repairs:
PEI will mark all required pavement repairs in the field. PEI will annotate any changed quantities and provide a revised quantity summary to the City at the completion of the field work.

PEI is currently providing construction support for the FY26 PIP. This amendment is necessary because the actual pavement centerline miles doubled from the original scope. The original scope included assessment of 27 centerline miles of pavement while the actual is 60 centerline miles. Also, crack seal treatment was not included in the original scope and added after the start of PEI's work. Finally, this amendment would initiate work on the FY27 PIP.

Many of the included improvements such as bike facilities and ADA-compliant curb ramps on Industrial Blvd, Industrial Pkwy SW, Breakwater Ave, B Street, and other various streets would significantly benefit bicycle and pedestrian access.

ECONOMIC IMPACT

The project will improve pavement conditions and generate economic benefits by:

- Reducing travel time and congestion
- Lowering fuel consumption and vehicle operating costs
- Attracting business investment
- Increasing property values and neighborhood desirability
- Reducing vehicle traffic through added bike lanes
- Creating local construction jobs under the Community Workforce Agreement

STRATEGIC ROADMAP

This agenda item supports the FY25 Strategic Roadmap of Invest in Infrastructure, Objective 1: Invest in multi-modal transportation. Specifically, this item relates to the implementation of the following project(s):

- FM2 - # of miles of bike lanes added Transportation
- FM3 - # of miles of repaving completed Transportation

SUSTAINABILITY FEATURES

The project requires the contractor to recycle all construction and demolition debris generated from the project.

This project is consistent with City's Complete Streets Policy and improves travel for all users including:

- Improved pavement for motorists
- Additional bike lanes and sharrows for cyclists
- More visible pavement markings for pedestrians, including near school zones
- New or upgraded curb ramps to meet the recently revised Caltrans standards for pedestrians

The project satisfies the following 2040 General Plan policies:

- PFS-7.10 Recycled Products or Processes for Capital Projects
- HQL-2.5 Safe Routes to School
- HQL-2.6 Education on Sharing the Road
- M-1.7 Eliminate Gaps (in pedestrian networks)
- M-3.1 Serving All Users
- M-5.1 Pedestrian Needs
- M-5.6 Safe Pedestrian Crossings
- M-6.2 Encourage Bicycle Use

PUBLIC CONTACT

There is no public contact associated with this action.

NEXT STEPS

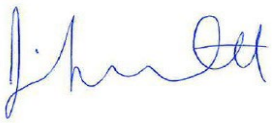
If Council approves this request, the City Manager will execute Amendment No. 1 to the Agreement with PEI increasing the PSA by $572,225 for a total maximum compensation amount not-to-exceed $911,245. Once Amendment No. 1 is executed, PEI's service associated with FY 27 PIP will begin in June 2026 and is anticipated to be completed by November 2026.

Prepared by: Yama Farouqi, Senior Civil Engineer

Reviewed by: Dave Hung, Acting Deputy Director of Public Works – Engineering

Recommended by: Alex Ameri, Director of Public Works

Approved by:



_____

Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PAVEMENT ENGINEERING, INC., TO PROVIDE ENGINEERING SERVICES FOR THE FISCAL YEAR 27 PAVEMENT IMPROVEMENT PROJECT, PROJECT NO. 05360

WHEREAS, the City of Hayward and Pavement Engineering, Inc., entered into an agreement for Professional Services on June 16, 2025 for engineering services for pavement rehabilitation and preventive maintenance; and

WHEREAS, there is a need for professional engineering services for the Fiscal Year 27 Pavement Improvement Project.

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 Pavement Engineering, Inc., for additional services associated with the FY27 Pavement Improvement Project increasing the maximum compensation in the amount of $572,225 for a total maximum compensation not-to-exceed $911,245, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2026

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

File #: CONS 26-129

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Approving Addendum No. 1 and No. 2 and Awarding a Contract to SubTerra Construction, Inc. for the A Street Sewer Line Replacement Project, Project No. 07831, in a Not-to-Exceed Amount of $4,150,449

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II) approving Addendum No. 1 and No. 2, providing minor revisions to the project specifications and plans; and awarding the construction contract to SubTerra Construction, Inc., for the A Street Sewer Line Replacement Project, Project No. 07831, in an amount of $3,773,135 and approving $377,314 in administrative construction contingency for a total contract amount not-to-exceed $4,150,449.

SUMMARY

The Public Works & Utilities Department replaces the City's undersized or structurally damaged sewer mains through annual capital improvement projects. The Sewer Line Replacement Project FY24 will improve the capacity and maintain the operability of the sewer collection system by replacing approximately 5.6 miles of existing vitrified clay pipe (VCP), asbestos cement pipe (ACP), and polyvinyl chloride (PVC) pipe ranging in diameter from 6 to 12-inch with new 8, 10, 12, 16, or 24-inch PVC or high-density polyethylene (HDPE) pipe. This project includes twenty-nine locations throughout the City and design anticipated to be completed in summer 2026. To avoid delaying the planned paving rehabilitation of A Street as part of the FY26 Pavement Improvement Project (PIP), the A Street portion of the Sewer Line Replacement Project FY24 has been advanced ahead of schedule with the design completed in February and the public bidding process completed in March. Expediting this work will ensure that the necessary sewer infrastructure updates are completed prior to the paving improvement, thereby allowing A Street to be resurfaced as originally planned.

On March 24, 2026, seven (7) bids were received. The low bid was $3,773,135 which is $579,865, or 13.3%, below the Engineer's estimate of $4,353,000. Staff is requesting City Council's approval of Addendum No. 1 and No. 2, which provided minor revisions to clarify the specifications/plans, and awarding the construction contract to the lowest responsible bidder, SubTerra Construction, Inc, in the

amount of $3,773,135, and approving $377,314 in Administrative Construction Contingency (change orders).

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Public Works

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SUMMARY

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FISCAL IMPACT

There are no impacts to the General Fund or Measure C.

The estimated costs for the A Street Sewer Line Replacement Project are as follows:

Construction Contract	$3,773,135
Administrative Construction Contingency	$377,314
Professional Engineering Services – Consultant	$241,400
Inspection & Testing & Permitting	$176,151
Construction Administration – City Staff	$267,000
Total	$4,835,000

The adopted FY26 CIP includes $4,835,000 for the A Street Sewer Line Replacement Project, Project No. 07831, in the Sewer Replacement Fund 611.

BACKGROUND

The City's current Capital Improvement Program (CIP) includes funding to replace the City's undersized or structurally damaged sewer mains through annual sewer line replacement projects. The City operates approximately 325 miles of sanitary sewer mains. The Utilities Division staff performs regular sewer main cleaning and has an ongoing program to monitor and inspect the condition of the City's sanitary sewer collection system using closed circuit television (CCTV) technology. The inspection is performed by placing a camera, mounted on tracks, inside a sewer pipe and remotely guiding it through the length of the pipe to identify structurally damaged sewer mains for repair or replacement.

The A Street Sewer Line Replacement Project consists of replacing 1,700 linear feet of 6-inch VCP with 8-inch HDPE pipe by pipe bursting and open trench, replacing 3,000 linear feet of 12-inch VCP with 16-inch HDPE pipe by pipe bursting and open trench, and providing a Cured-In-Place Pipe (CIPP) Lining for 1,100 linear feet of an existing 27-inch RCP pipe. Traditional open-trench sewer repair involves excavating a trench of approximately two to four feet in width and to the depth of the damaged or undersized pipe. Once the sewer main is exposed, the damaged or undersized section is removed and replaced with new pipe. At the same time, a portion of the existing sewer laterals that connect to the sewer are replaced and services are restored. When the repair is complete, the open trench is backfilled, compacted, and paved to match the original pavement section.

The pipe bursting method uses a bursting head that is pulled through the existing pipe and pushes the pipe outward until it breaks apart. At the same time, the bursting head pulls the new pipe behind it and fills the space created by the old pipe with the new pipe. The CIPP technique involves inserting a resin-impregnated flexible tube into the pipe, inflating, and curing with hot water or steam forming a structurally sound, water-tight new pipe within a pipe that has all the structural properties of a stand-alone pipe.

DISCUSSION

On February 17, 2026[1], Council approved the plans and specifications for the project and called for bids to be received on March 24, 2026.

On March 24, 2026, the City received seven (7) bids for the project, ranging from $3,773,135 to $6,271,888. SubTerra Construction, Inc submitted the lowest bid in the amount of $3,773,135, which is approximately 13.3% below the Engineer's estimate of $4,353,000. The average of the seven (7) bids received was $5,084,773 which is approximately 16.8% above the Engineer's estimate. An additional $377,314 (or 10% of the contract amount) is included for administrative construction contingency in the event additional funds are needed for unforeseen conditions and changes during construction.

ECONOMIC IMPACT

The community will benefit from the project, including the continued operability and serviceability of the sewer collection system. Furthermore, robust and reliable sewer infrastructure can help foster economic development and viability in the City.

Replacing the sewer main and appurtenances are part of an effort to, pursuant to City Council direction, modernize and upgrade existing infrastructure. The project will reduce operations and maintenance costs associated with servicing the undersized and structurally defective sewer mains. In addition, staff time attending to issues related to high frequency maintenance and sanitary sewer overflows will be reduced.

On June 24, 2025[2], City Council passed a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of $1,000,000 or more. The agreement requires contractors to utilize local union hiring halls, encourages the employment of Hayward residents and Hayward Unified School District graduates, and requires workers to pay applicable union dues and contribute to other benefit trust funds. The CWA agreement applies to the A Street Sewer Line Replacement Project as its construction cost exceeds $1,000,000.

STRATEGIC ROADMAP

This agenda item supports the Strategic Roadmap, which includes Invest in Infrastructure as one of the strategic priorities. Specifically, this item relates to the implementation of Objective 4: Invest in Water Supplies, Sanitation Infrastructure & Storm Sewers under "Invest in Infrastructure:"

N20: Replace an average of 2.5 miles of sewer pipelines annually

[1] https://hayward.legistar.com/LegislationDetail.aspx?ID=7882901&GUID=B5E37281-F5DA-4755-B255-4F189116BF13&Options=Advanced&Search=

[2] https://hayward.legistar.com/LegislationDetail.aspx?ID=7437057&GUID=2CA848AA-3F0F-4AE9-A53E-2309AEDED8CC&Options=Advanced&Search=

SUSTAINABILITY FEATURES

The repair and replacement of deteriorating sewer lines reduces the risk of sewer overflows, which can cause untreated wastewater to flow into public waterways.

PUBLIC CONTACT

Prior to and during construction, notices will be provided to affected residents, property, and business owners to inform them of the nature and purpose of the work, potential impacts, work schedule and City contact for additional information. In addition, staff will separately contact any large employers and schools that may be affected by the project and coordinate work to minimize impact.

NEXT STEPS

The following schedule has been developed for this project:

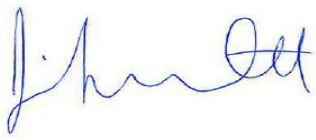
Award Construction Contract	April 21, 2026
Notice to Proceed	May 2026
Construction Completion	August 2026

Prepared by: Derek Pham, Senior Utilities Engineer

Reviewed by: Zaheer Shaikh, Utilities Engineering Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



_____

Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member_____

RESOLUTION APPROVING ADDENDUM NO. 1 AND NO. 2, AWARDING A CONTRACT TO SUBTERRA CONSTRUCTION, INC FOR THE A STREET SEWER LINE REPLACEMENT PROJECT, PROJECT NO. 07831, IN AN AMOUNT NOT TO EXCEED $4,150,449

WHEREAS, by Resolution No. 26-011 on February 17, 2026, the City Council approved the plans and specifications for the A Street Sewer Line Replacement Project, Project No. 07831, and called for bids to be received on March 24, 2026; and

WHEREAS, Addendum No. 1 and No. 2 were issued to make minor revisions to the specifications and plans; and

WHEREAS, on March 24, 2026, seven (7) bids were received ranging from $3,773,135 to $6,271,888. The low bid, submitted by SubTerra Construction, Inc, is approximately 13.3% below the engineer's estimate of $4,353,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves and adopts Addendum No. 1 and No. 2 as part of the plans and specifications for the project; and

BE IT FURTHER RESOLVED that SubTerra Construction, Inc, of San Francisco, CA, is hereby awarded the contract for the A Street Sewer Line Replacement Project, Project No. 07831, in accordance with the plans and specifications adopted therefore and on file in the office of the City Clerk of the City of Hayward, at and for the price named and stated in the final proposal of the hereinabove specified bidder, and all other bids are hereby rejected; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement with SubTerra Construction, Inc. in an amount of $3,773,135 and approving $377,314 in administrative construction contingency for the project, for a total contract amount not-to-exceed $4,150,449 in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2026

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

File #: CONS 26-134

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Advanced Mobility Group, Inc., to 1) Extend the Term of Agreement by One Year, 2) Update the Agreement to Allow Two Additional One-Year Extensions, and 3) Increase the Contract Amount by $250,000 Annually for a Total Not-to-Exceed Amount of $1,000,000 for the One-Year Extension and $1,500,000 for the Two Additional Extensions

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 1 to the existing Professional Services Agreement (PSA) with Advanced Mobility Group, Inc. (AMG) to continue on-call transportation consulting. The Amendment would 1) extend the term of agreement by one year through June 30, 2027, 2) update the agreement to allow two additional one-year extensions through June 30, 2029, and 3) increase the contract amount by $250,000 annually for a total not-to-exceed amount of $1,000,000 for one-year extension and not-to-exceed amount of $1,500,000 for the two additional extensions.

SUMMARY

The City entered into a three-year agreement with AMG on June 28, 2023, to provide on-call transportation engineering design and related services, which expires June 30, 2026. To continue receiving on-call transportation consulting services, staff recommends that City Council adopt a resolution authorizing the City Manager to extend the term of agreement by one year through June 30, 2027, and update the agreement to allow two additional one-year extensions, for a total of three additional years, through June 30, 2029. In addition, the resolution authorizes the City Manager to increase the contract amount by $250,000 annually.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with Advanced Mobility Group, Inc., to 1) Extend the Term of Agreement by One Year, 2) Update the Agreement to Allow Two Additional One-Year Extensions, and 3) Increase the Contract Amount by $250,000 Annually for a Total Not-to-Exceed Amount of $1,000,000 for the One-Year Extension and $1,500,000 for the Two Additional Extensions

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) authorizing the City Manager to execute Amendment No. 1 to the existing Professional Services Agreement (PSA) with Advanced Mobility Group, Inc. (AMG) to continue on-call transportation consulting. The Amendment would 1) extend the term of agreement by one year through June 30, 2027, 2) update the agreement to allow two additional one-year extensions through June 30, 2029, and 3) increase the contract amount by $250,000 annually for a total not-to-exceed amount of $1,000,000 for one-year extension and not-to-exceed amount of $1,500,000 for the two additional extensions.

SUMMARY

The City entered into a three-year agreement with AMG on June 28, 2023, to provide on-call transportation engineering design and related services, which expires June 30, 2026. To continue receiving on-call transportation consulting services, staff recommends that City Council adopt a resolution authorizing the City Manager to extend the term of agreement by one year through June 30, 2027 and update the agreement to allow two additional one-year extensions, for a total of three additional years, through June 30, 2029. In addition, the resolution authorizes the City Manager to increase the contract amount by $250,000 annually.

FISCAL IMPACT

The impact of this amendment on the General Fund and Measure C is none to minimal. Currently the annual contract for AMG's on-call services is $250,000. This amendment

maintains that annual amount, with no annual increase requested during this period. This reflects a continued commitment to fiscal stability and responsible stewardship of resources.

The majority of the contract increase will be funded through appropriated budgets in the City's Capital Improvement Program (CIP) as AMG provides consulting services on specific CIP projects. A majority of the Transportation CIP projects are funded by special revenues, such as Gas Tax and Measure BB. The remaining costs are related to development and encroachment plan reviews, which is a City service provided by the Transportation Division, and are budgeted in the General Fund. These costs are currently offset by associated plan review fees in the Master Fee Schedule (MFS). The Finance Department is bringing the MFS updates, which will reflect the most updated costs of service and fees, to City Council for approval on April 21, 2026.

BACKGROUND AND DISCUSSION

AMG has provided on-call transportation consulting services to the City since 2018. AMG's scope of work includes various transportation engineering services, including signal design & operations, development/improvement plan review, citizen request management, neighborhood traffic calming, grant writing, and outreach. The previous contract expired on June 30, 2023.

In 2023, due to key vacancies in the Transportation Division, the Public Works & Utilities Department sought to pre-qualify firms to provide on-call transportation engineering services. A Request for Proposals (RFP) was prepared by staff and released to eight firms and posted on the City's website on March 13, 2023. Staff evaluated two proposals and determined that AMG was more qualified for the services needed, based on their experience in providing similar services to the City and the firm's competitive rate structure.

On May 23, 2023[1], City Council authorized the City Manager to execute a PSA with AMG for a total amount of $750,000 over three-years. The current three-year agreement was executed on June 28, 2023, with an effective date from July 1, 2023, to June 30, 2026. The existing PSA includes language regarding City's right to extend the term of the agreement in intervals of one month.

AMG's services have been used to increase staff capacity, provide expertise, and deliver projects on time. The Transportation Division has been using AMG's support on tasks such as traffic control plan review, managing resident requests through Access Hayward, grant applications, development/improvement plan review, signal timing analysis, and providing technical assistance and upgrades to the City's traffic signal system infrastructure.

The Transportation Division's current workload and staff vacancies require continuous on-call transportation consulting services to implement planned projects over the next three years.

[1] https://hayward.legistar.com/LegislationDetail.aspx?ID=6230210&GUID=94F0338A-205B-4D08-8CB5-2E00D2D7ED02

ECONOMIC IMPACT

This PSA provides significant benefits to Hayward residents, businesses, and patrons by facilitating timely transportation projects and improving traffic operations.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority to Invest in Infrastructure. Specifically, this item relates to the implementation of the following project:

- Project N1: Continue to implement major corridor traffic calming initiatives

Additionally, this item will also support Mobility Element goals in the Hayward 2040 General Plan, including providing complete streets, balancing multimodal systems, improving pedestrian facilities and bikeways, transportation demand management, and safe movement of goods throughout the City.

SUSTAINABILITY FEATURES

This agenda item supports mobility goals in the City's 2040 General Plan, primarily the provision of a multi-modal system of transportation facilities and services. Transportation engineering services support projects that also benefit residents of Hayward by improving air quality and reducing greenhouse gas emissions.

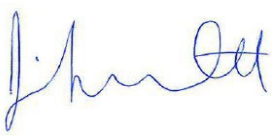
NEXT STEPS

If City Council approves, the City Manager will execute Amendment No. 1 to the existing PSA with AMG.

Prepared by: Jade Kim, Assistant Transportation Engineer
Elli Lo, Senior Management Analyst

Recommended by: Alex Ameri, Director of Public Works

Approved by:



_____
Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ADVANCED MOBILITY GROUP, INC., TO EXTEND THE TERM OF AGREEMENT BY ONE YEAR, UPDATE THE AGREEMENT TO ALLOW INTERVALS OF ONE YEAR EXTENSION FOR THREE ADDITIONAL YEARS, AND INCREASE THE CONTRACT AMOUNT BY $250,000 ANNUALLY FOR A TOTAL MAXIMUM COMPENSATION NOT-TO-EXCEED $1,000,000 FOR ONE YEAR AND $1,500,000 FOR THREE ADDITIONAL YEARS TO CONTINUE ON-CALL TRANSPORTATION CONSULTING

WHEREAS, the City entered a three-year on-call transportation consulting services agreement with Advanced Mobility Group, Inc., (AMG) on June 28, 2023, with the effective date from July 1, 2023, to June 30, 2026. The total maximum compensation for that period was established not-to-exceed $750,000, and the current term allows for contract extension in intervals of one month by written notice to Consultant; and

WHEREAS, AMG has been providing various on-call transportation engineering services, including signal design & operations, development/improvement plan review, citizen request management, neighborhood traffic calming, grant writing, and outreach; and

WHEREAS, Transportation Division's current workload and staff vacancies will require continuous on-call transportation consulting support, and the support requires continuous services longer than one-month extensions; and

WHEREAS, the majority of the contract increase will be funded through appropriated budgets in the City's Capital Improvement Program (CIP) as AMG provides consulting services on specific CIP projects and the remaining costs, related to development and encroachment plan reviews, will be offset by associated plan review fees in the Master Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward that the City Manager is hereby authorized to execute Amendment No. 1 to the existing professional service agreement with Advanced Mobility Group, Inc. to extend the contract term by one year through June 30, 2027, update the agreement to allow intervals of one year extension for two additional years through June 30, 2029, and increase the contract amount by $250,000 annually for a total amount not-to-exceed $1,000,000 for the one year extension and $1,500,000 for the two additional one-year extensions, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2026

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

File #: CONS 26-135

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute the Alameda County Transportation Commission Master Programs Funding Agreement for Measure B, Measure BB, and Vehicle Registration Fee Direct Local Distribution Funds

RECOMMENDATION

That the City Council adopts a Resolution Authorizing the City Manager to Execute the Alameda County Transportation (CTC) Commission Master Programs Funding Agreements for Measure B, Measure BB, and Vehicle Registration Fee (VRF) Direct Local Distribution (DLD) Funds.

SUMMARY

The current Alameda CTC Master Programs Funding Agreements (MPFAs), executed in 2016, allow the City to receive disbursements of Measure B/BB/VRF DLD from Alameda CTC. These distributions provide support to locally identified transportation improvements among the City's local transportation, bicycle and pedestrian, mass transit, and paratransit programs. The MPFAs are set to expire on June 30, 2026.

Alameda CTC will enter with the City new MPFAs containing updated Implementation Guidelines (Attachment V). These MPFAs will ensure continued and uninterrupted distribution of DLD funds. The City will enter into two DLD MPFAs: A ten-year MPFA for the Measure BB and VRF DLD Program (Attachment III) and a one-year MPFA for the Measure B DLD Program (Attachment IV).

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Measure BB/Vehicle Registration Fee Master Programs Funding Agreement
Attachment IV	Measure B Master Programs Funding Agreement
Attachment V	ACTC Implementation Guidelines

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute the Alameda County Transportation Commission Master Programs Funding Agreement for Measure B, Measure BB, and Vehicle Registration Fee Direct Local Distribution Funds

RECOMMENDATION

That the City Council adopts a Resolution Authorizing the City Manager to Execute the Alameda County Transportation (CTC) Commission Master Programs Funding Agreements for Measure B, Measure BB, and Vehicle Registration Fee (VRF) Direct Local Distribution (DLD) Funds.

SUMMARY

The current Alameda CTC Master Programs Funding Agreements (MPFAs), executed in 2016, allow the City to receive disbursements of Measure B/BB/VRF DLD from Alameda CTC. These distributions provide support to locally identified transportation improvements among the City's local transportation, bicycle and pedestrian, mass transit, and paratransit programs. The MPFAs are set to expire on June 30, 2026.

Alameda CTC and the City will enter into new MPFAs containing updated Implementation Guidelines (Attachment V). These MPFAs will ensure continued and uninterrupted distribution of DLD funds. The City will enter into two DLD MPFAs: A ten-year MPFA for the Measure BB and VRF DLD Program (Attachment III) and a one-year MPFA for the Measure B DLD Program (Attachment IV).

FISCAL IMPACT

This item does not impact the General Fund or Measure C. These external funding sources fund programs and projects that would otherwise require funding from the General Fund.

Execution of the MPFA prior to June 30, 2026, will allow uninterrupted flow of transportation-specific funds from Alameda CTC to the City from Measure BB, and VRF Direct

Local Distributions. The table below illustrates the estimated funds provided by each program for FY26.

Funding Source	Local Streets & Roads	Bicycle & Pedestrian	Paratransit
Measure BB[1]	$6.10 million	$1.08 million	$2.04 million
VRF[2]	$703,000	-	-

Since Measure B sunset on March 31, 2022, the City is no longer receiving Measure B DLD funds. The Measure B MPFA will only be required if a DLD recipient has an existing DLD balance as of June 30, 2025, such as City of Hayward, and will allow the City to continue to use the remaining balance up till June 30, 2027.

BACKGROUND

Alameda County voters approved Measure B funds in November 2000, and collection of the sales tax began on April 1, 2002. Agreements were executed with transit agencies, Alameda County, and local jurisdictions to receive Measure B pass through funds for four types of programs: bicycle and pedestrian; local streets and roads; mass transit; and paratransit.

Voters also approved the Measure F Alameda County VRF program on November 2, 2010. The additional annual $10 per vehicle fee generates about $11 million per year countywide.

Voters approved Measure BB funds on November 4, 2014. Measure BB renewed the 0.5% Measure B transportation sales tax approved in 2000 and increased the tax by an additional 0.5%, resulting in a 1% sales tax throughout Alameda County dedicated to transportation expenses. The thirty-year plan proposed $7.8 billion in spending to improve and maintain transportation infrastructure and systems in the county.

These distributions provide support to locally identified transportation improvements among the City's local transportation, bicycle and pedestrian, mass transit, and paratransit programs. Alameda CTC is responsible for the distribution of revenues generated through the Measure B, Measure BB, and the VRF programs. Over half of these revenues are distributed by formula directly to local jurisdictions, including the City of Hayward, to support locally managed transportation, bicycle and pedestrian, transit, and paratransit programs. These funds can only be used on transportation-related expenditures. To receive Measure B/BB/VRF DLD funds, the City is required to maintain a MPFA with the Alameda CTC. The MPFA identify the roles and responsibilities related to the DLD expenditures.

The current MPFA was approved by City Council on May 24, 2016 and executed on July 1, 2016. It enabled continued disbursement of Measure B/BB/VRF DLD funds through June 30, 2026. With the expiration date approaching and to ensure continued and uninterrupted distribution of formula funds, Alameda CTC intends to execute a new MPFA with local jurisdictions, including the City of Hayward, by June 30, 2026.

[1] https://www.alamedactc.org/wp-content/uploads/2026/02/FY25-26_Updated_Sales_Tax_Projections_01.2026.pdf
[2] https://www.alamedactc.org/wp-content/uploads/2025/09/VRF_FY25-26_Projections_20250910.pdf

DISCUSSION

The proposed DLD MPFA contains no significant changes to the existing 2016 MPFA. Minor updates were made by Alameda CTC to correct outdated references and to separate Measure B from the Measure BB/VRF requirements. The City will enter into both of the DLD MPFAs: A ten-year MPFA for the Measure BB and VRF DLD Program and a one-year MPFA for the Measure B DLD Program.

The 2016 MPFA included performance metrics pertaining to the use of DLD administered funds. The DLD performance metrics for the proposed MPFA has been updated to reflect current best practices and available data. The performance metrics reflect quantifiable data of universal investments such as the pavement condition index (PCI) for streets and roads, quantities of sidewalk or bike facility improvements, transit ridership, and trips provided/individuals served. The performance metrics serve to provide Alameda CTC information on service availability, service reliability, community impact, financial accountability, and delivery performance of projects and programs.

ECONOMIC IMPACT

The City currently uses DLD funds to fund various projects, operations, and maintenance of transportation infrastructure and programs. Ensuring the continued and uninterrupted flow of these funds will contribute to the modernization of the City's transportation infrastructure and ensure it is kept in a state of good repair. This economically benefits all residents and regional commuters who rely on the City's transportation infrastructure in their daily lives.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Invest in Infrastructure. This item is not specifically related to a project identified in the Strategic Roadmap. Staff is bringing forth this new item because it will allow disbursements of funds to the City to support many of the projects within the Invest in Infrastructure category.

SUSTAINABILITY FEATURES

Measure B, BB, and VRF DLD funds are used for funding various Transportation-related Public Works projects in the City. Many of these projects will support active transportation, transit, and the efficient flow of traffic, which will reduce greenhouse gas emissions.

PUBLIC CONTACT

The Alameda CTC presented the MPFA Implementation Guidelines before appropriate Almeda CTC Committees, which provide oversight on funds. On February 26, 2026, the Alameda CTC adopted the final MPFAs and Implementation Guidelines.

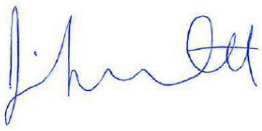
NEXT STEPS

If Council approves staff recommendations, the MPFAs will be executed by the City Manager prior to June 30, 2026 to ensure that Measure BB/VRF DLD funds continue to flow to the City and to ensure City's ability to continue to utilize the remaining Measure B balance up till June 30, 2027.

Prepared by: Byron Tang, Principal Transportation Engineer
Elli Lo, Senior Management Analyst

Recommended by: Alex Ameri, Director of Public Works

Approved by:



_____
Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE ALAMEDA COUNTY TRANSPORTATION COMMISSION MASTER PROGRAMS FUNDING AGREEMENTS FOR MEASURE B, MEASURE BB, AND VEHICLE REGISTRATION FEE DIRECT LOCAL DISTRIBUTION FUNDS

WHEREAS, voters approved the 20-year Measure B half-cent transportation sales tax in 2000; and

WHEREAS, voters approved Measure F, which authorizes a $10 Vehicle Registration Fee (VRF) in 2010; and

WHEREAS, voters approved the 2014 Transportation Expenditure Plan (Measure BB), a half-cent transportation sales tax on November 4, 2014 that extends the existing 2000 Measure B transportation sales tax, and augments it by a one-half percent to fund projects and programs in Alameda County; and

WHEREAS, the Alameda CTC is responsible for dispersing Measure B, Measure BB, and VRF funds, known as Direct Local Distributions (DLD), to local jurisdictions by established formulas to support bicycle and pedestrian, local transportation (local streets and roads), transit and paratransit programs; and

WHEREAS, on February 26, 2026, Alameda CTC approved a combined ten-year Measure BB and VRF Master Programs Funding Agreement (MPFA) that specifies the requirements for the DLD funds, Alameda CTC's responsibilities, and the recipient's responsibilities for revenues collected from July 1, 2026 through June 30, 2036; and

WHEREAS, on February 26, 2026, Alameda CTC approved a one-year Measure B MPFA that specifies the requirements for the DLD funds, Alameda CTC's responsibilities, and the recipient's requirements pertaining to any remaining Measure B balances to be expended from July 1, 2026 to June 30, 2027; and

WHEREAS, the ten-year Measure BB/VRF MPFA and the one-year Measure B MPFA supersedes the prior master agreements related to Measure B, Measure BB, and VRF DLD funds, as of their effective date of July 1, 2026; and

WHEREAS, implementation guidelines for each program are referenced in the MPFA to guide fund eligibility and expenditures.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

BE IT RESOLVED, that the City Manager is hereby authorized to execute the Alameda CTC MPFA(s), in a form approved by the City Attorney; and

BE IT FURTHER RESOLVED, that City of Hayward and its agents shall comply with the Alameda CTC MPFA(s); and

BE IT FURTHER RESOLVED, that City of Hayward shall use Measure B, Measure BB, and/or Vehicle Registration Fee DLD funds for local transportation programs.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2026

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

MEASURE BB / VEHICLE REGISTRATION FEE
MASTER PROGRAMS FUNDING AGREEMENT
between the
ALAMEDA COUNTY TRANSPORTATION COMMISSION
and the
CITY OF HAYWARD

This Measure BB / Vehicle Registration Fee Master Programs Funding Agreement ("AGREEMENT"), effective the 1st of July 1, 2026, is entered into by and between the Alameda County Transportation Commission ("ALAMEDA CTC") and the City of Hayward ("RECIPIENT").

RECITALS

A. On November 2, 2010, the voters of Alameda County approved Measure F, the Vehicle Registration Fee ("VRF") Program, pursuant to Section 65089.20 of the Government Code, thereby authorizing the Alameda County Congestion Management Agency ("ACCMA") to administer the proceeds from a $10 per year vehicle registration fee on each annual motor-vehicle registration or renewal of registration in Alameda County, starting in May 2011, six months following approval of Measure F. Vehicles subject to the VRF include all motorized vehicles, including passenger cars, light-duty trucks, medium-duty trucks, heavy-duty trucks, buses of all sizes, motorcycles, and motorized camper homes, unless vehicles are expressly exempted from the payment of the VRF.

B. Funds raised by the VRF will be used exclusively for local transportation purposes in Alameda County that have a relationship or benefit to the owners of motor vehicles paying the VRF, including projects and programs identified in the expenditure plan approved by the voters as part of Measure F (the "VRF Expenditure Plan").

C. On June 24, 2010, the Alameda County Transportation Improvement Authority ("ACTIA") and ACCMA took the final actions to create ALAMEDA CTC, a joint powers authority, with all of ACTIA and ACCMA's functions and responsibilities. Pursuant to resolutions adopted by the ACCMA and ACTIA Boards and the governing body of the ALAMEDA CTC (COMMISSION"), ACCMA and ACTIA were terminated as of the close of business on February 29, 2012, with ALAMEDA CTC designated as the successor entity. All of its predecessors' functions and responsibilities have been assigned to, and accepted by, ALAMEDA CTC, including duties related to the VRF Program.

D. On November 4, 2014, the voters of Alameda County, pursuant to the Local Transportation Authority and Improvement Act, California Public Utilities Code Section 180000 *et seq.*, approved Measure BB, thereby authorizing ALAMEDA CTC to administer the proceeds from a one-half of one percent transaction and use tax applicable from April 1, 2015 through March 31, 2022, and a full one percent tax applicable from April 1, 2022 through March 31, 2045. The tax proceeds will be used to pay for the investments outlined in Alameda County's 30-Year Transportation Expenditure Plan ("Measure BB Expenditure Plan"), as it may be amended.

E. This AGREEMENT delineates the requirements of the Measure BB and VRF Direct Local Distribution ("DLD") funds that are directly allocated to local jurisdictions and transit operators, as

authorized by the VRF Expenditure Plan, and the Measure BB Expenditure Plan. Discretionary funds identified in these expenditure plans are not the subject of this AGREEMENT, and RECIPIENT will be required to enter into a separate agreement for those funds.

F. The parties to this AGREEMENT previously entered into a Master Programs Funding Agreement applicable to DLD funds distributed by ALAMEDA CTC, which expires as of June 30, 2026 ("ORIGINAL AGREEMENT"). This AGREEMENT is generally consistent with the ORIGINAL AGREEMENT, but the parties have determined that it is appropriate to enter into a new agreement rather than extending the ORIGINAL AGREEMENT.

G. This AGREEMENT was originally approved by the COMMISSION on February 26, 2026.

NOW, THEREFORE, it is mutually agreed by and between the parties as follows:

ARTICLE I: FUNDING ALLOCATIONS

1. This AGREEMENT authorizes the ALAMEDA CTC to allocate the DLD funds derived from Measure BB and VRF receipts as described in their respective voter-approved expenditure plans and as summarized in Table A: DLD Investment Summary and described below for different fund types.

Table A: DLD Investment Summary	
DLD Program	**Fund Program**
Bicycle and Pedestrian Program	Measure BB
Local Streets and Roads Program	Measure BB and VRF
Mass Transit Program	Measure BB
Paratransit Program	Measure BB

2. All DLD distributions pursuant to this AGREEMENT, and all provisions contained herein, shall be effective as of July 1, 2026. The ORIGINAL AGREEMENT shall govern and control all DLD distributions paid on or before June 30, 2026.

A. BICYCLE AND PEDESTRIAN PROGRAM

4. ALAMEDA CTC will distribute Measure BB DLD funds pursuant to a formula weighted 100 percent by the jurisdiction's population within the subarea. RECIPIENT's allocations are subject to change based on variations in annual population figures.

5. The Bicycle and Pedestrian Program Implementation Guidelines provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

B. LOCAL STREETS AND ROADS (LOCAL TRANSPORTATION) PROGRAM

5. ALAMEDA CTC will distribute Measure BB DLD funds pursuant to a formula weighted 50 percent by the jurisdiction's population within the subarea and 50 percent by the number of road miles with the subarea. RECIPIENT's allocations are subject to change based on variations in annual population and road mile figures.

6. ALAMEDA CTC will distribute VRF DLD funds pursuant to a formula weighted 50 percent by the jurisdiction's population within the subarea and 50 percent of the number of registered vehicles in the subarea. RECIPIENT's allocations are subject to change based on variations in annual population and number of registered vehicle figures, as they are made available.

7. The Local Streets and Roads Program Implementation Guidelines provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

8. RECIPIENT shall expend a minimum of 15 percent of all Measure BB funds received on project elements directly benefiting bicyclists and pedestrians.

C. MASS TRANSIT PROGRAM

1. ALAMEDA CTC will distribute Measure BB DLD funds pursuant to set percentages detailed in the Measure BB Expenditure Plan. RECIPIENT's percentage fund distribution, if applicable, is detailed in Measure BB Mass Transit Direct Local Distribution Summary, attached hereto as Exhibit A and incorporated into this AGREEMENT by reference. RECIPIENT's allocations are subject to change based on transit service changes.

2. The Mass Transit Program Implementation Guidelines provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

D. PARATRANSIT PROGRAM

1. ALAMEDA CTC will distribute Measure BB DLD funds by subarea pursuant to percentages in the Measure BB Expenditure Plan. RECIPIENT's percentage fund distribution by subarea, if applicable, is shown on Exhibit A attached hereto and is incorporated into this AGREEMENT by reference.

2. Measure BB distributions to cities and local transit operators are based on a percentage of the population over age 70 in each of the four planning areas for city-based and mandated paratransit services of local bus transit providers.

3. ALAMEDA CTC will distribute Measure BB to the East Bay Paratransit Consortium pursuant to set percentages in the Measure BB Expenditure Plan to assist the Alameda-Contra Costa Transit District

and the San Francisco Bay Area Rapid Transit in meeting its responsibilities under the American with Disabilities Act (ADA).

4. Measure BB DLD funds may be further distributed to individual cities within each planning area based on a formula refined by PAPCO and approved by the COMMISSION. RECIPIENT's allocations are subject to change based on updated annual population figures.

5. The Paratransit Program Implementation Guidelines provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

ARTICLE II: PAYMENTS AND EXPENDITURES

A. ALAMEDA CTC'S DUTIES AND OBLIGATIONS

1. Within five working days of actual receipt of the monthly Measure BB sales tax revenues and VRF revenues from the California Department of Tax and Fee Administration, the bond trustee, or the California Department of Motor Vehicles, Alameda CTC shall remit to the RECIPIENT its designated amount of available DLD funds disbursed on a monthly basis by the formulas described above.

2. ALAMEDA CTC shall annually update Measure BB and VRF fund revenue projections and the resulting fund allocation formulas to reflect the most current population using the California Department of Finance's annual population estimates (Report E-1 published in May); maintained road mileage from the California Department of Transportation; and the number of registered vehicles in each Alameda County subarea, using registered vehicle data provided by the California Department of Motor Vehicles, as it is made available. ALAMEDA CTC shall use the updated Measure BB and VRF program allocation formulas in the allocations beginning July 1 of each new fiscal year, which is from July 1 to June 30.

3. ALAMEDA CTC shall report monthly to the public the amount of Measure BB, and VRF revenues distributed to RECIPIENT by each fund type monthly and for the fiscal year.

4. ALAMEDA CTC shall provide for an independent annual audit of its financial statements including revenues and expenditures and its calculation of the allocation formula for distributing Measure BB and VRF revenues to the various recipients, and render an annual report to the COMMISSION within 180 days following the close of the fiscal year.

5. ALAMEDA CTC shall provide timely notice to RECIPIENT prior to conducting an audit of expenditures made by RECIPIENT to determine whether such expenditures are in compliance with this AGREEMENT, Measure BB Expenditure Plan, or the VRF Expenditure Plan.

B. RECIPIENT'S DUTIES AND OBLIGATIONS

1. RECIPIENT shall expend all Measure BB and VRF funds received in compliance with the applicable guidelines and Plan(s), including the Implementation Guidelines and performance measures, as they may be adopted or amended by ALAMEDA CTC from time to time.

2. RECIPIENT shall set up and maintain an appropriate system of accounts to report on Measure BB and VRF funds received. RECIPIENT must account for Measure BB and VRF funds, including any interest received or accrued, separately for each fund type, and from any other funds received from the ALAMEDA CTC. The accounting system shall provide adequate internal controls and audit trails to facilitate an annual compliance audit for each fund type and the respective usage and application of said funds. ALAMEDA CTC and its representatives, agents and nominees shall have the absolute right at any reasonable time to inspect and copy any accounting records related to such funds, except to the extent specifically prohibited by applicable law.

3. RECIPIENT shall expend Measure BB and VRF funds in compliance with the Timely Use of Funds Policies for Direct Local Distributions, as they may be adopted or amended by the COMMISSION from time to time.

4. RECIPIENT hereby agrees to and accepts the formulas used in the allocation of Measure BB and VRF revenues as reflected in the ballot measures, the Measure BB Expenditure Plan, and the VRF Expenditure Plan, and agrees to accept and utilize the California Department of Finance Estimates of Population figures (Report E-1, updated each May) for California cities and counties for the annual update of the sales tax allocation formulas to begin in each new fiscal year and registered vehicle data provided by the California Department of Motor Vehicles when available.

C. OTHER EXPENDITURE RESTRICTIONS

1. **Transportation Purposes Only:** RECIPIENT shall use all Measure BB and VRF funds solely for transportation purposes as defined by the authorizing ballot measures. Any jurisdiction that violates this provision must fully reimburse all misspent funds, including all interest which would have been earned thereon.

2. **Non-Substitution of Funds:** RECIPIENT shall use Measure BB funds and VRF funds to supplement and not replace existing property taxes used for transportation purposes.

3. **Fund Exchange:** Any fund exchanges made using Measure BB or VRF funds must be made for transportation purposes. ALAMEDA CTC will consider exchange proposals on a case-by-case basis.

4. **Staff Cost Limitations:** Direct costs associated with the delivery of programs and projects associated with Measure BB and VRF programs, including direct staff costs and consultant costs, are eligible uses of Measure BB and VRF funds. ALAMEDA CTC does not allow indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.

ARTICLE III: REPORTING REQUIREMENTS

A. REQUIREMENTS AND WITHHOLDING

RECIPIENT shall comply with each of the reporting requirements set forth below. If RECIPIENT fails to comply with one or more of these requirements, ALAMEDA CTC may withhold payment of further Measure BB and/or VRF funds to RECIPIENT until full compliance is achieved.

1. RECIPIENT shall, by December 31st of each year, submit to ALAMEDA CTC, at the RECIPIENT's expense, separate independently audited financial statements for the prior fiscal year ended June 30 of Measure BB and VRF funds received and used.

2. RECIPIENT shall, by December 31st of each year, submit to ALAMEDA CTC, at the RECIPIENT's expense, annual program compliance reports regarding programs and projects on which RECIPIENT expended Measure BB and VRF funds.

3. RECIPIENT shall document expenditure activities and report on the performance of Measure BB and VRF funded activities through the annual program compliance reporting process, or through other ALAMEDA CTC performance and reporting processes as they may be requested, including but not limited to the annual performance report, annual program plan, planning monitoring reports. Program Performance Measures are attached hereto as Exhibit B.

4. RECIPIENT shall install or mount signage adjacent to Measure BB and VRF funded construction projects, and on vehicles funded with Measure BB and VRF funds (e.g., RECIPIENT and ALAMEDA CTC logos; "Your Transportation Tax Dollars Help Fund the Operation of This Vehicle!") where practical, so Alameda County taxpayers are informed as to how RECIPIENT is using Measure BB and/or VRF funds.

5. RECIPIENT shall provide current information on RECIPIENT's website, to inform the public about how RECIPIENT is using Measure BB and/or VRF funds.

6. RECIPIENT shall actively participate in a Public Awareness Program, in partnership with ALAMEDA CTC and/or its community advisory committees, as a means of ensuring that the public has access to the ability to know which projects and programs are funded through Measure BB and/or VRF funds.

7. RECIPIENT shall make its administrative officer or designated staff available upon request to render a report or answer any and all inquiries in regard to RECIPIENT's receipt, usage, and/or compliance audit findings regarding Measure BB and/or VRF funds before the Commission and/or the Independent Watchdog Committee or community advisory committees, as applicable.

8. RECIPIENT agrees that ALAMEDA CTC may review and/or evaluate all project(s) or program(s) funded pursuant to this AGREEMENT. This may include visits by representatives, agents or nominees of ALAMEDA CTC to observe RECIPIENT's project or program operations, to review project or program data and financial records, and to discuss the project with RECIPIENT's staff or governing board.

ARTICLE IV: OTHER PROVISIONS

A. GEOGRAPHIC BREAKDOWN

In all cases the geographic breakdown by subarea is as follows:

1. North Area refers to the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont.

2. Central Area includes the Cities of Hayward and San Leandro, and the unincorporated area of Castro Valley, as well as other unincorporated lands governed by Alameda County in the Central Area.

3. South Area includes the Cities of Fremont, Newark, and Union City.

4. East Area includes the Cities of Livermore, Dublin, and Pleasanton, and all unincorporated lands governed by Alameda County in the East Area.

B. INDEMNITY BY RECIPIENT

Neither ALAMEDA CTC, nor the COMMISSION, any officer, consultant, agent, or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by RECIPIENT in connection with the Measure BB or VRF funds distributed to RECIPIENT pursuant to this AGREEMENT. It is also understood and agreed, pursuant to Government Code Section 895.4, RECIPIENT shall fully defend, indemnify and hold harmless ALAMEDA CTC, the COMMISSION, and all its officers, agents, and employees, from any liability imposed on ALAMEDA CTC for injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by RECIPIENT in connection with the Measure BB or VRF funds distributed to RECIPIENT pursuant to this AGREEMENT.

C. INDEMNITY BY ALAMEDA CTC

Neither RECIPIENT, nor its governing body, elected officials, any officer, consultant, agent, or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by ALAMEDA CTC under or in connection with any work, authority or jurisdiction delegated to ALAMEDA CTC under this AGREEMENT. It is also understood and agreed, pursuant to Government Code Section 895.4, ALAMEDA CTC shall fully defend, indemnify, and hold harmless RECIPIENT, and its governing body, elected officials, all its officers, agents, and employees from any liability imposed on RECIPIENT for injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by ALAMEDA CTC under or in connection with any work, authority or jurisdiction delegated to ALAMEDA CTC under this AGREEMENT.

D. JURISDICTION AND VENUE

The laws of the State of California will govern the validity of this AGREEMENT, its interpretation and performance, and any other claims to which it relates. All legal actions arising out of this AGREEMENT shall be brought in a court of competent jurisdiction in Alameda County, California and the parties hereto hereby waive inconvenience of forum as an objection or defense to such venue.

E. ATTORNEYS' FEES

Should it become necessary to enforce the terms of this AGREEMENT, the prevailing party shall be entitled to recover reasonable expenses and attorneys' fees from the other party.

F. TERM

The term of this AGREEMENT shall be from July 1, 2026 to June 30, 2036, unless amended in writing or a new Master Programs Funding Agreement is executed between ALAMEDA CTC and RECIPIENT.

G. SEVERABILITY

If any provision of this AGREEMENT is found by a court of competent jurisdiction or, if applicable, an arbitrator, to be unenforceable, such provision shall not affect the other provisions of the AGREEMENT, but such unenforceable provisions shall be deemed modified to the extent necessary to render it enforceable, preserving to the fullest extent permissible the intent of the parties set forth in this AGREEMENT.

H. MODIFICATION

This AGREEMENT, and its Exhibits, as well as the referenced Implementation Guidelines, constitutes the entire AGREEMENT, supersedes all prior written or oral understandings regarding Measure BB and VRF program funds (but not project funding agreements), including but not limited to the ORIGINAL AGREEMENT, which is terminated as of the effective date hereof. This AGREEMENT may only be changed by a written amendment executed by both parties. Notwithstanding the foregoing, the Implementation Guidelines, Performance Measures, and Timely Use of Funds Policies related to Measure BB and VRF funds may be changed from time to time by the ALAMEDA CTC.

[Signatures on next page]

IN WITNESS WHEREOF, the parties have executed this AGREEMENT by their duly authorized officers as of the date first written below.

CITY OF HAYWARD
(RECIPIENT)

By: _____

Jennifer Ott Date
City Manager

Approved as to Legal Form:

By: _____

Michael Lawson Date
City Attorney, City of Hayward

ALAMEDA COUNTY
TRANSPORTATION COMMISSION
(ALAMEDA CTC)

By: _____

Tony Tavares Date
Executive Director

Recommended

By: _____

Vivek Bhat Date
Deputy Executive Director of Projects

Reviewed as to Budget/Financial Controls:

By: _____

Patricia Reavey Date
Deputy Executive Director of
Finance and Administration

Approved as to Legal Form:

By: _____

Fennemore LLP Date
Legal Counsel to ALAMEDA CTC

EXHIBIT A

MEASURE BB MASS TRANSIT AND PARATRANSIT
DIRECT LOCAL DISTRIBUTION SUMMARY

Mass Transit

Alameda CTC distributes Measure BB Mass Transit Direct Local Distribution funds based on the distribution percentages for net Measure BB Revenues specified in the Measure BB Expenditure Plan, as shown below.

Table 1: Measure BB Mass Transit Distribution		
Agency	**Area**	**Percentage of Net Revenues**
AC Transit	Alameda County	18.80 %
ACE	East/South County	1.00 %
BART	Alameda County	0.50 %
LAVTA	East County	0.50 %
Union City Transit	South County	0.25 %
SF WETA	Alameda County	0.50 %

Paratransit

Alameda CTC distributes Measure BB paratransit funds to County subareas/planning areas and to AC Transit and BART based on the distribution percentages in the Measure BB Expenditure Plan, as shown below. Distributions to jurisdictions for non-mandated services within each subarea are based on allocation formulas refined by Paratransit Advisory and Planning Committee (PAPCO) and approved by the Commission.

Table 2: Measure BB Paratransit Distribution	
Area/Agency	**Percentage**[1]
City-based and Locally Mandated	**3.0%**
North County *Cities of Alameda, Albany, Berkeley, Emeryville, and Oakland*	
Central County[2] *Cities of Hayward and San Leandro, and unincorporated area of Castro Valley, as well as other unincorporated lands governed by Alameda County in the Central Area.*	
South County *Cities of Fremont, Newark, Union City, as well as Union City Transit.*	
East County[3] *Cities of Livermore, Dublin, and Pleasanton, and unincorporated lands governed by Alameda County in the East Area, and LAVTA.*	
AC Transit - East Bay Paratransit[4]	**4.5%**
BART- East Bay Paratransit[4]	**1.5%**

1. Funds are distributed based on the percentage of the population over age 70 in each of the four planning areas for city-based and mandated paratransit services. Funds can be further allocated to individual cities within each planning area based on a formula refined by PAPCO.
2. Funding will be assigned to Hayward to serve the unincorporated areas.
3. Funding for Livermore and Dublin will be assigned to LAVTA for their ADA-mandated paratransit program.
4. Measure BB funds are dispersed to AC Transit and BART to operate the East Bay Paratransit Consortium (EBPC).

EXHIBIT B

DIRECT LOCAL DISTRIBUTION PROGRAM PERFORMANCE MEASURES

Direct Local Distribution (DLD) recipients are to document the performance and benefits of the projects and programs funded with Measure BB and/or Vehicle Registration Fee funds. The following performance measures are a selection of performance measures and associated standards, organized by funding program, that must be documented at minimum by DLD recipients as applicable. Additional performance measures may be requested by Alameda CTC.

Performance reporting and monitoring will be done through Alameda CTC's standard reporting processes, including the Annual Program Compliance Reports and various planning activities, as requested and applicable. Alameda CTC's performance reporting will concentrate on key indicators at the time of reporting.

BICYCLE AND PEDESTRIAN PROGRAM PERFORMANCE MEASURES

Performance Measure	Performance Metrics & Standards	Evaluation Frequency & Method	Corrective Action
Infrastructure Investment Report on bicycle and pedestrian projects completed or underway.	Directional lane miles of all bicycle facilities built or improved (may include bike lanes, bike routes, multi-use pathway improvements). Linear feet of all pedestrian improvements built or improved (may include sidewalks, trails/pathways). Number of all intersections or midblock bicycle/pedestrian crossing locations improved (may include locations that received crossing improvements, curb/ADA ramps, bicycle protection elements, daylighting, traffic calming elements, lighting, etc.).	Annually via Compliance Report	N/A; Report on investments
Safety Investments Report on bicycle and pedestrian investments located on countywide priority networks: - High Injury Network (HIN) Proactive Safety Network (PSN) - Countywide Bikeways Network (CBN)	Directional lane miles of bicycle facilities built or improved to an All Ages and Abilities (AAA) standard on the Alameda CTC-adopted HIN, PSN and/or CBN. Linear feet of pedestrian improvements built or improved on the Alameda CTC-adopted HIN or PSN (may include sidewalks, trails/pathways). Number of intersections and/or midblock bicycle/pedestrian crossing locations improved on Alameda CTC-adopted HIN, PSN, or CBN (may include locations that received crossing improvements, curb/ADA ramps, bicycle protection elements, daylighting, traffic calming elements, lighting, etc.).	Annually via Compliance Report	N/A; Report on investments
Current Master Plan Maintain a local current Bicycle/Pedestrian Master Plan (BPMP) or Active Transportation Plan.	Plan(s) no more than 5 years old, based on adoption date.	Annually via Compliance Report	Any agency without a current plan is required to provide schedule for a plan update.
Capital Project and Program Investment Report on capital and program administration costs	Investment into capital projects and programs is greater than program administration costs (outreach, staffing, administrative support).	Annually via Compliance Report	Any agency not achieving this metric must explain how capital needs will be addressed in the future.

EXHIBIT B *(cont.)*

LOCAL TRANSPORTATION PROGRAM (Local Streets and Roads (LSR))
PERFORMANCE MEASURES

Performance Measure	Performance Metrics & Standards	Evaluation Frequency & Method	Corrective Action
Infrastructure Investment Report on roadway and transportation improvements completed or underway.	Lane miles of roadway improvements, pavement rehabilitation, striping, etc. Linear feet of all bicycle/pedestrian improvements built or improved (may include sidewalks, trails/pathways). Number of all intersections or midblock bicycle/pedestrian crossing locations improved (may include locations that received crossing improvements, curb/ADA ramps, bicycle protection elements, daylighting, traffic calming elements, lighting, etc.).	Annually via Compliance Report	N/A; Report on investments
Safety Investments Report on bicycle and pedestrian investments located on countywide priority networks: - High Injury Network (HIN) Proactive Safety Network (PSN) - Countywide Bikeways Network (CBN)	Directional lane miles of bicycle facilities built or improved to an All Ages and Abilities (AAA) standard on the Alameda CTC-adopted HIN, PSN and/or CBN. Linear feet of pedestrian improvements built or improved on the Alameda CTC-adopted HIN or PSN (may include sidewalks, trails/pathways). Number of intersections and/or midblock bicycle/pedestrian crossing locations improved on Alameda CTC-adopted HIN, PSN, or CBN (may include locations that received crossing improvements, curb/ADA ramps, bicycle protection elements, daylighting, traffic calming elements, lighting, etc.).	Annually via Compliance Report	N/A; Report on investments
Pavement Condition Index (PCI)	Maintain a PCI moving average rating of 60 or above. Average PCI based on latest available data from MTC's Pavement Condition Index Summary Report.	Annually via Compliance Report	Any agency not achieving the target must identify corrective actions and future investments to address PCI levels.
Equitable Investments Report on investments within equity communities	Identify LSR investments toward maintaining and improving roadways and transportation infrastructure, in equity communities as the areas are defined in: - Equity Priority Communities as defined by MTC - Equity Areas as defined by Alameda CTC - Locally-defined equity areas - Opportunity Zones as certified by the U.S. Department of the Treasury	Annually via Compliance Report	N/A; Report on investments
Measure BB LSR 15% Requirement Expenditure of LSR funds on bicycle and pedestrian projects elements (for Measure BB funds only)	Maintain a 15% annual minimum LSR investment to support bicycling and walking.	Annually via Compliance Report	Any agency not achieving the target annual percentage must explain and/or identify plan to use LSR funds on future bicycle/pedestrian improvements to meet this target over the duration of Measure BB.
Capital Project and Program Investment Report on capital and program administration costs	Investment into capital projects and programs is greater than program administration costs (outreach, staffing, administrative support).	Annually via Compliance Report	Any agency not achieving this metric must explain how capital needs will be addressed in the future.

EXHIBIT B *(cont.)*

MASS TRANSIT PROGRAM PERFORMANCE MEASURES

Performance Measure	Performance Metrics & Standards	Evaluation Frequency & Method	Corrective Action
Ridership/Service Utilization Annual Ridership (Unlinked Passenger Trips)	Annual Unlinked Trips as reported to the National Transit Database (NTD). Note: Latest fiscal year data is provided provisionally by transit operators and is subject to change. NTD regularly revises historical year data as part of new data releases. Alameda CTC analysis will be based on the latest available NTD data.	Annually reported by Transit Operators.	N/A
On-Time Performance Systemwide on-time performance	Average on-time performance as reported by transit operator. Target of 75% to 90% or based on the transit agency's adopted performance goals and standards.	Annually reported by Transit Operators.	Any agency with significant decline below adopted target must provide an explanation and specify plan to improve performance.
Cost Effectiveness Operating Cost Metrics	Operating Cost Metrics as reported to the National Transit Database (NTD) as requested such as: - Operating cost per passenger mile - Operating cost per vehicle revenue mile	Annually reported by Transit Operators.	Any agency with significant increase in costs must provide an explanation.

PARATRANSIT PROGRAM PERFORMANCE MEASURES

Performance Measure	Performance Metrics & Standards	Evaluation Frequency & Method	Corrective Action
Ridership/Service Utilization Number of people served or trips provided	Number of individuals served or trips provided by program (for service types such as ADA mandated paratransit, door-to-door service, taxi programs, accessible van service, shuttle service, group trips, travel training, meal delivery)	Annually via Compliance Report and Program Plan Review.	N/A
Cost Effectiveness Operating Cost Metrics	Cost per trip or per passenger (for service types such as ADA mandated paratransit, door-to-door service, taxi programs, accessible van service, shuttle service, group trips)	Annually via Compliance Report and Program Plan Review.	Any agency with significant increase in costs must provide an explanation.

Note: The Paratransit Program Implementation Guidelines contain additional listing of performance measures by program type.

MEASURE B
MASTER PROGRAMS FUNDING AGREEMENT
between the
ALAMEDA COUNTY TRANSPORTATION COMMISSION
and the
CITY OF HAYWARD

This Measure B Master Programs Funding Agreement ("AGREEMENT"), effective the 1st of July 1, 2026, is entered into by and between the Alameda County Transportation Commission ("ALAMEDA CTC") and the City of Hayward ("RECIPIENT").

RECITALS

A. On November 7, 2000, the voters of Alameda County, pursuant to the provisions of the Local Transportation Authority and Improvement Act, California Public Utilities Code Section 180000 *et seq.*, approved the reauthorization of Measure B, thereby authorizing Alameda County Transportation Improvement Authority ("ACTIA") to administer the proceeds from a continued one-half cent transaction and use tax ("Measure B").

B. The Measure B sales tax was collected for a period of 20 years from April 1, 2002, through March 31, 2022. The tax proceeds must be used to pay for the programs and projects outlined in Alameda County's 20-Year Transportation Expenditure Plan (the "Measure B Expenditure Plan"), as it may be amended.

C. On June 24, 2010, ACTIA and ACCMA took the final actions to create ALAMEDA CTC, a joint powers authority, with all of ACTIA and ACCMA's functions and responsibilities. Pursuant to resolutions adopted by the ACCMA and ACTIA Boards and the governing body of the ALAMEDA CTC ("COMMISSION"), ACCMA and ACTIA were terminated as of the close of business on February 29, 2012, with ALAMEDA CTC designated as the successor entity. All of its predecessors' functions and responsibilities have been assigned to, and accepted by, ALAMEDA CTC, including duties related to the Measure B Program.

D. This AGREEMENT delineates the requirements of the Measure B Direct Local Distribution ("DLD") funds that have been directly allocated to local jurisdictions and transit operators, as authorized by the Measure B Expenditure Plan. Discretionary funds identified in this expenditure plan are not the subject of this AGREEMENT, and RECIPIENT will be required to enter into a separate agreement for those funds.

E. RECIPIENT's Measure B Audited Financial Statement for Fiscal Year Ended June 30, 2025 reports a Measure B DLD fund balance of $1,136,500.

F. The parties to this AGREEMENT previously entered into a Master Programs Funding Agreement applicable to DLD funds distributed by ALAMEDA CTC, which expires as of June 30, 2026 ("ORIGINAL AGREEMENT"). The parties have determined that it is appropriate to enter into a new agreement rather than extending the ORIGINAL AGREEMENT, in part because the ORIGINAL AGREEMENT governed separate ALAMEDA CTC funds which will be distributed for many years after the deadline for

expenditure of the funds governed by this AGREEMENT, and those funds shall now be governed by a separate agreement between the parties.

G. Notwithstanding anything to the contrary in the ORIGINAL AGREEMENT, RECIPIENT is granted until June 30, 2027 to expend its remaining Measure B DLD Balance, pursuant to action taken on February 26, 2026 by the COMMISSION to complete the closeout of the RECIPIENT's Measure B DLD program.

This AGREEMENT was originally approved by the COMMISSION on February 26, 2026.

NOW, THEREFORE, it is mutually agreed by and between the parties as follows:

ARTICLE I: MEASURE B DLD PROGRAM FUND BALANCE

1. This AGREEMENT shall be effective as of July 1, 2026. The ORIGINAL AGREEMENT shall govern and control all expenditures of DLD distributions made on or before June 30, 2026. There will no further distributions of DLD funds from Measure B after such effective date.

2. This AGREEMENT authorizes RECIPIENT to expend its remaining Measure B DLD Program balance as stated in RECIPIENT's Measure B Audited Financial Statement for Fiscal Year Ended June 30, 2025 as summarized in Table A: DLD Program Fund Balance Summary.

Table A: DLD Program Fund Balance Summary	
DLD Program	**Fund Balance**
Bicycle and Pedestrian Program	$505,942
Local Streets and Roads Program	$719,264
Paratransit Program	-$88,706
Total	**$1,136,500**

3. The Measure B DLD Program Fund Balance must be expended fully by June 30, 2027. Any portion of such Fund Balance which is not expended by that date shall revert to ALAMEDA CTC.

4. The Measure B DLD Program funds must be used in accordance with the applicable Bicycle and Pedestrian Program Implementation Guidelines, Local Streets and Roads Program Implementation Guidelines, Mass Transit Program Implementation Guidelines, and Paratransit Program Implementation Guidelines, which define eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

ARTICLE II: PAYMENTS AND EXPENDITURES

A. ALAMEDA CTC'S DUTIES AND OBLIGATIONS

1. ALAMEDA CTC shall provide for an independent annual audit of its financial statements including revenues and expenditures and also of its calculation of the allocation formula for distributing

Measure B revenues to various recipients and render an annual report to the COMMISSION within 180 days following the close of the fiscal year.

2. ALAMEDA CTC shall provide timely notice to RECIPIENT prior to conducting an audit of expenditures made by RECIPIENT to determine whether such expenditures are in compliance with this AGREEMENT and the Measure B Expenditure Plan.

B. RECIPIENT'S DUTIES AND OBLIGATIONS

1. RECIPIENT shall expend all Measure B funds received in compliance with the applicable guidelines and the Measure B Expenditure Plan, including the Implementation Guidelines and performance measures, as they may be adopted or amended by ALAMEDA CTC from time to time.

2. RECIPIENT shall set up and maintain an appropriate system of accounts to report on Measure B funds received. RECIPIENT must account for Measure B funds, including any interest received or accrued, separately for each fund type, and from any other funds received from the ALAMEDA CTC. The accounting system shall provide adequate internal controls and audit trails to facilitate an annual compliance audit for each fund type and the respective usage and application of said funds. ALAMEDA CTC and its representatives, agents and nominees shall have the absolute right at any reasonable time to inspect and copy any accounting records related to such funds, except to the extent specifically prohibited by applicable law.

3. RECIPIENT shall expend Measure B funds in compliance with the Timely Use of Funds Policies for Direct Local Distributions, as approved by the COMMISSION, and as they may be adopted or amended by ALAMEDA CTC from time to time.

C. OTHER EXPENDITURE RESTRICTIONS

1. **Transportation Purposes Only:** RECIPIENT shall use all Measure B funds solely for transportation purposes as defined by the authorizing ballot measure. Any jurisdiction that violates this provision must fully reimburse all misspent funds, including all interest which would have been earned thereon.

2. **Non-Substitution of Funds:** RECIPIENT shall use Measure B funds to supplement and not replace existing property taxes used for transportation purposes.

3. **Fund Exchange:** Any fund exchanges made using Measure B funds must be made for transportation purposes. ALAMEDA CTC will consider exchange proposals on a case-by-case basis.

4. **Staff Cost Limitations:** Direct costs associated with the delivery of programs and projects associated with Measure B, including direct staff costs and consultant costs, are eligible uses of Measure B funds. ALAMEDA CTC does not allow indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.

ARTICLE III: REPORTING REQUIREMENTS

A. REQUIREMENTS AND WITHHOLDING

RECIPIENT shall comply with each of the reporting requirements set forth below. If RECIPIENT fails to comply with one or more of these requirements, ALAMEDA CTC may rescind Measure B funds from the RECIPIENT until full compliance is achieved.

1. RECIPIENT shall, by December 31st of each year, submit to ALAMEDA CTC, at the RECIPIENT's expense, separate independently audited financial statements for the prior fiscal year ended June 30 of Measure B funds received and used.

2. RECIPIENT shall, by December 31st of each year, submit to ALAMEDA CTC, at the RECIPIENT's expense, annual program compliance reports regarding programs and projects on which RECIPIENT expended Measure B funds.

3. RECIPIENT shall document expenditure activities and report on the performance of Measure B funded activities through the annual program compliance reporting process, or through other ALAMEDA CTC performance and reporting processes as they may be requested, including but not limited to the annual performance report, annual program plan, planning monitoring reports. Program Performance Measures are attached hereto as Exhibit A.

4. RECIPIENT shall install or mount signage adjacent to Measure B funded construction projects, and on vehicles funded with Measure B funds (e.g., RECIPIENT and ALAMEDA CTC logos; "Your Transportation Tax Dollars Help Fund the Operation of This Vehicle!") where practical, so Alameda County taxpayers are informed as to how RECIPIENT is using Measure B funds.

5. RECIPIENT shall provide current information on RECIPIENT's website, to inform the public about how RECIPIENT is using Measure B funds.

6. RECIPIENT shall actively participate in a Public Awareness Program, in partnership with ALAMEDA CTC and/or its community advisory committees, as a means of ensuring that the public has access to the ability to know which projects and programs are funded through Measure B funds.

7. RECIPIENT shall make its administrative officer or designated staff available upon request to render a report or answer any and all inquiries in regard to RECIPIENT's receipt, usage, and/or compliance audit findings regarding Measure B funds before the COMMISSION and/or the Independent Watchdog Committee or community advisory committees, as applicable.

8. RECIPIENT agrees that ALAMEDA CTC may review and/or evaluate all project(s) or program(s) funded pursuant to this AGREEMENT. This may include visits by representatives, agents or nominees of ALAMEDA CTC to observe RECIPIENT's project or program operations, to review project or program data and financial records, and to discuss the project with RECIPIENT's staff or governing board.

ARTICLE IV: OTHER PROVISIONS

A. INDEMNITY BY RECIPIENT

Neither ALAMEDA CTC, nor the COMMISSION, any officer, consultant, agent, or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by RECIPIENT in connection with the Measure B funds distributed to RECIPIENT pursuant to this AGREEMENT. It is also understood and agreed, pursuant to Government Code Section 895.4, RECIPIENT shall fully defend, indemnify and hold harmless ALAMEDA CTC, the COMMISSION, and all its officers, agents, and employees, from any liability imposed on ALAMEDA CTC for injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by RECIPIENT in connection with the Measure B funds distributed to RECIPIENT pursuant to this AGREEMENT.

C. INDEMNITY BY ALAMEDA CTC

Neither RECIPIENT, nor its governing body, elected officials, any officer, consultant, agent, or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by ALAMEDA CTC under or in connection with any work, authority or jurisdiction delegated to ALAMEDA CTC under this AGREEMENT. It is also understood and agreed, pursuant to Government Code Section 895.4, ALAMEDA CTC shall fully defend, indemnify, and hold harmless RECIPIENT, and its governing body, elected officials, all its officers, agents, and employees from any liability imposed on RECIPIENT for injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by ALAMEDA CTC under or in connection with any work, authority or jurisdiction delegated to ALAMEDA CTC under this AGREEMENT.

D. JURISDICTION AND VENUE

The laws of the State of California will govern the validity of this AGREEMENT, its interpretation and performance, and any other claims to which it relates. All legal actions arising out of this AGREEMENT shall be brought in a court of competent jurisdiction in Alameda County, California and the parties hereto hereby waive inconvenience of forum as an objection or defense to such venue.

E. ATTORNEYS' FEES

Should it become necessary to enforce the terms of this AGREEMENT, the prevailing party shall be entitled to recover reasonable expenses and attorneys' fees from the other party.

F. TERM

The term of this AGREEMENT shall be from July 1, 2026 to December 31, 2027, unless amended or terminated in writing.

G. SEVERABILITY

If any provision of this AGREEMENT is found by a court of competent jurisdiction or, if applicable, an arbitrator, to be unenforceable, such provision shall not affect the other provisions of the AGREEMENT, but such unenforceable provisions shall be deemed modified to the extent necessary to render it enforceable, preserving to the fullest extent permissible the intent of the parties set forth in this AGREEMENT.

H. MODIFICATION

This AGREEMENT, and its Exhibits, as well as the referenced Implementation Guidelines, constitutes the entire AGREEMENT, supersedes all prior written or oral understandings regarding Measure B program funds (but not project funding agreements), including but not limited to the ORIGINAL AGREEMENT, which is terminated as of the effective date hereof. This AGREEMENT may only be changed by a written amendment executed by both parties. Notwithstanding the foregoing, the Implementation Guidelines, Performance Measures, and Timely Use of Funds Policies related to Measure B funds may be changed from time to time by ALAMEDA CTC.

[Signatures on next page]

IN WITNESS WHEREOF, the parties have executed this AGREEMENT by their duly authorized officers as of the date first written below.

CITY OF HAYWARD
(RECIPIENT)

By: _____

Jennifer Ott Date
City Manager

Approved as to Legal Form:

By: _____

Michael Lawson Date
City Attorney, City of Hayward

ALAMEDA COUNTY
TRANSPORTATION COMMISSION
(ALAMEDA CTC)

By: _____

Tony Tavares Date
Executive Director

Recommended

By: _____

Vivek Bhat Date
Deputy Executive Director of Projects

Reviewed as to Budget/Financial Controls:

By: _____

Patricia Reavey Date
Deputy Executive Director of
Finance and Administration

Approved as to Legal Form:

By: _____

Fennemore LLP Date
Legal Counsel to ALAMEDA CTC

EXHIBIT A

DIRECT LOCAL DISTRIBUTION PROGRAM PERFORMANCE MESASURES

Direct Local Distribution (DLD) recipients are to document the performance and benefits of the projects and programs funded with Measure funds. The following performance measures are a selection of performance measures and associated standards, organized by funding program, that must be documented at minimum by DLD recipients as applicable. Additional performance measures may be requested by Alameda CTC.

Performance reporting and monitoring will be done through Alameda CTC's standard reporting processes, including the Annual Program Compliance Reports and various planning activities, as requested and applicable. Alameda CTC's performance reporting will concentrate on key indicators at the time of reporting.

BICYCLE AND PEDESTRIAN PROGRAM PERFORMANCE MEASURES

Performance Measure	Performance Metrics & Standards	Evaluation Frequency & Method	Corrective Action
Infrastructure Investment Report on bicycle and pedestrian projects completed or underway.	Directional lane miles of all bicycle facilities built or improved (may include bike lanes, bike routes, multi-use pathway improvements). Linear feet of all pedestrian improvements built or improved (may include sidewalks, trails/pathways). Number of all intersections or midblock bicycle/pedestrian crossing locations improved (may include locations that received crossing improvements, curb/ADA ramps, bicycle protection elements, daylighting, traffic calming elements, lighting, etc.).	Annually via Compliance Report	N/A; Report on investments
Safety Investments Report on bicycle and pedestrian investments located on countywide priority networks: - High Injury Network (HIN) Proactive Safety Network (PSN) - Countywide Bikeways Network (CBN)	Directional lane miles of bicycle facilities built or improved to an All Ages and Abilities (AAA) standard on the Alameda CTC-adopted HIN, PSN and/or CBN. Linear feet of pedestrian improvements built or improved on the Alameda CTC-adopted HIN or PSN (may include sidewalks, trails/pathways). Number of intersections and/or midblock bicycle/pedestrian crossing locations improved on Alameda CTC-adopted HIN, PSN, or CBN (may include locations that received crossing improvements, curb/ADA ramps, bicycle protection elements, daylighting, traffic calming elements, lighting, etc.).	Annually via Compliance Report	N/A; Report on investments
Current Master Plan Maintain a local current Bicycle/Pedestrian Master Plan (BPMP) or Active Transportation Plan.	Plan(s) no more than 5 years old, based on adoption date.	Annually via Compliance Report	Any agency without a current plan is required to provide schedule for a plan update.
Capital Project and Program Investment Report on capital and program administration costs	Investment into capital projects and programs is greater than program administration costs (outreach, staffing, administrative support).	Annually via Compliance Report	Any agency not achieving this metric must explain how capital needs will be addressed in the future.

EXHIBIT A *(cont.)*

LOCAL TRANSPORTATION PROGRAM (Local Streets and Roads (LSR))
PERFORMANCE MEASURES

Performance Measure	Performance Metrics & Standards	Evaluation Frequency & Method	Corrective Action
Infrastructure Investment Report on roadway and transportation improvements completed or underway.	Lane miles of roadway improvements, pavement rehabilitation, striping, etc. Linear feet of all bicycle/pedestrian improvements built or improved (may include sidewalks, trails/pathways). Number of all intersections or midblock bicycle/pedestrian crossing locations improved (may include locations that received crossing improvements, curb/ADA ramps, bicycle protection elements, daylighting, traffic calming elements, lighting, etc.).	Annually via Compliance Report	N/A; Report on investments
Safety Investments Report on bicycle and pedestrian investments located on countywide priority networks: - High Injury Network (HIN) Proactive Safety Network (PSN) - Countywide Bikeways Network (CBN)	Directional lane miles of bicycle facilities built or improved to an All Ages and Abilities (AAA) standard on the Alameda CTC-adopted HIN, PSN and/or CBN. Linear feet of pedestrian improvements built or improved on the Alameda CTC-adopted HIN or PSN (may include sidewalks, trails/pathways). Number of intersections and/or midblock bicycle/pedestrian crossing locations improved on Alameda CTC-adopted HIN, PSN, or CBN (may include locations that received crossing improvements, curb/ADA ramps, bicycle protection elements, daylighting, traffic calming elements, lighting, etc.).	Annually via Compliance Report	N/A; Report on investments
Pavement Condition Index (PCI)	Maintain a PCI moving average rating of 60 or above. Average PCI based on latest available data from MTC's Pavement Condition Index Summary Report.	Annually via Compliance Report	Any agency not achieving the target must identify corrective actions and future investments to address PCI levels.
Equitable Investments Report on investments within equity communities	Identify LSR investments toward maintaining and improving roadways and transportation infrastructure, in equity communities as the areas are defined in: - Equity Priority Communities as defined by MTC - Equity Areas as defined by Alameda CTC - Locally-defined equity areas - Opportunity Zones as certified by the U.S. Department of the Treasury	Annually via Compliance Report	N/A; Report on investments
Measure BB LSR 15% Requirement Expenditure of LSR funds on bicycle and pedestrian projects elements (for Measure BB funds only)	Maintain a 15% annual minimum LSR investment to support bicycling and walking.	Annually via Compliance Report	Any agency not achieving the target annual percentage must explain and/or identify plan to use LSR funds on future bicycle/pedestrian improvements to meet this target over the duration of Measure BB.
Capital Project and Program Investment Report on capital and program administration costs	Investment into capital projects and programs is greater than program administration costs (outreach, staffing, administrative support).	Annually via Compliance Report	Any agency not achieving this metric must explain how capital needs will be addressed in the future.

EXHIBIT A *(cont.)*

MASS TRANSIT PROGRAM
PERFORMANCE MEASURES

Performance Measure	Performance Metrics & Standards	Evaluation Frequency & Method	Corrective Action
Ridership/Service Utilization Annual Ridership (Unlinked Passenger Trips)	Annual Unlinked Trips as reported to the National Transit Database (NTD). Note: Latest fiscal year data is provided provisionally by transit operators and is subject to change. NTD regularly revises historical year data as part of new data releases. Alameda CTC analysis will be based on the latest available NTD data.	Annually reported by Transit Operators.	N/A
On-Time Performance Systemwide on-time performance	Average on-time performance as reported by transit operator. Target of 75% to 90% or based on the transit agency's adopted performance goals and standards.	Annually reported by Transit Operators.	Any agency with significant decline below adopted target must provide an explanation and specify plan to improve performance.
Cost Effectiveness Operating Cost Metrics	Operating Cost Metrics as reported to the National Transit Database (NTD) as requested such as: - Operating cost per passenger mile - Operating cost per vehicle revenue mile	Annually reported by Transit Operators.	Any agency with significant increase in costs must provide an explanation.

PARATRANSIT PROGRAM
PERFORMANCE MEASURES

Performance Measure	Performance Metrics & Standards	Evaluation Frequency & Method	Corrective Action
Ridership/Service Utilization Number of people served or trips provided	Number of individuals served or trips provided by program (for service types such as ADA mandated paratransit, door-to-door service, taxi programs, accessible van service, shuttle service, group trips, travel training, meal delivery)	Annually via Compliance Report and Program Plan Review.	N/A
Cost Effectiveness Operating Cost Metrics	Cost per trip or per passenger (for service types such as ADA mandated paratransit, door-to-door service, taxi programs, accessible van service, shuttle service, group trips)	Annually via Compliance Report and Program Plan Review.	Any agency with significant increase in costs must provide an explanation.

Note: The Paratransit Program Implementation Guidelines contains additional listing of performance measures by program type.

Alameda County Transportation Commission

IMPLEMENTATION GUIDELINES

Index

1. Bicycle and Pedestrian Program
2. Local Street and Road (Local Transportation) Program
3. Mass Transit Program
4. Seniors and People with Disabilities (Paratransit) Program

Alameda County Transportation Commission
Bicycle/Pedestrian Program
Implementation Guidelines

Section 1. Purpose

A. To delineate the eligible uses of Bicycle and Pedestrian Program Funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B, Measure BB and Vehicle Registration Fee Direct Local Distribution and discretionary funds. These guidelines are incorporated by reference in the Master Program Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:

1. Provide guidance on Bicycle and Pedestrian Safety funds eligible uses and expenditures.

2. Define the terms in the Master Program Funding Agreements.

3. Guide Bicycle and Pedestrian Program implementation.

Section 2. Authority

A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission (Alameda CTC) and set forth eligible uses and expenditures for the Bicycle and Pedestrian Program funds. Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by Alameda CTC.

Section 3. Background

A. Alameda CTC developed Implementation guidelines for the Bicycle and Pedestrian Safety Funds to clarify eligible fund uses and expenditures in association Master Programs Funding Agreements for the November 2000 voter-approved Measure B Direct Local Distribution funds (formally known as "pass-through funds"). In 2012, the Master Programs Funding Agreements were updated to include the voter approved Measure F - Vehicle Registration Fee (VRF) program. In November 2014, voters approved the 2014 Transportation Expenditure Plan, Measure BB, and new Master Programs Funding Agreements were subsequently developed to incorporate Measure BB funds.

Section 4. Definition of Terms

A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter approved half-cent transportation sales taxes in Alameda County (the 1986 and 2000 approved Measure B sales tax programs)

B. **Capital project:** A bicycle and pedestrian capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.

C. **Complete Street:** A transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, truckers, and motorists, appropriate to the function and context of the facility. Complete street concepts apply to rural, suburban, and urban areas (Caltrans definition).

D. **Complete Streets Act of 2008:** The California Complete Streets Act (Assembly Bill 1358) was signed into law in September 2008. It requires that local jurisdictions modify their general plans as follows:

> "(A) Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.
>
> (B) For the purposes of this paragraph, "users of streets, roads, and highways" means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors."

E. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates.

F. **Cost Allocation Plans (CAPs):** CAPs and Indirect cost rate proposals (IDCs) are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Bicycle and Pedestrian programs funded through the Alameda CTC Master Programs Funding Agreements.

G. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages and benefits) which are directly and solely related to the implementation of the Alameda CTC-funded Bicycle and Pedestrian Funds, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Bicycle and Pedestrian Funds.

H. **Direct Local Distribution Funds:** Funds are allocated based upon a funding formula (such as population, registered vehicles, road miles, or a combination thereof) defined in a voter approved transportation expenditure plan, and provided to eligible jurisdictions on a regularly scheduled basis (such as a regular monthly payment).

I. **Environmental Documents**: Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.

J. **Grants**: Funding for plans, programs or projects based upon a competitive call for projects, an evaluation process based on adopted evaluation criteria and allocated based upon a reimbursement basis.

K. **Indirect cost:** Also known as "overhead," any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officer's salaries, accounting department costs and personnel department costs, which are requisite for general operation of the organization, but are not directly allocable to a particular service or product.

L. **Local Bicycle Master Plan/Local Pedestrian Master Plans:** Locally adopted plans that, at a minimum, examine existing conditions for walking and/or bicycling, and provide recommendations on improving the walking and/or bicycling environment, and prioritize these improvements. These plans may be stand-alone bicycle and pedestrian plans or maybe a joint plan that addresses both walking and bicycling. Also referred to as an Active Transportation Plan.

M. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.

N. **Measure BB:** Alameda County voters approved Measured BB, the 2014 Transportation Expenditure Plan, in November 2014. It authorizes the collection of a half-cent transportation sales tax and augments the existing 2000 Measure B sales tax program. Collection of the sales tax began on April 1, 2015. Administered by the Alameda CTC, Measure BB funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.

O. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.

P. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.

Q. **Project Completion/Closeout:** Inspection/project acceptance, final invoicing, final reporting, and processes for closing out project.

R. **Scoping and Project Feasibility:** Early capital project phases that identify project needs, costs and implementation feasibility.

S. **Vehicle Registration Fee (VRF):** Measure F, Alameda County's VRF Program, approved by the voters in November 2010. It will generate approximately $12 million per year through a $10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs (with the funding distribution noted in parenthesis): local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).

Section 5. Bicycle and Pedestrian Program Fund Allocations

A. These Implementation Guidelines provide guidance on two types of Bicycle and Pedestrian Fund allocation processes for Measure B, Measure BB, and Vehicle Registration Fee funds: 1) Direct Local Distribution funds and 2) Grants.

1. Bicycle and Pedestrian Direct Local Distribution (DLD) Funds

a. *General:* The Bicycle and Pedestrian DLD Funds are distributed to cities in the county and to Alameda County to be spent on planning and construction of bicycle and pedestrian projects, and the development and implementation of bicycle and pedestrian programs. These funds are intended to expand and enhance bicycle and pedestrian facilities in Alameda County, focusing on high priority projects like gap closures and intermodal connections.

b. *Eligible Uses:* The Bicycle and Pedestrian DLD funds may be used for capital projects, programs, or plans that directly address bicycle and pedestrian access, convenience, safety, and usage.

Eligible uses for these funds include, but are not necessarily limited to:

1) Capital Projects, including:

a. New pedestrian facilities (e.g. sidewalks, curb ramps, countdown signals, accessible signals)

b. Improvements to existing pedestrian facilities

c. New bikeways (such as bicycle routes, boulevards, lanes, multi-use pathways)

d. Improvements or upgrades to existing bikeways

e. Maintenance of bicycle and pedestrian facilities

f. Crossing improvements (at intersections, interchanges, railroads, freeways, etc.) for pedestrians and bicyclists

g. Bicycle parking facilities, including construction, maintenance and operations

h. ADA on-street improvements

i. Signage for pedestrians and/or bicyclists

j. Pedestrian and bicycle access improvements to, from and at transit facilities

k. Traffic calming projects

l. All phases of capital projects, including feasibility studies, planning, and environmental

2) Development and updates of Local Bicycle and/or Pedestrian Master Plans (Active Transportation Plans)

3) Compliance with complete streets policies, to comply with the California Complete Streets Act of 2008, as specified in Section 6.

4) Design and implementation of education, enforcement, outreach, and promotion programs

5) Direct staff and consultant costs to develop, plan, implement, operate, and maintain the bicycle and pedestrian projects and programs.

6) Maintenance of the portion of the street most often used for bicycling (such as bicycle lanes)

7) Bicycle/pedestrian capital projects on non-city property, such as on school district property.

8) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report

9) Crossing guards

10) Direct staff training costs directly related to implementation of projects, plans, or programs implemented with the Bicycle and Pedestrian Safety Funds

c. *Ineligible Uses:* The following is a list of ineligible uses of Bicycle/Pedestrian DLD funds:

1) Non-transportation projects such as fees charged to capital construction projects for services or amenities not related to transportation

2) Repaving of the entire roadway (see "Eligible Uses" above for exceptions)

3) Capital projects, programs, or plans that do not directly address bicycle and pedestrian access, convenience, safety, and usage

4) Projects or programs that exclusively serve city/county staff

5) Indirect costs, unless the recipient submits an independently audited/approved Indirect Cost Allocation Plan

d. *List of Projects/Programs:* All projects and programs that use DLD funds must receive governing board approval prior to the jurisdiction expending the DLD funding on the project/program. This approval allows the opportunity for the public to provide input on planning for bicycle and pedestrian safety. These projects and programs may be included in any of the following, as long as they have been adopted by the jurisdiction's governing board:

1) List of projects intended to be funded by DLD funds

2) Local Bicycle and/or Pedestrian Master Plan with priority projects

3) Capital Improvement Program

4) A resolution, such as for a grant application submittal

2. Bicycle and Pedestrian Grant Funds

a. Alameda CTC will adopt *Grant Program Guidelines* before each grant cycle that will establish the guiding policies for that grant cycle and will publicize each grant funding cycle. Alameda CTC will administer a bicycle and pedestrian discretionary grant program using a portion of the available funds

b. Local jurisdictions, transit operators and Community Based Organizations (CBO) in Alameda County may be eligible for these competitive funds as determined by the Alameda CTC discretionary processes and the *Grant Program Guidelines*.

Section 6. Complete Streets Policy Requirement

A. To receive DLD funds, local jurisdictions must do both of the following with respect to Complete Street policies:

1. Have an adopted complete streets policy

2. Comply with the California Complete Streets Act of 2008. The California Complete Streets Act (AB1358) requires that local general plans do the following:

a. Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

b. For the purposes of this paragraph, "users of streets, roads, and highways" means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

Section 7. Local Bicycle/Pedestrian Master Plan Requirement

A. To receive DLD funds, local jurisdictions must do all of the following with respect to local bicycle and pedestrian master plans.

1. Have an adopted Local Pedestrian Master Plan AND Local Bicycle Master Plan OR have an adopted combined Local Pedestrian and Bicycle Plan (Active Transportation Plan); or demonstrate that the plan is being developed and will be adopted.

2. Each plan must be updated, at a minimum, every five years.

3. Each plan must include core elements to ensure that the plan is effective, and that plans throughout the county are comparable, to the extent that is reasonable, to facilitate countywide planning. Alameda CTC will develop and maintain guidelines outlining these core elements.

The Alameda CTC will provide technical assistance and consideration for funding for local jurisdictions to meet these requirements through the competitive grants. Jurisdictions may also use DLD funds for the development of local bicycle and pedestrian master plans.

Section 8. Advancement of Direct Local Distribution Funds

A. Alameda CTC may consider advancing future Direct Local Distribution funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to Alameda CTC must include a description of the project, scope, schedule, the amount of funds requested, the anticipated timing of when funds are required, and justification for the request. Requests will be considered on an individual basis.

Section 9. Adoption of Implementation Guidelines

A. Implementation Guidelines are adopted by Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC's Commission.

Alameda County Transportation Commission
Local Streets and Roads (Local Transportation) Program
Implementation Guidelines

Section 1. Purpose

A. To delineate the eligible uses of Local Streets and Roads funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B, Measure BB, and Vehicle Registration Fees (VRF) Direct Local Distribution funds. These guidelines are incorporated by reference in the Master Programs Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:

1. Provide guidance on Local Streets and Roads funds eligible uses and expenditures.

2. Define the terms in the Master Programs Funding Agreements.

3. Guide Local Streets and Roads Program implementation.

Section 2. Authority

A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Local Streets and Roads funds. Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC Commission.

Section 3. Background

A. Alameda CTC developed Implementation Guidelines for the Local Streets and Roads (Local Transportation) funds to clarify eligible fund uses and expenditures in association with Master Program Funding Agreements for the November 2000 voter-approved Measure B Direct Local Distribution funds (formally known as "pass-through funds". The Expenditure Plan allocates 22.34 percent of Measure B funds for Local Streets and Roads programs and projects. In 2012, the Master Programs Funding Agreements were updated to include the voter approved 2010 Measure F - Vehicle Registration Fee (VRF) program. The VRF includes 60 percent of net revenues for a Local Streets and Roads Program. In November 2014, voters approved the 2014 Transportation Expenditure Plan, Measure BB, which allocates 20.00 percent of funds for a Local Streets and Roads program. New Master Programs Funding Agreements were subsequently developed to incorporate Measure BB funds.

Section 4. Definition of Terms

A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).

B. **Bike parking:** Bike racks and lockers, bike shelters, attended bike parking facilities, and bike parking infrastructure.

C. **Bikeways and multiuse paths:** Bike lanes, bike boulevards, side paths, bike routes, multiuse pathways, at-grade bike crossings, and maintenance of bikeway facilities.

D. **Bridges and tunnels:** Crossings above or below grade for bicycles, pedestrians, and/or autos and transit.

E. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.

F. **Complete Street:** A transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, truckers, and motorists, appropriate to the function and context of the facility. Complete street concepts apply to rural, suburban, and urban areas. (Caltrans definition)

G. **Complete Streets Act of 2008:** The California Complete Streets Act (Assembly Bill 1358) was signed into law in September 2008. It requires that local jurisdictions modify their general plans as follows:

"(A) Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) For the purposes of this paragraph, "users of streets, roads, and highways" means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors."

H. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).

I. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Local Streets and Roads programs funded through the Alameda CTC Master Programs Funding Agreements.

J. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of the Alameda CTC-funded Local Streets and Roads projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Local Streets and Roads funds.

K. **Direct Local Distribution Funds:** Funds are allocated based upon a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter approved measure and provided to eligible jurisdictions on a regularly schedule basis (such as a regular monthly payment).

L. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.

M. **Environmental documents**: Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.

N. **Equipment and new vehicles:** Purchase or lease of vehicles and equipment for service improvements, such as information dissemination, fare collection, etc.

O. **Grants**: Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.

P. **Indirect cost:** Also known as "overhead," any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers' salaries, accounting department costs, and

personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.

Q. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.

R. **Measure B:** Alameda County's half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.

S. **Measure BB:** Alameda County voters approved Measured BB, the 2014 Transportation Expenditure Plan, in November 2014. It authorizes the collection of a half-cent transportation sales tax and augments the existing 2000 Measure B sales tax program. Collection of the sales tax began on April 1, 2015. Administered by the Alameda CTC, Measure BB funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.

T. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.

U. **Pedestrian crossing improvements:** At-grade pedestrian crossing improvements such as crosswalks, roadway/geometric changes, or reconfiguration specifically benefiting pedestrians.

V. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.

W. **Planning area:** Four geographical sub-areas of the county (Planning Areas 1, 2, 3, and 4). The sub-areas of the county are defined by the Alameda CTC as follows:

1. Planning Area 1 – North Area: Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont

2. Planning Area 2 – Central Area: Cities of Hayward and San Leandro, and the unincorporated areas of Castro Valley and San Lorenzo, as well as other unincorporated lands in that area

3. Planning Area 3 – South Area: Cities of Fremont, Newark, and Union City

4. Planning Area 4 – East Area: Cities of Dublin, Livermore, and Pleasanton, and all unincorporated lands in that area

X. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.

Y. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.

Z. **Sidewalks and ramps:** New sidewalks, sidewalk maintenance, curb ramps, and stairs/ramps for pedestrian and Americans with Disabilities Act access.

AA. **Signage:** Warning, regulatory, wayfinding, or informational signage.

BB. **Signals:** New traffic signals or crossing signals, signal upgrades, countdown signals, audible signals, or signal timing improvements.

CC. **Street resurfacing and maintenance:** Repaving and resurfacing of on-street surfaces, including striping.

DD. **Traffic calming:** Infrastructure primarily aimed at slowing down motor vehicle traffic.

EE. **Vehicle Registration Fee (VRF):** Measure F, Alameda County's VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately $12 million per year through a $10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs and the distribution percentage is as follows: local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).

Section 5. Local Streets and Roads Fund Allocations

A. These Implementation Guidelines provide guidance on the Local Streets and Roads (LSR) Fund allocation process for Measure B, Measure BB and VRF Direct Local Distribution funds.

1. Measure B/BB Local Streets and Roads Direct Local Distribution (DLD) Funds

a. *General:* Alameda CTC distributes Measure B and Measure BB Local Streets and Roads DLD funds to cities in the county and to Alameda County to be spent on transportation capital improvements for surface streets and arterial roads, and maintenance and upkeep of local streets and roads, including repaving streets, filling potholes, and upgrading local transportation infrastructure.

These funds are intended to maintain and improve local streets and roads in Alameda County, and may be used for any local transportation need based on local priorities, including streets and roads projects, local transit projects, bicycle and pedestrian projects, projects (sponsored by others) that require local agency support, and other transportation uses as approved through a public process by the jurisdiction.

b. *Eligible Uses:* Measure B/BB DLD funds may be used for capital projects, programs, maintenance, or operations that directly improve local streets and roads and local transportation. Eligible uses for these funds include, but are not necessarily limited to:

1) Capital projects, including:

a) All phases of capital projects, including feasibility studies, planning, and environmental

b) Upgrades to or installation of new local streets and roads infrastructure including installation of streets, roads, and highways

c) Street resurfacing and maintenance including repaving and resurfacing of on-street surfaces including striping

d) Improvements or upgrades to bridges and tunnels

e) Installation of or upgrades to sidewalks and curb ramps

f) Americans with Disabilities Act (ADA) on-street improvements, including sidewalk upgrades and curb ramp installations

g) Purchase or lease of equipment or new vehicles for local streets and roads improvements

h) Crossing improvements including traffic signals, signage, and traffic lights (at intersections, interchanges, railroads, freeways, etc.) for drivers, pedestrians, and bicyclists

i) Improvements to or installation of new pedestrian facilities (e.g., sidewalks, curb ramps, countdown signals, accessible signals, at-grade bike crossings)

j) Improvements or upgrades to or installation of new bikeways (such as bicycle routes, boulevards, lanes, multi-use pathways)

k) Maintenance of or installation of bicycle and pedestrian facilities, including construction, maintenance, and operations of bike parking facilities.

l) Pedestrian and bicycle access improvements to, from and at transit facilities

m) Traffic calming projects

2) Transit system operations, operations of traffic signal system controls and interconnections, and corridor monitoring and management

3) Mass transit project operations including bus, ferry, shuttle, rail, and Welfare to Work services

4) Paratransit services

5) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report

6) Direct staff training costs directly related to implementation of projects or programs implemented with the Local Streets and Roads Funds

c. *Ineligible Uses:* The following is a list of ineligible uses of LSR DLD funds:

1) Non-transportation projects such as fees charged to capital construction projects for services or amenities not related to transportation

2) Capital projects, programs, maintenances, or operations that do not directly improve local streets and roads and local transportation

3) Projects or programs that exclusively serve city/county staff

4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan

d. *List of Projects/Programs:* All projects and programs that use LSR DLD funds must receive governing board approval prior to the jurisdiction expending the DLD funding on the project/program. This approval allows the opportunity for the public to provide input on planning for local streets and roads projects. These projects and programs must be included in any of the following, as long as they have been adopted by the jurisdiction's governing board:

1) List of projects intended to be funded by DLD funds

2) Local Streets and Roads Master Plan with priority projects

3) Capital Improvement Program

4) A resolution, such as for a grant application submittal

2. VRF Local Streets and Roads DLD Funds

a. *General:* Alameda CTC distributes VRF Local Streets and Roads DLD Funds to cities in the county and to Alameda County to be spent on transportation capital improvements for surface streets and arterial roads, and maintenance and upkeep of local streets and roads. These funds are intended to maintain and improve local streets and roads as well as a broad range of facilities in Alameda County (from local to arterial facilities).

b. *Eligible Uses:* The VRF Local Streets and Roads DLD funds may be used for improving, maintaining, and rehabilitating local roads and traffic signals. It will also incorporate the Complete Streets practice that makes local roads safe for all modes, including bicyclists and pedestrians, and accommodate transit. Eligible uses for these funds include, but are not necessarily limited to:

1) Street repaving and rehabilitation, including curbs, gutters and drains

2) Traffic signal maintenance and upgrades, including bicyclist and pedestrian treatments

3) Signage and striping on roadways, including traffic and bicycle lanes and crosswalks

4) Sidewalk repair and installation

5) Bus stop improvements, including bus pads, turnouts and striping

6) Improvements to roadways at rail crossings, including grade separations and safety protection devices

7) Improvements to roadways with truck or transit routing

c. *Ineligible Uses:* The following is a list of ineligible uses of VRF Local Streets and Roads DLD funds:

1) Non-transportation projects such as fees charged to capital construction projects for services or amenities that are not related to transportation

2) Projects or programs that are not directly related to streets and roads improvements

3) Projects or programs that exclusively serve city/county staff

4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.

Section 6. Complete Streets Policy Requirement

A. To receive DLD funds, local jurisdictions must do both of the following with respect to Complete Streets policies:

1. Have an adopted Complete Streets policy.

2. Comply with the California Complete Streets Act of 2008. The California Complete Streets Act (AB1358) requires that local general plans do the following:

a. Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a

balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

b. For the purposes of this paragraph, "users of streets, roads, and highways" means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

Section 7. Pavement Condition Index Reporting

A. To receive DLD funds, local jurisdictions must do both of the following with respect to the reporting of an agency's pavement condition (PCI) index:

1. Annually report on the citywide pavement condition index (PCI), which rates the "health" of local streets from 1 to 100, in the Annual Program Compliance Report Form. Where applicable, this information will be consistent with material provided for MTC reporting requirements.

2. If the PCI falls below a total average index of 60 (fair condition), specify in the Annual Program Compliance Report what funding amounts, policies, or other needs are required to enable increasing the recipient's PCI.

Section 8. Advancement of Direct Local Distribution Funds

A. Alameda CTC may consider advancing future Direct Local Distribution funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to Alameda CTC must include a description of the project, scope, schedule, the amount of funds requested, the anticipated timing of when funds are required, and justification for the request. Requests will be considered on an individual basis.

Section 9. Adoption of Implementation Guidelines

A. Implementation Guidelines are adopted by Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC Commission.

Alameda County Transportation Commission
Mass Transit Program
Implementation Guidelines

Section 1. Purpose

A. To delineate eligible uses of Mass Transit funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B, Measure BB, and Vehicle Registration Fees (VRF) Direct Local Distributions and discretionary funds. These guidelines are incorporated by reference in the Master Programs Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:

1. Provide guidance on Mass Transit funds eligible uses and expenditures.

2. Define the terms in the Master Programs Funding Agreements.

3. Guide Mass Transit Program implementation.

Section 2. Authority

A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Mass Transit funds. Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC Commission.

Section 3. Background

Alameda CTC developed Implementation Guidelines for the Mass Transit funds to clarify eligible fund uses and expenditures in association with Master Programs Funding Agreements for the November 2000 voter-approved Measure B Direct Local Distribution funds (formally known as "pass-through funds"). In 2012, the Master Programs Funding Agreements were updated to include the voter approved 2010 Measure F - Vehicle Registration Fee (VRF) program. In November 2014, voters approved the 2014 Transportation Expenditure Plan, Measure BB, and new Master Programs Funding Agreements were subsequently developed to incorporate Measure BB funds.

Section 4. Definition of Terms

A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).

B. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.

C. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).

D. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Mass Transit programs funded through the Alameda CTC Master Programs Funding Agreements.

E. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of Alameda CTC-funded Mass Transit projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Mass Transit funds.

F. **Direct Local Distribution funds:** Funds allocated based on a funding formula (such as population, registered vehicles, road miles, or a combination thereof) defined in a voter-approved measure and provided to eligible jurisdictions on a regularly scheduled basis (such as a regular monthly payment).

G. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.

H. **Environmental documents**: Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.

I. **Equipment and new vehicles:** Purchase or lease of vehicles. Equipment for service improvements, such as information dissemination, fare collection, etc.

J. **Express bus service:** Either of these types of rapid bus service:

1. Service within zones with a defined pick-up area, nonstop express bus service, and a defined drop-off zone.

2. Service that provides a simple route layout, has frequent service and fewer stops than regular fixed route service, and may include level boarding, bus priority at traffic signals, signature identification of the rapid buses such as color-coded buses and stops, and enhanced stations.

K. **Grants**: Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.

L. **Indirect cost:** Also known as "overhead," any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers' salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.

M. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.

N. **Measure B:** Alameda County's half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.

O. **Measure BB:** Alameda County voters approved Measured BB, the 2014 Transportation Expenditure Plan, in November 2014. It authorizes the collection of a half-cent transportation sales tax and augments the existing 2000 Measure B sales tax program. Collection of the sales tax began on April 1, 2015. Administered by the Alameda CTC, Measure BB funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.

P. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.

Q. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.

R. **Planning area:** Four geographical sub-areas of the county (Planning Areas 1, 2, 3, and 4). The sub-areas of the county are defined by the Alameda CTC as follows:

1. Planning Area 1 – North Area: Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont

2. Planning Area 2 – Central Area: Cities of Hayward and San Leandro, and the unincorporated areas of Castro Valley and San Lorenzo, as well as other unincorporated lands in that area

3. Planning Area 3 – South Area: Cities of Fremont, Newark, and Union City

4. Planning Area 4 – East Area: Cities of Dublin, Livermore, and Pleasanton, and all unincorporated lands in that area

S. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.

T. **Safety improvements:** Safety or security improvements for operators, passengers, service users, facilities, and infrastructure or property.

U. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.

V. **Vehicle Registration Fee (VRF):** Measure F, Alameda County's VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately $12 million per year through a $10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs and the distribution percentage is as follows: local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).

W. **Welfare to Work:** Transit services to enhance transportation opportunities for persons making the transition from welfare to work.

Section 5. Mass Transit Fund Allocations

A. These Implementation Guidelines provide guidance on the Mass Transit Fund allocation process for Mass Transit Direct Local Distribution funds and Measure B Express Bus Services Grant Program and VRF Transit for Congestion Relief Program funds.

1. Mass Transit Direct Local Distribution (DLD) Funds

a. *General:* Alameda CTC distributes Mass Transit DLD Funds to transit operators in Alameda County to be spent on maintenance of transit services, restoration of service cuts, expansion of transit services, and passenger safety and security.

b. *Eligible Uses:* The Mass Transit DLD funds may be used for capital projects, programs, maintenance, or operations that directly improve mass transit services. Eligible uses for these funds include, but are not necessarily limited to:

1) Capital projects, including:

a) All phases of capital projects, including feasibility studies, planning, and environmental

b) Upgrades to or expansions to bus, ferry, rail, and shuttle infrastructure

c) Purchase or lease of equipment or new vehicles for transit services

2) Mass transit system operations and services, including commuter rail; express, local, and feeder bus; and ferry

3) Paratransit services

4) Welfare to Work services

5) Direct staff and consultant costs to develop, plan, implement, operate and maintain transit projects and programs

6) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report

7) Direct staff training costs directly related to implementation of projects or programs implemented with the Mass Transit Funds

c. *Ineligible Uses:* The following is a list of ineligible uses of Mass Transit DLD funds:

1) Non-transportation projects such as fees charged to capital construction projects for services or amenities not related to transportation

2) Capital projects, programs, maintenances, or operations that does not directly improve mass transit services

3) Projects or programs that exclusively serve city/county staff

4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.

2. Measure B Express Bus Services Grant Program Funds

a. The Measure B Expenditure Plan dedicates 0.7 percent of net revenues for the Countywide Express Bus Service fund for express bus service projects. The Alameda CTC will administer a Measure B Countywide Express Bus Services discretionary grant program. The Alameda CTC will adopt *Grant Program Guidelines* before each grant cycle that will establish the guiding policies for that grant cycle and will widely publicize each grant funding cycle.

b. Two agencies are eligible to receive express bus services grant funds:

1) Alameda-Contra Costa Transit District (AC Transit)

2) Livermore Amador Valley Transit Authority (LAVTA)

Fund recipients must enter into a separate agreement with Alameda CTC.

3. VRF Transit for Congestion Relief Program Funds

a. The VRF Expenditure Plan dedicates 25 percent of net revenues for transit projects that provide congestion relief. Alameda CTC awards VRF Transit for Congestion Relief Grant Program funds on a discretionary basis. These funds are intended to make it easier for drivers to use public transportation, make the existing transit system more efficient and effective, and improve access to schools and jobs. The goal of this program is to decrease automobile usage and thereby reduce both localized and area-

wide congestion and air pollution. Fund recipients must enter into a separate agreement with Alameda CTC.

b. *Eligible Uses:* VRF Transit for Congestion Relief Grant Program Guidelines provide program eligibility and fund usage guidelines and requirements, definitions of terms, evaluation criteria, award details, and monitoring requirements.

Section 6. Advancement of Direct Local Distribution Funds

A. Alameda CTC may consider advancing future Direct Local Distribution funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to Alameda CTC must include a description of the project, scope, schedule, the amount of funds requested, the anticipated timing of when funds are required, and justification for the request. Requests will be considered on an individual basis.

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Alameda County Transportation Commission
Mass Transit Program
Implementation Guidelines

Section 1. Purpose

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1. Provide guidance on Mass Transit funds eligible uses and expenditures.

2. Define the terms in the Master Programs Funding Agreements.

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B. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.

C. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).

D. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Mass Transit programs funded through the Alameda CTC Master Programs Funding Agreements.

E. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of Alameda CTC-funded Mass Transit projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Mass Transit funds.

F. **Direct Local Distribution funds:** Funds allocated based on a funding formula (such as population, registered vehicles, road miles, or a combination thereof) defined in a voter-approved measure and provided to eligible jurisdictions on a regularly scheduled basis (such as a regular monthly payment).

G. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.

H. **Environmental documents**: Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.

I. **Equipment and new vehicles:** Purchase or lease of vehicles. Equipment for service improvements, such as information dissemination, fare collection, etc.

J. **Express bus service:** Either of these types of rapid bus service:

1. Service within zones with a defined pick-up area, nonstop express bus service, and a defined drop-off zone.

2. Service that provides a simple route layout, has frequent service and fewer stops than regular fixed route service, and may include level boarding, bus priority at traffic signals, signature identification of the rapid buses such as color-coded buses and stops, and enhanced stations.

K. **Grants**: Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.

L. **Indirect cost:** Also known as "overhead," any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers' salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.

M. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.

N. **Measure B:** Alameda County's half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.

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P. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.

Q. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.

R. **Planning area:** Four geographical sub-areas of the county (Planning Areas 1, 2, 3, and 4). The sub-areas of the county are defined by the Alameda CTC as follows:

1. Planning Area 1 – North Area: Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont

2. Planning Area 2 – Central Area: Cities of Hayward and San Leandro, and the unincorporated areas of Castro Valley and San Lorenzo, as well as other unincorporated lands in that area

3. Planning Area 3 – South Area: Cities of Fremont, Newark, and Union City

4. Planning Area 4 – East Area: Cities of Dublin, Livermore, and Pleasanton, and all unincorporated lands in that area

S. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.

T. **Safety improvements:** Safety or security improvements for operators, passengers, service users, facilities, and infrastructure or property.

U. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.

V. **Vehicle Registration Fee (VRF):** Measure F, Alameda County's VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately $12 million per year through a $10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs and the distribution percentage is as follows: local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).

W. **Welfare to Work:** Transit services to enhance transportation opportunities for persons making the transition from welfare to work.

Section 5. Mass Transit Fund Allocations

A. These Implementation Guidelines provide guidance on the Mass Transit Fund allocation process for Mass Transit Direct Local Distribution funds and Measure B Express Bus Services Grant Program and VRF Transit for Congestion Relief Program funds.

1. Mass Transit Direct Local Distribution (DLD) Funds

a. *General:* Alameda CTC distributes Mass Transit DLD Funds to transit operators in Alameda County to be spent on maintenance of transit services, restoration of service cuts, expansion of transit services, and passenger safety and security.

b. *Eligible Uses:* The Mass Transit DLD funds may be used for capital projects, programs, maintenance, or operations that directly improve mass transit services. Eligible uses for these funds include, but are not necessarily limited to:

1) Capital projects, including:

a) All phases of capital projects, including feasibility studies, planning, and environmental

b) Upgrades to or expansions to bus, ferry, rail, and shuttle infrastructure

c) Purchase or lease of equipment or new vehicles for transit services

2) Mass transit system operations and services, including commuter rail; express, local, and feeder bus; and ferry

3) Paratransit services

4) Welfare to Work services

5) Direct staff and consultant costs to develop, plan, implement, operate and maintain transit projects and programs

6) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report

7) Direct staff training costs directly related to implementation of projects or programs implemented with the Mass Transit Funds

c. *Ineligible Uses:* The following is a list of ineligible uses of Mass Transit DLD funds:

1) Non-transportation projects such as fees charged to capital construction projects for services or amenities not related to transportation

2) Capital projects, programs, maintenances, or operations that does not directly improve mass transit services

3) Projects or programs that exclusively serve city/county staff

4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.

2. Measure B Express Bus Services Grant Program Funds

a. The Measure B Expenditure Plan dedicates 0.7 percent of net revenues for the Countywide Express Bus Service fund for express bus service projects. The Alameda CTC will administer a Measure B Countywide Express Bus Services discretionary grant program. The Alameda CTC will adopt *Grant Program Guidelines* before each grant cycle that will establish the guiding policies for that grant cycle and will widely publicize each grant funding cycle.

b. Two agencies are eligible to receive express bus services grant funds:

1) Alameda-Contra Costa Transit District (AC Transit)

2) Livermore Amador Valley Transit Authority (LAVTA)

Fund recipients must enter into a separate agreement with Alameda CTC.

3. VRF Transit for Congestion Relief Program Funds

a. The VRF Expenditure Plan dedicates 25 percent of net revenues for transit projects that provide congestion relief. Alameda CTC awards VRF Transit for Congestion Relief Grant Program funds on a discretionary basis. These funds are intended to make it easier for drivers to use public transportation, make the existing transit system more efficient and effective, and improve access to schools and jobs. The goal of this program is to decrease automobile usage and thereby reduce both localized and area-

wide congestion and air pollution. Fund recipients must enter into a separate agreement with Alameda CTC.

b. *Eligible Uses:* VRF Transit for Congestion Relief Grant Program Guidelines provide program eligibility and fund usage guidelines and requirements, definitions of terms, evaluation criteria, award details, and monitoring requirements.

Section 6. Advancement of Direct Local Distribution Funds

A. Alameda CTC may consider advancing future Direct Local Distribution funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to Alameda CTC must include a description of the project, scope, schedule, the amount of funds requested, the anticipated timing of when funds are required, and justification for the request. Requests will be considered on an individual basis.

Section 7. Adoption of Implementation Guidelines

A. Implementation Guidelines are adopted by Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC Commission.

Alameda County Transportation Commission
Paratransit Program
Implementation Guidelines

Section 1. Purpose

A. To delineate eligible uses of Paratransit funds authorized under Alameda County Transportation Commission Master Programs Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B and Measure BB Direct Local Distributions funds and discretionary funds. These guidelines are incorporated by reference in the Master Programs Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:

1. Provide guidance on Paratransit funds eligible uses and expenditures.

2. Define the terms in the Master Programs Funding Agreements.

3. Guide Paratransit Program implementation.

Section 2. Authority

A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for Paratransit funds. Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC Commission.

Section 3. Background

A. Alameda CTC developed Implementation Guidelines for the Paratransit funds to clarify eligible fund uses and expenditures in association Master Programs Funding Agreements for the November 2000 voter-approved Measure B Direct Local Distribution (formally known as "pass-through funds"). In November 2014, voters approved the 2014 Transportation Expenditure Plan, Measure BB, and new Master Programs Funding Agreements were subsequently developed to incorporate Measure BB funds. The expenditure plans allocates 10.45 percent of Measure B funds and 10 percent of Measure BB funds for special transportation for seniors and people with disabilities (paratransit) programs and projects.

Section 4. Definition of Terms

A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).

B. **Americans with Disabilities Act (ADA):** According to the U.S. Equal Employment Opportunity Commission, originally passed in 1990 and revised in 2008, a law that prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA also requires reasonable accommodations for individuals with disabilities and has resulted in the removal of many barriers to transportation and in better access for seniors and people with disabilities.

C. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion. For paratransit programs, may be an investment in vehicles or equipment directly related to providing paratransit services.

D. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).

E. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Paratransit programs funded through the Alameda CTC Master Programs Funding Agreements.

F. **Customer service and outreach:** Customer service functions as well as costs associated with marketing, education, outreach, and promotional campaigns and programs.

G. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of the Alameda CTC-funded Paratransit projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Paratransit funds.

H. **Direct Local Distribution funds:** Funds allocated based on a funding formula (such as population, registered vehicles, road miles, or a combination thereof) defined in a voter-approved measure and provided to eligible jurisdictions on a regularly scheduled basis (such as a regular monthly payment).

I. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.

J. **Environmental documents**: Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.

K. **Grants**: Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.

L. **Group trips:** One-way passenger trips considered group trips. Includes vehicle operation and contracts. See individual demand-response trips.

M. **Indirect cost:** Also known as "overhead," any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers' salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.

N. **Individual demand-response trips:** Taxi service, door-to-door trips, and van trips that passengers request on demand. Includes actual operation cost and contracts for vehicle operation, scheduling, dispatching, vehicle maintenance, supervision, and fare collection (including ticket or scrip printing and sales) for the purpose of carrying passengers.

O. **Maintenance:** Repairs, renovation, or upgrade of existing facility, infrastructure, or vehicles.

P. **Management:** Direct staffing costs and benefits to manage programs, projects, and services.

Q. **Meal delivery:** Service that includes costs associated with vehicle operation, scheduling, dispatching, vehicle maintenance, and supervision for the purpose of delivering meals, whether provided in-house, through contracts, via taxicab, or by grantees. See Meals on Wheels.

R. **Meals on Wheels:** Service that is part of a Senior Nutrition Program and provides delivery of meals to seniors and people with disabilities. See meal delivery.

S. **Measure B:** Alameda County's half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.

T. **Measure BB:** Alameda County voters approved Measured BB, the 2014 Transportation Expenditure Plan, in November 2014. It authorizes the collection of a half-cent transportation sales tax and augments the existing 2000 Measure B sales tax program. Collection of the sales tax began on April 1, 2015. Administered by the Alameda CTC, Measure BB funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.

U. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.

V. **Paratransit Advisory and Planning Committee:** Originally named by the Measure B Expenditure Plan as the Alameda County Paratransit Coordinating Council, the committee meets to address funding, planning, and coordination issues regarding paratransit services in Alameda County. Members must be an Alameda County resident and an eligible user of any transportation service available to seniors and people with disabilities in Alameda County. PAPCO is supported by a Technical Advisory Committee comprised of Measure B and Measure BB-funded paratransit providers in Alameda County.

W. **Paratransit service:** Transportation services for seniors and people with disabilities including ADA-mandated or non-mandated shuttle or fixed-route services, including door-to-door services, group trips, and individual demand-response trip services; taxi programs; Meals on Wheels or meal delivery; volunteer driver programs; and purchase of EBP tickets.

X. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.

Y. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.

Z. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.

AA. **Shuttle or fixed-route trips:** Shuttle service or fixed-route bus service, for example. Includes vehicle operation and contracts. See individual demand-response trips.

Section 5. Paratransit Fund Allocations

A. These Implementation Guidelines provide guidance on the Paratransit Fund allocation process for Direct Local Distribution funds and Paratransit Gap Grant Program funds.

1. Paratransit Direct Local Distribution Funds

a. *General:* Alameda CTC distributes Paratransit Direct Local Distribution (DLD) Funds to fixed-route public transit operators that are required to provide transportation services mandated by the ADA; and to cities in Alameda County and the County to provide non-mandated services, aimed at improving mobility for seniors and persons with disabilities.

1) A portion of the funds as defined in the Master Programs Funding Agreement are local DLD funds distributed to Alameda County cities to provide non-mandated transportation services for seniors and people with disabilities allocated to each city operating paratransit service through a

census-based funding formula that is developed by PAPCO and approved by the Alameda CTC Commission.

2) A portion of the funds as defined in the Master Programs Funding Agreement are DLD funds distributed to Alameda County's primary mandated ADA service provider, East Bay Paratransit Consortium.

b. *Eligible Uses:* Paratransit DLD funds may be used for capital projects, programs, maintenance, or operations that directly improve paratransit services. Eligible uses for these funds include services as defined in Attachment A, as well as, but not limited to:

1) Direct staff and consultant costs to develop, plan, implement, manage, operate and maintain paratransit projects and programs

2) Direct staff and consultant costs to provide customer service and outreach for paratransit projects and programs

3) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report

4) Direct staff training costs directly related to implementation of projects or programs implemented with the Paratransit Funds

c. *Ineligible Uses:* The following is a list of ineligible uses of Paratransit DLD funds:

1) Non-transportation projects or services such as fees charged to capital construction projects for services or amenities not related to transportation

2) Capital projects, programs, maintenance, or operations that do not directly improve paratransit services

3) Projects or programs that exclusively serve city/county staff

4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.

2. Paratransit Discretionary Grant Program Funds

a. The Measure BB Expenditure Plan dedicates 1.0 percent of the funds for paratransit coordination and services to meet the needs of seniors and people with disabilities. Alameda CTC will administer a Measure BB Paratransit discretionary grant program.

b. The Alameda CTC adopt Grant Program Guidelines through its programming and allocation processes.to guide the grant allocations.

c. Gap funds provide Alameda County with the opportunity to be innovative and explore alternative service delivery mechanisms in the face of a senior and disability population expected to grow substantially over the next 30 years. The population of people likely to need paratransit service is expected to outpace the growth in sales tax revenues that fund paratransit programs in Alameda County, including city-based programs and ADA-mandated services.

d. Gap funds provide an opportunity to minimize the differences in service experienced by consumers based on their geographic location.

Section 6. Advancement of Direct Local Distribution Funds

A. Alameda CTC may consider advancing future Direct Local Distribution funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to Alameda CTC must include a description of the project, scope, schedule, the amount of funds requested, the anticipated timing of when funds are required, and justification for the request. Requests will be considered on an individual basis.

Section 7. Adoption of Implementation Guidelines

A. Implementation Guidelines are adopted by Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC Commission.

Implementation Guidelines and Performance Measures – Special Transportation for Seniors and People with Disabilities (Paratransit) Program

Implementation Guidelines

These guidelines lay out the service types that are eligible to be funded with Alameda County Measure B (2000) reserves and Measure BB (2014) revenues under the Special Transportation for Seniors and People with Disabilities (Paratransit) Program. All programs funded partially or in their entirety through these sources, including American with Disabilities Act (ADA)- mandated paratransit services, city programs and discretionary grant funded projects, must abide by the following requirements for each type of paratransit service. While the collection of Measure B has sunset, remaining funds continue to be utilized.

Fund recipients are able to select which of these service types are most appropriate for their community to meet the needs of older adults and people with disabilities. Overall, all programs should be designed to enhance quality of life for older adults and people with disabilities by offering accessible, affordable and convenient transportation options to reach major medical facilities, grocery stores and other important travel destinations to meet life needs. Although some programs may need to prioritize based on trip purpose due to capacity constraints, ideally, the importance of a trip should be determined by the consumer.

Performance Measures

The Alameda CTC collects performance data from all programs funded with Alameda County Measure B (2000) reserves and Measure BB (2014) revenues. All programs funded partially or in their entirety through these sources must at a minimum report annually through the Annual Compliance Report for Direct Local Distribution (DLD) funding on the performance measures identified within the Implementation Guidelines for each DLD program.

The performance measures for the Measure B and Measure BB Direct Local Distribution (DLD) funding distributed through the Special Transportation for Seniors and People with Disabilities (Paratransit) Program, which funds ADA-mandated paratransit services, city paratransit programs and discretionary grant funded projects, are identified below.

Performance data required for Compliance Reports are marked with a ✣. Additional performance-related data is listed and may be required through:

- Separate discretionary grant guidelines
- Report to the Alameda CTC's Commission
- Report to one of its community advisory committees.

Additional performance measures include but are not limited to those below marked with a regular bullet.

ADA Paratransit Guidelines	
Service Description	Origin-to-destination trips for people with disabilities unable to ride fixed route transit. Trips are pre-scheduled and accessible.
Eligible Population	Due to a disability or health-related condition, the individual must be unable to use fixed route transit.
Time & Days of Service	Varies by area. Available when and where fixed route transit operates.
Fare (Cost to Customer)	Varies by area.
Other	Programs mandated by the Americans with Disabilities Act are implemented and administered according to federal guidelines that supersede these guidelines; however, all ADA-mandated programs funded through Measures B and BB are subject to the terms of the Master Programs Funding Agreement. Historically, at the request of a health care provider or ADA provider, city programs would provide interim service through their programs to consumers awaiting ADA certification. Currently, the ADA programs meet these needs directly.
Performance Measures *(✣ Performance data required for*	❖ Number of one-way trips provided ❖ Total Measure B/BB cost per one-way trip *(Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.)*

ADA Paratransit Guidelines	
Compliance Reports)	• Total program cost per one-way trip (total program cost during period divided by the number of one-way trips provided during period). • Non-Measure B/BB revenues and costs • Number of applicants and registrants • Demographic data on age, disability, ethnicity/race, and income • On-time performance • Number of trips provided to consumers who require an accessible vehicle • Quantitative and qualitative information on complaints • Quantitative and qualitative information on safety incidents • Quantitative and qualitative information on outreach • Quantitative and qualitative information on "high need" trips • Quantitative and qualitative information on ridership satisfaction

Same-Day Transportation Service Guidelines	
Service Description	Same-day transportation services provide on-demand same-day services utilizing taxis, Transportation Network Companies a.k.a. TNCs (e.g. Lyft, Uber) that use ride-hailing mobile apps, or other new transportation options. Services may be subsidized in different ways including vouchers, scrip, reimbursement, a discount code on an app, call center or website payment, etc. Transportation Network Companies (e.g. Lyft, Uber) using ride-hailing apps and web-based platforms provide curb-to-curb service that can be scheduled on a same-day basis. TNCs charge riders on a distance/time basis depending on calculations determined by the app. Subsidy programs allow eligible consumers to use TNCs at a reduced fare by reimbursing consumers a percentage of the fare, providing a coupon code, or by providing some initial fare payment, which can be used to cover a portion of the fare. These programs are intended for situations

Same-Day Transportation Service Guidelines	
	when consumers cannot make their trip on a pre-scheduled basis. TNC trip services can incorporate a concierge service. Taxis also provide curb-to-curb service that can be scheduled on a same-day basis. Taxis charge riders on a distance/time basis using a meter. Taxi subsidy programs offer a reduced fare by reimbursing consumers a percentage of the fare or by providing some fare medium, e.g. scrip or vouchers, which can be used to cover a portion of the fare. The availability of accessible vehicles varies by geographical area and provider, but programs should expand availability of accessible vehicles where possible in order to fulfill requests for same-day accessible trips. Programs may incorporate a parallel Specialized Accessible Van Service to meet the need for accessible trips.
Eligible Population	Eligible Populations include: 1. People 18 and above with disabilities who are unable to use fixed route services. Cities may, at their discretion, also provide services to consumers with disabilities under the age of 18, and 2. Older adults 70 years or older without proof of a disability. *Program sponsors may use either ADA eligibility, as established by ADA-mandated providers (incl. East Bay Paratransit, LAVTA, Union City Transit) or the Alameda County City Paratransit Services Medical Statement Form, as proof of disability. Program sponsors may, at their discretion, also offer temporary or interim eligibility due to disability.* *ADA-mandated providers that are not also city providers (East Bay Paratransit and LAVTA) are not required to provide service to older adults 70 years or older without ADA eligibility.*
Time & Days of Service	Service times should be consistent with transportation provider availability to public consumers.
Fare (Cost to Customer)	Programs must subsidize at least 50% of the fare within an established reasonable service area (at a minimum the sponsoring city). Programs can impose a cap on total subsidy per person. This can be accomplished through a maximum subsidy per trip, a limit on the

Same-Day Transportation Service Guidelines	
	number of vouchers/scrip (or other fare medium) per person, and/or a total monetary subsidy per person per month/quarter/year.
Other	New same-day transportation programs that utilize TNCs are subject to review by Alameda CTC staff prior to implementation. Programs may also use funding to provide incentives to drivers and/or transportation providers to ensure reliable service. Incentives are often utilized to promote accessible service. Planned expenditures on incentives are subject to review by Alameda CTC staff prior to implementation. Generally, same-day transportation options have been inconsistent in their ability to offer WAV (Wheelchair Accessible Vehicle) service. These include taxis and programs offered via privately-owned vehicles (e.g. TNCs and volunteer driver programs). Programs should strive to provide an equitable suite of programs, balancing offering accessible alternatives (e.g. using an agency van to supplement a TNC program), searching for and developing new wheelchair accessible options, and meeting the needs of their community. New and/or separate WAV services should be included under Specialized Accessible Van Service.
Performance Measures *(❖ Performance data required for Compliance Reports)*	❖ Number of one-way trips provided on taxis ❖ Number of one-way trips provided on Transportation Network Companies (e.g. Lyft, Uber) using ride-hailing apps ❖ Total Measure B/BB cost per one-way trip *(Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.)* • Total program cost per one-way trip, including extra concierge costs if applicable (total program cost during period divided by the number of one-way trips provided during period) • Non-Measure B/BB revenues and costs • Number of applicants (including number of those on the waitlist) and registrants (report quantities for taxis and/or Transportation Network Companies separately) • Demographic data on age, disability, ethnicity/race, and income

Same-Day Transportation Service Guidelines	
	• Information in aggregate on origin and destination for same day trips by category (i.e. medical appointments, grocery store, senior center, etc.; report quantities for taxis and/or Transportation Network Companies separately) • Quantitative and qualitative information on complaints (report quantities for taxis and/or Transportation Network Companies separately) • Quantitative and qualitative information on safety incidents (report quantities for taxis and/or Transportation Network Companies separately) • Quantitative and qualitative information on outreach • Quantitative and qualitative information on ridership satisfaction • Qualitative information on program's capacity to serve demand (e.g. status of waitlist)

Specialized Accessible Van Service Guidelines	
Service Description	Specialized accessible van service provides accessible, origin-to-destination trips on a pre-scheduled or same-day basis. This service category should complement core services in communities where critical needs for accessible or other specialized trips are not being adequately met by the existing primary services. Examples of unmet needs are a taxi or TNC program without accessible vehicles, medical trips for riders with dementia unable to safely take an ADA-mandated trip, or trips outside of the ADA-mandated service area. When possible, a priority for this service should be fulfilling requests for WAV (Wheelchair Accessible Vehicle) trips as defined under the CPUC TNC Access for All (AFA)[1] Program Funding. Services may be subsidized in different ways as agreed upon by the program sponsor and transportation provider, including vouchers, scrip,

[1] TNC Access for All Program https://www.cpuc.ca.gov/tncaccess/

Specialized Accessible Van Service Guidelines	
	reimbursement, a discount code on an app, call center or website payment, etc.
Eligible Population	People 18 and above who are unable to use fixed route, ADA-mandated or same-day transportation services due to disability. Cities may, at their discretion, also provide services to consumers with disabilities under the age of 18. *Program sponsors may use either ADA eligibility, as established by ADA-mandated providers (incl. East Bay Paratransit, LAVTA, Union City Transit) or the Alameda County City-Based Paratransit Services Medical Statement Form, as proof of disability. Program sponsors may, at their discretion, also offer temporary or interim eligibility due to disability.* *ADA-mandated providers that are not also city providers (East Bay Paratransit and LAVTA) are not required to provide service to older adults 70 years or older without ADA eligibility.*
Time & Days of Service	At discretion of program sponsor with local consumer input. When possible, service should be available Monday – Friday between the hours of 8 a.m. and 5 p.m. (excluding holidays) and accept reservations between the hours of 9 a.m. and 5 p.m. Monday – Friday (excluding holidays).
Fare (Cost to Customer)	Fares for pre-scheduled service should not exceed comparable same-day transportation services fares.
Other	Specialized Accessible van programs must demonstrate that they are providing trips at an equal or lower cost to the provider than the ADA-mandated provider on a cost per trip basis, except if providing service beyond ADA paratransit minimums (e.g. WAV). Cost per trip is defined as total transportation cost (from all sources of revenue) during a reporting period divided by the number of one-way trips, including attendant and companion trips, provided during the period.
Performance Measures *(❖ Performance data required for*	❖ Number of one-way trips provided ❖ Total Measure B/BB cost per one-way trip *(Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.)*

Specialized Accessible Van Service Guidelines	
Compliance Reports)	• Total program cost per one-way trip, including extra costs for specialized service if applicable (total program cost during period divided by the number of one-way trips provided during period). • Non-Measure B/BB revenues and costs • Number of applicants (including number of those on the waitlist) and registrants • Demographic data on age, disability, ethnicity/race, and income • On-time performance • Number of trips provided to consumers who require an accessible vehicle • Data required for CPUC TNC Access for All (AFA) Program funding[2] • Quantitative and qualitative information on complaints • Quantitative and qualitative information on safety incidents • Quantitative and qualitative information on outreach • Quantitative and qualitative information on ridership satisfaction • Qualitative information on program's capacity to serve demand (e.g. status of waitlist)

Accessible Shuttle Service Guidelines	
Service Description	Shuttles are accessible vehicles that operate on a fixed, deviated, or flex-fixed route and schedule. They serve common trip origins and destinations visited by eligible consumers, e.g. senior centers, medical facilities, grocery stores, BART and other transit centers, community centers, commercial districts, and post offices. Shuttles should be designed to supplement rather than duplicate existing fixed route transit services. Routes should not necessarily be designed for fast travel, but to get as close as possible to destinations of interest, such as going into parking lots or up to the front entrance of

[2] Access Provider Information https://www.cpuc.ca.gov/regulatory-services/licensing/transportation-licensing-and-analysis-branch/transportation-network-companies/tnc-access-for-all-program/tnc---access-for-all-program-access-provider

Accessible Shuttle Service Guidelines	
	a senior living facility. Shuttles are often designed to serve active older adults who do not drive but are not ADA paratransit registrants.
Eligible Population	Shuttles should be designed to appeal to older adults but can be made open to the general public.
Time and Days of Service	At discretion of program sponsor with local consumer input.
Fare (Cost to Customer)	At discretion of program sponsor but cannot exceed local ADA paratransit fares. Fares may be scaled based on distance.
Cost of Service	By end of the second fiscal year of service, the City's cost per one-way trip per person should not exceed $50, including transportation and direct administrative costs. Cost per trip is defined as total cost (all sources) during a reporting period divided by the number of one-way trips, including attendant and companion trips, provided during period.
Other	Shuttle sponsors are required to coordinate with the local fixed route transit provider. Shuttle routes and schedules should be designed with input from the older adult and disabled communities to ensure effective design. For new shuttle services, to ensure effective program design, a well-defined plan must be submitted to Alameda CTC staff for review prior to implementation. Deviations and flag stops are permitted at discretion of program sponsor.
Performance Measures *(❖ Performance data required for Compliance Reports)*	❖ Total ridership *(One-way passenger boardings)* ❖ Total Measure B/BB cost per one-way passenger trip *(Total Measure B/BB program cost during period divided by the total ridership during period.)* • Total program cost per one-way passenger trip (total program cost during period divided by the total ridership during period). • Non-Measure B/BB revenues and costs

Accessible Shuttle Service Guidelines	
	• Number of applicants (including number of those on the waitlist) and registrants • Demographic data on age, disability, ethnicity/race, and income • On-time performance • Number of trips provided to consumers who require an accessible vehicle • Quantitative and qualitative information on complaints • Quantitative and qualitative information on safety incidents • Quantitative and qualitative information on outreach • Quantitative and qualitative information on ridership satisfaction • Qualitative information on program's capacity to serve demand (e.g. status of waitlist)

Group Trips Service Guidelines	
Service Description	Group trips are round-trip rides for pre-scheduled outings, including shopping trips, recreational events, and community activities. These trips are specifically designed to serve the needs of older adults and people with disabilities and typically originate from a senior center or housing facility, and are generally provided in accessible buses or vans.
Eligible Population	At discretion of program sponsor.
Time and Days of Service	Group trips must begin and end on the same day.
Fare (Cost to Customer)	At discretion of program sponsor.
Other	Programs can impose mileage or quantity of trips limitations to individuals or organizations to control program costs.

Group Trips Service Guidelines	
Performance Measures *(❖ Performance data required for Compliance Reports)*	❖ Number of one-way passenger trips provided ❖ Total Measure B/BB cost per passenger trip *(Total Measure B/BB program cost during period divided by the number of passenger trips provided during period.)* • Total program cost per passenger trip (total program cost during period divided by the number of passenger trips provided during period). • Non-Measure B/BB revenues and costs • Number of requests (including any unfulfilled requests) • Demographic data on age, disability, ethnicity/race, and income • Number of trips provided to consumers who require a wheelchair accessible trip • Quantitative and qualitative information on complaints • Quantitative and qualitative information on safety incidents • Quantitative and qualitative information on outreach • Quantitative and qualitative information on ridership satisfaction • Qualitative information on program's capacity to serve demand (e.g. status of waitlist)

Door-through-Door/Volunteer Driver Service Guidelines	
Service Description	Volunteer driver services are pre-scheduled, door-through-door services that are typically not accessible. These programs rely on volunteers to drive eligible consumers for critical trip needs, such as medical trips. Programs may use staff to complete intake or fill gaps in service provision. This service meets a key mobility gap by serving more vulnerable populations and should complement existing primary services (i.e. ADA-mandated, Specialized Accessible Van, or Same-Day). Volunteer driver programs may also have an escort component where volunteers accompany consumers on any service eligible for Alameda CTC funding, when they are unable to travel in a private vehicle.

Door-through-Door/Volunteer Driver Service Guidelines	
Eligible Population	At discretion of program sponsor.
Time and Days of Service	At discretion of program sponsor.
Fare (Cost to Customer)	At discretion of program sponsor.
Other	Program sponsors can use funds for administrative purposes and/or to pay for volunteer mileage reimbursement purposes (not to exceed Federal General Services Administration (Privately Owned Vehicle) Mileage Reimbursement Rates) or an equivalent financial incentive for volunteers.
Performance Measures *(❖ Performance data required for Compliance Reports)*	❖ Number of one-way trips provided ❖ Total Measure B/BB cost per one-way trip *(Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.)* • Total program cost per one-way trip (total program cost during period divided by the number of one-way trips provided during period). • Non-Measure B/BB revenues and costs • Number of applicants (including number of those on the waitlist) and registrants • Demographic data on age, disability, ethnicity/race, and income • Quantitative and qualitative information on complaints • Quantitative and qualitative information on safety incidents • Quantitative and qualitative information on outreach • Number of active volunteer drivers • Number of one-way trips provided by staff • Percentage of service requests unfulfilled when requested within specified time • Quantitative and qualitative information on ridership satisfaction

Door-through-Door/Volunteer Driver Service Guidelines	
	• Qualitative information on program's capacity to serve demand (e.g. status of waitlist)

Mobility Management and/or Travel Training Program Guidelines	
Service Description	Mobility management services cover a wide range of activities, such as travel training, coordinated services, trip planning, and brokerage. Mobility management activities often include education and outreach to individuals and organizations. Individual trip planning can play an important role in ensuring that people use the "best" service for them for each trip, e.g. using East Bay Paratransit from Fremont to Berkeley for an event, using a TNC (e.g. Lyft, Uber) or taxi voucher for a same-day urgent doctor visit, and scheduling with a group trip service to go grocery shopping. Service types can include information and referral, service linkage, service coordination, or advocacy. Travel training is short-term, one-on-one or group-based intensive instruction designed to teach people with disabilities and older adults to travel safely and independently on fixed-route public transportation in their community.[3] Travel orientation, also known as transit orientation, is less formal and involved than traditional travel training and explains transportation systems by sharing information about trip planning, schedules, maps, fare systems, mobility devices, new mobility services, and benefits and services. It may be conducted in a group or one-on-one.[4] This service description should not be considered all-inclusive. Programs are welcome to contact Alameda CTC staff to discuss other mobility management activities if they need guidance.
Eligible Population	At discretion of program sponsor.

[3] Easter Seals Project ACTION http://www.projectaction.com/glossary-of-disability-and-transit-terms/
[4] Easter Seals Project ACTION https://www.nadtc.org/wp-content/uploads/Module-4-NADTC-link-version.pdf

Mobility Management and/or Travel Training Program Guidelines	
Time and Days of Service	At discretion of program sponsor.
Fare (Cost to Customer)	N/A
Other	For new mobility management and/or travel training programs, to ensure effective program design, a plan with a well-defined set of activities must be submitted to Alameda CTC staff for review prior to implementation.
Performance Measures *(❖ Performance data required for Compliance Reports)*	**Mobility Management Program** ❖ Number of individuals provided with mobility management support *(Note: an individual may have multiple contacts)* ❖ Number of contacts providing mobility management support ❖ Total Measure B/BB cost per individual provided with mobility management support *(Total Measure B/BB program cost during period divided by the number of individuals provided with support during period.)* • Total cost per individual provided with mobility management support (total program cost during period divided by the number of individuals provided with support during period). • Demographic data on age, disability, ethnicity/race, and income of individuals • Non-Measure B/BB revenues and costs • Quantitative and qualitative information on outreach • Quantitative and qualitative information on program satisfaction **Travel Training Program** ❖ Number of individuals trained and/or received travel orientation (divided by those in individual training and those participating in group trainings) ❖ Total Measure B/BB cost per individual trained in individual trainings and in group trainings *(Total Measure B/BB program cost during period divided by the number of individuals trained during period)*

Mobility Management and/or Travel Training Program Guidelines	
	• Total program cost per individual trained in individual trainings and in group trainings (total program cost during period divided by the number individuals trained during period) • Number of requests for training unfulfilled • Demographic data on age, disability, ethnicity/race, and income of individuals • Non-Measure B/BB revenues and costs • Number of individuals trained (divided by those receiving travel orientation, mobility device training, older adults, adults with disabilities, youth with disabilities, and/or people with visual impairments) • Quantitative and qualitative information on outreach • Percentage/number of people surveyed who used transit post workshop • Quantitative and qualitative information on program satisfaction • Qualitative information on program's capacity to serve demand (e.g. status of waitlist)

Means-Based Fare Program Guidelines	
Service Description	Means-Based Fare Programs can subsidize any service eligible for paratransit funding and/or fixed-route transit for paratransit customers who are low-income and can demonstrate financial need.
Eligible Population	Subsidies can be offered to low-income consumers with demonstrated financial need who are currently eligible for an Alameda County ADA-mandated or city paratransit program. Low income requirements are at discretion of program sponsors, but the requirement for household income should not be below the HUD Very Low-Income threshold for Alameda County.[5]

[5] Alameda County Housing and Community Development Department https://www.acgov.org/cda/hcd/hud-income-rent_limits.htm

Means-Based Fare Program Guidelines	
Time and Days of Service	N/A
Fare (Cost to Customer)	N/A
Other	Outreach/communication plans related to means-based fares must be submitted to Alameda CTC staff annually. Low-income requirements and the means to determine and verify eligibility must be submitted to Alameda CTC staff for review prior to implementation. If program sponsors include subsidized ADA-mandated paratransit tickets in this program, no more than 3% of a program sponsor's Alameda CTC distributed funding may be used for the ticket subsidy. Other services or purposes proposed for means-based fare subsidy must be submitted to Alameda CTC staff for review prior to implementation.
Performance Measures *(❖ Performance data required for Compliance Reports)*	❖ Number of unduplicated individuals who received scholarship/subsidized fares ❖ Number of one-way fares/tickets subsidized ❖ Total Measure B/BB cost per subsidy *(Total Measure B/BB program cost during period divided by the number of subsidized fares/tickets during period)* • Total program cost per subsidy (total program cost during period divided by the number of subsidized fares/tickets during period) • Demographic data on age, disability, ethnicity/race, and income of individuals • Non-Measure B/BB revenues and costs • Quantitative and qualitative information on complaints • Quantitative and qualitative information on outreach • Quantitative and qualitative information on program satisfaction

Meal Delivery Program Guidelines	
Service Description	Meal Delivery programs traditionally support delivery of meals to the homes of individuals who have difficulty traveling to congregate meal sites and/or have difficulty shopping for food or preparing meals for themselves. Meal delivery program eligibility under Measures B and BB is limited to transportation-related meal delivery program costs for traditional meal delivery services provided by a local community-based organization. Allowable expenses also include direct mileage reimbursement for volunteer drivers providing meal delivery.
Eligible Population	At discretion of program sponsor.
Time and Days of Service	At discretion of program sponsor.
Fare (Cost to Customer)	At discretion of program sponsor.
Other	Program sponsors may not use more than 5% of their Alameda CTC DLD Paratransit program funds expended in a given fiscal year for transportation-related meal delivery program costs. Additionally, Meal Delivery Programs (including Capital Expenditures) may not account for more than 5% of the total funding made available for a Paratransit Discretionary Grant Program Call. Funding for traditional meal delivery provided by a local community-based organization must be limited to no more than $3 per meal delivered. If programs are directly reimbursing volunteer drivers for meal delivery services, DLD program funds used for mileage reimbursement must be limited to no more than $8 per meal delivered (not to exceed Federal General Services Administration (Privately Owned Vehicle) Mileage Reimbursement Rates).

Meal Delivery Program Guidelines	
	For new meal delivery programs, to ensure effective program design, a well-defined plan must be submitted to Alameda CTC staff for review prior to implementation.
Performance Measures *(❖ Performance data required for Compliance Reports)*	❖ Number of meal delivery trips ❖ Total Measure B/BB cost per meal delivery trip *(Total Measure B/BB program cost during period divided by the number of meal delivery trips during period)* • Total number of individuals served • Total cost per meal delivery trip (total program cost during period divided by the number of meal delivery trips during period) • Non-Measure B/BB revenues and costs • Demographic data on age, disability, ethnicity/race, and income in aggregate • Quantitative and qualitative information on transportation program satisfaction

Capital Expenditures Guidelines	
Description	Capital expenditures are eligible if directly related to the implementation of a program or project within an eligible service category, including but not limited to, purchase of scheduling software, accessible vehicles and equipment, and accessibility improvements at shuttle stops.
Eligible Population	N/A
Time and Days of Service	N/A
Fare (Cost to Customer)	N/A
Other	Capital expenditures are to support the eligible service types included in the Implementation Guidelines and must be consistent with objectives of

Capital Expenditures Guidelines	
	the Alameda CTC Special Transportation for Seniors and Peoples with Disabilities (Paratransit) Program. Meal Delivery Programs may not account for more than 5% of the total funding made available for a Paratransit Discretionary Grant Program Call for vehicles. If programs are purchasing passenger vehicles, they should be accessible. Planned expenditures are subject to review by Alameda CTC staff prior to implementation.
Performance Measures *(❖ Performance data required for Compliance Reports)*	❖ Total Measure B/BB cost • Non-Measure B/BB revenues and costs • Photograph of new vehicle (where applicable)

File #: CONS 26-140

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Awarding a Contract to Bay Cities Paving & Grading, Inc., for the FY 26 Pavement Improvement Project, Project No. 05347, in the Amount of $10,063,947.60 and Authorizing an Administrative Change Order Budget of $1,436,052.40

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving Addendum No. 1 & No. 2 consisting of revisions to the plans and specification for the FY26 Pavement Improvement Project (PIP) and awarding the contract for the project to Bay Cities Paving & Grading, Inc., in the amount of $10,063,947.60 and authorizing an administrative change order budget of $1,436,052.40 for a total not to -exceed contract amount of $11,500,000.

SUMMARY

The City maintains a total of 679 lane-miles of pavement on 292 centerline miles of roadway.

The FY26 PIP is scheduled to treat 129 lane-miles, including 24 lane-miles of rehabilitation, 13 lane-miles of micro-surfacing, and 91 lane-miles of crack sealing (Attachment III & IV). This represents approximately 19% of the City's total maintained lane-miles. The proposed improvements will repair failed pavement segments and improve street surfaces.

On March 17, 2026, the project received seven (7) bids. Six of the seven bids were under the Engineer's Estimate of $11,650,000. At $10,063,947.60, the low bid received is $1,586,052.40 or 13.6% under the Engineer's Estimate.

Staff recommends award of the contract to the responsible low bidder, Bay Cities Paving & Grading, Inc., in the amount of $10,063,947.60, and authorization of an administrative change order budget of $1,436,052.40 at the discretion of the Director of Public Works. The change order budget may be used for additional work, including the addition of streets not included in the base bid, such as West A Street (Hathaway Avenue to I-880 Northbound On-Ramp) and Amaral Street (Whipple Road to Almaden Road).

Additional streets may be added to the project scope as funding and scheduling allow, including streets where City utility projects, private utility projects (PG&E, AT&T, etc.), or development work will be completed first, ensuring that new pavement is not subject to subsequent utility cuts.

The project budget of $12,870,000 is funded via the Gas Tax, Road Repair and Accountability Act (RRAA) (SB1), Measure BB, Vehicle Registration Fees, Street Impact Fee, and Street System Improvement funds.

There is no General Fund contribution to this project.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	List of Streets
Attachment IV	Map
Attachment V	BPMP Deviation List

DATE: April 21, 2026

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There is no General Fund contribution to this project.

FISCAL IMPACT

There are no impacts to the General Fund or Measure C from this project.

The estimated project funding sources are as follows:

210 - Gas Tax	$804,207
211 – RRAA (SB1)	$5,900,000
212 - Measure BB – Local Transportation	$4,665,793
218 – Vehicle Registration Fee	$400,000
450 – Street System Improvements	$1,100,000
Total:	$12,870,000

Of this required funding, $1.7 million is incorporated into the FY 2027-36 Capital Improvement Program (CIP) which has not been submitted to or adopted by City Council. The CIP will be reviewed at a Council Infrastructure & Airport Committee (CIAC) meeting, tentatively scheduled for April 22, 2026, at a City Council work session, tentatively scheduled for May 5, 2026, and then again at a public adoption hearing, tentatively scheduled for June 9, 2026. Staff recommends proceeding with this action and, if changes are required resulting from the CIP, Public Works and Finance Departments will identify and coordinate alternate funding options. If alternative funding is not found, then the contingency will be reduced. Each of these funds receive ongoing revenue annually.

Estimated project costs are as follows:

Design and Contract Administration	$600,000.00
Construction Inspection and Testing	$770,000.00
Bay Cities Paving & Grading Construction Bid	$10,063,947.60
Construction Contingency	$1,436,052.40
Total:	$12,870,000.00

The project is funded by City's CIP Program with Direct Local Distribution (Gas Tax, Measure BB, and vehicle registration fees), State RRAA (SB1) and Street System Improvement funds and there is no impact on the General Fund or Measure C.

BACKGROUND

On April 22, 2025[1], staff recommended City Council approve a project list for the SB1 FY26 PIP Funding. A resolution was required to submit an application to the California Transportation Commission (CTC) to receive an estimated $4,000,000 in funding for pavement improvement.

On June 3, 2025[2], staff recommended City Council adopt a resolution authorizing the City Manager to execute a Professional Services Agreement (PSA) with Pavement Engineering, Inc., (PEI) for engineering services associated with the FY26 PIP. The scope of work for PEI is limited to engineering review, pavement evaluation, measurement of field quantities, curb ramp design, and construction support.

On February 24, 2026[3], Council approved the plans and specifications for the FY26 PIP and calls for bids to be received on March 17, 2026.

On March 5, 2026, staff issued Addendum No. 1 to revise plans and specifications.

On March 13, 2026, staff issued Addendum No. 2 to revise specifications.

On March 17, 2026, seven (7) bids were received, six of the seven bids were under the Engineer's Estimate. At $10,063,947.60 the low bid received by Bay Cities Paving & Grading, Inc., of Concord is $1,586,052.40, or 13.6%, under the Engineer's Estimate of $11,650,000. MCK Services, Inc., of Martinez, submitted the second lowest bid in the amount of $10,333,414.67 which is 11.3% under the Engineer's Estimate.

Staff factored recent oil price increases and inflation costs into the engineer's estimate; however, the bids did not reflect those changes.

The PIP for each street involves one of three types of treatments:

Pavement Rehabilitation:

1) A cold plane and overlay of existing street pavement with Hot Mix Asphalt, at variable depths of 2", 2.5", or 3" (grind and replacement in kind).

Preventive Maintenance:

2) Varying combinations of: crack sealing, 6" spot repair and micro-surfacing.
3) Combination of crack sealing and spot repairs.

Street selection for the PIP is based on staff's analysis using several criteria described on the following page:

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[1] https://hayward.legistar.com/LegislationDetail.aspx?ID=7349053&GUID=8F28E2AC-5C0B-4DC4-A1B6-DBAC8CA3FB4B&Options=&Search=

[2] https://hayward.legistar.com/LegislationDetail.aspx?ID=7420492&GUID=1CC7F335-095E-4DDC-B288-DAB76D58554E&Options=&Search=

[3] https://hayward.legistar.com/LegislationDetail.aspx?ID=7924341&GUID=28265519-C828-40D4-BF9C-0B70A7DF9FFF&Options=&Search=

- **Technology** – The Pavement Management Program (PMP)[4] evaluates current and predicts future roadway conditions. It provides logical and efficient methods of identifying street rehabilitation needs. It also determines the most cost-effective allocation of funds to the street segments needing preventive maintenance, rehabilitation or reconstruction. Staff utilized the PMP to compile an initial list of recommended streets. This list is then revised to consider other criteria and project budget allocation parameters.
- **Social Equity** – Whether a particular area of the City has received its fair share of improvements in the past.
- **Internal Reports** - Reports from the City's Maintenance Services staff on streets needing repair were considered.
- **Council Members Input** – Council member requests for selecting streets were considered.
- **Public Input** - Public requests for selecting streets were considered.
- **Geographic Location** – Selecting streets in close vicinity to other streets to help lower construction bids was considered.
- **Funding Availability** – Available funding and potential for obtaining outside grant funding was evaluated.

The Pavement Condition Index (PCI) is an overall rating of road conditions. The PCI of each arterial and collector street segment is evaluated by an independent third-party every other year, and each residential street segment is evaluated every five years.

PCI Rating	Description
100	This rating is given to newly constructed or rehabilitated roadways.
85 - 99	Highly functional roadway. No action required.
70 - 85	Roadway can be maintained ("preventive maintenance") with crack sealing, slurry seals, micro-surfacing, and some minor, localized pothole repairs. As the roadway pavement ages, preventive maintenance may not be effective after a few maintenance cycles.
40 - 70	Extensive "dig-outs," grinding, fabric, or asphalt overlays may be required to maintain (or "rehabilitate") roadways.
0 - 40	Roadway requires complete reconstruction using full depth reconstruction, cold in place recycling, or hot in-place recycling methods. If a street deteriorates beyond certain points, it becomes progressively more expensive to bring that street back to the desired standard.

[4] The PMP is a Metropolitan Transportation Commission (MTC) recommended software program.

DISCUSSION

The FY26 PIP focuses on enhancing the streets in the neighborhoods of: Jackson Triangle, Whitman Mocine, Mount Eden, and Industrial Hayward. The FY26 PIP aims to promote social equity by paving collector and arterial streets in proximity to lower socioeconomic areas, including A St, Hathaway Ave, and Western Blvd.

Staff has engaged an experienced consultant, PEI, to validate the selection of street segments and assess the approximate level of treatment required for each. Additionally, PEI will provide essential engineering support services throughout the project.

The FY26 PIP calls to install 4.9 centerline miles of bike facilities.

3.8 centerline miles of Class II bike lane striping will be installed at the following locations:

- 1.7 centerline miles of new class II bike lanes:
    - A St, I-880 to Walnut Ave (0.6 miles)
    - A St, Foothill Ave to City Limits (0.4 miles)
    - Hathaway Ave, A St to City Limits (0.4 miles). Staff is evaluating whether the southbound lane can be upgraded to a Class IV facility.
    - Main St, A St to Warrant St (0.1 miles). Staff is evaluating whether the northbound facility can be upgraded to Class IV.
    - Amaral St, Whipple Rd to Almaden Blvd (0.2 miles)

- 2.1 centerline miles maintaining existing class II bike lanes:
    - Santa Clara St, A St to Winton Ave (0.7 miles), upgraded to a buffered bike lane
    - Tampa Ave, Tennyson Rd to Patrick Ave (0.4 miles)
    - Eden Shores Blvd, Hesperian Blvd to Sand Creek Dr (0.5 miles)
    - Marina Dr, Industrial Pkwy to Eden Park Pl (0.5 miles)

1.1 centerline miles of Class III bike route facilities will be installed at the following locations. Class III bike facilities are typically provided on residential streets with lower traffic speeds and volumes. They consist of signage, shared lane markings, and traffic calming treatments as appropriate:

- 0.9 centerline miles of new class III bike routes:
    - Orchard Ave, Soto Rd to Joyce St (0.2 miles)
    - Folsom Ave, Ruus Rd to Tampa Ave (0.5 miles)
    - Dune Cir, Sand Creek Dr to Bay Trail Trailhead (0.1 miles)
    - Sand Creek Dr, Eden Shores Blvd to Dune Cir (0.1 miles)

- 0.2 center line miles replacing existing class III bike routes:
    - 5th St, B St to C St (0.1)
    - 6th St, B St to C St (0.1)

The above listed bike facilities in FY26 PIP are not comprehensive or final; there is opportunity to adjust the striping plans based on the further evaluation of feasibility and community input.

The City's Bicycle and Pedestrian Master Plan (BPMP) is a planning-level document and does not commit the City to a specific design for any individual street. Most corridor recommendations were developed without detailed feasibility analysis or corridor-specific outreach, with the understanding that additional technical study and community engagement would occur in a future project phase. Due to these constraints, not every facility type delivered through PIP matches the recommendation in the BPMP (Attachment V). In addition to PIP, bicycle facilities may also be developed through standalone complete streets projects.

Measure BB Funding

The total FY26 PIP budget of $12,870,000 is funded through Gas Tax, Road Repair and Accountability Act (RRAA/SB 1), Measure BB (Fund 212 – Local Transportation), Vehicle Registration Fees, and Street System Improvement funds.

City's FY26 Measure BB Direct Local Distribution revenue projection for Local Transportation (Fund 212) is $6,227,431[5], of which the FY26 PIP will allocate $4,665,793.

Measure BB Direct Local Distribution for Pedestrian and Bicycle (Fund 213) is a separate funding source focused on pedestrian and bicycle improvements projects such as: New Sidewalks Projects, Orchard Ave Traffic Calming Program, Santa Clara Traffic Calming Implementation Project (FY26 PIP will use this funding source to stripe Santa Clara St), etc.

Based on the lowest bidder's costs, the FY26 PIP will allocate approximately $2,000,000 toward pedestrian and bicycle improvements. These construction related expenses are mostly from curb ramp upgrades, as well as bike lane striping on A St, Hathaway Ave, Santa Clara St, Tampa Ave, Eden Shores Blvd, and Marina Blvd, crosswalk upgrades, speed humps, as well as associated mobilization and traffic control costs.

This represents approximately 43% of Measure BB funding ($4,665,793), exceeding the mandatory 15% minimum requirement. This percentage does not yet include costs associated with Class III bike routes, striping on Main Street, or staff administrative costs, which would further increase the total.

California Environmental Quality Act

This project is categorically exempt from environmental review under Section 15301(c) of the California Environmental Quality Act (CEQA) Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

[5] FY25-26 Sales Tax Projections .xlsx

Community Workforce Agreement

On November 15, 2016, Council passed a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of $1,000,000 or more. The agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. The construction cost estimate for the FY26 PIP is more than $1,000,000, the CWA agreement applies to this project.

ECONOMIC IMPACT

The project will improve pavement conditions and generate economic benefits by:

- Reducing travel time and congestion
- Lowering fuel consumption and vehicle operating costs
- Attracting business investment
- Increasing property values and neighborhood desirability
- Reducing vehicle traffic through added bike lanes
- Creating local construction jobs under the Community Workforce Agreement

STRATEGIC ROADMAP

This agenda item supports the FY26 Strategic Roadmap of Invest in Infrastructure. Specifically, this item relates to the implementation of the following project(s):

- FM2 - # of miles of bike lanes added Transportation
- FM3 - # of miles of repaving completed Transportation

SUSTAINABILITY FEATURES

The project requires the contractor to recycle all construction and demolition debris generated from the project.

This project is consistent with City's Complete Streets Policy and improves travel for all users including:

- Improved pavement for motorists
- Additional bike lanes and sharrows for bicyclists
- More visible pavement markings for pedestrians, including near school zones
- New or upgraded curb ramps to meet the revised Caltrans standards for pedestrians

The project satisfies the following 2040 General Plan policies:

- PFS-7.10 Recycled Products or Processes for Capital Projects
- HQL-2.5 Safe Routes to School
- HQL-2.6 Education on Sharing the Road
- M-1.7 Eliminate Gaps (in pedestrian networks)
- M-3.1 Serving All Users
- M-5.1 Pedestrian Needs
- M-5.6 Safe Pedestrian Crossings
- M-6.2 Encourage Bicycle Use

PUBLIC CONTACT

Immediately after the construction contract is awarded, a preliminary notice explaining the project will be posted and distributed to all residents and businesses along the affected streets. After the construction work has been scheduled, signs on barricades will be posted seventy-two hours prior to commencement of work indicating the date and time of work for each street. Residents will be advised to park their vehicles on side streets outside of the work area during the period when the streets are being treated.

NEXT STEPS

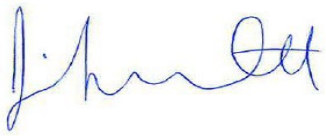
July 2026	Start of Construction
November 2026	End of Construction

Prepared by: Yama Farouqi, Senior Civil Engineer

Reviewed by: Dave Hung, Acting Deputy Director of Public Works – Engineering

Recommended by: Alex Ameri, Director of Public Works

Approved by:



_____
Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION AWARDING A CONTRACT TO BAY CITIES PAVING & GRADING, INC., FOR THE FY26 PAVEMENT IMPROVEMENT PROJECT, PROJECT NO. 05347

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

WHEREAS, by resolution on February 24, 2026, the City Council approved the plans and specifications for the FY26 Pavement Improvement Project, Project No. 05347 and called for bids to be received on March 17, 2026; and

WHEREAS, on March 5, 2026, Addendum No. 1 was provided to revise the plans and specifications; and

WHEREAS, on March 13, 2026, Addendum No. 2 was provided to revise the plans and specifications; and

WHEREAS, on March 17, 2026, seven (7) bids were received, ranging from $10,063,947.60 to $13,595,460.70; Bay Cities Paving & Grading Inc., of Concord, California submitted the low bid in the amount of $10,063,947.60 which is 13.6% below the engineer's estimate of $11,650,000; and

WHEREAS, the Administrative Change Order (ACO) or contingency budget of $1,436,052.40 was not disclosed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Bay Cities Paving & Grading Inc., is hereby awarded the contract for the FY26 Pavement Improvement Project, Project No. 05347, in the amount of $10,063,947.60 in accordance with the plans and specifications adopted therefore and on file in the office of the City Clerk of the City of Hayward at and for the price named and stated in the bid of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the expenditure of $1,436,052.40 for Administrative Change Orders is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the contract with Bay Cities Paving & Grading Inc., in the name of and for and on behalf of the City of Hayward, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

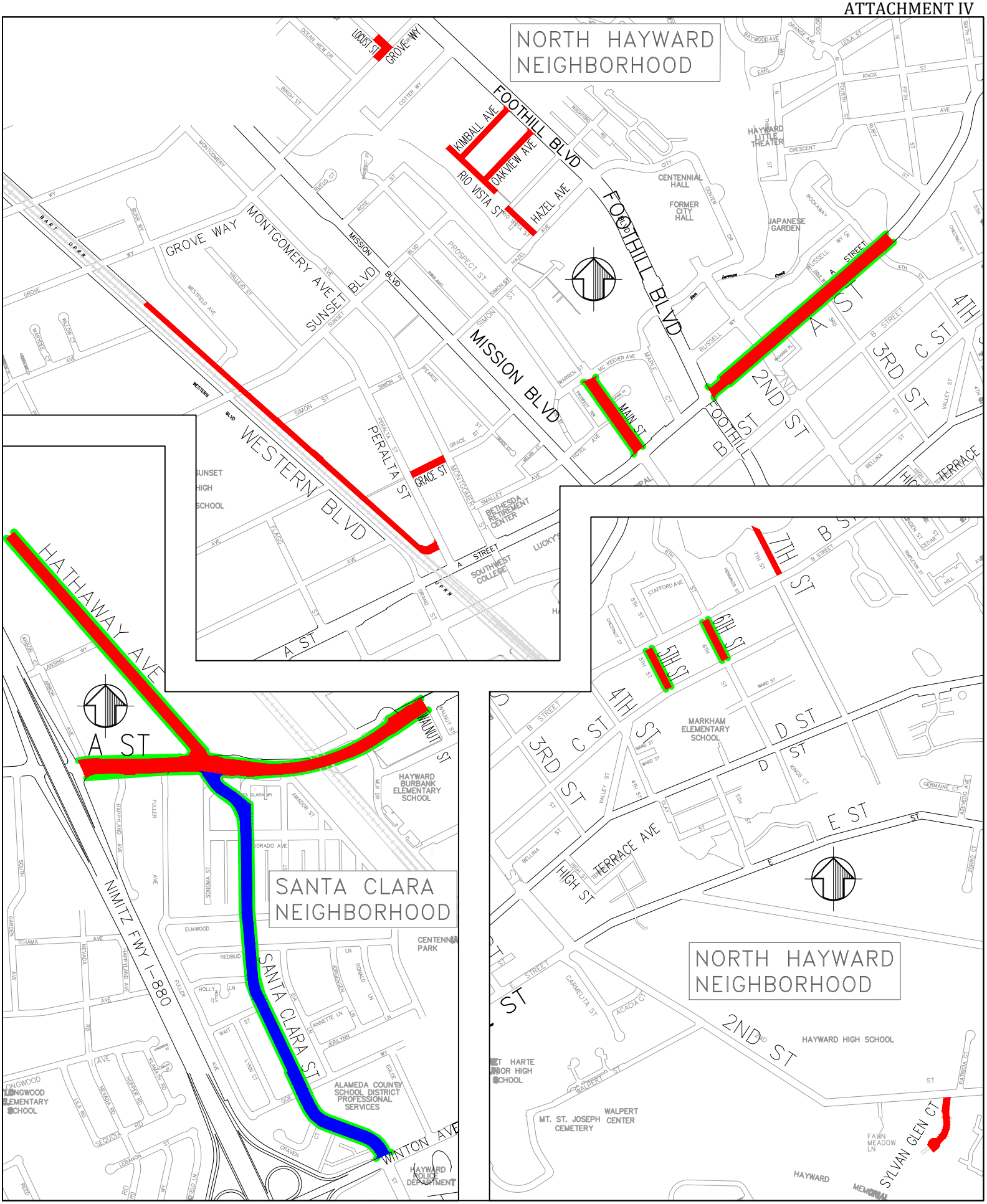
ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

FY26 PAVEMENT IMPROVEMENT PROJECT						
Neighborhood	#	Street	Limits	Treatment	Treated Lane-Miles	
					129	129
Eden Shores	1	Albatross Rd	Breaker Cir to Breaker Cir	Preventive Maintenance (Micro-Surfacing)	13	0.2
	2	Albion Ct	Breaker Cir to Cul-De-Sac			0.1
	3	Beachwood Ct	Cul De Sac to Marshbrook Dr (End)			0.2
	4	Beachwood St	Marshbrook Dr to Spindrift Cir			0.2
	5	Breaker Cir	Marshbrook Dr to Marshbrook Dr			0.8
	6	Breaker Ln	Marshbrook Dr to Marshbrook Dr			0.3
	7	Driftwood St	Marshbrook Dr to Spindrift Cir			0.4
	8	Dune Cir	Sandcreek Dr to Sandcreek Dr			0.4
	9	Eden Park Pl	Hesperian Blvd to Cul-De-Sac			0.5
	10	Eden Shores Blvd	Marina Dr to Hesperian Blvd			0.7
	11		Marina Dr to Begin PCC			0.2
	12		Begin PCC to End PCC			0.4
	13		End PCC to Eden Shores Dr			0.1
	14	Eden Shores Ct	Eden Shores Dr to Cul-De-Sac			0.1
	15	Eden Shores Dr	Eden Shores Blvd to Eden Shores Ct			1.3
	16	Isle Ct	Shellgate Cir to Cul-De-Sac			0.0
	17	Jetty Wy	Eden Shores Dr to Eden Shores Dr			0.2
	18	Marina Dr	Industrial Blvd to Eden Park Pl			1.0
	19	Marshbrook Dr	Eden Shores Dr to Eden Shores Dr			1.2
	20	Plover Ct	Marshbrook Dr to Cul-De-Sac			0.1
	21	Sandcreek Dr	Edenshores Blvd to Tern Pl			0.3
	22		Shellgate Cir to Edenshores Blvd			0.2
	23	Sea Drift Cir	Eden Shores Dr to Eden Shores Dr			0.5
	24	Sea Drift Ln	Eden Shores Dr to Sandcreek Dr			0.3
	25	Sea Haven Ct	Eden Shores Dr to Cul-De-Sac			0.1
	26	Sea Horse Ct	Eden Shores Dr to Cul-De-Sac			0.1
	27	Shellgate Cir	Shellgate Ct to Sandcreek Dr			0.7
	28	Shellgate Ct	Shellgate Cir to Cul-De-Sac			0.1
	29	Spindrift Cir	Marshbrook Dr to Marshbrook Dr			0.7
	30	Spindrift Ct	Marshbrook Dr to Cul-De-Sac			0.2
	31	Sunset Dune Wy	Sandcreek Dr to Shellgate Cir			0.2
	32	Tern Pl	Eden Shores Dr to Sandcreek Dr			0.2
Santa Clara	33	Santa Clara St	A St to Winton Av			1.4
City Wide (Arterials)	34	Foothill Blvd	Mission Blvd to Apple Av	Preventive Maintenance (Crack Seal and/or Spot Repair)	91	8.1
	35	Harder Rd	Santa Clara St To Mission Blvd			4.8
	36	Hesperian Blvd	City Limits to City Limits			23.5
	37	Huntwood Av	Whipple Rd to San Antonio St & Folsom Ave to Gading Rd			9.2
	38	Jackson St	Santa Clara St to Mission Blvd			8.4
	39	Mission Blvd	A St to South City Limits			22.4
	40	Santa Clara St	Harder Rd To Winton Av			3.9
	41	Tennyson Rd	Hesperian Blvd To Mission Blvd			9.3
	42	Whipple Rd	City Limits To City Limits			1.4
Santa Clara	43	A St	Walnut Ave to I-880 NB Off-Ramp	Rehabilitation (Mill and Overlay)		1.8
	44	Hathaway Av	West A St to City Limits			0.9
	45	Martin Luther King Dr	Staley Ave to Burbank St			0.0
North Hayward	46	A St	Foothill Blvd to County Limits			1.5
	47	Fifth St	C St to B St			0.1
	48	Grace St	Peralta St to Montgomery St			0.1
	49	Grove Wy & Locust St	Grove Wy and Locust St			0.1
	50	Kimball Av	Rio Vista St to Foothill Blvd			0.2
	51	Main St	A St to Warrant St			0.3
	52	Oakview Av	Rio Vista St to Foothill Blvd			0.2
	53	Rio Vista St	End to End			0.2
	54		Hazel Av to Rex Rd			0.1
	55	Seventh St	B St to End			0.1
	56	Sixth St	B St to C St			0.2
	57	Sylvan Glen Ct	Second St to End			0.2
	58	Western Blvd	Peralta St to City Limits			1.2
	59	Western Blvd	Smalley Ave to Sunset Blvd			0.0

FY26 PAVEMENT IMPROVEMENT PROJECT						
Neighborhood	#	Street	Limits	Treatment	Treated Lane-Miles	
					129	129
Jackson Triangle	60	Austin Av	Cypress Av to Huntwood Av	Rehabilitation (Mill and Overlay)	24	0.4
	61	Berry Av	Silverthorne Pl to ACFC (COP)			0.1
	62	Edith St	Sycamore Av to Lilly Av			0.2
	63	Groom St	Lilly Av to Cul-De-Sac			0.1
	64	Lilly Av	Groom St to Edith St			0.2
	65	Orchard Ave	Soto Rd to Joyce St			0.5
	66	Pinedale Ct	Mission Blvd to End			0.3
	67	Sycamore Av	Mission Blvd to Edith St			0.1
	68	Traynor Ct	Cul De Sac to Traynor St			0.1
	69	Waterson Ct	Traynor St to Cul De Sac			0.1
Whitman Mocine	70	Ainslee Ct	Cul De Sac to Whitman St			0.1
	71	Colette St	Sorenson Rd to South End			0.1
	72	Diana Pl	Luvena St to End			0.1
	73	Ebony Wy	Joshua St to Voltaire St			0.3
	74	Fruitwood Wy	Voltaire St to Whitman St			0.0
	75	Jane Av	Whitman St to Harder Rd			0.1
	76	Laurette Pl	Colette St to Cul De Sac			0.1
	77	Mahogony St	Edwin Wy to Cottage Park Dr			0.1
	78	Sorenson Rd	Collette St to Luvena Dr			0.1
	79	Stanislaus Wy	Stanislaus Ct to West End Cul De Sac			0.4
	80	Voltaire St	Stanislaus Wy to Edwin Wy			0.3
Harder Tennyson	81	Adeline St	Eldridge Av To Blaine Wy			0.2
	82	Belvedere Ct	Shepard Av to CDS			0.2
	83	Brian St	Bruno St to Baldwin St			0.2
	84	Conant Ct	Rieger Av To End			0.1
	85	Eldridge Av	Inglewood St To Regal Av			0.2
	86	Huntwood Ct	Huntwood Av to End			0.1
	87	Lyford St	Lytelle St To Rieger Av			0.1
	88	Orchard Park Pl	Schafer Rd to Cul-De-Sac			0.2
	89	Ranker Pl	Manon Av to CDS			0.2
	90	Rieger Av	Hamrick Av To End			0.9
	91	Stanwood Rd	Inglewood St To Underwood Rd			1.2
	92	Tampa Av	Tennyson Rd to Patrick Av			0.9
	93	Underwood Av	Inglewood St to Gomer St			0.5
Tennyson Alquire	94	Cinnamon Ct	Ruus Rd to Cul De Sac			0.2
	95	Colony Ct	Folsom Av to Vagabond Ln			0.2
	96	Folsom St	Ruus Rd to Tampa Av			1.0
	97	Foxfire Ln	Logan Wy to End			0.0
	98	Sebring Ct	Welford Ln to Cul-De-Sac			0.1
	99	Silverdell Wy	Huntwood Av to Colony Ct			0.2
	100	Thiel Rd	Ruus Rd to End			0.7
	101	Vagabond Ln	Folsom Av to Colony Ct			0.3
Industrial	102	Amaral St	Whipple Rd to Almaden St			0.6
	103	Breakwater Ct	Breakwater Av to Clawiter Rd			0.2
	104	Clawiter Rd	Enterprise Ave to UPRR			0.0
	105	Enterprise Av	Clawiter Rd to Whitesell St			1.0
	106	Point Eden Wy	Eden Landing Rd to Cul-De-Sac			0.9
	107	Research Rd	Point Eden Wy to Trust Wy			0.3
	108	Trust Way	Resarch Rd to Eden Landing Rd			0.4
	109	Viking St	Diablo Av to Depot Rd			0.3
Mt Eden	110	Anna St	Denton Av to Buchanan Wy			0.2
	111	Ardenwood Ct	West St to Dead End			0.1
	112	Bennington Ln	Dodge Av to Cryer St			0.3
	113	Brentwood Ct	Sangamore St to End			0.1
	114	Calaveras Rd	Denton Av to Buchanan Wy			0.2
	115	Chapman Ct	Cryer St to Cul De Sac			0.1
	116	Christina Ct	Monument Blvd to Cul De Sac			0.1
	117	Heather Ct	West St to Dead End			0.1
	118	La Playa Pl	La Playa Dr to End			0.1
	119	Stone Ct	Sangamore St to End			0.1
	120	Verlor Ct	Sangamore St to End			0.1
	121	Xavier Av	Monument St to Chandler Rd			0.4
	122	Yew Ct	Sangamore St to West St			0.1



FY26 PAVEMENT IMPROVEMENT PROJECT

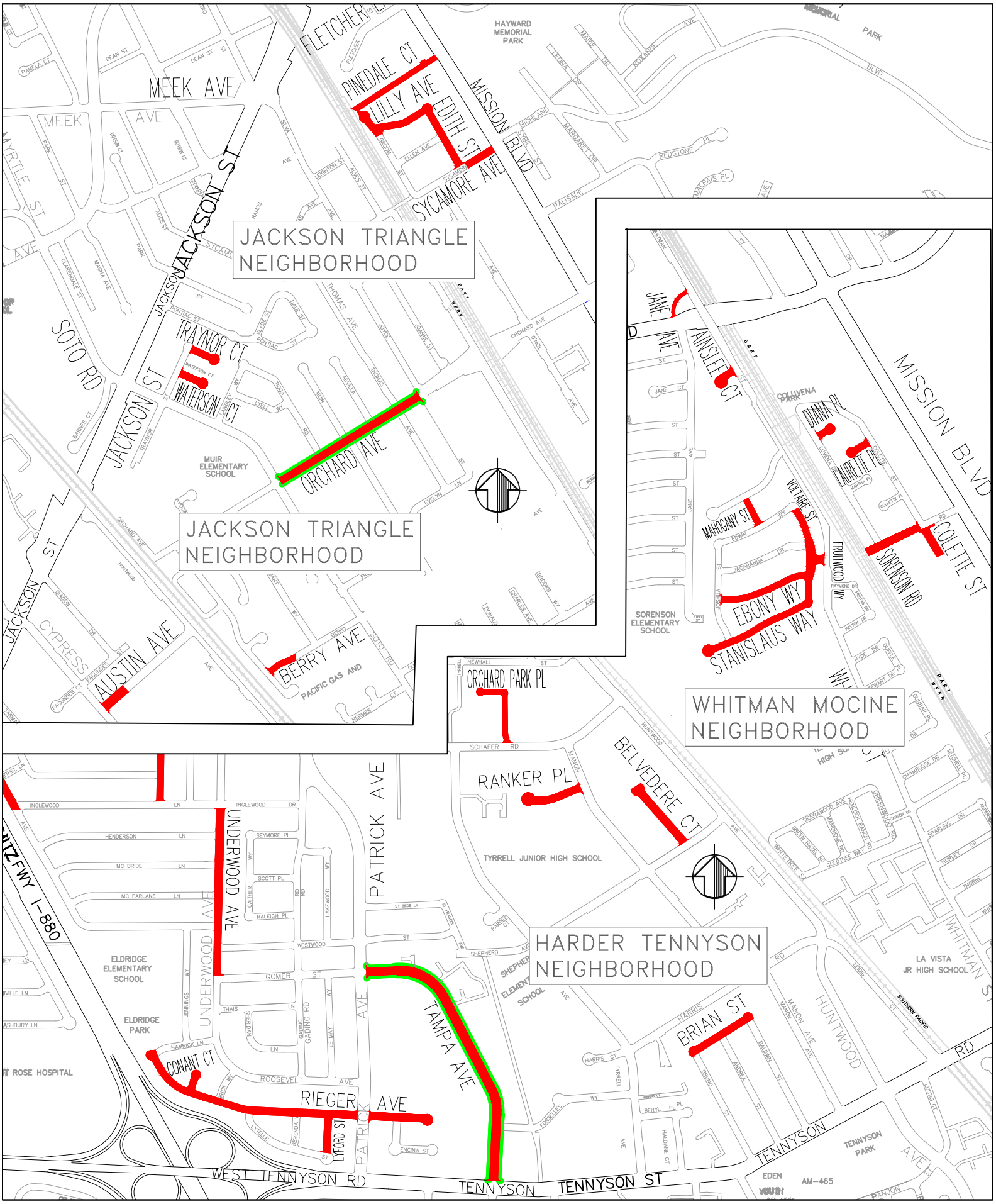
PROJECT NO. 05347

1 of 5

PAVEMENT REHABILITATION

PREVENTIVE MAINTENANCE 147

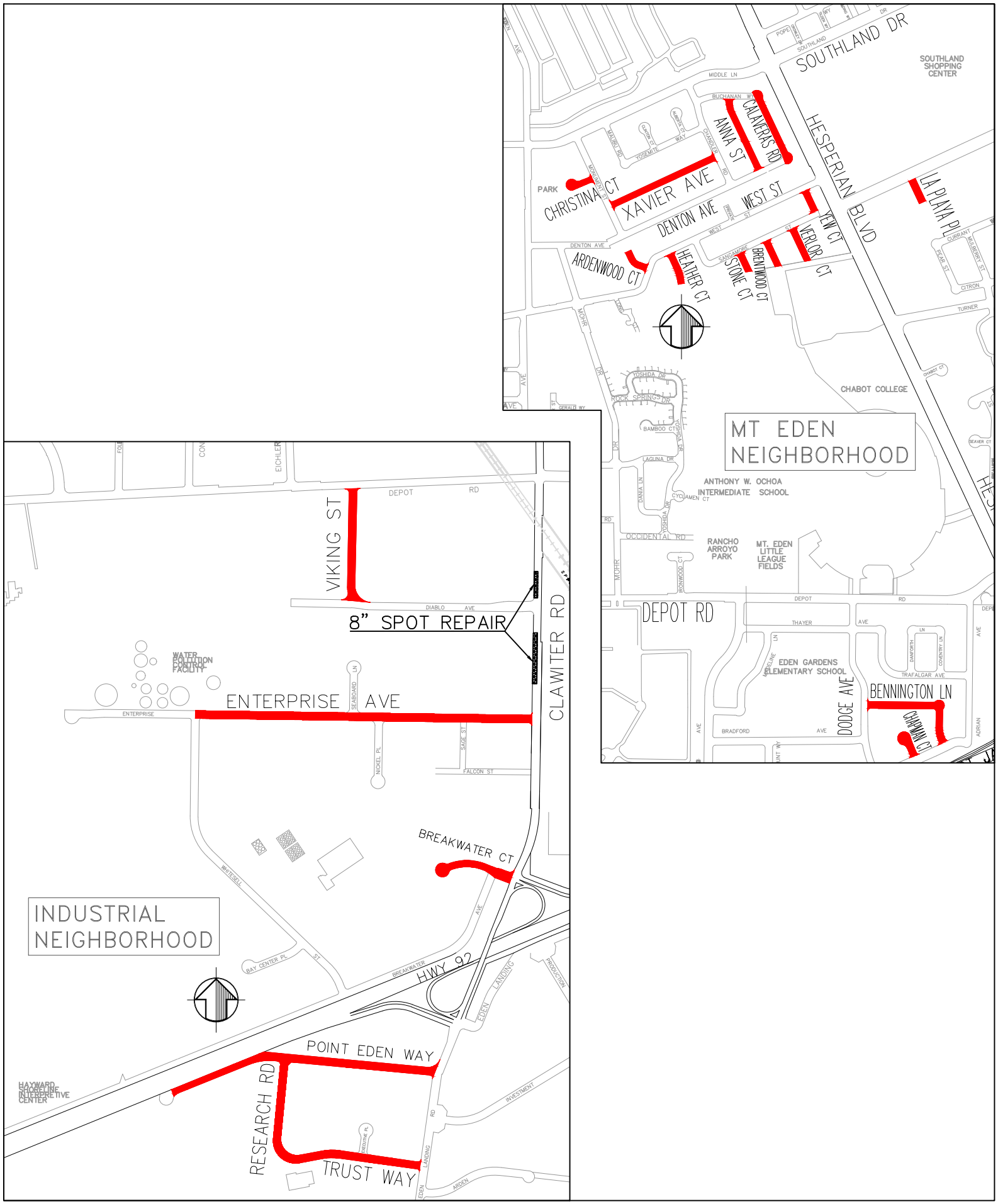
BIKE LANES



FY26 PAVEMENT IMPROVEMENT PROJECT

PROJECT NO. 05347

PAVEMENT REHABILITATION
PREVENTIVE MAINTENANCE
BIKE LANES

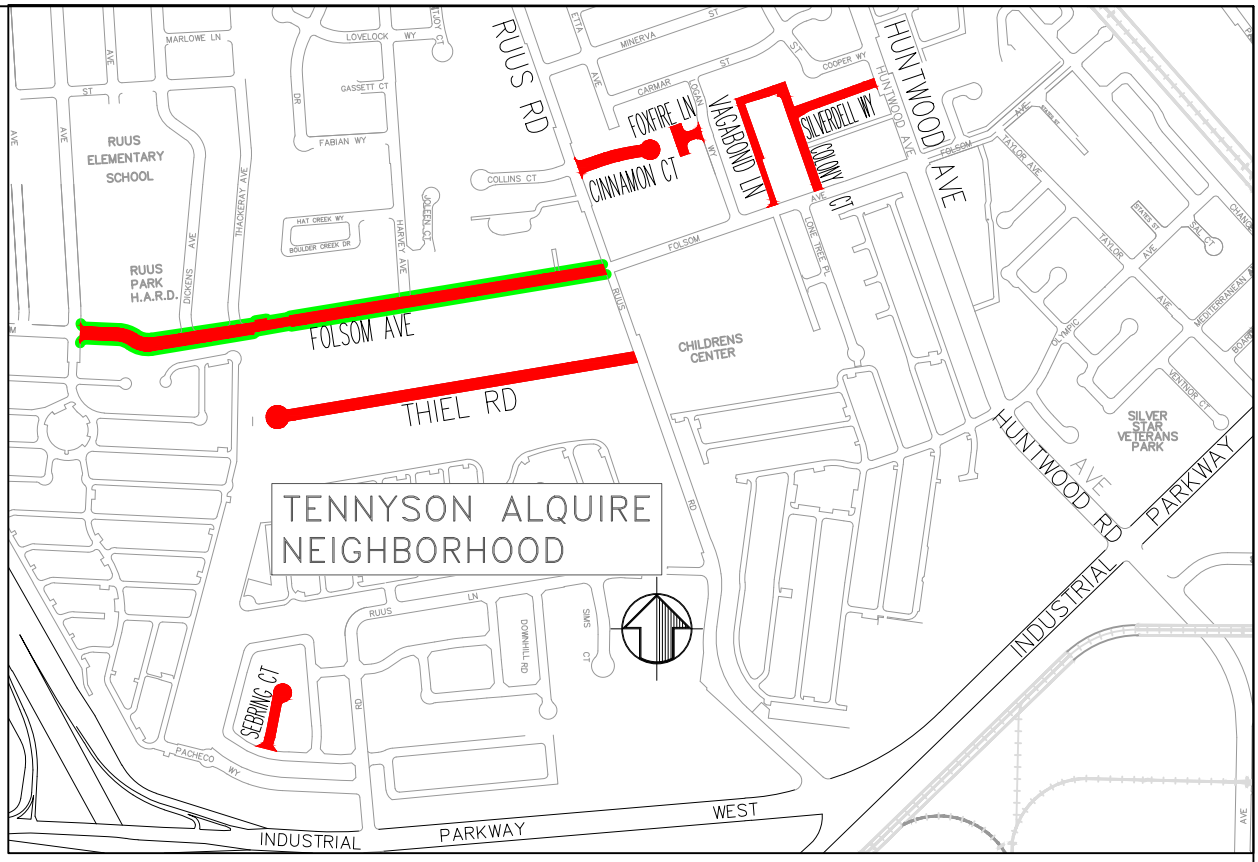


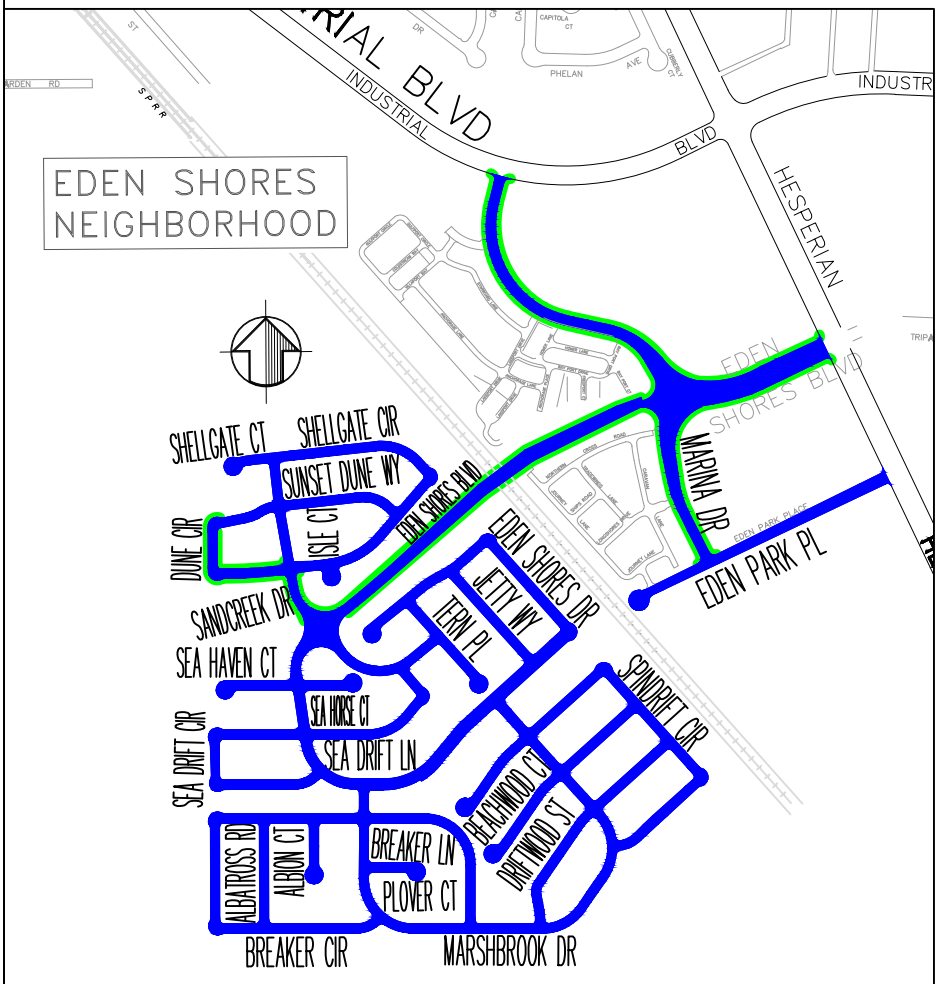
FY26 PAVEMENT IMPROVEMENT PROJECT

PROJECT NO. 05347

3 of 5

PAVEMENT REHABILITATION
PREVENTIVE MAINTENANCE
BIKE LANES





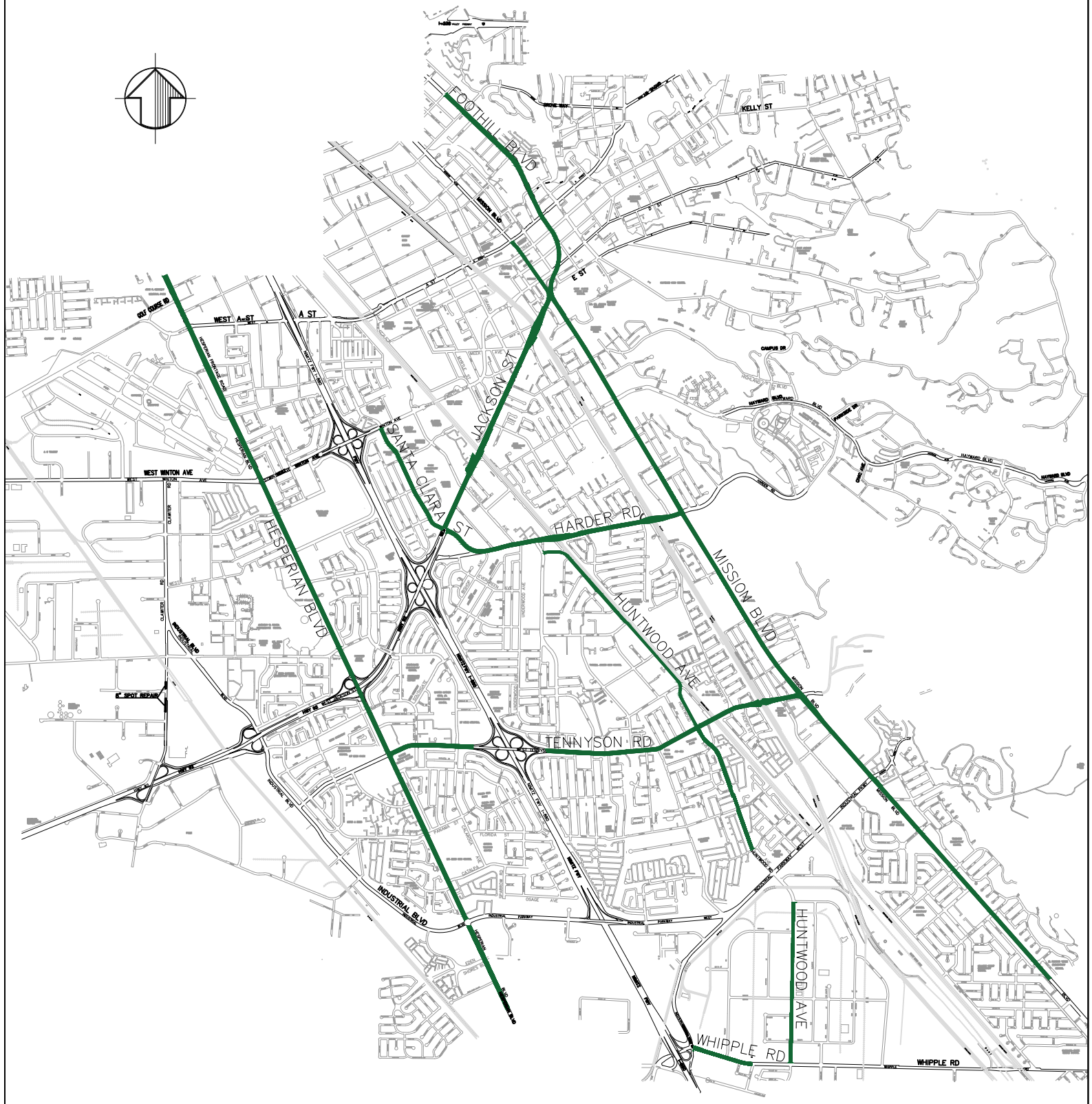
FY26 PAVEMENT IMPROVEMENT PROJECT

PROJECT NO. 05347

4 of 5

PAVEMENT REHABILITATION
PREVENTIVE MAINTENANCE
BIKE LANES

150



FY26 PAVEMENT IMPROVEMENT PROJECT
PROJECT NO. 05347

CRACK SEAL, OR
CRACK SEAL & SPOT REPAIR

5 of 5

FY26 Pavement Improvement Project
List of Streets Deviating from Bicycle and Pedestrian Master Plan

Street	Limits	Bike Plan Recommendation	Pavement Improvement Project Recommendation	Notes
A St	I-880 to Hathaway Ave	Class IV	Class II	Future designs for this street are being developed through ongoing A Street High Injury Network study.
A St	Hathaway Ave To Walnut Ave	Class IV	Class II Buffered	This may be upgraded to Class IV with a future Pavement Improvement Project depending on ongoing A Street High Injury Network study.
A St	Foothill Ave To City Limits	Class IV	Class II	Due to numerous access conflicts, Class IV would require detailed outreach and technical study.
Hathaway Av	West A St To City Limits	Class IV	Class II Southbound, Class IV Northbound	Class IV northbound appears to be feasible and has been designed. Class IV southbound would require addressing numerous access conflicts.
Santa Clara St	A St To Winton Ave	Class IV	Class II	Santa Clara is the subject of a recent traffic calming project and striping plan reflects community input.
Main St	A St To Warrant St	Class IV	Class II southbound. Staff studying Class IV northbound	Class II added. Class IV is feasible northbound, would be parking-protected bike lane. Many access conflicts southbound. Volumes likely lower than assumed during Bike Plan development.
Orchard Ave	Soto Rd To Joyce St	Class II	Class III	Residential, 33' width with parking. No outreach around parking conversion was performed as part of Bike Plan or Pavement Improvement Project.
Folsom Ave	Ruus Rd To Tampa Ave	Class II	Class III	Residential, 40' width with parking. No outreach around parking conversion performed as part of Bike Plan or Pavement Improvement Project.
Sand Creek Dr	Eden Shores Blvd To Dune Cir	Class II	Class III	Volumes do not warrant Class II.
Dune Cir	Sand Creek Dr To Trail Head	Class II	Class III	Volumes do not warrant Class II.

File #: CONS 26-143

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Five-Year Landscape Management Contract for the 92 Reliever Route with Los Loza, Inc. with a Maximum Compensation Not-to-Exceed $387,000

RECOMMENDATION

That the City Council adopts a resolution (Attachment II), authorizing the City Manager to negotiate and execute a five-year landscape management contract for the 92 Reliever Route with Los Loza, Inc. (Los Loza) with a maximum compensation not-to-exceed $387,000.

SUMMARY

Maintenance Services' Landscape Division maintains street trees and municipal landscaping throughout the City along with landscape and vegetation management in select areas. To support staff workload, the Division routinely uses external contractors to complete landscape and vegetation maintenance. In January 2026, staff released a Request for Quote (RFQ) for landscape and vegetation maintenance along Route 92/Clawiter-Whitesell Interchange and Reliever Route. Staff received and reviewed three (3) bids and recommend awarding this contract to Los Loza with a maximum compensation not-to-exceed $387,000.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Five-Year Landscape Management Contract for the 92 Reliever Route with Los Loza, Inc. with a Maximum Compensation Not-to-Exceed $387,000

RECOMMENDATION

That the City Council adopts a resolution (Attachment II), authorizing the City Manager to negotiate and execute a five-year landscape management contract for the 92 Reliever Route with Los Loza, Inc. (Los Loza) with a maximum compensation not-to-exceed $387,000.

SUMMARY

Maintenance Services' Landscape Division maintains street trees and municipal landscaping throughout the City along with landscape and vegetation management in select areas. To support staff workload, the Division routinely uses external contractors to complete landscape and vegetation maintenance. In January 2026, staff released a Request for Quote (RFQ) for landscape and vegetation maintenance along Route 92/Clawiter-Whitesell Interchange and Reliever Route. Staff received and reviewed three (3) bids and recommend awarding this contract to Los Loza with a maximum compensation not-to-exceed $387,000.

FISCAL IMPACT

This is a planned annual cost that is included in the annual Maintenance Services Department operating budget. The existing contract has expired, which triggered the release of a new RFQ. There will be no new impact to the General Fund of this item.

BACKGROUND AND DISUCSSION

On January 13, 2026, staff released RFQ 26-016 for maintenance along Route 92/Clawiter-Whitesell Interchange and Reliever Route. The scope of work included various landscape, vegetation, and bioretention activities. On February 25, 2026, staff received and evaluated three (3) bids, ranging from $63,000 to $92,000 annually. Staff recommends awarding the contract to Los Loza, the lowest bidder. Los Loza is a Hayward landscaping company with the level of service required to maintain Bay Friendly certification. Likewise, Los Loza has been previously

awarded other City contracts and has demonstrated superb ability to provide adequate maintenance, quick response times in case of emergencies, and excellent customer service. The expected yearly cost, inclusive of 3% annual CPI increase and 10% contingency, is outlined below:

Cost Type	FY 27	FY 28	FY 29	FY 30	FY 31	Total
Contractual Services	$63,360	$65,261	$67,219	$69,235	$71,312	$336,387
Contingency	$9,500	$9,700	$10,000	$10,413	$11,000	$50,613
Total	**$72,860**	**$74,961**	**$77,219**	**$79,648**	**$82,312**	**$387,000**

ECONOMIC IMPACT

Routine landscape maintenance provides economic benefits, such as reduced blight, increased property values, and enjoyable outdoor spaces for recreational activities.

STRATEGIC ROADMAP AND SUSTAINABILITY FEATURES

This item is a routine operational item and does not directly support Council's Strategic Priorities or has significant sustainability features.

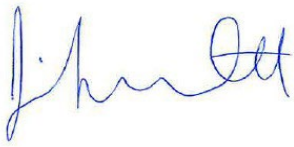
NEXT STEPS

If Council approves this item, the City Manager will execute an agreement with Los Loza, Inc. with a maximum compensation not-to-exceed $387,000 for five years.

Prepared by: Manny Grewal, Management Analyst

Recommended by: Todd Rullman, Director of Maintenance Services

Approved by:



Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADOPT A RESOLUTION TO NEGOTIATE AND EXECUTE A FIVE-YEAR LANDSCAPE MANAGEMENT CONTRACT FOR THE 92 RELIEVER ROUTE WITH LOS LOZA, INC. WITH A MAXIMUM COMPENSATION NOT-TO-EXCEED $387,000

WHEREAS, on January 13, 2026, staff released a Request for Quote (RFQ) 26-016 seeking a qualified landscape contractor for maintenance along Route 92/Clawiter-Whitesell Interchange and Reliever Route since the current contract is nearing the end date; and,

WEHREAS, on February 25, 2026, staff received and evaluated three (3) bids; and,

WEHREAS, Los Loza was the lowest bidder with a bid of $63,360 annually, subject to CPI increases; and,

WHEREAS, there will be no additional impact to the General Fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to negotiate and execute a landscape management contract with Los Loza, Inc. for the 92 Reliever Route with a maximum compensation not-to-exceed $387,000 and a contract term of five years.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

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

File #: CONS 26-144

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute Landscape Management Contract for CalTrans Surplus Property Weed Abatement with Joe's Landscaping and Concrete, Inc., with a Maximum Compensation Not-to-Exceed $700,000 through FY 2030

RECOMMENDATION

That City Council adopt a resolution (Attachment II) authorizing the City Manager to negotiate and execute a landscape maintenance contract for CalTrans Surplus Property Weed Abatement with Joe's Landscaping and Concrete, Inc. (Joe's Landscape) with a maximum compensation not-to-exceed $700,000 through Fiscal Year (FY) 2030.

SUMMARY

Maintenance Services' Landscape Division maintains street trees and municipal landscaping throughout the City along with vegetation management in select areas. Annual vegetation management services are necessary to mitigate fire hazards by completing weed abatement activities, reducing fire fuel materials, and creating fire breaks and other fire defensible spaces. To support staff workload, the Division routinely uses external contractors to complete landscape and vegetation maintenance. In November 2025, staff released a Request for Quote (RFQ) for maintenance support along specific City-owned CalTrans Parcels since the current contract expired. Staff recommends awarding the contract to Joe's Landscape with a maximum compensation not-to-exceed $700,000, effective FY26 through FY30, and subject to annual CPI increases.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute Landscape Management Contract for CalTrans Surplus Property Weed Abatement with Joe's Landscaping and Concrete, Inc., with a Maximum Compensation Not-to-Exceed $700,000 through FY 2030

RECOMMENDATION

That City Council adopt a resolution (Attachment II) authorizing the City Manager to negotiate and execute a landscape maintenance contract for CalTrans Surplus Property Weed Abatement with Joe's Landscaping and Concrete, Inc. (Joe's Landscape) with a maximum compensation not-to-exceed $700,000 through Fiscal Year (FY) 2030.

SUMMARY

Maintenance Services' Landscape Division maintains street trees and municipal landscaping throughout the City along with vegetation management in select areas. Annual vegetation management services are necessary to mitigate fire hazards by completing weed abatement activities, reducing fire fuel materials, and creating fire breaks and other fire defensible spaces. To support staff workload, the Division routinely uses external contractors to complete landscape and vegetation maintenance. In November 2025, staff released a Request for Quote (RFQ) for maintenance support along specific City-owned CalTrans Parcels since the current contract expired. Staff recommends awarding the contract to Joe's Landscape with a maximum compensation not-to-exceed $700,000, effective FY26 through FY30, and subject to annual CPI increases.

FISCAL IMPACT

This item will be funded through the Department's yearly CIP budget through the CalTrans Parcel Group Property Fund (Fund 411). The fund has sufficient balance to cover these costs. Fund 411 is kept separate from the General Fund to maintain and sell the Parcel Groups, but is General Fund money. It is a City and staff priority to sell these parcels to reduce the annual maintenance costs and return as much of the Fund 411 balance to the general fund.

As parcels are sold, the total amount in this maintenance contract will be reduced equivalently. The annual cost for services will be budgeted as a contingency expense so no overall contract increase will occur.

BACKGROUND AND DISCUSSION

On November 18, 2025, staff released RFQ 26-013 that detailed landscape maintenance required for the CalTrans Surplus Properties. One specified criteria was the need to complete the scope of work within eight weeks. On January 14, 2026, staff received and evaluated five (5) bids, ranging from $91,140 to $500,000 annually. The lowest bidder submitted a proposal for 40-working hours a week, which is insufficient to complete the scope of work within the given timeline. As such, staff recommends awarding the contract to the second-lowest bidder, Joe's Landscape.

Joe's Landscape is experienced with vegetation management, has a vast understanding of City specifications and standards and is familiar with the City-owned Route 238 parcels, and offers excellent customer service. Joe's Landscape has performed its duties in accordance with the RFQ's specifications and service amendments. The expected yearly cost, inclusive of a 3% annual CPI increase and a 10% contingency, is outlined below.

Cost Type	FY 26	FY 27	FY 28	FY 29	FY 30	Total
Contractual Services	$119,000	$122,570	$126,247	$130,035	$133,936	$631,787
Contingency	$12,213	$13,000	$13,000	$15,000	$15,000	$68,213
Total	$131,213	$135,570	$139,247	$145,035	$148,936	$700,000

ECONOMIC IMPACT

This item has no direct economic impact. However, annual vegetation management creates a safer City by mitigating fire hazards through weed abatement activities, reducing fire fuel materials, creating fire breaks, and implementing other techniques that mitigate risk through the creation of defensible spaces between these parcels and inhabited dwellings and infrastructure.

STRATEGIC ROADMAP AND SUSTAINABILITY FEATURES

This item is a routine operational item and does not directly support Council's Strategic Priorities or has significant sustainability features.

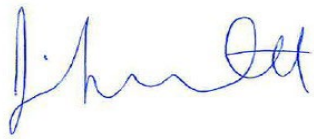
NEXT STEPS

If Council approves the attached resolution, the City Manager will execute the agreement for CalTrans Surplus Property Weed Abatement with Joe's Landscaping and Concrete, Inc, with a maximum compensation not-to-exceed $700,000.

Prepared by: Manny Grewal, Management Analyst

Recommended by: Todd Rullman, Director of Maintenance Services

Approved by:



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Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LANDSCAPE MANAGEMENT CONTRACT FOR CALTRANS SURPLUS PROPERTY WEED ABATEMENT WITH JOE'S LANDSCAPE AND CONCRETE, INC. WITH A MAXIMUM COMPENSATION NOT-TO-EXCEED $700,000

WHEREAS, the Landscape Maintenance Division is responsible for maintaining trees and municipal landscape throughout the City along with vegetation management; and

WHEREAS, vegetation management services are necessary to mitigate fire hazards by completing weed abatement activities, reduce fire fuel materials, and creating fire breaks and other fire defensible spaces; and

WHEREAS, in November 2025, staff released a Request for Quote (RFQ) 26-013 that detailed landscape maintenance required for the CalTrans Surplus Properties; and

WHEREAS, staff received and evaluated five (5) bids with one important criteria of finishing the work within eight weeks; and

WEHREAS, staff recommends awarding the contract to Joe's Landscape and Concrete, Inc, (Joe's Landscape), the most responsive bidder, in an annual amount of $119,000, subject to CPI increases; and

WHEREAS, this contract will be funded through Fund 411 and has no impact to the General Fund.

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 a landscape management contract for CalTrans Surplus Properties Joe's Landscape and Concrete with a maximum compensation not-to-exceed $700,000 and a contract termination date of June 30, 2030.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2026

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

File #: CONS 26-145

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for Cannery Place Landscape and Lighting Assessment District 13 with Los Loza, Inc. with Maximum Compensation Not-to-Exceed $470,000 Over Five Years

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a landscape maintenance contract for Cannery Place Landscape and Lighting Assessment District 13 with Los Loza, Inc. (Los Loza) with a maximum compensation not-to-exceed $470,000 for five years.

SUMMARY

Maintenance Services' Landscape Division maintains eighteen (18) Landscape and Lighting Assessment Districts (LLAD) and two (2) Maintenance Districts. In January 2026, staff released requests for quotes (RFQ) to seek experienced and qualified contractors to provide landscape maintenance within Cannery Place (LLAD 13). Staff received and evaluated three (3) After review, staff recommend awarding the landscape maintenance contract to Los Loza with a maximum compensation not-to-exceed $470,000. The agreement will have a five-year term and is subject to an annual CPI increase.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Five-Year Landscape Maintenance Contract for Cannery Place Landscape and Lighting Assessment District 13 with Los Loza, Inc. with Maximum Compensation Not-to-Exceed $470,000 Over Five Years

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a landscape maintenance contract for Cannery Place Landscape and Lighting Assessment District 13 with Los Loza, Inc. (Los Loza) with a maximum compensation not-to-exceed $470,000 for five years.

SUMMARY

Maintenance Services' Landscape Division maintains eighteen (18) Landscape and Lighting Assessment Districts (LLAD) and two (2) Maintenance Districts. In January 2026, staff released requests for quotes (RFQ) to seek experienced and qualified contractors to provide landscape maintenance within Cannery Place (LLAD 13). Staff received and evaluated three (3) After review, staff recommend awarding the landscape maintenance contract to Los Loza with a maximum compensation not-to-exceed $470,000. The agreement will have a five-year term and is subject to an annual CPI increase.

FISCAL IMPACT AND

This item has no impact on the General Fund. Each LLAD collects tax assessments levied on the parcels within the community. LLAD 13 (Fund 281) has sufficient funds for this agreement.

BACKGROUND AND DISCUSSION

On January 13, 2026, staff released RFQ 26-015 LLD 13. On February 25, 2026, staff received and evaluated three (3) bids, ranging from $80,000 to $148,000 annually. Staff recommends awarding the contract to Los Loza, the lowest bidder. Los Loza is a Hayward landscaping company with the level of service required to maintain Bay Friendly certification. Likewise, Los Loza has been previously awarded other city contracts and has demonstrated superb ability to

provide adequate maintenance, quick response times in case of emergencies, and excellent customer service. The expected yearly cost, inclusive of 3% annual CPI increase and 10% contingency, is outlined below.

Cost Type	FY 27	FY 28	FY 29	FY 30	FY 31	Total
Contractual Services	$80,784	$83,208	$85,704	$88,275	$90,923	$428,893
Contingency	$8,000	$8,000	$8,000	$8,000	$9,107	$41,107
Total	$88,784	$91,208	$93,704	$96,275	$100,030	$470,000

ECONOMIC IMPACT

Routine landscape maintenance provides economic benefits, such as reduced blight, increased property values, and enjoyable outdoor spaces for recreational activities.

STRATEGIC ROADMAP AND SUSTAINABILITY FEATURES

This item is a routine operational item and does not directly support Council's Strategic Priorities or has significant sustainability features.

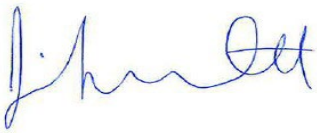
NEXT STEPS

If Council approves the attached resolution, the City Manager will execute the agreement with Los Loza, Inc. for Cannery Place LLAD 13 with a maximum compensation not-to-exceed $470,000 over five years.

Prepared by: Manny Grewal, Management Analyst

Recommended by: Todd Rullman, Director of Maintenance Services

Approved by:



_____

Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26____

Introduced by Council Member_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LANDSCAPE MAINTENANCE CONTRACT FOR CANNERY PLACE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT 13 WITH LOS LOZA, INC. WITH A MAXIMUM COMPENSATION NOT-TO-EXCEED $470,000 OVER FIVE YEARS

WHEREAS, the Landscape Maintenance Division maintains eighteen (18) Landscape and Lighting Assessment Districts (LLAD) and two (2) Maintenance Districts; and

WHEREAS, each District collects property tax assessments levied on the parcels within the community to fund specific operating and maintenance needs for its District; and

WHEREAS, on January 13, 2026, staff released a Request for Quote (RFQ) 26-015 for a qualified contractor to provide maintenance on landscaping, trees, bioretention areas, irrigation, and walking paths for Cannery Place (LLAD 13); and

WHEREAS, on February 25, 2026, staff received and evaluated three (3) bids; and

WHEREAS, staff recommends awarding the contract to Los Loza, Inc., the lowest bidder, in an annual amount of $80,784, subject to annual CPI increases; and

WHEREAS, the contract term length would be for five (5) years; and

WHEREAS, Cannery Place (LLAD 13) has sufficient balance in its fund for this contract and will have no impact on the General Fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to negotiate and execute a landscape maintenance contract for Cannery Place Lighting and Landscape Assessment District 13 with Los Loza, Inc. with a maximum compensation not-to-exceed $470,000 for five years.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2026

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

File #: CONS 26-148

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Approving the Project List for FY 27 Road Repair and Accountability Act (RRAA) Funding for the FY 27 Pavement Improvement Project, Project No. 05360

RECOMMENDATION

That the City Council approves the project list for RRAA FY 27 funding for the FY 27 Pavement Improvement Project (PIP).

SUMMARY

A yearly application must be submitted to the California Transportation Commission (CTC) to continue receiving RRAA funding, which must include a resolution (Attachment II) approving a project list of street segments or defined regions of the City for the estimated revenue. The RRAA revenue estimate for FY27 is $4,500,000 and the project list includes the Hayward neighborhoods within the limits of Hesperian Blvd, SR-92, Industrial Blvd, Industrial Pkwy West, Mission Blvd, D St, City Limits, Foothill Blvd, and A St., as shown on Attachment III.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Map of Project Limits

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT Adopt a Resolution Approving the Project List for FY 27 Road Repair and Accountability Act (RRAA) Funding for the FY 27 Pavement Improvement Project, Project No. 05360

RECOMMENDATION

That the City Council approves the project list for RRAA FY 27 funding for the FY 27 Pavement Improvement Project (PIP).

SUMMARY

A yearly application must be submitted to the California Transportation Commission (CTC) to continue receiving RRAA funding, which must include a resolution (Attachment II) approving a project list of street segments or defined regions of the City for the estimated revenue. The RRAA revenue estimate for FY27 is $4,500,000 and the project list includes the Hayward neighborhoods within the limits of Hesperian Blvd, SR-92, Industrial Blvd, Industrial Pkwy West, Mission Blvd, D St, City Limits, Foothill Blvd, and A St., as shown on Attachment III.

FISCAL IMPACT

There are no impacts to the General Fund or Measure C. RRAA funding is received and spent in special revenue Fund 211.

The estimated revenue from RRAA for FY27 is $4,500,000. This amount will be budgeted in the recommended FY27-FY36 CIP which is scheduled to be presented to Council for adoption later this spring.

BACKGROUND

On April 28, 2017, the Governor signed Senate Bill 1 (SB1), the RRAA of 2017, to address basic road maintenance, rehabilitation, and critical safety needs through an increase in per gallon fuel excise taxes and vehicle registration fees.

To receive each year's SB1 apportionments, cities must apply to the CTC for the funds by submitting a tentative project list approved by resolution to the CTC. The project list must contain either a list of street segments or defined regions of the City undergoing rehabilitation, an estimated completion date for the project, and the estimated useful life of the paving methods utilized.

DISCUSSION

This project is part of the larger FY27 PIP. This project is scheduled to finalize a street list by November 2026, call for bids in February 2027, start construction in Summer 2027, and complete construction in Fall of 2027.

The project is funded through Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017, which provides cities and counties with formula-based revenues specifically designated for road maintenance, rehabilitation, and critical safety improvements on the local street and road system. SB 1 funds are not intended for standalone infrastructure improvements such as traffic calming devices or Rectangular Rapid Flashing Beacons (RRFBs) unless they are incidental to and directly associated with an eligible pavement rehabilitation scope.

The RRAA revenue estimate of $4,500,000 will be used to treat the Hayward neighborhoods within the limits of Hesperian Blvd, SR-92, Industrial Blvd, Industrial Pkwy West, Mission Blvd, D St, City Limits, Foothill Blvd, and A St (Attachment III). This area includes streets in poor condition with high number of resident requests in order to improve and increase equity in distribution of City services (Industrial Blvd, B St, and Russell Wy). Preventative maintenance treatment estimated useful life is 5-10 years and pavement rehabilitation treatment estimated useful life is 10-15 years.

ECONOMIC IMPACT

The PIP project will improve pavement conditions and generate economic benefits by:

- Reducing travel time and congestion
- Lowering fuel consumption and vehicle operating costs
- Attracting business investment
- Increasing property values and neighborhood desirability
- Reducing vehicle traffic through added bike lanes
- Creating local construction jobs under the Community Workforce Agreement

STRATEGIC ROADMAP

This agenda item supports the FY25 Strategic Roadmap of Invest in Infrastructure, Objective 1: Invest in multi-modal transportation. Specifically, this item relates to the implementation of the following project(s):

- FM2 - # of miles of bike lanes added Transportation
- FM3 - # of miles of repaving completed Transportation

SUSTAINABILITY FEATURES

The project requires the contractor to recycle all construction and demolition debris generated from the project.

This project is consistent with City's Complete Streets Policy and improves travel for all users including:

- Improved pavement for motorists
- Additional bike lanes and sharrows for bicyclists
- More visible pavement markings for pedestrians, including near school zones
- New or upgraded curb ramps to meet the recently revised Caltrans standards for pedestrians

The project satisfies the following General Plan policies:

- PFS-7.10 Recycled Products or Processes for Capital Projects
- HQL-2.5 Safe Routes to School
- HQL-2.6 Education on Sharing the Road
- M-1.7 Eliminate Gaps (in pedestrian networks)
- M-3.1 Serving All Users
- M-5.1 Pedestrian Needs
- M-5.6 Safe Pedestrian Crossings
- M-6.2 Encourage Bicycle Use

PUBLIC CONTACT

There is no public contact associated with this action. Once the project list is finalized in November 2026, Staff will create a FY27 PIP project website on City's Public Works & Utilities website and include a geographic information system (GIS) map showing upcoming project map and previously completed project maps.

NEXT STEPS

If Council approves this recommendation, staff will submit the defined regions in the City and resolution to the CTC.

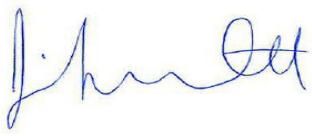
May 2026	Submit RRAA funding application to CTC
November 2026	Finalize project list of streets
February 2027	Call for bids & bid opening
Summer 2027	Begin construction
Fall 2027	Complete construction

Prepared by: Yama Farouqi, Senior Civil Engineer

Reviewed by: Dave Hung, Acting Deputy Director of Public Works – Engineering

Recommended by: Alex Ameri, Director of Public Works

Approved by:



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Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION APPROVING PROJECT LIST FOR FY 27 ROAD REPAIR AND ACCOUNTABILITY ACT (RRAA) FUNDING FOR THE FY 27 PAVEMENT IMPROVEMENT PROJECT, PROJECT NO. 05360

WHEREAS, Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB1 includes accountability and transparency provisions that will ensure the residents of Hayward are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must approve a list of all projects or defined regions of the City proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated $4,500,000 in RMRA funding in Fiscal Year 2027 from SB1; and

WHEREAS, this is the ninth year in which the City of Hayward is receiving SB1 funding and will enable the City of Hayward to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB1; and

WHEREAS, the City has undergone a robust public process to ensure public input into our community's transportation priorities; and

WHEREAS, the City will use a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB1 will help the City maintain and rehabilitate street sections in the defined region of the City listed below in Fiscal Year 2027 and dozens of similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in "good" condition and this revenue will help us increase the overall quality of our road system and over the next decade will help maintain our streets and roads in "good" condition.

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

1. The foregoing recitals are true and correct.

2. The fiscal year 2026-27 list of projects planned to be funded with Road Maintenance and Rehabilitation Account revenues include:
    - Hayward neighborhoods within Hesperian Blvd, SR-92, Industrial Blvd, Industrial Pkwy West, Mission Blvd, D St, City Limits.
    - Preventative maintenance treatment estimated useful life is 5-10 years.
    - Pavement rehabilitation treatment estimated useful life is 10-15 years.
    - Begin construction: Spring 2027
    - End construction: Fall 2027

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

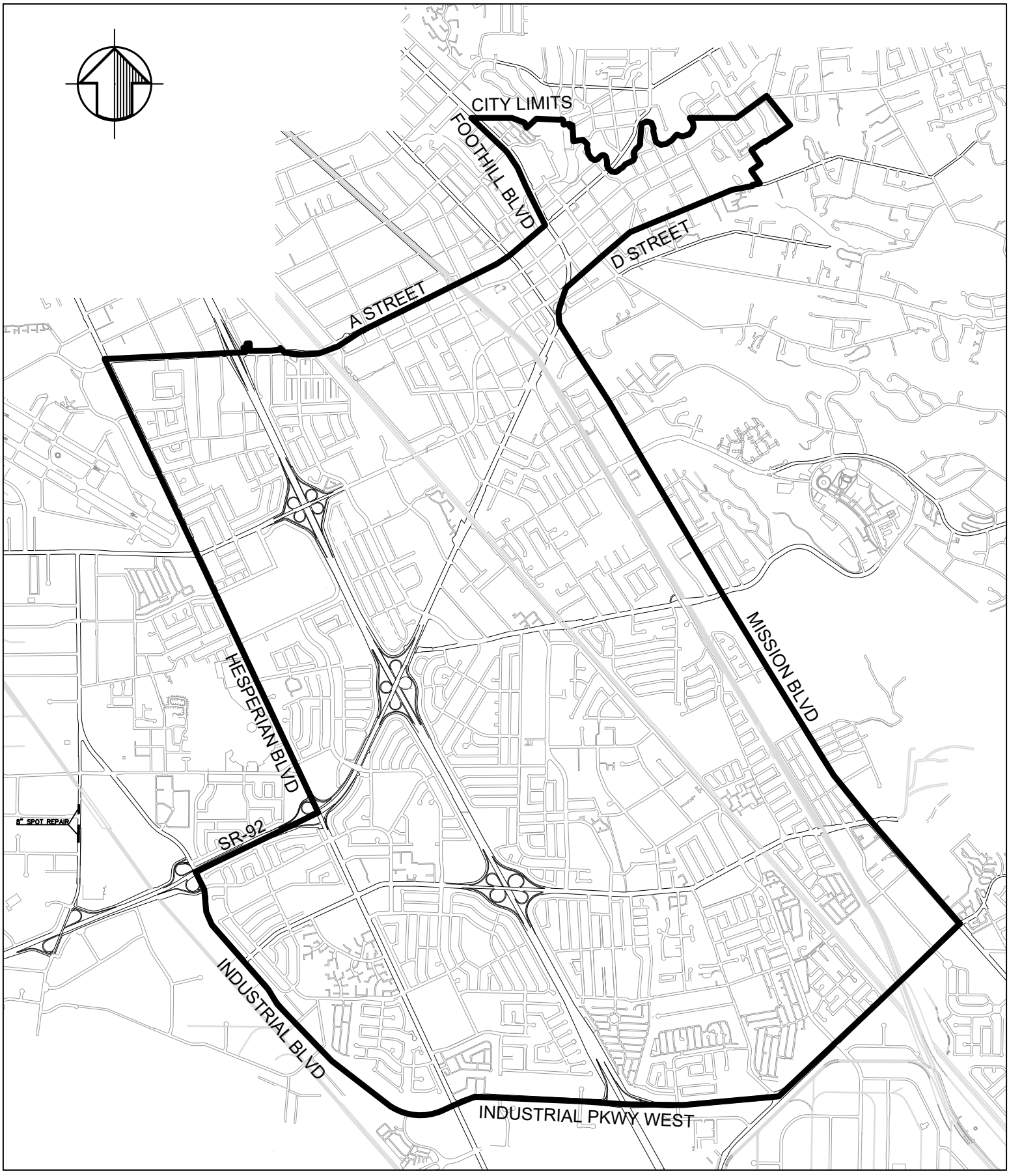
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward



Project Limits for FY27 Road Repair and Accountability Act (RRAA) Funding for the FY27 Pavement Improvement Project

File #: CONS 26-162

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Association of Management Employees Deferring the Cost of Living Adjustment Increase Due the Pay Period Containing July 1, 2026, and Authorizing the City Manager to Execute the Agreement

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving a Side Letter of Agreement (Attachment IV) between the City of Hayward and the Hayward Association of Management Employees (HAME) deferring the Cost of Living Adjustment (COLA) increase from the beginning of fiscal year 2026-27 to the end of fiscal year 2026-27 to create salary savings for the upcoming fiscal year.

SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. Under the current agreement, HAME represented employees are due a COLA increase effective with the pay period including July 1, 2026. The City and HAME met and conferred in good faith and reached tentative agreement in which HAME represented employees will defer the COLA increase for all HAME represented classifications that are not entirely funded through enterprise funds. The COLA increase initially scheduled at the start of fiscal year 2026-27 will be deferred to the end of fiscal year 2026-27; effective the beginning of the pay period containing June 30, 2027. If approved, the proposed agreement would result in City savings of approximately $465,000 in fiscal year 2026-27. As part of this agreement, the City agrees not to exercise its right to layoff employees in the HAME bargaining unit beginning upon ratification of the tentative agreement by HAME through and including June 30, 2027.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Tentative Agreement
Attachment IV	Side Letter of Agreement

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Association of Management Employees Deferring the Cost of Living Adjustment Increase Due the Pay Period Including July 1, 2026, and Authorizing the City Manager to Execute the Agreement

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving a Side Letter of Agreement (Attachment IV) between the City of Hayward and the Hayward Association of Management Employees (HAME) deferring the Cost of Living Adjustment (COLA) increase from the beginning of fiscal year 2026-27 to the end of fiscal year 2026-27 to create salary savings for the upcoming fiscal year.

SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. Under the current agreement, HAME represented employees are due a COLA increase effective with the pay period including July 1, 2026. The City and HAME met and conferred in good faith and reached tentative agreement in which HAME represented employees will defer the COLA increase for all HAME represented classifications that are not entirely funded through enterprise funds. The COLA increase initially scheduled at the start of fiscal year 2026-27 will be deferred to the end of fiscal year 2026-27; effective at the beginning of the pay period that includes June 30, 2027. If approved, the proposed agreement would result in City savings of approximately $465,000 in fiscal year 2026-27. As part of this agreement, the City agrees not to exercise its right to layoff employees in the HAME bargaining unit beginning upon ratification of the tentative agreement by HAME through and including June 30, 2027.

FISCAL IMPACT

The proposed agreement includes a projected savings of $465,000 to the City in Fiscal year 2026-27.

BACKGROUND

In response to the City's current financial state, the City implemented a number of cost saving measures, including but not limited to: a transfer of Measure C funds; a use of OPEB Trust fund balance; use of CDBG funds; update of master fee schedule; cost reductions and revenue offsets in the Navigation Center; maintaining the FY 2025-26 worker's compensation transfer amount into FY 2026-27 resulting in use of fund balance in the Worker's Compensation Fund; public safety overtime reductions; and other police department savings. Even after all these measures are assumed, the City still projects a funding gap that needs to be closed by either labor concessions or departmental cost reductions or a combination of both.

In addition, all bargaining groups in the City were asked for a concession equivalent to forgoing upcoming scheduled COLA increases. Cost savings contributed by bargaining groups are critical to the City's fiscal health as employee salaries and benefits costs make up over 90% of the General Fund budget.

In accordance with the Memorandum of Understanding (MOU) between the City and HAME, there is a scheduled COLA increase due for all HAME represented employees the pay period containing July 1, 2026.

DISCUSSION

In partnership with the City to help address the current financial situation, HAME and the City entered into a tentative agreement which was subsequently ratified by HAME's membership on April 3, 2026. The tentative agreement defers the scheduled COLA increases, for all classifications that are not entirely funded through enterprise funds, to the pay period including June 30, 2027; creating a full fiscal years' worth of salary savings from the bargaining unit. In addition, the agreement provides layoff protection for HAME represented employees from April 3, 2026, through and including June 30, 2027. The agreement includes a clause for concession parity; should another represented, non-safety unit agree to concession terms that 1) include layoff protections, and 2) result in less savings for the City as a percentage of that other bargaining unit's total base wages, HAME may elect to accept the terms of that agreement rather than the terms reflected in the tentative agreement between the City and HAME.

The City acknowledges and appreciates the collaborative engagement of HAME in agreeing to these concessions despite being in a closed contract period. This partnership reflects a shared commitment to addressing the organization's fiscal challenges and maintaining service continuity for the community.

STRATEGIC INITIATIVES

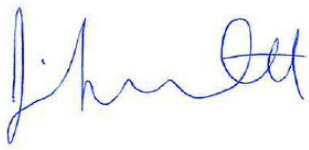
This agenda item is an operational item and does not relate to one of the Council's Strategic Initiatives.

NEXT STEPS

Staff will finalize the documents and obtain necessary review by the City Attorney and respective approval by the City Manager to execute them. The Human Resources Department will work with the Finance Department to implement these changes.

Prepared and Recommended by: Ian Tecson, Director of Human Resources

Approved by:



Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION APPROVING PROJECT LIST FOR FY 27 ROAD REPAIR AND ACCOUNTABILITY ACT (RRAA) FUNDING FOR THE FY 27 PAVEMENT IMPROVEMENT PROJECT, PROJECT NO. 05360

WHEREAS, Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB1 includes accountability and transparency provisions that will ensure the residents of Hayward are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must approve a list of all projects or defined regions of the City proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated $4,500,000 in RMRA funding in Fiscal Year 2027 from SB1; and

WHEREAS, this is the ninth year in which the City of Hayward is receiving SB1 funding and will enable the City of Hayward to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB1; and

WHEREAS, the City has undergone a robust public process to ensure public input into our community's transportation priorities; and

WHEREAS, the City will use a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB1 will help the City maintain and rehabilitate street sections in the defined region of the City listed below in Fiscal Year 2027 and dozens of similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in "good" condition and this revenue will help us increase the overall quality of our road system and over the next decade will help maintain our streets and roads in "good" condition.

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

1. The foregoing recitals are true and correct.

2. The fiscal year 2026-27 list of projects planned to be funded with Road Maintenance and Rehabilitation Account revenues include:
    - Hayward neighborhoods within Hesperian Blvd, SR-92, Industrial Blvd, Industrial Pkwy West, Mission Blvd, D St, City Limits.
    - Preventative maintenance treatment estimated useful life is 5-10 years.
    - Pavement rehabilitation treatment estimated useful life is 10-15 years.
    - Begin construction: Spring 2027
    - End construction: Fall 2027

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

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

Docusign Envelope ID: 38E18FCB-3B30-4503-90B2-4D5C802EE0A0

Tentative Agreement
Between City of Hayward and Hayward Association of Management Employees
Regarding FY2026-27 Concessions

1) **Deferral of Salary**: The Parties will amend Art. 7.17 of the Parties' contract as follows to reflect a deferral of the upcoming 3% COLA for all classifications that are not entirely funded through enterprise funds to the pay period including June 30, 2027:

7 .17 Cost of Living Adjustments

Effective the pay period including July 1, 2024 (the date upon which the parties reach a total tentative agreement on a successor contract), base wages for employees represented by the Association shall be increased by approximately six percent (6.0%).

Effective the pay period including July 1, 2025, base wages for employees represented by the Association shall be increased by approximately four percent (4.0%).

Effective the pay period including July 1, 2026, base wages for employees represented by the Association **in classifications for which every position is funded entirely through enterprise funds** shall be increased by approximately three percent (3.0%). **For all other employees represented by the Association, base wages shall be increased by three percent (3%) effective the pay period including June 30, 2027. No employee shall receive more than a three percent (3%) base salary increase in FY2026-27 under this contract section.**

This Section shall not be subject to the dispute resolution procedure contained in the Bargaining Unit's Memorandum of Understanding, to procedures contained in the City's Personnel Rules, or to the jurisdiction of the City's Personnel Board for any reason whatsoever.

2) **Layoff Protections**: The City agrees not to exercise its right to layoff employees in this bargaining unit beginning upon ratification of this tentative agreement by HAME through and including June 30, 2027.

Docusign Envelope ID: 38E18FCB-3B30-4503-90B2-4D5C802EE0A0

Tentative Agreement
Between City of Hayward and Hayward Association of Management Employees
Regarding FY2026-27 Concessions

3) **Concession Parity**: Should another represented, non-safety unit agree to concession terms that (i) also include layoff protections and (ii) result in less savings for the City as a percentage of that other bargaining unit's total base wages, HAME may elect to accept the terms of that agreement rather than the terms reflected here.

By: DocuSigned by: Jennifer Ott 17D3BA463BE24F0...
Jennifer Ott, City Manager
For the City of Hayward

Date: 3/26/2026

By: DocuSigned by: 49C49A63CF8649A...
Dan Magalhaes, President
For HAME

Date: 3/26/2026

By: DocuSigned by: Ian Tecson B2B069E037D8441...
Ian Tecson, Director of Human Resources
For the City of Hayward

Date: 3/26/2026

By: Signed by: D669DCAD294C413...
Alexandra Crivello, CEA/Representative
For HAME

Date: 3/26/2026

By: Signed by: 469A2098EFF8429...
Burke Dunphy, Lead Negotiator
For the City of Hayward

Date: 3/26/2026

SIDE LETTER OF AGREEMENT

BETWEEN

CITY OF HAYWARD

AND

HAYWARD ASSOCIATION OF MANAGEMENT EMPLOYEES

Representatives of the City of Hayward and the Hayward Association of Management Employees ("HAME") have met and conferred in good faith regarding the projected revenue shortfall and budget deficit facing the City of Hayward for FY 2026-2027 and temporary measures necessary to address the projected General Fund shortfall. In partnership to stabilize City finances while maintaining essential services, the parties agree to the terms contained in this Side Letter of Agreement ("Agreement"). The Agreement amends specific provisions of the current Memoranda of Understanding between the City and HAME, through June 30, 2027 (the "HAME MOU").

Except where specifically modified below, all other terms of the HAME MOU remain unchanged. Where conflicts exist between this Agreement and prior side letters or MOU language, this Agreement supersedes them for the duration specified. The terms become effective the first full pay period following City Council approval unless otherwise stated.

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1) **Effective following City Council adoption of this agreement, Section 7.17 of the HAME MOU will be amended as follows:**

7 .17 Cost of Living Adjustments

Effective the pay period including July 1, 2024 (the date upon which the parties reach a total tentative agreement on a successor contract), base wages for employees represented by the Association shall be increased by approximately six percent (6.0%).

Effective the pay period including July 1, 2025, base wages for employees represented by the Association shall be increased by approximately four percent (4.0%).

Effective the pay period including July 1, 2026, base wages for employees represented by the Association **in classifications for which every position is funded through enterprise funds** shall be increased by approximately three percent (3.0%). **For all other employees represented by the Association, base wages shall be increased by three percent (3%) effective the pay period included July 1, 2027. No employee shall receive more than a three percent (3%) base salary increase in FY2026-27 under this contract section.**

This Section shall not be subject to the dispute resolution procedure contained in the Bargaining Unit's Memorandum of Understanding, to procedures contained in the City's Personnel Rules, or to the jurisdiction of the City's Personnel Board for any reason whatsoever.

2) The City shall not exercise its right to layoff employees in HAME-represented classifications for the period beginning April 3, 2026, and ending on June 30, 2027.

For Hayward Association of Management Employees:

Dan Magalhaes, HAME President

Alexandra Crivello, CEA/Representative

Dated _____

For City of Hayward:

Jennifer Ott, City Manager

Burke Dunphy, Chief Negotiator

Ian Tecson, Director of Human Resources

Dated _____

File #: CONS 26-163

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Police Management Unit Modifying Cost of Living Adjustment Increases and Authorizing the City Manager to Execute the Agreement

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving a Side Letter of Agreement (Attachment IV) between the City of Hayward and the Hayward Police Management Unit (HPMU) modifying the Cost-of-Living Adjustment (COLA) increases in fiscal years 2027-28; 2028-29; and 2029-30 to create salary savings through the term of the current contract.

SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. The City and HPMU met and conferred in good faith and reached tentative agreement in which COLA increases for all HPMU represented classifications will be modified for FY 2027-28 and 2028-29 and 2029-30. The COLA increases are initially scheduled for a minimum of five percent (5%) and maximum of seven percent (7%) in the pay periods including July 1, 2027, and July 1, 2028; and based on salary survey in the pay period containing July 1, 2029. The parties agree to modify the COLA increase to four and one-half percent (4.5%) in the pay periods including July 1, 2027, and July 1, 2028; and to limit the COLA increase to a minimum of two percent (2%) and maximum of three percent (3%) in the pay period containing July 1, 2029. If approved, the proposed agreement would result in a General Fund savings of approximately $60,000 through the remaining term of the contract.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Tentative Agreement
Attachment IV	Side Letter of Agreement

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Police Management Unit Modifying Cost of Living Adjustments Increases and Authorizing the City Manager to Execute the Agreement

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving a Side Letter of Agreement (Attachment IV) between the City of Hayward and the Hayward Police Management Unit (HPMU) modifying the Cost-of-Living Adjustment (COLA) increases in fiscal years 2027-28; 2028-29; and 2029-30 to create salary savings through the term of the current contract.

SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. The City and HPMU met and conferred in good faith and reached tentative agreement in which COLA increases for all HPMU represented classifications will be modified for FY 2027-28 and 2028-29 and 2029-30. The COLA increases are initially scheduled for a minimum of five percent (5%) and maximum of seven percent (7%) in the pay periods including July 1, 2027, and July 1, 2028; and based on salary survey in the pay period containing July 1, 2029. The parties agree to modify the COLA increase to four and one-half percent (4.5%) in the pay periods including July 1, 2027, and July 1, 2028; and to limit the COLA increase to a minimum of two percent (2%) and maximum of three percent (3%) in the pay period containing July 1, 2029. If approved, the proposed agreement would result in a General Fund savings of approximately $60,000 through the remaining term of the contract.

FISCAL IMPACT

This side letter results in an estimated savings of approximately $30,000 in FY 2027-28 and $30,000 in FY 2028-20. In addition, this side letter reduces exposure to unknown increases based on salary schedules and aligns with changes to the HPOA MOU.

BACKGROUND

In response to the City's current financial state, the City implemented a number of cost saving measures, including but not limited to: a transfer of Measure C funds; a use of OPEB Trust fund balance; use of CDBG funds; update of master fee schedule; cost reductions and revenue offsets in the Navigation Center; maintaining the FY 2025-26 worker's compensation transfer amount into FY 2026-27 resulting in use of fund balance in the Worker's Compensation Fund; public safety overtime reductions; and other police department savings. Even after all these measures are assumed, the City still projects a funding gap that needs to be closed by either labor concessions or departmental cost reductions or a combination of both.

In addition, all bargaining groups in the City were asked for a concession equivalent to forgoing upcoming scheduled COLA increases. Cost savings contributed by bargaining groups are critical to the City's fiscal health as employee salaries and benefits costs make up over 90% of the General Fund budget.

In accordance with the MOU between the City and HPMU, there are scheduled COLA increases due for all HPMU represented employees based on salary surveys for the pay periods containing July 1, 2027; July 1, 2028; and July 1, 2029. Based on most recent salary study, no increase was due for Fiscal Year 2026-27.

DISCUSSION

In partnership with the City to help address the current financial situation, HPMU and the City entered into a tentative agreement which was subsequently ratified by HPMU's membership on April 1, 2026. The tentative agreement modifies the scheduled COLA increases, for all classifications in Fiscal Years 2027-28; 2028-29; and 2029-30 limiting exposure to a fixed amount based on future salary surveys.

The City acknowledges and appreciates the collaborative engagement of HPMU in agreeing to these concessions despite being in a closed contract period. This partnership reflects a shared commitment to addressing the organization's fiscal challenges and maintaining service continuity for the community.

STRATEGIC INITIATIVES

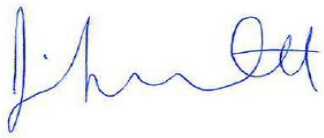
This agenda item is an operational item and does not relate to one of the Council's Strategic Initiatives.

NEXT STEPS

Staff will finalize the documents and obtain necessary review by the City Attorney and respective approval by the City Manager to execute them. The Human Resources Department will work with the Finance Department to implement these changes.

Prepared and Recommended by: Ian Tecson, Director of Human Resources

Approved by:



Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION APPROVING A SIDE LETTER OF AGREEMENT WITH THE HAYWARD ASSOCIATION OF MANAGEMENT EMPLOYEES IMPLEMENTING A COLA DEFERRAL IN FISCAL YEAR 2026-27

WHEREAS, the City of Hayward is facing a budget deficit and is taking measures to reduce costs; and

WHEREAS, the City of Hayward must realize cost saving measures for the upcoming fiscal year 2026-27; and

WHEREAS, the City has met and conferred in good faith with representatives of the Hayward Association of Management Employees (HAME); and

WHEREAS, HAME has agreed to deferring the cost of living adjustment (COLA) increase, for all HAME represented classifications not entirely funded by enterprise funds, to the pay period including June 30, 2027; and the Parties agree to layoff protections in which the City will not exercise its right to layoff employees in the bargaining unit from April 3, 2026, through and including June 30, 2027; and the Parties agree to concession parity, should another represented non-safety unit agree to concession terms that 1) also include layoff projections and 2) result in less savings for the City as a percentage of that other bargaining unit's total base wages, HAME may elect to accept the terms of that agreement.

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, amendments to the Memoranda of Understanding through the related side letter of agreement as soon as administratively possible, and authorizes staff to execute said agreements, a copy of which will be on file in the Office of the City Clerk.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2026

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

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Tentative Agreement
Between City of Hayward and the Hayward Police Management Union
Regarding FY2026-27 Concessions

1) **Reduction in Wage Increases**: The Parties will amend Art. 6.13 of the Parties' contract as follows to reflect a reduction in COLA in FY2028 and FY2029 and establishment of a range of salary increases in FY2030:

6.13 Salary Adjustments

Bargaining unit salaries shall be increased by eleven and eighty-two hundredths percent (11.82%), effective July 1, 2025.

Bargaining unit salaries effective the pay period including July 1, 2026, through June 30, 2027, shall have no salary increases.

The bargaining unit's base wage shall be increased the pay period including July 1, 2027, through the last day of the pay period preceding the pay period that includes July 1, 2028, **by four and one half percent (4.5%)**~~based on the salary survey increase due to HPOA the pay period containing January 1, 2027, and tied to the established HPOA salary survey formula, which shall not be less than five percent (5%) and shall not exceed seven percent (7%)~~.

The bargaining unit's base wage shall be increased the pay period including July 1, 2028, through the last day of the pay period preceding the pay period that includes July 1, 2029, **by four and one half percent (4.5%)** ~~based on the salary survey increase to HPOA the pay period containing January 1, 2028, and tied to the established HPOA salary survey formula, which shall not be less than five percent (5%) and shall not exceed seven percent (7%)~~.

The bargaining unit's base wage shall be increased the pay period including July 1, 2029, through the last day of the pay period preceding the pay period that includes July 1, 2030, based on the salary survey increase due to HPOA the pay period containing January 1, 2029, and tied to the established HPOA salary survey formula, **which shall not be less than two percent (2%) and shall not exceed three percent (3%)**.

Salary Survey

The salary survey will determine the difference between the total compensation of a Hayward Police Captain and the average of the total compensation for Police Captain of the top four (4) agencies based on a survey of salary and benefits. The percentage shall be determined by (Total compensation average of top four (4) agencies – Total compensation of Hayward Police Captain) / Total compensation of the Hayward Police Captain, rounded to the nearest one hundredth percent (.01%). Hayward may be included in the top four (4) agencies should its compensation so indicate.

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Tentative Agreement
Between City of Hayward and the Hayward Police Management Union
Regarding FY2026-27 Concessions

Surveyed agencies shall be: Santa Clara, Vallejo, Palo Alto, Richmond, Fremont, Berkeley, Daly City, San Mateo, Alameda, and San Leandro.

The salary survey shall be completed by May 31 of each year and include all salaries and benefits effective on July 1, of each year respectively, and approved by the agency's board or council. If on October 1 of each year, any of the above agencies reaches a settlement retroactive on or before July 1 of that respective year, thereby changing the average of the top four (4) agencies, a one (1) time adjustment will be made no later than November 1 of that respective year to salaries to reflect that change. Even withstanding the exceptions outlined above, the salary survey itself shall be completed annually regardless of the years where salary adjustments are not linked to it. Unless otherwise negotiated, salary increases resulting from salary surveys shall not exceed five percent (5%).

For purposes of this agreement and any mutually agreed upon successor Memorandum of Understanding, "total compensation" shall mean the top step Captain base monthly salary; employer-paid member CalPERS contributions; total employee-paid voluntary cost sharing of employer CalPERS contributions; holiday pay; uniform allowance; education incentive pay applicable to all Police Captains; continuous service pay applicable to all Police Captains; employee paid contributions towards the City's OPEB liability; employer contributions towards the employee's dental, life, Long Term Disability (LTD), Short Term Disability (STD), and vision care insurance premiums; and the amount the employer pays for premiums for family level health coverage. The amount to be included in the survey for family-level health coverage for the City of Hayward Police Captains shall be the amount of the family premium for the health plan in which the plurality of the HPMU members are enrolled. The amount to be included in the survey for employees' dental, life, LTD/STD, and vision care insurance premiums shall be the maximum amount payable for each benefit by the respective Cities. The amount to be included in the survey for Educational incentive pay, POST certification incentive pay, and Longevity pay shall be the maximum amount allowable for each incentive under each separate salary survey City's MOU.

DocuSigned by:
By: Jennifer Ott
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Jennifer Ott
For the City of Hayward

4/1/2026
Date:

DocuSigned by:
By: Daniel Olsen
DC6F486E0DBD449...
Daniel Olsen
For Hayward Police Management Union

3/30/2026
Date:

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Tentative Agreement
Between City of Hayward and the Hayward Police Management Union
Regarding FY2026-27 Concessions

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By: B2B069E037D8441...
Ian Tecson
For the City of Hayward

Date: 4/1/2026

Signed by:
By: BFEE8AA91A96442...
William Deplitch
For Hayward Police Management Union

Date: 3/31/2026

Signed by:
By: 469A2098FFF8429...
Burke Dunphy
For the City of Hayward

Date: 4/1/2026

Signed by:
By: 076B62D08F4145A...
Heather Linteo
For Hayward Police Management Union

Date: 3/31/2026

DocuSigned by:
By: 1EE7087ACAE34A6...
James Javier
For Hayward Police Management Union

Date: 4/1/2026

SIDE LETTER OF AGREEMENT

BETWEEN

CITY OF HAYWARD

AND

HAYWARD POLICE MANAGEMENT UNIT

Representatives of the City of Hayward and the Hayward Police Management Unit ("HPMU") have met and conferred in good faith regarding the projected revenue shortfall and budget deficit facing the City of Hayward for FY 2026-2027 and future fiscal years and measures necessary to address these projected General Fund shortfalls. In partnership to stabilize City finances while maintaining essential services, the parties agree to the terms contained in this Side Letter of Agreement ("Agreement"). The Agreement amends specific provisions of the current Memoranda of Understanding between the City and HPMU, through June 30, 2030 (the "HPMU MOU").

Except where specifically modified below, all other terms of the HPMU MOU remain unchanged. Where conflicts exist between this Agreement and prior side letters or MOU language, this Agreement supersedes them for the duration specified. The terms become effective the first full pay period following City Council approval unless otherwise stated.

---

1) **Effective following City Council adoption of this agreement, Section 6.13 of the HPMU MOU will be amended as follows:**

6.13 Salary Adjustments

Bargaining unit salaries shall be increased by eleven and eighty-two hundredths percent (11.82%), effective July 1, 2025.

Bargaining unit salaries effective the pay period including July 1, 2026, through June 30, 2027, shall have no salary increases.

The bargaining unit's base wage shall be increased the pay period including July 1, 2027, through the last day of the pay period preceding the pay period that includes July 1, 2028, **by four and one half percent (4.5%)**~~based on the salary survey increase due to HPOA the pay period containing January 1, 2027, and tied to the established HPOA salary survey formula, which shall not be less than five percent (5%) and shall not exceed seven percent (7%).~~

The bargaining unit's base wage shall be increased the pay period including July 1, 2028, through the last day of the pay period preceding the pay period that includes July 1, 2029, **by four and one half percent (4.5%)** ~~based on the salary survey increase to HPOA the pay period~~

~~containing January 1, 2028, and tied to the established HPOA salary survey formula, which shall not be less than five percent (5%) and shall not exceed seven percent (7%).~~

The bargaining unit's base wage shall be increased the pay period including July 1, 2029, through the last day of the pay period preceding the pay period that includes July 1, 2030, based on the salary survey increase due to HPOA the pay period containing January 1, 2029, and tied to the established HPOA salary survey formula, **which shall not be less than two percent (2%) and shall not exceed three percent (3%)**.

Salary Survey

The salary survey will determine the difference between the total compensation of a Hayward Police Captain and the average of the total compensation for Police Captain of the top four (4) agencies based on a survey of salary and benefits. The percentage shall be determined by (Total compensation average of top four (4) agencies – Total compensation of Hayward Police Captain) / Total compensation of the Hayward Police Captain, rounded to the nearest one hundredth percent (.01%). Hayward may be included in the top four (4) agencies should its compensation so indicate.

Surveyed agencies shall be: Santa Clara, Vallejo, Palo Alto, Richmond, Fremont, Berkeley, Daly City, San Mateo, Alameda, and San Leandro.

The salary survey shall be completed by May 31 of each year and include all salaries and benefits effective on July 1, of each year respectively, and approved by the agency's board or council. If on October 1 of each year, any of the above agencies reaches a settlement retroactive on or before July 1 of that respective year, thereby changing the average of the top four (4) agencies, a one (1) time adjustment will be made no later than November 1 of that respective year to salaries to reflect that change. Even withstanding the exceptions outlined above, the salary survey itself shall be completed annually regardless of the years where salary adjustments are not linked to it. Unless otherwise negotiated, salary increases resulting from salary surveys shall not exceed five percent (5%).

For purposes of this agreement and any mutually agreed upon successor Memorandum of Understanding, "total compensation" shall mean the top step Captain base monthly salary; employer-paid member CalPERS contributions; total employee-paid voluntary cost sharing of employer CalPERS contributions; holiday pay; uniform allowance; education incentive pay applicable to all Police Captains; continuous service pay applicable to all Police Captains; employee paid contributions towards the City's OPEB liability; employer contributions towards the employee's dental, life, Long Term Disability (LTD), Short Term Disability (STD), and vision care insurance premiums; and the amount the employer pays for premiums for family level health coverage. The amount to be included in the survey for family-level health coverage for the City of Hayward Police Captains shall be the amount of the family premium for the health plan in which the plurality of the HPMU members are enrolled. The amount to be included in the survey for employees' dental, life, LTD/STD, and vision care insurance premiums shall be the maximum amount payable for each benefit by the respective Cities. The amount to be included in the survey for Educational incentive pay, POST certification incentive pay, and Longevity pay shall be the maximum amount allowable for each incentive under each separate salary survey City's MOU.

For Hayward Police Management Unit:

For City of Hayward:

Jennifer Ott, City Manager

Burke Dunphy, Chief Negotiator

Ian Tecson, Director of Human Resources

Dated _____

Dated _____

File #: CONS 26-164

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the International Federation of Professional and Technical Engineers, Local 21 Deferring the Cost of Living Adjustment Increase Due the Pay Period Including July 1, 2026, and Authorizing the City Manager to Execute the Agreement

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving a Side Letter of Agreement (Attachment IV) between the City of Hayward and the International Federation of Professional and Technical Engineers, Local 21 (Local 21) deferring the Cost of Living Adjustment (COLA) increase from the beginning of fiscal year 2026-27 to the end of fiscal year 2026-27 to create salary savings for the upcoming fiscal year.

SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. The City and Local 21 met and conferred in good faith and reached tentative agreement. The Local 21 agreement includes a COLA increase effective with the pay period including July 1, 2026. Local 21 represented employees have agreed to defer the COLA increase for all Local 21 represented classifications that are not entirely funded through enterprise funds. The COLA increase is initially scheduled at the start of fiscal year 2026-27 and will be deferred to the end of fiscal year 2026-27; effective the beginning of the pay period including June 30, 2027. If approved, the proposed agreement would result in a City savings of approximately $427,000 in fiscal year 2026-27. As part of this agreement, the City agrees not to exercise its right to layoff employees in the Local 21 bargaining unit beginning upon ratification of the tentative agreement by Local 21 through and including June 30, 2027.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Tentative Agreement

Attachment IV Side Letter of Agreement

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the International Federation of Professional and Technical Engineers, Local 21 Deferring the Contracted Cost of Living Adjustment Increase Due the Pay Period Containing July 1, 2026, and Authorizing the City Manager to Execute the Agreement

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving a Side Letter of Agreement (Attachment IV) between the City of Hayward and the International Federation of Professional and Technical Engineers, Local 21 (Local 21) deferring the cost of living adjustment (COLA) increase from the beginning of fiscal year 2026-27 to the end of fiscal year 2026-27 to create salary savings for the upcoming fiscal year.

SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. The City and Local 21 met and conferred in good faith and reached tentative agreement. The Local 21 agreement includes a COLA increase effective with the pay period including July 1, 2026. Local 21 represented employees have agreed to defer the COLA increase for all Local 21 represented classifications that are not entirely funded through enterprise funds. The COLA increase is initially scheduled at the start of fiscal year 2026-27 and will be deferred to the end of fiscal year 2026-27; effective the beginning of the pay period including June 30, 2027. If approved, the proposed agreement would result in City savings of approximately $427,000 in fiscal year 2026-27. As part of this agreement, the City agrees not to exercise its right to layoff employees in the Local 21 bargaining unit beginning upon ratification of the tentative agreement by Local 21 through and including June 30, 2027.

FISCAL IMPACT

The proposed agreement includes a projected savings of approximately $427,000 in Fiscal Year 2026-27.

BACKGROUND

In response to the City's current financial state, the City implemented a number of cost saving measures, including but not limited to: a transfer of Measure C funds; a use of OPEB Trust fund balance; use of CDBG funds; update of master fee schedule; cost reductions and revenue offsets in the Navigation Center; maintaining the FY 2025-26 worker's compensation transfer amount into FY 2026-27 resulting in use of fund balance in the Worker's Compensation Fund; public safety overtime reductions; and other police department savings. Even after all these measures are assumed, the City still projects a funding gap that needs to be closed by either labor concessions or departmental cost reductions or a combination of both.

In addition, all bargaining groups in the City were asked for a concession equivalent to forgoing upcoming scheduled COLA increases. Cost savings contributed by bargaining groups are critical to the City's fiscal health as employee salaries and benefits costs make up over 90% of the General Fund budget.

In accordance with the Memorandum of Understanding (MOU) between the City and Local 21, there is a scheduled COLA increase due for all Local 21 represented employees the beginning of the pay period containing July 1, 2026.

DISCUSSION

In partnership with the City to help address the current financial situation, Local 21 and the City entered into a tentative agreement which was subsequently ratified by Local 21's membership on April 16, 2026. The tentative agreement defers the scheduled COLA increases, for all classifications that are not entirely funded through enterprise funds, to the beginning of the pay period including June 30, 2027; creating a full fiscal years' worth of General Fund salary savings from the bargaining unit. In addition, the agreement provides layoff protection for Local 21 represented employees from April 16, 2026, through and including June 30, 2027. The agreement includes a clause for concession parity; should another represented, non-safety unit agree to concession terms that 1) include layoff protections, and 2) result in less savings for the City as a percentage of that other bargaining unit's total base wages, the City will notify Local 21 in writing of the terms of that agreement and Local 21 may elect to accept the terms of the agreement rather than the terms reflected here.

The City acknowledges and appreciates the collaborative engagement of Local 21 in agreeing to these concessions despite being in a closed contract period. This partnership reflects a shared commitment to addressing the organization's fiscal challenges and maintaining service continuity for the community.

STRATEGIC INITIATIVES

This agenda item is an operational item and does not relate to one of the Council's Strategic Initiatives.

NEXT STEPS

Staff will finalize the documents and obtain necessary review by the City Attorney and respective approval by the City Manager to execute them. The Human Resources Department will work with the Finance Department to implement these changes.

Prepared and Recommended by: Ian Tecson, Director of Human Resources

Approved by:

_____
Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION APPROVING A SIDE LETTER OF AGREEMENT WITH LOCAL 21, INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS (LOCAL 21) INCLUDING IMPLEMENTATION OF A COLA DEFERRAL IN FISCAL YEAR 2026-27

WHEREAS, the City of Hayward is facing a budget deficit and is taking measures to reduce costs; and

WHEREAS, the City of Hayward must realize cost saving measures for the upcoming fiscal year 2026-27; and

WHEREAS, the City has met and conferred in good faith with representatives of the International Federation of Professional and Technical Engineers, Local 21 (Local 21); and

WHEREAS, Local 21 has agreed to deferring the cost of living adjustment (COLA) increase, for all Local 21 represented classifications not entirely funded by enterprise funds, to the start of the pay period including June 30, 2027; and the Parties agree to layoff protections in which the City will not exercise its right to layoff employees in the bargaining unit from April 16, 2026, through and including June 30, 2027; and the Parties agree to concession parity, should another represented non-safety unit agree to concession terms that 1) also include layoff projections and 2) result in less savings for the City as a percentage of that other bargaining unit's total base wages, Local 21 may elect to accept the terms of that agreement.

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, amendments to the Memoranda of Understanding through the related side letter of agreement as soon as administratively possible, and authorizes staff to execute said agreements, a copy of which will be on file in the Office of the City Clerk.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

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

PROPOSED SIDE LETTER AGREEMENT BETWEEN
THE CITY OF HAYWARD
AND
INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS
LOCAL 21

April 8, 2026

The City of Hayward ("City") and Local 21, International Federation of Professional and Technical Engineers ("Local 21") enter into the following side letter agreement in recognition of the City's stated fiscal challenges, to preserve the City's public services, while ensuring economic stability, fairness, and security for City employees. The City has met with Local 21 and received proposals to mitigate the impacts of the stated fiscal challenges. As a result of those discussions, the City and Local 21 agree as follows:

1. IFPTE Local 21 agrees to defer the wage increase of 3.0% for one (1) fiscal year, applicable to employees in classifications for which any position is funded by non-enterprise funds, subject to all conditions outlined in this proposal being met and maintained for the duration of the deferral. The wage deferral is temporary and non-precedential.
2. The following eight (8) enterprise-funded classifications will not defer wages and will receive a 3.0% cost-of-living increase on June 29, 2026:

Job Class	Position Title
T270	AIRPORT OPERATIONS SPECIALIST
T320	DEVELOPMENT REVIEW SPECIALIST
T805	LABORATORY TECHNICIAN
T807	CHEMIST
T810	WPSC INSPECTOR II
T815	SR WPSC INSPECTOR
T870	WATER RESOURCES PLANNER

3. For all remaining classifications, the 3.0% wage deferral shall take effect on June 29, 2026.
4. The City guarantees no layoffs for every regular full time and regular part time employee of the bargaining unit during FY 2026-2027 (i.e. from June 29, 2026 through June 30, 2027)
5. Wage increases of 3.0% described in section 1, shall be fully restored no later than June 28, 2027.
6. Should another represented, non-safety unit agree to concession terms that (i) include layoff protections and (ii) result in less savings for the City as a percentage of that other bargaining unit's total base wages, the City will notify Local 21 in writing of the terms of

that agreement and Local 21 may elect to accept the terms of that agreement rather than the terms reflected here.

For IFPTE Local 21 Name: MICHELLE TORRES Title: LOCAL 21 VP Date: 4/8/26	For City of Hayward Name: Burke Murphy Title: Outside Counsel Date: 4/8/26
Bargaining Unit Representative Name: _____ Title: _____ Date: _____	Human Resources / Labor Relations Name: Jim Iverson Title: DIRECTOR OF HR Date: 04/08/2026

SIDE LETTER AGREEMENT BETWEEN
THE CITY OF HAYWARD
AND
INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS
LOCAL 21

April 17, 2026

The City of Hayward ("City") and Local 21, International Federation of Professional and Technical Engineers ("Local 21") enter into the following side letter agreement in recognition of the City's stated fiscal challenges, to preserve the City's public services, while ensuring economic stability, fairness, and security for City employees. The City has met with Local 21 and received proposals to mitigate the impacts of the stated fiscal challenges. As a result of those discussions, the City and Local 21 agree as follows:

1. IFPTE Local 21 agrees to defer the wage increase of 3.0% for one (1) fiscal year, applicable to employees in classifications for which any position is funded by non-enterprise funds, subject to all conditions outlined in this proposal being met and maintained for the duration of the deferral. The wage deferral is temporary and non-precedential.
2. All fully enterprise-funded classifications will not defer wages and will receive a 3.0% cost-of-living increase on June 29, 2026, including but not limited to the following eight (8) classifications:

Job Class	Position Title
T270	AIRPORT OPERATIONS SPECIALIST
T320	DEVELOPMENT REVIEW SPECIALIST
T805	LABORATORY TECHNICIAN
T807	CHEMIST
T809	WPSC INSPECTOR I
T810	WPSC INSPECTOR II
T815	SR WPSC INSPECTOR
T870	WATER RESOURCES PLANNER

3. For all remaining classifications, the 3.0% wage deferral shall take effect on June 29, 2026.
4. The City guarantees no layoffs for every regular full time and regular part time employee of the bargaining unit starting on the effective date of this agreement, through June 30, 2027.
5. Wage increases of 3.0% described in section 1, shall be fully restored no later than June 28, 2027.

6. Should another represented, non-safety unit agree to concession terms that (i) include layoff protections and (ii) result in less savings for the City as a percentage of that other bargaining unit's total base wages, the City will notify Local 21 in writing of the terms of that agreement and Local 21 may elect to accept the terms of that agreement rather than the terms reflected here.

For IFPTE Local 21 Name: _____ Title: _____ Date: _____	For City of Hayward Name: _____ Title: _____ Date: _____
Bargaining Unit Representative Name: _____ Title: _____ Date: _____	Human Resources / Labor Relations Name: _____ Title: _____ Date: _____

File #: CONS 26-165

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and Service Employees International Union, Local 1021 Clerical Unit Deferring the Cost of Living Adjustment Increase Due the Pay Period Including July 1, 2026, and Authorizing the City Manager to Execute the Agreement

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving a Side Letter of Agreement (Attachment IV) between the City of Hayward and the Service Employees International Union, Local 1021 Clerical Unit (SEIU Clerical) deferring the Cost-of-Living Adjustment (COLA) increase from the beginning of fiscal year 2026-27 to the end of fiscal year 2026-27 to create salary savings for the upcoming fiscal year.

SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. The City and SEIU Clerical met and conferred in good faith and reached tentative agreement. SEIU Clerical is due a COLA increase effective the pay period including July 1, 2026. SEIU Clerical represented employees have agreed to defer the COLA increase for all SEIU Clerical represented classifications that are not entirely funded through enterprise funds. The COLA increase is initially scheduled at the start of fiscal year 2026-27 and will be deferred to the end of fiscal year 2026-27; effective the start of the pay period containing June 30, 2027. If approved, the proposed agreement would result in a City savings of approximately $594,000 in fiscal year 2026-27. As part of this agreement, the City agrees not to exercise its right to layoff employees in the SEIU Clerical bargaining unit beginning upon ratification of the tentative agreement by SEIU Clerical through and including June 30, 2027.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Tentative Agreement

Attachment IV Side Letter of Agreement

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and Service Employees International Union, Local 1021 Clerical Unit Deferring the COLA Increase Due the Pay Period Including July 1, 2026, and Authorizing the City Manager to Execute the Agreement

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving a Side Letter of Agreement (Attachment IV) between the City of Hayward and the Service Employees International Union, Local 1021 Clerical Unit (SEIU Clerical) deferring the Cost-of-Living Adjustment (COLA) increase from the beginning of fiscal year 2026-27 to the end of fiscal year 2026-27 to create salary savings for the upcoming fiscal year.

SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. The City and SEIU Clerical met and conferred in good faith and reached tentative agreement. SEIU Clerical is due a COLA increase effective the pay period including July 1, 2026. SEIU Clerical represented employees have agreed to defer the COLA increase for all SEIU Clerical represented classifications that are not entirely funded through enterprise funds. The COLA increase is initially scheduled at the start of fiscal year 2026-27 and will be deferred to the end of fiscal year 2026-27; effective the start of the pay period containing June 30, 2027. If approved, the proposed agreement would result in a City savings of approximately $594,000 in fiscal year 2026-27. As part of this agreement, the City agrees not to exercise its right to layoff employees in the SEIU Clerical bargaining unit beginning upon ratification of the tentative agreement by SEIU Clerical through and including June 30, 2027.

FISCAL IMPACT

The proposed agreement includes a projected savings of $594,000 in Fiscal Year 2026-27.

BACKGROUND

In response to the City's current financial state, the City implemented a number of cost saving measures, including but not limited to: a transfer of Measure C funds; a use of OPEB Trust fund balance; use of CDBG funds; update of master fee schedule; cost reductions and revenue offsets in the Navigation Center; maintaining the FY 2025-26 worker's compensation transfer amount into FY 2026-27 resulting in use of fund balance in the Worker's Compensation Fund; public safety overtime reductions; and other police department savings. Even after all these measures are assumed, the City still projects a funding gap that needs to be closed by either labor concessions or departmental cost reductions or a combination of both.

In addition, all bargaining groups in the City were asked for a concession equivalent to forgoing upcoming scheduled COLA increases. Cost savings contributed by bargaining groups are critical to the City's fiscal health as employee salaries and benefits costs make up over 90% of the General Fund budget.

In accordance with the Memorandum of Understanding (MOU) between the City and SEIU Clerical, there is a scheduled COLA increase due for all SEIU Clerical represented employees in the pay period including July 1, 2026.

DISCUSSION

In partnership with the City to help address the current financial situation, SEIU Clerical and the City entered into a tentative agreement which was subsequently ratified by SEIU Clerical's membership on April 16, 2026. The tentative agreement defers the scheduled COLA increases, for all classifications that are not entirely funded through enterprise funds, to the beginning of the pay period including June 30, 2027; creating a full fiscal years' worth of salary savings from the bargaining unit. In addition, the agreement provides layoff protection for SEIU Clerical represented employees from April 16, 2026, through and including June 30, 2027 with the exception of a maximum of two employees represented by SEIU Clerical associated with restructuring of the jail operations. The agreement includes a clause for concession parity; should another represented, non-safety unit agree to concession terms that 1) include layoff protections, and 2) result in less savings for the City as a percentage of that other bargaining unit's total base wages, SEIU Clerical may elect to accept the terms of that agreement rather than the terms reflected here.

The City acknowledges and appreciates the collaborative engagement of SEIU Clerical in agreeing to these concessions despite being in a closed contract period. This partnership reflects a shared commitment to addressing the organization's fiscal challenges and maintaining service continuity for the community.

STRATEGIC INITIATIVES

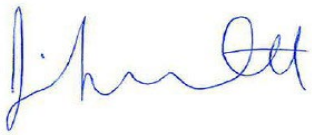
This agenda item is an operational item and does not relate to one of the Council's Strategic Initiatives.

NEXT STEPS

Staff will finalize the documents and obtain necessary review by the City Attorney and respective approval by the City Manager to execute them. The Human Resources Department will work with the Finance Department to implement these changes.

Prepared and Recommended by: Ian Tecson, Director of Human Resources

Approved by:



_____
Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION APPROVING A SIDE LETTER OF AGREEMENT WITH SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021 CLERICAL UNIT (SEIU) IMPLEMENTATING OF A COLA DEFERRAL IN FISCAL YEAR 2026-27

WHEREAS, the City of Hayward is facing a budget deficit and is taking measures to reduce costs; and

WHEREAS, the City of Hayward must realize cost saving measures for the upcoming fiscal year 2026-27; and

WHEREAS, the City has met and conferred in good faith with representatives of the Service Employees International Union, Local 1021 Clerical Unit (SEIU); and

WHEREAS, SEIU has agreed to deferring the cost-of-living adjustment (COLA) increase, for all SEIU Clerical represented classifications not entirely funded by enterprise funds, to the pay period including June 30, 2027; and the Parties agree to layoff protections in which the City will not exercise its right to layoff employees in the bargaining unit from April 16, 2026, through and including June 30, 2027; and the Parties agree to concession parity, should another represented non-safety unit agree to concession terms that 1) also include layoff projections and 2) result in less savings for the City as a percentage of that other bargaining unit's total base wages, SEIU may elect to accept the terms of that agreement.

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, amendments to the Memoranda of Understanding through the related side letter of agreement as soon as administratively possible, and authorizes staff to execute said agreements, a copy of which will be on file in the Office of the City Clerk.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

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

Docusign Envelope ID: 3C93B1D0-50FD-4A9D-A970-C6AE9AC9622C

Tentative Agreement
Between City of Hayward and SEIU Local 1021 – Clerical Unit
Regarding FY2026-27 Concessions

1) **Deferral of Salary**: The Parties will amend Art. 9.01 of the Parties' contract as follows to reflect a deferral of the upcoming 3% COLA for all classifications that are not entirely funded through enterprise funds to the pay period including June 30, 2027:

   9.01 Salaries

   Salaries for classifications in the representation unit shall be as enumerated in Appendix A to this MOU. In addition to the increased cost of City provided benefits, including retirement, medical, dental and vision, all bargaining unit salary range increases shall be as follows:

   Effective July 29, 2024, base wages for employees represented by the Union shall be increased by six percent (6%).

   Effective the pay period including July 1, 2025, base wages for employees represented by the Union shall be increased by four percent (4%).

   Effective the pay period including July 1, 2026, base wages for employees represented by the Union **in classifications for which every position is funded entirely through enterprise funds** shall be increased by three percent (3%). **For all other employees represented by the Union, base wages shall be increased by three percent (3%) effective the pay period that includes June 30, 2027. No employee shall receive more than a three percent (3%) base salary increase in FY2026-27 under this contract section.**

2) **Layoff Protections**: The City agrees not to exercise its right to layoff employees in this bargaining unit during FY2026-27 (i.e., from July 1, 2026 through June 30, 2027), except that the City may lay off no more than two (2) employees represented by the Union as part of a restructuring of the City's jail operations.

Docusign Envelope ID: 3C93B1D0-50FD-4A9D-A970-C6AE9AC9622C

Tentative Agreement
Between City of Hayward and SEIU Local 1021 – Clerical Unit
Regarding FY2026-27 Concessions

3) **Concession Parity**: Should another represented, non-safety unit agree to concession terms that (i) also include layoff protections and (ii) result in less savings for the City as a percentage of that other bargaining unit's total base wages, SEIU Clerical may elect to accept the terms of that agreement rather than the terms reflected here.

DocuSigned by:
By: Jennifer Ott
17D3BA463BE24F0...
Jennifer Ott
For the City of Hayward

Date: 4/14/2026

Signed by:
By: F3C2C66F70E0491...
Evelyn Olivera
For SEIU Local 1021

Date: 4/14/2026

DocuSigned by:
By: Ian Tecson
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Ian Tecson
For the City of Hayward

Date: 4/14/2026

Signed by:
By: Ronald Collins
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Ronald Collins
For SEIU Local 1021

Date: 4/13/2026

Signed by:
By: 469A2098EFF8429...
Burke Dunphy
For the City of Hayward

Date: 4/14/2026

Signed by:
By: 1951702C8A804E0...
Nora Huntley
For SEIU Local 1021

Date: 4/14/2026

SIDE LETTER OF AGREEMENT

BETWEEN

CITY OF HAYWARD

AND

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL

1021

Representatives of the City of Hayward and the Service Employees International Union, Local 1021 – Clerical and Related Unit ("SEIU") have met and conferred in good faith regarding the projected revenue shortfall and budget deficit facing the City of Hayward for FY 2026-2027 and temporary measures necessary to address the projected General Fund shortfall. In partnership to stabilize City finances while maintaining essential services, the parties agree to the terms contained in this Side Letter of Agreement ("Agreement"). The Agreement amends specific provisions of the current Memoranda of Understanding between the City and SEIU, through June 30, 2027 (the "SEIU Clerical MOU").

Except where specifically modified below, all other terms of the SEIU Clerical MOU remain unchanged. Where conflicts exist between this Agreement and prior side letters or MOU language, this Agreement supersedes them for the duration specified. The terms become effective the first full pay period following City Council approval unless otherwise stated.

---

1) **Effective following City Council adoption of this agreement, Section 9.01 of the SEIU Clerical MOU will be amended as follows:**

9.01 Salaries

Salaries for classifications in the representation unit shall be as enumerated in Appendix A to this MOU. In addition to the increased cost of City provided benefits, including retirement, medical, dental and vision, all bargaining unit salary range increases shall be as follows:

Effective July 29, 2024, base wages for employees represented by the Union shall be increased by six percent (6%).

Effective the pay period including July 1, 2025, base wages for employees represented by the Union shall be increased by four percent (4%).

Effective the pay period including July 1, 2026, base wages for employees represented by the Union **in classifications for which every position is funded entirely through enterprise funds** shall be increased by three percent

(3%). **For all other employees represented by the Union, base wages shall be increased by three percent (3%) effective the pay period that includes June 30, 2027. No employee shall receive more than a three percent (3%) base salary increase in FY2026-27 under this contract section.**

2) The City shall not exercise its right to layoff employees in SEIU-represented classifications in the Clerical and Related Unit for the period beginning April 16, 2026 through and including June 30, 2027, except that the City may lay off no more than two (2) employees represented by the Union as part of a restructuring of the City's jail operations.

For Service Employees International Union, Local 1021 – Clerical and Related Unit:	For City of Hayward:
_____	_____ Jennifer Ott, City Manager
_____	_____ Burke Dunphy, Chief Negotiator
	_____ Ian Tecson, Director of Human Resources
Dated _____	Dated _____

File #: CONS 26-166

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Police Officers' Association Modifying Cost of Living Adjustment Increases and Extending Previous Shift Change Agreements; and Authorizing the City Manager to Execute the Agreement

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving a Side Letter of Agreement (Attachment IV) between the City of Hayward and the Hayward Police Officers' Association (HPOA) for modifying the Cost-of-Living Adjustment (COLA) increases in fiscal years 2026-27; 2027-28; and 2028-29 to create salary savings through the term of the current contract.

SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. The City and HPOA met and conferred in good faith and reached tentative modifying scheduled COLA increases for all HPOA represented classifications. Under the current Memorandum of Understanding, the COLA increases are scheduled for a minimum of five percent (5%) and maximum of seven percent (7%) in the pay periods including January 1, 2027, and January 1, 2028; and based on salary survey in the pay period containing January 1, 2029. The parties agree to modify the COLA increase to four and one-half percent (4.5%) in the pay periods including January 1, 2027, and January 1, 2028; and to limit the COLA increase to a minimum of two percent (2%) and maximum of three percent (3%) in the pay period containing January 1, 2029. In addition, the parties agree to extend a previously agreed-upon side letter regarding shift changes, originally set to expire on December 31, 2026; now extended through December 31, 2027. If approved, the proposed agreement would result in new General Fund savings of approximately $1.4 million for FY 2026-27 for a total of $2.4 million in FY 2026-27 and a total of $5.6 million for the term of the contract.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Tentative Agreement

Attachment IV Side Letter of Agreement

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and the Hayward Police Officers' Association Modifying Cost of Living Adjustment Increases and Extending Previous Shift Change Agreements; and Authorizing the City Manager to Execute the Agreement

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving a Side Letter of Agreement (Attachment IV) between the City of Hayward and the Hayward Police Officers' Association (HPOA) modifying the Cost-of-Living Adjustment (COLA) increases in fiscal years 2026-27; 2027-28; and 2028-29 to create salary savings through the term of the current contract.

SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. The City and HPOA met and conferred in good faith and reached tentative modifying scheduled COLA increases for all HPOA represented classifications. Under the current Memorandum of Understanding, the COLA increases are scheduled for a minimum of five percent (5%) and maximum of seven percent (7%) in the pay periods including January 1, 2027, and January 1, 2028; and based on salary survey in the pay period containing January 1, 2029. The parties agree to modify the COLA increase to four and one-half percent (4.5%) in the pay periods including January 1, 2027, and January 1, 2028; and to limit the COLA increase to a minimum of two percent (2%) and maximum of three percent (3%) in the pay period containing January 1, 2029. In addition, the parties agree to extend a previously agreed-upon side letter regarding shift changes, originally set to expire on December 31, 2026; now extended through December 31, 2027. If approved, the proposed agreement would result in new General Fund savings of approximately $1.4 million for FY 2026-27 for a total of $2.4 million in FY 2026-27 and a total of $5.6 million for the term of the contract.

FISCAL IMPACT

The proposed agreement, including the previously agreed-upon side letter regarding shift changes, results in an estimated salary and overtime savings to the General Fund of:

- $1 million in fiscal year 2025-26 from overtime reductions
- $2.4 million in fiscal year 2026-27 ($2 million in overtime reductions and $400,000 in COLA modifications), including $1.4 million in new cost savings
- $1.8 million in fiscal year 2027-28 ($1 million in overtime reductions and $800,000 in COLA modifications)
- $400,000 in fiscal year 2028-29 in COLA modifications

These savings represent a projected total savings of approximately $5.6 million for the term of the contract, including current savings from FY 2025-26.

BACKGROUND

In response to the City's current financial state, the City implemented a number of cost saving measures, including but not limited to: a transfer of Measure C funds; a use of OPEB Trust fund balance; use of CDBG funds; update of master fee schedule; cost reductions and revenue offsets in the Navigation Center; maintaining the FY 2025-26 worker's compensation transfer amount into FY 2026-27 resulting in use of fund balance in the Worker's Compensation Fund; public safety overtime reductions; and other police department savings. Even after all these measures are assumed, the City still projects a funding gap that needs to be closed by either labor concessions or departmental cost reductions or a combination of both.

In addition, all bargaining groups in the City were asked for a concession equivalent to forgoing upcoming scheduled COLA increases. Cost savings contributed by bargaining groups are critical to the City's fiscal health as employee salaries and benefits costs make up approximately 90% of the General Fund budget.

In accordance with the Memorandum of Understanding (MOU) between the City and HPOA, there are scheduled COLA increases due for all HPOA represented employees the pay periods containing January 1, 2027; January 1, 2028; and January 1, 2029.

Furthermore, in an effort to mitigate overtime expenses within the City's Police Department, in calendar year 2025, the parties entered into a side letter agreement to modify the work shifts for HPOA represented staff. The side letter is effective for calendar year 2026.

DISCUSSION

In partnership with the City to help address the current financial situation, HPOA and the City entered into a tentative agreement which was subsequently ratified by HPOA's membership on April 13, 2026. The tentative agreement reduces the scheduled COLA increases, for all classifications in fiscal years 2026-27; 2027-28; and 2028-29; to create structural salary savings to the General Fund through the term of the current contract.

In addition, the side letter of agreement for shift changes signed by the parties on December 31, 2025, will be extended from December 31, 2026 through December 31, 2027 to continue projected savings in overtime costs.

The City acknowledges and appreciates the collaborative engagement of HPOA in agreeing to these concessions despite being in a closed contract period. This partnership reflects a shared commitment to addressing the organization's fiscal challenges and maintaining service continuity for the community.

STRATEGIC INITIATIVES

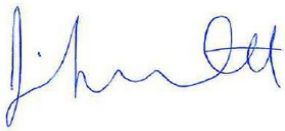
This agenda item is an operational item and does not relate to one of the Council's Strategic Initiatives.

NEXT STEPS

Staff will finalize the documents and obtain necessary review by the City Attorney and respective approval by the City Manager to execute them. The Human Resources Department will work with the Finance Department to implement these changes.

Prepared and Recommended by: Ian Tecson, Director of Human Resources

Approved by:



Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member _____

RESOLUTION APPROVING A SIDE LETTER OF AGREEMENT WITH THE HAYWARD POLICE OFFICERS' ASSOCIATION FOR IMPLEMENTATION OF A COLA REDUCTION IN FISCAL YEARS 2026-27; 2027-28; AND 2028-29

WHEREAS, the City of Hayward is facing a budget deficit and is taking measures to reduce costs; and

WHEREAS, the City of Hayward must realize cost saving measures for the upcoming fiscal year 2026-27; and

WHEREAS, the City has met and conferred in good faith with representatives of the Hayward Police Officers' Association (HPOA); and

WHEREAS, HPOA has agreed to reduce the cost-of-living adjustment (COLA) increases, for all HPOA represented classifications from a minimum of five percent (5%) and maximum of seven percent (7%) to a flat four and one-half percent (4.5%) for contract increases due the pay periods including January 1, 2027, and January 1, 2028; and to limit the COLA increase to a minimum of two percent (2%) and maximum of three percent (3%) in the pay period containing January 1, 2029.

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, amendments to the Memoranda of Understanding through the related side letter of agreement as soon as administratively possible, and authorizes staff to execute said agreements, a copy of which will be on file in the Office of the City Clerk.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

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

Docusign Envelope ID: DBCB6C99-5D6F-4FAF-9F4C-99C69BD97277

Tentative Agreement
Between City of Hayward and Hayward Police Officers' Association
Regarding Concessions

1) **Reduction in Wage Increases**: The Parties will amend Art. 8.00 of the Parties' contract as follows to reflect a reduction in COLA in FY2027 and FY2028 and establishment of a range of salary increases in FY2029:

8.00 SALARIES

Salaries for classifications in this representation unit shall be enumerated in Appendix A to this Memorandum of Understanding.

Bargaining unit salaries effective the pay period including July 1, 2024, through the last day of the pay period preceding the pay period that includes July 1, 2025 shall be increased by ten and thirty two one hundredths percent (10.32%). During this same period, the salaries for the Police Lieutenant classification shall be increased by an additional one and one quarter percent (1.25%) for a total increase of eleven and fifty-seven one hundredths percent (11.57%).

Bargaining unit salaries effective the pay period including July 1, 2025 through the last day of the pay period preceding the pay period that includes January 1, 2026 shall be increased by five and one half percent (5.5%). During this same period the salaries for the Police Lieutenant classification shall be increased by an additional one and one quarter percent (1.25%) for a total increase of six and three-quarters percent (6.75%).

The bargaining unit's base wage shall be increased the pay period including January 1, 2026, through the last day of the pay period preceding the pay period that includes January 1, 2027, based on the established salary survey formula below but shall not exceed seven percent (7%).

The salaries for the Police Lieutenant classification shall be increased effective the pay period including July 1, 2026, by one and one quarter percent (1.25%).

The bargaining unit's base wage shall be increased the pay period including January 1, 2027, through the last day of the pay period preceding the pay period that includes January 1, 2028, **by four and one half percent (4.5%)** ~~based on the established salary survey formula below but shall not be less than five percent (5%) and shall not exceed seven percent (7%)~~.

The salaries for the Police Lieutenant classification shall be increased effective the pay period including July 1, 2027, by one and one quarter percent (1.25%).

The bargaining unit's base wage shall be increased the pay period including January 1, 2028, through the last day of the pay period preceding the pay period that includes January 1, 2029, **by four and one half percent (4.5%)** ~~based on the~~

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Tentative Agreement
Between City of Hayward and Hayward Police Officers' Association
Regarding Concessions

~~established salary survey formula below but shall not be less than five percent (5%) and shall not exceed seven percent (7%)~~.

The bargaining unit's base wage shall be increased the pay period including January 1, 2029, through the last day of the pay period preceding the pay period that includes January 1, 2030, based on the established salary survey formula below **but shall not be less than two percent (2%) and shall not exceed three percent (3%)**.

Salary Survey

Base salary for all classifications covered by this Memorandum of Understanding (MOU) increased by the difference between the total compensation of a Hayward Police Officer and the average of the total compensation for Police Officer of the top four (4) agencies based on a survey of salary and benefits. The percentage increase shall be determined by (Total compensation average of top four (4) agencies - Total compensation of Hayward Police Officer)/ Total compensation of the Hayward Police Officer, rounded to the nearest one hundredth percent (.01%). Hayward may be included in the top four (4) agencies should its compensation so indicate.

Surveyed agencies shall be: Santa Clara, Vallejo, Palo Alto, Richmond, Fremont, Berkeley, Daly City, San Mateo, Alameda, and San Leandro.

The salary survey shall be completed by November 30 of each year and include all salaries and benefits effective on January 1, of each year respectively, and approved by the agencies board or council. If on July 1 of each year, any of the above agencies reaches a settlement retroactive on or prior to January 1 of that respective year, thereby changing the average of the top four (4) agencies, a one-time adjustment will be made no later than August 1 of that respective year to salaries to reflect that change. Even withstanding the exceptions outlined above, the salary survey itself shall be completed annually regardless of the years where salary adjustments are not linked to it.

For purposes of this agreement and any mutually agreed upon successor Memorandum of Understanding, "total compensation" shall mean the top step Officer base monthly salary; employer-paid member CalPERS contributions; total employee-paid voluntary cost sharing of employer CalPERS contributions; holiday pay; uniform allowance; education incentive pay applicable to all Police Officers; continuous service pay applicable to all Police Officers; shift differential pay applicable to all Police Officers; employee-paid contributions towards the City's OPEB liability; employer contributions towards the employee's dental, life, long term disability (LTD)/short term disability (STD), and vision care insurance premiums; and the amount the employer pays for premiums for family level health coverage. The amount to be included in the survey for family level health coverage for the City of

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Tentative Agreement
Between City of Hayward and Hayward Police Officers' Association
Regarding Concessions

Hayward Police Officers shall be the amount of the family premium for the health plan in which the plurality of the HPOA members are enrolled. The amount to be included in the survey for employee's dental, life, LTD/STD, and vision care insurance premiums shall be the maximum amount payable for each benefit by the respective Cities. The amount to be included in the survey for educational/POST incentive pay and continuous service pay shall be the maximum amount allowable for each incentive under each separate salary survey City's MOU. The amount to be included in the survey for shift differential pay shall be one third (1/3) of the maximum allowable under each separate salary survey City's MOU.

2) **Shift Change Side Letter**: The Parties will extend the terms of the December 31, 2025 shift change side letter from December 31, 2026 through December 31, 2027. During the term of the shift change side letter, the Parties will meet to discuss the impacts of the shift change on special assignments within the Police Department.

By: DocuSigned by: Jennifer Ott 17D3BA463BE24F0...
Jennifer Ott
For the City of Hayward

Date: 3/29/2026

By: Signed by: BZ65812F97D04F1...
Manuel Troche
For Hayward Police Officers' Association

Date: 3/27/2026

By: DocuSigned by: Ian Tecson B2B069E037D8441...
Ian Tecson
For the City of Hayward

Date: 3/28/2026

By: Signed by: Joseph Fiandor 2C5E322834F3490...
Joseph Fiandor
For Hayward Police Officers' Association

Date: 3/27/2026

By: Signed by: 469A2008EFF8429...
Burke Dunphy
For the City of Hayward

Date: 3/28/2026

By: DocuSigned by: Joseph Lucia F798523160 1D4C0...
Joseph Lucia
For Hayward Police Officers' Association

Date: 3/27/2026

SIDE LETTER OF AGREEMENT

BETWEEN

CITY OF HAYWARD

AND

HAYWARD POLICE OFFICERS' ASSOCIATIOJN

Representatives of the City of Hayward and the Hayward Police Officers' Association ("HPOA") have met and conferred in good faith regarding the projected revenue shortfall and budget deficit facing the City of Hayward for FY 2026-2027 and future fiscal years and measures necessary to address these projected General Fund shortfalls. In partnership to stabilize City finances while maintaining essential services, the parties agree to the terms contained in this Side Letter of Agreement ("Agreement"). The Agreement amends specific provisions of the current Memoranda of Understanding between the City and HPOA, through December 31, 2029 (the "HPOA MOU").

Except where specifically modified below, all other terms of the HPOA MOU remain unchanged. Where conflicts exist between this Agreement and prior side letters or MOU language, this Agreement supersedes them for the duration specified. The terms become effective the first full pay period following City Council approval unless otherwise stated.

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1) Effective following City Council adoption of this agreement, Section 8.00 of the HPOA MOU will be amended as follows:

8.00 SALARIES

Salaries for classifications in this representation unit shall be enumerated in Appendix A to this Memorandum of Understanding.

Bargaining unit salaries effective the pay period including July 1, 2024, through the last day of the pay period preceding the pay period that includes July 1, 2025 shall be increased by ten and thirty two one hundredths percent (10.32%). During this same period, the salaries for the Police Lieutenant classification shall be increased by an additional one and one quarter percent (1.25%) for a total increase of eleven and fifty-seven one hundredths percent (11.57%).

Bargaining unit salaries effective the pay period including July 1, 2025 through the last day of the pay period preceding the pay period that includes January 1, 2026 shall be increased by five and one half percent (5.5%). During this same period the salaries for the Police Lieutenant classification shall be increased by an additional one and one quarter percent (1.25%) for a total increase of six and three-quarters percent (6.75%).

The bargaining unit's base wage shall be increased the pay period including January 1, 2026, through the last day of the pay period preceding the pay period that includes January 1, 2027, based on the established salary survey formula below but shall not exceed seven percent (7%).

The salaries for the Police Lieutenant classification shall be increased effective the pay period including July 1, 2026, by one and one quarter percent (1.25%).

The bargaining unit's base wage shall be increased the pay period including January 1, 2027, through the last day of the pay period preceding the pay period that includes January 1, 2028, **by four and one half percent (4.5%)** ~~based on the established salary survey formula below but shall not be less than five percent (5%) and shall not exceed seven percent (7%)~~.

The salaries for the Police Lieutenant classification shall be increased effective the pay period including July 1, 2027, by one and one quarter percent (1.25%).

The bargaining unit's base wage shall be increased the pay period including January 1, 2028, through the last day of the pay period preceding the pay period that includes January 1, 2029, **by four and one half percent (4.5%)** ~~based on the established salary survey formula below but shall not be less than five percent (5%) and shall not exceed seven percent (7%)~~.

The bargaining unit's base wage shall be increased the pay period including January 1, 2029, through the last day of the pay period preceding the pay period that includes January 1, 2030, based on the established salary survey formula below **but shall not be less than two percent (2%) and shall not exceed three percent (3%)**.

Salary Survey

Base salary for all classifications covered by this Memorandum of Understanding (MOU) increased by the difference between the total compensation of a Hayward Police Officer and the average of the total compensation for Police Officer of the top four (4) agencies based on a survey of salary and benefits. The percentage increase shall be determined by (Total compensation average of top four (4) agencies - Total compensation of Hayward Police Officer)/ Total compensation of the Hayward Police Officer, rounded to the nearest one hundredth percent (.01%). Hayward may be included in the top four (4) agencies should its compensation so indicate.

Surveyed agencies shall be: Santa Clara, Vallejo, Palo Alto, Richmond, Fremont, Berkeley, Daly City, San Mateo, Alameda, and San Leandro.

The salary survey shall be completed by November 30 of each year and include all salaries and benefits effective on January 1, of each year respectively, and approved by the agencies board or council. If on July 1 of each year, any of the above agencies reaches a settlement retroactive on or prior to January 1 of that respective year, thereby changing the average of the top four (4) agencies, a one-time adjustment will be made no later than August 1 of that respective year to salaries to reflect that change. Even withstanding the exceptions outlined above, the salary survey itself shall be completed annually regardless of the years where salary adjustments are not linked to it.

For purposes of this agreement and any mutually agreed upon successor Memorandum of Understanding, "total compensation" shall mean the top step Officer base monthly salary; employer-paid member CalPERS contributions; total employee-paid voluntary cost sharing of employer CalPERS contributions; holiday pay; uniform allowance; education incentive pay applicable to all Police Officers; continuous service pay applicable to all Police Officers; shift differential pay applicable to all Police Officers; employee-paid contributions towards the City's OPEB liability; employer contributions towards the employee's dental, life, long term disability (LTD)/short term disability (STD), and vision care insurance premiums; and the amount the employer pays for premiums for family level health coverage. The amount to be included in the survey for family level health coverage for the City of Hayward Police Officers shall be the amount of the family premium for the health plan in which the plurality of the HPOA members are enrolled. The amount to be included in the survey for employee's dental, life, LTD/STD, and vision care insurance premiums shall be the maximum amount payable for each benefit by the respective Cities. The amount to be included in the survey for educational/POST incentive pay and continuous service pay shall be the maximum amount allowable for each incentive under each separate salary survey City's MOU. The amount to be included in the survey for shift differential pay shall be one third (1/3) of the maximum allowable under each separate salary survey City's MOU.

2) **Shift Change Side Letter**: The Parties will extend the terms of the December 31, 2025 shift change side letter from December 31, 2026 through December 31, 2027. During the term of the shift change side letter, the Parties will meet to discuss the impacts of the shift change on special assignments within the Police Department.

For Hayward Police Officers' Association:	For City of Hayward:
_____	_____ Jennifer Ott, City Manager
_____	_____ Burke Dunphy, Chief Negotiator
	_____ Ian Tecson, Director of Human Resources
Dated _____	Dated _____

File #: CONS 26-168

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and Both Units Represented by the International Association of Firefighters, Local 1909: the Hayward Firefighters Association and the Hayward Fire Officers Association, for Deferring Cost of Living Adjustment Increases and Extending Previous Cost Saving Agreements; and Authorizing the City Manager to Execute the Agreement

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving a Side Letter of Agreement (Attachment III) between the City of Hayward and both the Hayward Firefighters Association and the Hayward Fire Officers Association, represented by the International Federation of Firefighters, Local 1909 (Local 1909) for continuing Cost-of-Living Adjustment (COLA) increase deferrals and extending previously agreed-upon cost saving measures through fiscal year 2026-27; to create additional savings through the upcoming fiscal year.

SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. The City and Local 1909 met and conferred in good faith and reached tentative agreement in which Local 1909 represented employees will continue cost saving measures through fiscal year 2026-27, through June 30, 2027. In addition to the previous projected savings of $3.1 million in fiscal year 2025-26 and the already agreed upon savings of $2.9 million in fiscal year 2026-27, the extension of this agreement is projected to provide an additional savings of $3.3 million in fiscal year 2026-27 for a total of $6.2 million in General Fund cost savings for fiscal year 2026-27. The Union has agreed to enter discussions with the possibility of continuing the savings into future years after meeting and reviewing the City's financial situation. In addition, the parties agreed to maintain the California Public Employees' Retirement System (CalPERS) employee-paid employer cost share as detailed below.

ATTACHMENTS

Attachment I Staff Report

Attachment II	Resolution
Attachment III	Side Letter of Agreement

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Adopt a Resolution Approving a Side Letter of Agreement between the City of Hayward and Both Units Represented by the International Association of Firefighters, Local 1909: the Hayward Firefighters Association and the Hayward Fire Officers Association, Deferring Cost of Living Adjustment Increases and Extending Previous Cost Saving Agreements; and Authorizing the City Manager to Execute the Agreement

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) approving a Side Letter of Agreement (Attachment III) between the City of Hayward and both the Hayward Firefighters Association and the Hayward Fire Officers Association, represented by the International Federation of Firefighters, Local 1909 (Local 1909) for continuing Cost-of-Living Adjustment (COLA) increase deferrals and extending previously agreed-upon cost saving measures through fiscal year 2026-27; to create additional savings through the upcoming fiscal year.

SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. The City and Local 1909 met and conferred in good faith and reached tentative agreement in which Local 1909 represented employees will continue cost saving measures through fiscal year 2026-27, through June 30, 2027. In addition to the previous projected savings of $3.1 million in fiscal year 2025-26 and the already agreed upon savings of $2.9 million in fiscal year 2026-27, the extension of this agreement is projected to provide an additional savings of $3.3 million in fiscal year 2026-27 for a total of $6.2 million in General Fund cost savings for fiscal year 2026-27. The Union has agreed to enter discussions with the possibility of continuing the savings into future years after meeting and reviewing the City's financial situation. In addition, the parties agreed to maintain the California Public Employees' Retirement System (CalPERS) employee-paid employer cost share as detailed below.

FISCAL IMPACT

This proposed agreement results in an estimated additional salary and overtime savings to the General Fund of $3.3 million for FY2026-27 ($2 million in overtime reductions and $1.3

million in COLA modifications), in addition to the $2.9 million agreed upon in December 2025 for a total savings in FY2026-27 of $6.2 million.

BACKGROUND

In response to the City's current financial state, the City implemented a number of cost saving measures, including but not limited to: a transfer of Measure C funds; a use of OPEB Trust fund balance; use of CDBG funds; update of master fee schedule; cost reductions and revenue offsets in the Navigation Center; maintaining the FY 2025-26 worker's compensation transfer amount into FY 2026-27 resulting in use of fund balance in the Worker's Compensation Fund; public safety overtime reductions; and other police department savings. Even after all these measures are assumed, the City still projects a funding gap that needs to be closed by either labor concessions or departmental cost reductions or a combination of both.

In addition, all bargaining groups in the City were asked for a concession equivalent to forgoing upcoming scheduled COLA increases. Cost savings contributed by bargaining groups are critical to the City's fiscal health as employee salaries and benefits costs make up approximately 90% of the General Fund budget.

In accordance with the Memorandum of Understanding (MOU) between the City and Local 1909 for both Firefighters and Fire Officers, there are scheduled COLA increases due for all Local 1909 represented employees the pay periods containing January 1 of each year based on the salary formula provided in the MOU.

In an effort to mitigate costs, in December 2025, the parties entered into a side letter of agreement to delay the three and eighty-two hundredths (3.82%) increase due to their members the pay period including January 1, 2026. Instead, the parties agreed the Unions will take a partial increase at the start of Fiscal Year 2026-2027 of one and one-half percent (1.5%) and delay the remaining (2.32%) to the end of the calendar year. The Parties also agreed to temporarily modify minimum staffing coverage by a total temporary reduction of five (5) through browning-out service companies; and to temporarily increase the employer-paid portion to CalPERS by an additional two percent (2%) effective approximately July 1, 2026. Additionally, effective January 1, 2028, the number of employees that may simultaneously use vacation will increase by one (1); and sick leave accrual rates will increase aligned with employees' years of service.

DISCUSSION

In partnership with the City to help address the current and ongoing financial situation, Local 1909 and the City entered into an updated agreement which was subsequently ratified by Local 1909's membership on April 11, 2026. The agreement builds upon the previously adopted side letter and continues a series of temporary and ongoing measures designed to support financial stability, while maintaining critical fire and emergency response services.

The updated agreement continues temporary modifications to minimum staffing associated with brownout provisions through June 30, 2027. It also extends the deferral of the January 1,

2026 salary adjustment through the end of fiscal year 2026-27; where initially the parties agreed the Unions will take a partial increase at the start of Fiscal Year 2026-2027 of one and one-half percent (1.5%) and delay the remaining (2.32%) to the end of the calendar year 2026. The updated agreement reflects the full COLA increase of three and eighty-two hundredths percent (3.82%) is now moved to the pay period including July 1, 2027, creating a full fiscal year's savings in salary for the City.

In addition, the agreement maintains the current employee cost-sharing structure for retirement benefits at fifteen percent (15%) and continues previously established adjustments related to scheduling and leave administration.

Unless otherwise specified the temporary provisions included in the agreement will sunset on June 30, 2027. Certain ongoing provisions, including retirement cost-sharing and select leave-related updates, will remain in effect.

The City acknowledges and appreciates the collaborative engagement of Local 1909 in agreeing to continue these concessions despite being in a closed contract period. This partnership reflects a shared commitment to addressing the organization's fiscal challenges and maintaining service continuity for the community.

STRATEGIC INITIATIVES

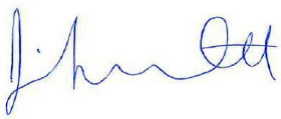
This agenda item is an operational item and does not relate to one of the Council's Strategic Initiatives.

NEXT STEPS

Staff will finalize the documents and obtain necessary review by the City Attorney and respective approval by the City Manager to execute them. The Human Resources Department will work with the Finance Department to implement these changes.

Prepared and Recommended by: Ian Tecson, Director of Human Resources

Approved by:



Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member _____

RESOLUTION APPROVING A SIDE LETTER OF AGREEMENT WITH THE BARGAINING UNITS REPRESENTED BY THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 1909: THE HAYWARD FIREFIGHTERS ASSOCIATION AND THE HAYWARD FIRE OFFICERS ASSOCIATION; TO AMEND THE CURRENT MEMORANDA OF UNDERSTANDING

WHEREAS, the City of Hayward is facing a budget deficit and is taking measures to reduce costs; and

WHEREAS, the City of Hayward must realize cost saving measures for the upcoming fiscal year 2026-27; and

WHEREAS, the City has met and conferred in good faith with the International Association of Firefighters, Local 1909 (Local 1909) as representatives of both the Hayward Firefighters Association and the Hayward Fire Officers Association; and

WHEREAS, the parties agree to continue temporary changes to the respective Memoranda of Understanding (MOU) through the end of fiscal year 2026-27; including a temporary reduction in minimum staffing and deferring cost-of-living adjustment (COLA) increases from January 1, 2026 through and including the last full pay period prior to July 1, 2027; and the parties also agree to increase sick leave accrual and the number of employees that can take vacation simultaneously.

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, amendments to the Memoranda of Understanding through the related side letter of agreement as soon as administratively possible, and authorizes staff to execute said agreements, a copy of which will be on file in the Office of the City Clerk.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

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

SIDE LETTER OF AGREEMENT

BETWEEN

CITY OF HAYWARD

AND

THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF)

LOCAL 1909 & HAYWARD FIRE OFFICERS ASSOCIATION (HFOA)

Representatives of the City of Hayward and IAFF, Local 1909 have met and conferred in good faith regarding the projected revenue shortfall and budget deficit facing the City of Hayward for FY 2026-27 and temporary measures necessary to address the projected FY2026-27 General Fund shortfall. The parties previously entered into a side letter agreement memorializing efforts to address the City's FY2025-26 General Fund deficit (the "Original Side Letter"). In partnership to stabilize City finances while maintaining essential fire and emergency services, the parties agree to the terms contained in this Side Letter of Agreement ("Agreement"). The Agreement amends specific provisions of the current Memoranda of Understanding between the City and IAFF, Local 1909, Firefighter and Fire Officers Units, through December 31, 2029 (each a "Current MOU" and collectively, the "Current MOUs") and the Original Side Letter.

Except where specifically modified below, all other terms of the Current MOUs remain unchanged. Where conflicts exist between this Agreement and prior side letters or MOU language, this Agreement supersedes them for the duration specified. The terms become effective the first full pay period following City Council approval unless otherwise stated.

1. Formal Fiscal Reassessment Process

To ensure transparency, accountability, and joint planning, the parties agree to the following:

A. Bimonthly Fiscal Review Meetings

Beginning January 2026, the parties shall meet every two months to review:

- Citywide reserve and cash position
- Fire Department sworn overtime expenditures and savings
- Progress in achieving the 2026 temporary savings targets
- New or anticipated revenues

B. Formal Reassessment:
   a. No later than March 2027, the Parties will reconvene to discuss options for addressing salary increases in FY2027-28, including
      i. Capping the survey-based salary increases
      ii. Splitting implementation of salary increases over time

iii. Increasing employee CalPERS contributions
iv. Extending the minimum staffing reduction.

b. By written mutual agreement, the parties may extend temporary modifications described herein beyond June 30, 2027.
c. Nothing in this section waives the Union's right to negotiate over mandatory subjects of bargaining.
d. The above listed items are topics for discussion and nothing in this section is or shall be construed as an agreement by either Party to any of these options.

2. Temporary Assignment Brownout
   a. In addition to the other temporary measures detailed below, the parties agree to brownout the Public Information Officer (PIO) assignment, effective beginning the pay period following City Council approval of this Agreement. This temporary assignment brownout shall sunset on June 30, 2027.

---

3. Section 4.05 of the Current MOUs will be amended as set forth below:

4.05 Minimum Staffing

Contingent upon continuation of contractual services with Fairview Fire Protection District, the organization and staffing of the Department shall consist of nine (9) engine companies and two (2) truck companies, and one specialized rescue squad. Each engine company and truck company shall be staffed with a minimum complement of three (3): a Captain, an Apparatus Operator and a Firefighter. The specialized rescue company (squad) shall be staffed with a minimum complement of two (2) Firefighters.

Effective January 1, 2025, daily staffing shall consist of a minimum of thirty-eight (38) personnel and a combined total of twelve (12) companies, and one (1) specialized rescue squad. Each engine and truck company shall be staffed with three (3) personnel qualified to function in the following roles: one (1) Captain, one (1) Apparatus Operator, and one (1) Firefighter. The specialized rescue squad shall be staffed with a minimum complement of two (2) Firefighters.

Notwithstanding any other provision of this Memorandum of Understanding, the Fire Chief or their designated representative may temporarily decrease for any reason the number of engine companies in active service for a portion of any given day provided that no more than two (2) engine companies are out of service at any one time for a period not to exceed eight (8) hours.

The following procedures will be observed on those occasions when Captains' meetings or training sessions for Captains are scheduled by the Department. During the course of such meetings or training sessions two (2) engines may be temporarily taken out of service as provided in paragraph two (2) of this section above. Acting Captains and acting Apparatus Operators shall be designated from the on-duty platoon and moved to fill vacancies and associated temporary re-assignments caused by attendance at the meeting or training session. Acting Captains and acting Apparatus Operators shall be compensated in accordance with Section 7.10 of this Memorandum of Understanding and shall be designated by the Battalion Chief from the respective eligible lists. Off duty personnel will not be recalled to duty on an overtime basis during Captains' meetings and training sessions for Captains except at the discretion of the Fire Chief.

Before January 1, 2025, if the contract with the Fairview Fire Protection District is discontinued, minimum staffing shall revert to eight (8) engine companies and two (2) truck companies and from thirty-three (33) to thirty (30) staff members. There shall be no demotion as a result of any such reduction in staff except by attrition.

Effective January 1, 2025, if the contract with the Fairview Fire Protection District is discontinued, minimum staffing shall revert to a combined total of eleven (11) companies and one (1) specialized rescue squad and from thirty-eight (38) to thirty-five (35) staff members. There shall be no demotion as a result of any such reduction in staff except by attrition.

Notwithstanding the foregoing, the following provisions shall be effective beginning in the pay period including City Council adoption of this Agreement and shall sunset on June 30, 2027, unless the Parties mutually agree in writing to extend or modify this Agreement:

1) **The following companies shall be temporarily browned out:**
    a. **Engine 11: One (1) Captain, One (1) Apparatus Operator, One (1) Firefighter**
    b. **Squad 2: Two (2) Firefighters**
2) **Minimum daily staffing shall be thirty-three (33) personnel with a combined total of eleven (11) companies, reflecting the temporary brownouts listed above.**
3) **No promotions will be rescinded, and no employees shall be demoted as a result of the suppression company (Engine 11 and Squad 2) temporary brownouts set forth above.**
4) **All affected personnel will be reclassified for calendar year 2026 into:**
    a. **Route Captain**
    b. **Route Apparatus Operator**
    c. **Route Firefighter**
5) **For the period of January 1, 2026 through June 30, 2027, the Fairview Fire Protection District contingency language will be updated as follows:**

    If the contract with the Fairview Fire Protection District is discontinued, minimum staffing shall revert to eight (8) engine companies and two (2) truck companies and from thirty-three (33) to thirty (30) staff members. There shall be no demotion as a result of any such reduction in staff except by attrition.
6) **All other language in this section regarding acting assignments, captains' meetings, and training, contingencies remains unchanged.**

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4. Section 6.01 of the Current MOUs will be amended as set forth below:

6.01 Retirement Plan

The City shall continue that contract with the Public Employees' Retirement System (PERS), and all amendments thereto, which provide retirement benefits to members of the representation unit presently in effect. Effective January 1, 2001, the City amended its contract with the PERS to provide Bargaining Unit employees with the 3% @ 50 retirement formula for PERS Classic members. Effective January 1, 2013, the contract was amended to provide a 2% @ 50 or 2.7% @ 57 retirement formula for PERS PEPRA members.

Optional Benefits, Cost Sharing (PERS Contributions)

(A) Employees Hired Before January 1, 2013

The provisions described in this Section A apply only to CalPERS eligible employees hired before January 1, 2013, or to eligible employees hired after that date who qualify for pension reciprocity pursuant to Government Code Section 7522.02 (c). Referred to as CalPERS "Classic Members."

The City shall continue to provide CalPERS Classic Members with retirement benefits in accordance with the existing contract with PERS, and all amendments to that contract, including:

1. Section 21362.2 – 3% @ 50 Retirement Formula;
2. Section 20042 – Final Compensation one (1) year;
3. Section 20965 – Unused Sick Leave Credit;
4. Section 21547.7 – Alternative Death Benefit for Local Fire Members Credited with twenty (20) or More Years of Service;
5. Section 21573 – 1959 Survivor Benefits Level three (3);
6. Section 21329 – 2% Annual Cost-of-Living Allowance Increase;
7. Section 20516 – Member Sharing Cost of Optional Benefit;
8. Section 20903 – Additional Service Credit two (2) Years;
9. Section 21551 – Pre Retirement Death Benefit to Continue after Remarriage;
10. Section 21027 – Military Service Credit for Retired Persons;
11. Section 21024 – Military Service Credit for as Public Service;
12. Section 21635 – Post-Retirement Survivor Allowance to Continue after Remarriage;
13. Section 21624/21626 – Post-Retirement Survivor Allowance;
14. Section 21620 – Retired Death Benefit; and
15. Section 20055 – Prior Service.

Upon implementation of this agreement, **"Classic"** employees shall continue to pay a total of fifteen percent (15%) of reportable wages to fund employee pensions until such time that a successor agreement is negotiated. ~~This contribution represents the employee's fifty percent (50%) of normal cost as determined by CalPERS. The balance, if any, of this contribution shall constitute employee payment of a portion of the employer's fifty percent (50%) of normal cost as determined by CalPERS.~~ **The fifteen percent (15%) of reportable wages is comprised of the nine percent (9%) mandated CalPERS published employee rate, plus an additional six percent (6%) employee contribution under Government Code Section 20516 Cost Sharing into the employee's account that will reduce the City contribution by 6% that would otherwise be required to pay to CalPERS for these employees.**

The term "normal cost" is defined in section 7522.04(g) of the Government Code as "the portion of the present value of projected benefits under the defined benefit that is attributable to the current year of service, as determined by the public retirement system's actuary according to the most recently completed valuation."

(B) Employees Hired On or After January 1, 2013

This Section B shall apply to CalPERS eligible employees hired on or after January 1, 2013, who do not qualify for pension reciprocity pursuant to Government Code Section 7522.02(c). Referred to as CalPERS "New Members." The retirement plan for these employees shall be the retirement plan which the City is required to provide for new members pursuant to California Public Employees' Pension Reform Act of 2013.

i. As required by Government Code Section 7522.25, the safety Option Plan Two (2% @ 50 – 2.7% @ 57) pension formula shall apply.

ii. As required by Government Code Section 7522.32, for the purposes of determining a retirement benefit for these employees, final compensation shall mean the highest average annual pensionable compensation earned during thirty-six (36) consecutive months of service.

iii. As required by Government Code Section 7522.30, employees shall have an initial contribution rate of fifty percent (50%) of the total normal cost rate as defined in Section 7522.04 (g).

iv. Other contracted benefits include:

1. Section 20965 – Unused Sick Leave Credit;
2. Section 21547.7 – Alternative Death Benefit for Local Fire Members Credited with twenty (20) or More Years of Service;
3. Section 21573 – 1959 Survivor Benefits Level three (3);
4. Section 21329 – 2% Annual Cost-of-Living Allowance Increase;
5. Section 20516 – Member Sharing Cost of Optional Benefit;
6. Section 20903 – Additional Service Credit two (2) Years;
7. Section 21551 – Pre-Retirement Death Benefit to Continue after Remarriage;
8. Section 21027 – Military Service Credit for Retired Persons;
9. Section 21024 – Military Service Credit for as Public Service;
10. Section 21635 – Post-Retirement Survivor Allowance to Continue after Remarriage;
11. Section 21624/21626 – Post-Retirement Survivor Allowance;
12. Section 21620 – Retired Death Benefit; and
13. Section 20055 – Prior Service.

New members shall continue to pay a total of fifteen percent (15%) of reportable wages to fund their pension until such time that a successor agreement is negotiated. The fifteen percent (15%) of reportable wages is comprised of the CalPERS published employee rate, plus the additional contribution to the City's employer rate that the City would otherwise be required to pay to CalPERS for these employees. Under Section 20516, the additional contributions are as follows:

Effective the pay period including July 1, 2013	3.75%
Effective the pay period including July 1, 2016	5.25%
Effective the pay period including July 1, 2020	4.50%

Following the 2018 Valuation Report, under Section 20516, effective July 1, 2020, employees' ~~contributing~~ **contribution** will be adjusted to four and one-half percent (4.50%). If CalPERS enacts a change to the employee rate as reflected in the Annual Valuation Report, the parties will amend this section to ensure it accurately reflects new members pay a total of fifteen percent (15%) of reportable wages to fund their pension. This contribution represents the employee's fifty percent (50%) of normal cost as determined by CalPERS. The balance, if any, of this contribution shall constitute employee payment of a portion of the employer's fifty percent (50%) of normal cost as determined by CalPERS.

In no event shall the employee contribution be less than fifty percent (50%) of the total normal cost rate, as required by Government Code Section 7522.30.

5. Section 7.12 of the Current MOU with the IAFF, Local 1909, Fire Officers Unit will be amended as set forth below:

7.12 Salaries

In the pay period that includes January 1 of each year, while the Memorandum of Understanding remains in effect, the City shall provide a salary adjustment for the members of the bargaining unit in the amount that results from application of the salary formula below, except for the caps and exceptions that are referenced within this section:

Except as specified above, b~~B~~ase salary for all classifications covered by this MOU shall be increased by the difference between the total compensation of a Hayward Firefighter and the average of the total compensation for firefighter of the top four (4) agencies based on a survey of salary and benefits. Hayward may be included in the top four (4) agencies should its total compensation for firefighter so indicate. The percentage increase shall be determined by (Total Compensation average of top four (4) agencies – Total Compensation of Hayward Firefighter)/Base pay of Hayward Firefighter, rounded to the nearest one hundredth of a percent (.01%).

"Total Compensation" shall mean the sum of the following: top step base monthly salary; employer-paid member PERS contributions; education incentive pay applicable to all firefighters; uniform allowance; maximum annual vacation credit; paramedic pay; EMT pay; holiday pay; and health coverage. The amount to be included in the survey for health coverage for the City of Hayward IAFF Local 1909 shall be the amount of the Kaiser Region 1 subscriber +2 premium for the health, dental, and vision plans. For the purpose of this survey, the value of vacation shall be determined as follows: maximum vacation hours divided by twelve (12) multiplied by maximum base hourly rate. For the City of Berkeley only, the longevity pay scale shall be used for the purpose of calculating Total Compensation.

Salary adjustments are to be made annually on the basis of the Survey Formula, the survey shall be completed by November 30th **of each year** and shall include all salaries and benefits effective on January 1 of each year of the adjustment~~,~~ and approved by the agency's board or council. If on July 1 of the year of the adjustment, any of the agencies in the survey reaches a settlement retroactive to January 1, thereby changing the average of the top four (4) agencies, a one-time adjustment will be made to salaries to reflect that change within three (3) months of July 1.

For the term of this agreement, salary adjustments will be based on the following cities: Alameda, Berkeley, Daly City, Fremont, Hayward, Palo Alto, Richmond, Alameda County Fire Department, San Mateo Consolidated, Santa Clara, and Vallejo.

Notwithstanding the foregoing, the 3.82% salary adjustment to which members of Local 1909 would be entitled effective January 1, 2026, based on the criteria set forth above, will be deferred as follows:

- **3.82% will be deferred effective January 1, 2026 through and including the last full pay period prior to July 1, 2027;**

Unless otherwise mutually agreed, the salary survey will be conducted for calendar year 2027 consistent with the terms set forth above and will be the subject of discussions between the City and the Union scheduled for no later than March 2027. Any wage increases resulting from the calendar year 2027 survey will be implemented in the pay period that includes July 1, 2027 unless otherwise mutually agreed. Any other modifications to this section, including any additional salary increase deferrals shall only be effective if they are part of a signed, mutual written agreement that has been approved by both Local 1909's membership and the City Council.

The base rate for the classification of Battalion Chief shall be fourteen and one half percent (14.5%) greater than the highest-ranking classification within the MOU between the City of Hayward and the Hayward Firefighters IAFF Local 1909, with applicable conversion for forty (40) hour versus fifty-six (56) hour rates.

The base rate for the classification of Fire Training Officer and the Fire Marshal shall be ten percent (10%) greater than the base rate for Battalion Chief (40- hour).

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6. Section 7.12 of the Current MOU with the IAFF, Local 1909, Firefighter Unit will be amended as set forth below:

7.12 Salaries

In the pay period that includes January 1 of each year, while the Memorandum of Understanding remains in effect, the City shall provide a salary adjustment for the members of the bargaining unit in the amount that results from application of the salary formula below, except for the caps and exceptions that are referenced within this section:

Except as specified above, base salary for all classifications covered by this MOU shall be increased by the difference between the total compensation of a Hayward Firefighter and the average of the total compensation for firefighter of the top four (4) agencies based on a survey of salary and benefits. Hayward may be included in the top four (4) agencies should its total compensation for firefighter so indicate. The percentage increase shall be determined by (Total Compensation average of top four (4) agencies – Total Compensation of Hayward Firefighter)/Base pay of Hayward Firefighter, rounded to the nearest one hundredth of a percent (.01%).

"Total Compensation" shall mean the sum of the following: top step base monthly salary; employer-paid member PERS contributions; education incentive pay applicable to all firefighters; uniform allowance; maximum annual vacation credit; paramedic pay; EMT pay; holiday pay; and health coverage. The amount to be included in the survey for health coverage for the City of Hayward IAFF Local 1909 shall be the amount of the Kaiser Region 1 subscriber +2 premium for the health, dental, and vision plans. For the purpose of this survey, the value of vacation shall be determined as follows: maximum vacation hours divided by twelve (12) multiplied by maximum base hourly rate. For the City of Berkeley only, the longevity pay scale shall be used for the purpose of calculating Total Compensation.

Salary adjustments are to be made annually on the basis of the Survey Formula, the survey shall be completed by November 30th of each year and shall include all salaries and benefits effective on January 1 of each year of the adjustment and approved by the agency's board or council. If on July 1 of the year of the adjustment, any of the agencies in the survey reaches a settlement retroactive to January 1, thereby changing the average of the top four (4) agencies, a one-time adjustment will be made to salaries to reflect that change within three (3) months of July 1.

For the term of this agreement, salary adjustments will be based on the following cities: Alameda, Berkeley, Daly City, Fremont, Hayward, Palo Alto, Richmond, Alameda County Fire Department, San Mateo Consolidated, Santa Clara, and Vallejo.

Notwithstanding the foregoing, the 3.82% salary adjustment to which members of Local 1909 would be entitled effective January 1, 2026, based on the criteria set forth above, will be deferred as follows:

- **3.82% will be deferred effective January 1, 2026 through and including the last full pay period prior to July 1, 2027;**

Unless otherwise mutually agreed, the salary survey will be conducted for calendar year 2027 consistent with the terms set forth above and will be the subject of discussions between the City and the Union scheduled for no later than March 2027. Any wage increases resulting from the calendar year 2027 survey will be implemented in the pay period that includes July 1, 2027 unless otherwise mutually agreed. Any other modifications to this section, including any additional salary increase deferrals shall only be effective if they are part of a signed, mutual written agreement that has been approved by both Local 1909's membership and the City Council.

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7. Section 9.04 of the Current MOU with the IAFF, Local 1909, Firefighter Unit will be amended as set forth below:

9.04 Scheduling of Vacation Leave for Fifty-Six (56) Hour Employees

Vacation leave shall start on any scheduled work shift throughout each calendar year, subject to the needs of the service and the approval of the Fire Chief. Consideration shall be given to seniority in actual scheduling of vacation leaves. In the event an employee is transferred between platoons for the convenience of the department, vacation periods previously approved by the Fire Chief shall not be canceled for this reason. Compensatory time off credits may be used in conjunction with vacation leave if found feasible by the Fire Chief. However, total off-duty time for any one (1) period shall not exceed fifty-one (51) calendar days except upon specific approval of the Fire Chief. Five (5) employees of any given rank on the same shift may use vacation leave simultaneously. **Effective January 1, 2028, six (6) employees of any given rank on the same shift may use vacation leave simultaneously.**

Requesting Compensatory/Vacation Time Off

The Fire Chief or designated representative must approve any revisions in scheduled vacation and compensatory time off. In the event an employee's remaining vacation leave balance or compensatory time balance is less than twelve (12) hours, the Fire Chief may authorize the employee using a combination of the two (2) to total a twelve (12) hour increment. Requests for the use of vacation or compensatory time off shall normally be made through a Battalion Chief.

Number of Employees Allowed Off

No more than five (5) employees shall be guaranteed the use of vacation leave on any given day. If less than five (5) employees are scheduled off on vacation, employees using compensatory time may also be scheduled off up to a combined total of five (5) persons. **Effective January 1, 2028, this number will increase to no more than six (6) employees shall be guaranteed the use of vacation leave on any given day. If less than six (6) employees are scheduled off on vacation, employees using compensatory time may also be scheduled off up to a combined total of six (6) persons.** There shall be no restriction on the number of persons in each rank who may simultaneously use compensatory time off. The scheduling of compensatory time off will be on a *first come first served* basis, but such time off may not be scheduled less than twenty-four (24) hours in advance, nor more than ninety (90) days in advance. More than five (5) employees may be allowed off simultaneously for the use of vacation or compensatory time in the event staffing levels so permit. The number of employees allowed off on leave at one (1) time shall not be affected by employees who are absent because of non-occupational illness or injury and who are using compensatory time or vacation because of having exhausted sick leave benefits; nor shall absences of management employees requiring bargaining unit members to act in their stead be considered.

Vacation/Compensatory Leave Increments

Vacation and/or compensatory time off must be used in increments of twelve (12) hours, either 0800 hours to 2000 hours or 2000 hours to 0800 hours the following day. As an exception to the foregoing, a Battalion Chief may grant the use of leave in excess of twelve (12) hours but less than twenty-four (24) hours if such approval does not prevent other employees from using a twelve (12) hour leave period. In case of such conflicts, the first requesting employee shall be given the choice of extending the leave to a full twenty-four (24) hour period, or having the approved period of leave modified to twelve (12) hours only.

Vacation Selection Process

Vacation time off will be selected in advance, and the selection process shall commence in December prior to the calendar year in which the vacation time will be used. Two (2) rounds of vacation selection activity shall be permitted, and selections so made on each shift shall be on the basis of departmental seniority. In each round, employees may select one (1) to six (6) shifts of vacation leave which must fall entirely within one (1) designated vacation period. One (1) vacation period is defined as three (3) contiguous "sets". An employee's turn in the selection process is defined as either a PASS, or the selection of from one (1) to six (6) shifts of vacation time off. Once the two (2) rounds of vacation selection have been completed, the remaining days will be made available on a *first come first served* basis.

Cancellation of Scheduled Vacation

Scheduled vacation shall not be canceled with less than ten (10) days' advance notice. Scheduled vacation may be canceled with less than ten (10) days' advance notice only in the event of illness of the employee, or illness of a family member which qualifies the employee for use of family sick leave (physician's verification required in both instances); use of funeral leave; or if less than four (4) employees are scheduled off on vacation and/or compensatory time on the day(s) to be canceled. As an exception to the foregoing, vacation may be canceled with twenty-four (24) hours advance notice provided the vacation period in question was approved within the preceding ten (10) calendar days.

Notification of Canceled Vacation Days

All stations shall be notified of canceled vacation days within twenty-four (24) hours via station printer or equivalent means of communication. All employees on the same shift, starting with the employee who is next senior to the employee canceling the vacation and proceeding thereafter on the basis of seniority, shall have twenty-four (24) hours within which to select the canceled vacation period or a portion thereof after which the remaining time shall be available on a *first come first served* basis.

8. Section 10.03 of the Current MOUs will be amended as set forth below:

10.03 Sick Leave Allowance

After completing three (3) months of continuous, full-time satisfactory service, full-time employees other than temporary and provisional employees shall be eligible for sick leave according to the following schedule.

Employees who work a forty (40) hour workweek shall accrue three and ninety-six hundredths (3.96) hours of sick leave credit per payroll period.

Effective the pay period containing January 1, 2028, employees who work a forty (40) hour workweek shall accrue sick leave based on their years of service as follows:

- **Employees with 0–15 years of service: increase from 3.96 hours per pay period to 4.946 hours per pay period**
- **Employees with more than 15 years of service: increase from 3.96 hours per pay period to 5.94 hours per pay period**

Employees who work a fifty-six (56) hour workweek shall accrue five and fifty-four hundredths (5.54) hours of sick leave credit per payroll period.

Effective the pay period containing January 1, 2028, employees who work a fifty-six (56) hour workweek shall accrue sick leave based on their years of service as follows:

- **Employees with Zero (0) to fifteen (15) years of service shall accrue six and ninety-two hundredths (6.92) hours of sick leave credit per payroll period.**
- **Employees with more than fifteen (15) years of service shall accrue eight and thirty-one hundredths (8.31) hours of sick leave credit per payroll period.**

There shall be no limit on the number of unused hours of sick leave which may be accumulated by an employee. Employees who (1) have a balance of six hundred (600) hours or more as of December 31 of each calendar year, and (2) have not used more than two (2) shifts for fifty-six (56) hour employees and twenty-four (24) hours for forty (40) hour employees during the calendar year shall receive an additional twenty-four (24) hours added to their vacation balance on the first paycheck in February of the following year.

Temporary or part-time employees who do not qualify for sick leave under the provisions of this MOU may be entitled to sick leave in accordance with Administrative Rule 2.46, Paid Sick Leave.

Sick leave records shall be maintained on an hourly basis. Sick leave shall be taken in periods of no less than one (1) hour. No sick leave shall be earned during leaves of absence without pay. An employee unable to return to work after a further period allowed on sick leave without pay may be retired for disability or separated.

A new parent may use up to one-hundred and twenty (120) hours of earned sick leave upon the birth of a child or when a child begins residence with an employee who has commenced adoption proceedings. Any leave granted under this provision shall run concurrently with FMLA/CFRA leave and must be used within one (1) year of the birth or placement of the child.

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9. Reopener / Restoration

A. If the March 2027 formal reassessment set forth in Section 1 of this Agreement demonstrates that the City's financial condition has materially improved, the parties agree to a decision-based meet and confer to: (a) restore deferred COLA components; (b) restore staffing as described in the Current MOU; and (c) evaluate reinstatement or expansion of browned-out companies.
B. Nothing in this Agreement waives the Union's right to negotiate over mandatory subjects of bargaining.
C. Any modification to this Side-Letter of Agreement or the MOU shall occur only by mutual written agreement executed by authorized representatives of both parties. In the event of impasse, all existing terms and conditions of the agreements shall remain in full force and effect.

10. Duration/Sunset

A. Unless otherwise specified, the concessionary amendments to Sections 4.05 (Minimum Staffing) and the suspension of the salary adjustments (7.12) will sunset on June 30, 2027 without further action, unless mutually extended through a signed written agreement.
B. The amendments to Section 6.01 (Retirement Plan) Section 9.04 (Scheduling of Vacation and Leave for 56-Hour Employees) and 10.03 (Sick Leave) do not sunset.

11. Miscellaneous Provisions

A. Governing Law/Venue. The formation, construction, and performance of this Agreement, and any dispute arising from the relationship between the parties shall be subject to binding arbitration.
B. Entire Agreement. This Agreement constitutes the entire agreement between the City and the Union pertaining to the subject matters covered and may only be modified in writing signed by both parties.
C. Severability. If any provision of this Agreement is held invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect the remaining provisions.

For Local 1909

Andrew Ghali (Apr 11, 2026 17:06:32 PDT)

Andrew Ghali, Local 1909 President

Jeff Dimick (Apr 2, 2026 19:28:19 PDT)

Jeff Dimick, HFOA President

Dated 04/11/2026

For City of Hayward

Jennifer Ott

Jennifer Ott, City Manager

Burke Dunphy

Burke Dunphy (Apr 2, 2026 19:38:56 PDT)

Burke Dunphy, Chief Negotiator

Ian Tecson

Ian Tecson, Director of Human Resources

Dated 04/02/2026

File #: PH 26-018

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT

Stratford Village Proposition 218 Hearing: Proposition 218 Public Hearing to Receive and Tabulate Property Owner Ballots Regarding the Establishment and Levying of a New Assessment for the Stratford Village Flood Control Facilities Improvement Assessment District (MD1); Adopt a Resolution Establishing the New Stratford Village Flood Control Facilities Improvement Assessment (MD1-2026); Approve the Final Engineer's Report; and Order Levy and Collection of Assessments for Fiscal Year 2027

RECOMMENDATION

That the City Council conducts a public hearing pursuant to Proposition 218 to consider objections and protests to the proposed Stratford Village Flood Control Facilities Improvement Assessment (MD1-2026). If tabulation of the property-owner ballots results in approval of the proposed assessment, that Council adopts a resolution (Attachment II) establishing the proposed Assessment, approving the Final Engineer's Report (Attachment III), and ordering the levy and collection of the approved assessments for Fiscal Year 2027.

SUMMARY

Maintenance District 1 (District) was established in 1995 as a financial funding mechanism to fund the operation, maintenance, and the capital repair and replacement of the Stratford Village Storm Water Lift Station (SWLS), the critical flood protection infrastructure for the neighborhood. Thirty years later, the funds generated from the annual assessment revenue are no longer sufficient to provide proper operation, maintenance, and the capital repair and replacement of the District's storm water drainage and pumping infrastructure. To meet this need, staff recommended a Proposition 218 assessment balloting procedure to propose a new assessment at the January 27, 2025, City Council Meeting.

On January 27, the City Council took formal action to initiate the Proposition 218 election process. Since then, ballot materials were mailed to all property owners of record 45 days prior to this Public Hearing. This Public Hearing on April 21 is to receive the ballot tabulation and consider objections and protests. If it is determined that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional

financial obligation of the property for which ballots are submitted), staff recommends the City Council take action to approve the imposition of assessments for fiscal year 2027 (July 2026 through June 2027) and each fiscal year thereafter. The levy and collection of the assessments would continue year to year until terminated by the City Council. Pursuant to the Council's approval, the assessment roll will be forwarded to the County for collection with annual property taxes.

ATTACHMENTS

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

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT: Stratford Village Proposition 218 Hearing: Proposition 218 Public Hearing to Receive and Tabulate Property Owner Ballots Regarding the Establishment and Levying of a New Assessment for the Stratford Village Flood Control Facilities Improvement Assessment District (MD1); Adopt a Resolution Establishing the New Stratford Village Flood Control Facilities Improvement Assessment (MD1-2026); Approve the Final Engineer's Report; and Order Levy and Collection of Assessments for Fiscal Year 2027

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for which ballots are submitted), staff recommends the City Council take action to approve the imposition of assessments for fiscal year 2027 (July 2026 through June 2027) and each fiscal year thereafter. The levy and collection of the assessments would continue year to year until terminated by the City Council. Pursuant to the Council's approval, the assessment roll will be forwarded to the County for collection with annual property taxes.

FISCAL AND ECONOMIC IMPACT

This action has no impact on the City's General Fund.

The District funds the operations and maintenance of the SWLS through its assessments. Presently, $42,456 in assessment revenue is collected annually, with each of the 174 property owners contributing $243.92 per year. The annual maximum charge rate (Assessment) was established and set when the District was established in 1995 and cannot be legally increased without official property owner approval completed through a formal assessment balloting procedure. Currently, there are insufficient funds to properly maintain or replace the SWLS, increasing the risk of neighborhood flooding.

If a majority of property-owner ballots approve the proposed assessment and the City Council proceeds with establishing the new Assessment, it would be levied in addition to the existing MD1 Assessment. Should the proposed balloting be performed and ***not*** pass, the condition of the Stratford Village SWLS would continue to degrade and would not be able to perform its flood control duties as originally designed and intended.

The estimated fiscal year 2027 cost of providing the Services to be funded by this proposed assessment is $17,020.23 This cost results in a maximum proposed assessment rate per single-family equivalent benefit unit of $97.82. If approved, these rates may be increased in future years by an amount equal to the annual change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index – All Urban Consumers (CPI) for the Northern California Consumer Price Index, SAN FRANCISCO-OAKLAND-HAWYARD, not to exceed 3% per year. The February-to-February CPI will be used to calculate the CPI. The CPI adjustment will be applied to the sum of the existing 1995 assessment and the proposed new assessment.

BACKGROUND

The Stratford Village neighborhood is located within a large drainage basin, with the Ward Creek[1] drainage facilities running along the western edge of the neighborhood. In 1992, as part of the Stratford Village neighborhood pre-development analysis, it was determined that the neighborhood was located below the 100-year flood zone. Due to the increased risk of flooding, the conditions of development required extensive grading to raise the elevation of the property to receive approvals from the City.

[1] URL – Ward Creek – Old Alameda Creek Watershed

Development of the neighborhood was eventually made possible with the construction of a dedicated SWLS , built in 1995, designed solely to service this specific development. The SWLS was constructed at the end of Pacheco Way to pump storm water runoff from the developed area adjacent to Alameda County Flood Control and Water Conservation District's (ACFCWCD) Line B, Zone No. 3A, Ward Creek. The SWLS was designed with capacity to only process the stormwater run-off generated by the 174-lot development, a portion of Ruus Lane, Stratford Road, and the Stratford Village Park. No added capacity was constructed for run-off from other areas outside those mentioned above.

The Stratford Village SWLS , located at the end of Pacheco Way in the southwestern corner of Stratford Village, pumps water out of the neighborhood and into a drainage facility (Ward Creek). The ACFCWCD [2], through an agreement with the City, provides a range of construction, repair, maintenance, operations, and upgrades to the district's storm drainage and pump station improvements. These improvements protect the usefulness, utility, desirability, and livability of all properties within its jurisdictional area by preventing flooding.

The District was formed as a financial mechanism for the property owners to fund the station's operation, maintenance, and capital replacement in perpetuity. This station is the only privately built SWLS in the City, initially funded by the developer, and able to be operated and maintained, with capital items being repaired and replaced solely with assessment revenue collected by the benefited property owners.

Presently, each of the 174 property owners contribute $243.92 per year for the operation, maintenance, and capital repair and replacement of this critical flood protection infrastructure. Annually, $42,442 in assessment revenue is collected. These funds are maintained and spent only for the operation, maintenance, repair, and replacement of this neighborhood's SWLS. The annual maximum charge rate (Assessment) was established and set when the District was established in 1995 and cannot be legally increased without official property owner approval completed through a formal assessment balloting procedure.

Thirty years later, the funds generated from the annual Assessment are no longer sufficient to properly operate and maintain the Stratford Village SWLS and to provide for repair and replacement of its critical infrastructure assets.

On January 27, 2026, the City Council adopted Resolutions No. 26-004 and No. 26-005, initiating proceedings pursuant to Government Code Section 53753, and Prop. 218 (California Constitution Article XIIIC and XIIID; Government Code Section 53753) preliminarily approving the Engineer's Report, providing notice of public hearing in compliance with Prop. 218, and approving the mailing of ballots and adopting Proposition 218 Assessment Ballot Proceedings Procedures for the Stratford Village Flood Control Facilities Improvement Assessment (MD1-2026). Council also set the date for the public hearing for the ballots to be counted at the April 21, 2026 City Council meeting.

[2] URL – ACFCWCD Site

DISCUSSION

Properties in the Stratford Village neighborhood are currently at an increased risk for flooding if the SWLS is not operating properly. The proposed Assessment will fund capital improvements, increase in maintenance, operations, and improvement activities to reduce the likelihood of SWLS failure and reduce the threat of flooding, thereby significantly reducing the risk of property damage potential and loss of life associated with floods. Proper flood control operation, maintenance, and capital repair and replacement help to protect, and specifically benefits, all properties in the District.

Based upon input from the Stratford Village neighborhood, the City has decided to proceed with the establishment of a new assessment (MD1-2026) which incorporates several critical improvements to the existing assessment including:

1.) A cost-of-living adjustment mechanism in order to ensure that the flood control infrastructure is properly funded over time for operations and maintenance.
2.) An annual augmentation of approximately $7,544 (2025-26 dollars) to the annual operating budget.
3.) A capital investment of $379,049, to be financed over 40 years to fund the Pump and Equipment Replacement Fund/2030 Pump replacement.

An Engineer's Report has been prepared by SCI (Attachment III) and serves as the basis for this proposed new Assessment (MD1-2026) to fund a specific portion of these critically needed improvements.

PUBLIC CONTACT

Through a series of mailers, in-person and virtual community meetings, flyers delivered to each of the 174 properties in the neighborhood, and Council meetings, staff have sought to inform and receive input from Stratford Village property owners and Council regarding the best path forward to protect Stratford Village from flooding.

NEXT STEPS

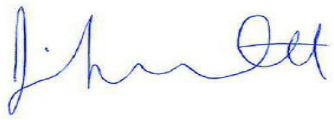
If a majority of property-owner ballots approve the proposed assessment, the City Council may proceed with approving the Final Engineer's Report and ordering the levy and collection of the approved assessments for Fiscal Year 2027. Pursuant to the Council's approval, the assessment roll will be forwarded to the County for collection with annual property taxes.

If a majority of property-owner ballots protest the proposed assessment, the assessment will not be imposed. City Council may move forward with the process of levying the existing MD1 assessment for FY 2027, and staff will begin evaluating options to achieve fiscal solvency, such as reducing maintenance or dissolving the District.

Prepared by: Manny Grewal, Management Analyst

Recommended by: Todd Rullman, Director of Maintenance Services

Approved by:



_____

Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-__

Introduced by Council Member_____

RESOLUTION ESTABLISHING THE STRATFORD VILLAGE FLOOD CONTROL FACILITIES IMPROVEMENT ASSESSMENT (MD1-2026), APPROVING THE FINAL ENGINEER'S REPORT, AND ORDERING LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2027

WHEREAS, on June 6, 1995, by Resolution No. 95-103, the City Council ordered the formation Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road, and Ruus Lane ("MD1") to provide for the operation and maintenance of the storm drainage improvements and the stormwater pumping facility to serve the area commonly known as Stratford Village; and

WHEREAS, the funds generated from the MD1 Assessment are no longer adequate to continue to provide proper operation, maintenance, and capital replacement of the drainage and pump facilities; and

WHEREAS, Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California, authorizes formation of a maintenance district, and imposition of assessments to finance construction, improvement, and maintenance of drainage facilities; and

WHEREAS, the City of Hayward ("City") initiated proceedings for establishing the Stratford Village Flood Control Facilities Improvement Assessment (MD1-2026) pursuant to Government Code Section 53753 and Article XIIID of the California Constitution, to provide improved maintenance and operations services and improvements to the drainage and pump facilities within the proposed district; and

WHEREAS, Proposition 218 was adopted on November 6, 1996, adding Articles XIIIC and XIIID to the California Constitution; and

WHEREAS, Articles XIIIC and XIIID of the California Constitution and implementing statutes impose certain procedural and substantive requirements relating to assessments (as defined); and

WHEREAS, a Final Engineer's Report ("Report") has been prepared by SCI Consulting Group ("Engineer of Work") and submitted to the City Council, in which a new assessment is proposed to fund the cost to provide maintenance and operations services and improvements to the drainage and pump facilities within the proposed district boundaries; and

WHEREAS, this proposed assessment shall be described as the "Stratford Village Flood Control Facilities Improvement Assessment (MD1-2026)" ("Assessment"); and

WHEREAS, Resolutions No. 26-004 and No. 26-005 were adopted by the City Council on January 27, 2026 which initiated proceedings pursuant to Government Code Section 53753, and Article XIIID of the California Constitution, and set a date and time for Prop. 218 hearing at 7:00 p.m. on April 21, 2026; and

WHEREAS, in compliance with the requirements of Article XIIID of the California Constitution and Government Code section 53753, ballots were mailed to all record owners of property within the proposed Assessment district and a notice of the April 21, 2026 Public Hearing; and

WHEREAS, on April 21, 2026 at 7:00 PM or as soon thereafter as was practicable, the City Council held a public hearing, at which it heard and considered oral and written testimony from all interested persons; and

WHEREAS, following the public input portion of the Public Hearing, all assessment ballots that had been returned to the City were tabulated pursuant to the procedures set forth in Resolution 26-005, which was adopted by Council on January 27, 2026; and

WHEREAS, based on the tabulation, the City Council determined that a majority protest, as defined by Article XIII D, Section 4(e) of the California Constitution and Section 53753 of the California Government Code did not exist with respect to the proposed Assessment.

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

1. The above recitals are true and correct.

2. **Establishment of New Assessment.** Pursuant to Government Code Section 53753, and Article XIIID of the California Constitution, the Stratford Village Flood Control Facilities Improvement Assessment (MD1-2026) is hereby established. The Assessment will be in addition to the existing MD1 assessment.

3. **Confirmation of Final Engineer's Report.** SCI Consulting Group, the Engineer of Work, has prepared the Report in accordance with Article XIIID of the California Constitution and Government Code section 53750, 54710 et seq. The Report has been made, filed with the City Clerk, and duly considered by the City Council and is hereby approved and confirmed and incorporated herein by reference, including, but not limited to, the following:

A. The description of the services to be funded with Assessment proceeds;

B. The estimate of the annual cost of such services;

C. The description of the assessable parcels of land within the district and subject to the Assessment;

D. The description of the proportionate special and general benefits conferred on property by the Assessment;

E. The description of the boundaries of the Assessment district;

F. The specification of the amount to be assessed upon various types of assessable land to fund the cost of the services.

4. **Findings of Special Benefit.** Based on the oral and documentary evidence offered and received, including the Report, the City Council expressly finds and determines:

   A. That each of the parcels in the Assessment district will be specially benefitted by the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the parcel; and

   B. That there is substantial evidence to support this finding and determination as to special benefit; and

   C. That no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

5. **Maximum Assessment Rate.** The public interest, convenience, and necessity require that a levy on each lot of parcels in the Assessment district be no more than NINETY-SEVEN DOLLARS AND EIGHTY-TWO CENTS ($97.82) per single family equivalent benefit unit as described in the Report.
   These rates may be increased in future years by an amount equal to the annual change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index – All Urban Consumers ("CPI") for the San Francisco-Oakland-Hayward, CA MSA1 Consumer Price Index for All Urban Consumers (CPI-U), not to exceed 3% per year. The February-to-February CPI will be used to calculate the CPI. The CPI adjustment will be applied to the sum of the existing 1995 assessment and the proposed new assessment. Any CPI in excess of 3% may be used in subsequent years when the CPI is less than 3%. In the case of a negative February to February CPI, a 0.0% CPI will be used.

6. **Levy of Assessments.** The adoption of this Resolution constitutes the levy of the Assessments for Fiscal Year 2027 and in future years at the rates and upon the parcels described in this Resolution, in the Final Engineer's Report

including the Assessment Roll, all incorporated herein by reference. The City of Hayward Director of Finance is hereby authorized and directed to order the collection of the Assessments stated herein.

7. Immediately upon the adoption of this resolution, the City Clerk shall file a certified copy of this resolution, and Engineer's Report with the Treasurer-Tax Collector of the County of Alameda. The Assessments shall be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the county of collection, shall be paid to the City of Hayward and received by the Director of Finance.

8. Upon receipt of monies representing assessments collected by the County, the Director of Finance of the City of Hayward shall deposit the monies in the City Treasury to the credit of the Assessment district. Monies deposited to the credit of the Assessment district shall be expended only for the services and improvements set forth in the Report, which is incorporated by reference herein.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2026

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

THE CITY OF HAYWARD

STRATFORD VILLAGE FLOOD CONTROL FACILITIES IMPROVEMENT ASSESSMENT (MD1-2026)

FINAL ENGINEER'S REPORT

APRIL 2026

PURSUANT TO CHAPTER 26 OF PART 3 OF DIVISION 7 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND CHAPTER 10, ARTICLE 10, SECTION 10-10.25 OF THE HAYWARD MUNICIPAL CODE, AND ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION

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CITY OF HAYWARD

CITY COUNCIL

Mark Salinas, Mayor
Julie Roche, Mayor Pro Tempore
Angela Andrews
Ray Bonilla Jr.
Dan Goldstein
George Syrop
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CITY MANAGER

Jennifer Ott

CITY ATTORNEY

Michael Lawson

CITY CLERK

Miriam Lens

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

On January 5, 1993, the City of Hayward (the "City") City Council, by Resolution No. 93-010, approved Tentative Tract Map 6472, which authorized the subdivision of land on both sides of Stratford Road into 148 single-family home lots commonly known as Stratford Village. On April 4, 1995, the City Council, by Resolution No. 95-6, approved Tentative Tract Map 6682, which authorized the subdivision of the two existing properties at 1362 and 1384 Ruus Lane into 27 single-family homes. The storm drainage system serving these properties necessitates pumping the storm water run-off into Ward Creek. Conditions of Approval for the tentative map of Tract 6472 and Tract 6682 included provisions for storm drainage improvements and construction of an approved storm water pumping facility.

The drainage basin includes 29.1 acres of which 24.7 acres are residential, 1.9 acres are for Stratford Village Park, and 2.5 acres are for the collector streets of Stratford Road and Ruus Lane. Pacheco Way does not drain into this basin system nor does the industrial property to the south. The total number of lots in the drainage basin is approximately 175.

A Storm Water Lift Station ("SWLS") was constructed at the end of Pacheco Way to pump storm water runoff for the developed area adjacent to Alameda County Flood Control and Water Conservation District's ("ACFCD") Line B, Zone No. 3A, Ward Creek. The SWLS was designed with capacity for only the development of the area encompassing the 175 potential lots, a portion of Stratford Road, Ruus Lane and the Stratford Village Park. No added capacity was constructed for run-off from other areas such as the Georgian Manor and Spanish Ranch Mobile Home Parks, although there is space for additional pumps if they wish to connect in the future. The mobile home parks are presently served by privately owned and operated pumping facilities located within each mobile home park.

On June 6, 1995, by Resolution No. 95-103, the City Council ordered the formation of Maintenance District No. 1 ("MD1") to provide for the operation and maintenance of the storm drainage improvements and the stormwater pumping facility to serve the drainage basin. The maximum annual assessment rate is $243.92 per parcel, and it may not be increased to reflect any change in the Consumer Price Index.

On August 29, 1995, an agreement between the City and the ACFCD transferred ownership of the SWLS to the Flood Control District. The agreement states that the Flood Control District concurred with the SWLS transfer subject to the City providing the Flood Control District with the funds to operate, maintain, and provide for capital equipment replacement and for modifications that may become necessary for the optimal performance of the SWLS.

Each year the City evaluates the need to increase assessments to ensure there are adequate funds to continue to provide proper operation, maintenance, and capital replacement of the storm water pumping facilities. As part of this effort, the County of Alameda updated their capital replacement study to determine whether the MD1 is

adequately funded. Currently there are not sufficient funds to replace the MD1 capital facilities when they reach the end of their useful life.

Based upon input from the Stratford Village neighborhood, the City has decided to proceed with the formation of a new assessment which incorporates several critical improvements to the existing assessment including:

1.) A cost-of-living adjustment mechanism in order to ensure that the flood control infrastructure is properly funded over time for operations and maintenance.

2.) An annual augmentation of approximately $7,544 (2025-26 dollars) to the annual operating budget.

3.) Creation of the "2030 Pump Replacement" dedicated fund, which is a capital investment of $379,049, to be financed over 40 years to fund the pump and equipment replacement.

This Engineer's Report serves as the basis for this proposed new assessment to fund a specific portion of these critically needed storm water pumping facilities. This assessment, if approved by property owners, will be in addition to the existing MD1 assessment, adding a new assessment designated as MD1-2026.

The area that will benefit from the proposed flood includes 29.1 acres, of which 24.7 acres are residential, 1.9 acres are for a park site, and 2.5 acres are for the collector streets associated with Stratford Road and Ruus Lane. Pacheco Way does not drain into this drainage basin system nor does the industrial property to the south. The area is characterized by relatively flat terrain, low elevation and drains into the ACFCD's Line B, Zone No. 3A. The area is served by a pump station to manage storm runoff and avoid any surface flooding.

The boundary of the District is shown in Figure 1.

FIGURE 1 – AREAS BENEFITED FROM PROPOSED IMPROVEMENTS

SPECIAL FLOOD HAZARD AREAS

A Special Flood Hazard Area is defined by FEMA as a high-risk area in which land would be inundated by a flood having a one percent chance of occurring in any given year. Owners of properties within a Special Flood Hazard Area are 1) Required to purchase flood insurance if they have federally-backed mortgages, and 2) Required to make significant improvements to their property prior to any development or major renovation, including raising the elevation of the property to above the base flood level.

FEMA is responsible for creating and updating maps which indicate Special Flood Hazard Areas within flood-prone communities throughout the United States. The current maps adopted in August 2009 for the City of Hayward indicate that within MD1 15 single-family parcels, the park, and several street areas fall within a Special Flood Hazard Area.

LEGAL ANALYSIS OF PROPOSITION 218 TO FUND FLOOD CONTROL

The proposed assessment complies with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIIIC and XIIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services and improvements, as well

as maintenance and operation expenses of a public improvement which provides a special benefit to the assessed property.

Proposition 218 imposes a number of important requirements, including property-owner balloting, for the formation and continuation of assessments, and these requirements are satisfied by the process being used to establish this proposed assessment.

Funding for flood control is a well-supported and appropriate use of a benefit assessment. In fact, when Proposition 218 was initially approved in 1996, it allowed for certain types of assessments, including flood control, to be "grandfathered" in, and these were exempted from the property–owner balloting requirement. Proposition 218 is manifested as Article XIIID of the State Constitution, and states in part in Section 5:

"Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

"(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, **flood control**, **drainage systems** (emphasis added) or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4."

Specific mention of "*flood control and drainage systems*" underscores the fact that the drafters of Proposition 218 were satisfied that funding for such activities is an appropriate use of benefit assessments, and therefore confers a direct and special benefit to property.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY *(2008) 44 CAL.4TH 431*

On July 14, 2008, the California Supreme Court issued its ruling on the *Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority* ("*Silicon Valley*"). Several of the most important elements of the ruling included further emphasis that:

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

DAHMS V. DOWNTOWN POMONA PROPERTY *(2009) 174 CAL.APP.4TH 708*

On June 8, 2009, the 4th District Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court granted review and transferred the case to the Court for Appeal for reconsideration in light of the Supreme Court's discussion in the above cited *Silicon Valley*. In *Dahms*, the Appellate Court on reconsideration upheld the assessment that was 100% special benefit (i.e., 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the

assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON *(2009) 46 CAL.4TH 646*

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

BEUTZ V. COUNTY OF RIVERSIDE *(2010) 184 CAL.APP.4TH 1516*

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

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO *(2011)199 CAL.APP.4TH 416*

On September 22, 2011, the 4th District Court of Appeal issued a decision in *the Golden Hill Neighborhood Association v. City of San Diego*. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, as in *Beutz*, the court found the general benefits associated with services were not explicitly calculated, quantified, and separated from the special benefits. Second, the court found that the City had failed to document the basis for the assessment on its own parcels.

COMPLIANCE WITH CURRENT LAW

This Report is consistent with the requirements of Article XIIIC and XIIID of the California Constitution and with the *Silicon Valley* decision because the Services to be funded are clearly defined; the Services and Improvements are available to and will be directly provided to all benefited property in the proposed assessment district; the Services and Improvements provide a direct advantage to property in the Assessment District that would not be received in absence of the assessment, and are benefits that are over and above general benefits conferred on real property located in the district or to the public at large by other public entities that make up the membership of the District.

This Report is consistent with *Dahms* because, similar to the Downtown Pomona assessment validated in *Dahms*, the services and improvements will be directly provided to property in the Assessment District. More specifically, as discussed hereafter, the services and improvements afford benefits specifically unique and supplied only to property owners within the District with a corresponding effect that is not shared by other parcels outside of the District or real property in general including the public at large.

The Report is also consistent with *Bonander* because the Assessment has been apportioned based on the proportional special benefit to each property. Furthermore, the Assessment is consistent with *Beutz* and *Golden Hill* because the general benefits have been explicitly calculated, quantified, and excluded from the assessment.

ASSESSMENT PROCESS AND FUTURE CONTINUATION OF ASSESSMENTS

Following submittal of this Report to the City for preliminary approval, the City of Hayward City Council may, by Resolution, call for an assessment ballot proceeding and public hearing on the proposed establishment of a Flood Control Facilities Improvement Assessment.

If the City Council approves such a Resolution, a notice of assessment and assessment ballot shall be mailed to each property owner within the proposed Assessment District boundaries who will be subject to the proposed assessment. Such notice will include a description of the services and improvements to be funded by the proposed assessments, the total amount of the proposed assessment chargeable to the entire Assessment District and the amount chargeable to the specific owner's parcel, the reasons for the proposed assessments and the basis upon which they were calculated, and an explanation of the process for submitting a ballot. Each notice would also include a postage prepaid return envelope and a ballot on which the property owner may mark his or her approval or disapproval of the proposed assessments as well as affix his or her signature.

After the ballots are mailed to property owners in the Assessment District, a minimum 45-day time period must be provided for the return of the assessment ballots. Following this balloting time period, a public hearing must be held for the purpose of allowing public testimony regarding the proposed assessments. At the public hearing, the public will have the opportunity to speak on the issue.

If it is determined that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the City Council may take action to approve the imposition of assessments for fiscal year 2026 (July 2026 through June 2027) and each fiscal year thereafter. The levy and collection of the assessments would continue year to year until terminated by the City Council.

The authority granted by the ballot proceeding would be for a Fiscal Year 2026 maximum assessment rate of $97.82 per parcel, with a possible adjustment each subsequent year by the annual change of the U.S. Department of Labor, Bureau of Labor Statistic Consumer Price Index – All Urban Consumers ("CPI") for the San Francisco-Oakland-Hayward, CA MSA Consumer Price Index for All Urban Consumers (CPI-U), not to exceed 3% per year. The CPI adjustment may be applied to the sum of the existing 1995 assessment and the proposed new assessment for each parcel.

DESCRIPTION OF FACILITIES IMPROVEMENTS

The City of Hayward, through an agreement between the City and the ACFCD, provides a range of construction, repair, maintenance, operations, and upgrades to its storm drainage and pump station improvements. These improvements protect the usefulness, utility, desirability, and livability of property within its jurisdictional area by preventing flooding.

The additional improvements (the "Improvements") proposed to be undertaken by the City and the cost thereof to be paid from the levy of the annual assessment provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. These proposed Improvements are over and above the current level of service of the existing facilities.

The formula below describes the relationship between the final level of Services, the baseline level of Service if the assessment is not instituted, and the enhanced level of services funded by the assessment.

Final Level of Service	=	Baseline Level of Service	+	Enhanced Level of Service

In this case, the Baseline Level of Service is that which is provided by the existing flood control facilities. The Enhanced Level of Service will be provided by the City's Stratford Village Flood Control Improvements.

Below is a more detailed description of these improvements that are proposed to be provided for the special benefit of property in the Assessment District.

FACILITY IMPROVEMENTS

The existing facilities, which have been constructed within the City's MD1 boundaries, and which will be operated, maintained, and serviced and are generally described as follows:

The Stratford Village Storm Water Lift Station (SWLS):

- 2 - 15 H.P. Pumps
- 1 - 5 H.P. Pump
- 1 - 3 H.P. Dewatering Pump
- 1 - Generator
- 1 - Supervisory Control and Data Acquisition (SCADA) System
- 1 - Masonry Building to house the SCADA System and Generator

These existing facilities are approximately 30 years old. A recent evaluation of the flood control facilities shows that various elements of the facility need repair, replacement, or rehabilitation. Those improvements are detailed below in Table 1.

Table 1 – Proposed Capital Improvements

Element	Cost Estimate
Evaluation / Design	$ 41,560.00
SCADA Upgrades	255,000.00
Pump Rehabilitation	49,248.00
Other Improvements	33,241.00
TOTAL	**$ 379,049.00**

The Improvements will include the installation and maintenance of the Stratford Village Storm Water Lift Station as referenced above, as well as financing costs and other expenses associated with the financing for the improvements, and incidental expenses.

"Installation" means the construction or installation of improvements, including, but not limited to, land preparation, such as grading, leveling, cutting, and filling.

COST AND BUDGET ESTIMATE

The City of Hayward developed a long-range financial plan which includes ongoing operating and maintenance costs as well as the capital improvement costs described above. The District budget showing the first four years of the financial plan is shown in Table 2 below.

TABLE 2 – PROPOSED BUDGET

	Total Amount
Beginning Unrestricted Net Assets	*$0.00*
Current Annual Operating Costs	$50,000.00
Pump and Equipment Replacement Dedicated Fund/(or 2030 Pump Rep	$9,476.23
Total Annual Costs	**$59,476.23**

Assessment Calculator			
Total Annual Costs			$59,476.23
Less Contribution from Current Funding Sources			($42,456.00)
Balance to Assessment			**$17,020.23**
	Benefit Units(a)	SFE Rate(b)	(a)*(b)
	174.00	**$97.82**	**$17,020.23**
Total Assessment Amount =			**$17,020.23**

The financial plan includes the establishment of a fund balance equal to at least half of the annual operating costs to ensure positive cash flow while revenues lag approximately six months.[1] The plan also includes a reasonable additional fund balance to allow for occasional major maintenance expenses in future years to ensure the pump station retains its capacity and reliability.

Article XIIID of the California Constitution (Proposition 218) limits the assessment amount to reasonable costs of the proportional special benefit conferred. Therefore, future assessments may be set below the maximum allowable in order not to exceed that limit.

[1] Assessments are collected on the property tax bills. Proceeds from those collections are not sent to the City until approximately six months into each fiscal year.

METHOD OF APPORTIONMENT

This section includes an explanation of the special benefits to be derived from the maintenance, operations and repair activities, the criteria for the expenditure of assessment funds and the methodology used to apportion the total assessments to properties within the proposed Assessment District. The proposed Assessment District area consists of all Assessor Parcels included within the Stratford Village boundaries.

The method used for apportioning the assessment is based upon the proportional special benefits conferred to the properties over and above the general benefits conferred to real property in the Assessment District, or to the public at large. Special benefit is calculated for each parcel in the District using the following process:

1.) Identification of all benefit factors derived from the Improvements
2.) Calculation of the proportion of these benefits that are general
3.) Determination of the relative special benefit within different areas of the Assessment District
4.) Determination of the relative special benefit per property type
5.) Calculation of the specific assessment for each individual parcel based upon special vs. general benefit, zones, property type and other supporting attributes

DISCUSSION OF BENEFIT

California Streets and Highways Code Section 5820 *et seq*. allows agencies which provide flood control and drainage services, such as the City, to levy assessments for those Services. Section 5821 states that the governing body may:

> *"… in its resolution declaring its intention to order work done or improvements made or by separate resolution, declare its intention to order that the expenses of maintaining and operating any or all of said improvements or any or all other improvements such as are permitted to be constructed herein, including the cost of necessary repairs, replacements, fuel, power, electrical current, care, supervision, and any and all other items necessary for the proper maintenance and operation thereof, shall be assessed, either partly or wholly, upon the real property or upon the land only lying within the district to be benefited by and to be assessed to pay the cost of the construction of said improvement."*

In addition, California Government Code Section 53750 defines the terms "drainage" and "flood control" as follows:

> *e) "Drainage System" means any system of public improvement that is intended to provide for erosion control, for landslide abatement, or for other types of water drainage."*
>
> *f) "Flood control" means any system of public improvements that is intended to protect property from overflow by water.*

Therefore, the maintenance, operational and improvement activities to be provided by the proposed Assessment District fall within the scope of Services that may be funded by assessments under the Code.

The assessments can be levied based only on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's specific use of the maintenance, operations and improvements activities or a property owner's specific demographic status. With reference to the requirements for assessments, Proposition 218, as codified in Article XIIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

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

Since assessments are levied on the basis of special benefit, they are not a tax and are not governed by Article XIIIA of the California Constitution.

The benefit factors below, when applied to property in the proposed Assessment District, confer special benefits to property and ultimately protect property in the proposed Assessment District and improve the safety, utility, and functionality of such property.

FLOOD CONTROL IS A SPECIAL BENEFIT TO PROPERTIES

The Engineer's Report concludes that enhanced flood control is a special benefit directly to the property that is being protected from flooding. The proposed Maintenance and Operations Services and Improvements, which would be over and above the baseline level, will result in the storm drainage and pump facilities being maintained to a much higher standard, and accordingly will reduce the risk of flooding and the associated damage to property.

The following Benefit Factors section describes how and why the Services and Improvements specially benefit properties. This benefit is particular and distinct from its effect on property in general or to the public at large.

BENEFIT FACTORS

The primary special benefit from the Services and Improvements is the significantly reduced risk of damage to property from flooding. In addition, this section describes other special benefits conferred to residential and other lots and parcels resulting from the Services and Improvements that will be provided. These types of special benefit are summarized as follows:

REDUCED RISK OF DAMAGE TO REAL PROPERTY ASSETS FOR ALL PROPERTY OWNERS WITHIN THE ASSESSMENT DISTRICT

Properties in the proposed Assessment District are currently at higher risk of flooding. The proposed Assessments will fund an increase in maintenance, operations, and improvement activities to reduce the likelihood of pump station failure and reduce the threat from flooding, thereby significantly reducing the risk of property damage potential and loss of life associated with floods. Flood control maintenance helps to protect and specifically benefits all properties in the Assessment District. The following citations illustrate the importance of the proposed maintenance, operational and improvement activities:

1.) *Pump stations are one of the more vulnerable features of a flood risk management project. The failure of a pump station during a flood could result in considerable damage within the protected area.*[2]

2.) *[T]he one flood variable that is always expected to be associated with an increase in flood damages is the depth of flooding or flood stage. As the water gets deeper, damages increase.*[3]

[2] US Army Corps of Engineers, Mechanical and Electrical Design of Pump Stations, Engineers Manual, April 30, 2020 (https://www.publications.usace.army.mil/Portals/76/Users/182/86/2486/EM1110-2%20-3105.pdf)

[3] US Army Corps of Engineers, National Economic Development (NED) Procedures Manual for Flood Damage Reduction (http://www.hq.usace.army.mil/nedp/DB%20Pages/Content.asp?ID=17)

3.) *During and after Hurricane Katrina, many of those levees and floodwalls were overtopped and several were breached, allowing billions of gallons of water from the Gulf of Mexico, Lake Borgne, and Lake Pontchartrain to flow into New Orleans and flood major portions of the city. As of August 2, 2006, 1,118 people were confirmed dead in Louisiana as a result of Hurricane Katrina. Another 135 people are still missing and presumed dead. Thousands of homes were destroyed. Direct damage to residential and non-residential property is estimated at $21 billion, damage to public infrastructure another $6.7 billion. Nearly half the region's population has not yet returned after evacuating.*[4]

4.) *The flood that followed inundated the town of Olivehurst and 15 square miles of farmland and towns. One man is known dead and two other people are missing, 180 homes and businesses were destroyed and another 480 were damaged, according to the state Office of Emergency Services, which put preliminary damage estimates at $200 million.*[5]

5.) *After natural disasters such as hurricanes, tornadoes, and floods, excess moisture and standing water contribute to the growth of mold in homes and other buildings.*[6]

REDUCED RISK OF LOSS OF LIFE OR HARM TO PROPERTY FROM FLOODING

The proposed Assessments will fund maintenance, operations, and improvement activities to reduce the likelihood of pump station failure and reduce the threat from flooding. These services will reduce the loss of life, injuries, and other public health issues associated with flooding. The reduced risk of direct and indirect contact with flood water will increase public safety and will provide positive health benefits in the Assessment District. These are special benefits to property in the Assessment District because property is ultimately more desirable and valuable in areas that are safer and have less risk of harmful flooding. The following citations illustrate the importance of robust flood protection measures for the health and safety of the community:

---

[4] American Society of Civil Engineers, The New Orleans Hurricane Protection System, What Went Wrong and Why (http://www.asce.org/files/pdf/ERPreport.pdf)
[5] San Francisco Chronicle, January 12, 1997, Page C 1
[6] Centers for Disease Control and Prevention, "Protect Yourself from Mold" (http://www.bt.cdc.gov/disasters/mold/protect.asp)

1.) *Annually, the nation experiences an average of 100 flood-related fatalities.*[7]

2.) *Every effort should be made to limit contact with flood water due to potentially elevated levels of contamination associated with raw sewage and other hazardous substances.*[8]

3.) *Six inches of water will reach the bottom of most passenger cars causing loss of control and possible stalling. A foot of water will float many vehicles. Two feet of rushing water can carry away most vehicles including sport utility vehicles (SUV's) and pick-ups.*[9]

PROTECTION OF TRANSPORTATION SYSTEMS AFFECTING PROPERTY

The proposed Assessment District will provide funding for maintenance, operational and improvement activities that will reduce the risk of significant disruption and harm in the Assessment District. The maintenance, operations and improvement activities will also better protect the roads and transportation systems in the Assessment District that are crucial for maintaining access for residents, goods movement, maintenance of utilities, and emergency vehicles. Without reliable roads and access, the value of property in the Assessment District would be diminished. Therefore, another special benefit to property is the protection of the local transportation systems.

ELIMINATION OF LIMITATIONS ON DEVELOPMENT/RENOVATION RESULTING FROM SHFA DESIGNATION BY FEMA

The Assessments would fund Improvements that may prevent additional properties in the proposed district from being mapped in a Special Flood Hazard Area ("SFHA") flood zone. Without such funding for the Improvements, additional properties within the proposed Assessment District may be designated as being in a SFHA by the Federal Emergency Management Agency ("FEMA"). Additional SFHA designations would result in limitations on property development; therefore, prevention of limitations on development is another tangible and direct special benefit to property in the proposed Assessment District.

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[7] "'Be Aware and Be Prepared' Weather Service Issues Annual Flood Outlook", National Weather Service Press Release 99-20 (http://www.publicaffairs.noaa.gov/releases99/mar99/noaa99-20.html)
[8] US Environmental Protection Agency, "Response to 2005 Hurricanes – Health Precautions" (http://www.epa.gov/katrina/precautions.html)
[9] FEMA FloodSmart web site (http://www.fema.gov/hazard/flood/fl_during.shtm)

Our findings support the hypothesis that increases in flood risk decrease values for residential properties within the 100-year floodplain. Unlike other studies which conclude that there are uniform impacts within the floodplain, we find declining effects with reduced risk. Furthermore, there is evidence suggesting that flooding events heighten sensitivity to such risks and raise the property price premium associated with a given level of flood risk.[10]

[10] "Using GIS To Evaluate The Effects Of Flood Risk On Residential Property Values ", Bartosova et. al, Proceedings of "Environmental Problem Solving with Geographical Information Systems: A National Conference", U.S. EPA, September 22-24, 1999, Cincinnati, Ohio

GENERAL VERSUS SPECIAL BENEFIT

Proposition 218 requires any local agency proposing to increase or impose a special assessment to "separate the general benefits conferred on a parcel."[11] The rationale for separating special and general benefits is to ensure that property owners are not charged a benefit assessment in order to pay for general benefits. Thus, a local agency carrying out a project that provides both special and general benefits may levy an assessment to pay for the special benefits, but must acquire separate funding to pay for the general benefits.[12]

In other words:

Total Benefit	=	General Benefit	+	Special Benefit

However, flood control operations, such as the Services, provide only special benefits. Special benefits are benefits that are "peculiar and distinct over and above general benefits located in the district or to the public at large."[13] Because flood control infrastructure protects particular identifiable parcels (including residents of the parcel and any appurtenant facilities or improvements) from damage due to inundation or force by rising floodwaters, the benefits are provided directly to those parcels, and to no other parcels. By contrast, general benefits provided to the public at large are discussed in terms of general enhanced property values, provision of general public Services such as police and fire protection, and recreational opportunities that are available to people regardless of their location.[14]

The issue of general benefits merits further discussion, however, because flood control Services and improvements have an obvious indirect relationship to the provision of general benefits. For example, the Services may protect restaurant and/or recreation facilities in the Assessment District that may be used by people regardless of whether they own property in the District. But this indirect relationship does not mean that the Services and Improvements themselves will provide any general benefits. Rather, the Services will provide direct special benefits to parcels that may themselves be used in the provision of general benefits.

More to the point, the public at large will be paying for the general benefits provided to benefiting "public use" property, and specially benefited property owners' assessments will not be used to subsidize general benefits provided to the public at large or to property outside

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[11] California Constitution Article XII D 4
[12] Silicon Valley Taxpayers' Association, Inc. v. Santa Clara County Open Space Authority (2008) 44 Cal 4th 431,450
[13] California Constitution Article XII D 2(i)
[14] Silicon Valley Taxpayers' Association, Inc. v. Santa Clara County Open Space Authority (2008) 44 Cal 4th 431, 450-56

the Assessment District. All property that is specially benefited by the Services and Improvements will be assessed, including the parcels used in the provision of general benefits. Thus, the general public will pay for a portion of the provision of the flood control Services and Improvements because the assessed public agencies will use general taxes and other public revenue to pay their Assessments, and privately-owned parcels (such as restaurants) will collect revenue from customers to pay for any "general benefits."

The Assessment Engineer finds that the Services and Improvements are of distinct and direct special benefit to the property within the Assessment District.

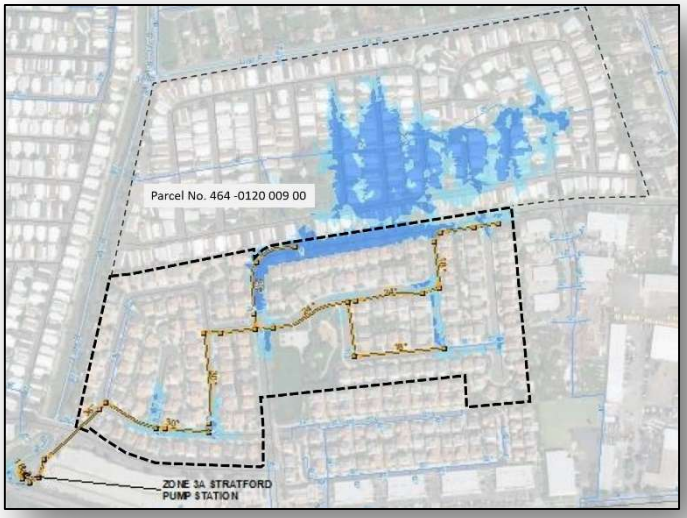
The Assessment Engineer conducted a parcel-by-parcel analysis and has developed an approach, described below as the industry standard. In any case, following is a description of the separation of general benefit from special benefit, and the quantification of the general benefit, in the District. In each step of this analysis, conservative assumptions and determinations have been used in order to ensure that the total calculated general benefit is maximized which reduces the special benefit assessed on any one parcel.

A formula to estimate the general benefit is listed below:

General Benefit	=	Benefit to real property outside of improvement district	+	Benefit to real property inside of improvement district	+	Benefit to public at large

GENERAL BENEFIT TO PROPERTY OUTSIDE, BUT PROXIMATE, TO THE ASSESSMENT DISTRICT

An inundation analysis[15] shows that only one parcel outside the boundaries of the District may benefit from the City's pump station: Parcel number 464 -0120-009-00, which contains a mobile home community with approximately 265 home sites. Of those sites, approximately 92 home sites have the potential to be affected by ponding water up to one foot in depth in the scenario in which all the pumps fail.



Such flooding events can cut off or temporarily interrupt access by residents, movements of goods, and response times for emergency vehicles. In order to evaluate the relative impacts of interruptions to access, the primary metric used was average daily trips by residents. Parcels within the District are single family residential; parcel number 464 -0120-009-00 is an age-restricted mobile home park. According to a study conducted by the San Diego Association of Governments (SANDAG), the average daily trips for these two residential land uses is 10 and 3, respectively. Therefore, trips within the District are estimated at (174 x 10 =) 1,740, and trips attributed to the 92 affected home sites in the parcel number 464 -0120-009-00 is estimated at (92 x 3 =) 276, which is 16% of the trips within the District.

However, a telephone conversation with the authors[16] of the inundation analysis confirmed that the on-site drainage system of parcel 464-0120-009-00 was not factored into the analysis. They agreed that, while not known precisely, it is reasonable to assume that the on-site drainage system (consisting of a piping system and a privately-owned pump station) could alleviate all or most of the flooding on that parcel caused by a complete failure of the District's pump station. Therefore, the home sites on parcel number 464-0120-009-00 may not receive any benefit from the District's pump station. The true benefit received by this parcel is within the range of zero to 16% and is likely to be at the lower end of that range. For this Report, that benefit is conservatively estimated at half of the maximum, or 8%.

TOTAL GENERAL BENEFIT TO PROPERTIES OUTSIDE, BUT PROXIMATE, TO THE DISTRICT = 8%

[15] "Zone 3A - Stratford Pump Station Assessment Summary", Wood Rogers, Feb. 2020
[16] Jeremiah McMahon, Satish Kumar; Wood Rogers, April 26, 2021

GENERAL BENEFIT TO PROPERTY WITHIN THE ASSESSMENT DISTRICT

The "indirect and derivative" benefit to property within the Assessment District is particularly difficult to calculate. A solid argument can be presented that all benefits within the Assessment District are special because the improvements are clearly "over and above" and "particular and distinct" when compared with the baseline level of service and the unique proximity of and access to the improvements enjoyed by benefiting properties in the Assessment District. Percentage of parcels receiving indirect and derivative benefit = 0%

TOTAL GENERAL BENEFIT TO PROPERTIES WITHIN THE ASSESSMENT DISTRICT = 0%

GENERAL BENEFIT TO THE PUBLIC AT LARGE

The Stratford Village Park within Stratford Village is used almost exclusively by property owners within the Assessment District. While there is some occasional use by non-property owners, with no connection with property owners, including bikers, walkers, picnickers, etc., the Park itself derives no benefit from the Improvements and Services due to its elevation (no inundation) and adequate access during a flood event. Therefore, there is no benefit under this category.

GENERAL BENEFIT TO THE PUBLIC AT LARGE = 0%

TOTAL GENERAL BENEFITS

Using a sum of these three measures of general benefit, we find that 8% of the benefits conferred by the Improvements may be general in nature and must be funded by sources other than the assessment.

General Benefit Calculation

8%	Property outside the District
+ 0%	Property within the District
+ 0%	Public at large
8%	TOTAL General Benefit

SPECIAL NOTE ON GENERAL BENEFITS

In the 2009 *Dahms* case, the court upheld an assessment that was 100% special benefit on the rationale that the Services funded by the assessments were directly provided to property in the assessment district. Similar to the assessments in Pomona that were validated by *Dahms*, the Assessments described in this Engineer's Report fund Flood Control Services that are directly provided to property in the assessment area. Moreover, as noted in this Report, the Services directly reduce flood risk on all property in the assessment area. Therefore, *Dahms* establishes a basis for minimal or zero general benefits from the Assessments. However, in this report, the general benefit is more conservatively estimated and described and then budgeted so that it is funded by sources other than the assessment.

THE CURRENT GENERAL BENEFIT CONTRIBUTION FROM THE CITY

This general benefit cannot be funded from the Assessments; it must be funded from other sources such as the City's General Fund or other non-District funds. These contributions can also be in the form of in-lieu contributions to the installation and maintenance of the Improvements such as other City assets that support and protect the Improvements. The City of Hayward will contribute both monetary and in-lieu resources to ensure that the general benefits conferred by the proposed Improvements are not funded by the District's Assessments.

A summary and quantification of these other contributions from the City is discussed below:

The City of Hayward owns, maintains, rehabilitates, and replaces curb and gutter along the border of the District Improvements. This curb and gutter serve to support, contain, retain, and manage stormwater flows. The contribution from the City towards general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 3%.

The City owns and maintains a storm drainage system throughout the District. This system serves to prevent flooding and associated damage to the Improvements; and to manage urban runoff including local pollutants loading from the Improvements. The contribution from the City towards general benefit from the maintenance, and operation of the local storm drainage system is conservatively estimated to be 3%.

The City owns and maintains local public streets along the border of the District Improvements. These public streets provide access to the Improvements to facilitate efficient maintenance. The contribution from the City towards general benefit from the maintenance of local public streets is conservatively estimated to be 3%.

The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by non-assessment funds, this "annuity" can be used to offset general benefit costs and is conservatively estimated to contribute 10%.

The total General Benefit is liberally quantified at 8% which is entirely offset by the conservatively quantified total non-assessment contribution towards general benefit described above of 19%. Therefore, no additional General Benefit must be funded by the City.

ASSESSMENT APPORTIONMENT

In the process of determining the appropriate method of assessment, various alternatives were considered. For example, a fixed or flat assessment for all properties was deemed to be inappropriate because properties less likely to be affected by flooding would be assessed the same as properties more likely to be affected. Hence, the appropriate method of

assessment should be based on the type and use of the property, the relative size of the property, and the level of potential damage to property. This method is further described below.

ZONES OF BENEFIT

Many assessment districts, including assessment districts to fund flood protection, confer different types and amounts of special benefit on parcels in different areas of the assessment district. Therefore, the creation of zones of benefit, corresponding to these various areas, are routinely considered in the development of an assessment district for flood control. However, this District contains a relatively homogenous community in which zone partitions are not of value. As such, no zones are differentiated.

METHOD OF ASSESSMENT

The next step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a "benchmark" property, a single family detached dwelling on one parcel (one “Single Family Equivalent Unit” or “SFE”). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefits. In this Engineer’s Report, all properties are assigned an SFE value, which is each property’s relative benefit in relation to a single-family home on one parcel.

The relative benefit to properties from maintenance, operational and improvement activities that reduce the potential for flooding is described by the following equations:

TABLE 3 – EQUATIONS

	Equation
1	$\sum \text{Special Benefit}_{parcel} = \sum \text{Assessment}_{parcel}$
2	$\text{Assessment}_{parcel} = \text{Rate}_{zone} \times f(\text{Replacement Factors, Parcel Specific Factors})$
3	$\text{Rate}_{zone} = \text{Base Rate} * \text{Relative Zone Factor}$
4	$\text{Base Rate} = \frac{\sum \text{Costs}}{\sum \text{SFEs}}$

The special benefit conferred to property is a function of flood risk factors, flood damage factors, shared facilities factors, and land use factors. The derivation of these factors is described in the sections below.

FLOOD RISK FACTORS (PARCEL SPECIFIC FACTOR I)

Flood risk factors are typically derived from an analysis of the relative risks corresponding to specific sections of flood protection system; and then assigned to specific corresponding geographic zones. However, all parcels within the proposed Assessment District are equally protected by the storm drainage system of gutters, pipes, and pumps, all with the same relative risk of failure. Therefore, the relative risk factors are the same for all parcels.

FLOOD DAMAGE FACTORS (PARCEL SPECIFIC FACTOR II)

Flood damage is a function of the depth of flooding, with higher water levels causing greater damage to structures and property. Flood Inundation maps were used to evaluate elevation data and the risk to property improvements in the event that the pump station failed to operate during a 100-year storm event. Inundation levels were determined to be below the levels of any permanent residential units on private property. While there are some private improvements that will be inundated such as roadways, driveways, walkways and landscaping, no permanent damage is anticipated beyond minor clean up after flood waters have receded. Based on the foregoing, the flood risk factors are the same for all parcels.

SHARED FACILITY FACTORS (PARCEL SPECIFIC FACTOR III)

Shared facilities factors affect zones of parcels in similar ways. A weighted system is used based upon an equal distribution for each of the four critical shared facilities to model the effect of the degradation of these facilities in different zones during a flood event. Three of the categories (water, sewer, and power) will experience minimal disruption. The fourth (access) will experience a more pronounced interruption to access by residents, movements of goods, and response times for emergency vehicles. However, the level of disruption for all four categories will be the same for all parcels within the District.

WEIGHTED PARCEL FACTOR SUBTOTALS

Within the proposed Assessment District boundaries, Flood Risk Factors, Flood Damage Factors and Shared Facility Factors describe the relative benefit to each parcel within a group and are adjusted by their relative importance (weighting). However, since all three factors are equal across all parcels in the District, there is no differentiation to be made.

LAND USE FACTORS TO DETERMINE REPLACEMENT FACTORS

The final step in determining the apportionment is to factor in the land use, or replacement value for each type of use within a Group. There are no permanent residential improvements at risk in this District. As a result, the Land Use Factors are considered to be embedded in the analysis above and no further weighting is warranted.

SFES AND RATE FACTORS

The metric used for assessments is the Single-Family Equivalent (SFE), which is defined as the special benefit received by the benchmark property (single-family residential).

SINGLE-FAMILY RESIDENTIAL

The residential portion of the District is made up of 174 single-family residential units. Each of the rate factors were determined to be equal among all residential parcels. As the benchmark property, these are assigned one SFE each.

PUBLICLY OWNED PARCELS

Article XIIID, Section 4 of the California Constitution states that publicly owned properties shall not be exempt from assessment unless there is clear and convincing evidence that those properties receive no special benefit.

Publicly owned parcels were individually reviewed and assigned the most appropriate property type. The only public parcel within this District is the Stratford Village Park, which contains a playground, sport court, skate park, and a turf area – none of which will be inundated in a flood event. Furthermore, access during a flood event is likely not necessary (due to the associated extreme weather). Therefore, this parcel will not be impacted by a flood event nor benefited by the drainage facilities; it receives no special benefit and is exempt from the assessment.

ASSESSMENT RATES

Assessment rates are determined by dividing the total benefit by the number of Single-Family Equivalents (SFEs) in order to determine an assessment rate per SFE. The base rate for a single-family home is set at ($17,020 ÷ 174 =) $97.82 per parcel.

CRITERIA AND POLICIES

PARCEL CHANGES

The signatory Assessment Engineer is responsible for a parcel-by-parcel analysis, and determination of special benefit and assessment amount for each parcel in the proposed Assessment District. Each year, the Assessment Engineer will re-analyze and re-calculate individual benefits and corresponding assessments for each parcel, incorporating parcel splits and combinations, land use changes, specific flood risks, etc. The Assessment Engineer shall use the lien date roll obtained from the County of Alameda, or a third-party distributor of this data as the basis for the levy roll. Review of aerial photos and other data including real estate data, and site visits are anticipated.

APPEALS OF ASSESSMENTS LEVIED TO PROPERTY

Any property owner who feels that the assessment levied on their property is in error as a result of incorrect information being used to apply the foregoing method of assessment may file a written appeal with the Maintenance Services Director of the City of Hayward or his or her designee. Any such appeal is limited to correction of an assessment during the then current fiscal year. Upon the filing of any such appeal, the Maintenance Services Director or his or her designee will promptly review the appeal and any information provided by the property owner. If the Maintenance Services Director or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment

roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the Maintenance Services Director or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Maintenance Services Director or his or her designee shall be referred to the City Manager of the City of Hayward and the decision of the City Manager shall be final.

DURATION OF THE ASSESSMENT

If approved by property owners in an assessment ballot proceeding conducted pursuant to the Article and Government Code Section 53750 et seq., the assessments can be levied annually commencing with Fiscal Year 2026.

COST OF LIVING ADJUSTMENTS TO ASSESSMENT RATE

The assessment cannot be increased in future years without approval from property owners in another assessment ballot proceeding, except for an annual adjustment tied to the annual change of the U.S. Department of Labor, Bureau of Labor Statistic Consumer Price Index – All Urban Consumers ("CPI") for San Francisco-Oakland-Hayward, CA MSA Consumer Price Index for All Urban Consumers (CPI-U), not to exceed 3% per year. The February-to-February CPI will be used to calculate the CPI. Any CPI in excess of 3% will be used in subsequent years when the CPI is less than 3%. In the case of a negative February to February CPI, a 0.0% CPI will be used. The CPI adjustment will be applied to the sum of the existing 1995 assessment and the proposed new assessment for each parcel to obtain the maximum allowable rate. The actual rate applied each year may be less than or equal to the maximum allowable rate and will be determined by the City Council based on the needs within MD1.

This sub-section describes the criteria that shall govern the expenditure of assessment funds and ensures equal levels of benefit for properties of similar type. The criteria established in this Report, as finally confirmed, cannot be substantially modified; however, the Council may adopt additional criteria to further clarify certain criteria or policies established in this Report or to establish additional criteria or policies that do not conflict with this Report.

ASSESSMENT FUNDS MUST BE EXPENDED WITHIN THE PROPOSED ASSESSMENT DISTRICT

The net available assessment funds, after incidental, administrative and other costs, shall be expended exclusively for Improvements that protect property within the boundaries of the proposed Assessment District.

SENIOR AND LOW-INCOME EXEMPTIONS

The Government Code does not provide for exemptions to assessments for senior citizen or low-income property owners.

Government Code § 53759.1 and 53759.2

AB 2257, effective January 1, 2025, codifies Government Code §§ 53759.1 and 53759.2. Government Code § 53759.1 authorizes public agencies to implement an exhaustion of

administrative remedies requirement in the context of a proposed Proposition 218 property related fee or assessment. If the local agency complies with certain specified requirements, property owners are required to submit a written objection regarding a proposed property related fee or assessment during the ratemaking process and by a specified deadline no less than 45 days after mailing of notice pursuant to Proposition 218, and prohibited from challenging the property related fee or assessment in litigation if they did not submit a timely written objection. To implement this requirement, the local agency is required, among other things, to prepare written responses to the timely submitted objections and present them to the local agency governing body, which will make certain specified determinations prior to the close of the Proposition 218.

Government Code § 53759.2 specifies the scope of a Court's review of the administrative record of the underlying ratemaking proceeding, if the local agency complied with Government Code § 53759.1 in adopting the property related fee or assessment being challenged.

MD1-2026 intends to comply with and implement Government Code § 53759.1 with respect to the proposed assessment. Property owners will be informed of the deadline and process to submit a written objection, and other dates related to MD1-2026 compliance with this provision.

ASSESSMENT

WHEREAS, the City Council of the City of Hayward is proceeding with the proposed formation of the Stratford Village Flood Control Facilities Improvement Assessment District under Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California, and Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code, and Article XIIID of the California Constitution, to proceed with the proposed levy of assessments;

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

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under State law and the order of the City Council, hereby makes the following assessment to cover the portion of the estimated cost of said Improvements, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for said Improvements and the expense incidental thereto, to be paid by the Assessment District for the fiscal year 2026 is generally as follows:

Element	Cost Estimate
Total Annual Costs	$ 59.476.23
Less Contribution from current funding sources	$ 42,456.00
TOTAL ASSESSMENT AMOUNT	**$ 17,020.23**

An Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Assessment District. The distinctive number of each parcel or lot of land in said Assessment district is its Assessor Parcel Number appearing on the Assessment Roll.

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

The maximum allowed assessment is subject to an annual adjustment tied to the annual change of the U.S. Department of Labor, Bureau of Labor Statistic Consumer Price Index – All Urban Consumers ("CPI") for the San Francisco-Oakland-Hayward, CA MSA Consumer Price Index for All Urban Consumers (CPI-U), not to exceed 3% per year. The

February to February CPI will be used to calculate the CPI. The CPI adjustment will be applied to the sum of the existing 1995 assessment and the proposed new assessment.

In the event that the actual assessment rate for any given year is not increased by an amount equal to the maximum of 3% or the yearly CPI change plus any CPI change in previous years that was in excess of 3%, the maximum authorized assessment shall increase by this amount. In such event, the maximum authorized assessment shall be equal to the base year assessment as adjusted by the increase to the CPI, plus any and all CPI adjustments deferred in any and all prior years. The CPI change above 3% will be used in a future year when the CPI adjustment is below 3%.

If property owners, in an assessment ballot proceeding, approve the initial fiscal year benefit assessment for the special benefits to their property including the CPI adjustment schedule, the assessment may be levied annually and may be adjusted by up to the maximum annual CPI adjustment without any additional assessment ballot proceeding. In the event that in future years the assessments are levied at a rate less than the maximum authorized assessment rate, the assessment rate in a subsequent year may be increased up to the maximum authorized assessment rate without any additional assessment ballot proceeding.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2026. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of Alameda County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2026 for each parcel or lot of land within the said Assessment District.[17]

Dated: April 2, 2026

Engineer of Work

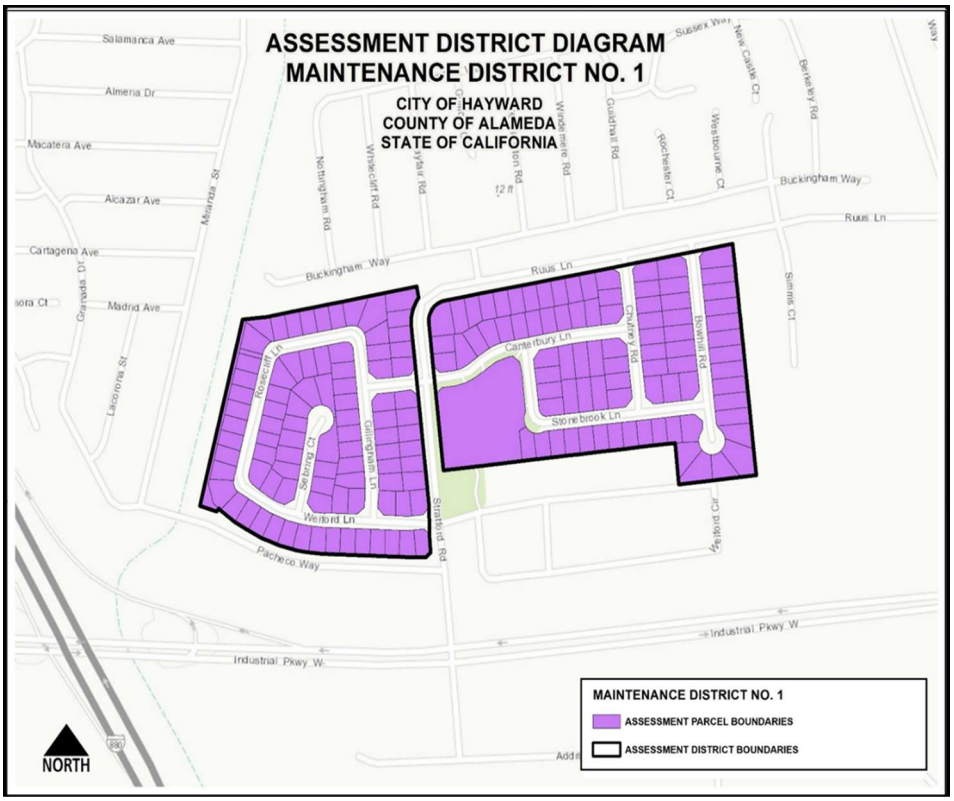
By _____
John Bliss, License No. C052019

[17] Each parcel has a calculated assessment based on the estimated level of special benefit to the property.

ASSESSMENT DIAGRAM

The Assessment District includes all properties within the proposed boundaries of the Stratford Village Flood Control Facilities Improvement Assessment. The boundaries of the Assessment District are displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions as shown on the maps of the Assessor of the County of Alameda, for fiscal year 2026, and are incorporated herein by reference, and made a part of this Diagram and this Report.

FIGURE 2 – STRATFORD VILLAGE FLOOD CONTROL ASSESSMENT DIAGRAM FY 2026



APPENDICES

APPENDIX A – ASSESSMENT ROLL, FY 2027

The Assessment Roll is made part of this report and is available for public inspection during normal office hours. Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this report. These records shall govern all details concerning the description of the lots or parcels.

File #: PH 26-017

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Business Friendly Hayward: Proposed Text Amendments to Hayward Municipal Code Chapter 10 Articles 1, 2, 24, and 28 and Chapter 6 Article 2; Proposed Zoning Map Revisions; and Proposed Master Fee Schedule Updates Related to the Business-Friendly Hayward Project.

RECOMMENDATION

That the City Council adopt the Resolutions (Attachments II and III) supporting the amendments to Hayward Municipal Code Chapter 10 Articles 1, 2, 24, and 28 and Chapter 6, Article 2, and related Zoning Map Amendments (Attachment IV) containing updates related to the Business-Friendly Hayward project upon determining that no further environmental review is required pursuant to the California Environmental Quality Act.

SUMMARY

The Business-Friendly Hayward Project aims to accomplish a series of Strategic Roadmap projects and Downtown Specific Plan implementation programs by focusing on the following objectives:

- Streamline entitlement and permitting processes for desirable businesses across the City's commercial and mixed-use zoning districts.
- Activate vacant and underutilized properties and storefronts Downtown.

To date, City staff has reviewed best practices from nearby jurisdictions, analyzed Hayward's existing codes and practices related to commercial and mixed-use districts, conducted an analysis of commercial businesses in the Downtown area, and facilitated a series of public outreach efforts aimed at getting feedback from businesses, the public, and other community stakeholders.

Based on these efforts and feedback received from the Planning Commission and City Council, revisions to the Municipal Code and Zoning Map are being proposed. These include a new organization and simplification of the Commercial Districts section of the Zoning Ordinance; relaxed permitting requirements for popular business types; strategic new land use controls; new simple permit types to better support emerging businesses to help activate the City's commercial areas; and rezonings of

properties to consolidate and simplify the number of zoning districts reflected in the City's Zoning Map.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution Text Amendments
Attachment III	Resolution Master Fee Update
Attachment IV	Ordinance
Attachment IV, Exhibit A	Commercial Districts - Clean
Attachment IV, Exhibit B	Commercial Districts - Redline
Attachment IV, Exhibit C	Industrial Districts - Redline
Attachment IV, Exhibit D	General Regulations - Redline
Attachment IV, Exhibit E	Alcoholic Beverage Outlets - Redline
Attachment IV, Exhibit F	Major Conditional Use Permit - New
Attachment IV, Exhibit G	Definitions - Redline
Attachment IV, Exhibit H	Off Street Parking Regulations - Redline
Attachment IV, Exhibit I	Mission Boulevard Code - Redline
Attachment IV, Exhibit J	Downtown Development Code - Redline
Attachment IV, Exhibit K	Cabarets - Redline
Attachment IV, Exhibit L	Maps of Properties to be Rezoned
Attachment V	Written Public Correspondence

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- Streamline entitlement and permitting processes for desirable businesses across the City's commercial and mixed-use zoning districts.
- Activate vacant and underutilized properties and storefronts Downtown.

To date, City staff has reviewed best practices from nearby jurisdictions, analyzed Hayward's existing codes and practices related to commercial and mixed-use districts, conducted an analysis of commercial businesses in the Downtown area, and facilitated a series of public outreach efforts aimed at getting feedback from businesses, the public, and other community stakeholders.

Based on these efforts and feedback received from the Planning Commission and City Council, revisions to the Municipal Code and Zoning Map are being proposed. These include a new organization and simplification of the Commercial Districts section of the Zoning Ordinance; relaxed permitting requirements for popular business types; strategic new land use controls; new simple permit types to better support emerging businesses to help activate the City's

commercial areas; and rezonings of properties to consolidate and simplify the number of zoning districts reflected in the City's Zoning Map.

FISCAL IMPACT

Consultant Rincon's approved contract and associated budget, is $99,877 and has been paid for out of the Planning Division's consultant budget for FY 2025. To reduce consultant costs for this project, staff entirely led the extensive outreach efforts and have taken the lead in drafting revisions to the Municipal Code.

BACKGROUND

In partnership with Rincon Consultants and Metrovation Retail Resources, staff reviewed best practices from other jurisdictions used to create lively and thriving commercial areas, completed an analysis of the City's codes and practices related to commercial and mixed-use districts, and conducted a commercial analysis that identifies community preferences and impediments to business attraction and retention. In addition, staff led a series of public outreach efforts aimed at getting feedback from businesses, the public, and other community stakeholders. A summary of the feedback is discussed in further detail within the Public Outreach and Discussion sections below. The proposed Muni Code and Zoning Map revisions are discussed in greater detail in the Discussion section below.

Downtown Specific Plan. In 2019, the City Council adopted the Downtown Specific Plan,[1] which provides a strategy to achieve the community's vision of a resilient, safe, attractive, and vibrant historic Downtown. It has a series of implementation programs which will be fully implemented by this project, including:

- *Program LU 2:* Update zoning regulations to allow temporary uses such as temporary structures on vacant lots, temporary uses in existing structures, pop-up shops, fruit stands, and mobile businesses, especially in vacant or underutilized spaces (including vacant storefronts) to increase small-scale business opportunities and to temporarily fill gaps in the urban fabric.
- *Program LU 4:* Update zoning regulations to modernize land use regulations and allow uses consistent with the vision for Downtown, such as neighborhood and regional serving retail, destination dining, entertainment, and indoor recreation that serve a diverse population including students, families, seniors, creative class professionals, and artists.
- *Program ED 2:* Modify zoning regulations to allow on-site retailing with small-scale production or processing at the same location.
- *Program ED 6:* Improve and streamline the entitlement process to attract investment and development and for projects involving the expansion and upgrades of existing [Downtown] businesses, including for code-compliance upgrades.

[1] Hayward Downtown Specific Plan: https://www.hayward-ca.gov/sites/default/files/documents/DSD-Planning-Hayward-Downtown-Specific-Plan.pdf

Summary of Best Practices Report. The Summary of Best Practices Report[2] provides an overview of ordinance amendments and other initiatives taken by jurisdictions throughout the region to enliven their commercial districts and support business vitality. Some key takeaways that provide good models for Hayward include allowing flexibility in land use regulations to adapt to varying marketing conditions, streamlining small live performances through the use of live entertainment permits, and promoting pop-up and temporary uses.

Analysis of Hayward Codes and Practices. The Analysis of Hayward Codes and Practices[3] Report provides a deep dive into the portions of the City's Municipal Code that govern commercial and mixed-use districts. The Report identifies land use regulations, permitting processes, development standards, and organizational issues that serve as obstacles towards attracting desirable businesses and activities, and offers recommendations for business-friendly code amendments. Key recommendations include: establishing simplified permitting processes for temporary uses, outdoor dining, and small-scale live entertainment; reducing permitting requirements for popular uses to better align with community preferences and market demand; and consolidating the number of commercial zoning districts to make the zoning map easier to navigate for staff and the business community alike.

Appendix A includes an analysis and breakdown of Downtown Hayward's commercial conditions and market dynamics. The analysis identifies specific barriers to business attraction and retention, and evaluates physical conditions, tenant mixes, market strengths, and opportunities for improvement in the Downtown core, particularly around B Street, Foothill Boulevard, and the Cinema Place area. Key findings indicate that Downtown Hayward lacks a balanced mix of entertainment venues, experiential businesses, and local-serving retail that would better serve a younger demographic and draw outside visitors. Additionally, vacant storefronts and underutilized spaces create opportunities for pop-up businesses and placemaking interventions, which further support economic development and business entrepreneurship.

PUBLIC OUTREACH

Public outreach for the project was broadly divided into two rounds. The first round, conducted in Spring and Summer 2025, was aimed at soliciting feedback from businesses, community members, and decision-makers on what kinds of businesses they wanted to see in Hayward. This also helped staff better understand the regulatory and processing barriers that prevented businesses from opening and thriving in our community. The second round of public outreach, conducted in Winter and Spring 2026, was focused on garnering feedback on the proposed draft Municipal Code revisions and rezonings to ensure any additional adjustments were made prior to Ordinance adoption. Additional details on both rounds of public outreach are discussed in greater detail below.

[2] Summary of Best Practices Report: https://www.hayward-ca.gov/sites/default/files/documents/DSD-PL-Business-Friendly-Hayward-Code-Updates.pdf
[3] Analysis of Hayward Codes and Practices: https://www.hayward-ca.gov/sites/default/files/documents/DSD-PL-Analysis-of-Hayward-Codes-and-Practices.pdf

First Round Outreach

Council Economic Development Committee Meeting. On February 3, 2025[4], staff met with the Council Economic Development Committee (CEDC) to kick off the project. The CEDC provided their first impressions of the project and provided direction on the areas they wanted staff to focus on. These areas included:

- Expanding "Personal Services"[5] as a use that is permitted by right throughout commercially zoned areas.
- Encouraging community amenities, entertainment uses, and meeting spaces.
- Allowing a more streamlined permitting process for pop-up events and temporary uses.

First Planning Commission Work Session. On August 28, 2025[6], staff presented the project to the Planning Commission at a work session to receive preliminary feedback following the completion of the background research, analysis, and public outreach phases of the project. The Commission expressed overall enthusiasm for the project and support for the creation of Limited Entertainment Permits as well as streamlined permitting requirements for many popular land uses, including breweries and wineries.

The Commission did, however, express concern regarding Accessory Commercial Units (ACUs). Commissioners felt that introducing ACUs at this time could compound existing challenges related to sidewalk vending. The Commission also emphasized the importance of tailoring strategies to align with Hayward's unique history and identity. Commissioners cautioned against adopting programs solely based on practices observed in other jurisdictions and underscored their desire for staff to prioritize initiatives that enhance and preserve the character that makes Hayward distinctive.

First City Council Work Session. On September 23, 2025[7], staff conducted a similar work session with the City Council. Like the Planning Commission, the Council was generally supportive of staff's recommendations, including making popular uses more permissible, such as beer and wine sales, and allowing small-scale live entertainment activities with a simplified permitting process. However, they differed from the Commission in that they directed staff to continue pursuing Accessory Commercial Units (ACUs) in limited areas.

Additional Outreach. Below is a list of the additional public outreach that staff conducted to solicit feedback from the public, community stakeholders, and business owners.

- Tabling at Summer Street Parties: June 12, July 17, and August 21, 2025
- Downtown Hayward Improvement Association Meeting: July 10, 2025
- Online Survey to Business Owners and Community Members: July 2025
- Business Member Focus Group: October 15, 2025

[4] CEDC Meeting, February 3, 2025: https://hayward.legistar.com/LegislationDetail.aspx?ID=7113515&GUID=6D3A2952-4DA3-48A7-8E1F-1B1BEAB593F9&Options=&Search=
[5] Personal services typically include uses such as barber shops and beauty salons; nail salons, dry cleaners; locksmiths; shoe repair shops; and tailors.
[6] First Planning Commission Work Session, August 28, 2025: https://hayward.legistar.com/LegislationDetail.aspx?ID=7522956&GUID=93022E04-89DD-4E5C-BA27-D3F563F6B9F1&Options=&Search=
[7] First City Council Work Session, September 23, 2025: https://hayward.legistar.com/LegislationDetail.aspx?ID=7665579&GUID=0B307C48-14CC-461F-82B8-28C235C6E1DF&Options=&Search =

- Community Member Focus Group; October 16, 2025

Business owners identified licensing requirements and compliance with health and safety regulations as challenges. They also highlighted concerns related to perceptions of public safety, particularly in the Downtown area, and expressed frustration with existing restrictions on certain activities, such as live music and beer/wine sales.

Members of the public expressed interest in having additional recreational uses in Hayward, such as skating rinks, axe throwing, and uses that cater towards families and children. Community members specifically indicated they would spend more time and money in Downtown Hayward if there were more businesses, events, or nightlife available. Castro Valley, Pleasanton, and Dublin were often cited as places Hayward community members enjoy visiting, because of the perceived safety, walkability, and low vacancy rates in these communities. Additional detail on the data collected from the community outreach efforts is available on the project webpage.[8]

Second Round Outreach

Second Planning Commission Work Session. On January 22, 2026[9], staff held a second work session with the Planning Commission. This work session was intended to get feedback on the specific Municipal Code changes and new permit types proposed by staff in response to the first round of public outreach and the analysis conducted. Overall, the Planning Commission expressed support of staff's proposed recommendations; however, they did request that staff further examine which industrial districts are the most appropriate for data centers. Additionally, the Commission also expressed interest in adopting an ACU pilot program for some areas outside of Downtown to ensure the pilot program is successful. Staff's response to these comments is discussed in further detail later in the report.

Second City Council Work Session. On January 27, 2026[10], staff held a similar work session with the City Council. Like the Planning Commission, the Council was supportive of the majority of staff's recommendations, including establishing new Limited Entertainment Permits, ACUs, and Minor Temporary Use Permits. They also expressed similar concerns regarding data center locations and asked that staff look at expanding the land use to be allowed in the Industrial Park (IP) zoning district, subject to City Council approval.

Rezoning Property Owner Outreach. Staff held two separate community meetings, on February 12, 2026, and March 18, 2026, with property owners and stakeholder groups related to proposed rezoning and consolidation of commercial districts. Following these meetings, staff made changes to the proposed rezonings to address community concerns, which are addressed in the Discussion section below.

Industrial Stakeholder Outreach. Following Planning Commission and City Council feedback on the proposed Municipal Code revisions, staff held a meeting with industrial stakeholders on February 19, 2026, to review and discuss the proposed changes to the industrial districts.

[8] Project Webpage: https://www.hayward-ca.gov/your-government/departments/planning-division/business-friendly-hayward-project
[9] Second Planning Commission Work Session, January 22, 2026: https://hayward.legistar.com/LegislationDetail.aspx?ID=7805963&GUID=42641ABB-C13A-4A50-B73B-3F3815EE9C04&Options=&Search=
[10] Second City Council Work Session, January 27, 2026: https://hayward.legistar.com/LegislationDetail.aspx?ID=7828157&GUID=A43BDDBD-EB66-4CCB-98CE-665F705706DA&Options=&Search=

Several developers and property owners expressed concerns with some of the proposed changes. In response, staff held two additional community meetings with industrial stakeholders and several one-on-one meetings to discuss further code refinement. These refinements are detailed in the Discussion section below.

Planning Commission Public Hearing. On April 9, 2026, staff held a public hearing with the Planning Commission to review the final proposed Municipal Code text amendments, Zoning Map amendments, and related updates to the Master Fee Schedule. The Planning Commission was overall very supportive of staff's proposal and unanimously voted (6-0) to recommend approval of the project to the City Council.

DISCUSSION

Based on the research and analysis presented above and the feedback garnered from the business community, public, and decision makers, a series of revisions to the Municipal Code and Zoning Map are proposed to achieve the project's goals of making Hayward more business friendly in line with community priorities and market demands. The proposed revisions are presented in greater detail in Attachment IV and are summarized below.

Organization and Simplification. To make the Zoning Ordinance easier to navigate, the commercial zoning districts have been consolidated from their current eight sections into one (shown in Attachment IV, Exhibits A and B). The proposed revisions include new land use and development standard tables that allow prospective businesses and developers to easily identify which types of businesses are allowed in each district. Additionally, the list of land uses has been consolidated into fewer, simpler categories, which allow for a wide variety of businesses and provide greater flexibility for new and emerging uses.

As a part of this simplification process, staff originally proposed changing the definition of truck terminal to be more descriptive of the range of uses that staff interprets to fall within this category. It became clear during the City's two industrial area community meetings and various meetings with individual stakeholders, that staff's proposed definition was not adding the clarity that we had hoped for and was in fact creating concern that uses that are currently allowed by right would now be considered truck terminals under the new definition, thus making current uses legal nonconforming. While staff is interested in refining this definition to better serve not only staff but also the industrial community, this effort will require additional staff time and resources and as such, will be prioritized when resources become available. As a result, the proposed change to the truck terminal definition has been removed from the Business Friendly Hayward project.

Relaxed Permitting Requirements. As part of the proposed updates, staff is recommending relaxing some of the permitting requirements for a number of land uses in the City's commercial and mixed-use zoning districts to make it easier for businesses to open and operate, as reflected in Attachment IV, Exhibits A, B, I, and J. Notably, this includes reducing the permitting requirements for businesses selling or serving beer, wine, or alcoholic cider and allowing day care centers, recreational facilities, and cultural facilities/community centers by right in most commercial and mixed-use districts, as these uses are highly desired by the community. In addition, staff is recommending reducing the permitting requirements for tattoo shops and

amending the definition of *Cultural Facility* to include event spaces that may be rented out for events that end by 11:00 p.m. Conversely, banquet halls which propose operations that go past 11:00 p.m. would require a Conditional Use Permit in all zoning districts. This approach was recommended by the Police Department as typically there are no calls for service for these events before 11:00 p.m.

Strategic New Land Use Controls. In addition to relaxing the entitlement process for the above uses, staff is also recommending increasing the entitlement requirements for two specific land uses that necessitate additional control to ensure public health, safety, and general welfare. First, staff is recommending a Conditional Use Permit be required to operate a massage establishment in the Downtown area (Attachment IV, Exhibit J). Currently, these uses are permitted by right in the Downtown area with little discretion. This update is proposed in response to a request from the Hayward Police Department, which became aware of instances of commercial prostitution at both permitted and unpermitted massage businesses operating within the city. As a result of this illicit activity, the City Council approved a temporary moratorium on the establishment of new massage businesses until stricter land use and operational controls for these establishments can be put into place.[11] Requiring a CUP for massage establishments in the Downtown area will close the current "by-right" loophole and ensure that all massage businesses in Hayward are required to go through the same screening and discretionary permitting process, which includes review by the Planning Division and Hayward Police Department. Further revisions to the Massage Ordinance will be brought forward to the Council separately by the City Attorney's Office and Police Department in a separate item on tonight's agenda.

Additionally, given the operational characteristics and potential impacts to sensitive receptors, staff originally recommended that all data centers be subject to a CUP and limited to the General Industrial (IG) zoning district. However, based on feedback from community stakeholders, the Planning Commission, and City Council, staff is now recommending data centers be permitted in the Industrial Park (IP) zoning district, in addition to the IG zoning district, which will allow data centers to be strategically located in areas of Hayward that contain sufficient electrical utility infrastructure. As currently proposed, data center uses in these districts will be required to obtain approval of a CUP if their energy generating capacity is less than 50 megawatts and approval of a new permit type, a Major Conditional Use Permit (MCUP), if their generating capacity is 50 megawatts or greater.

New Permit Types. In addition to the above-described revisions to the Municipal Code, staff is also proposing new permit types to better support emerging businesses and help activate the City's commercial areas and promote economic development.

- **Zoning Conformance Permit for Accessory Commercial Units (ACUs).** Accessory Commercial Units (ACUs) are similar to Accessory Dwelling Units (ADUs), except that they serve as small commercial storefronts at people's homes, often in garage conversions (Attachment IV, Exhibit D). Staff originally recommended allowing ACUs within districts that allow detached residential units within the Downtown and Mission Boulevard corridor. Limiting ACUs geographically is intended to "pilot" the ACU concept

[11] City Council Meeting, December 16, 2025,: https://hayward.legistar.com/LegislationDetail.aspx?ID=7783347&GUID=EE9C5E0D-279D-484F-89D8-1B6B8405D515&Options=&Search=

in areas that already have a mixed-use character to further promote walkability and strengthen connection within these areas, while also allowing new businesses the opportunity to incubate and gain customers and traction. Based on Planning Commission and City Council feedback, staff is now recommending that the pilot launch also include properties with one single family residence south of Tennyson Road. This will allow for a broader pilot area and prevent the over concentration of new opportunities in the Downtown area. The proposed fee for the Zoning Conformance Permit for an ACU is $498, which covers two hours of staff time.

The range of permitted ACU uses is intentionally limited and focused primarily on low-impact retail and service uses such as beauty salons, pet grooming, fitness studios, tutoring, and coffee shops. Staff also considered the Planning Commission and City Council's concerns regarding the potential for ACUs to inadvertently encourage unpermitted restaurant uses to pop up in residences. As a result, restaurants are not proposed to be included as a permitted use at this time, but could be considered as part of a future code amendment, if the pilot program is successful and the City Council supports this revision.

- **Limited Entertainment Permit.** To streamline the permitting process for live entertainment uses, staff is proposing a new Limited Entertainment Permit (Attachment IV, Exhibit D). This permit type is intended to facilitate small-scale entertainment activities that are ancillary to primary uses while maintaining appropriate safeguards for surrounding uses. These activities may include an open-mic night at a coffee shop, karaoke at a restaurant, or live music or trivia night at a brewery. The proposed fee for this permit type is $249, which covers one hour of staff time.

  The proposed Limited Entertainment Permit is specifically designed for small entertainment uses and is not meant to accommodate higher-intensity activities such as nightclubs or large entertainment venues, which would continue to be regulated by the City's Cabaret Ordinance. This approach allows the City to support a more active and engaging commercial environment without removing regulatory oversight, focusing instead on right-sizing regulations to match the scale and impact of the proposed activity.

- **Minor Temporary Use Permit.** To address the current issue of all temporary uses requiring an Administrative Use Permit, which can be a costly and lengthy process, staff is proposing a new Minor Temporary Use Permit, which would allow for small-scale temporary uses (Attachment IV, Exhibit D). This permit would function similarly to a Zoning Conformance Permit which could be approved if applicants meet certain operational standards, but the permit would not be subject to public noticing or go through the same level of interdepartmental review as a permanent use. Processing time is anticipated to be less than one month, and a flat application fee of $747, which covers three hours of staff time. The types of temporary uses that could be allowed

include food truck courts, pop-up markets, small carnivals/circuses, and City sponsored events.

- **Major Conditional Use Permit.** In response to City Council's request to review data center projects for final approval, staff proposed a new category of use permit called Major Conditional Use Permit (MCUP). Currently, the highest level of use permit, a Conditional Use Permit, only requires Planning Commission to approve or deny a project; however, the City Council has identified several land use types where they would like to be the final decision makers. As proposed, land uses which require a MCUP would go to Planning Commission for a recommendation to the City Council with the final decision ultimately made by City Council. In addition to data centers, cannabis dispensaries and gas stations are also proposed to go through the newly created MCUP process, given Council's previous direction to be the final decision makers for those uses.[12] The proposed deposit for a MCUP is $15,000, which is billed hourly for time and materials.

Master Fee Schedule Updates: As referenced in the above, the new Permit types will require amendments to the Master Fee Schedule, as shown in Attachment III. For the permits with flat fees, the fees were calculated based on the assumed number of hours of staff review that would be required, based on Planning staff's updated hourly rate of $249. The MCUP initial deposit, which is billed on a time and materials basis, is consistent with the initial deposits required for Council level decisions beginning in Fiscal Year 2027.

Rezonings. In an effort to simplify the Zoning Map and eliminate some of the minor nuances between the City's eight base commercial zoning districts, staff is proposing consolidating two of the smallest commercial districts into larger districts which have substantially similar zoning regulations and development patterns but allow more uses. Specifically, staff is recommending the Limited Access Commercial (CL) and Regional Commercial (CR) districts be rezoned to the General Commercial (CG) district. These rezonings will impact a total of 18 properties in the city. Through these rezoning efforts, no significant changes will impact the allowed uses or the development potential of each property.

As previously mentioned, staff was recommending the Residential Office (RO) district be combined with the Commercial Office (CO) district to create a new district called the Commercial Office – Residential (CO-R) district; however, in response to public feedback a few property owners reached out with questions and concerns. Staff held two separate community meetings with RO property owners to address these concerns and have come away from these discussions with a new recommendation. Instead of combining the RO and CO zoning districts into a new zoning district, staff is now recommending that these two zoning districts be kept separate to help preserve the residential feel and unique identity of the RO zoning district. To make the RO zoning district more business friendly, property owners felt comfortable allowing office uses by right instead of requiring an AUP or CUP, which is the case now.

[12] City Council Resolution 21-006: https://portal.laserfiche.com/Portal/DocView.aspx?id=375661&repo=r-b6d2994c

ENVIRONMENTAL REVIEW

On July 1, 2014, the City Council adopted Resolution No. 14-108, approving the Hayward 2040 General Plan Update and related Program Environmental Impact Report (EIR). In accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary pursuant to the conditions described in Section 15162. Under Section 15162, a subsequent EIR need not be prepared unless the lead agency determines one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows any of the following:

    a. The project will have one or more significant effects not discussed in the previous EIR;

    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed Municipal Code amendments and rezonings are entirely consistent with the Hayward 2040 General Plan. Thus, no new or unanticipated levels of development are expected as a result of the proposed project that were not previously identified in the General Plan and General Plan EIR. No new or unanticipated traffic, employment density, or construction impacts are expected to be generated as a result of adoption of these regulations. Therefore, the proposed project substantially conforms to the Goals, Policies, and Land Use Diagram set forth

in the Hayward 2040 General Plan and were adequately analyzed in the related Program EIR. As such, no further environmental review is necessary.

STRATEGIC ROADMAP

Strategic Roadmap. The Hayward Strategic Roadmap[13] is a Council led initiative that outlines the shared vision for Fiscal Year 2025 and beyond. There are six core priorities required to achieve the Strategic Roadmap's vision and numerous key projects to advance each priority. The *Grow the Economy* priority focuses on investing in business support services, creating thriving commercial corridors, growing workforce development pipelines, and strategically disposing of City property. This effort supports two of the projects listed under this priority:

- *Project EP5:* Provide a report on how midsized cities revitalized downtowns.
- *Project EP6:* Provide a report on ordinances that may have adverse impacts on businesses.[14]

ECONOMIC IMPACT

Streamlining the permitting process for commercial development may result in more businesses opening in Hayward and operating successfully for longer periods of time. This in turn can lead to increased tax revenue for the City, the creation of local jobs, and further investment in our commercial centers.

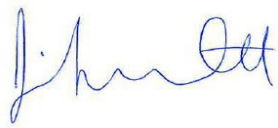
NEXT STEPS

If adopted, the revised ordinances will go into effect 30 days after adoption. The property rezonings will become effective immediately.

Prepared by: Elizabeth Blanton, AICP, Senior Planner
Sachiko Riddle, Assistant Planner

Recommended by: Sara Buizer, AICP, Development Services Director

Approved by:



_____
Jennifer Ott, City Manager

[13] Hayward Strategic Roadmap: https://www.hayward-ca.gov/your-government/documents/hayward-strategic-roadmap
[14] In order to alleviate adverse impacts on restaurants and remove unnecessary restrictions, the City's alcohol regulations were updated in March 2023 to make it easier for full-service restaurants to obtain permission from the City to serve alcohol at their establishments. City Council Public Hearing, March 7, 2023: https://hayward.legistar.com/LegislationDetail.aspx?ID=6050568&GUID=9C6E57B1-0937-4560-BD41-5D1B007B5745&Options=&Search=

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member _____

RESOLUTION TO ADOPT ZONING MAP AND TEXT AMENDMENTS TO CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE), ARTICLE 2 (OFF-STREET PARKING REGULATIONS), ARTICLE 24 (MISSION BOULEVARD CODE), AND ARTICLE 28 (DOWNTOWN DEVELOPMENT CODE) AND CHAPTER 6, ARTICLE 2 (MISCELLANEOUS BUSINESSES) OF THE HAYWARD MUNICIPAL CODE RELATED TO THE BUSINESS FRIENDLY HAYWARD PROJECT

WHEREAS, on July 2, 2019, the City Council adopted Resolution No. 19-075, adopting the Downtown Hayward Specific Plan, which contains implementation programs LU 2, LU 4, ED 2, and ED 6 to streamline the entitlement process and update zoning regulations to allow temporary uses that increase small-scale business opportunities, modernize land use regulations for a variety of commercial activities, and allow small-scale crafts production in the Downtown area; and

WHEREAS, on June 4, 2024, the City Council adopted Resolution No. 24-115, adopting the City of Hayward Strategic Roadmap (Fiscal Year 2024 – Fiscal Year 2025), which contains Projects EP5 and EP6 to provide reports on how midsized cities revitalize their downtowns and on ordinances that may have adverse impacts on businesses, under the subcategory Grow the Economy; and

WHEREAS, between February 2025 and March 2026, a consultant team of Rincon and Metrovation along with city staff prepared a Summary of Best Practices Report, Analysis of Hayward Codes and Practices Report, and Downtown Commercial Analysis, and conducted extensive community outreach including an online survey for businesses and community members, tabling at summer street parties, hosting a series of in-person and virtual focus groups with various stakeholders, coordination with the Downtown Hayward Improvement Association and Chamber of Commerce, posting articles and information in the City's e-newsletter and on its social media channels; and maintaining a detailed project website; and

WHEREAS, on February 2, 2025 the Council Economic Development Committee held a kick-off work session on the Business Friendly Hayward Project; and

WHEREAS, on August 28, 2025 and September 23, 2025, the Planning Commission and Council, respectively, held public Work Sessions on the Summary of Best Practices Report, Analysis of Hayward Codes and Practices Report, Downtown Commercial Analysis, and Outreach Summary completed for the Business Friendly Hayward Project; and

WHEREAS, on January 22, 2026 and January 27, 2026, the Planning Commission and Council, respectively, held public Work Sessions on the Draft Amendments completed for the Business Friendly Hayward Project; and

WHEREAS, on April 9, 2026, the Planning Commission considered the proposed Zoning Map and Text Amendments and voted (6-0) recommending that the City Council approve the proposed Amendments; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on April 21, 2026.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

In accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. Under Section 15162, a subsequent EIR need not be prepared unless the lead agency determines one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows any of the following:

    a. The project will have one or more significant effects not discussed in the previous EIR;

    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more

significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is entirely consistent with the Hayward 2040 General Plan. Thus, no new or unanticipated levels of development are expected as a result of the proposed project that were not previously identified in the General Plan and General Plan EIR, and no new or unanticipated traffic, employment density, or construction impacts are expected to be generated as a result of adoption of these regulations. Therefore, the proposed project substantially conforms to the Goals and Policies set forth in the Hayward 2040 General Plan and were adequately analyzed in the related Program EIR. As such, no further environmental review is necessary.

FINDINGS FOR ZONING MAP AND TEXT AMENDMENTS TO THE HAYWARD MUNICIPAL CODE

Pursuant to HMC Section 10-1.3425, the decision-making body shall make the following findings prior to recommending approval or approving zoning text and zoning map amendments:

1. **Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;**

   The proposed Zoning Map and Text Amendments will promote the public health, safety, convenience and general welfare of the residents, business owners, and patrons of Hayward by supporting new businesses and activities aligned with community interests and priorities and general market demands. The Amendments will further enliven commercial areas, including Downtown, the Mission Boulevard corridor, and various commercial hubs throughout the city, allowing residents to increasingly meet their retail, entertainment, recreational, and service needs in Hayward, rather than having to travel to nearby communities.

2. **The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans;**

   The proposed Zoning Map and Text Amendments are consistent with the goals and policies set forth in the Hayward 2040 General Plan in that the updated regulations are designed to protect and enhance commercial activity in the city. The proposed Zoning

Map Amendments establish updated use, development, and permitting regulations for commercial and mixed-use zoning districts in alignment with the Hayward 2040 General Plan, the Downtown Specific Plan, and the Hayward Strategic Roadmap. Specifically, the proposed Amendments are consistent with the following goals and policies set forth in the Hayward 2040 General Plan:

- Policy LU-1.6: Encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.

- Policy LU-2.1: Encourage private-sector investment in Downtown to transform it into a safe, vibrant, and prosperous arts and entertainment district that offers enhanced shopping, dining, recreational, and cultural experiences and events for residents, families, college students, and visitors.

- Policy LU-2.2: Maintain the Downtown as a center for shopping and commerce, social and cultural activities, and political and civic functions.

- Policy LU-2.12: Encourage the redevelopment of the Mission Boulevard corridor to create an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit.

- Policy LU-2.16: Encourage the development of uses and amenities to attract creative-class professionals and businesses to Hayward, including restaurants and cafes; art studios and galleries; entertainment and cultural venues; housing and live-work units; exercise and physical fitness facilities; office space and business incubators; and community-operated workspaces where people with common interests can meet, collaborate, and develop their business ideas and products (e.g. hacklabs, hackerspaces, or makerspaces).

- Policy LU-2.17: Encourage the establishment of youth and family entertainment uses within the Downtown and/or the Mission Boulevard Corridor. Appropriate uses include ice skating, climbing walls, bowling alleys, trampoline gyms, indoor miniature golf, arcades, billiards, climbing and play structures, water play or “spray parks”, and family-friendly dining.

- Policy LU-3.1: Promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include

parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.

- Policy LU-5.1: Encourage a mix of retail, service, dining, recreation, entertainment, and cultural uses and activities in regional and community centers to meet a range of neighborhood and citywide needs.
- Policy LU-5.2: Maintain flexible land use regulations that allow the establishment of economically productive uses in regional and community centers.
- Policy ED-1.3: Encourage commercial and industrial development by ensuring the availability of suitable sites for development and providing appropriate zoning.
- Policy ED-1.11: Encourage the establishment and expansion of commercial businesses that increase local spending within Hayward and provide needed goods and services to local residents and businesses.
- Policy ED-2.8: Encourage the formation and operation of home-based businesses that are compatible with the surrounding neighborhood.
- Goal ED-6: Achieve recognition as the most desirable and business-friendly place to locate and conduct business in the East Bay.
- Policy ED-6.2: Strive to enhance land use certainty for businesses by identifying and removing unnecessary regulatory barriers that discourage private-sector investment.

3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified; and

The proposed Zoning Map and Text Amendments make small changes to the allowable uses in the city's commercial and mixed-use zoning districts. The proposed uses are consistent with land uses envisioned in the Hayward 2040 General Plan and analyzed in the related Program Environmental Impact Report. While the city's commercial and mixed-use areas are generally built out and have adequate streets and public facilities to serve the areas, each new project would be evaluated on a case-by-case for environmental impacts and would be required to install or upgrade utilities, upgrade roadways or install frontage improvements as standard conditions of approval to ensure that the future development or land use is adequately served.

4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

The proposed Zoning Map and Text Amendments include allowable uses and development standards to ensure that future commercial uses and development are compatible with existing development. This includes allowing a wider variety of uses that have been identified as desirable by the community (including recreational facilities, community centers, beer and wine sales, live entertainment, and events) through simpler permitting processes. The proposed Amendments would achieve a beneficial effect by promoting diverse, mixed-use commercial hubs and clusters throughout Hayward, enhancing economic activity and community amenities.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the findings in support of Zoning Map and Text Amendments related to the Business Friendly Hayward Project, subject to the adoption of the companion Ordinance.

BE IT RESOLVED that this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 26-___) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026.

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. 26-____

Introduced by Council Member _____

RESOLUTION AMENDING THE CITY OF HAYWARD 2026-2027 FISCAL YEAR MASTER FEE SCHEDULE FOR ACCESSORY COMMERCIAL UNIT, MINOR TEMPORARY USE, LIMITED ENTERTAINMENT, AND MAJOR CONDITIONAL USE PERMITS ASSOCIATED WITH AMENDMENTS TO CHAPTER 10, ARTICLES 1, 2, 24, AND 28 AND CHAPTER 6, ARTICLE 2 OF THE HAYWARD MUNICIPAL CODE RELATED TO THE BUSINESS-FRIENDLY HAYWARD PROJECT

WHEREAS, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. Under Section 15162, a subsequent EIR need not be prepared unless the lead agency determines one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows any of the following:

    a. The project will have one or more significant effects not discussed in the previous EIR;

    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is entirely consistent with the Hayward 2040 General Plan. Thus, no new or unanticipated levels of development are expected as a result of the proposed project that were not previously identified in the General Plan and General Plan EIR, and no new or unanticipated traffic, employment density, or construction impacts are expected to be generated as a result of adoption of these regulations. Therefore, the proposed project substantially conforms to the Goals and Policies set forth in the Hayward 2040 General Plan and were adequately analyzed in the related Program EIR; and

WHEREAS, the City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions;

WHEREAS, in November 2010, California voters approved Proposition 26, which amended Article XIII C of the State constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes, which must be approved by the voters, are not disguised as fees, which can be approved by legislative bodies, such as a city council. The proposed amendment to the Master Fee Schedule (MFS) is compliant and would allow for the processing and administration of four new permit types for Accessory Commercial Units, Minor Temporary Uses, Limited Entertainment Activities, and Major Conditional Use Permits, consistent with the appropriate findings and conditions established by the Business Friendly Hayward Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby amends the Fiscal Year 2025-2026 Master Fee Schedule to include new permit fees associated with Accessory Commercial, Minor Temporary Use, Limited Entertainment, and Major Conditional Use Permits, as reflected in attached Exhibit “A”.

BE IT FURTHER RESOLVED that this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 26-___) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA, _____ 2026.

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

DEVELOPMENT SERVICES DEPARTMENT

C. PLANNING

Major Conditional Use Permit	$	15,000 Time & Material Initial Deposit
Zoning Conformance Permit		
• Accessory Commercial Unit	$	498
Limited Entertainment Permit	$	249
Minor Temporary Use Permit	$	747

ORDINANCE NO. 26- _

AN ORDINANCE AMENDING THE ZONING MAP AND CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE), ARTICLE 2 (OFF-STREET PARKING REGULATIONS), ARTICLE 24 (MISSION BOULEVARD CODE) AND ARTICLE 28 (DOWNTOWN DEVELOPMENT CODE) OF THE HAYWARD MUNICIPAL CODE ASSOCIATED WITH THE BUSINESS FRIENDLY HAYWARD PROJECT

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

Section 1. Provisions. The City Council incorporates by reference the findings contained in Resolution 26-XX approving the Zoning Map in Exhibit L and Zoning Text Amendments to the Hayward Municipal Code as detailed in Exhibits A, B, C, D, E, F, G, H, I, J, and K.

Section 2. The Zoning Map is hereby amended to rezone 18 properties from Limited Access Commercial (CL) and Regional Commercial (CR) districts to General Commercial (CG) district as illustrated in Exhibit L, introduced herewith and as specifically shown in this Ordinance.

Section 3. Chapter 10, Planning, Zoning, and Subdivisions of the Hayward Municipal Code, which establishes development standards and regulations for all zoning districts within City boundaries, is hereby amended to add certain text (as indicated by underline or the word "Clean" in the exhibit title) and delete certain provisions (as indicated by strikethrough) in the attached Exhibits A through K, related to the following: elimination of Hayward Municipal Code Sections 10-1.600: Residential Office District, 10-1.800: Neighborhood Commercial District, 10-1.900: Neighborhood Commercial-Residential District, 10-1.1000: General Commercial District, 10-1.1100: Commercial Office District, 10-1.1200: Limited Access Commercial District, 10-1.1300: Central Business District, and 10-1.1400: Regional Commercial District and replacement of those existing Sections with Section 10-1.800: Commercial Districts and miscellaneous revisions to Chapter 10 Article 1: Zoning Ordinance, Article 2: Off-Street Parking Regulations, Article 24: Mission Boulevard Code and Article 28: Downtown Development Code, introduced herewith and as specifically shown in this Ordinance.

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

Section 4. Effective Date. In accordance with the provisions of Section 620 of the City Charter, the Ordinance shall become effective 30 days after the second reading on the Ordinance.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 21st day of April 2026, by _____.

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

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

Sec. 10-1.100 General Provisions

SEC. 10-1.125 ESTABLISHMENT OF ZONING DISTRICTS.

Zoning districts are designated as follows:

RESIDENTIAL	
RL	Low Density Residential District
RNP	Residential Natural Preservation District
RM	Medium Density Residential District
RH	High Density Residential District
RO	Residential—Office District
MH	Mobile Home Park District
COMMERCIAL	
CN	Neighborhood Commercial District
CN-R	Neighborhood Commercial—Residential District
CG	General Commercial District
CO	Commercial Office District
CB	Central Business District
SMU	Sustainable Mixed Use District
DOWNTOWN/CENTRAL CITY	
CC-C	Central City—Commercial District
CC-P	Central City—Plaza District
CC-R	Central City—Residential District
NE	Neighborhood Edge District
NG	Neighborhood General District
UN	Urban Neighborhood District
UNL	Urban Neighborhood Limited District
DM	Downtown Main Street District
UC	Urban Center
MISSION BOULEVARD	
MB-NN	Mission Boulevard Neighborhood Node District
MB-CC	Mission Boulevard Corridor Center District
MB-CN	Mission Boulevard Corridor Neighborhood District
MB-CS	Mission Boulevard Civic Space District
INDUSTRIAL	
IL	Light Industrial District
IG	General Industrial District
IP	Industrial Park District
AIR TERMINAL	
AT-AC	Air Terminal—Aviation Commercial District
AT-C	Air Terminal—Commercial District

AT-IP	Air Terminal—Industrial Park District
AT-O	Air Terminal—Operations District
AT-R	Air Terminal—Recreational District
AT-RM	Air Terminal—Medium Density Residential District
OPEN SPACE	
A	Agricultural District
FP	Flood Plain District
OS	Open Space District
PUBLIC FACILITIES	
PF	Public Facilities District
SPECIAL DISTRICTS	
B	Special Lot Standards Combining Districts
PD	Planned Development District
SD-1	"B" Street Special Design Streetcar District
SD-3	Cottage Special Design District
SD-4	Cannery Area Special Design District
SD-5	Mission Garin Area Special Design District
SD-7	Hayward Foothill Trail Special Design District

(Amended by Ordinance 24-01, adopted 1-23-2024)

Sec. 10-1.600 Residential-Office District (RO)

(Section 10-1.600 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.700 Commercial Districts

Sec. 10-1.701 Purpose

a. **Residential Office District (RO).** The Residential-Office District includes a mix of residential and office uses while maintaining a residential identity. The scale and form of office uses shall not detract from adjacent residential use.

b. **Commercial Office District (CO).** The CO District includes a mix of residential and office uses. The scale, form, and activity of uses shall not detract from adjacent residential uses.

c. **Neighborhood Commercial-Residential District (CN-R).** The CN-R District includes a mixture of neighborhood serving businesses and residences along portions of certain arterials to provide housing with ready access to shops and transit.

d. **Commercial Neighborhood District (CN).** The CN District includes a variety of neighborhood serving businesses in close proximity to residential to provide convenience goods and services purchased frequently.

e. **General Commercial District (CG).** The CG District includes a wide variety of commercial uses, including uses that attract neighborhood, local, and regional audiences.

f. **Central Business District (CB).** The CB District provides an alternate commercial hub outside of the Downtown area characterized by a mix of retail, restaurant, and recreation uses.

Sec. 10-1.702 Use Regulations—Commercial Districts

Table 10-1.802, Land Use Regulations—Commercial Districts, sets the land use regulations for Commercial Districts by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Section, other requirements of the Hayward Municipal Code, or other applicable regulations:

"P" designates permitted uses.

"A" designates uses that are permitted after review and approval of an Administrative Use Permit.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"M" designates uses that are permitted after review and approval of a Major Conditional Use Permit.

"-" designates uses that are not allowed.

A project which includes two or more categories of land use in the same building or on the same site is subject to the highest permit level required for any individual use or single component of the project.

Section numbers in the right-hand column refer to other sections of the Zoning Ordinance or other limitations as well as subsections following the Table.

Land uses are defined in Article 1, Section 10-1.3500, Definitions. In cases where a specific land use or activity is not defined, the Planning Director or other approving authority shall assign the land use or activity to a classification that is substantially similar in character. Land uses defined in the Hayward Municipal Code and not listed in the table or not found to be substantially similar to the uses below are prohibited. Unless otherwise explicitly stated, all uses shall be conducted indoors.

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "M" Major Conditional Use Permit Allowed; "-" Use Not Allowed

Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
Administrative and Professional Offices							
Office	P	P	P	P	P	P	
Cannabis testing laboratory	-	A	-	-	A	-	

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "M" Major Conditional Use Permit Allowed; "-" Use Not Allowed

Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
Check cashing store	-	C	C	C	C	C	
Commercial cannabis delivery	-	A	-	-	A	-	
Financial institutions	-	P	P	P	P	P	
Payday loan facilities	-	C	C	C	C	C	
Automobile Related Uses							
Automobile brokerage office	-	-	-	-	A	-	See definitions
Automobile Sales and Rental	-	-	-	A	P	-	Only allowed when located along Mission Blvd between Highland/Sycamore and 700 feet south of Harder
Automobile repair – minor	-	-	-	C	A	A	
Automobile repair – major	-	-	-	-	A	A	
Automobile service station	-	-	-	M	M	M	
Automobile storage facility	-	-	-	-	A	-	
Car wash	-	-	-	C	A	A	
Drive-in establishments	--	-	-	C	A	C	See Section 10-1.2735.f for special requirements.
EV charging station	-	A	A	A	A	A	Does not include ancillary EV charging that is secondary to another primary use.
Parking lot	-	A	A	A	A	A	
Personal Services							
Personal Services	-	P	P	P	P	P	
Massage establishment	-	C	C	C	C	C	
Tattoo	-	-	A	A	P	P	
Residential Uses							
Detached residential unit(s)	P	A	-	-	-	-	Subject to density limitations in the General Plan

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "M" Major Conditional Use Permit Allowed; "-" Use Not Allowed

Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
Duplex/Triplex	P	P	P/A[1]	P[2]	P[2]	P/C[3]	Subject to density limitations in the General Plan
Multi-Unit Residential (4+ attached units)	P	P	P/A[1]	P[2]	P[2]	P/C[3]	Subject to density limitations in the General Plan
Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.	-	P	P	P	P	P	
Small Unlicensed Group Home	P	P	-	-	-	-	See definitions.
Large Unlicensed Group Home	C	C	-	-	-	-	See definitions.
Small Licensed Group Home	P	P	-	-	-	-	See definitions.
Medium Licensed Group Home	A	A	-	-	-	-	See definitions.
Large Licensed Group Home	C	C	-	-	-	-	See definitions.
Single Room Occupancy	-	-	-	-	A	A	
Accessory dwelling unit(s)	P	P	P	P	P	P	Where primary use is residential. See Section 10-1.2740 for criteria and standards
Retail Commercial Uses							
Retail	-	-	P	P	P	P	
Bar, cocktail lounge	-	C	C	C	C	C	See General Regulations Section 10-1.2750 et seq. for regulations of alcohol
Brewery/winery/cidery	-	-	A	A	A	P	

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "M" Major Conditional Use Permit Allowed; "-" Use Not Allowed

Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
Commercial cannabis retail dispensary	-	-	-	-	M	M	See Section 10-1.3600 for additional standards.
Dance or night club	-	-	C	C	C	C	See General Regulations Section 10-1.2750 et seq. for regulations of alcohol.
Distillery	-	-	-	-	A	A	
Liquor store	-	-	C	C	C	C	See General Regulations Section 10-1.2750 et seq. for regulations of alcohol.
Nursery (plant)	-	-	P	P	P	P	
Restaurant	-	A	P	P	P	P	
Theater (Small Motion Picture or Live Performance Only)	-	-	P	P	P	P	
Theater, Large Motion Picture	-	-	C	C	C	C	
Tobacco Retail Establishment	-	-	-	-	C	-	See Section 10-1.2780 for additional standards.
Service Commercial Uses							
Appliance service and repair shop	-	-	-	A	P	P	Not ancillary to a primary use.
Copying, mailing, or reproduction facility	-	P	P	P	P	P	
Equipment rental	-	-	-	-	P	P	
Hotel or motel	C[4]	-	-	-	P	P[5]	
Recycling collection area	-	A	-	A	A	A	When located within a convenience zone.
Reverse vending machine(s)	-	P	P	P	P	P	When located within a convenience zone.
Sign shop	-	-	-	-	A	-	
Other Uses							
Ambulance service	-	A	-	A	A	A	

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "M" Major Conditional Use Permit Allowed; "-" Use Not Allowed

Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
Animal hospital	-	A	A	A	A	A	
Artisan/craft production	-	C	C	P	P	P	
Auction	-	-	-	-	A	A	
Banquet hall	-	-	-	C	C	C	
Broadcasting studio	-	-	-	-	P	P	
Catering facility	-	-	-	P	P	P	
Cultural facility	A	A	A	A	P	P	
Day care home	P	P	P	P	P	P	State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions.
Day care center	A	A	P	P	P	P	State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.
Educational facility	A	P/A[6]	P/A[6]	P/A[6]	P/A[6]	P/A[6]	
Emergency Shelter	-	P	-	P	P	-	Limited to parcels abutting Mission and Foothill Blvds. See Section 10-1.2736(a) for additional standards.
Home occupation	P	P	P	P	P	P	See definitions
Home occupation – expanded	A	A	A	A	A	A	See definitions
Hospital	-	C	-	-	-	A	
Kennel	-	-	-	A	A	A	
Low Barrier Navigation Center	-	P	P	P	P	P	
Passenger transportation terminal	-	-	-	-	-	A	
Public agency facilities	P	P	P	P	P	P	See definitions
Recreational Facilities							

TABLE 10-1.802: Use Regulations Commercial Districts							
"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "M" Major Conditional Use Permit Allowed; "-" Use Not Allowed							
Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
Indoor	A	A	A	P	P	P	
Outdoor	-	-	A	A	P	P	
Religious facility	A	A	A	A	P	P	
Temporary Use, Minor	-	P	P	P	P	P	
Temporary use	-	A	A	A	A	A	See Section 10-1.2700 for additional standards.
Warehouse	-	-	-	-	C	-	
Wholesale establishment	-	-	-	-	C	-	

1. Permitted by right if above first floor commercial. Otherwise an AUP is required.
2. Above first floor commercial only.
3. Permitted by right if above first floor commercial. Otherwise a CUP is required.
4. Bed and breakfast only.
5. Hotel uses not permitted in Airport Overlay Zone 2. See Sec. 10-6.30.
6. Permitted by right if less than 10,000 square feet. Otherwise an AUP is required.

Sec. 10-1.703 Development Standards

Table 10-1.803, Development Standards-Commercial Districts, prescribes the development standards for Commercial Districts.

TABLE 10-1.803: DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS						
Standard	*RO*	*CO*	*CN-R*	*CN*	*CG*	*CB*
Lot Requirements (See also Section 10-1.2720 for Special Lot Requirements and Exceptions)						
Minimum Lot Size (sf)	5,000	5,000	10,000	6,000	6,000	6,000
Minimum Lot Frontage (ft)	35	35	100	60	35	35
Minimum Average Lot Width (ft)	50	50	100	60	60	60
Maximum Lot Coverage (%)	50	50	90	90	90	90
Minimum Average Lot Depth (ft)	100	80	80	100	100	100
Minimum Yards (ft) (See also Section 10-1.2725 for Special Yard Requirements and Exceptions)						
Front Yard	10	10	10	10	10, unless the building is located at	10

TABLE 10-1.803: DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS						
Standard	*RO*	*CO*	*CN-R*	*CN*	*CG*	*CB*
					the property line	
Side Yard	5	5	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 5 ft	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 5 ft	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 5 ft	5
Side Street Yard	10	10	10	10	10, unless building is located at the property line	10
Rear Yard	20	10	10	0, unless abutting a R, A, MH, OS, or residential PD District where the rear yard shall be 10 ft.	0, unless abutting a R, A, MH, OS, or residential PD District where the rear yard shall be 10 ft.	0, unless abutting a R, A, MH, OS, or residential PD District where the rear yard shall be 10 ft.
Maximum Height (ft) *(See also Section 10-1.2730 for Special Height Requirements and Exceptions.)*						
Building	40	40	40	40	50	50
Accessory Building	14, one story	14, one story	14, one story	14, one story	14, one story	14, one story
Fences/hedges/walls						
Front and Side Street Yard	4	4	4	4	4	4
Side and Rear Yard	7	7	7	7	7	7

Sec. 10-1.704 Site Plan Review Required.

Site Plan Review, pursuant to Section 10-1.3000, Site Plan Review, is required for the following development projects unless the project otherwise requires Planning Commission approval:

1. Development of new primary structures.

2. Development of new accessory structures greater than 2,500 square feet in size.
3. Additions, or partial demolitions with reconstruction, to a primary structure that increases the net floor area of that structure by at least 50 percent.
4. Any site modification affecting 5,000 square feet or 10 percent of the site area, whichever is greater.

Sec. 10-1.705 Minimum Design and Performance Standards for Commercial Buildings and Uses

For commercial buildings, including mixed use buildings where 50 percent or more of the gross square footage is devoted to commercial uses, refer to the design criteria contained in the Hillside Design and Urban/Wildland Interface Guidelines and the following specific criteria and standards.

a. Accessory Buildings, Detached. Detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc., shall meet the following criteria:

(1) Shall not exceed one story or 14 feet in height.

(2) Shall use exterior building materials and colors which either match or are compatible with the primary building. Canvas, plastic, and similar materials shall not be used. Special design consideration shall be given to structures visible from a public street.

(3) Shall not be located in a required front yard or side street yard.

(4) Shall be setback a minimum of 5 feet from a side or rear property line. Use the yard requirement for the primary building if less than 5 feet.

(5) Shall not be located in front of a primary building..

(6) Shall be setback a minimum of 10 feet from a primary building and any other accessory building.

(7) The area of all accessory buildings, either individually or cumulatively, shall not exceed 50 percent of the ground floor area of the primary building.

b. Architectural Projections into Yards. Architectural features such as bay windows, cornices, canopies and awnings that are attached to the primary structure, and eaves may extend 2 feet into any required yard; open stairways and open porches may extend 4 feet into a required rear yard.

c. Decks and Ramps.

(1) Decks and ramps 12 inches or less in height may be located in any yard.

(2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.

(3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building and shall also count toward the lot coverage calculation for the site.

(4) Decks located in hillside areas shall conform to the Hillside Design and Urban/Wildland Interface Guidelines.

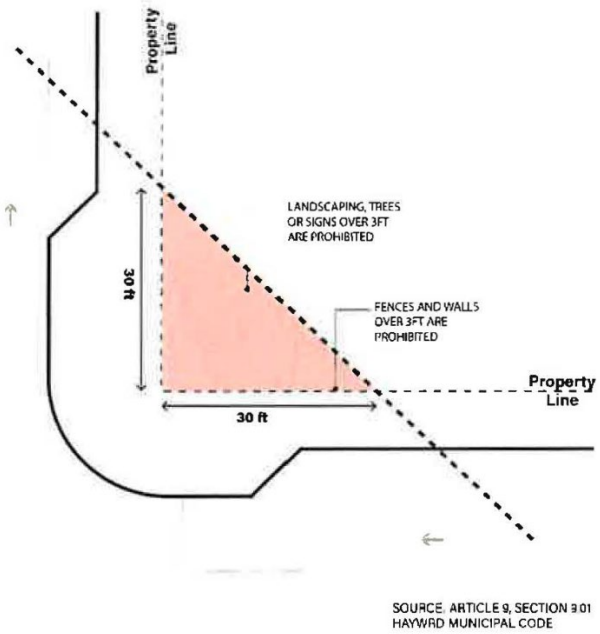
d. Fences, Hedges, Walls.

(1) A masonry wall not less than 6 feet in height, shall be required where any commercial district abuts any R, A, MH, OS, residential PD District, or other district where there is conforming residential development on the first floor (except abutting a street right-of-way). The masonry wall shall be constructed and maintained along the interior lot lines of such district abutted.

(2)

(3) Allowed Fencing Types. Allowable fence types include wrought iron, tubular steel, omega type steel, decorative metal panels with punched out designs, wood picket, brick, stone, etc. Chain link is only permitted within side and rear yard areas that do not front private driveways or public roadways. Barb, electric, or razor wire or similar security fencing is prohibited, unless otherwise permitted by State law.

(4) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls exceeding 3 feet shall not be permitted within the triangle of visibility.



SOURCE: ARTICLE 9, SECTION 9.01 HAYWARD MUNICIPAL CODE

(5) Retaining Walls.

(a) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.

(b) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between the centerlines of the walls.

(c) Any additional successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.

(d) The sides of exposed exterior retaining walls that are visible from the public right-of-way, private streets and driveways, and private and public common

open space shall be architecturally treated with colored concrete, plaster, stone veneer, brick, tile, natural stone, cultured stone, the same material as the primary building or an acceptable alternative, as approved by the Planning Director. Alternatively, the exposed exterior retaining wall may be screened by landscaping that blocks 50 percent of the visible wall area at maturity.

(e) The Planning Director may administratively alter or waive any wall requirement, if there is evidence that no practical alternative exists, the purpose of these regulations will not be compromised, and no detrimental impact will result. Applicant shall submit request to alter or waive requirement in writing along with any documentation showing that no practical alternative exists to the Planning Director.

e. Grading. All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

f. Landscaping.

(1) Landscape Areas.

(a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped.

(b) Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.

(c) Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.

(2) Buffer Trees/Landscaping.

(a) A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line, where a required side or rear yard abuts an A, R, MH, OS, or residential PD District.

(3) Street Trees. Street trees shall be planted along all street frontages at a minimum of one 24-inch box or larger tree per 20 to 40 lineal feet of frontage or fraction thereof.

(4) Landscaping Near BART.

(a) Parcels abutting, or within 500 feet and in direct view from the BART right-of-way shall include a minimum 10-foot-wide landscape strip along the property line(s) abutting or in view from the BART right-of-way.

(b) The landscape buffer shall include one 15-gallon buffer tree planted for every 20 lineal feet of property line. The tree shall be evergreen and create a continuos tree canopy at maturity as defined by the Sunset Western Garden Book.

(5) Irrigation. Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.

(6) Maintenance.

(a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.

(b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).

g. Roof-Mounted Equipment. Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view.

h. Surfacing. All open areas not landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.

i. Trash and Recycling Facilities.

(1) Shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site.

(2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.

(3) Shall comply with the City's Standard Design Requirements for Collection & Storage of Trash, Recyclables and Organics, available on the City's website, as amended from time to time.

Sec. 10-1.706 Minimum Design and Performance Standards for Residential Buildings and Uses.

For residential uses, including mixed use buildings where over 50 percent of the square footage is devoted to residential uses, refer to the Development Standards in Sections 10-1.803 and the Minimum Design and Performance Standards contained in the Residential Districts, Sections 10-1.204 to 10-1.208.

Sec. 10-1.800 Neighborhood Commercial District (CN)

(Section 10-1.800 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.900 Neighborhood Commercial-Residential District (CN-R)

(Section 10-1.900 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1000 General Commercial District (CG)

(Section 10-1.1000 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1100 Commercial Office District (CO)

(Section 10-1.1100 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1200 Limited Access Commercial District (CL)

(Section 10-1.1200 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1300 Central Business District (CB)

(Section 10-1.1300 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1400 Regional Commercial District (CR)

(Section 10-1.1400 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.100 General Provisions

SEC. 10-1.125 ESTABLISHMENT OF ZONING DISTRICTS.

Zoning districts are designated as follows:

RESIDENTIAL	
RL	Low Density Residential District
RNP	Residential Natural Preservation District
RM	Medium Density Residential District
RH	High Density Residential District
RO	Residential—Office District
MH	Mobile Home Park District
COMMERCIAL	
CN	Neighborhood Commercial District
CN-R	Neighborhood Commercial—Residential District
CG	General Commercial District
CO	Commercial Office District
~~CL~~	~~Limited Access Commercial District~~
CB	Central Business District
~~CR~~	~~Regional Commercial District~~
SMU	Sustainable Mixed Use District
DOWNTOWN/CENTRAL CITY	
CC-C	Central City—Commercial District
CC-P	Central City—Plaza District
CC-R	Central City—Residential District
NE	Neighborhood Edge District
NG	Neighborhood General District
UN	Urban Neighborhood District
UNL	Urban Neighborhood Limited District
DM	Downtown Main Street District
UC	Urban Center
MISSION BOULEVARD	
MB-NN	Mission Boulevard Neighborhood Node District
MB-CC	Mission Boulevard Corridor Center District
MB-CN	Mission Boulevard Corridor Neighborhood District
MB-CS	Mission Boulevard Civic Space District
INDUSTRIAL	
IL	Light Industrial District
IG	General Industrial District
IP	Industrial Park District
AIR TERMINAL	

AT-AC	Air Terminal—Aviation Commercial District
AT-C	Air Terminal—Commercial District
AT-IP	Air Terminal—Industrial Park District
AT-O	Air Terminal—Operations District
AT-R	Air Terminal—Recreational District
AT-RM	Air Terminal—Medium Density Residential District
OPEN SPACE	
A	Agricultural District
FP	Flood Plain District
OS	Open Space District
PUBLIC FACILITIES	
PF	Public Facilities District
SPECIAL DISTRICTS	
B	Special Lot Standards Combining Districts
PD	Planned Development District
SD-1	"B" Street Special Design Streetcar District
SD-3	Cottage Special Design District
SD-4	Cannery Area Special Design District
SD-5	Mission Garin Area Special Design District
SD-7	Hayward Foothill Trail Special Design District

(Amended by Ordinance 24-01, adopted 1-23-2024)

Sec. 10-1.200 Residential-Office District (RO)

(Section 10-1.600 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.800 Commercial Districts

Sec. 10-1.801 Purpose

a. **Residential Office District (RO).** The ~~purpose of the~~ Residential-Office District includes~~is to protect the residential amenity~~identity ~~of areas with~~ a mix of residential and office uses while maintaining a residential identity. The scale and form of office ~~buildings, the scale and siting of office parking, office traffic generation, and hours of operation~~uses ~~should~~shall not detract from adjacent ~~or future~~ residential use.

b. **Commercial Office District (CO).** The CO District includes a mix of residential and office uses. The scale, form, and activitfy of uses shall not detract from adjacent residential uses. ~~shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to provide for and protect administrative, professional, business and financial organizations which may have unusual requirements for space, light and air, and which are clean and quiet and which are not detrimental to the residential use of adjacent properties.~~

c. **Neighborhood Commercial-Residential District (CN-R).** The CN-R District includes a mixture of neighborhood serving businesses and residences along portions of certain arterials ~~in order~~ to provide housing with ready access to shops and transit. ~~The CN-R District encourages joint development of lots along arterials in order to minimize curb cuts and maximize architectural continuity. The CN-R District adjusts parking and open space requirements to reflect the characteristics of mixed-use development along arterials.~~

d. **Commercial Neighborhood District (CN).** The CN District includes a variety of neighborhood serving businesses in close proximity to residential ~~in order~~ to provide ~~shall be subject to the following specific regulations in addition to the general regulations hereinafter contained, in order to make provision for a number of areas throughout the City carefully located in relationship to other Commercial Districts and to the Residential Districts served. The products and services intended are those primarily represented by~~ convenience goods and services purchased frequently.

e. **General Commercial District (CG).** The CG District includes a wide variety of commercial uses, including uses that ~~would~~ attract neighborhood, local, and regional audiences~~shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to provide services for the support of primary business activities in the CB District or CC Districts~~.

~~f. **Limited Access Commercial District (CL).** The CL District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to accommodate uses typically serve the motoring public and are accessible from major arterials and freeways. Uses within the CL District are service-related, and serve the motoring public adjacent to highways of major importance.~~

~~g.~~f. **Central Business District (CB).** The CB District provides an alternate commercial hub outside of the Downtown area characterized by a mix of retail, restaurant~~s~~, and recreation uses. ~~shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to make provision for a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity.~~

~~h. **Regional Commercial District (CR).** The CR District is intended to provide for the sale of retail goods with a regional or sub-regional marketing base, pursuant to an adopted specific plan or design plan.~~

Sec. 10-1.802 Use Regulations—Commercial Districts

Table 10-1.802, Land Use Regulations—Commercial Districts, sets the land use regulations for Commercial Districts by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Section, other requirements of the Hayward Municipal Code, or other applicable regulations:

"P" designates permitted uses.

"A" designates uses that are permitted after review and approval of an Administrative Use Permit.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"M" designates uses that are permitted after review and approval of a Major Conditional Use Permit.

"-" designates uses that are not allowed.

A project which includes two or more categories of land use in the same building or on the same site is subject to the highest permit level required for any individual use or single component of the project.

Section numbers in the right-hand column refer to other sections of the Zoning Ordinance or other limitations as well as subsections following the Table.

Land uses are defined in Article 1, Section 10-1.3500, Definitions. In cases where a specific land use or activity is not defined, the Planning Director or other approving authority shall assign the land use or activity to a classification that is substantially similar in character. Land uses defined in the Hayward Municipal Code and not listed in the table or not found to be substantially similar to the uses below are prohibited. Unless otherwise explicitly stated, all uses shall be conducted indoors.

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "M" Major Conditional Use Permit Allowed; "-" -Use Not Allowed

Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
Administrative and Professional Offices							
Office	P	P	P	P	P	P	
Cannabis testing laboratory	-	A	-	-	A	-	
Check cashing store	-	C	C	C	C	C	
~~Chiropractic and acupuncture offices~~	~~A/C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
Commercial cannabis delivery	-	A	-	-	A	-	

TABLE 10-1.802: Use Regulations Commercial Districts

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Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
Financial institutions	-	P	P	P	P	P	
~~Insurance and real estate offices~~	~~A/C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Law offices~~	~~A/C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Medical and dental offices~~	~~A/C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Medical/dental laboratory~~	~~-~~	~~A~~	~~A~~	~~A~~	~~A~~	~~-~~	
~~Pharmaceutical sales~~	~~-~~	~~A~~	~~-~~	~~-~~	~~-~~	~~-~~	
Payday loan facilities	-	C	C	C	C	C	
~~Travel and airline agency offices~~	~~A/C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
Automobile Related Uses							
Automobile brokerage office	-	-	-	-	A	-	See definitions
Automobile Sales and Rental	-	-	-	A	P	-	Only allowed when located along Mission Blvd between Highland/Sycamore and 700 feet south of Harder
~~Automobile dealership~~	~~-~~	~~-~~	~~-~~	~~-~~	~~P~~	~~-~~	~~Dealership selling primarily new vehicles, when all minimum design standards are met and when located along Mission Blvd between Highland/Sycamore and 700 feet south of Harder~~
~~Automobile parts store~~	~~-~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	
Automobile repair – minor	-	-	-	C	A	A	~~See Section 10-1.1045h for special requirements.~~
Automobile repair – major	-	-	-	-	A	A	~~See Section 10-1.1045h for special requirements.~~
Automobile service station	-	-	-	~~C~~M	~~A~~M	M~~A~~	~~See Section 10-1.1045h for special requirements.~~
Automobile storage facility	-	-	-	-	A	-	~~See Section 10-1.1045h for special requirements.~~
~~Car rental agency~~	~~-~~	~~-~~	~~-~~	~~A~~	~~-~~	~~-~~	

TABLE 10-1.802: Use Regulations Commercial Districts

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Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
Car wash	-	-	-	C	A	A	~~See Section 10-1.1045h for special requirements.~~
Drive-in establishments	-	-	-	C	A	C	See Section 10-1.~~1045h~~ 2735.f for special requirements.
EV charging station	-	A	A	A	A	A	Does not include ancillary EV charging that is secondary to another primary use.
Parking lot	-	A	A	A	A	A	~~See Section 10-1.1045h for special requirements.~~
Personal Services							
Personal Services	-	P	P	P	P	P	
~~Barber or beauty shop~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Dance studio~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Dry cleaner/laundry~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Studio: Fitness, art, dance, music, etc.~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Health club~~	~~-~~	~~-~~	~~-~~	~~A~~	~~P~~	~~P~~	
~~Martial arts studio~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Massage (When ancillary to an established primary use such as a beauty salon)~~	~~-~~	~~-~~	~~A~~	~~A~~	~~-~~	~~-~~	
Massage ~~parlor~~establishment	-	C	C	C	C	C	~~Not located within an established beauty salon.~~
~~Music studio~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Nail salon~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Palm reading service~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Photography studio~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Physical fitness studio~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Suntan parlor~~	~~-~~	~~-~~	~~-~~	~~A~~	~~A~~	~~A~~	

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "M" Major Conditional Use Permit Allowed; "-" -Use Not Allowed

Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
~~Tailor/seamstress shop~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
Tattoo ~~parlor~~	-	-	~~C~~A	~~C~~A	~~C~~P	~~-~~P	
Residential Uses							
Detached residential unit(s)	P	A	-	-	-	-	Subject to density limitations in the General Plan
~~Single-family dwelling~~	~~P~~	~~A~~	~~-~~	~~-~~	~~-~~	~~-~~	
~~Second single-family dwelling~~	~~P~~	~~A~~	~~-~~	~~-~~	~~-~~	~~-~~	~~When one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc.) can be met for each dwelling~~
Duplex/Triplex	P	P	P/A[1]	P[2]	P[2]	P/C[3]	Subject to density limitations in the General Plan
Multi-Unit Residential (4+ attached units)	P	P	P/A[1]	P[2]	P[2]	P/C[3]	Subject to density limitations in the General Plan
~~Multiple-family dwelling~~	~~P~~	~~P~~	~~A~~	~~-~~	~~-~~	~~C~~	
~~Residential dwelling unit(s)~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Above first floor commercial uses only.~~
Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.	-	P	P	P	P	P	
Small Unlicensed Group Home	P	P	-	-	-	-	See definitions.
Large Unlicensed Group Home	C	C	-	-	-	-	See definitions.

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "M" Major Conditional Use Permit Allowed; "-" -Use Not Allowed

Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
Small Licensed Group Home	P	P	-	-	-	-	See definitions.
Medium Licensed Group Home	A	A	-	-	-	-	See definitions.
Large Licensed Group Home	C	C	-	-	-	-	See definitions.
Single Room Occupancy	-	-	-	-	A	A	
Accessory dwelling unit(s)	P	P	P	P	P	P	Where primary use is residential. See Section 10-1.2740 for criteria and standards
Retail Commercial Uses							
Retail	-	-	P	P	P	P	
~~Antique Store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Appliance Store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Art and art supplies store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Bakery~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
Bar, cocktail lounge~~, alcohol~~	-	C	C	C	C	C	See General Regulations Section 10-1.2750 et seq. for regulations of alcohol
Brewery/winery/cidery	-	-	A	A	A~~/C~~	P	
~~Bicycle shop~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Bookstore~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Camera store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Card shop~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Carpet/drapery store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Clothing store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Coffee/espresso shop~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
Commercial cannabis retail dispensary	-	-	-	-	~~C~~M	~~C~~M	See Section 10-1.3600 for additional standards.
~~Consignment store~~	~~-~~	~~-~~	~~-~~	~~P~~	~~P~~		

TABLE 10-1.802: Use Regulations Commercial Districts

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Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
~~Convenience market~~	~~-~~	~~-~~	~~-~~	~~A~~	~~A~~	~~A~~	~~See Section 10-1.2750 et seq. for regulations of alcohol.~~
Dance or night club	-	-	C	C	C	C	See General Regulations Section 10-1.2750 et seq. for regulations of alcohol.
Distillery	-	-	-	-	A	A	
~~Delicatessen~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Electronics store~~	~~--~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	
~~Fabric store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Floral shop~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Furniture store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Garden supplies store~~	~~-~~	~~-~~	~~P~~	~~P~~		~~P~~	
~~Gift shop~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Hardware store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Jewelry store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
Liquor store	-	-	C	C	C	C	See General Regulations Section 10-1.2750 et seq. for regulations of alcohol.
~~Locksmith shop~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Major retail anchor~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~Minimum 100,000 square feet required~~
~~Music store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
Nursery (plant)	-	-	P	P	P	P	
~~Office supply, furniture and business machine stores~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	
~~Paint/wallpaper store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Pet store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P[4]~~	
~~Plumbing and heating store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
Restaurant	-	A	P~~/A~~	P~~/A~~	P~~/A~~	P~~/A~~	

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "M" Major Conditional Use Permit Allowed; "-" -Use Not Allowed

Use	Districts						Additional Regulations
	RO	CO	CN-R	CN	CG	CB	
~~Sporting goods store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Stationary store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Supermarket~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
Theater (Small Motion Picture or Live Performance Only)	-	-	P	P	P	P	
Theater, Large Motion Picture	-	-	C	C	C	C	~~See Section 10-1.1045 for special requirements.~~
~~Thrift store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~-~~	
~~Toy store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
Tobacco Retail Establishment	-	-	-	-	C	-	See Section 10-1.2780 for additional standards.
~~Variety store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Video sales and rental store~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	
~~Wine shop~~	~~-~~	~~-~~	~~-~~	~~-~~	~~A~~	~~-~~	
Service Commercial Uses							
Appliance service and repair shop	-	-	-	A	P~~/A~~	~~A~~P	Not ancillary to a primary use.
Copying, mailing, or reproduction facility	-	P	P	P	P	P	
Equipment rental	-	-	-	-	P~~/A~~	~~-~~P	
Hotel or motel	C[4]	-	-	-	P~~/A~~	P[5]~~A/C~~	
~~Mailing or facsimile service~~	~~-~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
Recycling collection area	-	A	-	A	A	A	When located within a convenience zone.
Reverse vending machine(s)	-	P	P	P	P	P	When located within a convenience zone.
Sign shop	-	-	-	-	A	-	
~~Upholstery shop (furniture)~~	~~-~~	~~-~~	~~-~~	~~-~~	~~P~~	~~-~~	

TABLE 10-1.802: Use Regulations Commercial Districts							
"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "M" Major Conditional Use Permit Allowed; "-" -Use Not Allowed							
Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
Other Uses							
~~Accessory buildings and uses~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~See Section 10.1.845~~
Ambulance service	-	A	-	A	A	A	
Animal hospital	-	A	A	A	A	~~-~~A	
Artisan/craft production	-	C	C	P	P	P	
Auction	-	-	-	-	A	A	
Banquet hall	-	-	~~-~~P	~~P/~~C	C~~P/A~~	~~P/A/~~C	
Broadcasting studio	-	-	-	-	P	P	
~~Carnival~~	~~-~~	~~-~~	~~-~~	~~A~~	~~A~~	~~A~~	
Catering facility	-	-	-	P	P~~/A~~	P~~/A/C~~	
~~Christmas tree or pumpkin patch lot~~	~~-~~	~~A~~	~~P~~	~~P~~	~~P~~	~~P~~	~~See General Regulations Section 10-2735c for standards.~~
~~Commercial amusement~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~A~~	
~~Convalescent Facility~~	~~A~~	~~A~~	~~-~~	~~-~~	~~-~~	~~-~~	
Cultural facility	A	A	A	A	~~A~~P	~~A~~P	
Day care home	P	P	~~-~~P	P	P	P	State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions.
Day care center	A	A	P	P~~A~~	P~~A~~	P~~/A~~	State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.
Educational facility	A	~~A/C~~P/A[6]	P/A[6]	P/A[6]	P/A[6]	P/A[6]	
Emergency Shelter	-	P	-	P	P	-	Limited to parcels abutting Mission and Foothill Blvds. See Section 10-1.2736(a) for additional standards.

TABLE 10-1.802: Use Regulations Commercial Districts

"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "M" Major Conditional Use Permit Allowed; "-" -Use Not Allowed

Use	Districts						Additional Regulations
	RO	CO	CN-R	CN	CG	CB	
~~Garage sales~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Four per year per dwelling. See General Regulations Section 10-1.2735.d.~~
Home occupation	P	P	P	P	P	P	See definitions
Home occupation – expanded	A	A	A	-A	-A	A	See definitions
Hospital	-	C	-	-	-	A	
~~Household pets~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
Kennel	-	-	-	-A	A	A	
Low Barrier Navigation Center	-	P	P	P	P	P	
~~Outdoor gathering~~	~~-~~	~~-~~	~~-~~	~~A~~	~~-~~	~~A~~	~~Refer to General Regulations Section 10-1.2735g~~
Passenger transportation terminal	-	-	-	-	-	A	
~~Pet grooming shop~~	~~-~~	~~-~~	~~P/A~~	~~P/A~~	~~P/A~~	~~P~~	
Public agency facilities	P	P	P	P	P	P	See definitions
Recreational Facilities							
Indoor	A	~~-~~A	A	~~A~~P	~~A~~P	~~A~~P	
Outdoor	~~A-~~	-	A	A	~~A~~P	P	
Religious facility	A	A	A	A	P~~A~~	P~~A~~	
Temporary Use, Minor	-	P	P	P	P	P	
Temporary use	-	A	A	A	A	A	~~i.e., parking lot or tent sale~~ See Section 10-1.2700 for additional standards.
Warehouse	-	-	-	-	C	-	
Wholesale establishment	-	-	-	-	C	-	
~~Wind energy conversion system~~	~~-~~	~~A~~	~~-~~	~~-~~	~~-~~	~~-~~	

1. Permitted by right if above first floor commercial. Otherwise an AUP is required.
2. Above first floor commercial only.
3. Permitted by right if above first floor commercial. Otherwise a CUP is required.
4. Bed and breakfast only.

TABLE 10-1.802: Use Regulations Commercial Districts							
"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "M" Major Conditional Use Permit Allowed; "-" -Use Not Allowed							
Use	*Districts*						*Additional Regulations*
	RO	*CO*	*CN-R*	*CN*	*CG*	*CB*	
5. Hotel uses not permitted in Airport Overlay Zone 2. See Sec. 10-6.30.							
~~4.~~6. Permitted by right if less than 10,000 square feet. Otherwise an AUP is required.							

Sec. 10-1.803 Development Standards

Table 10-1.803, Development Standards-Commercial Districts, prescribes the development standards for Commercial Districts.

TABLE 10-1.803: DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS						
Standard	*RO*	*CO*	*CN-R*	*CN*	*CG*	*CB*
Lot Requirements (See also Section 10-1.2720 for Special Lot Requirements and Exceptions)						
Minimum Lot Size (sf)	5,000	5,000	10,000 ~~(20,000 in SD6)~~	6,000	~~0~~6,000	~~0~~6,000
~~Minimum Lot Area per Dwelling Unit~~	~~Same as permitted in RM or RH Districts, whichever is consistent with the General Policies Plan and Neighborhood Plan.~~	~~Same as RM or RH District, whichever is consistent with the General Plan Map and Neighborhood Plan; Townhouse Lot shall be consistent with building permit footprint and printed project areas~~	~~Lots with < 80 ft of frontage and/or < 20,000 sf in area shall require a minimum of 2,500 sf; Lots with > 80 ft of frontage and > 20,000 sf of frontage shall be allowed a minimum of 1,743 sf~~	~~Same as RM or RH District, whichever is consistent with the General Plan Map and Neighborhood Plan~~	~~Same as RM or RH District, whichever is consistent with the General Plan Map and Neighborhood Plan~~	~~Same as RM or RH District, whichever is consistent with the General Plan Map and Neighborhood Plan~~
Minimum Lot Frontage (ft)	35	35	100	60	35	~~0~~35
Minimum Average Lot Width (ft)	50	50	100	60	~~0~~60	~~0~~60
Maximum Lot Coverage (%)	50	50	90	90	90	90

TABLE 10-1.803: DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS						
Standard	*RO*	*CO*	*CN-R*	*CN*	*CG*	*CB*
Minimum Average Lot Depth (ft)	100	80	80	100	~~0~~100	~~0~~100
Minimum Yards (ft) *(See also Section 10-1.2725 for Special Yard Requirements and Exceptions)*						
Front Yard	10	10	10	10	10, unless the building is located at the property line	10~~, unless waived by the Planning Director or approving authority~~
Side Yard	5	5~~, or for residential properties 10 percent of the lot width at the front setback line, whichever is greater up to a maximum of 10 ft~~	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 5 ft~~, except where entrances or windows face the side lot line, 10 ft~~	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be 5 ft	0, unless abutting a R, A, MH, OS, or residential PD District where the side yard shall be ~~10~~ 5 ft	5 ~~or 10 percent of lot width up to 10 feet unless waived by the Planning Director or approving authority~~
Side Street Yard	10	10	10	10	10, unless building is located at the property line	10~~, unless waived by the Planning Director or approving authority~~
Rear Yard	20	~~20~~10	~~20~~10	0, unless abutting a R, A, MH, OS, or residential PD District where the rear yard shall be 10 ft. ~~Shall be the same as the abutting District; where~~	0, unless abutting a R, A, MH, OS, or residential PD District where the rear yard shall be 10 ft.~~0 if abutting CG district, otherwise the same as~~	0, unless abutting a R, A, MH, OS, or residential PD District where the rear yard shall be 10 ft.

TABLE 10-1.803: DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS						
Standard	*RO*	*CO*	*CN-R*	*CN*	*CG*	*CB*
				~~abutting any R,A, MH, OS, or residential PD district, the side yard shall be 10 ft.~~	~~the required rear yard of the abutting District~~	
Maximum Height (ft) *(See also Section 10-1.2730 for Special Height Requirements and Exceptions.)*						
Building	40	40	40	40	~~No Limit~~50	~~No Limit~~50
Accessory Building	14, one story	14, one story	14, one story	14, one story	14, one story	14, one story
Fences/hedges/walls						
Front and Side Street Yard	4	4	4	4	4	4
Side and Rear Yard	~~6~~7	~~6~~7	~~6~~7	~~6~~7	~~6~~7	~~6~~7

Sec. 10-1.804 Site Plan Review Required.

~~Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences) in certain circumstances.~~

Site Plan Review, pursuant to Section 10-1.3000, Site Plan Review, is required for the following development projects ~~and uses~~ unless the project otherwise requires Planning Commission approval:

1. Development of new primary structures.
2. Development of new accessory structures greater than 2,500 square feet in size.
3. Additions, or partial demolitions with reconstruction, to a primary structure that increases the net floor area of that structure by at least 50 percent.
4. Any site modification affecting 5,000 square feet or 10 percent of the site area, whichever is greater.

Sec. 10-1.805 Minimum Design and Performance Standards for Commercial Buildings and Uses

~~The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of commercial districts and neighborhoods and improve the overall character of the~~

~~community. This Section establishes design and performance standards that shall apply to the construction of residential and commercial buildings and certain commercial uses in the CN District, including but not limited to cultural, educational, religious or recreational facilities. The development of CN-zoned properties in the South of Route 92 planning area is also subject to the provisions of the South of Route 92/Oliver and Weber Properties Specific Plan and the Development Guidelines for the South of Route 92 Oliver/Weber Properties.~~

~~The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to residential and commercial development allowed in the CG District, including but not limited to cultural, educational, religious or recreational facilities.~~

For commercial buildings. ~~(~~including mixed use buildings where 50 percent or more of the gross square footage is devoted to commercial uses, ~~second story residential uses)~~ refer to the design criteria contained in ~~the City of Hayward Design Guidelines,~~ the Hillside Design and Urban/Wildland Interface Guidelines and the following specific criteria and standards.

a. Accessory Buildings, Detached. Detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc., shall meet the following criteria:

(1) Shall not exceed one story or 14 feet in height.

(2) Shall use exterior building materials and colors which either match or are compatible with the primary building. Canvas, plastic, and similar materials shall not be used. Special design consideration ~~should~~shall be given to structures visible from a public street.

(3) Shall not be located in a required front yard or side street yard.

(4) Shall be setback a minimum of 5 feet from a side or rear property line. Use the yard requirement for the primary building if less than 5 feet.

(5) Shall not be located in front of a primary building. ~~, unless no other practical alternative exists~~.

(6) Shall be setback a minimum of 10 feet from a primary building and any other accessory building.

(7) The area of all accessory buildings, either individually or cumulatively, shall not exceed 50 percent of the ground floor area of the primary building.

~~b. Accessory Structures, Decorative. Detached decorative accessory structures used in conjunction with car washes and similar activities as determined by the Planning Director, including but not limited to arbors, trellises, shade covers, etc., shall meet the following criteria:~~

~~(1) Shall not exceed one story or 14 feet in height.~~

~~(2) Shall use exterior materials and colors which either match or are compatible with the primary building. Canvas, plastic and similar materials shall not be used. Special design consideration should be given to structures visible from a public street.~~

~~(3) Shall not be located in a required front yard or side street yard.~~

~~c. Accessory Promotional Tents. Detached accessory promotional tents shall only be permitted in conjunction with the four promotional events permitted per year in the Sign Regulations.~~

~~d. Additions and Accessory Structures Attached to Primary Building. Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building, including the City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.~~

~~e. Adult Entertainment Activity. Refer to General Regulations Section 10-1.2735.a. for Adult Entertainment Activity Regulations.~~

~~f. Alcoholic Beverage Outlets. Refer to General Regulations Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations.~~

~~g. Antennas and Satellite Dishes and Telecommunications Devices. Refer to Chapter 10, Article 13 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.~~

~~h.~~ Architectural Projections into Yards. Architectural features such as bay windows, cornices, canopies and awnings that are attached to the primary structure, and eaves may extend 2 feet into any required yard; ~~landing places~~ open stairways and open porches may extend 4 feet into a required rear yard.

b.

~~i. Automobile Dealerships (New, located on Mission Boulevard between 700 feet south of Harder Road and Highland/Sycamore.~~

~~Design and Performance Standards. Before occupancy all design and performance standards must be met to the satisfaction of Planning Director. The design of all structures shall be consistent with the City of Hayward Design Guidelines, the General Policies Plan, applicable neighborhood plans, and special design districts.~~

~~(1) Parking shall be provided for employees and customers in accordance with the Off-Street Parking Regulations in addition to that provided for vehicle display. The employee/customer parking lot shall be clearly delineated from the auto display area. All parking and maneuvering areas shall be paved with Class B Portland Cement Concrete, or a minimum of 3-inch asphaltic concrete over a minimum of 6 inches aggregate base @ 95 percent compaction. This shall be accomplished to the satisfaction of the City Engineer prior to issuance of occupancy permits.~~

~~(2) Signs shall be installed in accordance with the City of Hayward Sign Ordinance; all non-conforming signs shall be removed.~~

~~(3) A trash/recyclables enclosure shall be provided, which is attractive and consistent in the design of the primary structure. The space provided for the storage of recyclable should be the same size as that provided for trash. The City's Solid Waste Manager shall approve a recycling plan for the dealership.~~

~~(4) The site shall be adequately lighted for safety and security. Lighting fixtures shall be decorative and shall not shed light on adjacent residential areas.~~

~~(5) All vehicle run-off does not enter the storm drain.~~

~~(6) A Caltrans permit is required for any work within Mission Boulevard right-of-way.~~

~~(7) Landscaping and irrigation shall be installed in accordance with plans prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.~~

~~(a) A 6-inch high Class "B" Portland Cement concrete curb shall separate landscaped areas adjoining drives and/or parking areas.~~

~~(b) The parking area, excluding the auto display area, shall include one 15-gallon tree for every 6 parking stalls. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area. Parking rows shall be capped with a landscape median. All tree wells and medians shall be a minimum 6-inch wide measured inside the curbs.~~

~~(c) Parking and loading areas shall be screened from both streets with shrubs of a type and spacing that will create a continuous 30-inch high hedge within two years.~~

~~(d) Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.~~

~~(8) Any fencing shall be constructed of decorative tubular or wrought metal fencing, except where the dealership abuts a residential district, in which case an 8-foot-high masonry wall shall be installed.~~

~~(9) All other applicable City codes, including building, fire and community preservation codes, shall apply.~~

~~(10) All project features, including buildings, paving, signs landscaping, shall be well maintained.~~

~~(11) Violation of these conditions is cause for revocation of the use after public hearing before the duly authorized review body.~~

~~(12) Any public address/telephone/employee communication system shall be maintained so as to not be audible outside the confines of the dealership property as determined by the Planning Director.~~

~~j.~~c. Decks and Ramps.

(1) Decks and ramps 12 inches or less in height may be located in any yard.

(2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.

(3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building and shall also count toward the lot coverage calculation for the site.

(4) Decks located in hillside areas shall conform to the Hillside Design and Urban/Wildland Interface Guidelines.

~~k. Drive-in Establishments - Special Standards and Conditions.~~

~~(1) Location and Design Criteria. In addition to the minimum Commercial Development Standards, the following requirements shall apply:~~

~~(a) Use permit applications for drive-in establishments in addition to standard requirements shall include the following information: a map and brief description of similar uses within a one-mile radius of the site; number and location of similar uses, indicating the location of all uses under the same brand name or franchise.~~

~~(b) Drive-in uses shall not be located across a street from residential zoning districts, unless at least one street abutting the site is an arterial or major~~

street and pedestrian safety measures are provided as determined necessary. This provision does not apply to commercial off-street parking lots.

(c) Access to drive-in uses shall not be located next to the access to schools, parks, playgrounds, libraries, churches and other public and semi-public uses if pedestrian safety hazards would result.

(d) Exterior storage and display of goods for sale or rent is not allowed.

(e) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a planter at least 10 feet wide shall be installed parallel to the street right-of-way or precise plan line except where the use is a drive-in restaurant, then a 15-foot-wide landscaped setback is required.

(f) A minimum of 20 percent of the total site area shall be landscaped.

(g) Except for driveways, corner lots shall have a landscaped triangular area formed by the street right-of-way lines and a line connecting them at points 30 feet from the rear or projected point of intersection of the street right-of-way line. (See Article 9, Hayward Traffic Code for visibility requirements.)

(h) Fencing and Screening - Except for areas used for traffic circulation, or except where the drive-in functions as part of a larger development, for example, a shopping center where there is shared parking or access, a uniformly painted fence or masonry wall shall be maintained along all interior lot lines. Where any interior lot line abuts an R, A, MH, OS, or residential PD District, or a lot with residential uses, a masonry wall shall be constructed. The wall shall be at least 6 feet high but not exceed 8 feet, except within the required yard area abutting a right-of-way or precise plan line, in which case it shall not exceed four feet in height at grade measured on either side of the fence.

(i) Where a drive-through aisle is located between the right-of-way and the primary structure, low shrubs and/or berms shall be installed within the landscape setback for visual buffering.

(2) Requirements for Existing Drive-In Uses. An operator of an existing drive-in use who applies for a new use permit or modifications to an existing use permit shall conform to as many of the design and site plan standards for new uses as possible within the limits of the existing site layout and structural location.

(3) Performance Standards for Drive-In Uses. Drive-in uses shall be operated in a manner which does not interfere with the normal use of adjoining properties. If in the opinion of the Planning Director the provisions of this paragraph are being violated, the violations shall be grounds for reopening use permit hearings and adding conditions to control the violation. Performance standards include, but are not limited to, the following considerations, which, where appropriate, shall be incorporated as conditions of approval in all use permits as determined by the Planning Commission:

(a) Noise levels measured at the property line shall not exceed the level of background noise normally found in the area or 65 decibels, whichever is greater. Loud speakers shall not be audible from residentially zoned and developed properties.

(b) The premises shall be kept clean, and the operator shall make all reasonable efforts to see that no trash or litter originating from the use is deposited on adjacent properties. For drive-in restaurants or other uses which typically generate trash or litter, adequate trash containers, as determined by the Planning Director, shall be required and employees shall be required daily to pick up trash or litter originating from the site upon the site and within 300 feet of the perimeter of the property.

(c) Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For purposes of this section, the usual operating hours shall be considered to be between 6.30 a.m. and 11.00 p.m. on weekdays and 7:00 a.m. to 1:00 a.m. on weekends.

(d) No undesirable odors shall be generated on the site.

(e) The on-site manager of the use shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.

(f) A copy of these performance standards and all conditional use permit conditions of approval shall be posted along side the necessary business licenses and be visible at all times to employees.

(4) Automobile Service Stations - Additional Design Criteria.

(a) The following operations are prohibited in conjunction with the operation of an automobile service station: auto body repair, major mechanical repair, and outside display of new or used vehicles or parts for sale.

(b) Exterior display of goods for sale or rent is not permitted, except the following uses which are subject to design and location approval:

i. Vending machines.

ii. Oil display cabinets.

iii. Tire displays.

(c) Entry to lubrication bays and/or service areas shall be designed to minimize the impact on adjacent residential uses.

(d) Minimum facilities required:

i. Two restrooms open to the public, one for each sex;

ii. Equipment and storage area adequate to provide for operation and maintenance of station;

iii. Minimum of one air and water outlet and window washing equipment and towels.

(e) Minimum Site Requirements:

i. Building site: 20,000 square feet.

ii. Frontage on one street: 140 feet. In the case of corner lots, frontage will be measured to the extension of the intersecting property lines

iii. Setback for fuel pump islands: a distance equal to 15 percent of the depth of the lot, or 20 feet, whichever is less, measured from the street right-of-way or precise plan line.

(f) Automobile service stations engaged in the concurrent sale of fuel and alcoholic beverages shall be permitted only with approval of a Conditional Use Permit, and shall comply with the following standards:

i. There shall be no display of alcoholic beverages within five feet of the cash register unless in a permanently affixed cooler.

ii. Advertising of alcoholic beverages at motor vehicle fuel island is prohibited.

iii. There shall be no sale of alcoholic beverages from a drive-in window.

iv. Alcoholic beverages shall not be displayed or sold from an ice tub.

v. Advertising of liquor on motor fuel island is prohibited.

vi. Self-illuminated advertising for liquor on buildings or windows is prohibited.

vii. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age to sell alcoholic beverages.

(5) Drive-Through Restaurants.

(a) Drive-in or drive-through restaurants shall be prohibited within ½-mile radius of one another as measured from the building walls of existing or proposed buildings, unless all the following required findings are met:

i. The drive-in or drive-through restaurants are located within one-half mile from the Interstate 880 (Nimitz Freeway) or State Route 92 (Jackson Freeway) rights-of-way as measured by the existing roadway network;

ii. The location of the drive-in or drive-through restaurants will not have a substantial adverse effect on vehicular (including bicycle), pedestrian circulation and safety, or transit accessibility;

iii. The drive-in or drive-through restaurants will not conflict with City adopted goals and policies including, but not limited to, the General Plan and Bicycle Master Plan; and

iv. The site is suitable and adequate for the proposed use because the drive-in or drive-through restaurant lanes and service windows will be located at least seventy-five (75) feet away from residential uses and residentially zoned properties.

(b) For each drive-in restaurant a bicycle rack shall be installed with a capacity for at least five bicycles.

(c) Drive-through lanes installed in connection with drive-in restaurants shall have a capacity for at least eight vehicles, at 20 feet per vehicle, unless adequate access and circulation is provided to minimize spillover onto public property.

~~(d) Pedestrian circulation areas located within drive-in restaurant developments with drive-up windows shall consist of decorative paving such as brick, paving stones, or Bomanite.~~

~~(e) Access to bathroom facilities located within drive-in restaurant developments shall be from within the structure, with no direct access from the parking area.~~

~~(f) Roof lights, refrigeration units or other extraneous features which are not integral parts of the main structure, inflexible building prototypes which result in an ability to meet setback and compatibility requirements, and unattractive building elevations visible to customers or passersby are prohibited.~~

~~(g) Identification signs for drive-in restaurants (excluding directional signs and the menu board) shall be limited to one monument sign not to exceed 10 feet in height and 36 square feet per face and two wall signs with letters not to exceed 18 inches in height. Total area for wall signs may include logos not to exceed 24 inches in height.~~

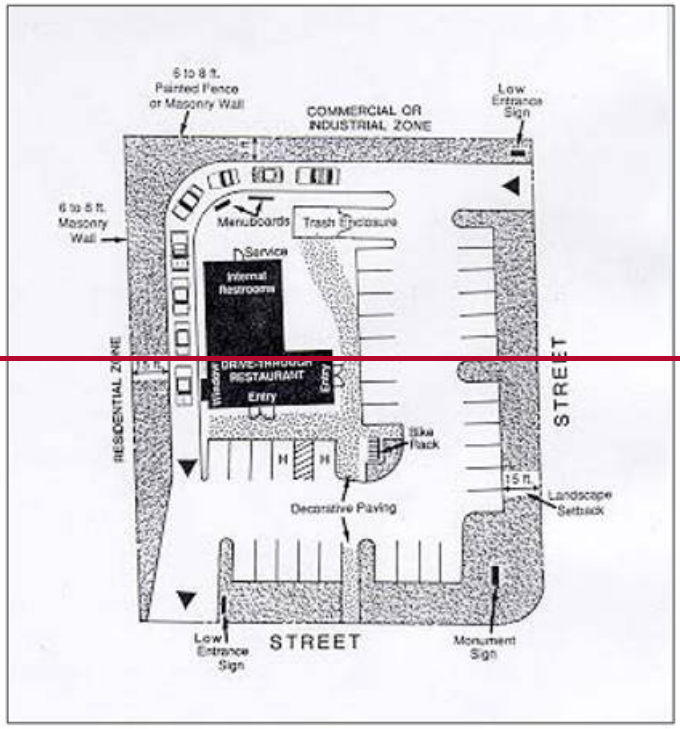
~~(h) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a landscaped setback at least 15 feet wide shall be installed parallel to the street right(s) of way or precise plan line(s) and on interior property lines where drive-through aisles abut residential zoning districts.~~

~~(i) Minimum building site (lot area or lease area) shall be 25,000 square feet in area, unless adequate access and cross-parking is provided.~~

~~(j) Drive-through aisles shall not be located between the building and the right-of-way and pick-up windows shall not face the right-of-way unless their visibility is minimized through the use of innovative building architecture and mounded or bermed landscaping to minimize their visual impact from the street. Menu board shall be placed so as to not be visible from the street.~~

~~(k) Drive-through restaurants shall have an architectural theme that is unique for a given area as specified by City standards and policies or as determined by~~

the Planning Director; franchise architecture shall be avoided where possible.



(6) Drive-Through Coffee/Espresso Shops

(a) Drive-through coffee/espresso shops shall be prohibited within ½-mile radius of one another as measured from the building walls of existing or proposed buildings, unless all the following required findings are met:

i. The drive-through coffee/expresso shops located within one-half mile from the Interstate 880 (Nimitz Freeway) or State Route 92 (Jackson Freeway) rights-of-way as measured by the existing roadway network;

ii. The location of the drive-through coffee/espresso shops will not have a substantial adverse effect on vehicular (including bicycle), pedestrian circulation and safety, or transit accessibility;

iii. The drive-through coffee/espresso shops will not conflict with City adopted goals and policies including, but not limited to, the General Plan and the Bicycle Master Plan; and

iv. The site is suitable and adequate for the proposed use because the drive-through coffee/espresso shop lanes and service windows will be located at least seventy-five (75) feet away from residential uses and residentially zoned properties.

(b) Drive-through coffee/espresso shop buildings shall not exceed 500 square feet in area.

(c) Drive-through lanes for drive-up windows shall have a capacity for at least two vehicles, at 20 feet per vehicle, unless adequate access and circulation is provided to minimize spillover onto public property.

~~(d) Drive-through lanes shall consist of decorative paving such as brick, paving stones, or Bomanite.~~

~~(e) Public bathroom facilities shall be provided inside the drive-through building, unless public bathroom facilities are located within 200 feet on the same property and are accessible during coffee shop business hours.~~

~~(f) Roof lights, refrigeration units or other extraneous features which are not integral parts of the main structure, inflexible building prototypes which result in an ability to meet setback and compatibility requirements, and unattractive building elevations visible to customers or passersby are prohibited.~~

~~(g) Identification signs for drive-through coffee/espresso shops shall comply with the Hayward Sign Ordinance and shall be limited to one monument sign not to exceed 6 feet in height and two wall signs with letters not to exceed 18 inches in height. Total area for wall signs may include logos not to exceed 24 inches in height.~~

~~(h) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a landscaped setback at least 10 feet wide shall be installed parallel to the street right-of-way or precise plan line and on interior property lines where drive-through aisles abut residential zoning districts.~~

~~(i) Minimum building site (lot area or lease area) shall be sufficient to accommodate the building and required circulation, maneuvering and parking.~~

~~(j) Drive-through aisles and pick-up windows may be located between the building and the right-of-way, but their visibility should be minimized through the use of innovative building architecture and mounded or bermed landscaping to minimize their visual impact from the street. Menu board(s) shall be placed so as to not be visible from the street.~~

~~(k) Drive-through coffee/espresso shops shall have an architectural theme that is unique for a given area as specified by City standards and policies or as determined by the Planning Director; franchise architecture shall be avoided where possible.~~

~~l.~~d. Fences, Hedges, Walls.

~~(1) Fences are discouraged within front and side street yards of commercial establishments.~~

~~(2) Fences, hedges and walls shall require approval by Planning Director or other approving authority, as determined by the Planning Director.~~

~~(3) Fences, with the exception of uses relating to auto/RV sales, fences are discouraged in front and side street yards.~~

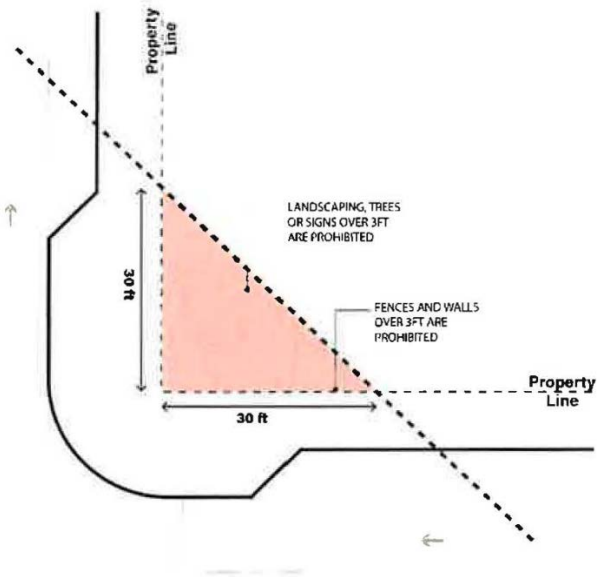
~~(4) Fence, hedges and walls shall not exceed a height of 4 feet in a required front yard, side street yard or rear yard abutting a street.~~

~~(5)~~(1) A masonry wall not less than 6 feet in height, shall be required where any commercial district abuts any R, A, MH, OS, residential PD District, or other district where there is conforming residential development on the first floor (except ~~adjacent to a required front or side street yard or~~ abutting a street right-of-way). The masonry wall shall be constructed and maintained along the interior lot lines of such district abutted ~~unless waived or another material is approved by the approving authority because the abutting activity or use is nonconforming, or the commercial activity or use is of low intensity and any impact can be otherwise mitigated~~.

(2) ~~For fences limited to a maximum of 4 feet in height, the height limit shall not be exceeded at grade measured on either side of the fence. For fences and walls required to be at least 6 feet high or greater, the height shall be at least the required on both sides of the fence or wall;~~

~~(6)~~(3) ~~barb~~ Allowed Fencing Types. Allowable fence types include wrought iron, tubular steel, omega type steel, decorative metal panels with punched out designs, wood picket, brick, stone, etc. Chain link is only permitted within side and rear yard areas that do not front private driveways or public roadways. Barb, electric, or razor wire or similar security fencing is prohibited, unless otherwise permitted by State law.

(4) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls exceeding 3 feet shall not be permitted within the triangle of visibility.



SOURCE: ARTICLE 9, SECTION 9-01 HAYWRD MUNICIPAL CODE

(5) Retaining Walls.

(a) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.

(b) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between the centerlines of the walls.

(c) Any additional successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.

(d) The sides of exposed exterior retaining walls that are visible from the public right-of-way, private streets and driveways, and private and public common open space shall be architecturally treated with colored concrete, plaster, stone veneer, brick, tile, natural stone, cultured stone, the same material as the primary building or an acceptable alternative, as approved by the Planning Director. Alternatively, the exposed exterior retaining wall may be screened by landscaping that blocks 50 percent of the visible wall area at maturity~~The sides of exposed exterior retaining walls shall be architecturally treated as approved by the Planning Director.~~

(e) The Planning Director may administratively alter or waive any wall requirement, if~~, in the Planning Director's opinion,~~ there is evidence that no practical alternative exists, the purpose of these regulations will not be compromised, and no detrimental impact will result. Applicant shall submit request to alter or waive requirement in writing along with any documentation showing that no practical alternative exists to the Planning Director.

~~Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.~~

~~m.~~e. Grading. All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

~~n.~~f. Landscaping.

(1) Landscape Areas.

(a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped~~ unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development~~.

~~(b) Parking is prohibited within required front and side street yards. Where no front or side street yards are required:~~

~~i. A landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the approving authority, shall be installed between accessory parking areas and all existing or future street rights-of-way; and~~

~~ii. The area between all buildings and existing or future street rights-of-way shall be landscaped unless waived by the approving authority.~~

~~(c)~~(b) Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.

~~(d)~~(c) Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.

(2) Buffer Trees/Landscaping.

(a) A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line, where a required side or rear yard abuts an A, R, MH, OS, or residential PD District.

~~(b) Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.~~

~~(3) Parking Lot Trees/Planters.~~

~~(a) Parking areas shall include a minimum of one 15-gallon parking lot tree for every six parking stalls, except where restricted because of design constraints.~~

~~(b) Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Planning Director. Required street and buffer trees shall not qualify as parking lot trees.~~

~~(c) The minimum dimension of any tree well or landscape median shall be 5 feet, measured from back of curb.~~

~~(d) The end of parking rows shall be capped with landscape medians, except where space is restricted because of existing site conditions.~~

~~(e) Parking and loading areas shall be buffered from the street with shrubs, walls, or earth berms, as determined by the Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous 30-inch-high screen within 2 years.~~

~~(4)~~(3) Street Trees. Street trees shall be planted along all street frontages at a minimum of one 24-inch box or larger tree per 20 to 40 lineal feet of frontage or fraction thereof~~, except where space is restricted due to existing structures or site conditions~~.

~~(5)~~(4) Landscaping Near BART.

(a) Parcels abutting, or within 500 feet and in direct view from the BART right-of-way shall include a minimum 10-foot-wide landscape strip along the property line(s) abutting or in view from the BART right-of-way.

(b) ~~A minimum of~~The landscape buffer shall include one 15-gallon buffer tree ~~shall be~~ planted for every 20 lineal feet of property line. The tree shall be evergreen and create a continuos tree canopy at maturity as defined by the Sunset Western Garden Book.~~The approving authority may waive the requirement if it would not accomplish the intent of City policies as they relate~~

~~to landscaping due to existing structures or other obstructions to viewing landscaping.~~

~~(6)~~(5) Irrigation. Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.

~~(7) Tree Preservation.~~

~~(a) Trees shall be preserved in accordance with the Tree Preservation Ordinance with measures included for tree protection during the construction period.~~

~~(b) A tree removal permit is required prior to removing any tree 30 inches or larger in trunk circumference (or approximately 10 inches or larger in trunk diameter), measured two feet above the ground.~~

~~(8)~~(6) Maintenance.

(a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.

(b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).

~~o. Lighting, Exterior. 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.~~

~~p. Mixed-Use Development. Mixed-use development shall be subject to the following requirements:~~

~~(1) Shall provide separate entrances, isolation of noise and smell generating activities, and other compatibility features shall be addressed.~~

~~(2) Special attention shall be given to architectural and landscape continuity, vehicular access and attractive pedestrian orientation. Where at all possible, parking in front of the building shall be avoided.~~

~~(3) A minimum of 150 square feet of usable open space per residential dwelling unit shall be provided.~~

~~(4) Studio apartments shall be required to have only one covered off-street parking place per dwelling unit.~~

~~q. Outdoor Storage. All uses shall be conducted wholly within enclosed buildings. Minor open storage is a secondary use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site; storage is not placed within required yard or parking areas, and the storage is compatible with adjoining uses, as determined by the Planning Director (for example, adequately screened, set back or not too high, and not visually unpleasant as with outside storage of appliances in conjunction with appliance sales/service).~~

r. Parking, Driveways and Paving. Parking, driveways and paving for commercial uses shall be provided in accordance with the City of Hayward Off-Street Parking Regulations, Standard Details, and the following criteria:

(1) Parking Spaces Required. Refer to the specific parking space requirements contained in the Off-Street Parking Regulations.

(2) Parking Space Dimensions.

(a) Standard car parking spaces shall be a minimum of 9 feet wide by 19 feet long.

(b) Compact car parking spaces shall be a minimum of 9 feet wide by 15 feet long.

(c) Covered or uncovered parking spaces located adjacent to walls or support columns shall be increased in width by at least one foot on the effected side(s), to accommodate door swing.

(d) Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet. Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.

(3) In the CR District, on-site parking shall be provided at 1 space per 200 square feet; compact spaces shall comprise no more than 30 percent of the total spaces.

(4) Parking Space Locations.

(a) Parking spaces shall not be located within the required front yard or side street yard setback.

(b) Parking spaces and driveways, not located under a building may be located in a required side and rear yard, but shall not be located within 5 feet of any side or rear yard property line or building. Unless wheel-stops are used, curbing for standard car or compact car parking spaces shall be setback 7 feet 6 inches and 7 feet, respectively, from a property line or building if a vehicular overhang is used.

(c) For lots less than 51 feet in width, parking and vehicular circulation may be located to within three feet of a side property line.

(5) Driveways and Paving.

(a) The minimum driveway width shall be 20 feet for a two-way driveway and 12 feet for a one-way driveway.

(b) In no case should a driveway exceed one-third of the width of the property frontage width or 35 feet.

(c) Parking and driveway surfaces shall be paved with asphaltic surface or comparable all-weather dustless material(s), such as bricks or pavers, as approved by Planning Director.

(6) Driveway Aisle Dimensions. The minimum parking lot driveway aisle width shall be 26 feet for a two-way standard car aisle and 20 feet for a compact car aisle, or as allowed per the City's Off-Street Parking Regulations.

(7) Driveway Turnaround Requirement. All commercial property shall provide a sufficient paved driveway turnaround to allow vehicles to exit property in a forward direction.

~~(8) Driveway Security Gates. Refer to Chapter 10, Article 14 of the Hayward Municipal Code.~~

~~(9) Emergency Vehicle Turn-Around Requirement. Where the farthest point of a structure(s) is located 150 feet or more from the point of street access, a turn-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless otherwise approved by the Fire Prevention Bureau. (For further details or alternative design considerations contact the Fire Prevention Bureau.)~~

~~s. Retaining Walls.~~

~~(1) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.~~

~~(2) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between centerline of the walls.~~

~~(3) Any additional successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.~~

~~(4) The sides of exposed exterior retaining walls shall be architecturally treated as approved by the Planning Director.~~

~~(5) The Planning Director may administratively alter or waive any wall requirement, if, in the Planning Director's opinion, no practical alternative exists, the purpose of the regulation will not be compromised, and no detrimental impact will result.~~

~~t.~~g. Roof-Mounted Equipment. Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view ~~as required by the Planning Director or other approval authority~~.

~~u. Signs. Signs shall be of a design in harmony with the environment, shall not constitute excessive visual impact, shall not be hazardous to vehicular traffic, and shall be of a quality conducive to the development of commerce. (See the Sign Ordinance for specific regulations.)~~

~~v.~~h. Surfacing. All open areas not landscaped shall be treated or paved with an ~~-~~all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.

~~w.~~i. Trash and Recycling Facilities.

(1) S~~Trash and recycling facilities s~~hall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site.

(2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.

~~(2)~~(3) Shall comply with the City's Standard Design Requirements for Collection & Storage of Trash, Recyclables and Organics, available on the City's website, as amended from time to time.

~~x. Window Coverage. Transparent windows and doors of buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores. Retail goods intended or sale, or goods being stored, or other coverings or materials shall be located no closer than 5 feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public right-of-way or pedestrian walkways or are otherwise visible by the general public. This section shall not apply to signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director.~~

~~y. Large Motion Picture Theaters. Large Motion Picture Theaters shall demonstrate the ability to provide on-site parking at the ratio of one (1) parking space for every four seats and to maintain or improve the existing Level of Service at all affected intersections. In addition, a study acceptable to the Planning Director documenting the absence of negative impact upon the downtown of the opening of another Large Motion Picture Theater must accompany the application.~~

~~z. South of Route 92 Area. The development of CR zoned properties in the South of Route 92 planning area are also subject to the provisions of the South of Route 92/Oliver & Weber Properties Specific Plan and the Development Guidelines for the South of Route 92 Oliver/Weber properties.~~

Sec. 10-1.806 Minimum Design and Performance Standards for Residential Buildings and Uses.

For residential uses, including mixed use buildings where over 50 percent of the square footage is devoted to residential uses, refer to the Development Standards in Sections 10-1.803 and the Minimum Design and Performance Standards contained in the Residential Districts, Sections 10-1.204 to 10-1.208.

Sec. 10-1.800 Neighborhood Commercial District (CN)

(Section 10-1.800 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.900 Neighborhood Commercial-Residential District (CN-R)

(Section 10-1.900 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1000 General Commercial District (CG)

(Section 10-1.1000 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1100 Commercial Office District (CO)

(Section 10-1.1100 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1200 Limited Access Commercial District (CL)

(Section 10-1.1200 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1300 Central Business District (CB)

(Section 10-1.1300 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

Sec. 10-1.1400 Regional Commercial District (CR)

(Section 10-1.1400 was replaced by Ordinance 26-XX , adopted April 21, 2026.)

SEC. 10-1.1603 USE REGULATIONS—INDUSTRIAL SUBDISTRICTS.

Table 10-1.1603, Land Use Regulations—Industrial Subdistricts, sets the land use regulations for Industrial Subdistricts by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Section, other requirements of the Hayward Municipal Code, or other applicable regulations:

"P" designates permitted uses.
"A" designates uses that are permitted after review and approval of an Administrative Use Permit.
"C" designates uses that are permitted after review and approval of a Conditional Use Permit.
"M" designates uses that are permitted after review and approval of a Major Conditional Use Permit.
"-" designates uses that are not allowed.

A project which includes two or more categories of land use in the same building or on the same site is subject to the highest permit level required for any individual use or single component of the project.

Section numbers in the right-hand column refer to other sections of the Zoning Ordinance or other limitations as well as subsections A through E following the Table.

Land uses are defined in Article 1, Section 10-1.3500, Definitions. In cases where a specific land use or activity is not defined, the Planning Director or other approving authority shall assign the land use or activity to a classification that is substantially similar in character. Land uses defined in the Hayward Municipal Code and not listed in the table or not found to be substantially similar to the uses below are prohibited. Unless otherwise explicitly stated, all uses shall be conducted indoor.

Table 10-1.1603: Use Regulations—Industrial Subdistricts

"P" Permitted Use; "A" Administrative Use Permit Required;
"C" Conditional Use Permit Required; "M" Major Conditional Use Permit Required
— "-" Use Not Allowed
(unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)

Use	Subdistrict			Additional Regulations
	IL	IP	IG	
Residential Uses				
Caretakers Quarters	A	A	A	Limited to one dwelling per parcel unit no greater than 1,200 square feet in size for a caretaker or security employee necessary and incidental to the primary use on-site.
Single Room Occupancy	A*	A*	A*	Only permitted if conversion of existing hotel. See Section 10-1.2736(e) for criteria and standards.
Administrative and Professional Offices/Services				
Architectural Service, Drafting Service, Engineering Service	P	P	P	
Banks	P	P	P	
Financial Institutions	P	P	P	
Medical/Dental Laboratory	P	P	P	
Office	P	P	P	

Automobile Related Uses				
Automobile Brokerage Office	P	P	P	See definition. Maximum of two vehicles on site.
Automobile Dismantling Facility	-	-	C	
Automobile Parts Store	P	P	P	
Automobile Rental	-	-	A	
Automobile Repair, Major	-	-	P	
Automobile Repair, Minor	A	P	P	
Automobile Sales	-	-	-	
Automobile Service Station	-	-	~~A~~M	See Section 10-1.~~1045~~2735(f), ~~Minimum Design and Performance Standards,~~ for special requirements
Automobile Storage Facility	-	-	A	
Automobile Storage Yard	-	-	C	
Automobile Towing Yard	-	-	C	
Automobile Wholesale	P	P	P	See definition. No vehicles permitted on-site.
Car Wash	A	A	A	If applicable, see Section 10-1.~~1045~~2735(f), ~~Minimum Design and Performance Standards,~~ for special requirements
Drive-In Establishments	A	A	A	See Section 10-1.~~1045~~2735(f), ~~Minimum Design and Performance Standards,~~ for special requirements
EV Charging Station	P	P	P	
Recreational Vehicle Storage Facility	-	-	C	
Industrial Uses				
Brewery	A	P	P	See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations
Cannabis	See below			
Commercial Cannabis Cultivation (up to 5,000 square feet)	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Cultivation (5,001 square feet or Greater)	C	C	C	See Section 10-1.3600, Cannabis
Commercial Cannabis Delivery	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Retail Dispensary	C	-	-	See Section 10-1.3600, Cannabis
Commercial Cannabis Distribution	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Manufacturing Level 1, (Up to 5,000 square feet)	A	A	A	See Section 10-1.3600, Cannabis
Commercial Cannabis Manufacturing, Level 1, (5,001 square feet or greater)	C	C	C	See Section 10-1.3600, Cannabis

Commercial Cannabis Manufacturing, Level 2	C	-	-	See Section 10-1.3600, Cannabis
Commercial Cannabis Microbusiness	C	C	C	See Section 10-1.3600, Cannabis
Commercial Testing Laboratory	P	P	P	See Section 10-1.3600, Cannabis
Contractor Services	P	P	P	
Storage Yard	-	-	C	
Data Center – Less than 50 MW	-	C	C	Energy generating capacity is less than 50 megawatts. See Section 10-1.2735(e) for additional submittal requirements.
Data Center – 50 MW or larger	-	M	M	Energy generating capacity is equal to or greater than 50 megawatts. See Section 10-1.2735(e) for additional submittal requirements.
Distillery	A	A	A	See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations
Industrial Equipment Sales, Rental & Service	-	-	P	
Manufacturing	See below			
Custom Manufacturing	P	P	P	
General Manufacturing	-	P	P	
Light Manufacturing	P	P	P	
Micro-Brewery	C	C	C	See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations
Passenger Transportation Terminal	A	A	A	
Railroad Yard	-	-	C	
Recycling Facilities	See below			
Small Recycling Collection Facilities	See Section 10-1.2735(~~j~~m), Small Recycling Collection Facilities and Unattended Collection Boxes			
Large Recycling Collection Facilities	-	-	A	
Recycling Processing Facilities	-	-	C	
Renewable Electric Power Generation, Transmission, and Distribution	C	A	A	
Research and Development	P	P	P	
Truck Terminal	-	-	C	
Warehouse and Distribution Facility, less than 150,000 square feet of floor area	P	P	P	
Warehouse and Distribution Facility, 150,000 square feet or more of floor area	C	C	C	
Waste Treatment Facility	-	-	C	
Waste Transfer/Handling Facility	-	-	A	

Wholesale Establishment, less than 150,000 square feet of floor area	P	P	P	
Wholesale Establishment, 150,000 square feet or more of floor area	C	C	C	
Wind Energy Conversion System	A	A	A	
Personal Services				
Barber, Beauty Shop	P	P	P	
Dry Cleaner/Laundry	P	P	P	
Shoe Repair Shop	P	P	P	
Tailor/Seamstress Shop	P	P	P	
Tattoo Parlor	A	-	-	
Retail Commercial Uses				
Appliance Store	P	-	-	
Bar, Cocktail Lounge	C	C	C	See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations
Building Materials (Sales)	-	-	P	
Carpet/Drapery Store	P	-	-	
Convenience Market	P	P	P	
Furniture Store	P	-	-	
Nursery (Plants)	P	-	-	
Restaurant	P	P	P	
Retail	P	P	Sale of goods produced on site: P; otherwise: C	
Service Commercial Uses				
Appliance Repair Shop	P	P	P	
Contractor Services	P	P	P	
Copying or Reproduction Facility	P	P	P	
Equipment Rental Service	P	P	P	
Hotel	P	P	A	
Mailing or Facsimile Service	P	P	P	
Motel	P	P	A	
Upholstery Shop	P	P	P	
Other Uses				
Animal Hospital	P	-	-	
Broadcasting Studio	P	P	P	
Catering Facility	P	P	P	
Christmas Tree and Pumpkin Patch Lots	P	P	P	See Section 10-1.2735(n).~~c~~, ~~Christmas Tree and Pumpkin Patch Lot Regulations~~Temporary Use Permit, Minor.
Commercial Amusement Facility	A	A	-	
Cultural Facility	A	-	-	
Day Care Center	A	A	C*	*Only permitted in IG District if day care center is intended to serve

				employees of a large-scale business or business park.
Educational Facilities	A	A	A*	*Only permitted in IG District if included within business park development.
Emergency Shelter	P*	P*	P*	*Permitted on city-owned property. See Section 10-1.2736(a) for criteria and standards.)
Food Vendor	P	P	P	Subject to Food Vendor Permit. See Section 10-1.2735(~~mg~~), Food Vendor Permit
Industrial/Vocational Trade School	P	P	P	Limited to programs serving persons 18 years or older
Health Club	See below			
Facilities that are only available for use by employees	P	P	P	
Facilities that may be used by the public	A	A	A	
Kennel	C	A	A	
Public Agency Facilities	P	P	P	
Media Production	A	A	A	
Psychiatric and Rehabilitation Facility	A	A	A	
Recreational Facility	See below			
Facilities that are only available for use by employees	P	P	P	
Facilities that may be used by the public	A	A	A	
Religious Facility	A	-	-	
Taxi Company	-	-	A	
Temporary Uses	A	A	A	

A. Outdoor Storage. Refer to Section 10-1.1605(L) for Outdoor Storage regulations.

B. Adult Entertainment Activity. Refer to General Regulations Section 10-1.2735.~~a~~b. for Adult Entertainment Activity Regulations.

C. Alcoholic Beverage Outlets. Refer to General Regulations Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations.

D. Antennas and Satellite Dishes and Telecommunications Devices. Refer to Chapter 10, Article 13 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.

E. Hazardous Materials Use and Storage. All uses allowed in the Industrial Subdistricts pursuant to Table 10-1.1603 shall comply with all applicable code and regulation requirements pertaining to hazardous materials and the following permit requirements.

1. Permitted. The following hazardous materials use and storage activities are permitted:

a. Production, storage, and/or handling, utilizing Group B hazardous materials less than 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.

b. Production, storage, and/or handling, utilizing Group C hazardous materials less than 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.

2. Administrative Use Permit. The following hazardous materials use and storage activities are subject to Administrative Use Permit approval:

a. Production, storage, and/or handling, utilizing Group B hazardous materials which exceed the following thresholds: 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.

b. Production, storage, and/or handling, utilizing Group C hazardous materials which exceed the following thresholds: 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.

3. Conditional Use Permit. Conditional Use Permit approval is required for the production, storage, handling, or similar activities utilizing any amount of hazardous materials classified as Group A hazardous materials by the Fire Chief or his or her designee.

(Amended by Ordinance 21-05, § 2, adopted July 20, 2021; Amended by Ordinance 25-02, § 1(Exh. A), adopted January 21, 2025)

SEC. 10-1.1604 DEVELOPMENT STANDARDS.

Table 10-1.1604, Development Standards—Industrial Subdistricts, prescribes the development standards for Industrial Subdistricts.

Table 10-1.1604: Development Standards—Industrial Subdistricts			
Standard	IL	IP	IG
Minimum Lot Size (sf unless otherwise indicated)	10,000	1.5 acres	20,000
	See also Section 10-1.2720 for Special Lot Requirements		
Minimum Lot Frontage (ft)	35	250	70
	See also Section 10-1.2720 for Special Lot Requirements		
Minimum Average Lot Width (ft)	70	250	70
Maximum Floor Area Ratio (FAR)**	.8	.8*	.8
	*A greater FAR may be approved for Administrative and Professional Offices/Services, Data Center, and Research and Development uses through Major Site Plan Review approval where the approving authority finds that the collective FAR across all Industrial sub-districts will not exceed .8. **Building area that is designed and utilized exclusively for on-site employee child daycare shall not count towards maximum FAR calculations.		
Maximum Height (ft)	• Within 20 feet of an R, MH, C, or residential PD zoning district: 20 (see Figure 10-1.1604) • Within 45 feet of an A, OS, or FP zoning district: No portion of a structure may extend above a line of a 1:1 slope extending upward from the boundary of the A, OS, or FP zoning district. (see		

	Figure 10-1.1604) • Other areas as follows:		
	45	75*	75*
	*The building height may be increased through Major Site Plan Review approval where the approving authority finds that the increase is necessary to provide a more beneficial site layout or will result in public benefits/amenities that could not be achieved under current zoning standards. See also Section 10-1.2730 for Special Height Requirements		
Minimum Yards (ft)	See also Section 10-1.2725 for Special Yard Requirements		
Front Yard	• Parcels fronting Industrial Boulevard, Industrial Parkway, Industrial Parkway SW, Clawiter Road, and West Winton Avenue: 20 • Buildings with facades in excess of 100 feet in length and/or greater than 20 feet in height: 20 • Other areas and buildings: 10		
Side Yard	• Abutting an A, OS, FP, R, MH, C, or residential PD zoning district: 10 • Other areas: 0		
Street Side Yard	10	10	10
Rear Yard	• Abutting an A, OS, FP, R, MH, C, or residential PD zoning district: 10 • Other areas: 0		
Minimum Landscaping (% of site)	5	15	5

SEC. 10-1.2735 SPECIAL STANDARDS AND CONDITIONS FOR CERTAIN USES.

Special standards and conditions as set forth below are applicable to uses enumerated in this Section and listed in the individual districts. Departure or variation from these standards is permitted only when it can be established by the applicant that the intent and purpose of the district or the necessary findings for permit approval, as specified in this ordinance, are not compromised. Where warranted by ordinance regulations or to implement official City policy, standards of development may be required that exceed those listed in this Section.

a. Accessory Commercial Units.

(1) Zoning Conformance Permit Required. Zoning Conformance Permit approval is required prior to the establishment of any accessory commercial unit (ACU).

(2) Eligibility Criteria.

(a) Must be located on a lot with a single detached residential unit as the primary use.

(b) Must be located south of Tennyson Road.

(3) Permitted Uses. An ACU shall include only one of the following uses listed below:

(a) Administrative office.

(b) Barber or beauty shop.

(c) Fitness studio.

(d) Nail salon.

(e) Pet grooming.

(f) Repair services. (Small appliances, electronics, or bicycles only. No automobile repair.)

(g) Retail.

(h) Tailoring.

(i) Take-out coffee/espresso shop. (No food.)

(j) Tutoring.

(4) Development Standards. ACUs shall meet the following criteria:

(a) ACUs shall be limited to a maximum of one ACU per lot.

(b) ACUs shall be operated by a resident of the lot.

(c) ACUs with retail or take-out coffee/espresso shop uses shall be fronting and visible from a public right-of-way.

(d) ACUs shall have at least one pedestrian accessible entrance that is directly accessible from the exterior of the building.

(e) An ACU shall not exceed a floor area of 500 square feet or 40 percent of the gross floor area of the primary residential building on the property, whichever is less.

(f) An ACU shall be limited to one story and the ground floor.

(g) The following sign requirements shall apply to all ACUs:

(i) An ACU may have one non-illuminated wall sign, not exceeding a total sign area of six square feet.

(ii) Roof signs, free standing business signs, temporary signs, and banners are prohibited.

(5) Minimum Design and Performance Standards. ACUs shall comply with the following performance standards:

(a) The hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

(b) A maximum of eight individuals (inclusive of employees and customers/clients) are permitted in the ACU at a time.

(c) Barber shop, beauty shop, nail salon, and pet grooming uses shall be limited to a maximum of two employees at any time.

(d) All loading, unloading and maintenance shall be conducted within the hours of operation.

(e) ACUs providing beverage sales shall be for off-site consumption only. On-site dining and customer loitering are prohibited.

(f) ACUs shall maintain designated trash and recycling collection containers and enclosures which are not visible from the street.

(g) All activities and storage associated with the business shall take place inside the ACU.

(h) ACUs shall adhere to HMC Section 10-2.202, but are not subject to the parking ratio requirements of Section 10-2.300.

b~~a~~. Adult Entertainment Activity Regulations.

(1) Purpose. In adopting these regulations it is recognized that certain types of adult entertainment activities possess objectionable operational characteristics which, when concentrated, have a deleterious effect upon adjacent areas. It is also recognized that locating adult entertainment activities in the vicinity of facilities frequented by minors will cause the exposure of adult material to minors who, because of their immaturity, may be adversely affected by them. Special regulations of sex-oriented, adult entertainment businesses is necessary to insure that adverse effects will neither contribute to the blighting or downgrading of surrounding neighborhoods nor have an adverse effect on minors.

(2) Definitions. For the purpose of these regulations, certain terms and words shall have the following meanings:

(a) Adult Entertainment Activity. An activity which is characterized by an emphasis on depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." Said term includes, by way of illustration only, the following:

(i) Adult Arcade. An establishment where one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas.

(ii) Adult Bookstore. An establishment having as a substantial or significant portion of its stock-in-trade, and offers for sale one or more of the following: books, magazines, and other periodicals which are substantially devoted to the depiction of "specified sexual activities" or "specified anatomical areas."

(iii) Adult Gift Store. An establishment having as a substantial or significant portion of its stock in trade, and offers for sale one or more of the following: instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" (i.e., "adult gifts.")

(iv) Adult Motion Picture Theater. An enclosed building used for presenting material in the form of motion picture film, video tape or other similar means, and in which a substantial portion of the total presentation time is devoted to the depiction of "specified sexual activities" or "specified anatomical areas" for observation by persons therein.

(v) Adult Theater. A theater, concert hall, auditorium or similar establishment in which a substantial portion of the total presentation time is devoted to live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(vi) Sexual Encounter Establishment. An establishment which provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy.

(b) Specified Sexual Activities. This term shall be used herein to mean:

(i) Human genitals in a state of sexual stimulation or arousal;

(ii) Acts of human masturbation, sexual intercourse or sodomy;

(iii) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(c) Specified Anatomical Areas. This term shall be used herein to mean:

(i) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(ii) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(3) Location. No person shall place, maintain, own or operate any adult entertainment activity, as herein defined, in the following locations:

(a) Within 500 feet of any parcel of real property zoned primarily for residential use; or

(b) Within 500 feet of any parcel of real property on which is located any of the following facilities:

(i) A school primarily attended by minors;

(ii) A church which conducts religious education classes for minors;

(iii) A public park, playground or other recreational facility;

(iv) A museum;

(v) A library.

(c) Within 500 feet of any other adult entertainment activity as herein defined.

(4) Public Display of Certain Matter Prohibited. No person shall place, maintain, display or exhibit any material in a manner which exposes to public view photographs or illustrations of "specified sexual activities" or of poses which emphasize or direct the viewer's attention to "specified anatomical areas." As used herein, "exposes to public view" means exposes to the view of persons outside the building in which said material is placed, maintained or displayed.

(5) Discontinuance of Nonconforming Activities. No later than September 19, 1980, all adult entertainment activities made nonconforming by reason of the provisions hereof, except those activities rendered nonconforming because of being within 500 feet of any other adult entertainment activity, shall be discontinued or shall be brought into full conformance with the provisions hereof, except that such activities may be allowed to continue for an additional period upon the approval of a variance with the finding that the activity is obligated by written lease entered into before the effective date of this section for a period exceeding two years from such effective date, or that the activity involves investment of money in leasehold or improvements of such that a longer period is necessary to prevent undue financial hardship.

cb. Catering Truck Standards. All catering truck operations shall comply with the following standards:

(1) Catering trucks shall only park on private property with the permission of said property owner(s).

(2) Catering trucks shall not park on any City streets, rights-of-way or property.

(3) Catering trucks shall not be located on a single parcel more than 20 minutes at a time.

(4) Catering trucks shall not be located within 300 yards of a food vendor as defined in this Ordinance.

(5) Catering trucks shall not return to the same location within less than two hours.

(6) Catering trucks shall obtain all necessary approvals for the County Health Department and City of Hayward Police Department.

~~c. Christmas Tree and Pumpkin Patch Lot Regulations. All Christmas tree and pumpkin patch lots shall comply with the following standards:~~

~~(1) Pumpkin Patch lots shall not be established before October 1 of each year and Christmas tree lots shall not be established before November 22 of each year. Annual permits must be obtained from the Fire Department and the Building Division.~~

~~(2) Prior to opening for business, all Fire Department and the Building Division permits shall be obtained. The lot shall be maintained and operated in compliance with all Fire Department and the Building Division requirements.~~

~~(3) No merchandise, equipment, vehicles, refuse, or other material associated with the proposed lot shall block circulation or parking aisles outside fenced areas.~~

~~(4) No aspect of the proposed operation shall impede access to any public driveway, nor any parking areas required for the operation of surrounding uses.~~

~~(5) All parking and loading must be done on the lot and not on any public street. Parking areas shall be surfaced to prevent mud or dust from being tracked onto the public right-of-way.~~

~~(6) An electrical permit must be obtained prior to installation of any lighting.~~

~~(7) Fencing around the premises shall be properly stabilized.~~

~~(8) Signs shall be confined to the designated lot area only and must not obstruct vision of motorists.~~

~~(9) If sawdust or other similar material is used to cover the lot, it shall be kept moist.~~

~~(10) A minimum of one employee shall be on the premises at all times to insure compliance with the conditions of approval.~~

~~(11) All trees or pumpkins, merchandise, debris, fences, poles, hay or sawdust and other evidence of the use must be removed within 7 days after the Halloween or Christmas Holiday. To the maximum extent possible, all wood products must be recycled. While other recycling facilities may be used, it is preferred that all wood products such as trees, tree stands, and sawdust (but not including flock and tinsel) be recycled by drop-off at the City of Hayward Water Pollution Control Facility.~~

~~(12) Notices must be conspicuously posted on the lot and distributed to customers at the point of sale providing information about the City of Hayward Christmas tree Recycling Program provided by the Office of Solid Waste Management.~~

d. Cannabis, Personal Cultivation and Commercial Cannabis. Refer to Section 10-1.3600, Cannabis.

e. Data Centers

(1) Additional Submittal Requirement

(a) Community Benefits Plan. Summary of community benefits to be provided to the community that would not otherwise be required of the project;

f.~~e.~~ Drive-in Establishments - Special Standards and Conditions.

(1) Location and Design Criteria.

(a) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a planter at least 10 feet wide shall be installed parallel to the street right-of-way or precise plan line except where the use is a drive-in restaurant, then a 15-foot-wide landscaped setback is required.

(b) Fencing and Screening - Except for areas used for traffic circulation, or except where the drive-in functions as part of a larger development, for example, a shopping center where there is shared parking or access, a uniformly painted fence or masonry wall shall be maintained along all interior lot lines. Where any interior lot line abuts an R, A, MH, OS, or residential PD District, or a lot with residential uses, a masonry wall shall be constructed. The wall shall be at least 6 feet high, except within the required yard area abutting a right-of-way or precise plan line, in which case it shall not exceed four feet in height at grade measured on either side of the fence.

(2) Performance Standards for Drive-In Uses. Drive-in uses shall be operated in a manner which does not interfere with the normal use of adjoining properties.

(a) Noise levels measured at the property line shall not exceed the level of background noise normally found in the area or 65 decibels, whichever is greater. Loud speakers shall not be audible from residentially zoned and developed properties.

(b) Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For purposes of this section, the operating hours shall be considered to be between 6.30 a.m. and 11.00 p.m. on weekdays and 7:00 a.m. to 1:00 a.m. on weekends when abutting or adjacent to residential zones.

(3) Automobile Service Stations – Additional Design Criteria.

(a) Minimum facilities required:

(i) One restroom open to the public

(ii) Window washing equipment and towels.

(b) Minimum Site Requirements:

(i) Building site: 20,000 square feet

(ii) Frontage on one street: 140 feet. In the case of corner lots, frontage will be measured to the extension of the intersecting property lines.

(iii) Setback for fuel pump islands: 20 feet measured from the street right-of-way or precise plan line.

(4) Drive-Through Restaurants

(a) Drive-in or drive-through restaurants shall be prohibited within ½-mile radius of one another as measured from the building walls of existing or proposed buildings, unless all the following required findings are met:

(i) The drive-in or drive-through restaurants are located within one-half mile from Interstate 880 (Nimitz Freeway) or State Route 92 (Jackson Freeway) rights-of-way as measured by the existing roadway network, or on any parcel located within the AT-C zoning subdistrict;

(ii) The drive-in or drive-through restaurants will not conflict with City adopted goals and policies including, but not limited to, the General Plan and Bicycle Master Plan; and

(iii) The site is suitable and adequate for the proposed use because the drive-in or drive-through restaurant lanes and service windows will be located at least seventy-five (75) feet away from residential uses and residentially zoned properties.

(b) For each drive-in restaurant a bicycle rack shall be installed with a capacity for at least five bicycles.

(c) Drive-through lanes installed in connection with drive-in restaurants shall have a capacity for at least eight vehicles, at 20 feet per vehicle, unless adequate access and circulation is provided to minimize spillover onto public property.

(d) Pedestrian circulation areas located within drive-in restaurant developments with drive-up windows shall consist of decorative paving such as brick, paving stones, or Bomanite.

(e) Access to bathroom facilities located within drive-in restaurant developments shall be from within the structure, with no direct access from the parking area.

(f) Minimum building site (lot area or lease area) shall be 25,000 square feet in area, unless adequate access and cross-parking is provided.

~~(a)~~(g) Drive-through aisles shall not be located between the building and the right-of-way and pick-up windows shall not face the right-of-way unless their visibility is minimized through the use of innovative building architecture and mounded or bermed landscaping to minimize their visual impact from the street. Menu board shall be placed so as to not be visible from the street.

g. Food Vendor Permit.

(1) Permit Required.

(a.) No vending of food or food products shall be permitted unless a food vendor's permit has first been obtained.

(b.) A separate food vendor's permit shall be obtained for each approved location.

(2) Permitted Locations. Food Vendors are permitted as specified in Zoning Districts, subject to the permit requirements and standards set forth below. Definitions. This Section shall apply to any mobile unit (as defined below) designed or used for the vending of food or food products from a fixed or stationary location on private property. This Section shall not apply to Catering Truck operations as defined in subsection (b) of this Section or Sidewalk Vendors, as defined in Section 6-16.30(B) of the Hayward Municipal Code.

(a.) Approved Location - A site approved by the Planning Director from which a vendor operating from a mobile unit may sell their products.

(b.) Mobile Unit - Any trailer, cart, wagon, conveyance or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed or pulled by hand, towed by a motor vehicle or carried upon or in a motor vehicle or trailer.

(c.) Vending - The business of selling or causing to be sold for cash or consideration of any of the following items: food or food products whether hot, cold, freshly prepared, or packaged, such as hot dogs, sandwiches, and burritos, to be consumed for a meal or snack. This definition includes an offer for sale. All items sold shall be capable of being consumed on site without preparation or cooking other than done by the vendor.

(d.) Vending Equipment - Tools, umbrellas, and chair for vendor only. No accessory equipment for dining at the site is permitted. Food or food products, etc., related to vending and approved by the Planning Director.

(e.) Vendor - A person who is in the business of vending or their employee(s).

(3) Application.

(a.) An application for food vendor's permit to vend food products shall be submitted to the Planning Director on a form provided for such purpose, accompanied by payment of the fee set by Resolution of the City Council.

(b.) The application shall include the signature of the owner of the property upon which the applicant proposes to locate their mobile unit indicating the property owner's permission to use the site for the purpose set forth in the application.

(c.) In addition to the completed application, the following information shall be submitted on a form acceptable to the Planning Director:

(i.) Proposed location of a mobile unit plotted on a map drawn to a scale of one-inch equals 20 feet or larger, which indicates the distance to adjacent landscaping, parking stalls, buildings driveways, signs, fences, utility poles, transformers, hydrants, etc., located within 50 feet of the location of the proposed mobile unit.

(ii.) Plans for provisions to collect and store litter and dispose of it.

(iii.) Scaled drawing or manufacturers information indicating the size of the mobile unit and vending equipment the applicant proposes to use.

(iv.) Location where vendor intends to park personal motor vehicle, location of customer parking spaces, and location where vendor intends to store overnight mobile unit.

(v.) Description of the nature of the business and the goods to be sold.

(vi.) Any other information deemed necessary by the Planning Director to adequately review the application, for example, photograph or rendering of mobile unit.

(4) Standards. All applications for food vendor's permit shall comply with the following standards:

(a.) Approved locations for food vending shall not be located within 300 yards of any school.

(b.) All mobile units shall be set back from the public street right-of-way or a private street or driveway. A food vendor shall not locate a mobile unit or vending equipment or merchandise offered for sale in such way as to block or impede or any way hamper pedestrian or vehicular movement or to cause a hazard to any pedestrian or vehicle.

(c.) Mobile units and vending equipment shall be self-supporting and shall not be attached temporarily or permanently to trees, hydrants, utility poles or transformers, or other vertical structures or benches.

(d.) All mobile units with ventilating equipment shall be located 10 feet away from all buildings unless otherwise approved by the Planning Director.

(e.) A food vendor shall not sell any food or food products between the hours of 7:00 p.m. and 7:00 a.m. unless otherwise authorized by the Planning Director.

(f.) No food vendor shall use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound where said sound exceeds the background noise levels for adjacent uses.

(g.) A food vendor shall not store overnight any vending equipment or food products other than in a commissary approved by the Alameda County Department of Environmental Health Services.

(h.) A food vendor shall not display any signs or similar devices unless approved by the Planning Director. Signs painted on a mobile unit shall be approved by the Planning Director, and any other sign or device(s), for example, flag, pennant, balloon, may be approved at the discretion of the Planning Director if he/she finds that such sign or device does not create a safety hazard or is not aesthetically detrimental or incompatible with surrounding uses.

(i.) Any exterior lighting shall be approved by the Planning Director and shall not create a safety hazard and shall be shielded or deflected away from adjacent properties.

(j.) A food vendor shall maintain their approved location in a clean and hazard-free condition. The vendor shall provide at least one 30-gallon garbage container with a swing top nearby the mobile unit for public use and shall pick up all litter generated from his or her operation within a radius of 100 feet of the approved

location. A vendor shall empty the garbage container(s) daily, or more often if necessary; disposal of garbage or trash into public trash containers is prohibited.

(k.) The food vendor at all times shall be in compliance with all regulations of the Health Officer of Alameda County regarding operation of this use and all other applicable rules and regulations.

(l.) Location of a mobile unit and vending equipment shall not reduce the number of parking spaces below which are required for the permitted primary or conditional use.

(5) Permit Issuance.

(a.) A food vendor's permit shall be issued if the applicant satisfies the above standards and the Planning Director finds that said application complies with all pertinent regulations administered by these officials.

(b.) A food vendor's permit is not transferable and shall remain valid until the vendor ceases operations at the permitted location for a period of 6 months or longer or the permit is revoked.

(6) Permit Revocation.

(a.) A food vendor's permit shall be subject to revocation if the conditions of the permit or the regulations set forth or incorporated herein are violated.

(b.) Before taking any action to revoke a permit, the Planning Director shall give notice to the permittee in writing of the proposed revocation, the reasons therefor, and the time and place the permittee will be given an opportunity to show cause to the Planning Director why the permit should not be revoked. The written notice may be served personally upon the permittee or mailed to the permittee at the address shown on the application at least 10 days prior to the date of the hearing. Upon conclusion of the hearing, the Planning Director may revoke the permit upon finding non-compliance with the conditions of the permit or the regulations herein.

(c.) The Planning Director's decision revoking a permit may be appealed in writing to the Planning Commission stating the reasons why the Planning Director's decision was incorrect. The Planning Commission shall schedule a hearing within 30 days of said appeal, and its decision shall be final. Said appeals shall be filed in the Planning Division.

~~F~~h. Garage Sales. Garage sales, also referred to as yard sales, shall not create a public nuisance as defined herein, and shall be limited to a maximum of four times per year per dwelling for single-family homes, and four times per year per development for multi-family areas.

~~G~~i. Limited Entertainment Permit.

(1) Limited Entertainment Permit Required. Any person providing live entertainment using amplified sound indoors or outdoors on a private patio connected to an establishment shall first obtain a Limited Entertainment Permit by filing an application with the Development Services Department.

(a) Application requirements. A Limited Entertainment Permit application shall include the following:

(i) The name and address of the business, location or venue where the proposed entertainment will occur;

(ii) The date(s) and time(s) that the proposed entertainment activity will occur;

(iii) A description of the business where the proposed entertainment will occur;

(iv) A description of the entertainment activity, including the nature and type of sound amplification; the number of people anticipated to attend; and

(v) Any other information associated with the proposed entertainment activity, as required by the Development Services Department.

(2) Limitations on Limited Entertainment Permits.

(a) The entertainment activity(ies) must be incidental to the principal use of a site.

(b) Permit may cover up to one year of recurring events.

(c) Activities and events that are presented as live entertainment for an audience of more than 100 people shall require a Cabaret License pursuant to Section 6-2.10 of the Hayward Municipal Code, instead of a Limited Entertainment Permit.

(d) Bars, nightclubs, adult-only activities, and other similar uses as determined by the Planning Director are prohibited from obtaining a Limited Entertainment Permit and shall require a Cabaret License to allow live entertainment activities, pursuant to Section 6-2.10.

(e) Outdoor gatherings as defined in Section 10-1.2735(m) shall require approval of a Minor Temporary Use Permit instead of a Limited Entertainment Permit.

(f) Outdoor gatherings as defined in Section 10-1.2735(n) shall require approval of an Administrative Use Permit instead of a Limited Entertainment Permit.

(g) Outdoor gatherings in public spaces shall require approval of a Special Event Permit instead of a Limited Entertainment Permit.

(3) Entertainment Permit Performance Standards

(a) All live entertainment activities must end by 11pm;

(b) Live entertainment activities must be open to all ages;

(c) Live entertainment activities shall be limited to audiences of between 10 and 100 patrons per event or to the maximum capacity allowed by the building occupancy, whichever is less; and

(d) Each Limited Entertainment Permit is non-transferable and shall be used only at the specific premises and on the specific dates for which the entertainment permit was issued.

(4) The Development Services Department Director may deny a Limited Entertainment Permit application for any of the following reasons:

(a) The applicant provides false information in the application submitted for a Limited Entertainment Permit.

(b) The business or premises for which the Limited Entertainment Permit is requested is found to be out of compliance with applicable City, state and/or federal laws, ordinances and codes.

(5) Revocation of a Limited Entertainment Permit.

(a) The Development Services Director shall have the authority to revoke or suspend a Limited Entertainment Permit under this Division, pursuant to the procedures of Section 10-1.2845 of the Hayward Municipal Code. The suspension or revocation of a Limited Entertainment Permit shall be based on one or more of the following:

(i) Any of the criteria established for the denial of a Limited Entertainment Permit in Section 10-1.2735(h)(4), above.

(ii) The proposed entertainment activity results in a high volume of calls for service to the Police Department and/or the Code Enforcement Division.

(iii) The entertainment event or activity for which the permit was issued violates one or more of the conditions imposed upon the approved Entertainment Permit or the requirements of this Division.

(b) In the event the Development Services Director revokes a Limited Entertainment Permit pursuant to this Ordinance, no other Entertainment Permit shall be issued to the same applicant within a minimum of five years from the date that the denial or revocation is final.

(c) The Development Services Director's decision revoking a permit may be appealed in writing to the Planning Commission stating the reasons why the Director's decision was incorrect. The Planning Commission shall schedule a hearing within 30 days of said appeal, and its decision shall be final. Said appeals shall be filed with the Planning Division.

j.~~f~~. Livestock, Apiaries, and Household Pets.

(1) Minimum Lot Area. The minimum lot area for any lot used to maintain livestock and other animals, except for household pets, whether a temporary use or principal use of the property, shall be the lesser of either the minimum lot area specified in the zoning district in which the property is located or the area hereinafter specified:

(a) For large and medium livestock, the minimum lot area shall be 20,000 square feet;

(b) For exotic animals, poultry or other birds, the minimum lot area shall be 4,000 square feet, or greater, depending on the species of the animal, as determined by the Planning Director;

(c) For apiaries, the minimum lot area shall be 4,000 square feet.

(2) Maximum Number of Animals. The maximum number of livestock or any other animals allowed pursuant to this section is subject to a determination by the Planning Director that the site is suitable, including consideration of size, configuration and location, and can support the number of livestock or other animals without creating nuisance problems for surrounding residential properties. The following limits shall apply:

(a) Livestock: In no case shall the number of livestock, as defined herein, kept or maintained on any lot exceed one large livestock for each 20,000 square feet of land contained in such parcel, or one medium livestock for each 10,000 square feet of land contained in a minimum 20,000 square foot parcel.

(b) Fowl: In no case shall hens, ducks, pigeons, or other small fowl be kept on a parcel that is less than 4,000 square feet in size.

(c) Apiaries: For apiaries, in no case shall the number of hives exceed two for a parcel which is less than 40,000 square feet in size or zero for a parcel which is less than 4,000 square feet in size.

(d) Duration of Limit: Once a permit is granted establishing the maximum number of animals allowed on a property, the permittee is entitled to maintain that maximum number of animals indefinitely as long as an animal(s) has existed continuously, in that six months have not passed where there were no animals on the property.

(3) Minimum Available Open Area. All livestock or other animals shall be provided with the minimum available open area specified below (such area may include barns, stables, sheds or similar structures used to house animals):

(a) For large livestock, the minimum available open area per animal shall be 5,000 square feet;

(b) For medium livestock, the minimum available open area per animal shall be 2,500 square feet;

(c) For poultry, the minimum available open area per animal shall be 36 square feet;

(d) For exotic animals, the minimum available open area per animal shall be as determined by the Planning Director, based on the species of the animal.

(4) Buildings and Structures. All animals shall be provided with adequate shelter or other protection from the elements. Shelter may be provided through the construction of a coop, stable, or other structure, as appropriate for the species of animal and as determined by the Planning Director. Buildings and structures used for the housing of animals shall be located behind the principal structure on the lot. Such buildings and structures may be located elsewhere on the lot due to topography or other special characteristics of the lot, subject to approval of the Planning Director. Such structures shall be large enough and designed such that all animals may lie down, stand up, fully extend their limbs and turn around freely, as required by the section 1350 of Title 3 of the California Code of Regulations, as may be amended from time to time. Hives and accessory structures for the keeping of livestock or household pets shall not be located in front of a primary structure.

(5) Maximum Height of Structures. No building or structure used for the housing of animals shall be erected or maintained on any lot to a height greater than that permitted for accessory structures in the respective zoning district. For small livestock and household pets, the maximum height of an enclosure shall be six feet, except for beehives. For beehives, the maximum height shall be limited to four feet. A greater height may be permitted based on consideration of special characteristics of the lot, including, but not limited to, topography, lot size, and building placement, and subject to approval of the Planning Director.

(6) Minimum Setback Requirements. All barns, stables, and other structures used for the housing of animals, except for household pets, on any lot shall be located not less than 20 feet from any property line and not less than 40 feet from any dwelling on the same or adjoining lot. Beehives and all structures for the housing of household pets, including chicken coops, shall be located not less than 5 feet from any property line and not less than 6 feet from any dwelling on the same or adjoining lot. The distances as specified in this subsection may be reduced or waived upon the finding that such distances are not necessary for the protection of nearby residences.

(7) Fence Requirements. All areas containing livestock or other animals shall be enclosed by fences which are good, strong, substantial, and sufficient to prevent the ingress and egress of livestock or other animals. Such fences shall be designed and constructed of appropriate materials and be of an adequate height so as to control and contain such animals at all times, while avoiding injury to such animals, preventing such animals from reaching across any property lines, and of a design

that does not detract from the appearance of the site or surrounding area. Where bees are proposed to be kept, a solid fence of at least six feet in height shall be erected along all property lines within ten feet of the hive. Hives shall not be located in areas where this requirement cannot be met due to height limitations for fences.

(8) Maintenance of Livestock and Other Animals. All livestock and other animals shall be kept or maintained so as to minimize and prevent production of flies, excessive odor, dust, noise, or other conditions detrimental to the community health and welfare, by applying the following minimum requirements:

(a) Manure must be removed daily from the corral, stable, paddock, or other holding areas and stored in fly-tight containers, cans or holding boxes, until disposal; roosts, lofts, and rabbit hutches must be cleaned daily unless worm beds are maintained under the rabbit hutches. Composting or similar treatments may be permissible if performed to appropriate standards so as not to constitute a nuisance, as determined by Planning Director.

(b) Watering troughs must be so constructed and located that they do not overflow excessively in the stall, corral or paddock area, as to promote mosquito larvae growth.

(c) Hay must be stored in such a manner so as not to become a nesting place for rodents, i.e., stored in rodent-proof buildings or off the floor and away from walls, other material or equipment.

(d) Grain feeds shall be stored in rodent-proof containers or buildings, i.e., metal cans or rodent-proof feed cribs; all other feed must be stored in vermin-proof containers.

(e) The entire area set aside for the animals shall be cleared of all rubbish and debris.

(f) Livestock shall not be abandoned on any property or right-of-way in the City of Hayward. Any application for a permit to keep livestock shall include a preliminary plan for the eventual discontinuation of the keeping of livestock on the site, including a method for the relocation of livestock.

(g) Where apiaries are proposed to be sited within one hundred feet of any residence, a person responsible for management of the hives must reside on the property.

(9) Livestock as a Legal, Nonconforming Use. Livestock existing as a legal, nonconforming use may continue indefinitely as long as (1) the livestock have existed continuously in that six months have not passed when there were no livestock on the site, (2) the maximum number of livestock established as a nonconforming use is not increased, and (3) as long as there is no intensification of livestock, e.g., legal, nonconforming medium livestock may not be intensified by replacing them with large livestock. The burden of proof for establishing the legal, nonconforming status of livestock rests with the property owner subject to the endorsement of the Planning Director.

(10) Permit Required. As provided in the Zoning Ordinance, a Zoning Conformance Permit is required prior to the establishment of household pets or apiaries as a secondary use. This requirement shall be waived for household pets where the enclosure is located at least forty feet from any residence, and for apiaries where the hives are located at least one hundred feet from any residence. An application for a Zoning Conformance Permit shall be reviewed by the Planning Director or their designee and shall be approved if all of the standards of this section are met.

(a) Household Pets: A Zoning Conformance Permit is required for the establishment of the following household pets: Hens, ducks, pigeons, rabbits and other similar small animals, as determined by the Planning Director, where the proposed total number on a property does not exceed four (4) of such animals. An application for a Zoning Conformance Permit shall be submitted on a self-certification form, wherein an applicant shall acknowledge with

their signature or initials that they understand the requirements of the Hayward Municipal Code with respect to the maintenance and management of the animals that are proposed. Where the City determines that compliance with such standards is impossible given the characteristics of the site where the animals are kept, then the permit shall be deemed null and void.

(b) Apiaries: An application for a Zoning Conformance Permit for beekeeping shall require noticing of all property owners within one hundred feet of the property where the bees are proposed to be kept. Such notice shall be mailed within five business days of receipt of such application. If the City receives notification and documentation acceptable to the Planning Director (such as a doctor's note) that an individual who is allergic to bees resides within one hundred feet of the property where bees are proposed, the application shall be denied. Such notification and documentation may be received from any person who received an official notice from the City or from any person who can establish that they reside within one hundred feet of the property where bees are proposed to be kept. If no notification is received within thirty calendar days of the mailing of the official notice, and if the application meets all other city design criteria, the permit shall be issued.

k.~~g~~. Manufactured Housing Regulations. Manufactured housing to be installed on a lot shall have been constructed after July 1, 1976, and shall bear an insignia of approval under the National Mobile Home Construction and Safety Standards Act of 1974 and shall be erected in compliance with the following:

(1) Shall be attached to a permanent foundation pursuant to Health and Safety Code Section 18551, and shall have all utility connections conform to all requirements of the City's Building, Plumbing, Electrical, and Mechanical Codes.

(2) Shall be a minimum of 20 feet wide.

(3) Shall have a roof constructed of asphaltic, wooden, glass fiber or tile materials.

(4) Shall have wood, masonry or stucco siding which will extend to the ground (except when a solid masonry perimeter foundation is used, the siding need only extend to the top of the foundation).

(5) Shall have an overhang or eave extending a minimum of 14 inches from the wall.

(6) Shall have a floor height no more than 30 inches above the finished grade of the building pad.

(7) Shall include a minimum 20-foot-wide garage (interior dimension) and/or landscaping where necessary to make the house compatible with surrounding residential development.

(8) Shall conform with Hillside Design and Urban/Wildland Interface Guidelines.

~~h~~i. ~~Outdoor Gatherings.~~

~~(1) Permit Required. No outdoor gathering of 275 or more people shall be held unless an administrative use permit has first been obtained.~~

~~(2) Outdoor Gathering. Any assembly, music festival, carnival, show, circus, dance, exhibition, lecture, concert, rally, party, celebration, or similar event or activity which is:~~

~~(a) Open to the public or to which members of the public are invited or admitted either for a charge or free of cost; and~~

~~(b) Held out of doors or other than in a permanent structure that was constructed for the purpose of or constructed so that it can be used for conducting such event or activity; provided, however, that the incidental use of any patio, courtyard, deck, or other area adjacent to and outside a permanent structure (that is authorized as a permitted primary~~

or conditional use) by participants at the event or activity shall be considered use of the permanent structure for the purposes of this provision.

(3) Application. An application for an administrative use permit to hold an outdoor gathering shall be submitted to the Planning Director on a form provided for such purpose, setting forth the following:

(a) The location and legal owner of the premises on which the outdoor gathering is to be held;

(b) The number of people the applicant will admit to the outdoor gathering, his plans to limit admittance to the outdoor gathering to such number, and the date(s) and times during which the gathering is to be held;

(c) The applicant's plans, including facilities for the handicapped where physically feasible, for provisions of potable water, toilet facilities, solid waste disposal, and if required by the Health Officer of Alameda County, emergency medical treatment;

(d) The applicant's plans for provision of parking spaces, including spaces for the handicapped;

(e) The applicant's plans for illuminating the premises if any part of the gathering is to be held within one hour before sunset or after dark;

(f) A description of all sound amplification equipment the applicant plans to use and the intensity in decibels at the property line of the premises upon which the gathering is to be held; and

(g) The applicant's plans for provision of fire control devices and method of vehicular and pedestrian access to and from the gathering.

(4) Permit Issuance. An administrative use permit for an outdoor gathering may be issued if the applicant shows that the following conditions have been met:

(a) The applicant is the owner of the premises on which the gathering is to be held or the owner of the premises has consented to the use of the premises for the outdoor gathering;

(b) The Chief of Police has approved the applicant's plans to limit attendance at the outdoor gathering to the number of people set forth in the application, maintain order, and assure compliance with all applicable laws and regulations, including but not limited to, the provisions of this ordinance and the conditions of the permit under which the outdoor gathering is held. The Chief of Police shall approve the applicant's security plans if one security guard, who may be a peace officer or other person acceptable to the Chief of Police, is provided for every 275 persons expected to attend the outdoor gathering and the sole responsibility of such guard(s) is to limit attendance at the outdoor gathering to the number of people set forth in the permit, maintain order, and enforce all laws, regulations, and permit conditions;

(c) The Health Officer of Alameda County has approved the applicant's plans, including facilities for the handicapped where physically feasible, for provisions of potable water, toilet facilities, solid waste disposal, and if required by the Health Officer, emergency medical treatment;

(d) The Traffic Engineer has approved the applicant's plans for provisions of parking spaces, including provision for spaces for the handicapped where physically feasible. The Traffic Engineer shall approve the applicant's plans for the provision of parking if finds that parking spaces are provided for one of each four persons the applicant will admit to the outdoor gathering, safe access to and from such parking spaces is provided, and such parking spaces will be graded, marked, and separated by a physical device from all pedestrians;

~~(e) The Public Works Director has approved the applicant's plans for illuminating the premises upon which the outdoor gathering is planned if any part of the gathering is expected to occur within one hour before sunset or after dark. The Public Works Director shall approve illumination plans that provide for safe lighting equipment which illuminates at the following levels:~~

~~(i)Open areas to be used by attendees at 10-foot candle intensity;~~

~~(ii)Parking and pedestrian access areas at 5-foot candle intensity; and~~

~~(iii)Toilet facility areas at 50-foot candle intensity;~~

~~(f) The Planning Director has approved the applicant's plans for any use of sound amplifying equipment. The Planning Director shall approve sound amplification plans that limit noise levels to no more than 60 L_{dn} or CNEL (db) at the property line of the premises or is lawfully used for residential use or abuts property zoned or lawfully used for residential use and no more than 70 L_{dn} or CNEL (db) at the property line of the premises upon which the gathering is to be held, if such premises is neither zoned nor used for residential use nor abuts property that is zoned or used for residential use; provided, however, that the Planning Director shall not approve any sound amplification plans that call for the use of sound amplification equipment between the hours of 10:00 p.m. and 6:00 a.m.; and~~

~~(g) The Fire Chief has approved the applicant's plans for provisions for fire control devices and plan(s) for vehicular and pedestrian ingress and egress to the site, including emergency vehicles.~~

l.~~i~~. Private Street Criteria. Approval of a private way as a private street (not part of a subdivision or other development project) for the purpose of establishing a street frontage for a lot shall be governed by the following:

(1) Overall, minimum right-of-way shall be 25 feet per the City Standard Design Details, and paved access shall be not less than 10 feet in width for a one-way driveway and 12 feet in width for a two-way driveway. The access may be increased up to 24 feet in width and incorporate a turn-around area, as such is determined to be necessary, giving consideration to traffic volumes, location, land use, and other relevant factors.

(2) The access strip shall be improved to public street standards. Such improvements shall be installed, or the installation shall be guaranteed to the satisfaction of the City, prior to issuance of a building permit for any use fronting on the private street.

(3) In the instance that multiple lots are to be served by one private street, the following criteria may apply:

(a) Six or fewer lots require a minimum of a 20-foot wide paved private driveway.

(b) Seven or more lots require a minimum of a 24-foot wide paved private street.

(c) Six or fewer lots may be served by a hammerhead.

(d) Seven or more lots shall be served by a cul-de-sac.

(4) The above requirements may be amended after evaluating the following:

(a) Existing and estimated future volume of traffic.

(b) Existing, proposed, and potential development to be served by access.

(c) Adequacy of drainage facilities.

(d) Condition of roadway and provisions for maintenance.

(e) Suitability for emergency vehicle access and utility right-of-way.

(f) Alignment and grade.

(g) Need for off-street parking or pathway to serve adjacent uses.

(5) Before approving a private street, the Planning Commission shall find that:

(a) The private street is physically adequate to provide access for pedestrians and vehicles.

(b) There is a right, exclusive or non-exclusive, to use the private street on a permanent basis which is appurtenant to the subject lot(s).

(c) The private access will not conflict with the General Plan.

(6) Requests for approval shall be considered by the Planning Commission which shall recommend approval, conditional approval, or denial. Upon review by the Commission, said request shall be then considered by the City Council which shall approve, conditionally approve, or deny said request. The action of City Council is final.

m.~~j~~. Small Recycling Collection Facilities and Unattended Collection Boxes.

(1) Purpose and Intent.

(a) The purpose of the subsection related to facilities accepting recyclable material is to make redemption and recycling of reusable materials convenient to the consumer in order to reduce litter and increase the recycling of reusable materials in accordance with the 1986 California Beverage Container Recycling and Litter Reduction Act of 1986 (Pub. Res. Code § 14500, et seq.).

(b) The purpose of the subsection related to unattended collection boxes is to:

i. Promote community health safety and welfare by regulating the placement of unattended collection boxes for clothing and other salvageable personal property throughout the city;

ii. Recognize that placement of unattended collection boxes in a variety of conveniently accessible locations throughout the city encourages individuals to recycle textile goods rather than placing those items in the waste stream.

iii. Ensure that unattended collection boxes and the contents thereof do not pose a hazard or nuisance to pedestrian or vehicular traffic;

iv. Ensure that material is not allowed to accumulate outside of the unattended collection boxes where it may be scattered by adverse weather conditions, animal contact, or human activities; and,

v. Establish criteria that avoid attracting vermin, unsightliness and public health or safety hazards or nuisances.

(2) Definitions.

(a) Recyclable Material: Recyclable materials" or "recyclables" are discarded materials that are collected, separated, and processed and that can be used as raw materials in the manufacture of new products. Recyclable materials are collected and treated in a manner different from refuse.

(b) Small Recycling Facility: A center for the collection and/or processing of recyclable materials. Small recycling facilities shall not exceed 500 square feet and shall be incidental to a primary use on the site (i.e. shopping center). Such facilities collect non-hazardous

recyclable materials directly from the public by donation, redemption, or purchase. Small recycling facilities generally do not use power-driven processing equipment, except for reverse vending machines, and may include mobile recycling units, bulk reverse vending machines, kiosk type units, and/or unattended containers placed for the donation of recyclable materials (such as aluminum, glass, plastic, and bimetal for recycling). This definition does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. A certified recycling facility or certified processor is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

(c) Responsible Party: Responsible Party shall mean the owner of the Unattended Collection Box, the operator of the Unattended Collection Box, and the owner of the property upon which the Unattended Collection Box is placed,

(d) Unattended Collection Box: Unattended collection box shall mean any unstaffed drop-off container, receptacle or similar device that is located on any lot within the city that is used for soliciting and collecting donations of clothing and other salvageable personal property. This term does not include recycle bins for the collection of recyclable material and facilities described in (2)(b) above, or any unattended collection box located within a building.

(3) Permit Issuance.

(a) Reverse vending machine(s) located within commercial buildings, or which are located upon commercial or industrial zoned property within a ½ mile radius of each supermarket which conducts $2 million or more in sales a year, and meet the following criteria are primary uses and do not require permits by the City of Hayward.

(i) The reverse vending machine(s) is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986;

(ii) The reverse vending machine(s) is established in conjunction with a commercial use, community service facility, or industrial use provided the property is in compliance with the zoning, building and fire codes of the City of Hayward;

(iii) The reverse vending machine(s) does not obstruct pedestrian or vehicular circulation, including the pathway required for the handicapped access;

(iv) The reverse vending machine(s) does not occupy parking spaces required by the primary use;

(v) The reverse vending machine(s) does not occupy more than 50 square feet of floor space per installation, including any protective enclosure, and is no more than 8 feet in height;

(vi) The reverse vending machine(s) is clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;

(vii) The reverse vending machine(s) is maintained in a clean, litter-free condition on a daily basis;

(viii) The operating hours are at least the operating hours of the host use;

(ix) The area is illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;

(b) An administrative use permit for small recycling facility located in commercial or industrial areas and within a ½ mile radius of each supermarket which conducts $2 million or more in sales a year, shall be issued if the applicant shows that the following conditions have been met:

(i) The small collection facility shall be established in conjunction with an existing commercial use, community service facility, or industrial use which is in compliance with the zoning, building, and fire codes of the City of Hayward;

(ii) The small collection facility shall be no greater than 500 square feet and occupy no more than 5 parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;

(iii) The small collection facility shall be set back at least 200 feet from any property line adjacent to property developed with residential uses and shall not obstruct pedestrian or vehicular circulation. A smaller separation between a proposed facility and residential uses may be permitted with submittal of a noise study and installation of noise reducing equipment, to the satisfaction of the Planning Director or his/her designee;

(iv) The small collection facility shall accept only glass, metals, plastic containers, papers and reusable items, not including motor oil;

(v) The small collection facility shall use no power-driven processing equipment except for reverse vending machines;

(vi) The small collection facility shall be secured from unauthorized entry or removal of material, and a collection schedule shall be posted;

(vii) All recyclable materials shall be stored in containers or in the mobile unit vehicle, and materials shall not be left outside of containers when attendant is not present;

(viii) The small collection facility shall be maintained free of litter and any other undesirable materials, and the area about the machines shall be swept and cleared each day. Mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;

(ix) The small collection facility shall not exceed noise levels of 60 DBA as measured at the property line of residentially zoned or occupied property, other sites shall not exceed 70 DBA;

(x) Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;

(xi) Containers for the 24-hour donation of materials shall be at least 50 feet from any property zoned or occupied for residential use unless waived by the Planning Director;

(xii) Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and

display a notice stating that no material shall be left outside the recycling enclosure or containers;

(xiii) Signs for recycling facilities may be provided as prescribed in Chapter 10, Article 7, Sign Regulations, of the Hayward Municipal Code;

(xiv) The small collection facility shall not impair the landscaping required by the City for any concurrent use;

(xv) No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space shall be provided for the attendant, if needed;

(xvi) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;

(xvii) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:

aa. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;

bb. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;

cc. The permit shall be reconsidered at the end of 18 months;

dd. A reduction in available parking spaces in an established parking facility may then be allowed as follows:

• For a commercial or industrial host use:

No. of Available Parking Spaces	Maximum Reduction
0—25	0
26—35	2
36—49	3
59—99	4
100+	5

• For a community facility host use:

A maximum of five spaces reduction will be allowed when not in conflict with parking needs of the host use.

(xviii) The area is illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;

(c) Unattended Collection Box. A zoning conformance permit is required prior to placement of an unattended collection box on a property that is zoned General Commercial, Neighborhood Commercial, Mission Boulevard Code (MB-CN, MB-NN, MB-CC). An unattended collection box owned, operated and maintained by a currently operating primary or permitted use engaged in the collection of used textiles and that is located on the site of that use shall not require zoning conformance permit approval. However, such box shall meet all other requirements and standards as set forth in this subsection.

Approval of a zoning conformance permit for an unattended collection box shall be contingent upon fulfillment of the following requirements and standards:

(i) Unattended collection boxes shall be placed on a site of an existing primary use that is in compliance with zoning, building and fire code of the City of Hayward.

(ii) Unattended collection boxes shall be a minimum distance of 1,000 feet from any other permitted unattended collection box, unless of the following exceptions apply:

a. The unattended collection box owned, operated and maintained by a currently operating primary or permitted use engaged in the collection of used textiles and that is located on the site of that use; or

b. The unattended collection box is included on the Inventory of Unattended Collection Boxes ~~referenced in subsection (e)(i) below~~; or

c. The unattended collection box has been approved as second box on the same parcel, pursuant to subsection (x).

(iii) Unattended collection boxes are prohibited on the site of solely residential development.

(iv) Unattended collection boxes shall be maintained in good condition, free of graffiti, with no structural damage, holes or visible rust.

(v) The Responsible Party shall maintain a minimum of twenty feet of area surrounding the unattended collection box free of donated materials, junk, trash and debris or other salvageable personal property placed on the site.

(vi) The Responsible Party shall be responsible for abatement and removal of all junk, garbage, trash, debris and other material from the unattended collection box and the immediate twenty feet surrounding the box within 24-hours of written notice from the City of Hayward. If abatement and removal is not accomplished within 24-hours of said notice, the Responsible Party shall be responsible for all costs related to abatement and removal of junk, garbage, trash, debris and other refuse material as defined above.

(vii) Unattended collection boxes shall contain the following information in minimum two-inch font visible from the front of each facility: the name, address, telephone number, Internet Web address and email address of the unattended collection box owner and operator; the type of material to be deposited in the box; and, a statement that the collection box is owned by either a for-profit or nonprofit organization. If a nonprofit organization owns the unattended collection box, then the box's front must also display a statement describing the charitable cause that will benefit from the donations.

(viii) Unattended collection boxes shall be locked or otherwise secured.

(ix) Unattended collection boxes footprint shall not exceed 25 square feet in size, and shall not be taller than seven feet in height.

(x) No more than one unattended collection box may be placed on a parcel. However, an operator with an approved box on a site that is in good standing may apply to amend their zoning compliance permit to allow the installation of a second box on the same parcel if the operator demonstrates that daily

collection from the permitted unattended collection box fails to provide adequate storage capacity.

(xi) Unattended collection boxes shall not obstruct pedestrian or vehicular circulation and shall not be placed in required parking spaces, setbacks or the public right-of-way as defined in Chapter 10 of the Hayward Municipal Code.

(xii) Unattended collection boxes shall be visible from the public right-of-way.

(xiii) Unattended collection boxes shall be located no further than 10 feet from a continually operating light source of at least one foot candle.

(xiv) Unattended collection boxes shall be free of any advertising which is unrelated to the business of the unattended collection box.

(xv) Unattended collection boxes shall remain in the exact location for which a permit was issued and shall not be moved unless the box is replaced with an identical box in the same location or removed from the property.

(xvi) The owner or operator of a permitted unattended collection box shall report the total number of tons of material collected within the city limits. Such reporting shall be submitted in writing on an annual basis to the City's Utilities and Environmental Services Department. Written reports shall be submitted by March 30 each year for the preceding calendar year.

(d) [Reserved.]

(e) Removal of Unattended Collection Boxes and Liability. If an unattended collection box on private or public property is lacking the requisite permit, the Planning Director or designee shall have the authority to cause the abatement and removal thereof in accordance with the procedures outlined in Chapter 5, Article 7 (Community Preservation and Improvement) of the Hayward Municipal Code.

(f) Nothing in these regulations is intended to diminish or otherwise alter the requirements of any other federal, state or municipal law governing regulation of unattended collection boxes.

n. Temporary Uses, Minor.

(1) A Minor Temporary Use Permit is required for any of the following uses that will operate outdoors for a period of less than six months within a calendar year:

(a) Carnival/circus

(b) City sponsored/co-sponsored event

(c) Concert

(d) Cultural event

(e) Food truck/cart court

(f) Light/drone show

(g) Pop-up market

(h) Pop-up playground

(2) Application requirements. A Minor Temporary Use Permit application shall include the following:

(a) The address of the location where the proposed temporary use will occur;

(b) The date(s) and time(s) that the proposed temporary use will occur;

(c) A description of the location where the proposed temporary use will occur;

(d) A description of the temporary use, including a description of the following if applicable:

(i) The number of employees;

(ii) The total number of attendees per day - Include estimated attendance during peak and off-peak times;

(iii) The nature and type of sound amplification;

(iv) Any vehicles stored on-site and their respective quantities and sizes;

(v) How trash and recycling will be collected;

(vi) If there will be bathrooms on site;

(vii) Any food and/or beverages to be served; and

(viii) Any other information associated with the proposed temporary use as required by the Development Services Department.

(3) Limitations on Minor Temporary Use Permits.

(a) Permit may cover up to six months within each calendar year.

(b) Non-permanent uses that do not fall under the criteria of this subsection shall require approval of an Administrative Use Permit.

(c) Pumpkin patch and Christmas tree lots.

(i) Pumpkin patch lots shall not be established before October 1 of each year.

(ii) Christmas tree lots shall not be established before November 22 of each year.

(iii) All trees or pumpkins, merchandise, debris, fences, poles, hay or sawdust and other evidence of the use must be removed within 7 days after the Halloween or Christmas Holiday.

(4) Minor Temporary Use Permit Performance Standards

(a) Attendance must be limited to between 275 and 1000 participants per day;

(b) All temporary uses must end by 9pm;

(c) All temporary uses must be open to all ages;

(d) No alcohol sales are permitted;

(e) All parking and loading must be done on the lot and not on any public street. Parking areas shall be surfaced to prevent mud or dust from being tracked onto the public right-of-way.

(f) All temporary uses shall comply with Airport Safety Zone requirements as defined in Chapter 10, Article 6, including height limitations, for all structures and equipment needed for set up and take down;

(g) Each Minor Temporary Use Permit is non-transferable and shall be used only at the specific premises and on the specific dates for which the use permit was issued.

(5) The Development Services Department Director may deny a Minor Temporary Use Permit application for any of the following reasons:

(a) The applicant provides false information in the application submitted for a Minor Temporary Use Permit.

(b) The business or premises for which the Minor Temporary Use Permit is requested is found to be out of compliance with applicable City, state and/or federal laws, ordinances and codes.

(6) Revocation of a Minor Temporary Use Permit.

(a) The Development Services Director shall have the authority to revoke or suspend a Minor Temporary Use Permit under this section, pursuant to the procedures of Section 10-1.2845 of Chapter 10 of the Hayward Municipal Code. The suspension or revocation of a Minor Temporary Use Permit shall be based on one or more of the following:

(i) Any of the criteria established for the denial of a Minor Temporary Use Permit in subsection (m)(5), above.

(ii) The proposed temporary use results in a high volume of calls for service to the Police Department and/or the Code Enforcement Division.

(iii) The temporary use for which the permit was issued violates one or more of the conditions imposed upon the approved permit or the requirements of this subsection.

(b) In the event the Development Services Director revokes a Minor Temporary Use Permit pursuant to this Ordinance, no other temporary use permit shall be issued to the same applicant within a minimum of five years from the date that the denial or revocation is final.

(c) The Development Services Director's decision revoking a permit may be appealed in writing to the Planning Commission stating the reasons why the Director's decision was incorrect. The Planning Commission shall schedule a hearing within 30 days of said appeal, and its decision shall be final. Said appeals shall be filed with the Planning Division.

o. Temporary Uses, Large Outdoor ~~Event~~Gathering.

(1) Administrative Use Permit Required. No outdoor gathering of 1000 or more people shall be held unless an administrative use permit has first been obtained.

(2) Outdoor Gathering. Any assembly, music festival, carnival, show, circus, dance, exhibition, lecture, concert, rally, party, celebration, or similar event or activity which is:

(a) Open to the public or to which members of the public are invited or admitted either for a charge or free of cost; and

(b) Held outdoors or other than in a permanent structure that was constructed for the purpose of or constructed so that it can be used for conducting such event or activity; provided, however, that the incidental use of any patio, courtyard, deck, or other area adjacent to and outside a permanent structure (that is authorized as a permitted primary or conditional use) by participants at the event or activity shall be considered use of the permanent structure for the purposes of this provision.

(3) Application. An application for an administrative use permit to hold an outdoor gathering shall be submitted to the Planning Division, setting forth the following:

(a) The location and legal owner of the premises on which the outdoor gathering is to be held;

(b) The number of people the applicant will admit to the outdoor gathering, plans to limit admittance to the outdoor gathering to such number, and the date(s) and times during which the gathering is to be held;

(c) The applicant's plans, including ADA facilities where physically feasible, for provisions of potable water, toilet facilities, and solid waste disposal;

(d) The applicant's plans for provision of parking spaces, including ADA spaces;

(e) The applicant's plans for illuminating the premises if any part of the gathering is to be held within one hour before sunset or after dark;

(f) A description of all sound amplification equipment the applicant plans to use and the intensity in decibels at the property line of the premises upon which the gathering is to be held; and

(g) The applicant's plans for provision of fire control devices and method of vehicular and pedestrian access to and from the gathering.

p.~~k~~. ~~Fence Regulations for~~ Vacant ~~Properties~~Property Fencing.

(1) Purpose. The purpose of this section is to set forth design and performance standards for perimeter fencing within required yards of vacant buildings and sites.

(a) Vacant buildings and sites provide convenient locations and opportunities for dumping, trespassing and other illegal activities, resulting in public nuisances.

(b) Installation of perimeter fencing around vacant buildings and sites discourage potential public nuisances. However, the City must balance the benefit of security and prevention of public nuisances with the aesthetic impact of excessive use of chain link fencing typically utilized to secure vacant property.

(c) The City has an interest in ensuring that highly visible perimeter fencing installed along property frontages of vacant buildings and sites is well-designed, durable, and maintained in good condition to discourage blight and trespassing on such properties and to promote the aesthetic character of the city.

(2) Applicability. These regulations shall apply to all properties that are determined to be vacant as defined in Section 10-1.3500, for a minimum of 30 days.

(3) Fencing installed pursuant to this section shall comply with the following standards:

(a) A perimeter fence may be installed around a building or site that is vacant pursuant to Section 10-1.3500, Definitions.

(b) Fencing installed pursuant to this section shall not exceed six feet in height within the required setbacks.

(c) Residential, Commercial, Mission Boulevard Code, Open Space and Public Facilities Districts, except Central City Districts: Fences located along front, corner, or street side yards of properties with any frontage along roadways identified as arterial and collector streets in the City of Hayward General Plan shall be composed of wrought iron, chain link with decorative fence screen, wood picket or rail, wood-plastic composite, vinyl clad chain link (black or green), fence lace style or Omega style fencing. Fencing around properties fronting roadways identified as local streets in the City of Hayward General Plan and all interior lot line fencing, regardless of location, may be chain link.

(d) Central City Districts and Downtown Development Code: Fences located along property lines that front public right-of-way shall be composed of wrought iron, chain link with

decorative fence screen, wood picket or rail, fence lace style or Omega style fencing. Interior lot line fencing that does not front public right-of-way may be chain link.

(e) Planned Development (PD) Districts: Fence standards for PD District properties shall be as approved in the PD District. If not specified in the PD District regulations, fence standards for vacant PD zoned properties shall be the same as those of the nearest adjacent zoning district as set forth in c and d above, and f below, as determined by the Planning Director or designee.

(f) Industrial and Other Districts: Chain link perimeter fencing may be placed around all sides of vacant properties, including those fronting public right-of-way. Such fences shall be consistent with the fence placement and height standards set forth in this subsection, unless otherwise permitted by the Planning Director or designee.

(g) Alternative fencing materials for all zoning districts may be approved by the Planning Director or designee upon finding that the proposed fence material is not chain link, is durable, well-designed, and enhances the aesthetic character of the City.

(4) Maintenance and Performance Standards:

(a) Fencing installed pursuant to this section shall be maintained in good condition and appearance with no structural damage, tearing, fading or visible rust, and shall be free of graffiti.

(b) Fences posts shall be installed in the ground unless the perimeter of the site is paved in which case fence panel stands may be used. Fence panel stands shall be composed of the same material as the fence, structurally sound, and hold fence panels in a fully erect position.

(c) No portion of a temporary fence, including fence panel stands or other posts, shall encroach on City-owned right-of-way, unless permitted by an approved encroachment permit.

(d) No portion of a fence installed pursuant to this section shall impair driver visibility or create a traffic hazard or otherwise violate standards set forth in Hayward Traffic Code, Article 9, Obstructions to Visibility at Intersections.

(e) Fencing standards set forth above shall not apply to safety or emergency fencing installed on a vacant property when conditions on that property cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof.

(5) Appeals of reviewing authority decisions made pursuant to this chapter shall be filed and processed in accordance with Section 10-1.2845, Appeal and Review Process, of this code.

(6) Implementation. All owners of vacant property with perimeter fencing that is located within required front, side and rear yards shall have one year from the effective date of these regulations to remove all non-conforming fencing. However, any non-conforming fencing that is structurally damaged, rusting, fading or tearing shall be removed or replaced within 60 days of adoption of this ordinance.

g~~l~~. Vehicle Parking, Repair, Display, and Storage Requirements. The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, special interest vehicle, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for living or sleeping purposes shall be prohibited except within mobile homes within an approved mobile home park.

(1) Single-Family Residential Uses.

(a) Parking and Storage in Front Yards. Vehicles shall be parked in the required front yard only on the paved driveway which provides direct access to the garage from a public street or an approved private street, perpendicular to the street, or on a curved driveway.

(b) Parking or Storage in Other Than Front Yards. Parking or storage of vehicles in areas other than the front yard is permitted subject to the following requirements:

(i) No vehicle shall be parked or stored in a required side yard or side-street yard with the following exceptions: recreational vehicles that are not self-propelled, and are less than 6 feet in height, such as a boat, compact trailer tent or similar recreational vehicle can be stored in a required side yard if screened from view from the street by a solid fence.

(ii) Parking or vehicle storage areas shall be paved with asphaltic or Portland Cement concrete and conform to City standards. A secondary driveway which provides access to a recreational vehicle storage area may be constructed with concrete, asphalt, or rock or concrete wheel tracks.

(iii) Open parking or vehicle storage areas located on lots less than 10,000 square feet in area shall not exceed 500 square feet in area (700 square feet for lots 10,000 feet or larger).

(iv) Open or covered parking areas, and garages or carports exceeding 120 square feet in area, shall be located no less than 5 feet from the side or rear property line and shall conform to all other requirements of the Zoning Ordinance and Building Code.

(2) Multi-Family Residential Uses—Prohibited Vehicles. Parking or storage of truck tractors or vehicles that are not self-propelled (trailers, boats mounted on trailers, and other vehicles or equipment of similar kind and use) are prohibited except within designated storage areas approved as part of the site plan review, use permit, planned development or building permit.

(3) Display and Sale of Motor Vehicles. Display for sale of one motor vehicle, boat, trailer, motorhome, or other vehicle is permitted as an accessory residential use, provided said vehicle is registered to a person who currently resides on the property. Display for sale of any vehicle on any property not approved for such use is unlawful, and legal action may be taken against the vehicle owner, property owner, or both.

(4) Vehicle and Boat Repair. It shall be unlawful and a public nuisance for any person to engage in, or any property owner to allow to occur, vehicle or boat repair in any residential zone:

(a) Upon any vehicle which is not registered to a current occupant of the premises where the work is being performed; or

(b) Upon more than two (2) vehicles at one time on the same premises or by the same person; or

(c) Outside a fully enclosed structure for uses defined as major automobile repair as defined in Section 10-1.000 of this Ordinance. Minor automobile repair may be performed outside a fully enclosed structure where elapsed time between the beginning and end of the repair does not exceed forty-eight (48) hours. Vehicle painting, other than spot painting, shall not be permitted in residential zones.

~~m~~n. ~~Food Vendor Permit.~~

~~(1) Permit Required.~~

a. No vending of food or food products shall be permitted unless a food vendor's permit has first been obtained.

b. A separate food vendor's permit shall be obtained for each approved location.

(2) Permitted Locations. Food Vendors are permitted as specified in Zoning Districts, subject to the permit requirements and standards set forth below. Permits for vendors who are operating at the date of adoption of this regulation, may be renewed pursuant to the provisions of this Section.

(3) Definitions. This Section shall apply to any mobile unit (as defined below) designed or used for the vending of food or food products from a fixed or stationary location on private property. This Section shall not apply to Catering Truck operations as defined in subsection (b) of this Section or Sidewalk Vendors, as defined in Section 6-16.30(B) of the Hayward Municipal Code.

a. Approved Location - A site approved by the Planning Director from which a vendor operating from a mobile unit may sell theirhis or her products.

b. Mobile Unit - Any trailer, cart, wagon, conveyance or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed or pulled by hand, towed by a motor vehicle or carried upon or in a motor vehicle or trailer.

c. Vending - The business of selling or causing to be sold for cash or consideration of any of the following items: food or food products whether hot, cold, freshly prepared, or packaged, such as hot dogs, sandwiches, and burritos, to be consumed for a meal or snack. This definition includes an offer for sale. All items sold shall be capable of being consumed on site without preparation or cooking other than done by the vendor.

d. Vending Equipment - Tools, umbrellas, and chair for vendor only. No accessory equipment for dining at the site is permitted. Food or food products, etc., related to vending and approved by the Planning Director.

e. Vendor - A person who is in the business of vending or theirhis or her employee(s).

(4) Application.

a. An application for food vendor's permit to vend food products shall be submitted to the Planning Director on a form provided for such purpose, accompanied by payment of the fee set by Resolution of the City Council.

b. The application shall include the signature of the owner of the property upon which the applicant proposes to locate theirhis or her mobile unit indicating the property owner's permission to use the site for the purpose set forth in the application.

c. In addition to the completed application, the following information shall be submitted on a form acceptable to the Planning Director:

i. Proposed location of a mobile unit plotted on a map drawn to a scale of one-inch equals 20 feet or larger, which indicates the distance to adjacent landscaping, parking stalls, buildings driveways, signs, fences, utility poles, transformers, hydrants, etc., located within 50 feet of the location of the proposed mobile unit.

ii. Plans for provisions to collect and store litter and dispose of it.

iii. Scaled drawing or manufacturers information indicating the size of the mobile unit and vending equipment the applicant proposes to use.

iv. Location where vendor intends to park personal motor vehicle, location of customer parking spaces, and location where vendor intends to store overnight mobile unit.

v. Description of the nature of the business and the goods to be sold.

vi. Any other information deemed necessary by the Planning Director to adequately review the application, for example, photograph or rendering of mobile unit.

(5) Standards. All applications for food vendor's permit shall comply with the following standards:

a. Approved locations for food vending shall not be located within 300 yards of any school.

b. All mobile units shall be set back from the public street right-of-way or a private street or driveway. A food vendor shall not locate a mobile unit or vending equipment or merchandise offered for sale in such way as to block or impede or any way hamper pedestrian or vehicular movement or to cause a hazard to any pedestrian or vehicle.

c. Mobile units and vending equipment shall be self-supporting and shall not be attached temporarily or permanently to trees, hydrants, utility poles or transformers, or other vertical structures or benches.

d. All mobile units with ventilating equipment shall be located 10 feet away from all buildings unless otherwise approved by the Planning Director.

e. A food vendor shall not sell any food or food products between the hours of 7:00 p.m. and 7:00 a.m. unless otherwise authorized by the Planning Director.

f. No food vendor shall use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound where said sound exceeds the background noise levels for adjacent uses.

g. A food vendor shall not store overnight any vending equipment or food products other than in a commissary approved by the Alameda County Department of Environmental Health Services.

h. A food vendor shall not display any signs or similar devices unless approved by the Planning Director. Signs painted on a mobile unit shall be approved by the Planning Director, and any other sign or device(s), for example, flag, pennant, balloon, may be approved at the discretion of the Planning Director if he/she finds that such sign or device does not create a safety hazard or is not aesthetically detrimental or incompatible with surrounding uses.

i. Any exterior lighting shall be approved by the Planning Director and shall not create a safety hazard and shall be shielded or deflected away from adjacent properties.

j. A food vendor shall maintain theirhis or her approved location in a clean and hazard-free condition. The vendor shall provide at least one 30-gallon garbage container with a swing top nearby the mobile unit for public use and shall pick up all litter generated from his or her operation within a radius of 100 feet of the approved location. A vendor shall empty the garbage container(s) daily, or more often if necessary; disposal of garbage or trash into public trash containers is prohibited.

k. The food vendor at all times shall be in compliance with all regulations of the Health Officer of Alameda County regarding operation of this use and all other applicable rules and regulations.

l. Location of a mobile unit and vending equipment shall not reduce the number of parking spaces below which are required for the permitted primary or conditional use.

(6) Permit Issuance.

a. A food vendor's permit shall be issued if the applicant satisfies the above standards and the Planning Director finds that said application complies with all pertinent regulations administered by these officials.

b. A food vendor's permit is not transferable and shall be remain valid for one year from the date of issuance. The Planning Director shall renew said permit for additional periods of one year upon payment of 50 percent of the fee for a new permit if the Planning Director determines that the applicant is then in compliance with all conditions of his or her permit. Applications for renewal must be submitted 30 days prior to expiration of the current permit to qualify for renewal under the provisions of this Section.until the vendor ceases operations at the permitted location for a period of 6 months or longer or the permit is revoked.

(7) Permit Revocation.

a. A food vendor's permit shall be subject to revocation if the conditions of the permit or the regulations set forth or incorporated herein are violated.

b. Before taking any action to revoke a permit, the Planning Director shall give notice to the permittee in writing of the proposed revocation, the reasons therefor, and the time and place the permittee will be given an opportunity to show cause to the Planning Director why the permit should not be revoked. The written notice may be served personally upon the permittee or mailed to the permittee at the address shown on the application at least 10 days prior to the date of the hearing. Upon conclusion of the hearing, the Planning Director may revoke the permit upon finding non-compliance with the conditions of the permit or the regulations herein.

c. The Planning Director's decision revoking a permit may be appealed in writing to the Planning Commission stating the reasons why the Planning Director's decision was incorrect. The Planning Commission shall schedule a hearing within 30 days of said appeal, and its decision shall be final. Said appeals shall be filed in the Planning Division.

(Amended by Ordinance 17-15, adopted Nov. 28, 2017; amended by Ordinance 19-10, adopted June 4, 2019; amended by Ordinance 20-12, adopted July 14, 2020; Amended by Ordinance 23-08, § 7, adopted October 17, 2023; Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-1.2750 ALCOHOLIC BEVERAGE OUTLETS[1]

SEC. 10-1.2750 PURPOSE.

In addition to the general purposes listed in Section 10-1.110, General Provisions, the specific purpose of the Alcoholic Beverage Outlet regulations is to provide for the orderly integration of alcohol-related uses~~, including the sale of wine and beer,~~ in a manner that will protect public safety and encourage business growth.

a. In adopting these regulations, it is recognized that the proliferation of establishments selling alcoholic beverages within the City of Hayward presents problems that affect residents, businesses, property owners, visitors, and workers in Hayward. At the same time, it is also recognized that regulations that promote responsible alcohol sales and consumption can contribute to economic vitality, particularly in the downtown area of Hayward.

b. Problems which can result include, but are not limited to, crime, littering, loitering, public intoxication, disturbance of the peace, discouragement of more desirable and needed commercial uses, and other similar problems connected primarily with the regular congregation of persons around establishments engaged in the sale of alcoholic beverages for consumption on or off the premises.

c. It is also recognized that existence of such problems creates a serious impact on the peace, health, safety and welfare of residents of nearby areas including fear for the safety of children and visitors to the area, as well as contributing to the deterioration of neighborhoods and concomitant devaluation of property and destruction of community values and quality of life.

d. These regulations are intended to ameliorate the types of problems identified above by restricting the location of establishments selling alcoholic beverages in relation to one another and their proximity to facilities primarily devoted to use by children and families with children.

e. The use permit process is a means to review the effects of establishments selling alcoholic beverages on neighboring uses on a case by case basis, and to prevent the undue concentration of and undesirable impacts on the community stemming from such uses by the imposition of reasonable conditions upon the operation of such uses.

SEC. 10-1.2751 DEFINITIONS.

For the purpose of these regulations, certain terms and words shall have the following meaning:

a. "Alcoholic Beverage Sales Establishment" shall mean an establishment involving the retail sale, for on- or off-premises consumption~~,~~ of liquor~~, beer, wine, or other alcoholic beverages~~. All alcoholic beverage sales establishments are required to obtain the appropriate license from the State of California Department of Alcoholic Beverage Control (ABC), and an annual alcoholic beverage retail license and a conditional use permit from the City, unless otherwise indicated in these regulations. The fees for the annual alcoholic beverage retail licenses shall be established by the City Council from time to time in the City's Master Fee Schedule, and is payable at the time the establishment obtains or renews its business license.

[1]Ordinance 13-12, adding Sections 10-1.2750 through 10-1.2776, Chapter 10, Article 1 of the Hayward Municipal Code relating to Alcohol Beverage Regulations, adopted November 19, 2013.

i. "On-Sale Alcohol-Related Establishment" means any business wherein liquor~~alcoholic beverages are~~is sold on the premises and are to be consumed on the premises including all related buildings, structures, open spaces and parking areas. This shall also include any facility, inclusive of a portion thereof, which is rented out for special event functions wherein alcoholic beverages are sold or given away on the premises and are to be consumed on the premises.

ii. "Off-Sale Alcohol-Related Establishment" means any business that sells liquor~~alcoholic beverages~~ in original, unopened packages for consumption off of the premises where sold.

b. "Brewery/Winery/Cidery" is defined as an establishment where malt liquors (beers), wines, or alcoholic ciders, and/or kombuchas are manufactures~~d,~~ and/or served~~, and/or stored~~. All alcoholic beverage sales establishments are required to obtain the appropriate license from the State of California Department of Alcoholic Beverage Control (ABC), and an annual alcoholic beverage retail license and administrative use permit (if applicable) from the City, unless otherwise indicated in these regulations

c. "Cabaret" is defined in Chapter 6, Article 2 of this Code. All cabarets that serve alcohol must obtain a conditional use permit, unless the cabaret has deemed approved status as defined herein, and has obtained a cabaret license as required by Chapter 6, Article 2 of this code.

d.~~c.~~ "Critical Incident" means any event that, in the sole discretion of the Chief of Police, results in a crime of violence; or a large, unruly gathering necessitating a police response of five (5) or more police officers, directly or indirectly resulting from the operation of an alcoholic beverage sales establishment. Crimes of violence include but are not limited to discharge of firearms, robbery, physical assault or assault with a deadly weapon. Police response is the arrival of a police officer at the scene of a disturbance to render whatever service is reasonably required in order to protect public health, safety or welfare.

e~~d~~. "Deemed Approved Alcoholic Beverage Establishments" means those establishments identified in Section 10-1.2767.

f. "Distillery" means an alcoholic beverage sales establishment where distilled spirits are made. Tasting distilled spirits may be included as an accessory use, but the distillery cannot operate as a bar.

g~~e~~. "Downtown Entertainment Area" means that area generally between A and D Streets and between Second Street and Grand Street.

h~~f~~. "Licensee" means the holder of an ABC license, an alcoholic beverage retail license, a cabaret license and/or a use permit for the operation of an alcoholic beverage sales establishment.

i~~g~~. "Liquor store" is defined in Section 10-1.3500 of this Ordinance ("Definitions"). All liquor stores must obtain a conditional use permit, unless the liquor store has deemed approved status as hereinafter provided. Liquor stores shall not be permitted in the Downtown Entertainment Area, until such time as ABC indicates that the census tract encompassing the Downtown Entertainment Area does not have an overconcentration of off-sale ABC licenses.

j~~h~~. "Night Club" see definition of "Bar" in Section 10-1.3500 of this Ordinance ("Definitions"). All night clubs must obtain a conditional use permit, unless the night club has deemed approved status as hereinafter provided. Any night club that permits ~~dancing or~~ live entertainment ~~on a regular basis~~ must obtain a cabaret license as required by Chapter 6, Article 2 of this code, in addition to a conditional use permit.

k~~i~~. "Restaurant—Full Service." A "full service restaurant" means a sit-down alcoholic beverage sales establishment which is regularly used and kept open for the primary purpose of serving meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals, and which may include an incidental bar, cocktail lounge, or other area designated primarily for the service of

alcohol on the premises, which operates as part of the restaurant and is subservient to the primary function of the establishment, and which maintains a minimum of 50 percent of its gross receipts from the sale of meals. Full service restaurants may consist of an arrangement wherein one entity or individual owns the alcoholic beverage sales establishment and leases its kitchen facilities to a separate entity or individual who owns and/or provides the meal service to the establishment's customers; however, such full service restaurants may only be allowed to operate under either a: (1) Type 41; (2) Type 47; or (3) Type 75 California Department of Alcoholic Beverage Control license. Kitchen facilities may be located either physically within the alcoholic beverage sales establishment or within a separate, freestanding, permanently constructed structure or structures situated on the same property and designed to comply with all applicable development standards of the zoning district in which the property is located. For purposes of these regulations, a full-service restaurant does not include fast food restaurants. For the purpose of verifying compliance with the foregoing sales requirement, the sales receipts, accounting ledgers, and any other business records pertaining to the sales of food and alcohol shall be open for inspection by the Chief of Police or his or her designee during regular business hours of the restaurant upon seventy-two (72) hours' prior written notice. Full-service restaurants may operate without a conditional use permit, provided that the restaurant observes the performance standards set forth in Section 10-1.2752 and meets the following criteria:

(1) A full service restaurant shall serve meals to guests at all times the establishment is open for business. An establishment shall not be considered a full-service restaurant if it serves alcohol without meal service being ~~provided~~offered.

(2) Any bar/lounge area cannot remain open when the dining area is closed. However, the dining area may be open while the bar/lounge area is closed.

(3) A full service restaurant may offer live or recorded music until midnight without a cabaret license or Limited Entertainment ~~p~~Permit, provided the music is within the parameters established by the City's Noise Ordinance. Dancing or other form of live entertainment besides music is not allowed unless a ~~conditional use permit~~Limited Entertainment Permit ~~and a~~or cabaret license ~~or permit~~ is obtained, in accordance with Chapter 6, Article 2 of this Code. The right to have live or recorded music in a full-service restaurant may be revoked or suspended if violations of the requirements in this section or performance standards contained in Section 10-1.2752 occur, in accordance with the procedures outlined in Section 10-1.2770 of these regulations.

~~(4) A full service restaurant may offer reduced price alcoholic beverages served on the premises between the hours of 3:00 p.m. and 8:00 p.m., provided that such beverages are offered in conjunction with reduced price appetizers and reduced price non-alcoholic beverages. The right to have reduced price alcoholic beverages in a full-service restaurant may be revoked or suspended if violations of the requirements in this Section or performance standards contained in Section 10-1.2752 occur, in accordance with the procedures outlined in Section 10-1.2770 of these regulations.~~

~~j. "Wine Shop" is defined in Section 10-1.3500 of this Ordinance ("Definitions"). All wine shops must obtain an administrative use permit, unless the wine shop has deemed approved status as hereinafter provided.~~

(Amended by Ordinance 23-03, § 2, adopted March 28, 2023)

SEC. 10-1.2752 PERFORMANCE STANDARDS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

All alcoholic beverage sales establishments shall abide by all of the following performance standards:

a. The establishment does not result in adverse effects to the health, peace or safety of persons residing, visiting, or working in the surrounding area; and

b. The establishment does not result in jeopardizing or endangering the public health or safety of persons residing, visiting, or working in the surrounding area; and

c. The establishment does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests; and

d. The establishment does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute; and

e. The establishment's upkeep and operating characteristics are compatible with and do not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood; and

f. The establishment's employees, except those employees with no customer contact, attend and successfully complete a training class on Responsible Beverage Service within ninety (90) days of being employed (exempting employees at retail stores having 10,000 square feet or more of floor area and which devote not more than five (5) percent of such floor area to the sale, display, and storage of alcoholic beverages); and

g. The establishment complies with all of ABC's Retail Operating Standards; and

h. The establishment does not sell alcoholic beverages to minors; and

i. The establishment makes information available to patrons on safe alternatives for getting home, such as taxicab, public transit, or rideshare services, to the satisfaction of the Chief of Police (this standard applies to on-sale alcohol-related establishments only).

j. For automobile service stations engaged in the concurrent sale of fuel and alcoholic beverages:

(1) There shall be no display of alcoholic beverages within five feet of the cash register unless in a permanently affixed cooler.

(2) Advertising of alcoholic beverages at motor vehicle fuel island is prohibited.

(3) There shall be no sale of alcoholic beverages from a drive-in window.

(4) Alcoholic beverages shall not be displayed or sold from an ice tub.

(5) Self-illuminated advertising for liquor on buildings or windows is prohibited.

(6) Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age to sell alcoholic beverages.

(Amended by Ordinance 23-03, § 2, adopted March 28, 2023)

SEC. 10-1.2753 SECURITY REQUIREMENTS FOR ON-SALE ALCOHOL-RELATED ESTABLISHMENTS WITH CABARET LICENSES.

All on-sale alcohol-related establishments that offer entertainment pursuant to a cabaret license ~~or cabaret permit~~ shall comply with the performance standards of Chapter 6, Article 2, "Cabarets ~~and Dances~~."

SEC. 10-1.2754 CONDITIONAL USE PERMITS FOR NEW ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

Except as otherwise provided herein, no new alcoholic beverage sales establishment may sell alcoholic beverages for either on-site or off-site consumption unless a conditional use permit has been approved for such establishment. A conditional use permit is not required if the establishment is one of the following:

a. Retail stores having 10,000 square feet or more of floor area and which devote not more than five (5) percent of such floor area to the sale, display, and storage of alcoholic beverages;

b. An establishment that has a Type 20, 23, 40, 41, 59, 60, or 75 ABC license and only serves or sells beer, wine, alcoholic cider, and/or kombucha;

c. Full-service restaurants;

d. Distilleries; or

ee. Special event functions such as neighborhood or community festivals, provided all of the following criteria are met:

(1) The person, group, business, or organization sponsoring the event secures all applicable permits from the City of Hayward;

(2) The person, group, business, or organization sponsoring the event obtains a temporary on-sale ABC license for each of the dates the event will be held; and

(3) The duration of the event does not exceed three (3) consecutive days or five (5) days in any single calendar year~~, such as the Russell City Blues Festival and the summer street parties sponsored by the Chamber of Commerce~~.

SEC. 10-1.2755 POSTING CONDITIONS OF APPROVAL.

A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public.

SEC. 10-1.2756 FINDINGS.

In making the findings required by Section 10-1.2815 governing conditional use permits, the Planning Director, or the Planning Commission on referral or appeal, shall consider whether the proposed use will result in an undue concentration in the area of establishments dispensing alcoholic beverages. The Planning Commission, or City Council on referral or appeal, shall also consider whether the proposed use will detrimentally affect the surrounding neighborhood after giving consideration to the distance of the proposed use from the following uses: residential structures, churches, schools, public playgrounds and parks, recreation centers, and other similar uses.

SEC. 10-1.2757 APPLICATION FOR CONDITIONAL USE PERMIT.

In addition to the requirements set forth in Section 10-1.2815 and any other applicable City regulation, an application for a conditional use permit shall set forth and include the following:

a. The type of ABC license the applicant is seeking for the establishment; and

b. The true and complete name and address of each lender or shareholder with a five (5) percent or more financial interest in the proposed business or any other person to whom a share or percentage of the income of the establishment is to be paid; and

c. A statement by the applicant indicating whether or not such applicant has at any time been convicted of any crime other than minor traffic offenses and, if so, the nature of the crime for which the applicant was convicted and the date and jurisdiction of the conviction.

SEC. 10-1.2758 REQUIREMENTS FOR NEW ON-SALE ALCOHOL-RELATED ESTABLISHMENTS.

a. With the exception of the Downtown Entertainment Area, no new on-sale alcohol-related establishment shall be permitted within a radius of five hundred (500) feet of any other on-sale or off-sale alcohol-related establishment (with the exception of new or existing establishments which are exempted under Section 10-1.2754), or within five hundred (500) feet of any school, public park, library, playground, recreational center, day care center, or other similar use.

b. Notwithstanding the above:

(1) Outside the Downtown Entertainment Area, the Planning Commission may recommend to the City Council a lesser alternative distance requirement in a particular instance, if it is found that the public convenience and necessity will be served by an alternate distance requirement and that alternative measures to assure public health and safety are in place with respect to sale and use of alcoholic beverages.

(2) Within the Downtown Entertainment Area, no on-sale alcohol-related establishment shall be established or maintained within a radius of one hundred (100) feet of any off-sale alcohol-related establishment (with the exception of new or existing establishments which are exempted under Section 10-1.2754), or of any school, public park, library, playground, recreational center, day care center, or other similar use. However, on-sale alcohol-related establishments that front B Street between Watkins Street and Foothill Boulevard, or Main Street between A and C Streets, shall not be restricted with respect to proximity to any school, public park, library, playground, recreational center, day care center, or other similar use.

(3) Within the Downtown Entertainment Area, no more than two (2) on-sale alcohol-related establishments shall be permitted per block side or face, with the exception of new or existing establishments that are exempted under Section 10-1.2754. Determination of location on a block side or block face shall be made by referring to the street address of the on-sale alcohol-related establishments on a block between the two immediate cross streets.

SEC. 10-1.2759 REQUIREMENTS FOR NEW OFF-SALE ALCOHOL-RELATED ESTABLISHMENTS.

With the exception of the Downtown Entertainment Area, no new off-sale alcohol-related establishment will be permitted within a radius of five hundred (500) feet of any other on-sale or off-sale alcohol-related establishment (with the exception of new or existing establishments which are exempted under Section 10-1.2754), or within five hundred (500) feet of any school, public park, library, playground, recreation center, day care center, or other similar use.

SEC. 10-1.2760 CONDITIONS OF APPROVAL.

To implement official City policy and to attain the purpose for requiring use permit approval, as stated in Sections 10-1.3105, 10-1.3205 and ~~Section~~ 10-1.2750, as applicable, as well as the findings listed in Sections 10-1.3125 and 10-1.3225, as applicable, the ~~Planning Commission, or the City Council on referral or appeal,~~decision-making body may attach to approvals such conditions as it deems necessary. Violations of any of these conditions unless explicitly stated otherwise are independent grounds for permit revocation. These conditions may include, but are not limited to:

a. Commission by the licensee or any employee of the licensee of a criminal offense for which: 1) the licensed establishment was the location where the offense was committed or where there is a direct correlation between the licensee's establishment and the criminal offense; and 2) such criminal offense is found to be detrimental to the public health, safety, or general welfare.

b. Alcoholic beverage sales establishments shall provide exterior lighting that is adequate for the illumination and protection of the premises. Lighting shall be installed in such a manner that it does not shine into adjacent residential properties.

c. Alcoholic beverage sales establishments with off-sale privileges shall prominently post a sign on the exterior of the premises stating that consumption of alcoholic beverages in public is prohibited by law pursuant Chapter 4 of the Hayward Municipal Code.

d. Alcoholic beverage sales establishments shall discourage patrons and visitors from loitering in public rights-of-way, parking areas, and in front of adjacent properties.

e. No beer or malt liquor shall be sold in bottles or containers larger than ~~twelve~~sixteen (~~12~~16) ounces for off-site consumption.

f. Beer and malt liquor in containers of up to ~~twelve~~sixteen (~~12~~16) ounces ~~or less~~ shall not be sold in units of less than one ~~six~~four-pack for off-site consumption.

g. Wine shall not be sold in bottles or containers smaller than seven hundred fifty (750) ml and wine coolers shall not be sold in containers smaller than twelve (12) ounces and in units of less than one four-pack for off-site consumption.

h. Distilled spirits shall not be sold in bottles or containers smaller than seven hundred [fifty] (750) ml for off-site consumption.

i. Consumption of alcoholic beverages shall not be permitted on any property adjacent to the licensed premises which is also under the control of the owner of the alcoholic beverage sales establishment.

j. Alcoholic beverage sales establishments shall maintain trash and garbage storage areas that are enclosed by a solid fence or wall and screened from the view of abutting properties or the public right-of-way.

SEC. 10-1.2761 EXISTING ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES.

Any alcoholic beverage sales establishment lawfully operating prior to the effective date of these regulations and licensed by ABC for the retail sale of alcoholic beverages for on-site or off-site consumption may continue such operations after the effective date of these regulations. Upon the occurrence of any of the following, however, operation of the establishment shall require approval of a conditional use permit:

a. The alcoholic beverage sales establishment changes its type of ABC license within a license classification; or

b. There is a substantial change in the mode or character of operation. As used herein, the phrase "substantial change of mode or character of operation" includes, but is not limited to, expansion in the amount of area devoted to the sales or consumption of alcoholic beverages, a pattern of conduct in violation of other laws or regulations, or a cessation of use for a period of six (6) months or more.

SEC. 10-1.2762 MODIFICATIONS IN PERMITTED ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

Any licensed alcoholic beverage sales establishment operating under either a conditional or an administrative use permit after the effective date of these regulations shall apply for a modification of its use

permit pursuant to Sections 10-1.3160 or 10-1.3260 of the Hayward Municipal Code, as applicable, when either of the following occurs:

a. The alcoholic beverage sales establishment changes its type of ABC license within a classification; or

b. There is a substantial change in the mode or character of operations of the alcoholic beverage sales establishment as defined in Section 10-1.2761.

SEC. 10-1.2763 NOTICE.

In addition to the notice required by Section 10-1.2820, in the case of applications for conditional use permits or appeals of administrative use permits pursuant to these regulations, notice shall also be provided to occupants of buildings located on parcels within five hundred (500) feet of the perimeter of the subject property for which use permit approval is sought.

SEC. 10-1.2764 LETTER OF PUBLIC CONVENIENCE OR NECESSITY.

The Planning Director is authorized to issue letters of public convenience or necessity to ABC for alcoholic beverage establishments that have approved conditional or administrative use permits or where the establishment engaged in the sale of alcoholic beverages is exempt from a conditional use permit. No finding of public convenience or necessity shall be made to ABC in connection with the licensing of bars or liquor stores in any Census tract in which ABC indicates that there is an over-concentration of ABC licenses, unless the Planning Commission, or City Council on appeal or call-up, makes the findings contained in Section 10-1.2756 and approves new bars with a super-majority vote of at least five members (i.e., at least two-thirds of its members).

SEC. 10-1.2765 EMERGENCY ACTION TO ABATE IMMINENT THREATS TO PUBLIC HEALTH, SAFETY OR WELFARE; SUMMARY SUSPENSION PROCEDURES.

Whenever the Chief of Police, after consultation with the City Manager and the City Attorney, or their respective designees, determines that the operation of an alcoholic beverage sales establishment has caused an imminent threat to public health, safety or welfare requiring immediate emergency action, the following procedures will be implemented:

a. Informal Procedure. The Chief of Police or designee will attempt to contact the licensee informally by telephone, ~~by~~ electronic communication, in-person meeting or by such other means of communication that the Chief reasonably determines will result in notice to the licensee of the imminent threat and the need for emergency action. The Chief will attempt to discuss with the licensee the circumstances resulting in the imminent threat to public health, safety or welfare and to obtain the licensee's consent for voluntary compliance measures that will, in the reasonable judgment of the Chief of Police, effectively abate the imminent threat to public health, safety or welfare. The informal procedure described in this subsection shall not prohibit the Chief of Police or designee from issuing a notice of suspension pursuant to subsection (b) below if:

   (1) The attempt to contact the licensee fails; or

   (2) The licensee fails or refuses to immediately implement the voluntary compliance measures that the Chief of Police deems will effectively abate the imminent threat; or

   (3) The Chief of Police determines that the compliance measures that the licensee implements are insufficient to effectively abate the imminent threat and there are no reasonably feasible additional voluntary compliance measures that would abate the imminent threat; or

(4) The Chief of Police determines that the threat to the public health, safety or welfare is so urgent that compliance with the informal procedure set forth above will further jeopardize the public, health, safety or welfare.

b. Summary Suspension. The Chief of Police, after consultation with the City Manager and the City Attorney, or their respective designees, may summarily suspend the alcoholic beverage sales establishment's City-issued license or permit to operate, for a period of time not to exceed thirty (30) days, if the Chief, the City Manager and the City Attorney, or their respective designees, determine that one or more of the following conditions exist:

(1) There is an urgent need to take immediate action to protect the public from a substantial threat of serious bodily injury or death existing on or within one hundred (150) feet of the alcoholic beverage sales establishment; or

(2) There has been a violation of the alcoholic beverage sales establishment's license or permit or other state, local or federal law or regulation that creates an imminent threat to the public health, safety or welfare on or within one hundred fifty (150) feet of the licensed establishment; or

(3) The licensee has conducted the operation of the alcoholic beverage sales establishment in a manner that creates or results in a public nuisance as defined by Section 4-1.00 of this Code or California Civil Code Sections 3479 and 3480, and that the public nuisance creates an imminent threat to public health, safety or welfare on or within one hundred fifty (150) feet of the licensed establishment.

c. Notice of Summary Suspension. The summary suspension shall take effect immediately on service of written notice to the licensee of the summary suspension. Written notice shall be provided by personal service on the licensee or, if personal service is not feasible, by U.S. mail and posting in a conspicuous place at the alcoholic beverages sales establishment. The written notice of summary suspension shall include the following information:

(1) The effective date and the period of the summary suspension; and

(2) The grounds and reasons upon which the summary suspension is based; and

(3) The process and time deadline for requesting an administrative hearing before the Chief of Police, the City Manager and the City Attorney, or their respective designees (the "Summary Suspension Reviewing Officials") to appeal the summary suspension; and

(4) A copy of these Alcohol Beverage Outlet regulations governing summary suspensions.

d. Duration of Summary Suspension. The summary suspension shall remain in effect until the earliest of the following occurs:

(1) The Chief of Police amends the notice of summary suspension to shorten the time period the suspension remains in effect; or

(2) The Summary Suspension Reviewing Officials issue a decision after a conducting hearing that modifies or overrules the summary suspension; or

(3) Thirty (30) days have passed since the written notice of summary suspension was served.

e. Appeal of Summary Suspension.

(1) If the licensee wishes to appeal the summary suspension, the licensee must file a written request for an administrative hearing before the Summary Suspension Reviewing Officials with the Chief of Police within three (3) business days of service of the notice of summary suspension. The written request shall set forth the grounds for challenging the summary suspension and contact

information for the receipt of future notices from the City. If the Chief of Police does not receive a written request for a hearing within this time period, the notice of summary suspension shall become final.

(2) The administrative hearing shall be conducted by the Summary Suspension Reviewing Officials within five (5) business days of receipt of the licensee's request for the hearing, unless the licensee requests an extension of time.

(3) The Chief of Police shall serve written notice of the hearing on the licensee not later than two (2) business days after receipt of the written request for the hearing from the licensee. The notice of hearing shall contain the date, time and place where the hearing will be conducted. Service of the notice of hearing shall be made in accordance with the contact information provided by the licensee.

(4) At the hearing, the licensee shall be given the opportunity to present evidence that either rebuts the grounds for which the summary suspension was issued or demonstrates that the reason or reasons leading to the summary suspension have been mitigated or corrected. The hearing will be conducted informally and technical rules of evidence shall not apply. All evidence that the Summary Suspension Reviewing Officials deem reliable, relevant and not unduly repetitious may be considered.

(5) Following the conclusion of the hearing, the Summary Suspension Reviewing Officials shall issue a decision that affirms, modifies or overrules the summary suspension. If the summary suspension is modified or affirmed, additional conditions may be imposed on the license and/or use permit, provided those additional conditions were reviewed at the hearing and those additional conditions are intended to protect public health, safety and welfare or prevent the conduct or condition that gave rise to the summary suspension.

(6) The Summary Suspension Reviewing Officials shall either issue an oral decision at the close of the hearing or the Chief of Police may communicate the decision by telephone within twenty-four (24) hours after the close of the hearing. In addition, the licensee shall be served with a written decision within three (3) business days after the close of the hearing. The Summary Suspension Reviewing Officials' decision shall be final on the tenth (10) after the written decision is served, unless appealed as set forth in this subsection.

(7) The licensee may appeal the decision of the Summary Suspension Reviewing Officials to the Planning Commission as provided in Section 10-1.2845. Decisions of the Planning Commission may be appealed by the licensee to the City Council as provided in Sections 10-1.2825(b) and 10-1.2845. Decisions of the City Council are final.

(8) Costs of the administrative hearings authorized by this subsection may be established by the City Council from time to time in the Master Fee Schedule and shall be paid by the licensee.

(9) The failure of any licensee to receive any notice required by this subsection shall not affect the validity of any proceeding hereunder.

SEC. 10-1.2766 CRITICAL INCIDENT RESPONSE FEE FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

In addition to all other fees imposed in accordance with these Alcoholic Beverage Outlet regulations, a critical incident response fee shall be imposed on the party responsible for such incident, including those with deemed approved status as hereinafter provided, whenever the police department responds to a critical incident at or directly or indirectly arising from the operation of an alcoholic beverage sales establishment, and determines through investigation such party is responsible for such incident. No warning shall be required before the

imposition of the critical incident response fee. The critical incident response fee shall be the actual cost of police and fire department services, including but not limited to personnel, equipment and mutual aid response costs. The Chief of Police shall provide the party responsible for such incident with an itemized bill for the critical incident, which shall be due and payable in full within thirty (30) days of delivery.

SEC. 10-1.2767 LEGAL NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS; DEEMED APPROVED STATUS.

All establishments engaged in on-sale or off-sale alcoholic beverage sales that were legal and nonconforming uses on the date these Alcoholic Beverage Outlet regulations became effective shall automatically be deemed approved uses as of the effective date of these Alcoholic Beverage Outlet regulations and shall no longer be considered legal, nonconforming uses. Each such deemed approved use may continue to lawfully operate, provided that it does not change its type of retail ABC license or substantially change its mode of operation, as provided in Section 10-1.2761, and provided that it is operated and maintained in compliance with the "deemed approved performance standards" set forth in Section 10-1.2769.

SEC. 10-1.2768 NOTIFICATION TO OWNERS OF DEEMED APPROVED STATUS.

The Planning Manager or his or her designee shall notify the owner of each deemed approved alcoholic beverage sales establishment, and the property owner if not the same, of the establishment's deemed approved status. Such notice shall ~~be sent via certified mail return receipt requested and shall~~ include a copy of the deemed approved performance standards, with the requirement that these standards be posted in a conspicuous and unobstructed place visible from the entrance of the establishment; that a fee is required and the amount of such fee; and that the establishment is required to comply with all aspects of the deemed approved regulations.

SEC. 10-1.2769 DEEMED APPROVED PERFORMANCE STANDARDS.

An alcoholic beverage sales establishment shall retain its deemed approved status only if it conforms to all of the following deemed approved performance standards:

a. It does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area;

b. It does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;

c. It does not result in repeated nuisance activities within the premises or in close proximity to the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests;

d. It does not result in violations of any applicable provision of any other City, state, or federal regulation, ordinance or statute; and

e. Its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood; and

f. The establishment's employees, except those employees with no customer contact, attend and successfully complete a training class on Responsible Beverage Service within ninety (90) days of being employed; and

g. The establishment complies with all of ABC's Retail Operating Standards; and

h. The establishment does not sell alcoholic beverages to minors; and

i. The establishment makes information available to patrons on safe alternatives for getting home, such as taxicab, public transit, or rideshare services, to the satisfaction of the Chief of Police (this standard applies to deemed approved on-sale alcohol-related establishments only).

(Amended by Ordinance 23-03, § 2, adopted March 28, 2023)

SEC. 10-1.2770 PROCEDURE FOR ENFORCEMENT OF DEEMED APPROVED PERFORMANCE STANDARDS.

a. When the City Manager or his or her designee determines that a deemed approved alcoholic beverage sales establishment is operating in violation of the deemed approved performance standards, the City may issue a written notice of violation to the owner of the alcoholic beverage sales establishment and the property owner, if not the same. The notice of violation shall be sent by certified mail. Failure of any person to receive notice given pursuant to this section shall not affect the validity of any proceeding that may occur hereunder.

b. Notice of violation shall describe the nature of the violation, the corrective action to be taken and the time within which the corrective action must be taken. A notice of violation shall also either:

(1) Include a warning that a failure to correct the violation within the required time may result in the revocation of the establishment's deemed approved status and the imposition of penalties as provided in the City's Master Fee Schedule; or

(2) Provide notice that a public hearing before the Planning Commission will be scheduled, as provided in Section 10-1.2820, at which the Planning Commission shall determine whether the alcoholic beverage sales establishment as operated or maintained constitutes a nuisance and/or whether the establishment is in violation of any other applicable requirements.

c. After such notice and public hearing the Planning Commission may modify or revoke the deemed approved status of the alcoholic beverage sales establishment. Any such action shall be supported by written findings that the establishment as operated or maintained constitutes a nuisance. As part of any modification, the Planning Commission may impose such conditions as the Planning Commission deems appropriate, including those necessary to obtain compliance with the deemed approved performance standards, to obtain compliance with other applicable laws and to protect the public health, safety and general welfare. If the Planning Commission determines that the establishment's deemed approved status should be revoked, the Planning Commission must find that the imposition of additional conditions on the alcoholic beverage sales establishment is not feasible.

d. In deciding whether an alcoholic beverage sales establishment has violated the deemed approved performance standards, and/or in determining the appropriateness of modifying or revoking the deemed approved status, the Planning Commission may consider all of the evidence in the record, including, but not limited to the following:

(1) The length of time the establishment has been in violation of the deemed approved performance standards;

(2) The nature and impact of the violation of the performance standards on the community;

(3) Reasonable steps that the ABC licensee has taken, pursuant to California Business and Professions Code section 24200 to remedy the violation. "Reasonable steps" to remedy a violation include but are not limited to calling the police department in a timely manner; requesting that the persons engaging in activities causing violations of the deemed approved performance standards cease such activities,

unless the ABC licensee or his or her employees or agents reasonably believe that their personal safety would be threatened in making that request; and making improvements to the establishment's property or operations. Operators of deemed approved establishments are encouraged to call the police department to handle violations of the deemed approved performance standards. Accordingly, in order to avoid discouraging such calls for service, a violation of the deemed approved performance standards may not be based solely on the number of police calls for service that an establishment generates.

e. The decision of the Planning Commission shall be final unless appealed to the City Council in accordance with Sections 10-1.2825(b) and 10-1.2845. The decision of the City Council shall be final.

f. This Section is not intended to restrict the powers and duties that may otherwise apply to deemed approved alcoholic beverage sales establishments and those persons or entities authorized to require conformance with applicable law. In the event of a conflict of law, the more restrictive provision controls.

SEC. 10-1.2771 REVOCATION OF DEEMED APPROVED STATUS.

An alcoholic beverage sales establishment that has been determined to be in noncompliance with the deemed approved performance standards and has had its deemed approved status revoked shall no longer be considered a legal use and shall cease operation immediately.

SEC. 10-1.2772 LIABILITY FOR EXPENSES.

Any person who is found to have violated the Alcoholic Beverage Outlet regulations shall be liable for such costs, expenses and disbursements paid or incurred by the City or any of its contractors in the correction, abatement, prosecution of, or administrative hearing on, the violation. Re-inspection fees to ascertain compliance with previously noticed violations shall be charged to the owner of the establishment, as may be set by the City Council in the Master Fee Schedule.

SEC. 10-1.2773 INSPECTION AND RIGHT OF ENTRY.

To the extent permissible by law, the Chief of Police, the City Manager, the City Attorney, or their respective designees, shall have the right to enter and inspect any alcoholic beverage sales establishment for the purpose of ensuring compliance with the requirements of these regulations, provided that any such entry and inspection shall be conducted in a reasonable manner whenever there is reason to suspect a violation of any of the provisions of the Alcoholic Beverage Outlet regulations. If the licensee or his or her agents refuse permission to enter, inspect or investigate the alcoholic beverage sales establishment, the Chief of Police, the City Manager or the City Attorney, or their respective designees, may seek an inspection warrant pursuant to the provisions of California Code of Civil Procedure Sections 1822.50 et seq., or any successor legislation thereto.

SEC. 10-1.2774 NUISANCE.

It shall constitute a nuisance for any person to operate an alcoholic beverage sales establishment, including deemed approved establishments, in violation of these Alcoholic Beverage Outlet regulations.

SEC. 10-1.2775 CUMULATIVE REMEDIES.

Any person who violates any provision of the Alcoholic Beverage Outlet regulations is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. The remedies provided in these regulations shall be cumulative and may include administrative citation pursuant to Chapter 1, Article 7 of this Code, in addition to any other procedures provided in the Hayward Municipal Code or

by state law, for the abatement of any violation of the Alcoholic Beverage Outlet regulations. Administrative action hereunder shall not prejudice or affect any other action, civil or criminal, for the maintenance of any such violation. The fines and penalties for violations of the Alcoholic Beverage Outlet regulations shall be established by the City Council in the Master Fee Schedule.

~~**SEC. 10-1.2776 ANNUAL REPORT.**~~

~~An annual report shall be provided to the City Council regarding the implementation of these provisions unless Council no longer requests such report.~~

SEC. 10-1.3280 MAJOR CONDITIONAL USE PERMIT

SEC. 10-1.3281 PURPOSE.

The purpose for requiring major conditional use permit approval are to assure certain uses, as specified in the various districts, are permitted by the City Council where there is a community need, and to assure said uses occur in maximum harmony with the area, provide sufficient public benefit, and are in accordance with official City policies. All conditions of approval and all elements of the exhibit approved with the use permit are required to be completed before occupancy or onset of business unless specifically indicated otherwise.

SEC. 10-1.3282 WHEN REQUIRED.

a. General. All uses requiring use permit approval, as specified in the various zoning districts of this Ordinance, are subject to the regulations and procedures contained herein, except that expansion or remodeling in connection with a use existing by virtue of an approved use permit does not require further use permit approval if, in the opinion of the Planning Manager, said expansion or remodeling are minor in nature and will not materially alter the character or appearance of the property or area.

b. Site Plan Review. When the provisions of this Ordinance require both site plan review and use permit approval, an application for a use permit constitutes an application for both. Information as required for site plan review must be furnished by the applicant, and decisions regarding the site plan must be made according to the guidelines set forth for site plan review.

SEC. 10-1.3283 APPLICATION FORM AND SUBMITTAL.

a. An application for a major conditional use permit shall be submitted as specified in Section 10-1.2815. See additional requirements for data centers in Section 10-1.2735(e).

b. Applications for major conditional use permit shall contain plans, diagrams, and narrative necessary to demonstrate the relationship among neighboring land uses to demonstrate how the proposed development will comply with the General Plan, Zoning Ordinance and any other applicable plan or program, including:

    1. Project Narrative. A project narrative describing existing conditions such as location of the site, acreage, existing character and use of the site and adjoining properties, and the proposed development, uses and activities;

    2. Site Plan. A site plan indicating existing and proposed uses, location and dimension of buildings and structures, gross floor area of existing and proposed structures, identification of structures to be demolished or removed;

    3. Project Plans. Architectural plans, including floor plans, landscaping plans, grading and utility plans, and any other plans necessary to show existing and proposed development;

    4. Development Schedule. An anticipated development schedule, including timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase, and percentage of such acreage to be devoted to particular uses;

    5. Context Map. A map showing the perimeter boundaries of the project site and all uses and structures within a 100-foot radius of the project area boundaries;

6. Circulation Diagram. A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the site and to and from adjacent areas, including streets and driveways, transit stops, bicycle paths, sidewalks and pedestrian ways, and off-street parking and loading areas within and connecting to the site;
7. Sustainability Plan. A plan that incorporates best practices of sustainability for the proposed business operations and site-specific improvements. The plan may include, but shall not be not limited to, energy and water conservation and efficiency measures, strategies to reduce air emissions, and recycling practices;
8. Neighborhood Compatibility Plan. A plan that demonstrates how the management and operation of the proposed use will be compatible with the surrounding neighborhood, including proposals to mitigate potential negative impacts;
9. See additional requirements for data centers in Section 10-1.2735(e); and
10. Other Information. Any other information deemed necessary by the Director to ascertain if the project meets the required findings for a major conditional use permit.

SEC. 10-1.3284 ADMINISTRATIVE OPTIONS.

If after applying for a major conditional use permit application, the applicant fails to provide changes or additional information necessary to make a decision on the project and there is no activity taking place in connection with the application for a period of 6 months, the application shall be closed and the applicant so informed.

SEC. 10-1.3285 FINDINGS.

The City Council may approve or conditionally approve an application when all of the following findings are made:

a. The proposed use is desirable for the public convenience or welfare;
b. The proposed use will not impair the character and integrity of the zoning district and surrounding area;
c. The proposed use will not be detrimental to the public health, safety, or general welfare; and
d. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

SEC. 10-1.3286 CONDITIONS.

To implement official City policy and to attain the purposes for requiring use permit approval, as stated in Section 10-1.3281 as well as the general findings listed in Section 10-1.3285, the City Council may attach to approvals such conditions as it deems necessary. These conditions may include, but are not limited to:

a. Site plan and architectural requirements such as, but not limited to, building arrangement, safe and efficient access, adequate open space, landscaping, screening, parking and yards, shielded lighting, compatible signs, harmonious external building design, and sufficient variety to avoid monotony in external appearance.
b. Activities and equipment permitted;
c. Time of day activities shall be permitted;

d. Specified time period within which approval is valid;

e. Furnishing of guarantees assuring compliance with conditions; and

f. Adequate safeguards against the emission of dust, heat, glare, electromagnetic interference, odors, smoke and particulate matter, wastes, refuse, water pollution and the like. The Planning Division may refer the application to qualified consultants for a report if it deems necessary. Cost of consultant services must be paid by the applicant.

SEC. 10-1.3287 NOTICE OF DECISION AND EFFECTIVE DATE.

The decision of the Council shall take effect in accord with the provisions of Section 10-1.2825 and notice shall be given pursuant to Section 10-1.2820.

SEC. 10-1.3488 PLANNING COMMISSION PROCEDURES.

a. The Planning Commission shall hold a public hearing on all major conditional use permit applications. Notice shall be given pursuant to Section 10-1.2820.

b. The Planning Commission may recommend approval or denial of a major conditional use permit to the City Council. Recommendations shall be based upon the findings listed in Section 10-1.3285.

SEC. 10-3489 CITY COUNCIL PROCEDURES.

a. The CIty Council shall hold a public hearing on each Planning Commission recommendation of a major conditional use permit. Notice shall be given pursuant to Section 10-1.2820.

b. The City Council may approve, modify or disapprove any major conditional use permit. The Council’s decision shall be based on the findings listed in Section 10-1.3285 and is not subject to appeal.

SEC. 10-1.3290 TIME LIMITS FOR FINAL DECISION.

Where applicable, a final decision on all applications for a major conditional use permit will be made within the time limits set forth in the Permit Streamlining Act of the State of California. A major conditional use permit application which is dependent on a General Plan amendment or other legislative proposal shall not be subject to the Permit Streamlining Act's time limits until the General Plan amendment or legislative proposal is adopted.

SEC. 10-1.3291 LAPSE OF APPROVAL.

a. General. Major Conditional Use Permit approval is void 36 months after the effective date of approval unless:

(1) 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 a time extension of the approval has been granted by the Planning Manager.

(2) If a building permit is issued for construction of improvements authorized by the major conditional use permit 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 the major conditional use permit approval. A request for an extension must be submitted in writing to the Planning Division at least 15 days prior to the above date.

(3) Business operations have commenced in accordance with all applicable conditions of approval.

b. 24-Month Extension.

(1) The Planning Manager may grant an extension(s) for whatever time period is deemed appropriate, provided that the cumulative total of time extension(s) does not exceed 24 months. Decisions of the Planning Manager regarding time extension(s) may be appealed to the Planning Commission or the City Council, as appropriate.

(2) A request for an extension of time must be filed with the Planning Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days. Notice of said action shall be given pursuant to Section 10-1.2820.

(3) In making a decision on approval of an extension, the following shall be considered:

(a) the cause for delay in submittal of the building permit; and

(b) whether the proposal is in conformance with existing development regulations.

(4) Conditions of approval may be added or modified by the Planning Manager as a result of the processing of an extension of time.

SEC. 10-1.3292 REVOCATIONS AND MODIFICATIONS.

a. In accord with the notice and hearing provisions detailed in Sections 10-1.2820 and 10-1.2825, the Council may revoke a major conditional use permit, or modify, or add to the conditions of approval in order to ensure the use is consistent with the findings made pursuant to Section 10-1.3285.

b. Requests for modifications may be approved by the Planning Manager without a public notice or hearing or notice of such item, if the Planning Manager determines that such proposed modification is of a minor nature.

c. A major conditional use permit may be revoked when the Council finds that:

(1) The use or the manner in which it is conducted, managed or operated impairs the character and integrity of the zoning district and surrounding area; or

(2) The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan and modification of the conditions or plan would not be in the public interest or would be detrimental to the public health, safety, or general welfare.

SEC. 10-1.3293 REAPPLICATION.

A major conditional use permit that has been disapproved or revoked may not be applied for within one year of the final decision to disapprove or revoke said application except when, prior to that time, the Planning Manager finds that new evidence, a change of conditions, or a change in the project justifies reconsideration.

SEC. 10-1.3294 DISCONTINUED USES.

All uses that cease operation for a period of more than six consecutive months shall be deemed to be discontinued, and the use permit establishing said use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new use permit.

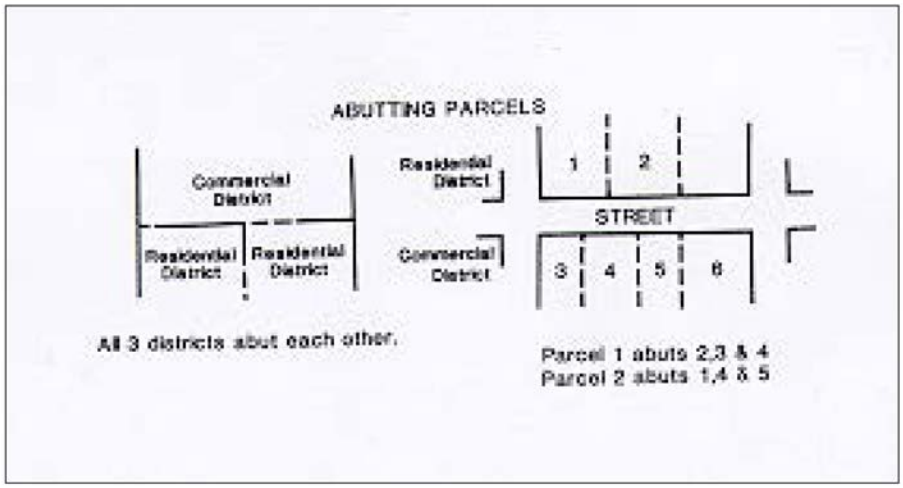
SEC. 10-1.3500 DEFINITIONS[1]

SEC. 10-1.3505 GENERAL.

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

SEC. 10-1.3510 USES AND ACTIVITIES DEFINED.

ABUTS, ABUTTING, ADJACENT. Having a common property line or district line or separated only by a private or public street, alley or easement.



ACCESS. Safe, adequate, usable, and legal ingress or egress to a property or use.

ACCESSORY BUILDING. A detached, subordinate building or structure, the use of which is subordinate, and incidental to a lawfully permitted principal use or main building on the same lot and not used for sleeping quarters.

ACCESSORY COMMERCIAL UNIT (ACU). A commercial use that is subordinate and incidental to a lawfully permitted principal use and contained within, detached from, or attached to a residential structure that is located on the same lot.

ACCESSORY USE. A use which is subordinate and incidental in height, bulk, volume and/or use to the lawfully permitted principal use on the same lot, and which does not alter the essential characteristics of said principal use and is in keeping with other uses permitted in the same district. Examples include:

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[1]Section 10-1.3510 amended by Ordinance 11-12, adopted October 11, 2011.
Section 10-1.3500 amended by Ordinance 13-13, adopted November 19, 2013.
Section 10-1.3500 amended by Ordinance 13-18, adopted December 17, 2013.
Section 10-1.3500 amended by Ordinance 14-06, adopted February 4, 2014.
Section 10-1.3510 amended by Ordinance 15-23, adopted October 13, 2015.
Section 10-1.3510 amended by Ordinance 15-31, adopted December 1, 2015.
Section 10-1.3500 amended by Ordinance 16-05, adopted January 19, 2016.

a. A garage, carport, shed, or building for domestic storage;

b. A children's playhouse, gazebo, greenhouse, pool or recreation building;

c. Storage of merchandise normally carried in stock on the same lot with any retail service or business use;

d. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities; and

e. Off-street parking.

AGRICULTURAL DISTRICT (A). A land use zoning district which preserves agricultural areas until such time as a change in zoning and land use designation occurs and orderly urban development may take place.

AGRICULTURE. The tilling of soil, horticulture, floriculture, viticulture, raising crops, livestock, farming, dairying, animal husbandry, including all uses customarily accessory and incidental thereto; but excluding slaughter houses, fertilizer works, bone yards, commercial feeding of garbage or offal to swine or other animals, or plants for the reduction of animal matter.

AIR TERMINAL DISTRICT (AT). A land use zoning district within which land uses may develop which provide commercial, industrial, and public land uses that are aviation-oriented. See Section 10-1.1900. This District includes the following Subdistricts:

a. Air Terminal—Operations (AT-O)

b. Air Terminal—Industrial Park (AT-IP)

c. Air Terminal—Aviation Commercial (AT-AC)

d. Air Terminal—Commercial (AT-C)

e. Air Terminal—Recreational (AT-R)

f. Air Terminal—Medium Density Residential (AT-RM)

ALLEY. A public way, less than 16 feet in width, but not less than 10 feet in width, which has been dedicated for public use.

ALTERATION. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

AMBULANCE SERVICE. Any business which provides a facility for emergency medical team staff members (EMTs), and which dispatches ambulances for emergency response. Usually located on major arterial streets where there is no detrimental impact to residential areas due to noise and parking.

AMUSEMENT FACILITY. See "RECREATIONAL FACILITY" or "COMMERCIAL AMUSEMENT FACILITY."

ANIMAL, EXOTIC. The words "exotic animal" shall mean any animals which are not customarily confined or maintained for domestic or commercial purposes and sometimes are kept as a pet or for display, including pot belly pigs, snakes, reptiles, emus, ostriches, or similar animals, as determined by the Planning Director based on criteria established by the State Department of Fish and Game.

ANIMAL, LIVESTOCK. See "LIVESTOCK."

ANIMAL, POULTRY. The word "poultry" shall mean domesticated birds customarily kept for eggs or meat, including chickens, turkeys, ducks, geese, or similar animals, as determined by the Planning Director.

ANIMAL FANCIER. A person or persons which use a lot, building, structure, enclosure or other premises to house and maintain more than four livestock animals (i.e., horses, goats), or more than four household pets (i.e., dogs or cats) up to 12 maximum, each of which is over the age of four months, for the following purposes:

a. For showing in recognized shows (i.e., horse shows, dog shows, County Fair exhibits), or applicable obedience or field trials.

b. For working or hunting.

c. For improving the variety or breed with a view to exhibition in shows and trials.

d. For household pets.

e. Such activity requires an "Animal Fancier's Permit" from the City Animal Services Bureau. For the purposes hereof, the breeding and sale of a litter of animals kept and maintained as household pets and/or maintained by an animal fancier, shall not be deemed and considered a commercial kennel, provided they are less than one litter per year and litters do not occur every year.

ANIMAL HOSPITAL. Any buildings or portion thereof designed or used for the care, observation or treatment of cats, dogs or other household pets, with incidental boarding. (Also referred to as Veterinary Hospital)

ANIMAL, EXOTIC. Any animal, pure or hybrid, which is generally considered a non-domestic pet or livestock, that is poisonous; must be permitted by the State of California; has the propensity to be dangerous or aggressive to humans or other animals, is required to have an "Animal Fancier's Permit" from the City Animal Services Bureau.

ANTENNA. A device for transmitting or receiving radio, television, telecommunication, or any other transmitted signal. Usually mounted on a tower and/or rooftop. (Refer to Article 13, of Chapter 10 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.)

ANTIQUE STORE. A store engaged in the retail sales of goods, primarily works of art, furniture, or decorative objects, having the qualities of age or long existence or indicative of a specific period of craftsmanship and design. An antique store may include the retail sales of "collectible" items, which are goods typically associated with a hobby (for example, stamps, Kewpie dolls, Roy Rogers memorabilia).

APIARY. The word "apiary" shall mean any premises where bees, hives, and related appliances are located. See General Regulations Section 10-1.2735.je. "Livestock, Apiaries, and Household Pets" for regulations.

APPLIANCE REPAIR SHOP. An establishment engaged in the servicing and repair of home appliances (washers, dryers, etc.), including electronic appliances (televisions, video cam recorders, stereos, computers, etc.), with all materials and goods maintained within a building.

APPLIANCE STORE. An establishment engaged in the retail sales of home appliances and electronic appliances. These may include but not be limited to washers, dryers, refrigerators, microwave ovens, stoves, televisions, video cam recorders, stereos, cellular phones, beepers, and computers. May include ancillary repair.

ARCHITECTURAL FEATURES. Architectural features include prominent elements on a building such as columns, beams, windows, doors, chimneys, cornices, arches, balconies, etc.

ARCHITECTURAL SERVICE. An office that is occupied by an architect and their support staff and services (i.e., blueprint machine, computers, etc.) Also refer to "ENGINEERING SERVICE" and DRAFTING SERVICE."

ART AND ART SUPPLIES STORE. An establishment engaged in the display and retail sales of art (i.e., paintings, sculpture) and art supplies (canvases, paints, easels, frames, etc.).

ARTISAN/CRAFT PRODUCTION. A manufacturer and/or assembler of small products primarily by hand or using low power machinery, including but not limited to clothing, furniture, jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

ARTIST'S LOFT. A live and work situation where a resident artisan lives, and displays and sells their work on a non-first floor level.

AUCTION. An establishment engaged in the public sale of commodities and/or property, excluding automobiles, to the highest bidder.

AUTOMOBILE BROKERAGE OFFICE. The business of engaging in, for a commission or fee, bargaining or negotiating between a potential purchaser of a vehicle(s) and another automobile sales establishment(s) for wholesale purchase of a vehicle(s). For purposes of this ordinance, an automobile brokerage office consists of an office with no display or storage of vehicles for sale other than a maximum of two spaces which may serve to temporarily store the vehicle(s) which has been already secured for the purchaser of the vehicle(s). May include motorcycles, mopeds or other similar vehicles.

AUTOMOBILE DISMANTLING FACILITY. An establishment engaged in taking apart vehicles for storage, retail, recycling, or wholesale purposes.

AUTOMOBILE PARTS STORE. An establishment engaged in the retail sales of a variety of parts for vehicles of any kind.

AUTOMOBILE RENTAL. An establishment engaged in the rental and leasing of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies, including storage of said vehicles.

AUTOMOBILE REPAIR:

a. Automobile Repair - Minor. Minor automotive servicing and replacement of parts for passenger automobiles and/or motorcycles, usually in the same day. Services include, but are not limited to, engine tune-up, lubrication, and tire, muffler, brake, and electrical. Subject to Outdoor Storage limitations and performance standards within applicable Zoning District.

b. Automobile Repair - Major. Repair garages and specialty establishments for motorcycles, and passenger automobiles and trucks of all sizes, such as machine, tire, body and fender, auto glass, radiator, transmission, motor tune-up, vehicle upholstery, and muffler shops. May also include repair of machinery and equipment. Subject to Outdoor Storage limitations and performance standards within applicable Zoning District.

c. Home repair - minor adjustments or the replacement of vehicle parts where such adjustments or replacement may reasonably be expected to be accomplished within a forty-eight (48) hour period. No permit is required for such minor adjustments or replacement. Also see Section 10-1.2735.qj. "Vehicle Parking, Repair, Display and Storage Requirements."

AUTOMOBILE SALES. An establishment engaged in the retail sales and services of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies. See INDUSTRIAL EQUIPMENT SALES AND RENTAL for farm or industrial equipment, machinery, and supplies.

AUTOMOBILE SERVICE STATION. A structure or area primarily designed and used for the retail sale of motor vehicle fuel and lubricants to the public by direct delivery into the user's vehicle and may include incidental motor vehicular services such as tire repair, battery charging, brake adjustment, motor tune-up and washing where no conveyor, blower or steam cleaning device is used. Sale of food, beverages and related items as determined by the Planning Director is permitted in conjunction with an automobile service station within commercial zoning districts.

AUTOMOBILE STORAGE FACILITY. An establishment engaged in the storage of passenger automobilescars, passenger trucks of all sizes, motorcycles, and/or similar vehicles inside a building. This definition does not include storage of used, inoperative, junked or other vehicles stored for salvage purposes and shall not include the wrecking, dismantling, or repairing of vehicles which is defined as AUTOMOBILE DISMANTLING FACILITY. See also AUTOMOBILE STORAGE YARD for automobile storage outside of a building.

AUTOMOBILE STORAGE YARD. Outside sStorage of passenger cars, and/or trucks of all sizes, motorcycles, and/or similar vehicles outside of a building. Does not include auto wrecking or towing yards. Such use shall not

include the wrecking, dismantling, or repairing of vehicles which is defined as "AUTOMOBILE DISMANTLING FACILITY."

AUTOMOBILE TOWING YARD. An establishment engaged in towing motor vehicles, both local and long distance, and storage of such vehicles inside or outside of a building subject to applicable standards. for indeterminate periods of time. Such use shall not include the wrecking, dismantling, or repairing of vehicles which is defined as "AUTOMOBILE DISMANTLING FACILITY."

AUTOMOBILE WHOLESALE. A vehicle dealer who is exclusively involved in the sales of vehicles between licensed dealers and does not have any vehicles on-site. If a wholesale dealer does have vehicles on-site, see AUTOMOBILE STORAGE FACILITY if storing vehicles inside of a building or AUTOMOBILE STORAGE YARD if storing vehicles outside of a building.

BANK. See "FINANCIAL INSTITUTION."

BANQUET HALL. An establishment engaged in periodic events such as weddings, dances, and potlucks. Typically, it is rented out to private parties and/or special interest groups. Usually includes food preparation and/or serving, and live entertainment or recorded music.

BAR, COCKTAIL LOUNGE. Any on-sale alcohol-related establishment that engages primarily in the sale of alcoholic beverages and where food service, if any, is subordinate or incidental to the sale of alcoholic beverages. Bars include night clubs, taverns, pubs, cocktail lounges and similar establishments. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations.

BARBER, BEAUTY SHOP. An establishment where hair is washed, cut, dyed, and/or styled. May include ancillary services such as manicures or pedicures. Does not include massage or tanning services.

BATCH PLANTS. Any operation that involves sorting, crushing, reducing, refining, mixing, packaging or other processing of minerals for intermediate or final consumption.

BED AND BREAKFAST. The use of an owner-occupied single-family residence for commercial lodging purposes.

BEDROOM. An enclosed space in a structure which is designed such that it could be used for sleeping purposes as determined by the Planning Director. A bedroom typically meets the room dimension requirements of the most recent edition of the Uniform Building Code, is not accessed directly from the garage, and has one or more windows.

BICYCLE SHOP. An establishment engaged in the retail sales and/or repair of bicycles. Does not include motorcycles or mopeds.

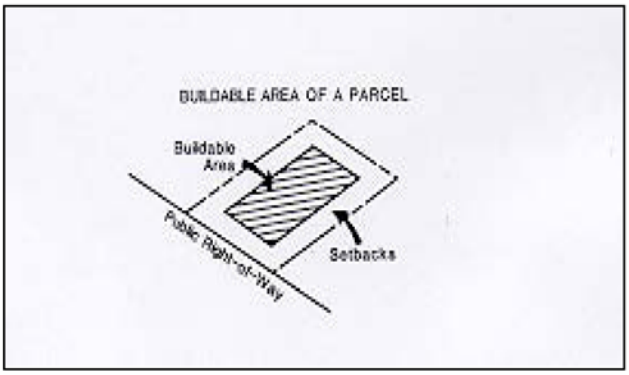
BOARDING HOME. A building where lodging or meals are provided for compensation for residents not functioning as a common household, usually for compensation.

BOOKSTORE. An establishment engaged in the retail sales of books, either used and/or new. May include a small area for coffee and bakery items (10 percent or less of floor area).

BREWERY/WINERY/CIDERY. An establishment where malt liquors (beers), wines, ~~or~~ alcoholic ciders, and/or kombuchas are manufactured, and/or served, ~~and/or stored~~. ~~Tasting may be included as an accessory use, but the brewery cannot operate as a bar. Also see "MICRO-BREWERY."~~ Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

BROADCASTING STUDIO. An establishment where sound or images are transmitted by radio or television to the public.

BUILDABLE AREA. The space remaining on a zoning plot within which a building may be erected after the minimum lot and yard requirements of this Ordinance have been satisfied, notwithstanding all other applicable guidelines and Subdivision Map Act requirements of steeply sloped or unstable areas.



BUILDING. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, and which is designed or intended for the shelter, enclosure or protection of persons, animals or property of any kind. Also defined as follows:

a. "Completely enclosed building" means a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

b. "Detached or accessory building" means a building separated by at least six feet of space open to the sky from any other building on the same zoning plot.

c. "Existing building" means a building erected prior to the effective date of this title, or one for which a legal building permit has been issued.

d. "Primary building" means a building in which is conducted the primary use of the lot on which it is situated.

e. "Public building" means a building principally occupied by the federal, state, county, or city government, or any political subdivision agency, or instrumentally thereof.

f. "Temporary building" means a building not permanently attached to the ground by fixed foundation, piers or substructure.

BUILDING HEIGHT. The vertical distance at any point from the finished grade or existing grade, whichever is lower, to the highest point of the coping of a flat roof, to the top roof line of a mansard roof, or to the midpoint of the highest gable of a pitched or hip roof. Where unusual deviations occur on the existing grade, such as a small swale, the Planning Director may make minor adjustments in the building height envelope to permit reasonable building design consistent with the intent and purpose of the building height standard. Graded area entirely under a building and not visible from the exterior of the building, such as underground garages and basements, shall not be included for purposes of calculating height.

BUILDING MATERIALS (SALES). An establishment engaged in the retail and wholesale sales and storage of building materials such as lumber, masonry products, rock, soil, tile, and other similar materials needed to construct a structure and/or accessory structures and uses (fences, paved areas, retaining walls).

CABARET. Any establishment, event or place where live entertainment is provided ~~by or~~ for ~~any~~ a minimum of one hundred patrons or guests, including but not limited to: ~~singing, playing~~live music performances, ~~dancing, performing karaoke,~~ acting, ~~conducting a fashion show, performing pantomime,~~ performing comedy or other acts or performances, either as the main purpose for such gathering or as an ancillary activity to some other purpose. ~~Please r~~Refer to Chapter 6, Article 2 of this Code for regulations regarding cabarets and to Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

CAMERA STORE. An establishment engaged in the retail sales of cameras and photographic supplies. May include ancillary repair.

CANNABIS. All parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972, and amended by the California Control, Regulate and Tax Adult Use of Marijuana Initiative, and as defined by other applicable state law. "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.

CANNABIS DELIVERY. The commercial transfer of cannabis or cannabis products to a customer, including medical cannabis or cannabis products, to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code. "Delivery" also includes the use of any technology platform owned and controlled by a Cannabis Business Operator that enables clients or patients to arrange for or facilitate the commercial transfer by a permitted commercial cannabis retail dispensary.

CANOPY. The designated area(s) at a cannabis business, except nurseries and processors, that will contain mature plants at any point in time, as follows. For indoor cultivation, canopy is calculated in square feet and measured using the room boundaries, walls, or ceiling-to-floor partitions of each enclosed area that will contain mature plants at any point in time. If mature plants are being cultivated using a shelving system, the surface area of each level is included in the total canopy calculation.

CARD CLUB. Any building or structure, or any portion of a building or structure, wherein any person or persons are permitted to play a card game in return for a fee, charge, or other compensation. Refer to Chapter 4, Article 3 of the Hayward Municipal Code for regulations.

CARETAKERS QUARTERS. A dwelling unit located on an industrial or commercial property to be used exclusively as living quarters for the caretaker(s) of the subject property.

CARNIVAL. An establishment providing one or more non-coin-operated powered amusement rides, or providing two or more uses such as a tent, a feat of daring, or an exhibition of two or more wild animals except within a public park or zoo, or providing other similar uses.

CARPET/DRAPERY STORE. An establishment engaged in the retail or wholesale sales of carpets and drapes. Does not include on-site manufacturing.

CARPORT. A permanent roofed structure not completely enclosed on the sides and used for vehicle parking.

CAR WASH. An establishment engaged in the washing of passenger vehicles for a fee.

CATERING FACILITY. An establishment engaged in the preparation of food to be served at an event held off-site, usually at a banquet hall or private facility, and establishments primarily engaged in the preparation of prepared food items in individual servings for off-premise consumption and/or sale by others. Typical uses include caterers, wholesale bakeries, commissary kitchens, and specialty food packaging and/or processing shops.

CATERING TRUCK. A commercially licensed motor vehicle, approved by the Alameda County 111, Department of Environmental Health Services, and the City of Hayward Police Department, from which food and beverages are sold, distributed, or otherwise provided to consumers on private property and which travels from place to place to conduct its operation. Does not include a Food Vendor cart. See Section 10-1.2735.cb. for regulations.

CENTRAL BUSINESS DISTRICT (CB). A land use zoning district within which commercial and retail land uses may develop which provide a principal downtownsecondary commercial area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity. See Section 10-1.1300800.

CENTRAL CITY DISTRICT (CC). A land use zoning district in the center of the City, within which land uses may develop which promote the development of the downtown. These land uses include business, government, cultural, financial, residential, office, and entertainment uses. See Section 10-1.1500. This District includes the following Subdistricts:

a. Central City—Commercial (CC-C).

b. Central City—Residential (CC-R).

c. Central City—Plaza (CC-P).

CHECK CASHING STORE. An establishment primarily engaged in the cashing of checks for customers who usually do not have a checking account at a bank or other financial institution. Is commonly found in areas with easy access and high visibility.

CHRISTMAS TREE AND PUMPKIN PATCH LOTS. Seasonal establishments engaged in the retail sales of Christmas trees and pumpkins. See Section 10-1.2735.ne. for standards.

CITY COUNCIL. The City Council of the City of Hayward, California.

CLOTHING STORE ("APPAREL"). An establishment engaged in the retail sales of new clothing, such as shoes, hats, dresses, shirts, etc. For used clothing, see "THRIFT STORE."

COMMERCIAL AMUSEMENT FACILITY. A facility offering entertainment open to the public for a fee or by membership subscription, for example, ticket, door charge, amusement device fee. Said facility shall include, but not be limited to, internet access usage, theaters, arcades (place of business containing five or more amusement devices), billiard parlors, golf courses (including miniature golf), water slides, indoor soccer, batting cages, and bowling facilities. Four (4) or less manually or coin- or token- or slug-operated viewing or electronic or video game machines or other amusement devices (excluding jukeboxes) located in association with other permitted uses and activities such as, but not limited to, taverns, restaurants, book stores, grocery stores, motels, hobby shops or toy stores, music or stereo stores, laundromats, barber or beauty shops, or computer stores shall be considered accessory to the permitted use. Under no circumstance, as a primary, permitted or accessory use, shall any Commercial Amusement Facility be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

COMMERCIAL CANNABIS BUSINESS. An entity engaged in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products for commercial purposes.

COMMERCIAL CANNABIS CULTIVATION. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

COMMERCIAL CANNABIS DISTRIBUTION. The procurement, sale, and transport of medical and non-medical adult recreational use cannabis and medical and non-medical adult recreational use cannabis products between commercial cannabis businesses.

COMMERCIAL CANNABIS MANUFACTURING. The production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by mean of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

COMMERCIAL CANNABIS MANUFACTURING - LEVEL 1. The manufacturing of cannabis products primarily using nonvolatile solvents, or no solvents.

COMMERCIAL CANNABIS MANUFACTURING - LEVEL 2. The manufacturing of cannabis products using volatile solvents For purposes of this section, "volatile solvents" shall include all solvents described in paragraph (3) of subdivision (d) of Section 11362.3 of the Health and Safety Code, as such section may be amended.

COMMERCIAL CANNABIS MICROBUSINESS. A commercial cannabis business holding a license issued by the State Bureau of Cannabis Control for the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer pursuant to Business and Professions Code sections 26050 and 26070. In order to be defined as a microbusiness, an operator must engage in three of the four listed activities.

COMMERCIAL CANNABIS OPERATOR or OPERATOR. The person or entity that is engaged in the conduct of any commercial medical or non-medical adult recreational cannabis use.

COMMERCIAL CANNABIS RETAIL DISPENSARY. A facility where commercial cannabis or commercial cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical and non-medical adult recreational use cannabis or medical and non-medical adult recreational use cannabis products as part of a retail sale.

COMMERCIAL CANNABIS TESTING LABORATORY. A laboratory, facility, or entity in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.

(2) Licensed by the Bureau of Cannabis Control.

COMMERCIAL OFFICE (CO). A land use zoning district within which administrative, professional, businesses and financial office land uses may exist, yet which are not detrimental to the residential use of adjacent properties. See Section 10-1.~~1100~~800.

~~COMMERCIAL RETAIL DISTRICT (BP). A land use zoning district intended to provide for limited retail, service, and office commercial uses which serve the needs of workers within the Industrial Corridor. See Section 10-1.1400.~~

CONCESSION STAND. A small, ancillary retail use that provides food and beverages to a primary land use. May include light cooking and heating of food commodities.

CONSIGNMENT STORE. A retail establishment that sells good quality merchandise (for example, clean, not damaged, stained or frayed) that has been provided to the proprietor on a consignment basis as well as new merchandise. Sale of donated or otherwise second-hand merchandise is prohibited.

CONVALESCENT HOME. An establishment in which nursing, dietary and other personal services are furnished twenty-four (24) hours a day to convalescents, invalids, or the aged who are unable to or no longer want to care for themselves in a more traditional setting. Also referred to as nursing homes or intermediate care facilities. Does not include institutions which care for persons suffering from a mental disorder or communicable disease, or which offers surgery, maternity or other primary treatments.

CONVENIENCE MARKET. A retail food market which is typically less than 2,500 square feet in gross floor area and which caters to customers who buy a small number of items, is typically part of a larger chain or franchise system, often with long hours of operation, and as determined by the Planning Director.

CONSTRUCTION TRAILER. A temporary trailer used as an office, or an office/quarters combination with quarters for one security guard in connection with ongoing construction work associated with new construction of industrial, commercial, or multi-family development. See Section 10-1.2735~~.b~~.

CONTRACTOR SERVICES. An establishment providing general contracting and/or building construction services for other uses. This use classification includes general building, plumbing, electrical, air conditioning, carpentry, and other trade contractors.

COPYING OR REPRODUCTION FACILITY. An establishment which provides printing services to customers. Typically includes blueprint machines, reproduction machines, paper goods, and binding services (spiral binding, glue binding, stapling, etc.), and may include as an ancillary use, access to the internet. Under no circumstance, as

a primary, permitted or accessory use, shall any Copy or Reproduction Service be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

COURTYARD. The word "courtyard" shall mean an open unoccupied space bounded on two or more sides by the walls of a building. An inner courtyard is a court entirely within the exterior walls of a building. All other courts are outer courts.

CULTURAL FACILITY. Facilities maintained to develop, promote, or foster the arts, literature, and/or community ~~cohesion~~building. This includes clubhouses, lodge halls, society meeting places, community centers and similar facilities as determined by the Planning Director. These facilities may be rented out for events from time to time as an ancillary activity, but these events must end by 11:00pm. Otherwise, refer to "BANQUET HALL".

DANCE STUDIO. Refer to "RECREATIONAL FACILITY"~~An establishment where dance classes and dance recitals are performed to recorded music~~.

DATA CENTER. A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features~~. A physical facility that houses computer systems, servers, storage devices, and network equipment, used to store, process, and distribute large amounts of data~~.

DAY CARE CENTER. A facility which provides non-medical care to 15 or more children and/or adults in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. May include pre-schools, infant centers, and extended day care facilities.

DAY CARE HOME. A residence which is occupied and used as such and provides non-medical day care on less than a 24-hour basis to no more than 14 children and/or adults, including any children under the age of 10 years who reside at the home. Day care home must be State-licensed~~, and may be either one of the following:~~

~~a. Small Day Care Home. The use of a residence to provide day care to 8 or fewer persons, including any children under the age of 10 years who reside at the home.~~

~~b. Large Day Care Home. The use of a residence to provide day care to 8—14 persons, including any children under the age of 10 years who reside at the home.~~

DISTILLERY. An alcoholic beverage sales establishment where distilled spirits are made. Tasting distilled spirits may be included as an accessory use, but the distillery cannot operate as a bar. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

DISTRICT. A zoning district established under the provisions of the Zoning Ordinance.

DORMITORY. A residence hall providing sleeping rooms, bathrooms, study and recreation rooms and a common kitchen for students.

DRAFTING SERVICE. An establishment which performs drafting services such as drawing of site plans or construction drawings of buildings. Is usually accompanied by drafting tables and blueprinting machines. Also refer to "ARCHITECTURAL SERVICE" and "ENGINEERING SERVICE."

DRIVE-IN ESTABLISHMENT. An establishment which accommodates the patrons' and their motor vehicles from which the occupants may watch, purchase or receive goods or services (i.e., a drive-through restaurant, drive-through coffee shop, drive-in theater, drive-up photo finishing, car wash, gas station, mini-mart with gas, automobile lubrication facility, etc.).

DRY CLEANER/LAUNDRY. A dry cleaner/laundry is open to the general public for dry cleaning/laundry purposes. For purposes of this ordinance, a dry cleaner/laundry excludes a dry cleaning/laundry plant which serves solely to dry clean clothing processed for other dry cleaners and not open to the general public.

DWELLING UNIT/RESIDENTIAL UNIT. One or more rooms with a single kitchen, arranged, designed, used, or intended to be used exclusively for living and sleeping purposes by one family as an independent housekeeping unit. Other definitions include the following:

a. Accessory Dwelling Unit: An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

b. Detached Residential Unit: A detached building containing only one dwelling unit. See Section 10-1.200 for requirements.

c. Duplex: A residential building with two attached dwelling units. See Section 10-1.200 for requirements.

d. Multi-Unit Residential (4+ attached units): A residential building with four or more attached dwelling units. See Section 10-1.200 for requirements.

e. Townhouse: A Duplex, Triplex, or Multi-Unit Residential (4+ attached units) building for which there is a subdivision map. Townhouse ownership includes the building, the land beneath the building and typically a patio or small yard adjacent to the structure. The remaining land within the development is under common ownership. See Section 10-1.2400 for requirements.

f. Triplex: A residential building with three attached dwelling units. See Section 10-1.200 for requirements.

EDIBLE CANNABIS PRODUCT. A cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

EDUCATIONAL FACILITY. Facilities maintained to provide instruction to students for the purpose of developing their faculties and powers, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses. May include trade schools, a beauty college, or business college.

ELECTRIC VEHICLE (EV) CHARGING STATION. A structure or area that provides electricity to recharge the batteries of electric vehicles as a primary use. Sale of food, beverages and related items as determined by the Planning Director is permitted. Overnight lodging is not permitted.

ENGINEERING SERVICES. An establishment which provides engineering services (i.e., structural calculations, construction drawings, consultation, etc.). Usually includes office and drafting equipment, including blueprint machines. Also refer to "ARCHITECTURAL SERVICES" and "DRAFTING SERVICES."

ENTERTAINMENT, LIVE. An activity, event or presentation that is incidental to the principal use of a site, and designed to amuse or attract the attention of patrons or guests observing the presentation or activity. Refer to Section 10-1.2735(i) for regulations regarding Limited Entertainment Permits and Section 6-2.10 et al for regulations regarding Cabaret.

ENTERTAINMENT FACILITY. A facility offering entertainment open to the public for a fee or by membership subscription including, but not limited to, theaters, live performance venues, and music venues.

ENVIRONMENTAL DOCUMENT. Information within a written document which evaluates the environmental effects of a proposed project as required by the current City of Hayward and the California Environmental Quality Act (CEQA) environmental review guidelines.

ESTABLISHMENT. A separate place of business having the following characteristics:

a. The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishment(s) on the same or adjacent site;

b. Direct public access is separate and distinct from direct access to any other business establishment;

c. There is no direct public access from within such establishment to any other such establishment.

EQUIPMENT RENTAL SERVICE. An establishment which rents non-industrial machinery and equipment for a fee. May also include minor repair of equipment. See also INDUSTRIAL EQUIPMENT SALES AND RENTAL.

EXTRACTION. A process by which cannabinoids are separated from cannabis plant material through chemical, physical, or any other means.

FABRIC STORE. An establishment which offers such commodities as fabrics, threads, ~~0~~and other sewing notions for sale at retail. Usually includes retail sales of sewing machines and craft items (~~silkscreening~~silk-screening equipment, fabric paint, needlepoint materials, ribbons, etc.)~~,~~ and may include classes associated with the use of these commodities.

FACADE. The exterior wall of a building along with its associated windows, entryways, and projections.

FAMILY. One or more persons living together as a single housekeeping unit, as distinguished from a group living in a boarding house, hotel, motel, or group or institutional living quarters such as a group home, day care home, or convalescent home.

FARMER'S MARKET. A periodic event where fresh produce, flowers, and ~~hand-made~~handmade craft items are sold at retail. Typically held in a downtown area, outside.

FENCE. A linear structure constructed or erected to a maximum height of 6 feet unless otherwise provided herein, and which requires permanent location on the ground or is attached to something having location on the ground. Building materials used for a fence may include but are not limited to boards, bricks, wrought iron, chain link, or blocks, and do not include landscaping, such as hedges, bamboo sticks or bushes, and trees.

FENCE, HEIGHT OF. A height measured from ground level (or top of retaining wall) to top of fence. On sloping sites with a stepped fence, height may be measured at the midpoint of each fence section.

FINANCIAL INSTITUTION. An establishment which provides services to meet the financial needs of its customers (i.e., checking account services, mortgage broker services, etc.). Also refer to "CHECK CASHING STORE."

FIREARMS SALES. A person or entity engaged in the business of selling, transferring, or leasing; or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm and/or ammunition, either directly or indirectly; and/or engaged in the retail sale of ammunition, as defined in Hayward Municipal Code Section 6-11.01(d).

FLEA MARKET. One or more vendors selling new or used merchandise at retail, within a structure or open air setting where no individual building walls separate uses, or where sales areas are within stalls which are smaller in size than typical retail spaces, and that the character of the business is that typically associated with a flea market, and as determined by the Planning Director.

FLOOD PLAN (FP). A land use zoning district within which land is subject to tidal or flood water inundation. See Section 10-1.2100.

FLOOR AREA, GROSS. The area included within the surrounding walls of a building or portion thereof, exclusive of vent shaft, eaves, overhangs, atriums, covered entries and courts and any portion of a structure above ground used for parking, parking aisles or loading areas. For residential development, interior parking garages, parking aisles, and loading areas are included in the gross floor area calculation.

FLORAL SHOP. An establishment which provides flowers and floral arrangements at retail. Usually includes refrigeration units to keep flowers fresh, and delivery vans.

FOOD VENDOR. The vending of food or beverages from a movable cart-type stand or vehicle which is located on the same lot as a permitted use in a zone that allows for such operation, and subject to the standards and process set forth in HMC Section 10-2700, General Regulations.

FRONTAGE. See "LOT FRONTAGE."

FURNITURE STORE. An establishment engaged in the retail sales furnishings. These usually include chairs, tables, couches, beds, and accessories for the home. All activities occur within an enclosed structure.

GARAGE. A fully enclosed and covered attached or detached structure accessory to a residential use intended for storage of one or more motor vehicles used by the occupants of the premises; which does not have any permanent obstructions that would prevent vehicles parking within; which has garage doors that are operable; and which does not have rugs, linoleum or other non-fire-resistant coverings on the floor. For purposes of determining the existence of a one or two car garage, the minimum dimensions of an existing single-car garage wherein no permanent obstructions may occur is 10' wide × 19' deep, and the minimum dimensions of an existing double-car garage in wherein no permanent obstructions may occur is 18' wide by 19' deep. For purposes of this ordinance a garage of any dimension shall not be used as a habitable space. Construction of new garages shall have minimum interior dimensions of 11' wide × 19' deep for single-car garages and 20' wide × 19' deep for double-car garages.

GARDEN SUPPLIES STORE. An establishment which provides supplies for gardening at retail. This usually includes flower and vegetable seeds, fresh flowers and vegetable plants, grass sod, soil, and tools, and typically includes a screened-in outdoor display and servicing area.

GENERAL COMMERCIAL DISTRICT (CG). A land use zoning district within which general commercial and retail land uses may develop ~~which provide services for the support of primary business activities in the Central City District~~. See Section 10-1.~~1000~~800.

GENERAL REGULATIONS. Specific regulations which apply to all zone districts and to all uses permitted in the districts. The regulations are found in Section 10-1.2700 of this Zoning Ordinance~~,~~ and are intended to amplify and to supplement district regulations.

GOLF COURSE. A publicly or privately owned area of land laid out for the game of golf with a series of 9 or 18 holes each. Usually includes a club house and maintenance building. May include retail sales relating to golf (pro-shop) and a restaurant/bar.

GRADE. The degree of rise or descent of a sloping surface (also see "SLOPE").

a. Finished Grade. The final elevation of the ground surface after completion of all site preparation work or after development.

b. Existing grade. The ground elevation prior to grading for construction. Where walls are parallel to and within five feet of a sidewalk, the above-ground level grade shall be measured at the sidewalk.

GRANNY OR IN-LAW UNIT. See "SECOND DWELLING, ATTACHED."

GREENHOUSE. A permanent enclosed structure for the propagation and growing of plants, constructed with a translucent roof and/or walls.

GROUP HOME. The use of any single-family residence or other dwelling unit for a group residence where residents pay a fee or other consideration to the Group Home operator in return for residential accommodations. A Group Home includes a boarding home, a rooming house, as well as a group residence for the elderly, or mentally or physically disabled or handicapped persons, or other persons in need of care and supervision. Each dwelling unit so used shall be considered a single Group Home. The term Group Home includes both licensed and unlicensed Group Homes.

a. Licensed Group Home. A licensed Group Home is any residential facility subject to State licensing requirements pursuant to the California Health and Safety Code (HSC), implementing State regulations,

and amendments thereto. Any Group Home which is subject to State licensing requirements shall be treated as an unlicensed Group Home if the facility's license has expired or such license has been suspended, revoked or terminated. Group Homes subject to State licensing requirements include the following:

(1) Residential facilities providing non-medical residential care, specifically, any residential Community Care Facility (HSC section 1502), a Residential Care Facility for the Elderly (HSC section 1569.2) and an alcoholism or drug abuse recovery or treatment facility (HSC section 11834.02).

(2) The following types of Health Facilities (HSC section 1250, specifically, a Congregate Living Health Facility (HSC section 1250 (i)), an Intermediate Care Facility/Developmentally Disabled Habilitative (HSC section 1250 (e), an Intermediate Care Facility/Developmentally Disabled (HSC section 1250(g)), and an Intermediate Care Facility/Developmentally Disabled-Nursing (HSC section 1250(h)).

b. Unlicensed Group Home. An unlicensed Group Home is the use of a dwelling unit by an owner or operator as a dormitory, boarding house, rooming house or similar use, where such residential facility is not subject to State licensing requirements or whose state license has expired, or has been suspended or revoked.

GUN SHOP. See "FIREARMS SALES."

HARDWARE STORE. An establishment which provides a variety of supplies and materials used for small construction or repair projects, at retail.

HAZARDOUS MATERIAL. A gas, material, or substance capable of posing a risk to health, safety, or property; provided, however, use of hazardous materials contained in consumer-sized containers purchased solely for on-site maintenance activities shall not be considered a hazardous materials use for the purpose of these regulations. The Fire Chief or his or her designee has the exclusive authority to develop and apply regulations which determine which, if any of the Group A, B, or C and included categories utilized in the Industrial District regulations is applicable to a user of any hazardous materials; such regulations may include reference to federal and state law, standards, and regulations applicable to hazardous materials. The Fire Chief or his or her designee also has the exclusive authority in conjunction with the Planning Division to exclude or reduce the category of prescribed Conditional or Administrative Uses in the Zoning Ordinance when it is found that the quantities are minor or additional mitigations are found to be acceptable.

Hazardous materials which belong to more than one group or category shall be subject to the most stringent regulations. In addition to the following classifications please refer to specific Zoning Districts for hazardous materials land use requirements.

a. Group A. Hazardous materials which include any of the following:

(1) Explosives and blasting agents;

(2) Reactive materials;

(3) Unstable materials;

(4) Radioactive materials;

(5) Class 3 and 4 oxidizing materials;

(6) Poisonous or highly toxic materials;

(7) Corrosive, poisonous, or unstable gases;

(8) State of California restricted hazardous wastes, including substances classified as extremely hazardous wastes.

b. Group B. Hazardous materials which include any of the following:

(1) Flammable liquids, namely liquids that have a flashpoint below 100° Fahrenheit'

(2) Flammable solids;

(3) Class 1 and 2 oxidizing materials;

(4) Flammable or oxidizing gases;

(5) Corrosive materials.

c. Group C. Hazardous materials which include any of the following:

(1) Combustible liquids, namely liquids that have a flashpoint at or above 100° Fahrenheit.

(2) Inert gases.

(3) Other regulated materials referred to in the following sources except Group A or B hazardous materials:

i) California Fire Code as adopted by the City of Hayward;

ii) 49 Code of Federal Regulations section 173.500, including amendments or successors thereto; and

iii) Hayward Municipal Code Section 3-8.06 except those materials exempted by Hayward Municipal Code Section 3-8.07, including amendments or successors to such provisions.

HEALTH CLUB. An establishment which provides physical fitness equipment, classes, and facilities such as racquetball and tennis courts and/or swimming pools for patrons to use for a fee. (Also see "PHYSICAL FITNESS STUDIO" for a smaller version of this type of facility.)

HIGH DENSITY RESIDENTIAL DISTRICT (RH). A land use zoning district which allows the development of multiple-family dwellings at a high density. See Section 10-1.~~500~~200.

HOME OCCUPATION. Any occupation conducted within the living area of a dwelling unit by persons residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof. ~~Also referred to as a "Mail and Telephone Business Listing."~~ For purposes of this ordinance, a licensed Group Home shall not be considered a "home occupation." A home occupation shall comply with the following standards:

~~a.does not display or sell any commodities except those produced on the premises;~~

~~b~~a. ~~does~~ Does not use any ~~accessory building, garage,~~ yard space, or conduct activity outside of the dwelling unit;

~~c~~b. ~~does~~ Does not generate a character and volume of vehicular traffic not normally associated with residential use;

~~d~~c. ~~does~~ Does not involve the use of more than 10 percent or more than 200 square feet of floor area of the dwelling unit, whichever is less;

~~e~~d. ~~does~~ Does not display signs, other than on a non-commercial vehicle, or other matter which would indicate a business is operating within the home;

~~f~~e. ~~does~~ Does not allow for more than two customers/clients to visit the home each day and customers/clients are limited to visiting the house between the hours of 8 a.m. and 9 p.m.; and

~~g.where no repair work is permitted;~~

~~h.where at least one parking stall is available for guest parking either in the driveway or on the street in front of the residence; if customers/clients visit the premises;~~

~~i~~if. ~~where~~ Where no employees, other than residents of the home, come to or work from the home~~; and~~

~~j.which requires all applicable building and fire codes to be met.~~ .

HOME OCCUPATION - EXPANDED. An expansion of the provisions of or variance to a home occupation as defined above regarding numbers of customers, hours of operation, sale of commodities produced on the premises (excluding sale of guns), and minor repair only.

HOMELESS SHELTER. An institution that provides shelter for individuals and families with no limitation on the length of stay. Such use may also provide meals and supportive social services. May also include Housing Navigation Centers and Emergency Shelters (per Health and Safety Code 50801).

HOSPITAL. An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients for twenty-four hours or more. The term "hospital," as used in this title, does not apply to institutions operating solely for the treatment of mentally ill persons, drug addicts, liquor addicts, or other types of cases necessitating confinement of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter or boarding homes.

HOTEL. A building where lodging with or without meals is provided to the general public for compensation typically on a nightly basis, and where no provision is made for cooking in any individual guest room or suite, and where a maximum continuous length of stay is no longer then that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code, but shall not include institutions where human being are detained under legal restraint.

Extended Lodging Facilities, where kitchens, kitchenettes or other cooking facilities may be permitted within individual guest rooms, are allowed in any Zoning District where Hotels are permitted, subject to the following standards:

a. Each guestroom shall be provided with voicemail, dataports, desk, color television, alarm clock or wake up service. Irons and ironing boards must also be made available to guests upon request.

b. Self-service laundry facilities shall be accessible to all guests.

c. Recreational facilities such as pool, whirlpool/spa/ and/or fitness room shall be provided.

d. A 24-hour per day on-site supervisor shall be provided.

e. Housekeeping services including cleaning and linen service shall be offered on a regular basis to every guestroom.

f. Extended Lodging Facilities cannot be used for long term occupancy (i.e. apartments, care facilities, boarding houses, etc.). Leases of any duration are prohibited.

g. Extended Lodging Facilities may have a maximum continuous length of stay no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.

HOUSEHOLD PETS. See "PETS, HOUSEHOLD."

INDUSTRIAL EQUIPMENT SALES RENTAL AND SERVICE. An establishment which provides industrial equipment and related commodities to the public for sale or rental, and servicing of that equipment. Such equipment may include large scale vehicles, large truck and trailer rigs, fork lifts, conveyor belts, and loading dock facilities.

INDUSTRIAL HEMP or HEMP. An agricultural product, whether growing or not, that is limited to types of the plant Cannabis sativa L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the

resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.

INDUSTRIAL/VOCATIONAL TRADE SCHOOL. A trade school that provides specialized training of skilled labor including plumbing, carpentry, truck driving, mechanics, machine operations, computer repair, tool and dye, and similar technical schools. This definition excludes beauty/barber schools, business schools, or degree programs.

JEWELRY STORE. An establishment which provides jewelry, watches, gemstones, and other related commodities to the public for sale at retail. Typically includes jewelry and/or watch repair and cleaning services.

KENNEL. A lot, building, structure, enclosure or premises where one or more dogs, cats, or other household pets are kept for commercial purposes, including boarding, breeding of more than one litter per year and/or a litter every year, sale of goods or animals, or the rendering of services for profit. For the purposes hereof, the breeding and sale of the litter of animals kept and maintained as household pets and/or maintained by an animal fancier, shall not be deemed and considered a commercial kennel, provided they are less than one litter per year and litters do not occur every year.

KITCHEN. A definable area or room for food preparation, typically consisting of a permanent cooking appliance for use in food preparation, a refrigerator, cabinets, and a sink, usually in close proximity to one another.

LANDSCAPING. An area devoted to or developed and maintained predominantly with native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements.

~~LIMITED ACCESS COMMERCIAL (CL). A land use zoning district within which commercial uses may develop which normally tend to locate apart from standard commercial areas or service industries, or uses on highways of major importance. See Section 10-1.1200.~~

LIQUOR STORE. "Liquor store" shall mean any alcoholic beverage sales establishment primarily involving the sale of alcohol where beer, wine or distilled spirits are sold for off-sale consumption and where more than five (5) percent of the floor area of the establishment is devoted to the sale, display or storage of beer, wine or distilled spirits. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

LIVESTOCK. Domesticated farm animals kept for use or profit (See Section 10-1.2735.je. for regulations of livestock) and further defined as follows:

a. Large Livestock. Horses, cattle, llamas, or similar large animals, as determined by the Planning Director.

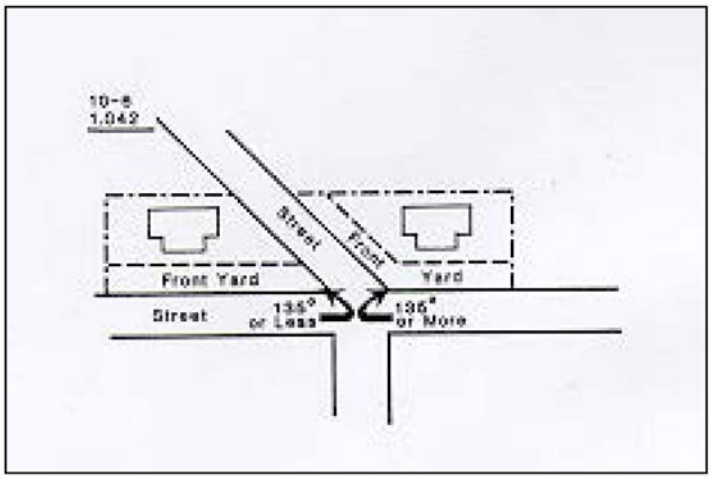
b. Medium Livestock. Sheep, goats, and pigs, or similar medium animals, as determined by the Planning Director.

c. Small Livestock. Hens, ducks, pigeons, rabbits and other similar small animals, as determined by the Planning Director, totaling five (5) or more such animals on a property.

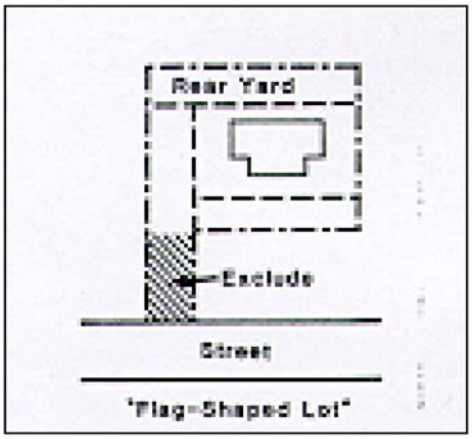
LOT. A recorded parcel of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classification of lots are as follows:

a. Average Lot Width. The mean horizontal distance between the longest lot lines of lots having regular geometric design, such as rectangular and parallelogram lots, and in the case of lots of irregular design, shall mean the diameter of the largest horizontal circle inscribable completely within lot boundaries.

b. Corner Lot. A lot at the intersection of two or more streets which has an angle of intersection of 135° or less. Where the angle of intersection exceeds 135°, the area abutting the two streets shall be a front yard.



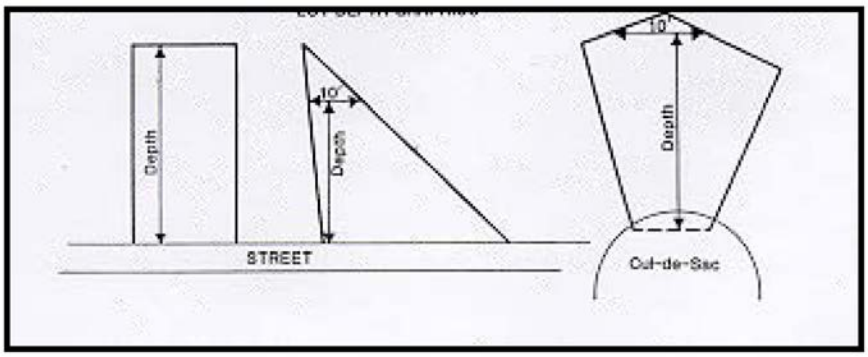
c. Flag Lot. A parcel of land where the buildable portion of the lot is via a narrow extension of the lot (access strip) to a public or approved private street, utilizing a private or privately shared travelway. The area within an access strip shall not be counted as part of the lot area of either the front or rear lot for purposes of complying with minimum lot area requirements.



d. Interior Lot. A lot other than a corner lot.

e. Lot Coverage. The area of a lot enclosed by exterior walls or similar roof-supporting devices of all structures, including accessory structures and patio covers.

f. Lot Depth. The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line. In instances of a cul-de-sac where the front lot line is curved, the lot depth shall be measured off a drawn line which connects the two side lot lines that intersect the cul-de-sac.



g. Lot Frontage. The common property line of a lot and the right-of-way line of a street.

h. Lot Line. Any boundary of a lot. The classifications of lot lines are:

(1) Front. A line separating the lot from the street right-of-way. In the case of a corner lot, the owner may designate the front lot line of said lot at the time of initial construction of the primary use.

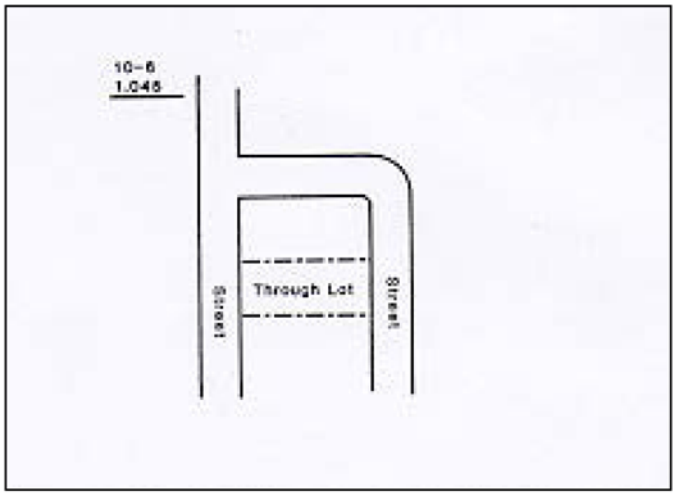
(2) Rear. The lot line which is opposite and most distant from the front lot line; and in the case of an irregularly shaped lot, a line 10 feet in length within the lot, and any line closest to being parallel to and at the maximum distance from the front lot line. In the case of a corner lot, the rear lot line is opposite the front property line unless the Planning Director determines otherwise where there is a reasonable alternative.

(3) Side. Any lot line not a front lot line or a rear lot line.

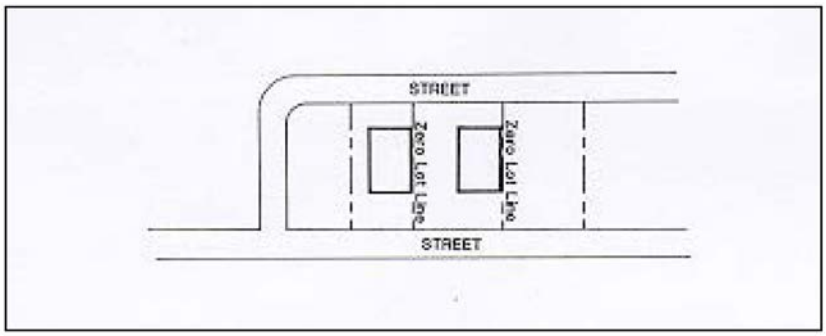
i. Lot Size (or lot area). The total horizontal area within the lot lines of a lot, with the exception of flag-shaped lots where the lot area shall be calculated excluding the stem of the lot.

j. Rear Lot Coverage. The area of a required rear yard enclosed by exterior walls or similar roof-supporting devices of all structures, including accessory structures and patio covers.

k. Through Lot. A lot having frontage on two approximately parallel streets.



l. Zero Lot Line. The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.



MAILING OR FACSIMILE SERVICE. An establishment which provides postal services and a facsimile machine available to the public for a fee. Typically includes packaging and weighing facilities~~,~~ and may include related copy work or wrapping paper and greeting cards for sale at retail as an ancillary use, as well as internet access as an ancillary use. Under no circumstance, as a primary, permitted or accessory use, shall any Mailing or Facsimile Service be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

MANUFACTURED HOME. A factory built or manufactured home including mobile homes, as permitted by State of California and Federal laws. A manufactured home is synonymous with the definition of a "single family dwelling."

MANUFACTURING. Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Instruction, direct sales, or on-site consumption are incidental to the manufacturing operation. Toxic, hazardous, or explosive materials produced or used in conjunction with the manufacturing process are subject to use permits based on type and quantity of hazardous materials storied, utilized or generated by the manufacturing process (see "HAZARDOUS MATERIALS"). All impacts generated by manufacturing activities related to noise, gas, odor, dust, or vibration shall conform to the performance standards contained within the Industrial District regulations and other applicable local, state and federal regulations.

a. Custom Manufacturing. Establishments engaged in the on-site assembly of hand-fabricated parts~~,~~ or engaged in the on-site hand manufacture or hand fabrication of custom or craft goods. Goods are predominantly manufactured and fabricated involving the use of hand tools or domestic-scaled mechanical equipment and kilns not exceeding 20 square feet in size. Typical uses include ceramic studios, fabrics, inlays, weaving, leather work, woodwork, metal or glass work, candle making, small batch food manufacturing, or custom jewelry. See also ARTISAN/CRAFT PRODUCTION. For beer and alcohol production, see BREWERY/MICRO-BREWERY and DISTILLERY.

b. General Manufacturing. Establishments engaged in manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. This classification includes manufacturing for biomass energy conversion, cosmetics and perfumes, electrical appliances and explosives, film and photographic processing plants, apparel and textile mills, leather and allied products manufacturing, wood/paper products, glass products, chemical products, medical/pharmaceutical products, refining, plastics and rubber products, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.

c. Light Manufacturing. Establishments engaged in food manufacturing and manufacturing of products and finished parts primarily from prestructured materials or components by means of physical assembly or reshaping and does not produce or utilize in large quantities as an integral part of the

manufacturing process, toxic, hazardous, or explosive materials. Because of the nature of its operation and products, little or no noise, odor, vibration, glare, and/or air or water pollution is produced.

MARIJUANA. See "CANNABIS".

MARKET. See "SUPERMARKET."

MARTIAL ARTS STUDIO. An establishment where martial arts classes, private lessons, and demonstrations are provided to the public for a fee. See RECREATIONAL FACILITY.

MASSAGE PARLOR. An establishment where body massage is provided to members of the public for a fee. Refer to Chapter 6, Article 10 of the Hayward Municipal Code for regulations.

MEDIA PRODUCTION. Facilities for motion picture, television, music, ~~video, sound, computer~~ and other ~~communications and~~large scale media production. Use includes incidental rehearsal and broadcasting uses; however, use does not include transmission towers. This classification may also include incidental office use, retail sales, and indoor storage of equipment related to the recording uses. Does not include small scale media production, such as podcasting or social media content production.

MEDICAL CANNABIS or MEDICAL CANNABIS PRODUCT. Cannabis or a cannabis product, respectfully, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medical cannabis patient in California who possesses a physician's recommendation.

MEDICAL MARIJUANA. See "MEDICAL CANNABIS".

MEDICAL/DENTAL LABORATORY. A facility which custom manufactures and distributes false teeth, dental crowns, braces, and other related dental equipment to dentists.

MEDIUM DENSITY RESIDENTIAL (RM). A land use zoning district which primarily allows the development of multiple-family dwellings at a set density and in a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible. See Section 10-1.~~400~~200.

MICRO-BREWERY. A retail establishment where alcoholic beverages are produced and sold for consumption either on or off premises. Tasting alcoholic beverages may be included as an accessory use, but the micro-brewery cannot operate as a bar. Refer to Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations.

MICROBUSINESS. A commercial cannabis business holding a license issued by the State Bureau of Cannabis Control for the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer pursuant to Business and Professions Code Sections 26050 and 26070.

MISSION BOULEVARD RESIDENTIAL DISTRICT (MBR).

Note(s)—Repealed by Ordinance 11-12, Adopted October 11, 2011.

MOBILE HOME. Same as "Manufactured Home," but subject to the National Manufactured Housing Construction and Safety Act of 1974.

MOBILE HOME PARK (MH). A land use zoning district designed for, used or intended to be used for the parking and occupancy of two or more mobile homes for dwelling or sleeping purposes. See Section 10-1.700.

MORTUARY. An establishment engaged in the preparation of human bodies and the arrangement and holding of funeral services prior to burial or final disposition. For the purposes of this Ordinance, a mortuary may include a crematory.

MOTEL. A group of attached or detached buildings containing individual sleeping or living units designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit where a maximum continuous length of stay is no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.

MULTIPLE-FAMILY DWELLING. See "DWELLING, MULTIPLE-FAMILY."

MUSIC STORE. An establishment which sells musical instruments, sheet music, and related commodities to the public at retail. Typically includes repair of musical instruments.

MUSIC STUDIO. An establishment which provides music classes and private music lessons to the public for a fee. Typically involves piano lessons and/or guitar lessons, both acoustical and amplified, and includes occasional music recitals by the studio students. See RECREATIONAL FACILITY.

NAIL SALON. An establishment which provides nail manicures and pedicures to the public at retail for a fee. Does not include massage or tanning services.

NEIGHBORHOOD COMMERCIAL DISTRICT (CN). A land use zoning district ~~which is carefully located in areas throughout the City in relationship to other commercial districts and in relationship to nearby residential districts. Land uses created in the CN district are~~in which general commercial and retail uses ~~which~~ provide convenience goods and services purchased frequently, serving nearby residences. See Section 10-1.800.

NEIGHBORHOOD COMMERCIAL - RESIDENTIAL DISTRICT (CN-R). A land use zoning district with a mix of neighborhood serving businesses and residences along portions of certain arterials in order to provide options for housing with ready access to shops and transit. See Section 10-1.~~900~~800.

NIGHT CLUB. Refer to~~See definition for~~ "BAR~~ar~~". Any establishment~~night club~~ that permits dancing ~~or live entertainment~~ on a regular basis after the hours of 10:00pm.~~must obtain a cabaret license as required by Chapter 6, Article 2 of this Code. Please see~~ Refer to Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

NONCONFORMING, ILLEGAL. A structure, lot, or use which did not conform to applicable laws when constructed or initiated~~,~~ and does not conform to the provisions of this Ordinance.

NONCONFORMING LOT. A lot, the area, frontage or dimensions of which do not conform to the provisions of this Ordinance.

NONCONFORMING STRUCTURE. A structure which conformed to applicable laws when constructed but does not conform to the provisions of this Ordinance.

NONCONFORMING USE. A use complying with applicable laws when established but does not conform to the provisions of this Ordinance.

NUISANCE. An activity or land use which is determined to be detrimental or incompatible with adjacent properties, adjacent property owners or users, or the general public. Refer to Section 10-1.150.

NURSERY, PLANT. An establishment which grows flowers, shrubs, and trees and provides them for sale at retail to the public. Typically includes related items such as seeds, bulbs, pots, potting soil, etc. Majority of product may be displayed and stored outdoors.

OFFICE. An establishment where services are performed for predominately administrative, professional, medical, dental or clerical operations that function as a place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers, corporate offices, drafting services, dentists, doctors, financial institutions, development companies, engineers, surveyors and planners, insurance agencies, interior decorators and designers, landscape architects, psychiatrists, psychologists, notaries, typing and secretarial services, therapists~~, and internet publishing, broadcasting, and web search portal establishments~~, and other similar businesses and professions, not otherwise specifically defined in this Code. ~~This use classification also includes software and internet content development and publishing; computer systems design and programming; data processing or call centers; facilities that broadcast exclusively over the Internet and have no live, in-building audiences participating in such broadcasts; and computer, technical, and informational services.~~ Under no circumstance, as a primary, permitted or accessory use, shall any Office be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

OPEN SPACE. Open space areas and recreational amenities providing gathering space or opportunities for active or passive recreation. This is further defined as follows:

a. Common Use Open Space. An on-site, indoor or outdoor recreational area accessible to all residents. The space shall not include the required front or side street yard, off-street parking areas, driveways, service areas, or areas of more than 5 percent slope. (Refer to appropriate sections of this ordinance for specific requirements.) For residential or mixed-use buildings, open space can be provided at grade, on podium or rooftop, or indoors.

b. Private Open Space. An on-site recreational area directly accessible only to one residential unit from a living and non-service area, which is not more than four feet above or below the floor level. The space shall not include the required front or street side yard, areas devoted to off-street parking, driveways, or service, or areas of more than 5 percent slope. (Refer to appropriate sections of this ordinance for specific requirements.)

OPEN SPACE/PARKS AND RECREATION DISTRICT (OS). A land use zoning district intended to promote and encourage a suitable environment devoted to parks, recreation, floodplain or passive or active open space uses for the enjoyment of all members of the community. The OS District may be used to preserve and protect land areas of special or unusual ecological or geographic interest. See Section 10-1.2200.

PAINT/WALLPAPER STORE. An establishment which provides paint, wallpaper, and related commodities to the public for a fee. Typically includes installation services.

PALM READING SERVICE. An establishment which provides psychic services, such as palm reading and fortune telling, to the public for a fee.

PARCEL. A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest equalized assessment roll.

PARKING. A parking area which provides the required parking for a use in accordance with the City of Hayward Off-Street Parking Regulations (Chapter 10, Article 2, Hayward Municipal Code). The following definitions relating to parking are also provided:

a. Covered Parking. Parking space(s) which are contained within a carport or garage.

b. Parking Lot. An off-street area, whether open or enclosed, other than a showroom or sales lot, used to store motor vehicles on a daily basis, but not including the storage of dismantled or wrecked motor vehicles or parts thereof. A parking lot may be commercial, public, or private.

c. Off-Street Parking. Parking stalls provided beyond the right-of-way of a street or highway.

d. Off-Street Parking Space. Refer to the definition contained in the City of Hayward Off-Street Parking Regulations (Chapter 10, Article 2, Hayward Municipal Code).

e. On-Street Parking. Parking stalls provided within the right-of-way of a street or highway.

f. Open or Uncovered Parking. Parking space(s) which are not contained within a carport or garage.

g. Parking Structure. Facilities for the temporary parking of motor vehicles within a privately or publicly owned off-street parking facility. This use includes commercial parking garages.

PASSENGER TRANSPORTATION TERMINAL. A facility which provides a loading, transfer, or drop-off point for public transportation (i.e., Amtrak, BART, Greyhound, and airport.) For single passenger pick-up and drop-off, refer to "Taxi Company."

PAWN SHOP. An establishment which provides monetary exchange for collateral, typically personal items such as watches, jewelry, musical instruments, weapons, etc., after which the collateral item is returned to its owner after the money is repaid. Typically includes a fee and retail sales of unclaimed items.

PAYDAY LOAN FACILITIES. An establishment primarily engaged in the business of advancing funds to customers in situations where the customer uses his or her entitlement to a future paycheck from some other source as collateral for the loan, and for which the customer pays a fee (percentage or otherwise) for the advancement. Includes bail bond agencies and similar uses.

PERMITTED USE. A specified use allowed in a land use zoning district and subject to the provisions applicable to that district.

PERSON. Any individual, business, company, corporation, both public and private, association, political or governmental subdivision or unit, or other group acting as a unit or entity.

PERSONAL SERVICES. An establishment that provides non-medical services to an individual as a primary use. Examples of these uses include but are not limited to barber shops, beauty salons including microblading and permanent makeup, dog grooming, nail salons, dry cleaning pick up stores with limited equipment, locksmiths, shoe repair, and tailors.

PET GROOMING SHOP. An establishment which provides a grooming service of household pets to the public for a fee. Typically includes washing, hair trimming, and temporary boarding of animals being groomed (i.e., less than 24 hours).

PET STORE. An establishment which provides pets and pet supplies to the public for sale at retail. Pets for sale typically include dogs, cats, fish, reptiles, hamsters, birds, etc., and may include exotic pets, such as parrots, pot bellied pigs, and iguanas. Pet supplies usually include food, cages, leashes, etc. May include ancillary pet grooming.

PETS, HOUSEHOLD. Small animals ordinarily and customarily domesticated and permitted in a dwelling and kept for company or pleasure and not for profit, including the following subcategories:

a. Traditional Household Pets. Dogs, cats, canaries, parakeets, fish, domestic mice, rats, guinea pigs, potbelly pigs, up to four (4) rabbits, or similar animals, as determined by the Planning Director. The keeping of more than four cats or dogs requires an "Animal Fancier's Permit" from the City Animal Control Officer.

b. Other Household Pets. Hens, ducks, pigeons and other similar small animals, as determined by the Planning Director, where the total number on a property does not exceed four (4) of such animals. Other Household Pets are subject to approval of a Zoning Conformance Permit based on consistency with the standards prescribed in Section 10-1.2735 of the Hayward Municipal Code.

PHOTOGRAPHIC SUPPLY STORE. See "CAMERA STORE."

PHOTOGRAPHY STUDIO. An establishment where a professional photographer takes posed pictures of people for a fee at retail. Does not include retail sales of photographic supplies, except for picture frames and picture albums.

PHYSICAL FITNESS STUDIO. An establishment which provides physical exercise classes and/or personal one-on-one physical fitness training. Typically includes a weight room and/or an aerobics dance class room. Does not include facilities typically of the large health clubs, such as showers, a pool, racquetball or tennis courts.

PLANNED DEVELOPMENT DISTRICT (PD). A land use zoning district which permit a combination of land uses planned for a single tract of land to be developed as a unit according to a specific development plan approved by the City which result in efficient and attractive utilization of land in order to preserve open space areas, topographical features, ridge tops, and tree clusters. This district also permits the creation of a site-specific project which provides a mix of housing types as well as nonresidential development. See Section 10-1.2500.

PLANNING COMMISSION. The Planning Commission of the City of Hayward, California.

PLANNING DIRECTOR. The Director of the Community and Economic Development Department of the City of Hayward, California. This includes his or her staff members as appointed to represent him or her.

POINT OF BUSINESS SALE. An establishment which provides retail sales of commodities via internet, telephone, facsimile, and/or mail, with less than 10 percent of gross annual sales attributable to direct and physical customer contact on-site.

PREMISES. A continuous area of land and any structures thereon all under a single ownership or operation under a single direction, which premises may include one or more adjacent lots, or fractions of lots.

PREMISES. The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

PRIMARY USE. The principal or predominant use of any lot, building or structure.

PUBLIC AGENCY FACILITIES. Facilities, structures and accessory uses which house public agencies such as federal, state, or local government, and other agencies such as utility and telephone companies governed by the Public Utilities Commission.

PUBLIC PARK/PUBLIC GATHERING. A park, playground, swimming pool, reservoir, golf course, or athletic field within the City which is under the control, operation or management of the City of Hayward, Hayward Area Recreation District, Alameda County, the East Bay Regional Park District, the State of California or Federal Government. For private golf course, see "GOLF COURSE, COUNTRY CLUB."

PUBLIC FACILITIES DISTRICT (PF). A land use zoning district within which typical land uses include public government buildings, public libraries, public community centers, and public parking lots, whether a fee is charged or not. See Section 10-1.2300.

QUARRY. Any premises from which any rock, sand, gravel, earth, or mineral is removed or excavated for the purpose of disposition away from the immediate premises, whether the disposition is immediate or in the future, and excepting excavations within public roads and highway rights-of-way.

RADIO TRANSMISSION TOWER. See "ANTENNA."

RAILROAD YARD. A facility where railroad cars and engines are stored, repaired, and transferred to different trains. Also includes a freight station where items carried by train are transported onto and/or from trucks for transport. Also see "PASSENGER TRANSPORTATION TERMINAL."

~~RECREATIONAL FACILITY. Those facilities maintained to provide a pastime, sport or exercise as a means to refresh one's body or mind, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses. May be a commercial or non-commercial facility. Under no circumstance, as a primary, permitted or accessory use, shall any Recreational Facility be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)~~

RECREATIONAL FACILITY**.** A facility maintained to provide a pastime, sport, or exercise and ancillary activities as determined by the Director. The use may be a commercial or non-commercial facility. Under no circumstance, as a primary, permitted or accessory use, may any Recreational Facility be allowed to operate simulated gambling devices as defined in Article 4-16 (Prohibition of Simulated Gambling Devices) of the Hayward Code.

a. Indoor Recreation. Includes, but is not limited to, athletic health clubs/fitness studios, gymnasiums, bowling alleys, ice and roller-skating rinks, pool/billiard parlors, art/dance/music studios, and electronic video arcades.

b. Outdoor Recreation. Includes, but is not limited to, sport fields or courts, driving ranges, batting cages, skate parks, and golf courses.

RECREATIONAL VEHICLE. A vehicle primarily designed as temporary living quarters for recreational, camping, or travel use.

RECREATIONAL VEHICLE (RV) STORAGE FACILITY. A parcel or group of contiguous parcels upon which two or more recreational vehicles, camper trailers and boats may be stored for a fee when not in use.

RECYCLING FACILITIES.

a. Small Recycling Collection Facilities/Recycling Collection Area. Small recycling facilities shall be incidental to a primary use on the site (i.e. shopping center). Accepts recyclable non-hazardous materials directly from the public by donation, redemption, or purchase at facilities no greater than five hundred (500) square feet in area and that generally do not use power-driven processing equipment. May include mobile recycling units, bulk reverse vending machines, kiosk type units, and/or unattended containers placed for the donation of recyclable materials (such as aluminum, glass, plastic, and bimetal for recycling). Small Recycling collection facilities may not process material except for limited bailing, batching, and sorting of materials.

b. Large Recycling Collection Facilities. A facility accepting recyclable non-hazardous materials by donation, redemption, or purchase at facilities occupying an area greater than five hundred (500) square feet and that is not incidental to a primary use. Large Recycling Collection Facilities may use power driven equipment to sort and condense material for shipment to an intermediate processor or other user. Processing of materials is limited to sorting, bailing or similar activities and shall occur within an enclosed building. Storage of materials shall occur within an enclosed building or in sealed and covered containers outside of a building, subject to the Outdoor Storage screening requirements.

c. Recycling Processing Facilities. A facility that operates within an enclosed building used for the collection, processing and storage of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, composting and remanufacturing. Processing outside of a building is prohibited.

RECYCLABLE MATERIALS. "Recyclable materials" or "recyclables" are discarded materials that are collected, separated, composted, and processed and that can be used as raw materials in the manufacture of new products and/or materials used as alternative daily cover as defined and permitted by the State of California. Recyclable materials are collected and treated in a manner different from Refuse.

REFUSE. Waste material intended for disposal and including: (1) non-putrescible wastes, whether in solid or liquid form, except liquid-carried industrial wastes or sewage hauled as an incidental part of septic tank or cesspool-cleaning service; and (2) rubbish (such as non-recyclable materials).

RELIGIOUS FACILITY. Those facilities maintained by a tax-exempt religious institution, a government agency, or other non-profit organization exempt from taxation under the Internal Revenue laws as an organized system of belief in or the worship of God or gods or an institutionalized system of religious attitudes, beliefs and practices, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses.

RENEWABLE ELECTRIC POWER GENERATION, TRANSMISSION, AND DISTRIBUTION. Facilities engaged in generating electric power from renewable resources or operating power transmission systems for renewable energy, including electrical lines, transformer stations, and meters. This definition does not include ancillary renewable energy systems associated with a primary industrial use. See also WIND ENERGY CONVERSION SYSTEM.

RESEARCH AND DEVELOPMENT. A facility engaged in conducting research and development to gain or apply scientific knowledge for product/process creation. Includes commercial testing and experimental laboratory environments. Subject to Hazardous Materials Use and Storage limitations.

RESIDENTIAL NATURAL PRESERVATION DISTRICT (RNP). A land use zoning district within which topographic configuration is a major consideration in determining the most appropriate physical development of the land. This district primarily allows the development of single-family homes only where they are subservient to and compatible with the preservation of major natural features of the land. See Section 10-1.2300.

RESIDENTIAL-OFFICE (RO). A land use zoning district which allows the mix of office land uses with residential, the scale and form of which does not detract from adjacent ~~or future~~ residential land use in the same zone. See Section 10-1.~~600~~800.

RESTAURANT. Any establishment, other than a boarding house or dormitory, where food and beverages are provided for consumption on-premises or off-premises, and where typically, but not necessarily, there are tables, counters, benches, or other public seating facilities provided, or where food is taken off-premises, disposal containers are provided. Examples include a sit-down dining facility, fast-food restaurant (no drive-through window), donut shop, pizza shop, cafe, bakery, cafeteria, coffee shop, lunchroom, delicatessen, and ice cream parlor. The serving of alcoholic beverages is subject to the regulations in the "Alcohol Beverage Outlets" regulations, Section 10-1.2750 of this Ordinance.

RESTAURANT—DRIVE-THROUGH. Any high-volume establishment serving food or beverages which utilizes a building design, site layout, or operating procedure whereby customers can drive onto the premises and remain in their vehicles while food or beverages are sold or dispensed. For regulations of drive-through restaurants see the "Drive-in Establishments-Special Standards and Conditions" contained in the Design and Performance Standards of various Sections of this Ordinance, including Sections 10-1.800 and 10-1.1000.

RETAIL. The sale of commodities or goods to ultimate consumers. This definition does not include AUTOMOBILE SALES for new and used vehicles.

REVERSE VENDING MACHINES. A mechanical device which accepts one or more types of empty beverage containers, including aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip. "Bulk reverse vending machines" are those machines which exceed 50 cubic feet in size or exceed 8 feet in height. See Section 10-1.2735.m~~i~~. "RECYCLING FACILITIES."

RIDING STABLE OR ACADEMY. A facility where individuals board their horse(s) and or where horseback riding classes are taught. Typically includes public demonstrations, such as dressage or other equestrian events. Does not include any contest(s) resembling a rodeo (i.e., bronco riding, calf roping, and/or steer wrestling).

RIGHT-OF-WAY. A strip of land used acquired by reservation, dedication, prescription or condemnation and intended to be used or occupied by a road, trail, water line, sanitary sewer and/or other public utility services and uses, or any combination thereof, and includes all and any part of the entire width or other area of designated right-of-way, whether or not such entire width or area is actually used. Right-of-way includes access, pedestrian, equestrian and utility easements. The following sub-definitions are provided:

a. Public right-of-way. A right-of-way owned by the City or any other public entity or public utility.

b. Private right-of-way. A right-of-way owned by and for the benefit of one or more persons, including a right-of-way offered for dedication to the City or to any other public entity which has not been accepted and which no improvements or maintenance has regularly been performed by the city or other public entity.

c. Railroad right-of-way. A strip of land on which railroad tracks, spur tracks, sidings, switching equipment and signals are located, and includes the entire width or other area of the designated right-of-way, whether or not the entire width or area is actually used for such railroad facilities.

ROOF STYLE.

a. Flat: A roof that is almost level, with no significant slope (pitch) in any direction. Most flat roofs have a very gentle slope for rainwater run-off.

b. Gable: A gable roof is one where only two opposite sides (usually the longer sides) slope, with walls that extend all the way to the top of the roof ridge in a triangular shape.

c. Gambrel: A gambrel roof is a symmetrical two-sided roof with the longer sides having two segments at different pitches.

d. Hip: A hip roof (or hipped roof) is one where all four sides slope.

SETBACK. The required distance that a building, structure, parking or other designated item must be located from a lot line.

SHOE REPAIR SHOP. An establishment which repairs, shines, and polishes shoes. Typically includes machinery necessary to repair shoes, and may include retail sales of shoes.

SHOPPING CENTER. A continuous area of land under single ownership or operated under a single direction, developed for retail and general commercial purposes, and typically has at least one major tenant and several smaller shops. Typically has driveways and parking facilities which are shared between tenants.

SIGN SHOP. An establishment which produces general advertising signs of various shapes and sizes for sale at retail.

SLOPE. The formula for calculating slope shall be as follows:

$S = (I \times L \times 100)/A$

S = Average existing slope in percent for the portion of the site or lot to be developed.

I = Contour interval in feet.

L = The combined length in feet of all contour lines within the portion of the site or lot to be developed.

A = Total area in square feet of the portion of the site or lot to be developed.

The total area within a site or lot that is proposed to be graded and/or covered with structures shall be included in the slope calculation. Areas proposed to be left undisturbed shall not be included.

SPECIAL DESIGN OVERLAY DISTRICT (SD). A zoning overlay which promotes the conservation and compatibility of development in areas of historic or architectural character and has specific architectural requirements for new development which enhances these resources. This District is comprised of the following Subdistricts:

a. "B" Street Special Design Streetcar District (SD-1).

b. Mission Corridor Special Design District (SD-2).

c. Cottage Special Design District (SD-3).

SPECIAL LOT STANDARDS COMBINING DISTRICT (B). An overlay zone which depicts specific development standards for the zoning district it is combined with. See Section 10-1.2400.

SPORTING GOODS STORE. An establishment which sells sporting goods to the public at retail. Typically includes sports equipment (i.e., balls, bats, tennis rackets, golf clubs, skis and ski poles), and may include related clothing (i.e., tennis shoes for running, walking, basketball, etc., and sweat pants, shorts, shirts, and hats.) May also include the ancillary sale of used sporting goods.

STATION AREA RESIDENTIAL DISTRICT (SAR).

Note(s)—Repealed by Ordinance 11-12, adopted October 11, 2011.

STATIONARY STORE. An establishment which sells office-related products to the public at retail. Products typically includes paper products, calendars, pens and pencils, and may include small office equipment, such as filing cabinets, ~~brief cases~~briefcases, and calculators. Usually includes the sale of greeting cards, wrapping paper, photo albums, picture frames, globes, maps, and other related products.

STORAGE. A space or place where goods, materials and/or personal property is put for more than 24 hours. The following subdefinitions are provided:

a. Minor Open Storage. Outside storage that is accessory or ancillary to the primary or conditional use conducted on the site, which shall not exceed 25 percent of an open yard area, excluding any required yard or parking area.

b. Public Storage Facility. A space or place within an enclosed building where goods, materials, and/or personal property may be put for more than 24 hours for a fee. Typically includes a manager's dwelling unit and customer parking.

c. Recreational Vehicle Storage Facility. See definition for "Recreational Vehicle (RV) Storage Facility."

STORAGE YARD. Outdoor storage of goods, materials, equipment as well as storage of operating equipment for warehouses such as forklifts, pallets and racks outside of a building for more than 24 hours as a primary use. This classification excludes auto-related outdoor storage uses otherwise defined in this section such as AUTOMOBILE STORAGE YARD, AUTOMOBILE DISMANTLING FACILITY and TOWING YARD.

STORY. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused underfloor space shall be considered as a story. A mezzanine or loft that covers a portion of the floor below still constitutes a story.

STREET. A publicly maintained right-of-way for use as a public thoroughfare by the public at large, or a private street, provided said private street has been approved by the City Council.

STREET TREE. A tree located within the right-of-way, often within a sidewalk well.

STRUCTURAL ALTERATIONS. Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

STRUCTURE. Anything constructed or erected, except fences not exceeding seven~~six~~ feet in height, which requires permanent location on the ground or is attached to something having location on the ground.

SUBDIVISION. The division of land as regulated by the Subdivision Ordinance, Article 3, Chapter 10, of the Hayward Municipal Code.

SUBDISTRICT. A subcategory of a primary zoning district.

SUNTAN PARLOR. An establishment which provides tanning facilities for use by the public for a fee.

SUPERMARKET. An establishment which does retail sales of food, beverages, drugs, variety items, and similar goods. May include an automated teller machine or related financial facility.

TAILOR/SEAMSTRESS SHOP. An establishment which sews, alters, and/or mends clothing and costumes for the public for a fee. Typically includes sewing machines and sewing notions for use by the proprietor.

TANNING SALON. See "SUNTAN PARLOR."

TATTOO PARLOR. An establishment which provides a tattooing service to customers. May include body piercing as an ancillary use.

TAVERN. See "BAR, COCKTAIL LOUNGE."

TAXI COMPANY. An establishment which provides vehicle rides to the public for a fee. Typically includes automobile and/or van rides, for single passenger pick-ups and drop-offs. Minor automobile repair of vehicles used by the proprietor is permitted on-site (i.e., oil change, tune-ups).

TEMPORARY USE. Short-term activities that are non-permanent, intermittent, or seasonal in nature. May not be located within public-right-of-way. Refer to Section 10-1.2735 for regulations on Temporary Uses.~~A use~~

~~established for a specific period of time, with the intent to discontinue the use at the end of the designated time period. Example includes retail sidewalk or tent sales. For animals, "temporary use" shall mean the keeping of animals for specified periods of time either following birth, for purposes of recovery by no-profit breed rescue organizations, or other reasons as determined by the Planning Director.~~

THEATER. A building or outdoor structure where films, motion pictures, video cassettes, slide or similar photographic reproductions are regularly shown, or an establishment regularly featuring live performance of dramatic productions, for any form of consideration.

a. SMALL MOTION PICTURE THEATER. An establishment having two (2) or fewer screens or less than two hundred (200) seats.

b. LARGE MOTION PICTURE THEATER. An establishment having three (3) or more screens or two hundred (200) or more seats and showing first run films. Large Motion Picture Theaters are also referred to as multi-plex or multi-screen theaters.

c. LIVE PERFORMANCE THEATER. An establishment having one or more stages and featuring live or dramatic productions.

THRIFT STORE. An establishment engaged in the retail sales of used or donated goods (including clothing, furniture, appliances, etc.).

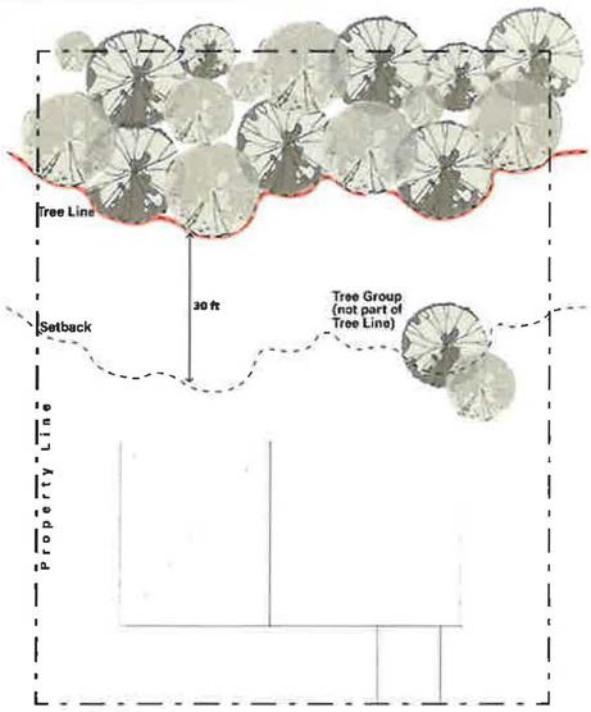
TOY STORE. An establishment which sells toys and games to the public at retail.

TRAILER. A vehicle without motor power used or adaptable for living, sleeping, business or storage purposes, having no function other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character unless the entire structure is erected and maintained in accordance with prevailing laws.

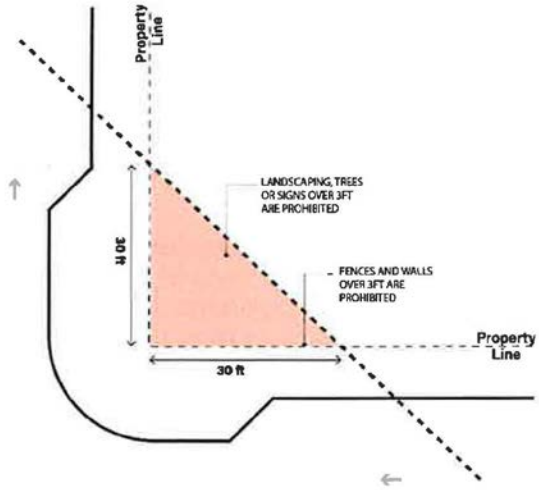
TRANSITIONAL AND SUPPORTIVE HOUSING. Transitional and supportive housing are more permanent housing options providing a more stable living situation for individuals and families that might otherwise be homeless with stay lengths that are typically six months or longer. Transitional and supportive housing uses are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone.

TRAVEL AGENCY. See "OFFICE."

TREE LINE. An intact assemblage of trees connected to a larger forested area as defined on a property survey prepared by a Licensed Land Surveyor. This does not include small groupings or individual trees that are not connected to the larger forested area.



TRIANGLE OF VISIBILITY. The area formed at a corner intersection of two property lines whose two sides are 30 feet measured along the property lines and whose third side is a line connecting the two sides, as illustrated below. See also Hayward Traffic Code, Sections 9.01 through 9.05, as amended from time to time.



TRUCK TERMINAL. A facility which provides a transfer, loading, and unloading point for trucks and automobiles carrying goods and products. Typically includes fuel and food facilities.

UNATTENDED COLLECTION BOXES. Unattended collection box shall mean any unattended container, receptacle or similar device that is located on any lot within the city that is used for soliciting and collecting donations of clothing and other salvageable personal property. See General Regulations "Recycling Facilities" for specific regulations.

UPHOLSTERY SHOP. A facility which re-upholsters household furnishings of all types (i.e., couches, chairs, footstools, pillows, etc.), for a fee (does not include automobile upholstering).

USE. The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

USE PERMIT. A land use permit termed a "discretionary entitlement" to operate a specified land use on a given parcel. Usually an activity or business. The following subcategories of use permit are provided:

a. Administrative Use Permit. A Use Permit issued administratively by the Planning Director or his or her appointee. An Administrative Use Permit is typically subject to exactions and conditions of approval.

b. Conditional Use Permit. A Use Permit issued by the Planning Commission or City Council through a public hearing process. A Conditional Use Permit is typically subject to exactions and conditions of approval.

VACANT BUILDING/SITE. A building, structure or real property that is undeveloped, unoccupied or occupied by a person without a legal right to occupy for at least 30 days. In determining whether a building or site is vacant, the Planning Director or designee may consider these factors among others:

a. A building at which lawful residential or business activity has ceased.

b. The building or site is substantially devoid of contents.

c. The building or site lacks legally connected utility services, including but not limited to water, sewer, electrical or natural gas.

d. This definition does not include building, structures or sites that are undergoing construction or renovation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

VARIANCE. A discretionary entitlement which permits the departure from the strict application of the development standards contained in this Zoning Ordinance.

VARIETY STORE. An establishment which provides a variety of goods to the public for sale at retail. Typically includes hair care products, a pharmacy, non-prescription drugs and hygiene products, cleaning supplies, toys, games, small household appliances, dishes, make-up, candy, etc.

VEHICLE. The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for sleeping purposes shall be prohibited except within an approved mobile home park.

VEHICLE RENTAL. See "AUTOMOBILE RENTAL."

VEHICLE REPAIR. See "AUTOMOBILE REPAIR."

VEHICLE SALES. See "AUTOMOBILE SALES."

VEHICLE SERVICING. For vehicle servicing such as same-day lube, oil, and filter, see "AUTOMOBILE REPAIR - MINOR." For major vehicle repairs such as engine overhauls, vehicle upholstery, auto glass, mufflers, etc., see "AUTOMOBILE REPAIR - MAJOR."

VIDEO SALES AND RENTAL STORE. An establishment which sells at retail and/or rents video tapes to the public.

WAREHOUSE AND DISTRIBUTION FACILITY. Establishments primarily engaged in the sale, storage, and distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or

business customers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for distribution in smaller lots. Does not include public storage facilities.

WASTE TRANSFER/HANDLING FACILITY. A facility that transports or handles hazardous waste, medical wastes or other wastes from offsite sources. Subject to Outdoor Storage limitations.

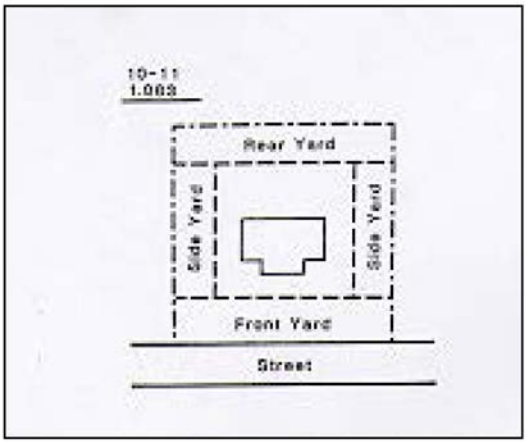
WASTE TREATMENT FACILITY. A facility that treats hazardous waste, medical waste or other waste from offsite sources. Subject to Outdoor Storage limitations.

WHOLESALE ESTABLISHMENT. The sale of commodities and goods to an establishment for resale to the consumer.

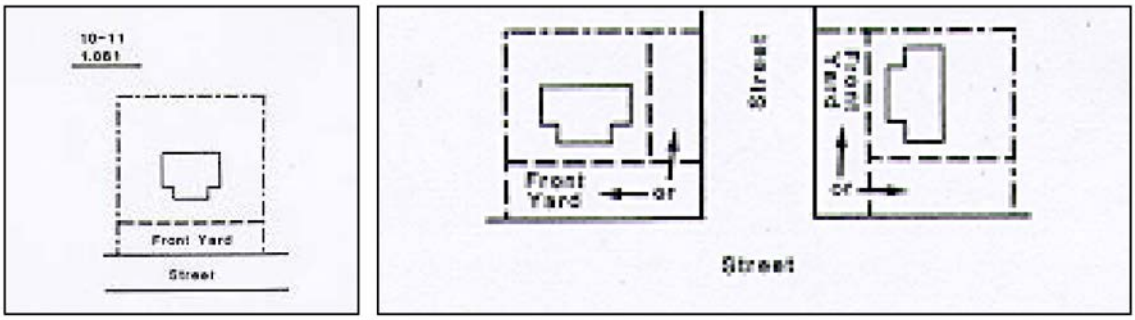
WIND ENERGY CONVERSION SYSTEM. A machine that converts the kinetic energy in the wind into a usable form. A wind energy conversion system is commonly known as a windmill or wind turbine~~,~~ and includes all parts of the system including the tower and the transmission equipment.

WINE SHOP. "Wine Shop" shall mean an alcoholic beverage sales establishment, managed by a certified sommelier or oenologist, primarily for the retail sales of wine from multiple wineries and distributors that involves no sales of liquor or distilled spirits. Wine tasting may be included as an accessory use, but the wine shop cannot operate as a bar.

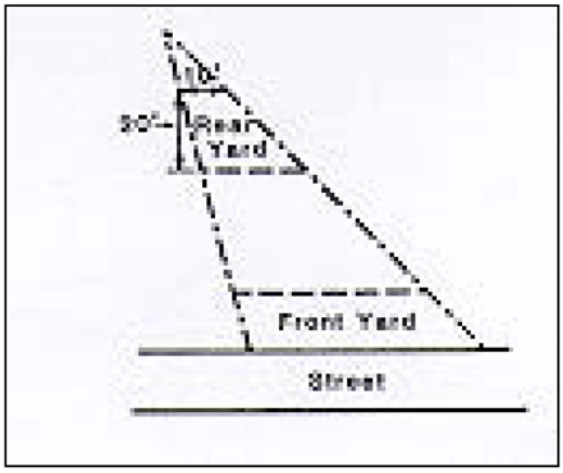
YARD. The word "yard" shall mean an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided herein. A yard extends along a lot line or official plan line to a depth or width specified in the yard regulations for the District in which such lot is located.



a. Front Yard. A yard extending along the full length of the front lot line between the side lot lines, except for flag-shaped lots where yard areas shall be calculated excluding the stem of the lot, and the front yard shall be parallel to the right-of-way unless determined otherwise by the Planning Director. The developer of a corner parcel may select as the front yard property facing either of the two rights-of-way at the time of initial development of the property.



b. Rear Yard. A yard extending along the full length of the rear lot line between the side lot lines of an interior lot. The rear yard of a corner parcel shall be determined by the Planning Director and shall be opposite either of the two rights-of-way.



c. Side Yard. A yard extending along a side lot line from the front yard to the rear yard, or from the front lot line to the rear yard where no front yard is required. In determining side yards based on a percentage of lot width where the lot is irregular in shape, the width shall be determined by calculating the lot width at a point of 20 feet from the front property line.

d. Side Street Yard. A yard extending along a lot line, other than a front, rear, or interior side line, between the front yard and a side or rear lot line. The developer of a corner parcel may select the side street yard from property facing either of the two rights-of-way.

(Section 10-1.3510 amended by Ordinance 99-18, adopted October 12, 1999; Ordinance 02-08, adopted July 16, 2002; Ordinance 03-08, adopted May 27, 2003; Ordinance 04-13, adopted September 28, 2004; Ordinance 04-19, adopted December 21, 2004, amended by Ordinance 06-11, adopted July 11, 2006, amended by Ordinance 06-14, adopted July 11, 2006; amended by Ordinance 17-09, adopted June 20, 2017; amended by Ordinance 17-16, adopted Nov. 7, 2017; amended by Ordinance 17-15, adopted Nov. 28, 2017; amended by Ordinance 19-10, adopted June 4, 2019; Amended by Ordinance 21-05, § 5, adopted July 20, 2021; Amended by Ordinance 24-01, adopted Jan. 23, 2024)

ARTICLE 2 OFF-STREET PARKING REGULATIONS[1]

I. PURPOSE AND DEFINITIONS

SEC. 10-2.000 PURPOSE.

These regulations are intended to achieve the following:

a. To relieve congestion on streets by providing convenient off-street parking and loading facilities in proportion to the demand created by the use;

b. To provide for the safe and orderly movement of traffic through proper design and location of adequate parking, loading, and maneuvering areas;

c. To protect neighborhoods and surrounding land uses from vehicular parking, loading and traffic congestion, noise, and dust through proper aesthetic design and location of entries, parking areas, and landscaping;

d. To promote businesses and industries by providing safe, convenient, attractive shopping and working environments;

e. To encourage the use of alternate forms of transportation;

f. To Implement the City's climate change, transportation, affordable housing, and economic development objectives established by the Hayward 2040 General Plan;

g. To Provide for the safe, efficient, and equitable use of electric automobiles; and

h. To Reduce the air pollution and greenhouse gas emissions generated by automobile use.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023)

SEC. 10-2.100 DEFINITIONS.

Certain words and phrases are defined within these regulations. Where it appears from the context of such words, phrases, or provisions that a different meaning is intended, the definition shall be as determined by the Director of Community and Economic Development/Planning Director.

a. "Assigned Parking." The words "Assigned Parking" shall mean parking spaces in a residential parking facility that are assigned or designated for use by a specific living unit within the building or residence.

b. "Automatic Load Management Systems (ALMS)." The words "Automatic Load Management Systems (ALMS)" shall mean a control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, or panels, and share electrical capacity and/or automatically manage

[1]Note(s)—Adopted April 12, 1977, Ordinance No. 77-016 C.S., Amended in its entirety by Ordinance 96-13, adopted July 16, 1996; Amended by Ord 99-14, adopted September 7, 1999; Amended by Ordinance 01-09, adopted July 24, 2001; Amended by Ordinance 04-19, adopted December 21, 2004; Amended by Ordinance 05-11, adopted October 4, 2005; Repealed and replaced by Ordinance 06-12, adopted July 11, 2006; Amended by Ordinance 11-12, adopted October 11, 2011.

power at each connection point. ALMS systems must be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

c. "Direct Current Fast Charging (DCFC)." The words "Direct Current Fast Charging (DCFC)" shall mean a parking space provided with electrical infrastructure that meets the following conditions:

   1) A minimum of 48 kVa (480 volt, 60-ampere) branch circuit.

   2) Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.

d. "Electric Vehicle Charging Station (EVCS)." One or more electric vehicle charging spaces served by EVSE or receptacles.

e. "Electric Vehicle Supply Equipment (EVSE)." The words "Electric Vehicle Supply Equipment (EVSE)" shall mean the conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, personnel protection system, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

f. "Level 2 Electric Vehicle (EV) Charger." A 208/240-volt 30-ampere minimum electric vehicle charger connected to the premises electrical system capable of charging electric vehicles.

g. "Level 2 EV Capable." The words "Level 2 EV Capable" shall mean a parking space provided with electrical infrastructure that meets the following requirements:

   1) Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within three (3) feet of the parking space.

   2) The conduit shall be designed to provide at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall have a minimum nominal trade size of 1 inch inside diameter and may be sized for multiple circuits as allowed by the California Electrical Code.

   3) The electrical panel shall reserve a space for a 208/240 volt, 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as "EV CAPABLE."

   4) Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 208/240 volt, 40 amperes.

   5) The parking space shall contain signage indicating the space is EV Capable in accordance with Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

h. "Level 2 Electric Vehicle (EV) Charging Receptacle." The words "Level 2 Electric Vehicle (EV) Charging Receptacle" shall mean a 208/240-volt 40-ampere minimum branch circuit and a receptacle.

i. "Level 2 EV Ready." The words 'Level 2 EV Ready' shall mean a parking space that is served by a complete electric circuit with the following requirements:

   1) A minimum of 8.3 kVa (208/240 volt, 40-ampere) branch circuit.

   2) A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

j. "Low Power Level 2 EV Ready." The words "Low Power Level 2 EV Ready" shall mean a parking space that is served by a complete electric circuit with the following requirements:

1) A minimum of 4.1 kVA (208/240 Volt, 20-ampere) branch circuit.

2) A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.

3) Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

k. "Unassigned or Common Use Parking." The words "Unassigned or Common Use Parking" shall mean parking spaces in a residential parking facility that are not reserved for or assigned to a specific living unit within the building or residence, including guest, staff, or other non-resident parking.

l. "Unbundled Parking." Vehicular parking for sale or lease to residents of a building separate from the sale or lease of living units within that residential building.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

II. GENERAL PROVISIONS

SEC. 10-2.200 APPLICATION.

This article shall not apply to existing uses established prior to its adoption except as hereinafter modified. Off-street parking and loading spaces shall be provided subject to the provisions of this chapter:

a. The Off-Street Electric Vehicle Charging requirements in this Article shall apply at the time of construction of any new building.

1) For EV charging infrastructure requirements for existing nonresidential buildings, see Section 5.106.5.4 of the California Green Building Standards Code.

2) For EV charging infrastructure requirements for existing residential buildings, see Section 4.106.4.3 of the California Green Building Standards Code.

3) For additional EV infrastructure requirements for select nonresidential buildings, see Section 5.106.5.5 of the California Green Building Standards Code.

b. At the time of construction of any new building.

c. At the time an existing building is altered or enlarged, except in the Central Parking District. The number of parking spaces or loading berths required for a major alteration or enlargement of an existing structure shall be in addition to the number of spaces or berths existing prior to the alteration or enlargement. The required number of parking spaces for that portion of the building existing prior to the alteration or enlargement shall not be increased as a result of the alteration or enlargement. For purposes of these requirements, 'major alteration or enlargement' shall mean an alteration or enlargement that would increase the number of parking spaces or loading berths required by at least 25 percent or by at least 10 parking spaces, whichever is greater.

d. At the time a new use is established in an existing building, where a major change of use or expansion in the existing use is involved for any lot, structure, or building, except in the Central Parking District, additional parking shall be provided for the new use based on the difference between the parking

requirements for the new use as set forth in this article and the parking requirements for the prior use. For purposes of these requirements, 'major change of use' shall mean a change of use that would increase the number of parking spaces or loading berths required by at least 25 percent or by at least 10 parking spaces, whichever is greater.

e. At the time that cumulative additions to a residential building increase the original building floor area by more than 50 percent per unit or increase the number of sleeping rooms.

NOTE: Excess parking spaces existing at the time a building is increased in area or a new use is established may be credited toward meeting the required parking.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.201 EXISTING PARKING AREAS.

No existing use of land or structure shall be deemed a nonconforming use solely because of the lack of off-street parking or loading facilities required by this article. A change of occupancy is not a change of use unless the new occupant is considered in a different use classification, as described in Chapter 10, Article 1, the Zoning Ordinance, than the former occupant.

SEC. 10-2.202 PRIOR USE REQUIREMENTS.

No required parking spaces in existence prior to the date of this article, or established pursuant to the provisions of this article or subsequent amendments thereto, shall be eliminated unless an equivalent number of alternate spaces are provided in conformance with the requirements of this article.

SEC. 10-2.203 FRACTIONAL SPACES.

Any required fractional parking space shall be considered a required whole space.

SEC. 10-2.204 MIXED USES.

The total requirement for off-street parking spaces shall be the sum of the requirements of the various uses on the site except as provided in Section 10-2.401, Shared Parking, and Section 10-2.402, Off-site Parking.

SEC. 10-2.205 ADMINISTRATION.

Except where indicated otherwise, the Director of Community and Economic Development/Planning Director shall administer and interpret these regulations. Prior to authorization for occupancy of any structure, including authorization for gas and/or electric meter service, City officials shall ensure that the use, arrangement, construction, and improvements are in accordance with plans approved through the verification of zoning compliance procedure.

III. REQUIRED RATIO OF PARKING SPACES

SEC. 10-2.300 REQUIRED RATIO OF PARKING SPACES.

Uses not specifically listed in this article shall provide the minimum off-street parking required of the use most similar in nature, as determined by the Director of Community and Economic Development/ Planning Director. Additional parking spaces may be required for developments requiring conditional use permits, parcel map or tract map approvals, or other conditionally approved projects at the discretion of the Director of Community and Economic Development/Planning Director.

SEC. 10-2.310 RESIDENTIAL USES.

The number of off-street parking spaces required for residential shall be:

USES	PARKING SPACES REQUIRED
DETACHED RESIDENTIAL:	
Up to 3,000 gross square feet	2.0 covered within an enclosed garage per dwelling unit
Greater than 3,000 gross square feet	3.0 covered within an enclosed garage per dwelling unit
If a lot abuts a public or private street that has no parking lane on either side of the street or is posted for no parking on both sides of the street.	2.0 covered per dwelling unit within an enclosed garage plus 2.0 uncovered per dwelling unit. Driveway parking spaces can satisfy the uncovered parking requirement.
If a dwelling with a single car garage was built prior to March 24, 1959.	1.0 covered within an enclosed garage per dwelling unit
DUPLEXES, TRIPLEXES, MULTI-UNIT RESIDENTIAL (4+ UNITS):*	
Studio	1.0 covered and 0.50 uncovered per dwelling unit
One-bedroom	1.0 covered and 0.70 uncovered per dwelling unit
Two or more bedrooms	1.0 covered and 1.10 uncovered per dwelling unit
LIVE/WORK	See Section 10-2.204
SENIOR (62+) RENTAL HOUSING[3]	0.5 covered per dwelling unit
HOUSING FOR INDIVIDUALS WITH DISABILITIES[3]	0.3 covered per dwelling unit
MOBILE HOMES	2.0 per mobile home space, plus 1.0 guest parking space per three mobile home spaces within a mobile home park
CARETAKER QUARTER	1.0 per caretaker quarter unit
SINGLE ROOM OCCUPANCY (SRO)	1.0 per sleeping unit
1. Group Homes, Supportive Housing and Transitional Housing shall provide the required ratio of parking spaces for a detached residence, duplex, triplex or multi-unit residential (4+ units), whichever is most consistent with the building form. 2. Ten percent of parking spaces required shall clearly be marked for visitor's parking, at least 70 percent of which shall accommodate standard size vehicles. Where less than 10 parking spaces are required, a minimum of one standard parking space shall clearly be marked for visitor's parking. 3. If any of the residential dwelling units are for designed and occupied by this population, this parking regulations shall apply.	

(Amended by Ordinance 17-16, adopted Nov. 7, 2017; Amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. B), adopted January 21, 2025)

SEC. 10-2.320 LODGING, REST HOMES AND HOSPITAL USES.

The number of off-street parking spaces required for boarding, hotels, convalescent homes, and hospital uses shall be:

USES	PARKING SPACES REQUIRED
~~DORMITORY~~MEDIUM and LARGE GROUP HOMES	1.2 for each occupant based on capacity as designed. For convalescent facilities, 1.0 for each 3.0 beds.
HOTELS and MOTELS	1.0 for each room, plus 1.0 for each two employees on the largest shift, plus 15% additional truck/trailer combination parking spaces, if located in an Industrial zoned area
~~CONVALESCENT FACILITY~~	~~1.0 for each 3.0 beds~~
HOSPITALS	1.0 for each hospital bed
EMERGENCY SHELTER, LOW BARRIER NAVIGATION CENTER	1.0 for each three employees on site during the shift that has maximum staffing, plus 1.0 space for each facility vehicle

(Amended by Ordinance 25-02, § 1(Exh. B), adopted January 21, 2025)

SEC. 10-2.321 PLACES OF LODGING, REST HOMES AND HOSPITAL USES ADDITIONAL PARKING.

Additional parking spaces for those areas used for offices, laboratories, pharmacies, cafeterias, restaurants, or other uses shall be required pursuant to Section 10-2.204, Mixed Uses. The amount of additional parking spaces required shall per the appropriate 'use' table.

SEC. 10-2.330 PLACES OF PUBLIC ASSEMBLY USES.

The minimum number of off-street parking spaces required for places of public assembly uses shall be:

USES	PARKING SPACES REQUIRED
PLACES OF PUBLIC ASSEMBLY, having fixed seating, including: Auditoriums Recreation facilities (Race tracks, Sports arenas, Stadiums, etc.) Theaters	1.0 for each 4.0 seats or 1.0 for each 50 square feet of gross floor area used for public assembly, whichever is greater
PLACES OF PUBLIC ASSEMBLY, having no fixed seating, including: ~~Associations~~ ~~Business, trade, and professional societies~~ Card rooms ~~Clubs~~ ~~Community centers~~ ~~Convention or meeting halls~~ Cultural facilities (excluding religious facilities)	~~1.0 for each 5.0 seats~~ ~~plus~~ 1.0 for each ~~1~~200 gross square feet of non-seating area

Recreational facilities (excluding golf courses, skating rinks, and commercial swimming pools) ~~Lodges~~ ~~Union Halls~~	
~~ATHLETIC clubs, gymnasiums, health clubs~~HEALTH CLUBS/FITNESS STUDIOS	1.0 per 200 square feet of gross floor area
~~BOWLING alleys~~	~~4.0 for each lane~~
~~BILLIARD halls~~	~~2.0 for each table~~
~~CHURCHES~~RELIGIOUS FACILITIES, ~~mortuaries~~MORTUARIES and ~~funeral homes~~FUNERAL HOMES	For area used for the main assembly: 1.0 for each five seats (22 inches of bench is equivalent to one seat or 1.0 for each 100 square feet of gross floor area, whichever is greater)
GOLF courses, driving range	5.0 per hole plus 1.0 per range tee
LIBRARIES, museums, art galleries	1.0 per 300 square feet of gross floor area
~~SCHOOLS~~EDUCATIONAL FACILIITES:	
Colleges, not including dormitories, stadiums, and gymnasiums	1.0 for each two full-time equivalent students enrolled
High schools, not including stadiums and gymnasiums	1.0 for each four daytime students
Intermediate and elementary schools	1.2 for each classroom
Business, trade and other schools	1.0 for each four students
Nursery schools and day care facilities	1.0 for each four students, plus a drop off area
SKATING rinks	1.0 for each 200 gross square feet of skating area
SWIMMING pools, commercial	1.0 for each 200 gross square feet of water surface and dressing room area
~~TENNIS courts/racquet, commercial~~	~~3.0 per court~~

SEC. 10-2.331 PLACES OF PUBLIC ASSEMBLY USES ADDITIONAL PARKING.

Additional parking spaces in places of public assembly for those areas used for offices, restaurants, taverns, or other uses shall be required pursuant to Section 10-2.204, Mixed Uses. ~~Additional parking spaces for bowling alleys, golf courses, swimming pools, tennis courts, gymnasiums, or similar uses shall be required for fixed spectator seating per 'Places of Public Assembly having fixed seating.' The amount of additional parking spaces required shall per the appropriate 'use' table.~~

SEC. 10-2.340 OFFICE, RETAIL, AND SERVICE USES.

The minimum number of off-street parking spaces required for office, retail, and service uses shall be:

USES	PARKING SPACES REQUIRED
~~AUTOMOBILE washing operation~~CAR WASHs:	
Conveyor type	Five times the length of the washing operation in queuing space plus

	2.0 parking spaces for drying and cleaning purposes per washing area or stall In all cases a minimum of 200 feet of queuing space and 5 parking spaces for drying and cleaning shall be provided
Non-conveyor type or self-service	3.0 queuing spaces per washing area in front of washing area or stall plus 2.0 parking spaces for drying and cleaning purposes per washing area
~~BARBER shops, beauty salons, nail care, massage parlors, tanning salons~~ PERSONAL SERVICES	~~2.0 for each chair or~~ 1.0 for each 100 square feet of gross floor area~~, whichever is greater~~
~~GAS~~AUTOMOBILE ~~service stations~~SERVICE STATION	1.0 for each employee on the largest shift plus 2.0 for each hoist, rack, or area primarily designed for the servicing or minor repair of one motor vehicle, excluding fuel pump service areas plus 1.0 for air/water dispenser In all cases, a minimum of three off-street parking spaces must be provided.
~~GAS service stations~~AUTOMOBILE SERVICE STATION with mini-markets	1.0 for each employee on the largest shift plus 2.0 for each hoist, rack, or area primarily designed for the servicing or minor repair of one motor vehicle, excluding fuel pump service areas plus 1.0 for air/water dispenser plus 1.0 for each 400 square feet of gross floor area. In all cases, a minimum of five off-street parking spaces must be provided.
LAUNDRY, self-service ~~or dry-cleaning, self-service~~	1.0 for each two washing/dry cleaning machines ~~plus~~ ~~1.0 for each dry-cleaning machine~~
OFFICES, ~~general, including banks and similar financial institutions, and professional offices except medical or dental offices~~	1.0 per 250 square feet of gross floor area
~~OFFICES, medical and dental offices, clinics and laboratories, including Cannabis Testing Laboratories~~	~~1.0 for each 200 square feet of gross floor area~~
RESTAURANTS/BREWERIES/WINERIES/DISTILLERIES/BARS~~, taverns, bars, night clubs, lunch counters, soda fountains, diners,~~ and other eating or drinking establishments (floor area includes outdoor seating area)	1.0 per three seats of seating area, including outdoor seating plus 1.0 per 200 square feet of gross floor area for other areas. In the Industrial area, if lot abuts a street that has no parking lane on either side of the street or is posted for no truck parking on both sides of the street, additional on-site truck parking may be required.

~~RETAIL establishments characterized by hand-carried merchandise in which a customer makes quick purchases or rentals in small quantities, including:~~ ~~Cleaners without a cleaning plant~~ ~~Convenience stores~~ ~~Commercial Cannabis Retail Dispensaries~~ ~~Delicatessen~~ ~~Doughnut shops~~ ~~Ice cream shops~~ ~~Laundry without a cleaning plant~~ ~~Off-sale liquor establishments~~ ~~Take-out restaurants~~ ~~Video stores~~	~~1.0 per 175 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is 10,000 square feet or less~~ ~~or~~ ~~1.0 per 215 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is over 10,000 square feet~~
RETAIL establishments characterized by hand-carried merchandise, including: Apparel shops Convenience stores Department stores Food markets Off-sale liquor establishments Pharmacies ~~Photography shop~~ Sporting goods Take out restaurants/cafes (deli, ice cream shop, etc.) ~~Variety stores~~	1.0 per 200 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is 10,000 square feet or less or 1.0 per 225 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is over 10,000 square feet, but less than 40,000 square feet or 1.0 per 250 square feet of gross floor area where the total gross floor area of the development, whether an individual establishment or a shopping center, is over 40,000 square feet.
RETAIL establishments and service and/or repair establishments generally characterized by large or heavy merchandise and including: Appliances Building materials ~~Building trade uses, such as heating, plumbing, roofing, sheet metal working, woodworking~~ Business machines Furniture Hardware ~~Household equipment~~ Nursery products Printing Upholstering Vehicle~~s~~ equipment Vehicle sales and rental, including motorcycles, jet skis, recreational vehicles, trailers, etc.	1.0 for each 250 square feet of gross floor area used for offices, sales and display plus 1.0 for each 600 square feet of gross floor area used for repair or services plus 1.0 for each 1,000 square feet of gross floor area used for indoor storage plus 1.0 for each 2,000 square feet of gross area used for outdoor sales, sales display or storage.
~~VEHICLE repair and service~~AUTOMOBILE REPAIR	1.0 for each 500 square feet of gross floor area

(Amended by Ordinance 17-15, adopted Nov. 28, 2017)

SEC. 10-2.341 UNKNOWN OFFICE, RETAIL AND SERVICE USES.

When the type of occupancy or use is unknown or uncertain for a commercially zoned site, the minimum off-street parking required is 1.0 space for each 200 square feet of gross floor area.

SEC. 10-2.350 WHOLESALE, MANUFACTURING, STORAGE, TRANSPORTATION, AND SIMILAR USES.

The minimum requirements for wholesale, manufacturing, storage, transportation, and similar uses are:

USES	PARKING SPACES REQUIRED
All ~~wholesale~~WHOLESALE, ~~manufacturing~~MANUFACTURING, ~~storage~~STORAGE, ~~transportation~~TRANSPORTATION, and similar uses except as specifically identified below.	1.0 for each 500 square feet of gross floor area, or If the building or structure has leasable bays of 2,500 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,000 square feet of gross floor area, or If a building or structure has leasable bays of 10,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,500 square feet of gross floor area, or If a building or structure has leasable bays of 20,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 2,000 square feet of gross floor area.
DATA CENTERS	1.0 for each 5,500 square feet of gross floor area
~~Mini-storage facilities~~MINI-STORAGE FACILITIES	2.0 covered near the residential unit and 5.0 uncovered near the office
~~Salvage~~SALVAGE, ~~wrecking~~WRECKING and ~~dump yards~~DUMP YARDS	5.0 spaces, plus 1.0 for each 20,000 square feet of outdoor areas under use, plus 1.0 space of adequate size for all rolling stock stationed on the premises.
~~Passenger terminal facilities and stations~~PASSENGER TERMINAL FACILITIES and STATIONS for airports, BART rail transit, railroads, or bus lines	1.0 for each 500 square feet of gross floor area, plus additional spaces for commuter traffic as determined by the City Engineer.
~~Research and development~~RESEARCH AND DEVELOPMENT facilities	1.0 for each 500 square feet of gross floor area
~~T-hangars~~T-HANGARS	1.0 for each based aircraft
~~Tie-downs~~TIE-DOWNS (open)	1.0 for each 3 based aircraft

(Amended by Ordinance 17-15, adopted Nov. 28, 2017; amended by Ordinance 19-10, adopted June 4, 2019)

SEC. 10-2.351 WHOLESALE, MANUFACTURING AND STORAGE USES ADDITIONAL PARKING.

Note(s)—(Repealed by Ordinance 19-10, adopted June 4, 2019)

SEC. 10-2.360 GOVERNMENTAL OR OTHER PUBLIC USES.

All governmental or other public uses shall provide the minimum off-street parking requirements of the use most similar in nature, as determined by the Director of Community and Economic Development/Planning Director.

IV. EXCLUSIONS, REDUCTIONS, EXCEPTIONS, AND APPEALS

SEC. 10-2.400 PARKING SPACE WIDTH REDUCTIONS.

Parking space widths for standard cars may be reduced by 6 inches at the discretion of the Director of Community and Economic Development/Planning Director, if it can be demonstrated that the proposed spaces are for the use of employees only and that adequate standard width spaces are available for the use of non-employees near the buildings.

SEC. 10-2.401 SHARED PARKING.

An administrative use permit may be issued for shared parking serving more than one use subject to the following specific findings and conditions of approval:

a. Up to 25 percent of parking facilities required for night-time or Sunday uses may be supplied by the off-street parking facilities provided by day-time and/or week-day use facilities.

b. The following uses are considered as day-time and/or week-day uses: banks, business offices, medical offices, personal service shops, household equipment or furniture shops, clothing or service shops, manufacturing or wholesale buildings, and other similar primarily day-time and/or uses as determined by the Director of Community and Economic Development/Planning Director.

c. The following uses are considered as night-time and/or Sunday uses: auditoriums incidental to a public or private school, churches, bars, bowling alleys, nightclubs, theaters, and other similar primarily night-time and/or Sunday uses as determined by the Director of Community and Economic Development/Planning Director.

SEC. 10-2.402 OFF-SITE PARKING.

An administrative use permit may be issued for off-site parking subject to the following specific findings and conditions of approval:

a. The building or use for which application is being made shall have the main entrance located within 500 feet along a traversable pedestrian route from the farthest proposed parking space;

b. There is a useable pedestrian route along public streets or permanently established easements between the parking and the uses or structures served;

c. The adjacent or nearby properties will not be adversely affected relative to parking;

d. The proposed traffic circulation will not be detrimental to the health, safety, and welfare of residents residing or working in or adjacent to the parking; and

e. The property owner(s) must enter into a written, recorded agreement with the City, in a form satisfactory to the City Attorney, describing the off-site parking plan and including a guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking, a recording of a covenant among the properties for access to and use of the off-site parking facilities, a

provision stating that the City may, upon a finding by the Director of Community and Economic Development/Planning Director that there has been a change in use, modify, amend, or unilaterally terminate the agreement.

SEC. 10-2.403 RESIDENTIAL CREDIT FOR TRANSPORTATION DEMAND MANAGEMENT PROGRAM.

In consideration of the financial commitment involved in providing a Transportation Demand Management Program and the fact that the use of alternative commute modes serves to reduce parking demand, a residential development, excluding detached residential developments, that is required to provide at least 20 off-street parking spaces may be allowed to reduce the parking requirements of this article by 5 percent if the development achieves a total of 15 points, as specified in the table below. Mitigation measures or infrastructure improvements, required by the California Environmental Quality Act (CEQA) or by the City, are not eligible for reductions offered within this section.

Transportation Demand Management Measure	Point Value
A publicly accessible Class 4 bicycle facility through the development connecting to an existing or planned bike route identified in the City's Bike and Pedestrian Master Plan. Along the facility, there shall be at least one bike repair station with an air pump and tools. A Class 1 bicycle facility could qualify if it is not part of the public right-of-way or private street.	10
A bus shelter for any bus route within a ¼ mile radius. The bus shelter must include seating for at least three people, lighting, a roof, and a map and schedule of the bus route. The bus shelter design and future maintenance shall be approved by the City of Hayward and AC Transit.	10
A loading zone marked for ride-share vehicles that has capacity for at least two vehicles to stop.	5
A 50 percent increase in the long-term bicycle storage above the current Cal Green requirements.	5
On-site transit route maps, schedules and dynamic real time arrivals posted within a publicly visible and accessible area near the primary building entrance. The route maps, schedules and real time arrival information shall include all transit routes within ¼ mile radius.	5

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.404 NON-RESIDENTIAL CREDIT FOR TRANSPORTATION DEMAND MANAGEMENT PROGRAM.

In consideration of the financial commitment involved in providing a Transportation Demand Management Program and the fact that the use of alternative commute modes serves to reduce parking demand, a non-residential development that is required to provide greater than 50 off-street parking spaces may be allowed to reduce the employee parking requirements of this article up to 6 percent by providing an Employee Transportation Coordinator and up to another 14 percent by implementing the first 13 items below for a total of up to 20 percent.

a. All developments may submit a plan for a Transportation Systems Management Program. The program may include, but is not limited to the following factors:

   (1) Carpool/vanpool matching

(2) Preferential parking for carpools and vanpools

(3) Financial subsidies and rewards to walkers/carpool/vanpool/bus/BART passengers and drivers

(4) Employer provided vehicles for carpools and/or vanpools

(5) Carpool/vanpool operating subsidies, e.g. insurance, fuel, maintenance

(6) Provision of subscription bus services

(7) Sale of bus/BART passes/ticket books at the work site

(8) On-site route maps and schedules

(9) Shuttle service to bus/BART

(10) Bus shelter provision and maintenance

(11) Alternative work hours

(12) Capital improvements for transit services

(13) Bicycle linkages to established bicycle routes

b. As a guideline, the position of an Employee Transportation Coordinator should involve at a minimum the following:

(1) The Employee Transportation Coordinator should have completed a Bay Area Air Quality Management District certified training curriculum, or as approved by the City Engineer;

(2) The Employee Transportation Coordinator should be equipped with sufficient office space, marketing materials, clerical assistance, and telephone service to implement a complete transportation center;

(3) The Employee Transportation Coordinator should disseminate promotional materials and information to building occupants to encourage ride sharing and alternate work hours;

(4) The Employee Transportation Coordinator should conduct a minimum of 2 information days annually;

(5) The Employee Transportation Coordinator should devote a minimum 1 hour per week for every 50 employees to encourage alternative commute modes;

(6) The Employee Transportation Coordinator shall prepare an annual report evaluating the extent and results of the Transportation Systems Management program, including measures undertaken by the employer, average number of employees using various modes of transportation, total number of employees participating in alternative work hours, and any employer subsidies.

c. In addition to the 6 percent reduction obtainable for providing an Employee Transportation Coordinator, a 14 percent reduction may be obtained if the Transportation Management Systems program shows how alternative modes will be implemented, the permanency of such modes, the extent of the program, the number of trips reduced, and the number of parking spaces eliminated by the alternative modes. The potential for maintaining the program will be considered in determining the reduction in required parking.

d. In addition, the property owner(s) must enter into a written, recorded agreement with the City, in a form satisfactory to the City Attorney, setting forth the substance of the Transportation Systems Management program and including a guarantee that there will be no substantial alteration in the Transportation Systems Management program that will create a greater demand for parking without the City's knowledge and approval, and a provision stating that the City may, upon a finding by the

Director of Community and Economic Development/Planning Director that there has been a change in the plan, modify, amend, or unilaterally terminate the agreement.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.405 CREDIT FOR PROXIMITY TO PUBLIC TRANSPORTATION FACILITIES.

a. Except for uses established in the Central Parking District, parking space requirements for public or private institutional or government uses, e.g., hospitals, office buildings, may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent, provided public transportation is available within 500 feet of the site or if public rail transportation is available within 1,000 feet of the site.

b. Except for uses established in the Central Parking District, parking space requirements for retail establishments may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent, provided a public bus stop and shelter are immediately adjacent to the site and maintained by the retail establishment.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.406 CREDIT FOR TWO-WHEEL VEHICLE PARKING SPACE(S).

In addition to the off-street parking requirements heretofore enumerated, additional parking spaces or facilities for bicycles, motorcycles, and similar two-wheel vehicles shall be provided when more than 50 parking spaces are required. Location, area, design, and improvement of such space or facilities shall be as approved by the Director of Community and Economic Development/Planning Director.

a. Credit for one parking space shall be given for each 4 bicycle spaces provided, whether the spaces are required or not. Bicycle spaces shall measure at least 2-feet by 7-feet and shall be located in groups of 4 and be equipped with locking devices for each bicycle.

b. Credit for one parking space shall be given for each 2 motorcycle spaces provided, whether the spaces are required or not. Motorcycle spaces shall measure 4-feet wide by 8-feet long and shall provide an adequate maneuvering area to permit easy access to the space.

c. Credits for bicycle and motorcycle parking, or a combination thereof, shall not exceed 5 percent of the total required parking spaces.

SEC. 10-2.407 TANDEM PARKING STANDARDS.

a. Tandem parking is permitted for detached residential and mobile homes.

b. Tandem parking is permitted for duplexes, triplexes, and multi-family residential (4+ units) when spaces are assigned to the same dwelling unit.

c. Tandem parking may be permitted by the Director of Community and Economic Development/Planning Director for commercial parking facilities when a valet/attendant is on duty during the hours when the facility is being used.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.408 CARSHARING PROGRAMS.

In the Industrial Districts, required parking spaces may be substituted with designated carshare vehicle parking spaces, pursuant to the following:

a. Carshare vehicles shall be maintained for active use by a carshare service and not for other purposes.

b. Carshare vehicles shall be made available to members of the carsharing service through an unattended, self-service operation 24 hours a day, seven days a week.

(Added by Ordinance 19-10, adopted June 4, 2019)

SEC. 10-2.410 CENTRAL PARKING DISTRICT STANDARDS.

All requirements of this article shall apply to development located within the Central Parking District, as defined by Section 10-2.100, except as hereinafter modified.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.411 CENTRAL PARKING DISTRICT NON-RESIDENTIAL PARKING REQUIREMENTS.

1.0 space for each 315 square feet of gross floor area except for theaters; 1.0 space for each 4.0 seats.

An increase in the number of dwelling units within an existing building or the conversion of a non-residential use to residential within the Central Parking District shall not require providing parking spaces. If more than two floors are converted to residential use, the developer must meet the residential parking requirements for units on the additional floors. The developer shall demonstrate how the parking requirements for dwelling units on the additional floors will be fulfilled.

SEC. 10-2.412 CENTRAL PARKING DISTRICT RESIDENTIAL PARKING REQUIREMENTS.

Residential parking shall be provided on the site being developed. Use of combined facilities for residential parking requirements shall be permitted if parking facility is located on site of residential development. Parking shall be provided at the following rates:

1.0 covered and 0.50 uncovered spaces per dwelling unit.

0.5 space per dwelling unit for multiple-family dwellings providing housing exclusively for the elderly. (Occupancy requirements must be guaranteed, e.g., condition of government financing or grant, or other guarantee acceptable to the City.)

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.413 CENTRAL PARKING DISTRICT PARKING SPACE IN-LIEU PAYMENTS.

The Central Parking District requirements may be satisfied by providing payments in lieu of providing all or part of the required non-residential parking. Such payments shall be accepted on behalf of the City only when adequate municipal parking is available or will be provided within a reasonable walking distance of the proposed development, as determined by the Director of Community and Economic Development/Planning Director. Such payments shall be placed in a fund to be used for the provision of municipal parking facilities serving the Central Parking District. The amount of such payments shall be determined by the Director of Public Works and be computed on the basis of the estimated cost of providing an equivalent number of spaces at the time the

development is approved. The estimate shall include land costs computed at the fair market value for the land as established by the County Assessor. Construction costs shall be computed on the basis of construction of surface parking to City standards.

SEC. 10-2.414 UNBUNDLED PARKING.

Qualifying residential properties, as specified in California Civil Code Section 1947.1, shall unbundle the cost of parking from the cost of rent in accordance with California Civil Code Section 1947.1, as amended from time to time.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

Editor's note(s)—Ordinance 24-01, adopted January 23, 2024, repealed the former § 10-2.414, and enacted a new § 10-2.414 as set out herein. The former § 10-2.414 pertained to Downtown Core Area Specific Plan Reduction.

SECS. 10-2.415, 10-2.416 RESERVED.

Editor's note(s)—Ordinance 24-01, adopted January 23, 2024, repealed §§ 10-2.415, 10-2.416, which pertained to Central City—Plaza District Exceptions; Cottage District—Exceptions.

SEC. 10-2.417 SOUTH HAYWARD BART/MISSION BOULEVARD PARKING STANDARDS.

Note(s)—Repealed by Ordinance 11-12, adopted October 11, 2011.

SEC. 10-2.418 SOUTH HAYWARD BART/MISSION BOULEVARD PARKING AREA NON-RESIDENTIAL PARKING REQUIREMENTS.

Note(s)—Repealed by Ordinance 11-12, adopted October 11, 2011.

SEC. 10-2.419 SOUTH HAYWARD BART/MISSION BOULEVARD PARKING AREA RESIDENTIAL PARKING REQUIREMENTS.

Note(s)—Repealed by Ordinance 11-12, adopted October 11, 2011.

SEC. 10-2.420 EXCEPTIONS.

a. Central City—Plaza District Exceptions. Additional off-street parking spaces shall not be required for construction of new buildings for commercial uses located on the ground floor in the Central City-Plaza District. Off-street parking spaces shall not be required for construction of new buildings of similar area which replace demolished or damaged buildings within 6 months that were located all or partially in the Central City-Plaza District.

b. Near Transit—Exceptions. Any minimum off-street automobile parking ratios for a residential, commercial, or other development project shall not be enforced if the project is located within one-half mile of a major transit stop in accordance with California Government Code Section 65863.2, as amended from time to time.

c. Other Exceptions.

   (1) An exception may be granted from the provisions hereof where unnecessary or unusual hardship is shown and where such exception will not defeat the purposes of this article or the Zoning Ordinance.

Possible reasons for issuing an exception include an unusually low number of employees for a given wholesale or manufacturing use; unusually small size of units; unusual topography, size, or shape of a parcel or existing structures; compatibility with the surrounding development; or other unusual conditions.

(2) Applications for exceptions shall be processed in accordance with Sections 10-1.2815 through 10-1.2825 and Sections 10-1.3305 through 10-1.3365 of the Zoning Ordinance. Notice of a decision by the Director of Community & Economic Development/ Planning Director on a parking exception which exceeds 25 percent of the parking requirements shall be given within 5 business days of the decision.

(3) The Director of Community and Economic Development/Planning Director, or the Planning Commission upon referral by the Director of Community and Economic Development/Planning Director, may grant an exception when it can be determined that:

i. There are special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district;

ii. Literal interpretation of this article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district, who have applied for parking since adoption of this ordinance;

iii. The granting of the exception does not grant a special privilege inconsistent with the limitations on other properties in the same district;

iv. The granting of an exception will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the requirements set forth in this article as nearly as is reasonably possible; and

v. The granting of an exception will not create a safety hazard or any other condition inconsistent with the purposes of this article.

(4) For purposes of this section, the fact that the proposed parking and circulation requirements on sites with existing buildings is in compliance with the requirements set forth in this article as nearly as is reasonably possible, may constitute a special circumstance warranting an exception under this section.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.430 APPEALS.

Any person aggrieved by the action of the Director of Community and Economic Development/Planning Director may appeal such action to the Planning Commission by filing a written appeal with the Development Review Services Division within 10 days from the date of such action. Upon completion of its consideration, the Planning Commission may sustain, or modify, or reverse the preceding decision.

Any member of the City Council may request review of an application on which the Director of Community and Economic Development/Planning Director or the Planning Commission has made a final decision. The Council Member requesting review shall file a written request for review with the City Clerk before the 10th day following the day the decision is rendered. The matter shall be scheduled for review and approval by the City Council. The City Council may approve, conditionally approve, or disapprove the applications based upon the relevant findings. In the event significant new evidence, which may include change in the proposal, is presented at the time of hearing, the Council may return the matter to the approving authority for further consideration and a decision. If the application has previously been subject to notice under Section 10-1.2820, it shall be scheduled for a hearing by the City Council and noticed in accord with Section 10-1.2820. No fees by the applicant shall be required when a member of the City Council requests review of an applicant.

V. LOCATION OF PARKING AND LOADING SPACES

SEC. 10-2.500 PARKING SPACE LOCATIONS.

a. Except for non-residential uses in the Central Parking District and as noted in Section 10-2.402 (Off-site Parking), required off-street parking spaces and access to parking spaces shall be located on the same parcel as the uses served.

b. No required residential parking spaces shall be located further than 200 feet from dwelling units. Where driveways exceed 40 feet in length, garages, carports, or other parking areas shall be designed to require vehicles to exit property in a forward direction.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.501 TRUCK LOADING SPACE LOCATIONS.

a. Truck loading spaces and the access and maneuvering areas serving loading spaces shall be located on the same parcel as the activity served and must be exclusive of the area used for required parking spaces and maneuvering areas. Truck loading spaces shall not interfere with on-street traffic, parking, or sidewalks. Truck turning templates should be used for design.

b. Loading areas should not dominate the street frontage. Where loading docks or doors are located directly off abutting street(s), the following policy shall be used:

    (1) If abutting street is a major street where the curb-to-curb width is 72 feet or more, the loading facility/dock/door, etc., shall be located so that a truck cannot use the street as a means to maneuver in a backwards motion towards the unloading point. This will require an unobstructed on-site minimum depth of 95—115 feet in front of the loading area. Driveways shall not be placed to line up with the loading docks.

    (2) On industrial service roads (streets 40—48 feet curb-to-curb), truck maneuvering can take place within the street area. The driveway may be lined up with the loading dock. When a truck is parked at the loading point, it shall not project into the public right of way. A minimum of 65 feet shall be unobstructed and provided in front of the loading area.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.502 OFF-STREET PARKING ON/IN SLOPES.

Parking lots in all zones shall have a maximum of a 5 percent slope.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.503 OFF-STREET PARKING NEAR WALLS AND PROPERTY LINES.

a. Except for detached residential units, duplexes, triplexes, and all development in industrial zones, parking and aisles shall be no closer than 5 feet to a building and shall be no closer than 5 feet to a property line in residential zones or where abutting residential zoning districts, 7 feet to a building or property line if a 2 foot vehicular overhang is allowed, or 7½ feet to a building or property line if a 2½ foot vehicular overhang is

allowed. An exception may be made for lots less than 51 feet in width, in which case vehicular circulation may be located within 3 feet of a side property line.

b. For detached residential units, duplexes, and triplexes, driveways providing access to required parking shall be setback a minimum of 3 feet from a side property line and 2 feet from the primary building.

c. In all zones, parking spaces adjacent to fences or walls shall be increased in width by at least 1 foot to accommodate door swing.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.504 OFF-STREET PARKING AND LOADING IN FRONT AND STREET SIDE YARD AREAS.

a. Off-street parking and loading spaces or maneuvering areas for all types of vehicles—automobiles, trucks, recreational vehicles, bicycles, motorcycles, and similar two-wheel vehicles—shall not be located in any required front or street side yard, except as provided elsewhere in this article or as a part of an approved mobile home park plan.

b. Multi-unit residential parking and loading spaces shall be located behind the primary structure(s) in order to enhance the streetscape. The Planning Director may grant an exception to this requirement when it is determined to be infeasible or impractical.

c. In commercial and industrial zones, off-street parking spaces and driveway aisles shall be located no closer than 10 feet from the front and street side yard property lines, if the setbacks are less than 10 feet.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.505 OFF-STREET PARKING AND LOADING IN INTERIOR SIDE YARD AREAS.

a. In residential zones (RL, RNP, RM, RH), parking and loading spaces shall not be located in a required side yard, except as specified in Section 10-1.2735.

b. In commercial and industrial zones, parking and driveway aisles may be located in required interior side yards in conformance with Section 10-2.503 (Off-Street Parking Near Walls and Property Lines).

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.506 RESERVED.

Editor's note(s)—Ordinance 24-01, adopted January 23, 2024, repealed § 10-2.506, which pertained to off-street parking and loading in rear yard areas.

VI. DESIGN STANDARDS FOR PARKING AND LOADING SPACES

SEC. 10-2.600 CONFORMANCE BY TWO-WHEEL VEHICLES AND RECREATIONAL VEHICLES.

All parking and loading facilities shall meet the minimum dimensions and standards set forth in this article, including the appendices. Parking facilities for bicycles, motorcycles, and similar two-wheel vehicles shall incorporate security locking devices in their design, and such parking facilities, as well as recreational vehicle parking facilities, shall conform to all other standards contained in this article.

SEC. 10-2.601 CONFORMANCE WITH HAYWARD DESIGN GUIDELINES.

Parking and loading spaces shall conform to the extent possible with the Hayward Design Guidelines, which seek to create an environment that is pleasant for human use while preserving the positive physical aspects of a site such as views, mature trees, and historic buildings, and minimizing its physical problems such as flooding or noise.

SEC. 10-2.602 PARKING SPACE DIMENSIONS.

a. Minimum stall, aisle, and driveway dimensions for off-street parking spaces shall be those shown in the attached appendices. Typically, minimum dimensions for non-angled compact car spaces shall be 8'-0" wide by 15'-0" long, and minimum dimensions for non-angled standard car spaces shall be 9'-0" wide by 19'-0" long.

b. Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet. Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.603 LOADING SPACE NUMBER AND DIMENSIONS.

The number of spaces and dimensions for loading areas shall be determined and approved by the Director of Community and Economic Development/Planning Director for new non-residential buildings as needed and physical conditions warrant.

SEC. 10-2.604 COVERED SPACE DIMENSIONS.

a. The minimum dimensions for covered parking spaces shall be 11 feet wide by 19 feet long for one space, 20 feet wide by 19 feet deep for two side-by-side spaces, 29 feet wide by 19 feet deep for three side by side spaces, and 11 feet wide by 38 feet long for two tandem spaces. Parking space areas shall be unobstructed by stairs, utilities, posts, etc.

b. The minimum garage door width shall be 16 feet for a two-car garage and 8 feet for a one-car garage.

c. A one-car garage which is either less than 9 feet wide or 19 feet deep shall be considered nonconforming, and may be eligible to be converted to habitable living area without having to provide replacement parking.

d. Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet, with the exception of garage door openings which shall provide a minimum unobstructed vertical clearance of 6 feet 6 inches.

e. Entrances to shared parking garages shall not exceed 24 feet in width.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.610 COMPACT CAR PARKING SPACES.

a. In shared residential parking facilities containing 6 or more spaces, a maximum of 30 percent of the required spaces may be compact car spaces.

b. A maximum of 50 percent may be compact car spaces for uses located in the Industrial Districts.

~~a.~~c. A maximum of 30 percent may be compact car spaces for uses located in the Commercial Districts.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.620 ACCESS LOCATION.

a. For residential uses other than detached residential units, all parking and loading spaces shall be located so as not to require vehicles to back out into street right-of-way.

b. In order to protect traffic flow and pedestrian safety and to allow for screening of parking facilities, the number of curb cuts shall be minimized. Access ways, without parking on either side, to any parking lot shall be not less than 20 feet for two-way traffic and 12 feet for one-way traffic.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.621 HOURS OF AVAILABLE USE.

All parking spaces and loading spaces shall be accessible for use during all hours of operation of the uses served.

SEC. 10-2.622 JOINT ACCESS TO PARKING SPACES.

Uses on adjoining parcels, subject to approval of the Director of Community and Economic Development/Planning Director, may share joint access to required parking spaces, providing the entire access is a minimum of 12 feet wide on each parcel (24 feet total). Owners of affected properties shall grant a recorded, reciprocal, permanent, nonexclusive easement establishing the joint access.

SEC. 10-2.623 PRIVATE DRIVEWAY STANDARDS.

a. Driveway widths in front of two-car garages shall be 20 feet. Driveway widths providing access to three-car garages shall be between 20 and 26 feet. Driveways widths of at least 16 feet constructed prior to January 23, 2024 shall be considered legal non-conforming.

b. Driveways leading to enclosed private garages shall be at least 20 feet long.

c. Driveways providing access to required parking located in a side yard or rear yard shall be setback a minimum of 3 feet from a side property line and 2 feet from the primary building.

d. For detached residential units, duplexes and triplexes, the combined driveway and paving surface area shall not exceed a maximum of 50 percent of the required front yard area.

e. For detached residential units, a maximum 10-foot wide driveway may be allowed to provide access to a recreational vehicle storage area that is located outside of the required side yard. Open parking or vehicle storage areas located on lots less than 10,000 square feet in area shall not exceed 500 square feet in area or 700 square feet for lots 10,000 feet or larger, excluding driveways.

f. For multi-unit (4+) residential buildings on properties greater than 72 feet in width, driveways shall not exceed one-third of the property frontage width and/or 24 feet individually. Properties less than 72 feet in width shall have one driveway with a maximum width of 24 feet.

g. For non-residential development on lots 70 or more feet in width, the Director of Community and Economic Development/Planning Director may approve a greater driveway width if the Director of Community and Economic Development/Planning Director determines the design of the driveway is aesthetically pleasing

and compatible with the lot terrain and adjacent development and will not create a pedestrian or vehicular hazard.

h. In non-residential districts~~Industrial District~~, in no case shall a driveway exceed one-third the width of the property frontage width or 35 feet, unless otherwise approved by the Planning Director.

(Amended by Ordinance 19-10, adopted June 4, 2019; Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.624 CIRCULATION TO PARKING AND LOADING SPACES.

a. Within a shared parking facility, circulation must be such that a car entering a parking lot need not enter the street to reach another aisle.

b. The entrance or exit to any service bay, loading space, or parking area shall not conflict with the entrance or exit to any other service bay, loading space, or parking area.

c. Driving aisles shall be at least 12 feet wide for 1-way traffic flow and 20 feet wide for 2-way traffic flow. Parking lots and driving aisles parallel and adjacent to public sidewalks shall be separated by a minimum 10 foot landscape strip. One-way aisles shall alternate direction, or otherwise provide logical vehicular circulation as approved by the Director of Community and Economic Development/Planning Director, and shall not dead-end if greater than 60 feet in length. A 2-way dead-end driving aisle shall have minimum 5-foot turning back-up bay beyond the end stall.

d. All non-residential property shall provide a sufficient paved driveway turnaround to allow vehicles to exit property in a forward direction.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.625 VEHICLE OVERHANG.

Where a parking lot is designed so that cars may overhang low landscaping, the stall depth for a standard-sized car may be reduced by 2½ feet. The stall depth for a compact space may be reduced by 2 feet. The area overhung shall not be included in required landscape setback. In areas where vehicles overhang a sidewalk or walkway, the width of the sidewalk or walkway shall be increased by the overhang width to provide a minimum unobstructed width of the sidewalk or walkway of 4 feet. Parking stalls adjacent to walls shall be increased in width from the standard by at least one foot to accommodate door swing.

SEC. 10-2.626 RESERVED.

Editor's note(s)—Ordinance 24-01, adopted January 23, 2024, repealed § 10-2.626, which pertained to controlled access.

SEC. 10-2.630 DRAINAGE, SURFACING AND MAINTENANCE.

a. A storm drainage system shall be provided that conveys storm water runoff into facilities of the City or the Alameda County Flood Control District. All on-site storm drain inlets must be labeled 'No Dumping - Drains to Bay,' using approved methods.

b. All on-site storm drains must be cleaned at least once a year prior to the rainy season (October 15). Additional cleaning may be required by the City Engineer.

c. Driveways for detached residential units shall be paved with Class B, Portland Cement Concrete. A secondary driveway which provides access to a recreational vehicle storage area may be constructed with concrete, "grasscrete", asphalt, or rock or concreted wheel tracks. Subject to the approval of the Fire Department, driveways exceeding 40 feet in length may be paved with asphaltic concrete or a comparable all-weather and dustless material.

d. All other residential and non-residential uses shall be paved with Class B, Portland Cement Concrete, or a minimum 3 inches of asphaltic concrete over a minimum of 4 inches of aggregate base or comparable all-weather and dustless material.

e. Parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. No cleaning agent may be discharged to the storm drain. If any cleaning agent or degreaser is used, washwater shall not be discharged to the storm drains; washwaters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the wastewater treatment plant receiving the discharge.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.640 LIGHTING AND MARKING.

a. Parking facilities shall be adequately lighted for safety and security as determined by the City Engineer. The minimum requirement is 0.5 foot candle of light, or as determined by the Public Works Director across the entire surface of the parking area. Exterior lighting shall be designed, erected, and maintained so that light or glare is not directly cast upon adjacent properties or public rights-of-way.

b. Aisles, approach lanes, and maneuvering areas shall be marked and maintained with directional arrows and striping to control traffic flow. Each parking space shall be stripped, marked, and maintained by surface markings or other effective means and shall be maintained so as to be readily visible at all times. All compact parking spaces and designated employee parking spaces per Section 2.400, Parking Space Width Reductions, shall be clearly marked as such.

c. This section shall not apply to detached residential units.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.641 RESERVED.

Editor's note(s)—Ordinance 24-01, adopted January 23, 2024, repealed § 10-2.641, which pertained to space identification.

SEC. 10-2.642 DIRECTIONAL AND REGULATORY SIGNS.

Traffic directional signs as required and approved by the Director of Public Works shall be installed at no expense to the City. Each exit from any parking area, except for detached residential units, shall be clearly marked with a 'STOP' sign.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.650 LANDSCAPING.

Landscaped areas required in this section shall be composed of trees, shrubs, planted ground cover, or a combination thereof. Landscaping shall be permanently maintained, including replacement where necessary. Landscaping shall be provided as follows:

a. Except for access driveways, a landscape planter 10 feet in width shall be provided in all required yard areas adjacent to street right-of-ways to create a separation from parking, loading, and vehicle maneuvering areas.

b. Where no front and/or street side yards are required, a landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the Zoning Ordinance, shall be installed between parking areas and all existing or future street rights-of-way.

c. Landscape materials within 10 feet of vehicle ingress and egress points shall be maintained so as not to impair visibility or create a traffic hazard.

d. Landscaped areas shall be irrigated by means of an automatic sprinkler system with an automatic on-off timer clock mechanism.

e Landscape buffers shall be provided between adjoining outdoor use spaces with walls and planting shall be provided.

f. Parking areas shall include a minimum of one 15-gallon parking lot tree for every 6 parking stalls, except where restricted because of design constraints. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Director of Community and Economic Development/Planning Director. Required street and buffer trees shall not qualify as parking lot trees.

g. Where a side or rear yard is required between a parking area and residential district, a minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line.

h. The minimum dimensions of any tree well or landscape median shall be 5 feet, measured from the back of curb. The end of the parking rows shall be capped with landscape medians except where space is restricted due to existing site conditions.

i. Parking and loading areas shall also be buffered from the street with shrubs, walls, or earth berms, as determined by the Director of Community and Economic Development/Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous 30-inch-high screen within 2 years.

j. Agricultural zoning districts and parcels in a residential zoning district with three or less dwelling units shall be exempt from the landscaping requirements of this section.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.660 SCREENING.

a. A view-obscuring screen shall be installed along rear and interior lot lines whenever parking, loading, and vehicle maneuvering areas immediately abut residentially zoned parcels. At the discretion of the Director of Community and Economic Development/Planning Director or the Planning Commission, a view-obscuring screen may be required abutting any nonconforming residential buildings. The view-obscuring screen shall be uniformly painted, decorative wood fence, masonry wall or its equivalent, or chain-link fence with plant materials, and shall be constructed to withstand a 15-pound-per-square-foot wind load. The view obscuring

screen shall be 6 feet high except when located within required front and side street yard setbacks, in which case the screen shall not exceed 4 feet high.

b. Unless there already exists a building wall or a fence, wall, or similar screen located within 2 feet of either side of a common property line, a view-obscuring screen as described above shall be installed. On Commercial or Industrial zoned properties abutting a residentially zoned parcel, the view obscuring screen shall be a concrete, brick, or masonry wall, or an equivalent.

c. Agricultural zoning districts and parcels in a residential zoning district with 3 or less dwelling units shall be exempt from the requirements of this section.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

SEC. 10-2.670 CURBING/BARRIERS.

Except for detached residential units, where abutting trees and other landscaping, walls, columns, fences and pedestrian paths, each parking and loading space shall be provided with a Class B, Portland Cement Concrete bumper block or continuous concrete curb at least 6 inches in height above the finished pavement and 6 inches thick. Barriers shall be located a minimum of 24 inches from landscaped strips and 30 inches from fences, walls, etc. Additional barriers may be required by the Director of Community and Economic Development/Planning Director where they determine necessary for proper traffic circulation or safety reasons.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

VII. PARKING FOR PERSONS WITH PHYSICAL DISABILITIES

SEC. 10-2.700 PARKING FOR PERSONS WITH PHYSICAL DISABILITIES.

Each lot or parking structure where parking is provided for public as clients, guests, or employees, shall provide accessible parking as required by this section. In addition to the following requirements, the parking space(s) for persons with physical disabilities shall be designed and provided pursuant to state and federal requirements. Parking spaces for persons with physical disabilities required by this section shall count toward fulfilling off-street parking space requirements.

SEC. 10-2.710 REQUIRED PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES.

The minimum number of persons with physical disabilities' accessible parking spaces shall be:

Total Number of Parking Spaces Required	Accessible Parking Spaces Required
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2 percent of total number
1,001 & over	20 plus 1 for each 100, or fraction thereof, over 1,001

Parking for persons with physical disabilities in residential uses shall be provided at the minimum rate 1 space per dwelling unit that is designed for occupancy for persons with physical disabilities.

SEC. 10-2.720 REQUIRED PARKING SPACE SIZE FOR PERSONS WITH PHYSICAL DISABILITIES.

a. Where single spaces are provided, they shall be 14 feet wide and outlined to provide a 9-foot parking area and a 5-foot loading and unloading access aisle on the passenger side of the vehicle. When more than one space is provided in lieu of providing a 14-foot wide space for each parking space, two spaces can be provided within a 23-foot wide area lined to provide a 9-foot parking area on each side of a 5-foot loading and unloading access aisle in the center. The minimum length of each parking space shall be 18 feet.

b. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum on the passenger side and shall be designated van accessible. All such spaces may be grouped on one level of a parking structure.

SEC. 10-2.730 LOCATION OF PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES.

Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

SEC. 10-2.740 ARRANGEMENT OF PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES.

a. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. Also, the space shall be so located that persons with physical disabilities are not compelled to wheel or walk behind parked cars other than their own. Pedestrian ways which are accessible to people with physical disabilities shall be provided from each such parking space to related facilities, including curbs or ramps as needed. Ramps shall not encroach into any parking space.

b. Surface slopes of parking spaces for persons with physically disabilities shall be the minimum possible and shall not exceed ¼ inch per foot (2.083 percent gradient) in any direction.

SEC. 10-2.750 IDENTIFICATION OF PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES.

a. Each parking space reserved for persons with physical disabilities shall be identified by a reflectorized sign permanently posted immediately adjacent to and visible from each stall or space, consisting of a profile view of a wheelchair with occupant in white on dark blue background. The sign shall not be smaller than 70 square inches in area and, when in path of travel, shall be posted at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade. Signs may also be centered on the wall at the interior end of the parking space at a minimum height of 36 inches from the parking space finished grade, ground or sidewalk. Van accessible spaces shall have an additional sign stating 'Van-Accessible' mounted below the symbol of accessibility.

b. An additional sign shall also be posted in a conspicuous place at each entrance to off-street parking facilities, or immediately adjacent to and visible from each stall or space. The sign shall not be less than 17 inches by

22 inches in size with lettering not less than 1 inch in height, which clearly and conspicuously states the following:

(1) 'Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____.'

(2) [Blank spaces are to be filled in with appropriate information as a permanent part of the sign.]

c. In addition to the above requirements, the surface of each accessible parking space or stall shall have a surface identification duplicating either of the following schemes:

(1) By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant, or

(2) By outlining a profile view of a wheelchair with occupant in white on blue background. The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space and shall be 36 inches high by 36 inches wide.

SEC. 10-2.760 DROP-OFF AND LOADING ZONES FOR PERSONS WITH PHYSICAL DISABILITIES.

a. When provided, passenger drop-off and loading zones for persons with physical disabilities shall be located on accessible routes of travel. One passenger drop-off and loading zone shall provide an access aisle at least 5 feet wide and 20 feet long adjacent and parallel to the vehicle pull-up space. Such zones shall be located on a surface with a slope not exceeding 1 vertical in 50 horizontal. If there are curbs between the access aisle and the vehicle pull-up space, a curb ramp shall be provided.

b. Valet parking facilities shall provide a passenger loading zone complying with drop-off and loading zone requirements and shall be located on an accessible route to the entrance of the facility.

SEC. 10-2.770 REQUIRED PARKING SPACES FOR PERSONS WITH PHYSICAL DISABILITIES IN MEDICAL CARE FACILITIES.

At facilities providing medical care and other services for persons with mobility impairments, the minimum required number of accessible parking spaces for persons with physical disabilities shall be:

a. Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility.

b. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.

VIII. REQUIREMENTS FOR EV CHARGING INFRASTRUCTURE

SEC. 10-2.800 ELECTRIC VEHICLE (EV) CHARGING SPACES.

a. Electric vehicle (EV) charging infrastructure shall be provided and maintained for projects whenever off-street parking is provided. The infrastructure shall be provided in accordance with the requirements of the California Green Building Standards Code, Title 24 Part 11, and the requirements in this Section, whichever provides greater number of off-street parking spaces with access to EV charging infrastructure. All accessibility provisions shall meet California Building Code Chapters 11A and 11B and Part VII of this Article. All signage provisions shall meet Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

b. All such spaces shall count toward the minimum required parking spaces. Where two or more primary uses occupy a single site, the EV infrastructure required for each use shall be calculated separately. Calculations for the required minimum number spaces with EV infrastructure shall be rounded up to the nearest whole number. Requirements represent the minimum charging infrastructure required, and increases in installed infrastructure, such as EV Supply Equipment and delivered power, shall be permissible.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.810 ELECTRIC VEHICLE CHARGING REQUIREMENTS BY USE.

Uses	EV Charging Infrastructure Required[1]
Single-Family Dwellings and Townhomes	• Each of the first two parking spaces per dwelling unit shall be provided with a Level 2 EV Ready space.
Multiple-Family Dwellings with Assigned Parking	• All dwelling units with parking spaces shall be provided with at least one Low Power Level 2 EV Ready space.
	• Automatic Load Management Systems (ALMS) shall be permitted to reduce load when multiple vehicles are charging.
	• EV charging receptacles in multifamily parking facilities at assigned parking spaces shall be provided with a dedicated branch circuit connected to the dwelling unit's electrical meter panel, unless determined as infeasible by the project builder or designer and subject to concurrence of the local enforcing agency. Unbundled parking spaces, defined as vehicular parking for sale or lease to residents of a building separate from the sale or lease of living units within that residential building, are exempt from this requirement.
Multiple-Family Dwellings with Unassigned or Common use Parking	• Where dwelling units are provided with unassigned parking spaces equal to or greater than the number of dwelling units:
	• At least one Level 2 Ready with a Level 2 EV Charger shall be provided at an unassigned parking space for a minimum of 25% of total dwelling units.
	• All remaining unassigned parking spaces shall be Low Power Level 2 EV Ready.
	• The total number of EV charging spaces shall be equal to one hundred percent (100%) of dwelling units or one hundred percent (100%) of parking spaces, whichever is less.
	• Where the total number of dwelling units exceeds the number of unassigned parking spaces:
	• For unassigned or common use parking, a minimum of twenty-five percent (25%) of spaces shall be equipped with Level 2 EV chargers and shall be made available for use by all residents or guests.
	• All remaining unassigned parking spaces shall be Low Power Level 2 EV Ready.
	• The total number of EV charging spaces shall be equal to one hundred percent (100%) of dwelling units or one hundred percent (100%) of parking spaces, whichever is less.

	• EV chargers shall be equipped with J1772 or J3400 connectors.
Offices and Retail	• A minimum of 20% of parking spaces provided shall be Level 2 EV Ready with Level 2 Chargers installed.
	• A minimum of 30% of parking spaces provided shall be Level 2 EV Capable.
	• ALMS shall be permitted to reduce load when multiple vehicles are charging.
Hotels and Motels	• A minimum of 25% of parking spaces provided shall be Level 2 EV Ready with Level 2 Chargers installed.
	• A minimum of 40% of parking spaces provided shall be Low-Power Level 2 EV Ready.
	• ALMS shall be permitted to reduce load when multiple vehicles are charging.
	• EV chargers shall be equipped with J1772 or J3400 connectors.
All Other Non-Residential Uses	• A minimum of 10% of parking spaces provided shall be Level 2 EV Ready with Level 2 Chargers installed.
	• A minimum of 10% of parking spaces provided shall be Level 2 EV Capable.
	• ALMS shall be permitted to reduce load when multiple vehicles are charging.

[1] When Level 2 EV Chargers are installed in a number greater than the minimum percent of parking spaces required by Section 10-2.810, the number of low power Level 2 EV Ready or Level 2 EV Capable spaces required may be reduced by a number equal to the number of EV chargers installed over the percent required.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.820 DIRECT CURRENT FAST CHARGING STATIONS.

a. One DCFC may be substituted for up to five (5) Level 2 EV chargers to meet the requirements of Section 10-2.810.

b. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 2 spaces.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.830 RECEPTACLE CONFIGURATIONS.

a. 208/240V EV charging receptacles shall comply with one of the following configurations:

   1) For 20-ampere receptacles, NEMA 6-20R.

   2) For 30-ampere receptacles, NEMA 14-30R.

   3) For 50-ampere receptacles, NEMA 14-50R.

(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.833 EV CHARGER CONNECTORS.

EV chargers shall be equipped with SAE J1772 with a maximum output 240 Volts AC or SAE J3400 connectors. When using level 2 SAE J3400 SAE connectors, supplied by a 480 V 3-phase service, then at least 20 percent of the EV charger connectors shall be SAE J1772 with a maximum output 240 Volts AC.

(Added by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.835 ELECTRIC VEHICLE CHARGING STATIONS (EVCS)—POWER ALLOCATION METHOD.

a. The power allocation method may be used as an alternative to the requirements in Section 5.106.5.3.1, Section 5.106.5.3.2 and associated Table 5.106.5.3.1. Use Table 5.106.5.3.6 to determine the total power in kVA required based on the total number of actual parking spaces.

b. Power allocation method shall include the following:

   1) Use any kVA combination of EV capable spaces, low power Level 2, Level 2 or DCFC EVSEs.

   2) At least one Level 2 EVSE shall be provided.

TABLE 5.106.5.3.6

FACILITY TYPE	MINIMUM TOTAL kVA @ 6.6 kVA[1]	MAXIMUM kVA ALLOWED FOR EV CAPABLE SPACES[1, 2]	MINIMUM kVA REQUIRED IN ANY COMBINATION OF LOW POWER LEVEL 2, LEVEL 2, OR DCFC[1, 3]
Office & Retail	50% of actual parking spaces x 6.6	30% of actual parking spaces x 6.6	20% of actual parking spaces x 6.6
All Other	20% of actual parking spaces x 6.6	10% of actual parking spaces x 6.6	10% of actual parking spaces x 6.6
1. Calculation for spaces shall be rounded up to the nearest whole number.			
2. If EV capable spaces are utilized, they shall meet the requirements of Section 5.106.5.3.1 EV capable spaces.			
3. Level 2 EVSE @ 6.6 kVA minimum.			

(Added by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

SEC. 10-2.840 EXCEPTIONS.

a. Where there is no local utility power supply, or the local utility is unable to supply adequate power.

b. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements directly related to the implementation of Section 10-2.81081030-0.3 may increase construction cost by an average of $4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.

c. Spaces accessible only by automated mechanical car parking systems are excepted from providing EV charging infrastructure.

d. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical panel upgrade or new panel installation. Detached ADUs, attached ADUs, and JADUs without additional parking but with electrical panel upgrades or new panels must have reserved breakers and electrical capacity according to the requirements of Section 4.106.4.1.

e. Decisions on the above exceptions may be appealed pursuant to Section 10-2.430.

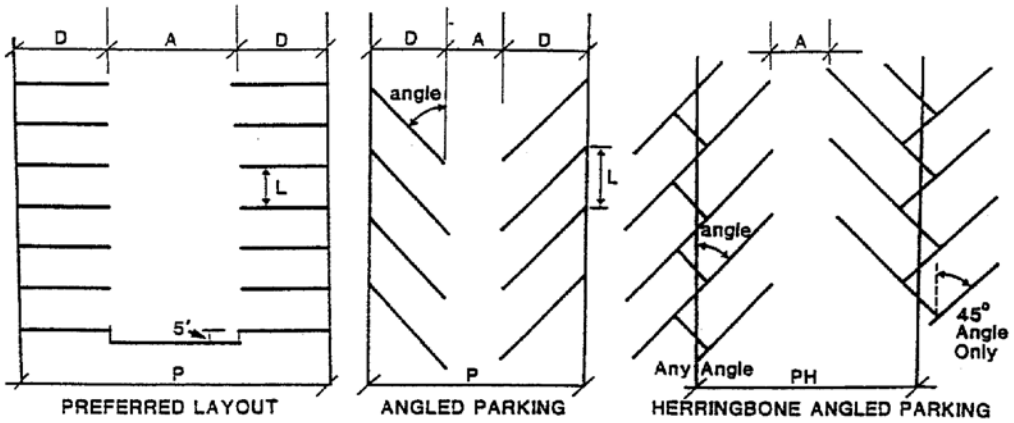
(Amended by Ordinance 22-11, adopted November 15, 2022; Amended by Ordinance 23-06, § 2, adopted June 20, 2023; Amended by Ordinance 25-01, § 2, adopted January 21, 2025; Amended by Ordinance 25-08, adopted June 24, 2025)

APPENDIX A-1. OFF STREET PARKING REGULATIONS
MINIMUM STALL AND AISLE DIMENSIONS[1]

	ANGLE DEGREES	STALL WIDTH L	STALL DEPTH D	AISLE WIDTH[2] A	OVER ALL P	PH
STANDARD CAR	0	23.0	8.0	12.0	28	—
	30	18.0	16.0	12.0	44	37
	45	12.7	18.5	12.0	49	43
	60	10.4	20.0	17.0	57	53
	75	9.3	19.0	23.0	61	59
	90	9.0	19.0	26.0	64	—
		9.5	19.0	25.0	63	—
		10.0	19.0	24.0	62	—
		10.5	19.0	22.0	60	—
COMPACT CAR	45	11.3	15.6	12.0	43.2	40
	60	9.2	17.0	14.5	48.5	45
	75	8.3	16.86	17.5	50.6	50
	90	8.0	15.0	20.0	50.0	—

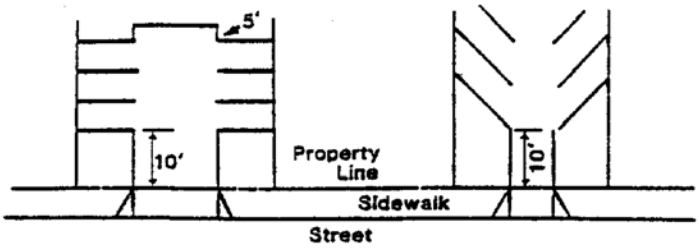
[1] Alternate designs for angled parking may be used if approved by the Planning Director.

[2] If the parking angle is less than 90°, parking aisle shall be designed for one-way circulation.



APPENDIX A-2. DRIVEWAY AND DESIGN REQUIREMENTS

1. All covered parking spaces shall have a minimum clearance (height) of 6 feet, 6 inches for residential uses and 7 feet, 0 inches for commercial and industrial uses.
2. In order to prevent backing over sidewalks, backing into streets and congestion at lot entrances, no stall may be located within 10 feet of the property line adjacent to the street.
3. In single-entrance, 90° parking lots, provisions for adequate egress from rear stalls shall be made.

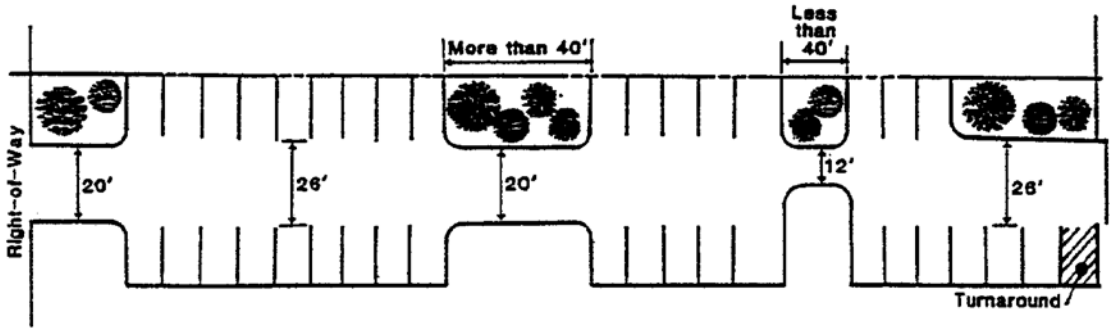


4. Two-way aisles shall have a minimum width of 20 feet.
5. Driveway openings shall be aligned with parking lot aisles.
6. Parking lot designs shall be drawn to scale with dimensions and parking angle indicated.
7. For 90° parking, 2 feet of the stall depth may be used for compact vehicle overhang; 2½ feet of stall depth may be used for standard-sized vehicle overhang.
8. Off-street loading spaces or docks in industrial districts shall be located behind the public right-of-way, a distance no less than the maximum length vehicle permitted on streets and highways by the State of California.
9. Parking spaces for the handicapped shall be 17 feet wide with an 8 foot wide loading area adjacent to the passenger side of the vehicle for one space and 26 feet wide for 2 spaces sharing an 8 foot wide loading area.
10. The minimum driveway widths shown below shall apply to all access driveways irrespective of the total length of the driveway or the number of parking bays or parking areas served by the driveway.

Number of Stalls Served	One-Way Driveway	Two-Way Driveway
1 through 7	10 feet*	12 feet**
8 or more	12 feet	20 feet

*A driveway serving one single-family residence shall be a minimum of 10 feet, except where the house is located more than 150' from public right-of-way, the Fire Department may require 12' driveway width.

**Where the distance between parking bays or areas exceeds 40 feet or visibility between parking bays or areas is impaired, the driveway width shall be 20 feet. (See illustration below.)


More than 40'
Less than 40'
Right-of-Way
20'
26'
20'
12'
26'
Turnaround

10-24.2.3.010 ALLOWED LAND USES AND PERMIT REQUIREMENTS

A. Table 2.3.010.A (Allowed Uses and Permit Requirements), sets the land use regulations for the Mission Boulevard Corridor Zones by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Code or other applicable regulations:

"P" designates permitted uses.

"A" designates uses that are permitted after review and approval of an Administrative Use Permit.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"M" designates uses that are permitted after review and approval of a Major Conditional Use Permit.

"P/C" designates uses that are permitted or permitted after review and approval of a Conditional Use Permit under certain circumstances.

"-" designates uses that are not allowed.

B. A project which includes two or more categories of land use in the same building or on the same site is subject to the highest permit level required for any individual use or single component of the project.

C. Land uses are defined in Section 10-1.3500 (Definitions), of the Hayward Zoning Code. In cases where a specific land use or activity is not defined, the Planning Director may make a determination in compliance with Section 10-1.2835 (District Uses Not Specified) of the Hayward Zoning Code.

Table 2.3.010.A: Allowed Uses and Permit Requirements

Land Use	MB-CN	MB-NN	MB-CC	MB-CS[1]	Additional Regulations
Residential					
Live-Work	P/C[2, 3]	P/C[2, 3]	-	-	
Multi-Unit Residential	P/C[2, 3]	P/C[2, 3]	P/C[2, 3]	-	
Duplex/Triplex	P/C[2, 3]	P/C[2, 3]	P/C[2, 3]	-	
Detached Residential Unit[4]	P	P	P	-	
Single Room Occupancy	A	A	A	-	See Section 10-1.2736(e) for criteria and standards.
Dormitory	A	A	A	-	
Accessory Dwelling Unit(s)	P	P	P		Where primary use is residential. See Hayward Zoning Code Section 10-1.2740 for criteria and standards.
Lodging					
Hotel	A	A	A	-	
Office					
Architectural Service, Drafting Service, Engineering Service	P	P	P	-	
Banks[5]	P	P	P	-	
Financial Institutions[5]	P	P	P	-	
Medical/Dental Laboratory	A	A	A	C	
Office	P	P	P	-	

Retail/Commercial					
~~Alcohol Sales~~	~~Refer to Section 10-1.2750 et seq. of the Hayward Zoning Code for Alcoholic Beverage Outlets Regulations~~				
Appliance Repair Shop	P	P	A	-	
Appliance Store	P	P	A	-	
Bar, Cocktail Lounge	C	C	C	-	Refer to Section 10-2750 et seq. for additional standards.
Brewery/Winery/Cidery	A	A	A		
Carpet/Drapery Store	P	P	A	-	
Check Cashing Store	-	-	-	-	
~~Convenience Market~~	~~P~~	~~P~~	~~P~~	~~-~~	~~If use includes alcohol sales, see also Section 10-1.2750 et seq. of the Hayward Zoning Code for Alcoholic Beverage Outlets Regulations~~
Copying or Reproduction Facility	P	P	P	-	
Equipment Rental Service	A	A	A	-	
Furniture Store	P	P	A	-	
Health Club	A	A	A	C	
Kennel	A	A	A	-	
Large Motion Picture Theater	C	C	C	C	
Liquor Store	-	-	-	-	
Live Performance Theater	A	A	A	A	
Massage Parlor	-	-	-	-	
Media Production	A	A	P	-	
Newspaper Printing Facility	A	A	P	-	
Nursery (Plants)	P	P	P	-	
Pawn Shop	-	-	-	-	
Payday Loan Facilities	-	-	-	-	
Personal Services	P	P	P	-	
Physical Fitness Studio	P	P	P	C	
Publishing Facility	A	A	P	-	
Recreational Facility	A	A	A	C	
Small Recycling Collection Facilities/Recycling Collection Area	A	A	A	-	See Hayward Zoning Code Subsection 10-1.2735 ~~j~~(m), Small Recycling Collection Facilities and Unattended Collection Boxes
Restaurant, Including Micro-Breweries as accessory to the Restaurant	P	P	P	-	See Hayward Zoning Code Section 10-1.2750 et seq. for alcohol regulations See Section 3.4.040.F.4 and

and standalone Catering Facilities					5 for outdoor seating requirements
Retail	P	P	P	C	
Small Motion Picture Theater	A	A	A	C	
Tattoo Parlor	-	-	-	-	
Tobacco Retail Sales Establishment	-	-	-	-	
Civic					
Banquet Hall	C	-	C	-	
Cultural or Meeting Facilities	A	A	A	C	
Public Park/Public Gathering	P	P	P	P	
Parking Lots and Structures	A	A	A	C	
Public Agency Facilities	P	P	P	P	
Religious Facility	A	A	A	C	
Other: Agriculture					
Community Garden	P	P	P	P	
Other: Automotive					
Automobile Repair (Minor)	A	A	A	-	
Automobile Repair (Major)	C	C	C	-	
Automobile Sales[6]	P/A	P/A	P/A	-	
Drive-In Establishment	C	C	C	-	
Automobile Service Station	~~C~~M	~~C~~M	~~C~~M	-	
EV Charging Station	A	A	A	C	Does not include ancillary EV charging that is secondary to another primary use.
Taxi Company	A	A	A	-	
Other: Civil Support					
Hospital	A	A	A	C	
Mortuary	A	A	A	C	
Other: Education					
Day Care Center	P	P	P	C	
Day Care Home	P	P	P	-	
Educational Facilities ≤ ~~2~~10,000 GFA	P	P	P	C	
Educational Facilities > ~~2~~10,000 GFA	A	A	A	C	
Industrial/Vocational Trade School	A	A	A	C	
Other: Light Industrial					

Micro-Brewery	C	C	C	-	See Hayward Zoning Code Section 10-1.2750 et seq. for alcohol regulations
Custom Manufacturing	P	P	P	-	
Distillery	C	C	C	-	See Hayward Zoning Code Section 10-1.2750 et seq. for alcohol regulations
Light Manufacturing	A~~UP~~	A~~UP~~	-	-	
Research and Development	P	P	-	-	
Other Uses					
Animal Hospital	A	A	A	-	
Commercial Amusement Facility	A	A	A	-	
Emergency Shelter	P	P	P	-	Limited to parcels abutting Mission Boulevard. See Section 10-1.2736(a) for criteria and standards.
Food Vendor	P	P	P	-	See Hayward Zoning Code Subsection 10-1.2735.g~~m~~, Food Vendor Permit
Group Home					
Small Unlicensed	P	P	P		
Large Unlicensed	C	C	C		
Small Licensed	P	P	P		
Medium Licensed	A	A	A		
Large Licensed	C	C	C		
Low Barrier Navigation Center	P	P	P	-	See Section 10-1.2736(b) for criteria and standards.
Psychiatric and Rehabilitation Facility	A	A	A	-	
Temporary Use, Minor	P	P	P	-	See Section 10-1.2735(n) for criteria and standards.
Temporary Uses	A	A	A	-	See Section 3.5.020, Temporary Uses
Specific Limitations:					
1. When the MB-CS Zone is applied to privately owned property, the use and building existing at the time this Code comes into effect may continue until the site is redeveloped or becomes under public ownership.					
2. For properties located within Commercial Overlay Zone 1, as shown in the Regulating Plan, commercial uses are required on the ground floor along roadway frontages. Uses associated with the residential use, such as leasing office, community space, amenities, etc., are allowed on the ground floor.					
3. For properties located within Commercial Overlay Zone 2, as shown in the Regulating Plan, residential units are only allowed along the primary street frontage with a conditional use permit.					

4. Detached residential unit permitted if the lot/parcel has an existing, permitted detached residential unit that was constructed prior to the effective date of this Code. No new detached residential units are allowed.
5. Does not include check cashing, pay loans, or auto title loans.
6. An Administrative Use Permit is required for automobile sales uses south of Harder Road.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. C), adopted January 21, 2025)

10-24.3.5.020 TEMPORARY USES

A. **Purpose.** The purpose of this Section is to establish standards for short term activities that would be compatible with adjacent and surrounding uses when conducted in compliance with this Section.

B. **Applicability.** A Temporary Use allows short term activities that might not meet the normal development or use of standards of the applicable zone, but may otherwise be acceptable because of their temporary nature~~, when reviewed and appropriately conditioned in compliance with this Section and Division 10-24.4.4 (Temporary Use Permit).~~ .

C. **Exempt Temporary Uses.** The following ~~minor or limited duration~~ temporary uses are exempt from the requirements for a Minor Temporary Use Permit in Section 10-1.2735(n) or for a Temporary Use Permit in Division 10-24.4.4 ~~(Temporary Use Permit)~~. ~~Uses that do not fall within the categories defined below must comply with Subsection E.~~

1. **Contractors' Construction Yards On-site.**

   a. On-site contractors' construction/storage yard(s), in conjunction with an approved construction project on the same parcel, including, but not limited to, storage or cargo containers.

   b. The construction yard must be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

2. **Emergency Facilities.** Emergency public health and safety needs/land use activities, as determined by the Planning Director.

~~3. **Fundraising Events.**~~

~~a. Fundraising events (e.g., bake sales, yard sales, car washes, etc.) are limited to a maximum of two days per month for each sponsoring organization.~~

~~b. Sponsorship is limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.~~

~~4~~3. **Garage and Yard Sales.** Garage and yard sales (e.g., personal property sales) are allowed as Temporary Uses when conducted within a MB-CN or MB-NN zoned property and are subject to the standards in Subsection 10-1.2735~~.e~~(h) (Garage Sales) of the Hayward Zoning Code.

~~5. **Sidewalk Dining.** Sidewalk dining, in compliance with Section 3-5.13 of the Municipal Code.~~

D. ~~**Allowed Temporary Uses**~~**Permit Required.** ~~The following temporary uses and events~~

1. Temporary uses specified in Section 10-1.2735(n), Minor Temporary Use Permit, require approval of a Minor Temporary Use Permit in compliance with the procedures and requirements of that section.

~~1.~~2. Any other temporary uses deemed appropriate by the Planning Director require approval of an Administrative ~~Temporary~~ Use Permit in compliance with the procedures and requirements of Section 10-1.3100~~, and must comply with the following standards:~~.

~~1. **Events.** In addition to the following standards, temporary events must comply with Subsection 10-1.2735.h (Outdoor Gatherings) of the Hayward Zoning Code. If there is a conflict between this Section and the Municipal Code, this Section controls.~~

~~a. Circuses, carnivals, and similar transient amusement enterprises in a MB-CC Zone subject to no more than 30 days of site occupation and operation in any calendar year.~~

~~b. Music festivals, movie nights, outdoor art and craft shows and exhibits, and similar outdoor entertainment activities subject to a limitation on the number of days of operation as determined by the Planning Director.~~

~~2. **Seasonal Sale Events.** Seasonal sale events (e.g., Halloween, Thanksgiving, Christmas, etc.) must comply with Subsection 10-1.2735.c (Christmas Tree and Pumpkin Patch Lot Regulations) of the Hayward Zoning Code. Accessory uses, including temporary residence/security trailers, are only allowed on non-residential properties. Businesses holding valid a Business Permit, in compliance with Chapter 8-1 (Business Licenses) of the Municipal Code must not exceed 45 days for pumpkin and tree sales. Seasonal sales events may not occur more than four times per calendar year with a maximum of five days for each event.~~

~~3. **Storage Containers.** Storage containers, including cargo containers or semitrailers, used for storage purposes.~~

~~a. No storage container may exceed a storage period of 15 days in any calendar year, except as specified below.~~

~~b. A storage container located on an active construction site may be retained longer than 15 days, but must be removed immediately following the issuance of a certificate of conformance or final inspection.~~

~~c. Storage containers are not allowed within the public ROW and must be placed to prevent public health or safety issues.~~

~~4. **Tract Homes or Lot Sales Offices.**~~

~~5. **Mobile Homes.** A mobile home to be utilized as a temporary dwelling in a residential zone while a single-family dwelling is under construction and subject to the following provisions:~~

~~a. The mobile home may only be located on the same parcel under construction and occupied while actual construction activities are taking place upon the parcel. The period of placement and use may not exceed 12 months.~~

~~b. The mobile home may only be occupied by the property owner, the builder designated on the Building Permit, and the owner's/builder's family.~~

~~c. The timely removal and compliance with all conditions of approval may be required.~~

~~d. The minimum setbacks for the zone must be maintained.~~

~~e. Additional conditions necessary and appropriate to ensure compatibility with surrounding development, existing and contemplated, may be imposed on the approved permit.~~

~~6. **Temporary Vegetable and Fruit Stands.** A temporary vegetable and/or fruit stand is allowed in compliance with the following standards:~~

~~a. Vegetable and fruit stands must be operated by the producer;~~

~~b. The stand may not operate more than 90 days a year;~~

c. The producer shall obtain written consent from the land owner to operate a temporary vegetable and/or fruit stand on the property;

d. More than one stand per lot is prohibited;

e. Stands may encroach into required setbacks, but may not encroach into the public right-of-way.

E. **General Requirements for All Temporary Uses.** The Review Authority (See Division 10-24.4.4 (Temporary Use Permit)) may impose requirements for any of the following conditions:

1. Compliance with all applicable Federal, State, or County, and local regulations and ordinances;

2. Compliance with any other permit requirements (i.e., Building and/or Electric);

3. Applicant availability during temporary use activity;

4. Agreement that the temporary use will cease on the date printed on the permit, and all related equipment, supplies, product and personnel must be removed from the site; or

5. Any other condition which will ensure the operation of the proposed temporary use or event in an orderly and efficient manner and in full compliance with the purpose of this Article, including those related to the following:

a. Cumulative time limits;

b. Parking;

c. Operating hours;

d. Screening;

e. Storm water;

f. Waste collection and disposal;

g. Pedestrian and vehicular access/circulation; and

h. Signs, in compliance with Section 10-7.600 (Temporary Sign Regulations) of the Hayward Zoning Code.

F. **Temporary Structures.** Temporary structures are allowed on vacant lots for a period not to exceed six months, provided the area is left unchanged and in its original condition after the removal of the temporary structure.

G. **Temporary Use of Existing Structures.** Temporary, short-term, use of an existing structure is allowed in all zones, provided:

1. The short-term use, if a permanent use, would otherwise be a permitted use in the zone;

2. The short-term tenant has signed a lease with the property owner for a time period of no more than six months.

H. **Similar Temporary Uses.** Similar temporary uses, which are compatible with the zone and surrounding land uses, may require a Temporary Use Permit in compliance with Division 10-24.4.4 (Temporary Use Permit) and be subject to the standards in this Section, as determined by the Planning Director.

I. **Condition of the Site Following Temporary Use.** Each site occupied by a temporary use must be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024)

~~DIVISION 10-24.4.4: TEMPORARY USE PERMIT~~

~~10-24.4.4.010 PURPOSE AND APPLICABILITY~~

~~A. This Division establishes the procedures for the review of Temporary Use Permits required by this Code for temporary uses and/or activities that have a short duration, are compatible with adjacent and surrounding uses when conducted in compliance with this Code when reviewed and appropriately conditioned in compliance with this Division. Standards for specific temporary uses are identified in Section 10-24.3.5.020 (Temporary Uses).~~

~~B. A Temporary Use Permit is required to allow the temporary uses and/or short-term activities specified in Section 3.5.020 (Temporary Uses), unless exempted by Subsection 10-24.3.5.020.D (Allowed Temporary Uses).~~

~~10-24.4.4.020 REVIEW PROCEDURES~~

~~A. **Application Filing and Processing.** The application must be filed with the Planning Director and include the information and materials in the most current Department publication for applications together with the required fee as specified in Section 10-1.2815 (Application) of the Hayward Zoning Code. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 10-24.4.4.030 (Findings).~~

~~B. **Administrative Options.** The Planning Director may approve, conditionally approve, or disapprove a Temporary Use Permit application. The Planning Director's decision must be based on the findings listed in Section 10-24.4.4.030 (Findings). For uses not listed in Section 10-24.3.5.020 (Temporary Uses), the Planning Director may determine if the use is allowed with a Temporary Use Permit or requires an Administrative Use Permit in compliance with Section 10-1.2715 (Certain Uses Permitted) the Hayward Zoning Code.~~

~~C. **Conditions of Approval.** In approving a Temporary Use Permit application, the Planning Director may impose conditions of approval that are considered reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Section 10-24.4.4.030 (Findings). This may include conditions from other City departments (e.g., Public Works) that may have a direct effect on the operation of the temporary use. Conditions may address any pertinent factors affecting the operation of the temporary event or use to ensure the operation of the proposed event or use is temporary in nature.~~

~~10-24.4.4.030 FINDINGS~~

~~The Planning Director may approve a Temporary Use Permit subject to making all the following findings:~~

~~A. The location, operation, and time period of the temporary use will not constitute a hazard to the public interest, health, safety, or general welfare.~~

~~B. The operation of the temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other undesirable characteristics.~~

~~C. The site on which the temporary use is proposed is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and near the subject property.~~

~~10-24.4.4.040 LAPSE OF APPROVAL~~

~~A. A Temporary Use Permit becomes void if not used within six months following its effective date, or within a shorter time specifically prescribed as a condition of the Temporary Use Permit, or at the expiration of an associated development permit if that occurs at a later time. The Planning Director may extend the time for a~~

maximum period of one additional six-month period only, if an application is filed before the expiration of the six-month or shorter time period.

B. Where the conditions of a Temporary Use Permit have not been or are not being complied with, the Planning Director shall give written notice to the permittee of intention to revoke or modify the Temporary Use Permit and shall set a date for a public hearing with the Planning Commission in compliance with Section 10-1.2820 (Notice) of the Hayward Zoning Code upon the proposed revocation or modification. The notice must be served on the owner of the subject property by mailing the notice to the owner at the address shown on the last equalized assessment roll at least 10 days before the date of the hearing, and specify the date, time, and place when and where it will be held. Following the hearing, and if the Planning Director finds that there is good cause the Temporary Use Permit may be modified or revoked.

C. If a structure or use granted under a Temporary Use Permit is abandoned for a period of 30 days, the Temporary Use Permit expires.

10-24.4.4.050 TIME LIMITS

A. A Temporary Use Permit is valid for up to 180 days in any given calendar year, unless otherwise stipulated in Section 10-24.3.5.020 (Temporary Uses) or the Planning Director determines that another time limit is necessary to comply with the findings in Section 10-24.4.4.030 (Findings).

B. The Planning Director may limit the number of Temporary Use Permits approved for each lot in a calendar year to avoid temporary uses becoming effectively permanent uses consistent with the intent of this Division.

10-24.4.4.060 APPEALS

A decision for a Temporary Use Permit can be appealed in compliance with Section 10-1.2845 (Appeal and Review Process) of the Hayward Zoning Code.

ARTICLE 28 DOWNTOWN DEVELOPMENT CODE

10-28.2.3.010 ALLOWED LAND USES AND PERMIT REQUIREMENTS

A. **Allowed Land Uses.** The land uses allowed in the Downtown Zones are established in Table A (Allowed Uses in Downtown Zones). Each land use listed in Table A (Allowed Uses in Downtown Zones) is defined in Section 6.1.020 (Land Uses).

B. **Permit Required.** Land uses identified in Table A (Allowed Uses in Downtown Zones) are subject to the permit requirements listed in the Table.

C. **Additional Standards.** Table A includes references to additional standards for specific uses in Division 3.5 (Specific to Use) or Chapter 10 (Planning, Zoning, and Subdivisions) of the Hayward Code.

D. A land use that is not listed in Table A (Allowed Uses in Downtown Zones) is not allowed, unless the Director finds that the proposed use is similar to, compatible with, and is consistent with the purpose of the zone, the General Plan, and the Specific Plan, and the new use will not involve a greater intensity than a listed use.

Table 2.3.010.A Allowed Uses in Downtown Zones

Land Use Type	Specific to Use Regulations	Permit Required by Zone					
		NE	NG	UN	UN-L	DT-MS	UC
Residential Uses							
Accessory Dwelling Unit(s) (Where primary use is residential)	10-1.2740	P	P	P	P	P	P
Day Care							
Day Care Center		-	P ~~CUP~~	P	P	P	P
Day Care Home		P	P	P	P	P	P
Dormitory		-	-	A~~UP~~	-	A~~UP~~	A~~UP~~
Group Home							
Small Unlicensed		P	P	P	P	P	P
Large Unlicensed		C~~UP~~	C~~UP~~	C~~UP~~	C~~UP~~	C~~UP~~	C~~UP~~
Small Licensed		P	P	P	P	P	P
Medium Licensed		A~~UP~~	A~~UP~~	A~~UP~~	A~~UP~~	A~~UP~~	A~~UP~~
Large Licensed		C~~UP~~	C~~UP~~	C~~UP~~	C~~UP~~	C~~UP~~	C~~UP~~
Home Occupation	3.5.040	P	P	P	P	P	P
Live/Work	3.5.050	-	P	P	-	P	P
Residential		P	P	P	P	P	P
Single Room Occupancy	10-1.2736(e)	-	-	A~~UP~~	-	A~~UP~~	A~~UP~~
Civic, Education, Entertainment, and Assembly Uses							
Banquet Hall		-	-	-	-	C	C
Cultural ~~or Meeting~~ Facility		A~~UP~~	A~~UP~~	P ~~AUP~~	P ~~AUP~~	P	P

Educational Facility							
< ~~2~~10,000 sf		A~~UP~~	A~~UP~~	P	A~~UP~~	P	P
≥ ~~2~~10,000 sf		-	-	C~~UP~~	-	C~~UP~~	C~~UP~~
Entertainment Facility		-	-	P A~~UP~~	-	P	P
Public Agency Facility		P	P	P	P	P	P
Public Park/Public Gathering		P	P	P	P	P	P
Recreational Facility							
Indoor		A~~UP~~	A ~~-~~	P A~~UP~~	P A~~UP~~	P	P
Outdoor		A ~~-~~	A ~~CUP~~	A~~UP~~	A ~~-~~	A ~~-~~	A ~~CUP~~
~~Studio; fitness, art, dance, music, etc.~~		~~-~~	~~AUP~~	~~P~~	~~-~~	~~P~~	~~P~~
Office and Service Uses							
Animal Hospital		-	-	C~~UP~~	-	A~~UP~~	A~~UP~~
Bed and Breakfast		A~~UP~~	A~~UP~~	P	P	P	P
Business/Commercial/Financial Services		-	A~~UP~~	P	-	P	P
Check Cashing Store		-	-	C~~UP~~	-	C~~UP~~	C~~UP~~
Drive-in, Retail or Service	10-1.~~1045~~j2735(f)	-	C~~UP~~	C~~UP~~	-	-	-
Hotel/Motel		-	-	A~~UP~~	-	P	P
Massage Establishment		~~-~~	~~-~~	C	~~-~~	C	C
Office		C~~UP~~	A~~UP~~	P	-	P	P
Pawn Shop		-	-	C~~UP~~	-	C~~UP~~	C~~UP~~
Payday Loan Facility		-	-	C~~UP~~	-	C~~UP~~	C~~UP~~
Personal Services		-	A~~UP~~	P	-	P	P
Tattoo		-	-	A ~~CUP~~	-	P	P
~~Restricted~~		~~-~~	~~-~~	~~CUP~~	~~-~~	~~CUP~~	~~CUP~~
Retail and Food Uses							
Artisan/Craft Production		-	C~~UP~~	C~~UP~~	-	P	P
Bar/Cocktail Lounge/Nightclub	10-1.2750	-	-	-	-	C~~UP~~	C~~UP~~
Brewery/Winery/Cidery			AUP	AUP		P	P
Commercial Cannabis Retail Dispensary	10-1.3600	-	-	C~~UP~~	-	C~~UP~~	C~~UP~~
Distillery		~~-~~	~~-~~	~~-~~	~~-~~	P	P
Liquor Store	10-1.2750	-	-	-	-	C~~UP~~	C~~UP~~
~~Restaurant~~							
Restaurant ~~General~~		-	P	P	-	P	P

~~Full Service~~	~~10-1.2750~~	~~-~~	~~-~~	~~CUP~~	~~-~~	~~P~~	~~P~~
~~—~~Drive-In Establishment ~~Through~~	10-1.~~1045j~~ 2735(f)	-	-	C~~UP~~	-	-	-
Retail, General							
≤ 10,000 sf		-	C~~UP~~	A~~UP~~	-	P	P
> 10,000 sf		-	-	C~~UP~~	-	A~~UP~~	A~~UP~~
Auto Uses							
Automobile Sales and Rental		-	-	C~~UP~~	-	C~~UP~~	-
Minor Automobile Repair ~~and Service Station~~		-	-	C~~UP~~	-	C~~UP~~	-
Parking Structure		-	-	C~~UP~~	-	A~~UP~~	A~~UP~~
Passenger Transportation		-	-	A~~UP~~	-	A~~UP~~	A~~UP~~
Other Uses							
Accessory Uses	3.5.030	P	P	P	P	P	P
Low Barrier Navigation Center	10-1.2736(b)	P	P	P	P	P	P
Minor Temporary Uses	3.5.060	~~TUP~~ P	~~TUP~~ P	~~TUP~~ P	~~TUP~~ P	~~TUP~~ P	~~TUP~~ P
Temporary Uses		A	A	A	A	A	A
Key **P:** Permitted **A~~UP~~:** Administrative Use Permit **C~~UP~~:** Conditional Use Permit **~~TUP~~** ~~Temporary Use Permit~~ **-:** Not Permitted							

(Amended by Ordinance 21-05, § 4, adopted July 20, 2021; amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. D), adopted January 21, 2025)

ARTICLE 10-28.6: DEFINITIONS

DIVISION 10-28.6.1 PURPOSE AND INTENT

10-28.6.1.010 PURPOSE AND INTENT

This Division describes and classifies ~~land uses and~~ terms that apply to the Downtown Specific Plan and Code. This Division supplements, and supersedes, if in conflict with, the terms defined in Section 10-1.3500 (Definitions) in the Hayward Code.

~~10-28.6.1.020 LAND USES~~

~~A. A. Definitions.~~

~~**Accessory Use.** A use which is subordinate and incidental in height, bulk, volume and/or use to the lawfully permitted principal use on the same lot, and which does not alter the essential characteristics of said principal use and is in keeping with other uses permitted in the same district. Examples include, but are not limited to:~~

a. A garage, carport, shed, or building for domestic storage;

b. A children's playhouse, gazebo, greenhouse, pool, or recreation building;

c. Storage of merchandise normally carried in stock on the same lot with any retail service or business use;

d. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities; and

e. Off-street parking.

Animal Hospital. Any buildings or portion of a building designed or used for the care, observation or treatment of cats, dogs, or other household pets, with incidental boarding. Also referred to as a veterinary hospital. This use does not include animal boarding.

Artisan/Craft Production. An establishment manufacturing and/or assembling small products primarily by hand or using low power machinery, including but not limited to clothing, furniture, jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

Automobile Sales and Rental. An establishment engaged in the retail sales, service, rental, and/or leasing of new and used automobiles, trucks, trailers, motorcycles, mopeds, and supplies.

Automobile Repair and Service Station. The use of a site for the service, tune-up, and repair of automobiles, noncommercial trucks, or motorcycles, including the sale, installation, and servicing of equipment and parts. This use includes, but is not limited to, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

B. **B Definitions.**

Bar/Cocktail Lounge/Nightclub. Any on-sale alcohol-related establishment that engages primarily in the sale, or sale and production of alcoholic beverages and where food service, if any, is subordinate or incidental to the sale of alcoholic beverages. Bars include but are not limited to night clubs, taverns, pubs, cocktail lounges, micro breweries, brew pubs, and similar establishments.

Bed and Breakfast. The use of an owner-occupied single-family residence for commercial lodging purposes.

Business/Commercial/Financial Services. An establishment that provides business, commercial, or financial services including but not limited to banks and other financial institutions, ATMs, computer-related services (rental); office equipment sales and service, photo copying and printing, land mailing and mail box services (not operated by the USPS), janitorial services, window cleaning, landscaping, linen supply, appliance repair, exterminators, and personal storage.

C. **C Definitions.**

Commercial Cannabis Retail Dispensary. See Hayward Municipal Code Section 10-1.3600 (Cannabis)

Cultural or Meeting Facility. Facilities maintained to develop, promote, or foster the arts or literature, as well as a clubhouse, lodge hall, and religious meeting places, and ancillary activities as determined by the Director. Includes, but is not limited to, public, quasi-public, or private facilities, for example: aquariums, art galleries and exhibitions, historic sites and exhibits, libraries, and museums. May include but is not limited to accessory retail uses such as a gift/book shop, restaurant, etc.

D. **D Definitions.**

Day Care.

1. **Day Care Center.** A facility which provides non-medical care to 15 or more children and/or adults in need of personal services, supervision, or assistance essential for sustaining the activities of daily living

or for the protection of the individual on less than a 24-hour basis. May include pre-schools, infant centers, and extended day care facilities.

2. **Day Care Home.** The use of a residence to provide day care to 14 or fewer persons, including any children under the age of 10 years who reside at the home.

Drive-in, Retail, or Service. An establishment which accommodates the patrons and their motor vehicles from which the occupants may watch, purchase, or receive goods or services (Includes a drive in bank or pharmacy, drive-up photo finishing, car wash, gas station, mini-mart with gas, automobile lubrication facility, etc.). Does not include drive through restaurant.

E. **E Definitions.**

Educational Facility. Facilities maintained to provide instruction to students for the purpose of developing their faculties and powers, and ancillary activities as determined by the Director. May include, but is not limited to, trade schools, a beauty college, or business college.

Entertainment Facility. A facility offering entertainment open to the public for a fee or by membership subscription including, but not limited to, theaters, live performance venues, and music venues.

F. **F Definitions.** No specialized land uses beginning with the letter F are defined at this time.

G. **G Definitions.** No specialized land uses beginning with the letter G are defined at this time.

H. **H Definitions.**

Home Occupation. Any occupation conducted within the living area of a dwelling unit, by persons living there, which the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character of the property. Also referred to as a "Mail and Telephone Business Listing."

Hotel/Motel. A building or group of attached or detached buildings where lodging with or without meals is provided to the general public for compensation typically on a nightly basis in individual sleeping or living units and where a maximum continuous length of stay is no longer then that established for transiency pursuant to Article 8-4 (Transient Occupancy Tax) of the Hayward Code. Does not include institutions where any human being is detained under legal restraint.

I. **I Definitions.** No specialized land uses beginning with the letter I are defined at this time.

J. **J Definitions.** No specialized land uses beginning with the letter J are defined at this time.

K. **K Definitions.** No specialized land uses beginning with the letter K are defined at this time.

L. **L Definitions.**

Liquor Store. An alcoholic beverage sales establishment primarily involving the sale of alcohol where beer, wine or distilled spirits are sold for off-sale consumption.

M. **M Definitions.** No specialized land uses beginning with the letter M are defined at this time.

N. **N Definitions.** No specialized land uses beginning with the letter N are defined at this time.

O. **O Definitions.**

Office. An establishment which provides administrative or professional services (i.e., law firm, stock broker, insurance, or real estate office), or medical or travel agency services, as well as consulting service offices including architects and accountants. This use excludes business/commercial/financial services.

P. **P Definitions.**

Parking Structure. Facilities for the temporary parking of motor vehicles within a privately or publicly owned off-street parking facility. This use includes commercial parking lots and garages.

Passenger Transportation. A service or system which provides transportation between stations or passenger-identified pick-up and drop-off locations (i.e., AC Transit, Amtrak, BART, Greyhound, airport, taxis, pedicabs, and rideshare).

Personal Services. An establishment that provides non-medical services to an individual as a primary use. Examples of these use include but is not limited to barber shops and beauty salons; nail salons, clothing rental; dry cleaning pick up stores with limited equipment; locksmiths; massage; shoe repair shops; and tailors. These uses may also include, but are not limited to, accessory retail sales of products related to the services provided.

1. **Restricted.** Personal services that may not be desirable or compatible with certain areas. Dispersal of these uses may reduce any adverse impacts of their placement in these areas, including, but not limited to, payday loan facilities, tattoo parlors, pawn shops, and check cashing facilities.

Public Agency Facility. Facilities, structures and accessory uses which house public agencies including federal, state, or local government, and other agencies such as utility and telephone companies governed by the Public Utilities Commission.

Public Park/Public Gathering. A park, playground, swimming pool, reservoir, golf course, or athletic field within the City which is under the control, operation, or management of the City of Hayward, Hayward Area Recreation District, Alameda County, the East Bay Regional Park District, or the State of California or Federal Government.

Q. **Q Definitions.** No specialized land uses beginning with the letter Q are defined at this time.

R. **R Definitions.**

Recreational Facility. A private facility maintained to provide a pastime, sport, or exercise and ancillary activities as determined by the Director. The use may be a commercial or non-commercial facility. Under no circumstance, as a primary, permitted or accessory use, may any Recreational Facility be allowed to operate simulated gambling devices as defined in Article 4-16 (Prohibition of Simulated Gambling Devices) of the Hayward Code.

1. **Indoor.** Includes, but is not limited to, athletic health clubs, gymnasiums, bowling alleys, ice and roller-skating rinks, pool/billiard parlors, and electronic video arcades.

2. **Outdoor.** Includes, but is not limited to, sport fields or courts, driving ranges, batting cages, skate parks, and golf courses.

Residential. Buildings used a residence. Includes, but is not limited to, single-family, duplex, triplex, and multi-family housing.

Restaurant.

1. **General.** Any establishment, other than a boarding house or dormitory, where food and beverages are provided for consumption on-premises or off-premises, and where typically, but not necessarily, there are tables, counters, benches, or other public seating facilities provided, or where food is taken off-premises, disposal containers are provided. Includes, but is not limited to, a sit-down dining facility, fast-food restaurant (no drive-through window), donut shop, pizza shop, cafe, bakery, cafeteria, coffee shop, lunchroom, delicatessen, and ice cream parlor. Does not include alcohol sales.

2. **Full Service.** A restaurant with incidental bar, cocktail lounge, or other area designated primarily for the service of alcohol on the premises, which operates as part of the restaurant and is subservient to the primary function of the restaurant. Does not include fast food restaurant.

3. **Drive-Through.** Any high-volume establishment serving food or beverages which utilizes a building design, site layout, or operating procedure whereby customers can drive onto the premises and remain in their vehicles while food or beverages are sold or dispensed.

Retail, General. Stores and shops selling many lines of merchandise for personal or household consumption. Typical uses may include, but are not limited to, sales of apparel and accessories, antiques, appliances, art and fabric supplies, books, electronics, furniture, jewelry, luggage, office supplies, sporting equipment, as well as department stores, drugstores, flower shops, hardware stores, specialty stores, convenience stores, grocery stores, and variety stores. Does not include the sale of automotive parts or on-site production.

S. **S-Definitions.**

Studio: Fitness, art, dance, music, etc. Small-scale facilities focused on the instruction of students of any age group. Does not include activities listed in "Entertainment Facility" or "Recreation Facility." Studio facilities includes, but is not limited to, individual and group instruction and training in the arts; production rehearsal; photography, physical fitness, and martial arts training studios; and gymnastics instruction, aerobics, and gymnastics studios with no other fitness facilities or equipment.

T. **T-Definitions.**

Temporary Use. Short-term activities that are not allowed on a permanent basis but because of their temporary non-permanent intermittent or seasonal nature are acceptable. Includes, but is not limited to, mobile businesses, Christmas tree or pumpkin patch lot, farmer's market, fruit stands, garage sales, and auctions.

U. **U-Definitions.** No specialized land uses beginning with the letter U are defined at this time.

V. **V-Definitions.** No specialized land uses beginning with the letter V are defined at this time.

W. **W-Definitions.** No specialized land uses beginning with the letter W are defined at this time.

X. **X-Definitions.** No specialized land uses beginning with the letter X are defined at this time.

Y. **Y-Definitions.** No specialized land uses beginning with the letter Y are defined at this time.

Z. **Z-Definitions.** No specialized land uses beginning with the letter Z are defined at this time.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. D), adopted January 21, 2025)

10-28.6.1.030 GENERAL TERMS

A. **A-Definitions.**

Adjacent. Sharing a common property line, or with property lines separated only by an alley.

Adjacent Buildings. Two or more buildings located upon adjacent lots.

Allowed Use. Uses that are allowed by right and are not subject to the conditions of approval, mandatory review periods, or expiration periods as required for Conditional Use Permits or Administrative Use Permits.

Applicant. Any person who is filing an application requesting an action who is:

a. The owner or lessee of property;

b. A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Code, and who presents written authorization from the property owner to file an application with the City; or

c. The agent of either of the above who presents written authorization from the property owner to file an application with the City.

Approval. Includes both approval and approval with conditions by a review authority of the City.

Architectural Features. Exterior building elements intended to provide ornamentation to the building massing, including, but not limited to, eaves, cornices, bay windows, oriels, window and door surrounds, light fixtures, canopies, and balconies.

Awning. A roof or cover which projects from a wall of a building over a window or door, made of canvas, metal or wood, which may be fixed in place or be retractable.

B. **B-Definitions.**

Bay Window. A window that projects from the building facade or elevation that begins on the ground floor and can extend to upper floors.

Basement. That portion of a building between floor and ceiling, which is partly below and partly above grade (see Grade), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Block. An area of land separated from other areas by adjacent streets, railroads, rights of-way, or public areas.

Block Face. The horizontal distance measured from one end of the block to the other end along the same right-of-way.

Block Perimeter. The aggregate of all sides of a block measured along the adjacent right-of-way.

Building. A habitable structure requiring a certificate of conformance, which consists of one or more of the following foundations that surround an interior space: floors, walls, and roofs. May include, but is not limited to, exterior appurtenant structures such as porches and decks.

1. **Block-Scale.** A building that is individually as large as most or all of a block or when arranged together along a street, appear as long as most or all of a block.
2. **Existing.** See Structure, Existing.
3. **House-Scale.** A building that is within the range of size of a small to large house and set apart from other buildings with setbacks.
4. **Primary.** A building in which the primary use is conducted.

Buildable Area. The area in which a building is allowed to be constructed.

Building Elevation. The exterior wall of a building not adjacent to a public right-of-way, the front or side along a private street, or civic space.

Building Entrance. A point of pedestrian ingress and egress to a building.

Building Facade. The exterior wall of a building adjacent to a public right-of-way, the front or side along a private street, or civic space.

Building Form. The overall shape and dimensions of a building.

Building Frontage, Primary. The length of the property line of any one premises parallel to and along each public right-of-way which it borders and is identified by an address.

Building Type. A structure defined by its combination of configuration, disposition and function.

C. **C-Definitions.**

Carriage Building. See Section 3.3.040 (Carriage Building).

City. The City of Hayward.

City Engineer. The City Engineer of the City of Hayward.

Civic Space. Land that is improved for civic gathering purposes.

Courtyard Building. See Section 3.3.110 (Courtyard Building).

Cottage Court. See Section 3.3.070 (Cottage Court).

Council. The City Council of the City of Hayward.

D. **D-Definitions.**

Director. The Planning Director of the City of Hayward.

Detached House. See Section 3.3.050 (Detached House).

Distance Between Entries. The horizontal distance measured parallel to the building facade between entrances to a building or buildings.

Driveway. A vehicular lane within a design site or shared between two sites leading to a garage, or other approved parking or loading area.

Duplex. See Section 3.3.060 (Duplex).

E. **E-Definitions.**

Encroachment. Any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, oriel window, bay window, terrace or deck, that breaks the plane of a vertical or horizontal regulatory limit extending into a setback, or beyond the zero lot line into the public frontage, or above a height limit.

Entry. An opening, such as a door, passage, or gate, that allows access to a building.

F. **F-Definitions.**

Facade. The vertical surface of a building, generally placed facing a street ("front facade").

Facade Zone. The area between the minimum and maximum setback lines along the front of a parcel and along the side street of a corner parcel.

Facility. An improvement, structure or building that is designed and used for a particular purpose.

Fence. A structure made of wire, wood, metal, masonry, or other material, and typically used as a screen or enclosure for a yard or open space or as a divider along a lot line.

Footprint. The outline of the area of ground covered by the foundations of a building or structure.

Footprint Area. The total square footage contained within a footprint.

Frontage. A strip or extent of land abutting a thoroughfare, civic space, or other public right-of-way. See Figure 1 (Frontage).

1. **Private.** The area between the building facade and the shared lot line between the public right-of-way and the lot.
2. **Public.** The area between the curb of the vehicular lanes and shared lot line between the public right-of-way and the lot.

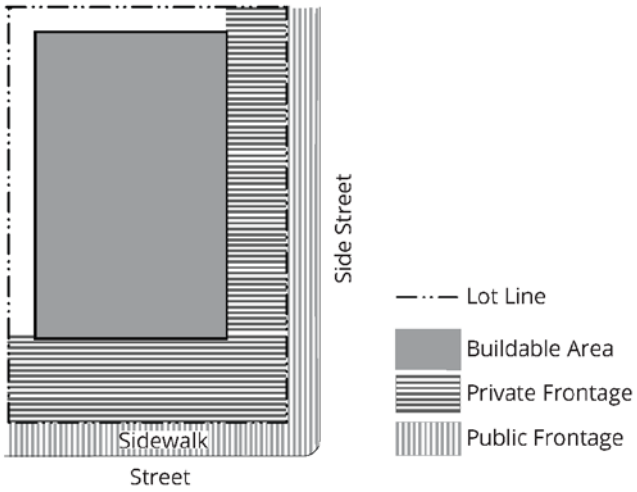


Figure 6.1.030.1 Frontage

G. **G-Definitions.**

Gable. A vertical wall in the shape of a triangle formed between the cornice or eave and the ridge of the roof.

Glazing. Openings in a building in which glass is installed.

Grade.

1. **Existing.** The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural or landscape feature. The development services director may require an applicant to provide a third-party report that shows the existing, or natural grade, of a site.
2. **Finished.** The finished ground level at any point along the exterior walls of a structure. If walls are parallel to and within five feet of a sidewalk, alley or other public way, the level above ground must be measured at the elevation of the sidewalk, alley or public right-of-way.

Gross Floor Area. The total floor area inside the building envelope, including the external walls, but not including the roof.

Ground Floor. The floor of a building located nearest to the level of the existing grade around the building.

H. **H-Definitions.**

Hayward Code. The City of Hayward's Code of Ordinances.

Height. See Figure 2 (Height).

1. **Ground Floor, Finished Floor.** Height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms, and storage spaces.
2. **Ground Floor, Floor-to-Ceiling.** Height from finished floor to finished ceiling of primary rooms on the floor(s) above the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms, and storage spaces.
3. **Primary Building.** Height can be determined in two ways: to eave/parapet or maximum overall height.

a. **Overall.** The vertical distance measured from the midpoint of the lowest and highest points of the structure adjacent to the finished grade to the highest point of the structure.

b. **Eave/Parapet.** The vertical distance measured from the midpoint of the lowest and highest points of the structure adjacent to the finished grade to the highest eave of the building or top of parapet wall.

4. **Number of Stories.** The number of stories in a structure allowed above grade. A half story is defined as usable living space contained within a sloping roof where the wall plates on at least two opposite exterior walls do not exceed four feet in height.

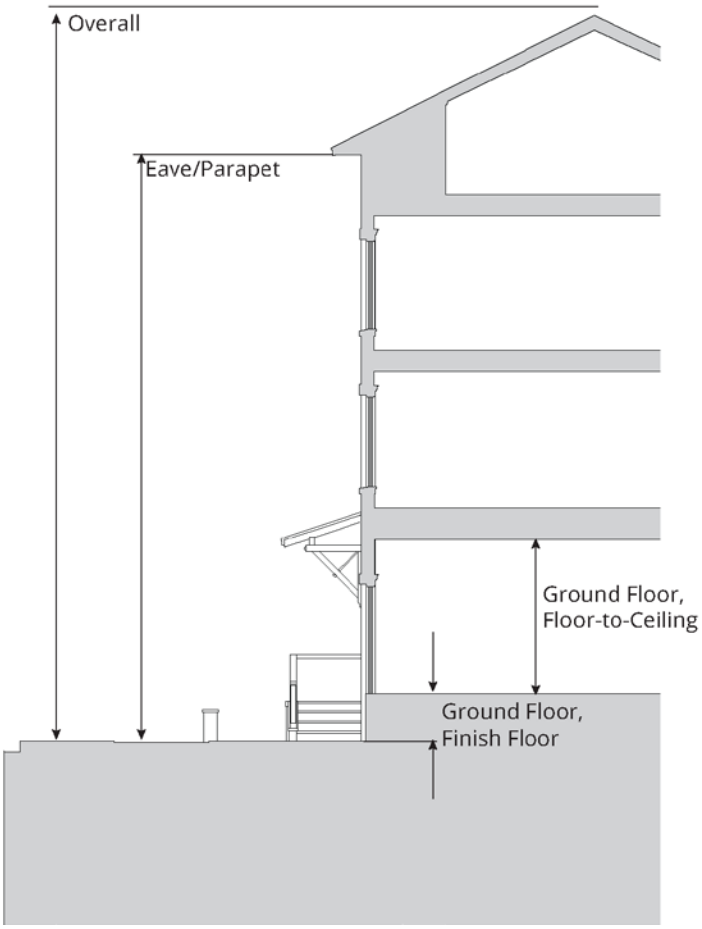


Figure 6.1.030.2 Height

I. **I-Definitions.**

Impervious Surface. A surface compacted or covered with a layer of material so it is highly resistant to infiltration of water.

J. **J-Definitions.** No specialized terms beginning with the letter J are defined at this time.

K. **K-Definitions.** No specialized terms beginning with the letter K are defined at this time.

L. **L-Definitions.**

Lined Building. See Section 3.3.140 (Lined Building).

Lot. A division of land separated from other divisions for purposes of sale, lease or separate use, described on a recorded subdivision plat, recorded map, or by metes and bounds and includes the terms "plat" and "parcel." See Figure 3 (Lot).

1. **Corner.** A lot that abuts the intersection of two or more streets at an angle of not more than 135 degrees. Where the angle of intersection exceeds 135 degrees, the area abutting the two streets shall be a front yard.
2. **Interior.** A lot which is not a corner lot.

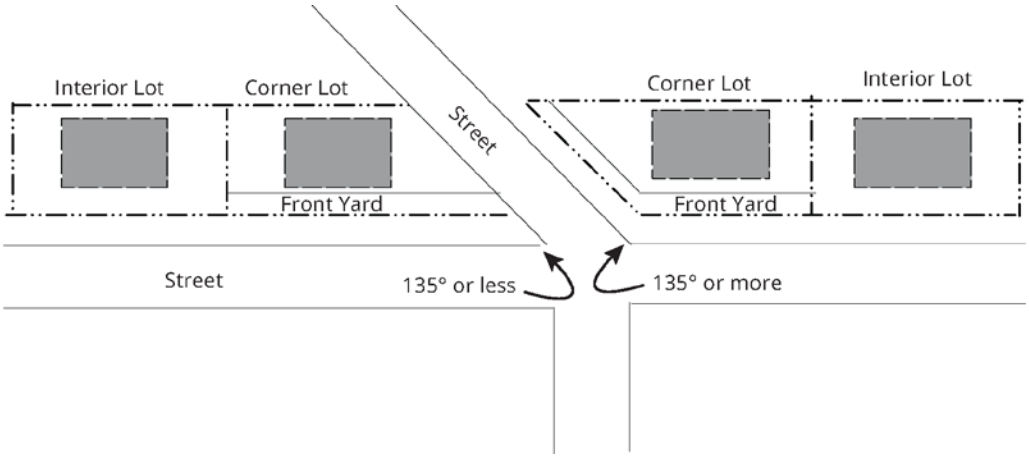


Figure 6.1.030.3 Lot

Lot Coverage. The percentage of total lot area occupied by structures and impervious surfaces.

Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. The Director shall determine lot depth for parcels of irregular configuration.

Lot Frontage. The lot line(s) of a lot fronting a thoroughfare, other public way, or a civic space.

Lot Line. Any recorded boundary of a lot.

1. **Front.**
   a. On an interior lot, the property line separating the lot from the street.
   b. On a corner lot, the shorter property line abutting a street. If the street-fronting lot lines of a corner lot are equal in length, the Director shall determine the front lot line.
   c. On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line
2. **Rear.** The lot line which is opposite and furthest from the front lot line and does not intersect the front lot line. In the case of an irregular or triangle lot, the rear lot line is parallel to and at a maximum distance from the front lot line, having a minimum length of 10 feet.
3. **Side.** Any lot line that is not a front lot line or a rear lot line.

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the depth at a point midway between the front and rear lot lines. The Director shall determine the lot width of an irregularly shaped lot.

Lot Width (Net). The lot width exclusive of driveways, right-of-ways, and easements.

M. **M-Definitions.**

Main Street (building). See Section 3.3.130 (Main Street Building).

Mid-Rise. See Section 3.3.150 (Mid-Rise Building).

Multiplex. See Section 3.3.080 (Multiplex: Small) and Section 3.3.090 (Multiplex: Large).

N. **N-Definitions.** No specialized terms beginning with the letter N are defined at this time.

O. **O-Definitions.**

Oriel Window. A window that projects from the building facade, located on upper floors and may extend for multiple stories.

P. **P-Definitions.**

Primary Street. A street intended to serve as the principal frontage for a project, to which the front facade and primary building entrance is oriented. Primary streets are intended to provide the greatest degree of pedestrian orientation and access, with less emphasis on vehicular access where it can be avoided.

Primary Use. The main purpose for which a lot is developed and occupied. Also, a principal use.

Q. **Q-Definitions.** No specialized terms beginning with the letter Q are defined at this time.

R. **R-Definitions.**

Regulating Plan. A map for a development that identifies transect zones to be applied to replace the existing zones and that identifies the civic and open space types, thoroughfare types, building types, and frontage types for the development. Upon approval of the development, the regulating plan's content is incorporated into the Hayward Zoning Map.

Review Authority. The individual or official City body (e.g., Planning Director, Planning Commission, City Council) identified by this Code as having the responsibility and authority to review and approve or deny a permit application.

Right-of-way. The strip of land dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities, that is either publicly owned or subject to an easement for right-of-way purposes benefiting the general public. Right-of-way typically includes streets, alleys, sidewalks, landscape areas, and drainage facilities.

Rowhouse. See Section 3.3.100 (Rowhouse Building).

S. **S-Definitions.**

Screening. Landscaping, decorative fencing, architectural features, or wall, as allowed by the Downtown Zone, to obstruct the public view of either private area on a design site or of mechanical/utilitarian equipment that does not contribute positively to the streetscape.

Setback. The area measured from the lot line to a building facade or elevation that must be maintained open and unobstructed from finished grade to sky with the exception of specifically permitted encroachments. See Figure 4 (Setback).

1. **Front.** An area extending the full width of a lot between the front lot line and the front setback line.
2. **Side.** An area extending the full width of a lot between the side lot line and the side setback line.
3. **Street Side.** An area extending the full width of a lot between the street side lot line and the street side setback line.
4. **Rear.** An area extending the full width of a lot between the rear lot line and the rear setback line.
5. **Parking.** The mandatory clear distance between a lot line and parking.

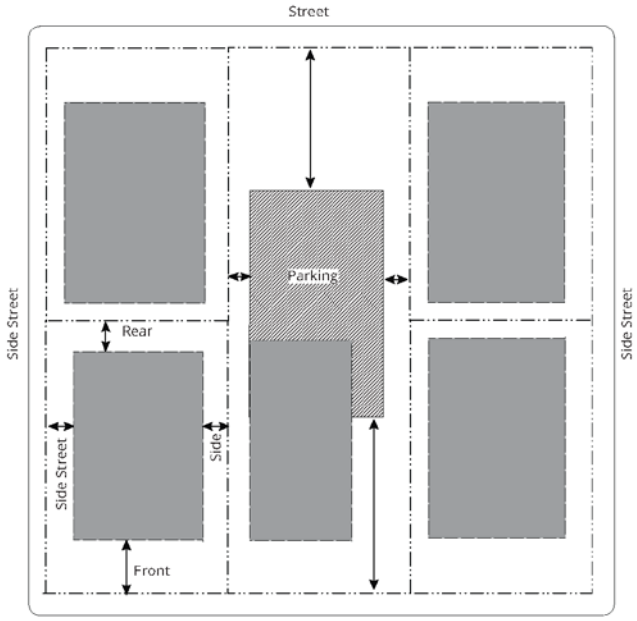


Figure 6.1.030.4 Setback

Site Plan. A plan that is to scale and illustrates the proposed physical changes on a lot.

Stacked Flats Building. See Section 3.3.120 (Stacked Flats Building).

Stacking area. The stacking area is the space occupied by vehicles queueing for the service to be provided in a drive-through business.

State. The State of California.

Structure. Anything constructed or erected, except fences not exceeding six feet in height, which requires permanent location on the ground or is attached to something having location on the ground.

1. **Accessory.** A subordinate structure, the use of which is incidental and secondary to that of the main structure on the same lot. "Accessory structure" does not mean "Accessory Dwelling Unit."
2. **Existing.** A structure legally erected prior to the effective date of this Ordinance, or one for which a valid legal Building Permit has been issued before this effective date of this Ordinance.

T. **T-Definitions.** No specialized terms beginning with the letter T are defined at this time.

U. **U-Definitions.**

Use. The specific purposes for which land or a building is designated, arranged, or intended, or for which it is or may be occupied or maintained.

Unit. See "Dwelling Unit."

V. **V-Definitions.** No specialized terms beginning with the letter V are defined at this time.

W. **W-Definitions.** No specialized terms beginning with the letter W are defined at this time.

X. **X-Definitions.** No specialized terms beginning with the letter X are defined at this time.

Y. **Y-Definitions.** No specialized terms beginning with the letter Y are defined at this time.

Z. **Z-Definitions.** No specialized terms beginning with the letter Z are defined at this time.

(Amended by Ordinance 24-01, adopted Jan. 23, 2024; Amended by Ordinance 25-02, § 1(Exh. D), adopted January 21, 2025)

CABARET~~S AND DANCES~~[1]

SEC. 6-2.10 TITLE.

These provisions, relating to cabaret and dances as those terms are hereinafter defined, may be referred to as the "Cabaret~~s and Dances~~ Regulations."

SEC. 6-2.11 DEFINITIONS.

For the purposes of these regulations, unless otherwise apparent from the context, certain words and phrases are defined as follows:

~~a. "Applicant" shall mean a living person, corporation, partnership or other business entity that applies for a license to establish, operate, manage or maintain a cabaret or public dance or applies for a permit for a specific, one-time cabaret or public dance event.~~

~~b. "Application" shall mean the form submitted by the owner or operator that, when completed by the applicant, contains information requested by the City of Hayward upon which the Chief of Police or designee may base his or her approval or denial of such application.~~

~~c~~a. "Cabaret" shall mean any establishment, event, or place where live entertainment is provided ~~by or~~ for a minimum of one hundred ~~any~~ patrons or guests, including but not limited to: live music performances, ~~singing, playing music, dancing, performing karaoke~~, acting, ~~holding a fashion show, performing pantomime,~~ performing comedy or other act~~s~~ or performance~~s~~ ~~and to which admission:~~

~~(1) May be gained by the public generally with or without the payment of a fee or cover charge or the purchase or presentation of a ticket or token; or~~

~~(2) May be gained by a person without invitation or by anyone who cannot be identified at the time of the issuance of the invitation by the sender.~~

~~d~~b. "Day" shall mean a working day during which the City's administrative departments are open and available to the general public.

~~e~~c. "Employee" shall mean any person employed by a licensee or permittee, with or without compensation, in a cabaret.

~~f~~d. "License" shall mean an annual license granted by the Chief of Police to an applicant to operate a cabaret in the City of Hayward.

~~g~~e. "Licensee" shall mean any person who holds a current, valid license, issued by the City of Hayward to operate an on-going cabaret.

~~h~~f. "Owner" shall mean any person, persons, corporation, partnership or any other business entity, or any combination of these, who has any interest, legal or equitable, in any cabaret or any one-time cabaret or public dance permit, excepting a bona fide lending institution licensed by the State of California or the federal government.

[1]Note(s)—Public Dances Sections 6-2.10 through 6-2.17 repealed and replaced by Cabarets and Dances Sections 6-2.10 through 6-2.35 by Ordinance 13-15, adopted November 19, 2013.

~~i~~g. "Permit" shall mean a permit granted by the Chief of Police to an applicant to hold a specific, one-time cabaret or public dance event in the City of Hayward.

~~j~~h. "Person" shall mean and include any individual, firm, association, partnership, joint venture or corporation (whether for-profit or nonprofit), or other business entity.

~~k~~i. "Premises" shall mean any structure or portion of a structure to be licensed or permitted, or for which a license or permit has been granted in accordance with the provisions of the Cabaret~~s and Dances~~ Regulations.

~~l."Public Dance" shall mean any event where patrons, guests or persons attending the event are permitted to dance, not including a licensed cabaret, and to which admission:~~

~~(1) May be gained by the public generally with or without the payment of a fee or cover charge or the purchase or presentation of a ticket or token; or~~

~~(2) May be gained by a person without invitation or by anyone who cannot be identified at the time of the issuance of the invitation by the sender.~~

SEC. 6-2.12 CABARET LICENSE REQUIRED.

No person shall establish, maintain, manage or operate any cabaret or allow any cabaret to be established, maintained, managed or operated within any building or structure, or any portion of a building or structure, owned, occupied or controlled by him/her, unless such cabaret is maintained and operated pursuant to a valid, unexpired, unsuspended and unrevoked cabaret license issued pursuant to the provisions of the Cabaret~~s and Dances~~ Regulations. The holder of any such license or his/her designated representative, which representative must have been disclosed in writing to the Chief of Police, shall be required to exercise personal control and direction over the operation of the cabaret and shall be available at reasonable times, during regular operating hours, to the Chief of Police or designee. ~~The requirement for a cabaret license is in addition to any other license or permit required by the Hayward Municipal Code, including but not limited to a business license pursuant to Article 1 of Chapter 8 or any use permit or variance pursuant to Article 1 of Chapter 10.~~ The requirement for a cabaret license is in addition to any other license or permit required by the Hayward Municipal Code, including but not limited to a business license pursuant to Article 1 of Chapter 8 and Chapter 10. License holders shall also be required to comply with the conditions of approval, requirements established with any use permit or ~~variance~~approvals pursuant to Article 1 of Chapter 10 of the Hayward Municipal Code**.**

~~SEC. 6-2.13 EXCEPTION TO LICENSE OR PERMIT REQUIREMENTS FOR CERTAIN PUBLIC DANCES.~~

~~No cabaret permit or license shall be required for dances held by public recreational or educational agencies, or bona fide patriotic, religious, or fraternal associations or organizations, or for dances held in connection with patriotic, holiday, or school celebrations or festivals, where such dances are casual or for one (1) such occasion only, and are not conducted more often than once a month.~~

SEC. 6-2.14 APPLICATION FOR A LICENSE.

An application for a cabaret license shall be completed by the applicant and filed with the Police Department upon such form as may be furnished by that department. ~~The Police Department shall forward copies of the application to the Director of the Finance Department and the Planning Manager of the Development Services Department.~~ The application shall set forth and include the following:

a. The location of the cabaret for which the license is required, including a specific description of the place, building, structure or portion of the building, structure or place, where the cabaret is to be

situated. If the entire building, structure or place is proposed to be used as a cabaret, the application shall so state and shall request a license for the entire building, structure or place. If only a portion of the building, structure or place is proposed to be used as a cabaret, the applicant shall so state, shall describe such portion and shall request a license for only such portion. No license shall be deemed issued for any portion of any building, structure or place which the application fails to state is to be used for cabaret purposes or for which the application fails to specifically request a license.

b. The true and complete name and address of the Cabaret License applicant ~~each owner or~~ and/or owner(s) or lessee(s) of the building, structure or place within which the cabaret is proposed to be maintained~~:~~.

c. The true and complete name and address of the person or persons to whom it is requested that a cabaret license be issued as follows:

(1) If the proposed licensee is an individual, the application shall set forth the name, residence and business address of the individual;

(2) If the proposed licensee is a corporation, the application shall set forth the complete name of the corporation and the state within which it is incorporated, together with its ~~home address and also its~~ local address, and the names and contact information of the authorized representatives of the corporation; and ~~, as well as the names and addresses of the board of directors, the names and addresses of all of the corporate officers, and the names and addresses of each shareholder; and~~

(3) If the proposed licensee is a partnership, the application shall set forth the full names of all partners and the firm name under which the partnership operates, together with names and contact information of the authorized representatives of the firm. ~~the addresses of all partners.~~

d. ~~A set of clearly identifiable fingerprints and photographs of each person to whom a license is to be granted; or in the case of a partnership, fingerprints and photograph of the managing partner; or in the case of a corporation, fingerprints and photograph of the president or chief executive officer. The fingerprints and photographs shall be in the form and manner and by an agency approved by the Chief of Police.~~ The Applicant or licensee seeking a Cabaret License shall complete a Request for Live Scan Service and Background Check. Each person shall have paid to the Police Department the current fee set by the City of Hayward's Master Fee Schedule for receiving and processing fingerprints so taken.

e. A statement as to whether or not any of the persons required to be named in the application have at any time been convicted of any crime or crimes and if so, the nature of the crime for which they were convicted, the date and jurisdiction of the conviction.

f. A statement describing any previous permit or license, including any conditional use or other use permit~~,~~ obtained by the applicant for the sale of alcohol or any entertainment ~~or dancing~~ activities with a statement as to whether any permit or license previously granted to the applicant has been denied, revoked or suspended, and also, the type of permit or license which was denied, suspended or revoked, the time of denial, revocation or suspension, the jurisdiction denying, suspending or revoking the permit or license and the reasons for such action;

g. A statement that the applicant understands and agrees that the cabaret established or maintained under any license issued pursuant to the application filed shall be established, operated, managed and maintained in full conformity with all the laws of the State of California and the applicable laws and regulations of the City of Hayward, and that any violation of any such laws in or in connection with the cabaret shall render any license subject to immediate suspension or revocation and the ongoing operation of the cabaret a nuisance;

~~h. A full and complete financial statement of the applicant (the individual, partnership, corporation or other business entity);~~

~~i~~h. A statement that the applicant understands and agrees that City representatives, including the Chief of Police or designee, shall have access to the proposed cabaret premises and to the business records of the applicant for the purpose of investigating compliance with the provisions of these regulations and all other applicable state and federal laws and regulations, and the applicant consents to any such search and consequential seizure;

~~j~~i. A statement that the applicant understands and consents for itself and any individuals named in the application and thereby authorizes the Hayward Police Department to conduct background investigations and obtain criminal history information for each individual named in the application and further to include in any report to the City Manager and City Council any information, including but not limited to any criminal convictions, that the Chief of Police considers relevant and necessary concerning any person named in the application;

~~k~~j. A detailed description of the proposed activities to be conducted including whether an admission fee or cover charge will be charged or whether tickets will be issued and the identity of all on-site managers;

~~l~~k. A description of the specific areas, facilities or operations where security will be provided and security measures the applicant has or will take or cause to be taken, including security personnel staffing, training and provision of security ~~in and around off-street parking areas~~ and whether security personnel will be armed. The description shall also include any security provisions established in these Cabaret Regulations, including section 6-2.30 (Patron Safety and Security). If the cabaret serves alcoholic beverages, such security measures shall be consistent with the provisions contained herein;

~~m~~l. A statement regarding the days and hours of operation to which the licensee will adhere;

~~n~~m. The building and floor plan of the premises, which shall have no hidden rooms or screens and which once the license is issued shall not be modified without the prior written approval of the City;

~~o~~n. A statement regarding whether alcohol will be served and whether the applicant has or will be applying for a license from the Department of Alcoholic Beverage Control;

~~p~~o. Such other information that the applicant or the City may consider pertinent; and

~~q~~p. The contents of the application shall be certified under penalty of perjury as follows:

(1) By the proposed licensee if an individual;

(2) By a general partner if the proposed licensee is a partnership; or

~~(3) By the president of the corporation if the proposed licensee is a corporation;~~

(~~4~~3) By the controlling owner/manager/executive of any other business entity.

SEC. 6-2.15 LICENSE APPLICATION FEE.

A nonrefundable application fee, the amount of which is set in the City of Hayward's Master Fee Schedule, shall accompany the application and shall be retained by the City for the cost of investigating and processing of the application, whether the application is approved. The application fee shall be paid to the Police Department at the time of submittal of the application.

(Amended by Ordinance 17-18, adopted Nov. 28, 2017)

SEC. 6-2.16 LICENSE APPLICATION, ACCEPTANCE, REFERRAL, INVESTIGATION AND REPORT.

a. Upon receipt of an application for a cabaret license, the Police Department shall examine it, and if it is determined that it fails to comply with the requirements of these regulations or does not contain all the information required by these regulations, the application shall be returned to the applicant for proper completion of the application, together with a statement indicating the deficiencies. If the application does comply, the Police Department shall refer copies to other City offices as needed, including the Planning Division of the Development Services Department.

b. The Chief of Police shall investigate or cause to be investigated, the contents of the application. The Chief of Police, or designee, is hereby authorized to conduct background investigations and obtain criminal history information for each person required to be named in the application for determining whether any such person should be disqualified for any of the following reasons:

(1) Applicant has been convicted of any crime punishable as a felony or ~~any misdemeanor involving dishonesty or moral turpitude or~~ has entered a plea of nolo contendere to any lesser or included offense, including but not limited to crimes involving battery, assault, robbery, burglary, gambling, larceny, fraud, sale or possession for sale of a controlled substance, prostitution, pimping, pandering, or lewd conduct.

(2) Applicant has associated with criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code.

The Chief of Police, within ~~sixty~~thirty (~~6~~30) days of receipt of a complete application, shall render a decision on the application, and shall give reasons for the decision.

SEC. 6-2.17 LICENSE ISSUANCE.

a. ~~Within ten (10) days of the decision by the Chief of Police, t~~The license may be approved subject to such conditions, limitations and restrictions as may be deemed reasonably necessary. Each license approved by the Chief of Police shall be subject to the licensee's compliance with all applicable provisions of these regulations, in addition to such conditions, limitations and restrictions as the Development Services Department may deem reasonably necessary.

b. No license shall be approved if it appears that any one (1) of the following facts exists:

(1) The applicant for the license has not obtained approval of a conditional use or other use permit for the cabaret or primary use, if required by Article 1 of Chapter 10 of the Hayward Municipal Code; or

(2) The operation of a cabaret at the proposed location will aggravate the crime problems in the area, or otherwise be detrimental to crime prevention or be detrimental to the public peace, health, welfare or safety in the area; or

(3) The Fire Chief, Building Official or Planning Director indicates that the license would result in a violation of the laws or regulations such officials administer; or

(4) That the applicant, or its owners, officers or employees, are unfit to operate a cabaret business. In making such determination, the Chief of Police may consider:

(i) The ~~commission~~ conviction of ~~any~~ criminal acts punishable as a felony by the applicant, its owners, officers, or employees involving dishonesty, fraud or deceit with the intent to benefit substantially oneself or another, or substantially injure another; or

(ii) The license and permit history of the applicant~~, its owners, officers~~ and employees, and whether such person in previously operating in this or another state under a license or permit has had

such license or permit revoked, denied or suspended, the reasons for such action, and the resulting actions of such persons;

~~(iii) The applicant does not have, in the judgment of the Chief of Police, the financial capability or business experience to operate a cabaret in a manner that would protect its patrons and the citizens of the community.~~

(5) That the applicant has failed to comply with any of the provisions of the Hayward Municipal Code or other applicable laws applicable to the premises, equipment or operation of the business for which a permit is requested; or

(6) That the applicant has knowingly made false statements in the application.

c. Upon the approval or conditional approval of a license by the Chief of Police, the license shall be issued to the applicant ~~within ten (10) days of such approval~~, pursuant to such conditions, limitations and restrictions required by the Chief of Police. In the case of a partnership, a license shall be issued in the name of all the partners.

d. In the event an application is denied, the Chief of Police shall notify the applicant within ten (10) days of such denial and the reasons for the denial. The decision of the Chief of Police may be appealed to the Planning Commission in accordance with the provisions of Section 10-1.2845 of this Code.

~~e. Under no circumstances shall any conditions attached to any license be construed to convert such license into any kind of transferable, conditional use permit.~~

~~f~~e. Every licensee under these regulations shall pay a business license tax as set forth in Article 1 of Chapter 8 of the Hayward Municipal Code.

SEC. 6-2.18 SUSPENSION AND REVOCATION OF LICENSE.

All licenses authorized and issued under the provisions of the Cabarets ~~and Dances~~ regulations shall be subject to suspension or revocation by the Chief of Police under any of the following conditions:

a. The licensee, or any employee or agent of such licensee has knowingly failed to comply with any of the provisions of these regulations; or

b. The licensee, or any employee or agent of such licensee, has knowingly breached any term or condition upon which the cabaret license was issued; or

c. Facts exist which would justify denial of an application for such license pursuant to these regulations; or

d. The cabaret is conducted in such a manner as to constitute a nuisance, or to disturb the peace of persons in the vicinity or to be deleterious to the public peace, morals, health, safety or welfare; or

e. The conditional use permit or other use permit approved for the cabaret has been suspended or revoked; or

f. The licensee has failed or refuses to pay such fees or taxes imposed under the Hayward Municipal Code when due and payable.

SEC. 6-2.19 PROCEDURES FOR THE SUSPENSION AND REVOCATION OF CABARET ~~AND DANCE~~ LICENSES.

Cabaret ~~and dance~~ licenses or permits may be suspended or revoked pursuant to Article 1 of Chapter 6.

SEC. 6-2.20 EXPIRATION DATE OF LICENSES.

All cabaret licenses issued pursuant to these regulations shall automatically expire one (1) year after such license was issued or renewed.

SEC. 6-2.21 RENEWAL PROCEDURES AND FEES FOR LICENSES.

A valid license issued pursuant to the provisions of these regulations, or its predecessor regulations, which has not been surrendered, suspended or revoked, may be renewed for respective periods of not longer than one (1) year upon the following terms and conditions:

a. An application for renewal of any such license shall be filed sixty (60) days prior to the expiration of the existing license with the Police Department on forms provided by that Department.

b. Applications for renewal shall indicate whether any information required by Section 6-2.14 herein has changed, and shall be accepted, referred, investigated, reported, issued and dated as provided in Sections 6-2.16 and 6-2.17 hereinabove. If the completed application for renewal is submitted in a timely manner as required under subsection (a) above, then pending the completion of such investigations and reports, the existing cabaret license shall not expire pursuant to Section 6-2.20.

c. If such application for renewal is not filed, or the application fee is not paid within the time specified by subsection (a) above, the license shall be deemed surrendered at the expiration date of such license.

d. Renewal fees for licenses shall be the same as those fees charged for new licenses.

e. Any current cabaret licensee who desires to physically relocate their cabaret must file an application for renewal pursuant to Sections 6-2.14 through 6-2.17 hereinabove and obtain ~~a conditional use permit such~~ a use permit for the new location, if ~~same is~~ required by Chapter 10, Article 1 of the Hayward Municipal Code.

SEC. 6-2.22 LICENSES NON-ASSIGNABLE.

a. Except as otherwise provided for in these regulations, no cabaret license may be sold, transferred or assigned by the licensee, or by operation of law, to any person, persons or legal entity without the prior approval of the Chief of Police, which approval shall be conditioned upon the proposed transferee's compliance with the Cabarets and Dances regulations. Any sale, transfer or assignment, or attempted sale, transfer or assignment without such prior approval shall be deemed a voluntary surrender of such license, which license shall immediately be deemed terminated and void.

b. A license issued to an individual who dies during the calendar year shall terminate one (1) year after the license was issued, except that the personal representative of the estate of that individual may apply for renewal of the license for one (1) year providing the representative has complied with all requirements of these regulations.

c. If the licensee is a partnership and one (1) or more of the partners dies, the surviving partners, or partner, may, with prior approval of the Chief of Police, acquire, by purchase or otherwise, the interest of the deceased partner, or partners, without affecting a surrender or termination of the license.

d. Any change in the ~~board of directors of a corporation which holds a license or in the~~ managing partners of a partnership or the ownership of any other business entity that holds a license shall require the prior approval of the Chief of Police, which may condition such approval ~~on any appropriate basis~~ based on the criteria listed in these Cabaret Regulations.

~~e. Any change of legal status of a licensee (such as a change from individual to corporate status) not otherwise provided in this section, shall require the prior approval of the Chief of Police, who may condition such approval on any appropriate basis.~~

SEC. 6-2.23 COMMENCEMENT OF OPERATIONS.

a. An applicant who has received approval for a cabaret or license and paid all appropriate fees must commence operation of the cabaret within ninety (90) days following issuance of the license.

b. A license becomes void upon a ninety (90) day absence or suspension of operations allowed by it, regardless of the reasons for the absence or suspension of operations; except that the Chief of Police may, during the ninety (90) days, extend the time for an additional sixty (60) days, for good cause shown.

SEC. 6-2.24 OBLIGATION TO INFORM OF CERTAIN CHANGES CONCERNING LICENSEES.

a. The licensee shall notify the Police Department in writing within fourteen (14) days of any change in the information required in an application for license issuance or renewal as provided in Section 6-2.14, except that no such change need be reported if such change occurs within thirty (30) days immediately preceding the expiration of such license. At the discretion of the City, a new or amended application for a license may be required.

b. The Chief of Police shall promptly inform the relevant City departments of any notification received pursuant to the provisions of subsection (a) above.

SEC. 6-2.25 RECORD AND VIDEO SYSTEMS.

The licensee shall keep and maintain all cabaret books, documents, records and accounts (whether in printed form or as electronic media) in accordance with recognized business accounting principles. Any and all video recordings made for security in the cabaret shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of seven (7) days, unless longer or shorter periods of time are ordered by the Chief of Police or designee. All video recordings must be made available to any law enforcement agency for duplication upon demand.

SEC. 6-2.26 PERMITS FOR SINGLE CABARET ~~OR PUBLIC DANCE~~ EVENTS.

a. A single cabaret ~~event or public dance~~ event may be conducted in the City of Hayward upon the issuance of a permit by the Chief of Police.

b. An applicant shall file an application with the Chief of Police at least two (2) weeks prior to the proposed event with the application fee set forth in the City's Master Fee Schedule. The application shall include:

(1) The location of the cabaret ~~or public dance~~ event.

(2) The true and complete name and address of the person or persons to whom it is requested that a cabaret permit be issued, as follows:

(i) If the proposed permit is an individual, the application shall set forth the name, residence and business address of the applicant;

(ii) If the proposed licensee is a corporation, the application shall set forth the complete name of the corporation and the state within which it is incorporated, together with its home address ~~and also its~~ local address, and the names and contact information of the authorized representatives of the corporation; and ~~, as well as the names and addresses of the board of directors, the names~~

~~and addresses of all of the corporate officers, and the names and addresses of each shareholder; and~~

(iii) If the proposed licensee is a partnership, the application shall set forth the full names of all partners and the firm name under which the partnership operates, together with names and contact information of the authorized representatives of the firm.~~the addresses of all partners.~~

(3) The true and complete name and address of each applicant, lessee(s) and/or owner or owners of the building, place or structure within which the cabaret~~ or public dance~~ is proposed to be conducted.

(4) A description of the event including date and times of the event, number of people expected to attend, and whether alcohol will be served and if so whether the appropriate approval has been received by the State Department of Alcoholic Beverage Control.

(5) A description of the security measures that will be taken, both at the event and in and around off-street parking areas. If alcohol will be served at the event, the security measures shall meet the requirements contained herein.

(6) Any further information the Chief of Police deems necessary in reviewing the application.

c. Any such permit for a single cabaret~~ or public dance~~ event shall only be approved if the event will occur in a zoning district that permits such an activity pursuant to the Zoning Ordinance set forth in Chapter 10 of the Hayward Municipal Code.

d. In granting or denying such permit, the Chief of Police shall give consideration to the public health, safety and welfare, particularly for those persons living in the surrounding area.

e. Only one (1) permit for a single cabaret~~ or public dance~~ event will be issued for a particular applicant or for a particular location within a three-month period.

f. Permits issued for a single cabaret event~~ or a public dance~~ event are nontransferable and non-assignable.

g. If both cabaret and dance activities are intended, only one (1) permit under this section will be required, depending on the primary activity to be conducted.

SEC. 6-2.27 OPERATING REGULATIONS FOR ALL CABARETS ~~AND DANCES~~.

It shall be unlawful for any person operating a cabaret or conducting an ~~dance or~~ entertainment event, or any agent, employee, or representative or such person, to permit any breach of the peace therein or any disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct or otherwise, or to violate or permit the violation of any of the following regulations:

~~a. The area in which any dancing is being done shall be kept well lighted.~~

b. No obscene or illegal conduct or behavior within the building and/or premises of a licensed Cabaret event shall be permitted.

c. No person under the age of eighteen (18) years shall be admitted unless accompanied by his parent, guardian or other person having the care and custody of such person. The Chief of Police may approve a permit to allow younger participants, if the event is planned specifically for youth.

~~d. No dancing shall be permitted between the hours of 2:00 a.m. and 10:00 a.m.~~

~~e. All persons shall be fully clothed.~~

~~f. No person under the influence of intoxicating liquor shall be admitted or permitted to remain in or upon the premises.~~

g. At all times during the holding of any ~~dance or~~ event, all doors leading from or opening into the place where the ~~dance~~event is held, are to remain unlocked, unbarred, or unfastened.

h. No return check shall be issued.

SEC. 6-2.28 LICENSEE/PERMITTEE RESPONSIBLE FOR VIOLATIONS.

The licensee of any cabaret or permittee for any cabaret ~~or public dance event~~ shall comply with all generally applicable state and local laws and regulations, and~~be responsible for all violations of~~ shall comply with the laws of the State of California, and ~~or of~~ the ordinances, regulations and conditions of the City of Hayward that relate to the operation of a cabaret~~, which occur within the cabaret, whether or not the violations occur within the licensee's/permittee's presence or with the licensee's/permittee's knowledge~~. The licensee/permittee agrees that allowing more patrons on the premises than that authorized by the Hayward Fire Marshal constitutes a violation of the license and may be enforced by the Police Department.

SEC. 6-2.29 VIOLATION OF STATE AND CITY LAWS.

No licensee (or its agents or employees) nor permittee (or its agents or employees) shall engage in or permit any other person on such premises to engage in any act in violation of the laws of the State of California or of the ordinances, regulations and conditions of the City of Hayward.

SEC. 6-2.30 PATRON SAFETY AND SECURITY.

~~The licensee/permittee shall be responsible for the security and safety of patrons in the cabaret in and around off-street parking areas.~~ Security shall meet the following performance standards:

a. There shall be a minimum of one (1) security personnel on duty for the first fifty (50) patrons on site. Once the number of patrons exceeds fifty (50), there shall be one (1) additional security personnel on duty for up to and including each additional fifty (50) patrons on site. "On-site" means all patrons within the establishment and waiting in line to enter the establishment.

b. The security personnel shall be on duty when the entertainment begins or 9:00 p.m., whichever is earlier, and shall remain on duty for at least one-half hour after the establishment closes or until all patrons have vacated the area immediately surrounding the establishment and the parking sites used by the patrons.

c. The security personnel shall provide security inside the establishment, along the outer perimeter of the establishment and parking sites immediately adjacent to the establishment and used by the patrons.

d. Security personnel shall use an ID scanner to verify authenticity of ID cards for all patrons who enter the business.

e.~~d.~~ The security personnel, in coordination with the Hayward Police Department, shall remove all illegal contraband that may be found on patrons, report the existence of the contraband ~~to the Hayward Police Department~~, identify the person in possession of the contraband and immediately turn the contraband over to the ~~proper~~ law enforcement authorities.

f.~~e.~~ All security personnel shall be registered and maintain valid registration status with the State of California's Department of Consumer Affairs. All security personnel shall be registered at a level that is equivalent to or greater than a proprietary private security officer. Proof of registration for all security personnel shall be maintained by the establishment's operator and shall consist of application forms, receipts for application fees and live scan fees and any other document showing evidence of valid registration.

g.f. At closing time, the security personnel shall ensure that the establishment's patrons have been cleared from the sidewalk and street areas in front of the establishment, from other areas around the perimeter of the establishment and from areas within ~~one hundred~~ fifty (~~1~~50) feet of the establishment.

hg. While on duty, all security personnel shall wear a nameplate containing the security personnel's full name and the word "Security" printed in bold, capital letters that are at least three-fourths of one (1) inch high and in contrasting color. The nameplate shall be exhibited prominently on the clothing, at chest level, and shall be visible and easily read at all times. The nameplate shall be a minimum of two (2) inches high and four (4) inches wide. As an alternative to a nameplate, the security personnel's name and the word "Security" may be embroidered on the security personnel's outermost garment with the required information meeting the above specifications and located at chest level.

ih. The establishment's operator shall not allow any security personnel to, and no security personnel shall, sit at the bar, or consume alcoholic beverages or any controlled substance, be under the influence of alcoholic beverages or any controlled substance, or engage in any violations of the law while on duty.

ji. The establishment's operator shall not allow any security personnel to be, and no security personnel shall be, in possession of any firearm while on the establishment's premises without the security personnel having first obtained a license from the appropriate state or local agency authorizing the security personnel to be in possession of a firearm.

kj. If the establishment employs or otherwise engages security personnel who will be in possession of a firearm while on the establishment's premises, the security personnel shall provide the Chief of Police with the following documentation no less than fourteen (14) days prior to the date the security personnel will begin performing services at the establishment:

(1) A copy of the license issued to the security personnel authorizing the possession of such firearm;

(2) A copy of the security personnel's law enforcement identification if employed by a law enforcement agency; and

(3) A copy of the security personnel's California driver's license or California identification card.

lk. The establishment's operator shall at all times manage waiting lines outside the establishment to ensure that there are no impediments to pedestrian travel in the pedestrian walkway, no blockage of neighboring businesses, and no disturbance of the public peace.

ml. At least one (1) person in possession of a valid cabaret license shall be present at the establishment at all times when entertainment requiring a cabaret license is being provided. Said licensee shall cooperate fully with the Chief of Police, or any City official responsible for enforcing the Alcoholic Beverage Outlet regulations, with any inquiry, inspection reasonable request or investigation necessary to implement the requirements of these regulations or to enforce any other state, local or federal law.

SEC. 6-2.31 POSTING OPERATING REGULATIONS.

A set of operating regulations in a form approved by the Chief of Police and containing the provisions of Sections 6-2.27 through 6-2.33 herein, as well as any relevant operating conditions that may be imposed by the Chief of Police, City Council or the Planning Commission, shall be prominently posted by licensee/permittee in at least one (1) conspicuous location within every cabaret, as determined by the Chief of Police.

SEC. 6-2.32 INSPECTION FOR ENFORCEMENT; SUMMARY SUSPENSION.

All premises operating pursuant to the terms of these regulations may be administratively inspected for violations of these regulations, without a warrant at any time during normal operating hours by the Chief of Police

of the City of Hayward or designee. Any evidence of any violation of the terms of these regulations that are observed during an inspection may be seized without warrant provided that such evidence shall be specifically identified and a receipt shall be given to the owner of such evidence and to the licensee of such premises or his agent. At all times, a designated manager or person in charge shall be on the premises and available to the Police Department. Evidence collected during an inspection may be used to support administrative enforcement proceedings under this Code or other applicable regulations. A violation of these Cabarets and Dances regulations may result in immediate closure by the Police Department, pursuant to the summary suspension provisions set forth in the Alcoholic Beverage Outlets regulations (Hayward Municipal Code Sections 10-1.2750 et seq.).

SEC. 6-2.33 POWERS OF CHIEF OF POLICE AND OFFICERS.

The Chief of Police and his/her sworn officers shall have the power to ~~stop any public dance or~~ close any premises, whether a permit is issued hereunder or not, for disturbing the peace, disorderly conduct, obscene or indecent behavior, or for violation of any law or ordinance.

SEC. 6-2.34 INJUNCTIVE RELIEF; ADMINISTRATIVE CITATION.

In addition to the legal remedies provided for in this Code, the operation of any cabaret in violation of the provisions of these regulations or other applicable laws and regulations shall be deemed a public nuisance, and the City of Hayward may bring an action in any court of competent jurisdiction to enjoin such nuisance or issue an administrative citation pursuant to Chapter 1, Article 7 of this Code.

SEC. 6-2.35 VIOLATIONS; PENALTIES.

Any person violating any provision of these regulations or knowingly or intentionally misrepresenting to any officer or employee of the City any material fact in procuring the license or permit shall be punishable as set forth in Article 3 of Chapter 1 of this Code.

Figure 1 Limited Access Commercial (CL) District

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Additional data sourced from the City of Hayward, 2025.

24-17112 EPS
Fig X Zoning

Figure 2 Limited Access Commercial (CL) District

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Additional data sourced from the City of Hayward, 2025.

24-17112 EPS
Fig X Zoning

Figure 3 Limited Access Commercial (CL) District

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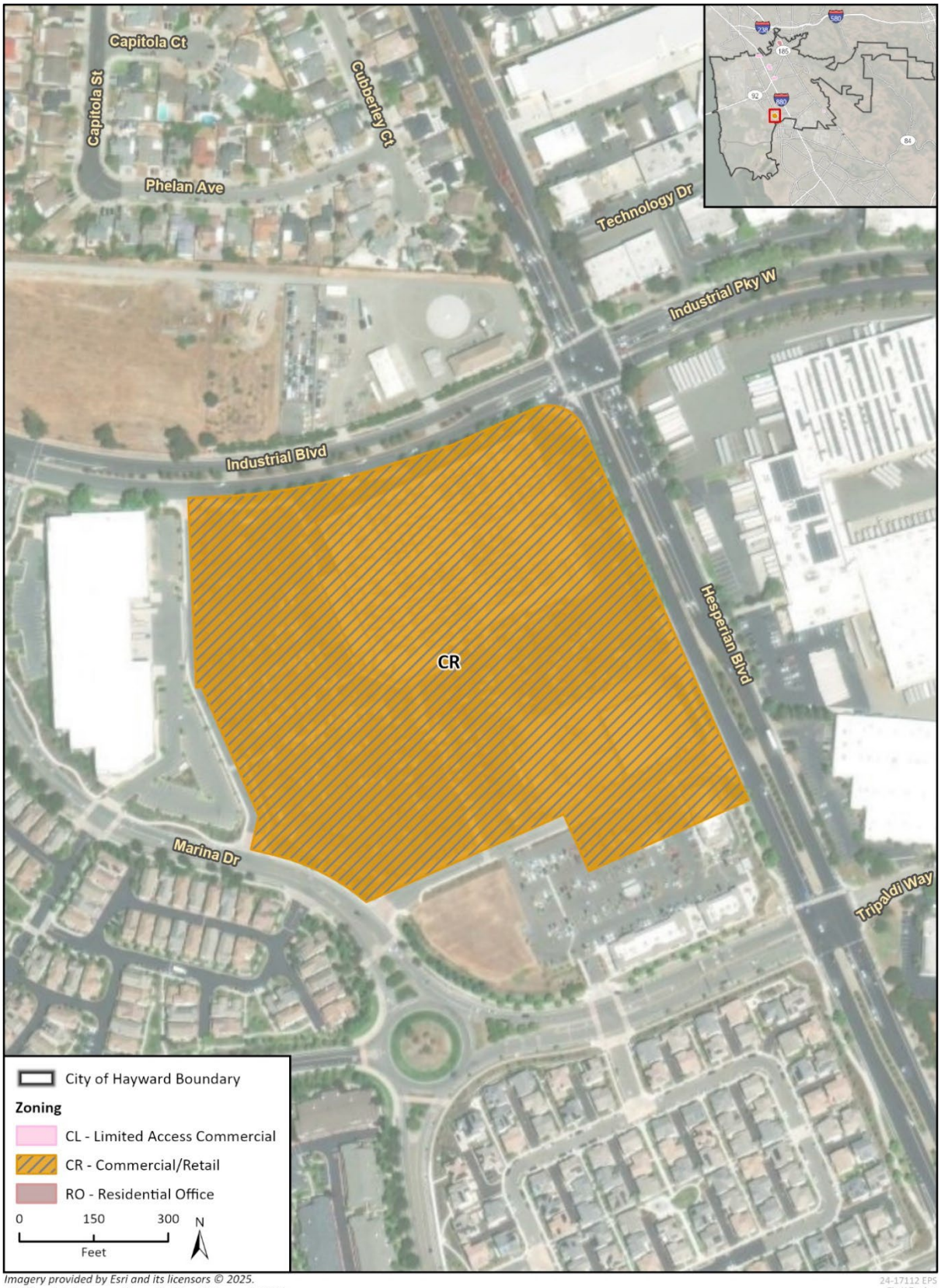
Additional data sourced from the City of Hayward, 2025.

24-17112 EPS
Fig X Zoning

Figure 4 Regional Commercial (CR) District



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Additional data sourced from the City of Hayward, 2025.

24-17112 EPS
Fig X Zoning

Address	APN	General Plan Designation	Current Zoning District	Proposed Zoning District
28505 HESPERIAN BLVD	456-0101-002-04	Retail and Office Commercial (ROC)	Regional Commercial (CR)	General Commercial (CG)
28509 HESPERIAN BLVD	456-0101-007-01	Retail and Office Commercial (ROC)	Regional Commercial (CR)	General Commercial (CG)
360 W A ST	431-0096-003-01	Commercial/High Desnity Residential (CHDR)	Limited Access Commercial (CL)	General Commercial (CG)
494 ROUSSEAU ST	078G-2723-009-00	Retail and Office Commercial (ROC)	Limited Access Commercial (CL)	General Commercial (CG)
410 W A ST	432-0036-004-05	Commercial/High Desnity Residential (CHDR)	Limited Access Commercial (CL)	General Commercial (CG)
430 W A ST	432-0032-004-04	Commercial/High Desnity Residential (CHDR)	Limited Access Commercial (CL)	General Commercial (CG)
450 W A ST	432-0032-003-02	Commercial/High Desnity Residential (CHDR)	Limited Access Commercial (CL)	General Commercial (CG)
500 W A ST	432-0032-002-04	Commercial/High Desnity Residential (CHDR)	Limited Access Commercial (CL)	General Commercial (CG)
22129 S GARDEN AVE	432-0032-005-02	Commercial/High Desnity Residential (CHDR)	Limited Access Commercial (CL)	General Commercial (CG)
561 W HARDER RD	443-0065-010-00	Retail and Office Commercial (ROC)	Limited Access Commercial (CL)	General Commercial (CG)
W HARDER RD	454-0005-069-03		Limited Access Commercial (CL)	General Commercial (CG)
W HARDER RD	454-0005-069-04		Limited Access Commercial (CL)	General Commercial (CG)
W HARDER RD	454-0005-069-05		Limited Access Commercial (CL)	General Commercial (CG)
W HARDER RD	454-0005-069-02		Limited Access Commercial (CL)	General Commercial (CG)
24438 SANTA CLARA ST 150	443-0015-006-03	Public and Quasi-Public (PQP)	Limited Access Commercial (CL)	General Commercial (CG)
300 W WINTON AVE	443-0015-001-05	Public and Quasi-Public (PQP)	Limited Access Commercial (CL)	General Commercial (CG)
28539 HESPERIAN BLVD	456-0101-009-13	Retail and Office Commercial (ROC)	Regional Commercial (CR)	General Commercial (CG)
MARINA BLVD	456-0101-009-12	Retail and Office Commercial (ROC)	Regional Commercial (CR)	General Commercial (CG)

Written Public Correspondence

Business Friendly Hayward Project

Correspondence Chain 1

September 25, 2025

Good evening Commissioners,

My name is Lesley Urista, owner of Puesto Market at 226 Jackson Street. I'm here regarding **Hayward Municipal Code Section 10-1.2759**, which prevents new off-sale alcohol businesses within 500 feet of another.

Because my store is about 140 feet from a liquor store, I cannot move forward with my Type 20 Beer and Wine license application. The same denial happened in 2012 under a previous owner. Since then, Hayward has grown by nearly 15,000 residents, and community needs have changed.

Puesto Market is not a liquor store. We are a family-owned grocery store, and my goal is to responsibly serve our customers and even partner with local wineries to highlight regional products.

I respectfully ask the Commission to consider updating this code so it better reflects today's Hayward balancing safeguards while also supporting small businesses like mine. Thank you

Sincerely,

--

Lesley Urista-Mendez. CFO
Puesto Markets. Inc
[redacted]
Puesto Market

Correspondence Chain 2

From: Galvez, Janet
To: Elizabeth Blanton; Sachiko Riddle; [redacted]; Paul Nguyen; Daniel Mao
Cc: Sidles, Philip
Subject: RE: Hayward Business Friendly Hayward Project
Date: Friday, January 9, 2026 1:21:28 PM
Attachments: image001.png

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Thank you, Elizabeth!

As always, I really appreciate your detailed and thoughtful responses. It has truly been a pleasure collaborating with you over the years.

Over the past few months, Prologis has been actively engaging with various stakeholders in Hayward. As part of that effort, we are reintroducing PLD to the City with the goal of being an active, long-term community member and owner. Most recently we attended District 2's Annual Holiday Food & Toy Drive in December with a truck load of toys for the First Presbyterian Church, Glad Tiding Church, La Familia and Eden Youth.

Given the magnitude of our portfolio in Hayward and our ongoing focus on innovation, it's important for us to stay apprised of proposed changes affecting the industrial zoning districts.So Yes, we would very much welcome the opportunity to participate in a focus group or community meeting tailored to industrial business owners and developers, particularly to review the specific changes being proposed to the Industrial District use table. That forum would be extremely helpful, and we appreciate you offering this opportunity.

P.S. Hi Lucy and Paul!

Thank you,
Janet

From: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Sent: Friday, January 9, 2026 12:41 PM
To: Galvez, Janet [redacted]>
Cc: Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>; Sidles, Philip <[redacted]>; [redacted]; Paul Nguyen <Paul.Nguyen@hayward-ca.gov>; Daniel Mao <Daniel.Mao@hayward-ca.gov>
Subject: RE: Hayward Business Friendly Hayward Project

EXTERNAL EMAIL

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Hi Janet,

Happy New Year!

Yes, the Planning Commission work session is still scheduled for January 22, and we now also have a work session with the Council scheduled for the following week on January 27. The agenda packet for the Planning Commission work session should be published next week on the 15th, and I'll be sure to forward it to you when it goes out. The Council agenda packet should be published by January 23. While not on the calendar yet, we're shooting to have final adoption hearings for the project in March or April.

Yes – your understanding is correct. What is being proposed is that moving forward, data centers would only be allowed in the General Industrial (IG) zoning district with approval of a CUP. They no longer would be allowed in other industrial or commercial districts, though existing and previously approved data centers would be "grandfathered" in.

To date, outreach to the business community has included an online survey, a meeting with the Downtown Hayward Improvement Association, an article in the STACK Extra citywide e-newsletter, as well as informal conversations about the project with businesses who contact the Planning Division about potential projects. For example, a few months ago, a data center project contact the City that was considering locations in the IP zoning district reached out to the City. Once their inquiry was forwarded to Planning, I immediately let them know of the proposed zoning changes that were being considered and the approximate timing of when the new changes would go into effect. (Perhaps you are involved with this project and that's how you became aware of the proposed changes?)

That said, I'm happy to set up a focus group or community meeting that is more tailored to our Industrial business owners and developers so we can review the specific changes proposed to the Industrial District use table. Let me know if you think this would be helpful. I'm copying Lucy Lopez from the Hayward Chamber and Paul Nguyen from Economic Development who can assist in getting the word out about such a focus group should we move forward with one.

Again, thanks for engaging on this.

Elizabeth

Elizabeth Blanton (she/her)
Senior Planner

Phone 510-583-4206 | **Email** elizabeth.blanton@hayward-ca.gov
777 B Street, Hayward, CA 94544

HAYWARD
e-permits

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From: Galvez, Janet [redacted]
Sent: Wednesday, January 7, 2026 10:33 AM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Cc: Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>; Sidles, Philip [redacted]>
Subject: RE: Hayward Business Friendly Hayward Project

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Hi Elizabeth,

Happy New Year! I hope you're doing well. I wanted to follow up on the note below and check whether the Planning Commission workshop is still tentatively scheduled for January 22?

We've heard there may be some proposed updates to the industrial regulations. Our understanding is that, once adopted, data centers may only be permitted with approval of a CUP in the General Industrial (IG) zoning district, which would mean they would no longer be allowed in the IP zone?

Based on the information published to date, there appears to be limited detail available on this topic. At the August PC workshop, staff noted that outreach to industrial stakeholders had not been conducted, as the changes were not expected to impact industrial uses. However, the potential removal of data centers from the IP zone feels like a meaningful change.

Will staff be publishing any additional information or analysis regarding this proposed change ahead of the PC workshop to allow stakeholders an opportunity to review and provide comment?

Thank you very much for your time and help, I really appreciate it!
Janet

From: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Sent: Thursday, November 20, 2025 2:00 PM
To: Galvez, Janet [redacted]>
Cc: Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Subject: RE: Hayward Business Friendly Hayward Project

EXTERNAL EMAIL

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Hi Janet,

Good to hear from you. We will add you to our mailing list. As of now, our next meeting is a Planning Commission workshop that is tentatively scheduled for January 22. The project webpage can be found here: https://www.hayward-ca.gov/your-government/departments/planning-division/business-friendly-hayward-project.

In the meantime, let me know if you have any questions or comments on the project.

Elizabeth

Elizabeth Blanton (she/her)
Senior Planner

Phone 510-583-4206 | **Email** elizabeth.blanton@hayward-ca.gov
777 B Street, Hayward, CA 94544

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Please note: *City Hall will close non-essential services during the week of* ***Monday November 24, through November 28, 2025****. Inspections will not be scheduled during this time and will resume upon staff's return to City Hall. Petitions, application submittals with required payment and resubmittals received by Wednesday, November 19, 2025 will be processed prior to the business closure; however, submittals/payments received between November 20 thru November 28, will be processed when offices reopen on Monday, December 1.*

Submit your building plans early, building code is changing! New 2025 California Building Codes go in effect January 1, 2026.

From: Galvez, Janet [redacted]>
Sent: Wednesday, November 12, 2025 2:53 PM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Subject: Hayward Business Friendly Hayward Project

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Hi Elizabeth,

Hope you are well, can you add me to your distribution list for this initiative. Thank you!

Janet Galvez | VP, Investment Officer
Pier 1, Bay 1 | San Francisco | California | 94111 | United States of America
Direct [redacted] | Mobile [redacted] | [redacted]
www.prologis.com | Follow us on LinkedIn and Facebook

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Correspondence Chain 3

From: Kelly <[redacted]>
Sent: Thursday, January 22, 2026 7:31 PM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>; Planning Division <Planning.Division@hayward-ca.gov>
Cc: [redacted] Sara Buizer <Sara.Buizer@hayward-ca.gov>; Francisco Zermeno <Francisco.Zermeno@hayward-ca.gov>; Julie Roche <Julie.Roche@hayward-ca.gov>
Subject: Mercury News: PG&E Forecasts 975 MW of Hayward Data Centers, enough for 700,000 homes

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Dear Ms. Blanton,

Could you forward the Mercury News data center story and the BAAQMD Diesel Free Initiative to the Hayward Planning Commission? The Eden Landing data center will have 28 diesel generators (77 MW).

— Kelly

Mercury News: San Jose races to become Bay Area's data center capital — PG&E customers could pay the price
City touts revenue from 'AI revolution'

By Ethan Baron

December 21, 2025

https://www.mercurynews.com/2025/12/21/san-jose-races-to-become-bay-areas-data-center-capital-pge-customers-could-pay-the-price/

- In San Jose, PG&E has requests to supply electricity to 11 projects totaling 1,630 megawatts of capacity. This is enough capacity for 1.2 million homes, more than three times the number of housing units in San Jose… (around 330,000 households)I
- In Hayward, PG&E has requests for four projects totaling 975 megawatts, enough for 700,000 homes. (Hayward only has 50,000 households or 14x fewer households than the proposed PG&E data center pipeline.)

- [San Jose's] new 99-megawatt data center fully ramped up and running would provide an estimated $3.5 to $6.4 million annually in new property tax and utility user tax…" a March memo to the City Council said.

Hayward Forecasts a $9 million/year Windfall from 77-MW Eden Landing

- "[Hayward's] Utility User's Tax alone is expected to bring in around $5,400,000 per year once all of the servers are up and running in 2029. The total tax benefit is estimated to be around $9,000,000 per year." (This is Hayward's forecasted incremental revenue (property tax, sales/use tax on equipment, utility users tax, etc.) from the 77-MW STACK project.) https://haywardherald.substack.com/p/city-administration-in-historic-disarray
- Hayward's $9 million per year total tax benefit from a single 77-MW data center, nearly twice as much as the approximately $5 million a year of incremental revenue from San Jose's 99-MW data center. Did Hayward prepare a detailed forecast for expected revenue from the new Eden Landing data center similar to San Jose's forecast? https://sanjose.legistar.com/View.ashx?M=F&ID=13933623&GUID=595A271F-15B6-47D9-BC2C-1E2F8B39F806

BAAQMD's Initiative signed by a county supervisor

DIESEL FREE BY '33

The intention of this ***Statement of Purpose*** is to establish a goal to reduce diesel emissions in local communities throughout California and beyond. The need for this action is immediate. Diesel exhaust takes a tremendous toll on both the global climate and public health.

By signing the ***Statement of Purpose,*** mayors, city and county governments, industry and businesses leaders will join the Bay Area Air Quality Management District and the state of California to showcase our collective leadership to identify and adopt innovative solutions to eliminate diesel emissions and black carbon from our communities.

Diesel exhaust causes significant public health effects and accelerates climate change. The California Air Resources Board estimates that on-road diesel and off-road mobile engines comprise 54 percent of the state of California's total black carbon emissions, a short-lived climate pollutant that is contributing significantly to global climate change. Diesel air pollution is highly toxic and can have an immediate impact on the health of residents in communities where emissions are most concentrated. The impacts will fall most heavily on communities and populations already significantly impacted by air pollution, environmental hazards, and economic inequality.

The signatories may each develop their own individual strategies to achieve the goal of reaching zero diesel emissions in their communities. Signatories to this agreement express their intent to:

- Collaborate and coordinate on ordinances, policies, and procurement practices that will reduce diesel emissions to zero within their jurisdictions, communities or companies;
- Share and promote effective financing mechanisms domestically and internationally to the extent feasible that allow for the purchase of zero emissions equipment;
- Share information and assessments regarding zero emissions technology;
- Build capacity for action and technology adaptation through technology transfer and sharing expertise;
- Use policies and incentives that assist the private sector as it moves to diesel-free fleets and buildings; and
- Periodic reporting to all signers of progress towards the zero-diesel emissions goal.

This ***Statement of Purpose*** is intended to accelerate action toward meaningful progress in support of all climate protection agreements. It is not the intent of the signatories to create through this ***Statement of Purpose*** any legally binding obligation. For purposes of this Statement, "diesel emissions" and "diesel exhaust" means emissions or exhaust emitted from the combustion of petroleum-based diesel fuel.

Signatories are committing to develop an implementation strategy to reduce diesel emissions in their jurisdictions, share solutions, and report progress. Together, we will forge a path toward a cleaner, healthier future by reducing diesel emissions in our communities, states, and beyond.

Scott Haggerty

Scott Haggerty
First and Last Name (Print) *Signature*

Alameda County Board of Supervisors, District 1
Title

Oakland / Alameda County
City/Jurisdiction

Wednesday, September 12, 2018
Date

DIESEL FREE BY '33

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

PROLOGIS®

Correspondence Chain 4

January 22, 2026

City of Hayward Planning Commission
Attn: City Clerk
777 B. Street
Hayward, CA 94541
Email: cityclerk@hayward-ca.gov

Re: Agenda Item No. 2: Work Session: Proposed Municipal Code and Zoning Map Revisions Related to the Business-Friendly Hayward Project

Honorable Planning Commissioners:

Thank you for the opportunity to comment on the City of Hayward's ("City's") proposed amendments to the Zoning Code and Zoning Map as part of the Business-Friendly Hayward Project ("Proposed Amendments"). Founded and still deeply rooted in the Bay Area, Prologis is a global and local leader in logistics, data center, energy, and mobility real estate, and a long-standing owner and operator of industrial real estate in Hayward. For over 40 years, Prologis has partnered with the City to deliver three million square feet of logistics and industrial facilities in 37 buildings. In 2024, Prologis's holdings in the City yielded $8.8 million in property taxes, $440 million in property investment (with a direct impact of $528 million and an indirect impact of $306 million), and 4,550 direct, indirect, and induced jobs. Prologis also has a strong track record in its commitment to sustainability, innovation, and economic vitality. In 2025, Prologis reached over one gigawatt ("GW") of installed solar and energy storage and set an ambitious goal to achieve net zero across its value chain by 2040, with 195 million square feet of sustainably certified space already in place.

Prologis has been following Hayward's current fiscal challenges and supports the City's strategic initiative to attract new investment and strengthen the local economy. We appreciate the City's efforts to modernize and streamline its zoning framework in a manner that supports economic vitality, environmental stewardship, and compatibility with surrounding uses. We are concerned, however, that the Proposed Amendments related to industrially zoned properties and data centers ("Proposed Industrial Amendments") will impede—not facilitate—new businesses and economic investment in the City. In that spirit, we respectfully offer the following observations regarding the proposed changes affecting data center uses in industrial zoning districts, which are more thoroughly discussed in the attached detailed comments.

- The proposed prohibition of data centers in the IP (Industrial Park) district, and limitation of such use exclusively to the IG (Industrial General) district, could unintentionally conflict with the Business-Friendly Hayward Project's stated objectives by constraining investment in the City's existing underutilized industrial areas and reducing flexibility for emerging forms of industrial and technology-related infrastructure.

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- Data centers increasingly are treated by Bay Area jurisdictions as a form of modern industrial infrastructure that should coexist with other industrial and R&D uses, subject to appropriate standards. Many IP-zoned areas in Hayward already are characterized by industrial activity, substantial separation from sensitive receptors, and proximity to existing electrical infrastructure, making IP districts suitable locations for data centers.

- Existing electrical infrastructure necessary to support data center development is located predominantly within the City's IP-zoned areas, whereas IG-zoned areas largely lack necessary electrical infrastructure. As a result, the Proposed Industrial Amendments could result in a de facto prohibition of data centers in the City.

- Concerns related to operational characteristics, compatibility with nearby uses, and public engagement could be addressed through targeted performance standards, discretionary site plan review, and required environmental review under the California Environmental Quality Act ("CEQA"), rather than through a categorical prohibition within existing industrial areas. Many Bay Area cities have taken this approach.

- In addition to local land use approvals, data center facilities are subject to multiple layers of state and regional regulatory oversight and permitting processes that impose strict limits on emissions, noise, and environmental impacts.

- From a fiscal and infrastructure perspective, data centers provide net benefits to local jurisdictions, including property tax revenue, utility users tax revenue, and privately funded upgrades to power and grid infrastructure that provide improved grid reliability at no cost to residents.

For these reasons, we respectfully encourage the Planning Commission to consider revisions to the Proposed Amendments that would: (a) continue to allow data centers in both IP and IG districts, (b) provide clear and objective performance standards to address compatibility, environmental, and design considerations, and (c) require discretionary Major Site Plan Review or conditional approval only when performance standards cannot be met.

Finally, we appreciate the City's intent to continue stakeholder engagement and welcome the opportunity for additional outreach and dialogue, particularly given that the data center provisions were not included in earlier drafts of the Business-Friendly Hayward amendments. Additional engagement will help ensure that any final zoning changes are well-calibrated to Hayward's economic development goals while also addressing community concerns.

Thank you for your time and consideration. We look forward to continuing collaboration with City staff, the Planning Commission, and the City Council as this process moves forward.

Respectfully,

Prologis

Enclosure: Prologis Comments on Proposed Industrial Amendments

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Comments on Proposed Industrial Amendments

A. The Proposed Industrial Amendments Will Impede the Objectives of the Business-Friendly Hayward Project

The City's website describes the Business-Friendly Hayward Project as "a strategic initiative designed to make it easier for businesses to locate and thrive in the City's commercial and mixed-use areas, while also working to revitalize vacant and underused properties" with an aim of creating "a supportive environment for local businesses, attract[ing] new investment, and strengthen[ing] the local economy."[1] While many of the Proposed Amendments are thoughtfully designed to advance these objectives, the Proposed Industrial Amendments may not fully support the City's strategic goals and instead appear to go beyond what is necessary to address legitimate concerns regarding data centers. As detailed below, there are more targeted, less burdensome approaches that could address these concerns effectively while continuing to encourage economic development and investment, along with fiscal stability, in Hayward.

As explained in the Planning Commission Staff Report for the January 22, 2026, meeting ("Staff Report"), under the City's current Zoning Code, the City has treated data centers as an "office" use that is principally permitted in many commercial and industrial zoning districts, subject to Site Plan Review[2] (structures greater than 5,000 sf), Major Site Plan Review[3] (projects of 10 acres or more), and compliance with the City's Industrial Design Guidelines. The Staff Report identifies three primary concerns with data center development: "operational characteristics," "potential for impacts to sensitive receptors," and a desire for public hearings to be required for any data center project. (Staff Report, pp. 7-8.) The staff recommendation is to (1) create a new definition of "data center"; (2) prohibit data centers in all zones except the IG zoning district; and (3) require a conditional use permit ("CUP") with the associated public hearing process for all data centers.

Notably, the proposal to limit data centers to the IG district fails to account for the location of electrical infrastructure necessary to support data center development. Most existing PG&E infrastructure is located south of Highway 92, in the IP district. PG&E staff has informed Prologis that PG&E currently does not have sufficient electrical infrastructure in the IG zoned area to support data centers in the near term. By restricting data centers to the IG district, the City will undermine its own economic development objectives.

Prologis supports the City's effort to clarify how data centers will be treated in the Zoning Code; however, we do not support prohibition of data centers in the IP zoning district. Instead, many of the City's concerns regarding the appropriate location and development standards for data centers can be addressed through performance standards and the environmental review process, as discussed below.

[1] https://www.hayward-ca.gov/your-government/departments/planning-division/business-friendly-hayward-project
[2] Hayward Municipal Code ("HMC"), § 10-1.1605(A).
[3] HMC, § 10-1.1605(B).

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B. Economic and Community Benefits of Data Center Development

The rapid growth of cloud computing, artificial intelligence, and other data-driven industries has made data centers essential to modern economic vitality, particularly in the Bay Area, where global technology innovation is developed and scaled. As a centrally located Bay Area city, Hayward plays an important role in this innovative ecosystem. Prohibiting data centers in the IP zone would limit Hayward's opportunity to participate in securing locally based digital infrastructure needed to support emerging technologies and remain competitive.

Data centers also create a wide range of jobs, from construction and skilled trades to long-term operations and specialized information technology roles. Across California, the industry has attracted significant investment and driven economic growth by supporting related sectors such as construction, telecommunications, power infrastructure, and advanced manufacturing.

Direct Fiscal Benefits

- City Tax Revenues: Construction and operation of a single medium-scale data center in Hayward could produce between $3 – 5.5 million in annual tax revenue for the City. These revenues would support not only the City, but also the Hayward Unified School District and the Hayward Recreation and Park District. Because data centers house so much equipment that is refreshed frequently, they also generate a significant amount of tax revenue from the sales and use tax on the purchase of new data center equipment that is refreshed on a five-year schedule.
- Utility Users Tax ("UUT"): The City's UTT imposes a 5.5 percent tax on utilities such as electricity and gas.[4] The UUT represents the City's third-largest revenue source and a major component of the City's public safety funding. The City's 2025-26 budget projects that revenues from the UUT will account for $27 million, representing 12.5 percent of the City's total annual revenue. A single 99-MW data center would pay a UTT of approximately $5.7 million a year, reflecting over a *20 percent increase* in the City's existing annual total UTT revenue from a single project.
- Impact Fees: New development of a data center would be subject to the City's impact fees (e.g. traffic and park impact fees).[5]

Indirect Economic Benefits

- Grid Infrastructure Improvements: Many of the concerns often expressed about the impact of data centers on power availability and pricing are inapplicable to most Bay Area data centers. PG&E increasingly is shifting responsibility to fund electrical infrastructure to data center developers and operators with upfront payments and updated tariffs to ensure that PG&E residential and business customers do not become responsible for the cost to expand the electrical infrastructure. To accommodate anticipated data center and other demand growth in the Bay Area, including Hayward, it is anticipated that PG&E would expand and modernize its transmission infrastructure, further supporting regional power reliability and affordability. Anticipated data center projects would help

[4] https://www.hayward-ca.gov/your-government/programs/utility-users-tax-uut
[5] https://www.hayward-ca.gov/sites/default/files/pdf/Adopted-FY-2026-Master-Fee-Schedule-10-14.pdf

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fund electrical grid resiliency and expandable electrical infrastructure to better accommodate electrical load growth in the City and the broader Bay Area. In fact, PG&E estimates average household rates could be reduced as data center load comes online.[6]

- Construction & Operational Jobs: In the year of peak construction, the total number of supported jobs for a medium-scale data center could surpass 400. Once construction is completed, total jobs supported by a medium-scale data center would remain stable at approximately 105. The average annual pay and benefits for these jobs is about $193,000 per year, which is almost twice the average annual pay and benefits for private jobs in Alameda County ($96,590).
- Support for Existing Industrial Facilities: Data center development supports significant investment in infrastructure upgrades, which brings additional power capacity to existing industrial markets. This development could spur additional manufacturing, R&D, and logistics activity in the City.
- Supporting Local Universities: Higher education institutions will need to integrate advanced technologies to meet the changing needs of their students and faculty and to support research across a variety of scientific, medical, and technological disciplines. This technological need, in turn, will require universities and colleges to secure availability of data center infrastructure.

The Proposed Industrial Amendments, if adopted, will put Hayward at an economic disadvantage by directing data center development—as well as R&D and advanced manufacturing facilities (which increasingly rely upon geographically proximate data centers)—to other jurisdictions in the Bay Area, along with the associated tax revenues, jobs, and other community benefits. Nearby cities (San Jose, Santa Clara, Milpitas, Fremont, Pittsburg) are accommodating data center development through the use of performance standards. Hayward risks diverging from the Bay Area industrial market if it adopts the restrictive approach outlined in the Proposed Industrial Amendments.

C. Existing Regulatory Standards Addressing Environmental Impacts of Data Center Development

Many concerns often expressed regarding impacts of data centers are overstated when applied to small and mid-sized data center development in the context of California's existing regulatory and infrastructure environment. In addition to requiring local land use permits, most data centers with over 50 MW of emergency backup power generation require California Energy Commission ("CEC") approval of the generators. The CEC has exclusive jurisdiction over "thermal power plants" (including diesel and natural gas generators) over 50 MW. Projects between 50 and 100 MW are authorized through the CEC's Small Power Plant Exemption ("SPPE") process. The CEC can grant an SPPE only if it finds that the proposed facility *will not create a substantial adverse impact on the environment or energy resources*, as demonstrated by a CEQA document prepared by the CEC. If the SPPE is approved, the project developer still must secure any other local, state, and federal permits required to construct and operate the project.

[6] https://www.pge.com/en/newsroom/currents/future-of-energy/how-data-centers-like-amazon-s-can-lower-electricity-bills.html

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The CEC routinely incorporates mitigation measures into its CEQA document ensuring that all impacts are less than significant. Using these measures, for the 15 data centers it has evaluated since 2019, the CEC has been able to make the finding that the data center project will not result in significant environmental impacts (including those to sensitive receptors).

- Sensitive Receptors:
    - Zoning & Design Standards: As discussed above, placement of data centers within existing industrial areas significantly addresses concerns regarding proximity of such uses to residential and other sensitive receptors. Many concerns pertaining to proximity of sensitive receptors can be addressed through engineering and design standards pertaining to building mass, orientation, mechanical screening, and location of loading and service areas.
    - Air Quality/GHG: Data centers require emergency back-up generators to ensure consistent power supply during a power outage, disruption, or instability in the electric grid. Many types of facilities require back-up generators, including hospitals, schools and universities, water treatment plants, R&D facilities, distribution centers, and grocery stores (e.g., food refrigeration). The Bay Area Air District's ("Air District's") Authority to Construct and the California Air Resources Board's ("CARB's") Airborne Toxic Control Measures ("ATCM") limit each engine to no more than 50 hours annually for reliability purposes (i.e., testing and maintenance). In California, data centers use Tier IV generators (e.g., best available control technology that reduces emissions), and either use 100 percent renewable electricity or participate in a program that reduces greenhouse gas ("GHG") emissions to net zero. This requirement results in development of new renewable energy projects that will serve all users in California.
    - Noise: The City's General Plan provides exterior noise limits based on land use categories. Industrial manufacturing and utilities, for example, are limited to a maximum level of exterior noise of 75 CNEL.[7] Hayward Municipal Code Chapter 4, Sections 4-1.03.1, and 4-1.03.4, sets forth noise regulations applicable to commercial and industrial properties and limits operational noise levels at any point outside of the commercial and industrial property plane to 70 dBA Leq (HMC, § Section 4-1.03.1(b)). Through the use of standard engineering and design methods (described above), data centers can meet the above noise standards.
- Water Use: Criticisms of data center water usage for cooling equipment often are based on outdated or inaccurate information. Solutions such as air cooling closed-loop water systems do not require daily water consumption.
    - A potential design approach for data centers is the use of an air-cooling system that does not require a continuous draw of water. Instead, it operates on a closed-loop system that is filled once during setup. Virtually no water is evaporated or discharged, thus there is no need to continuously feed the cooling system with

[7] CNEL refers to Community Noise Equivalent Level measurements, a weighted average of sound levels gathered throughout a 24-hour period.

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water. We are confident that this system can be adapted to meet the needs of all customer types.

- Hybrid cooling would be the exception rather than the rule and would only be pursued at the customer's request. In such cases, the system can use recycled water where available. Preliminary analysis indicates that a hybrid design would require water consumption equivalent to the annual usage of fewer than 200 households, or approximately one large apartment building.
- For a 99MW data center with a closed-loop cooling system, projected annual water use is 1-2 AFY. For comparison, a dwelling consumes approximately 0.3 to 0.5 AF of water per year. Therefore 500 dwelling units (the trigger for preparation of a Water Supply Assessment) would consume approximately 150 to 250 AFY of potable water.[8]
- For context, during the 2021/2022 fiscal year, the San Francisco Public Utilities Commission supplied the City with approximately 15,736 AF of potable water.[9]

- Trips: Data centers produce very few vehicle and truck trips compared to other industrial uses, reducing noise, roadway utilization, and air quality impacts to residents along roadways used to access industrial properties.

D. Proposed Zoning Code Solutions to Address Data Center Development

The Proposed Industrial Amendments, if adopted, would prohibit development of data centers within the IP district despite the appropriateness of this district for data center uses based on the presence of existing industrial uses and electrical infrastructure, adjacent Light Industrial buffer areas, and geographic isolation from zones with higher concentrations of sensitive receptors. We recognize the City's interest in ensuring appropriate public oversight and compatibility for data center development. Allowing data centers in IP zoning districts subject to clear, objective performance standards and discretionary site plan review, would provide the City with greater predictability, enforceability, and public transparency than a categorical zoning prohibition, while still advancing the Business-Friendly Hayward Project's economic objectives.

1. Data Centers Should Remain Permitted in the IP, Industrial Park District.

The Proposed Industrial Amendments would prohibit data centers in all zones except IG zones, thereby eliminating the use on IP zoned properties. As explained below, data centers should be permitted in both IG and IP zoning districts.

IP zoned properties are located in three primary areas of the City: (1) along the north-westernmost portion of the City bordering the Bay, (2) either side of CA-92's approach to the Hayward-San Mateo Bridge, and (3) a triangular area within the southernmost portion of the City

[8] Department of Water Resources (DWR). Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001. California Department of Water Resources. October 8, 2003. Accessed on: May 7, 2020. Accessed online at: https://water.ca.gov/LegacyFiles/pubs/use/sb_610_sb_221_guidebook/guideboo k.pdf

[9] Bay Area Water Supply & Conservation Agency (BAWSCA). Annual Survey, Fiscal Year 2021-22, BAWSCA. March 2023. Accessed on: March 13, 2024. Accessed online at: https://bawsca.org/uploads/userfiles/files/Annual%20Survey_FY21- 22_FINALv2.pdf

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bordered by Industrial Parkway to the west, railroad tracks (BART and freight) to the east, and Whipple Road to the south.

We have not identified any IP-zoned parcel in the City that is directly adjacent to residential-zoned property. IP zones either share the same geographic characteristics as IG zones, or in some respects are *farther away* from residential, commercial, and mixed-use zones. Even in the southeast portion of the City, where existing residential development borders the eastern side of the railroad tracks, associated right-of-way, and BART maintenance facility, and existing industrial development borders the west side of the tracks, there is a buffer of approximately 600 to over 1000 feet of separation between the two zones.

The City's IP zone "is intended to provide areas for high technology, research and development, and industrial activities" and allows a "variety of industrial, manufacturing, and high technology uses." Given data centers often support or are collocated with each of these uses, prohibiting data centers within the IP zoning districts will have negative impact on all industrial uses and may disincentive investment in the City's existing IP-zoned areas overall.

Other jurisdictions are not taking the same approach, particularly given the increasing need for data centers to be developed alongside industrial uses due to the increasing demand for AI and investment. At a minimum, we urge the Planning Commission to modify the proposed use table to identify data centers as either principally permitted, subject to Major Site Plan Review, or conditionally permitted in both IP and IG districts.

2. Performance Standards Would Effectively Address Data Center Concerns.

The Proposed Industrial Amendments propose requiring a CUP for all data centers, regardless of size or location, as a means of ensuring any data center project would be subject to a public hearing process. As a practical matter, many data center facilities will already trigger a public hearing under the existing Zoning Code based on acreage, because projects over 10 acres require Major Site Plan Review by the Planning Commission (subject to appeal to the City Council),[10] and industrial parcels tend to be larger than parcels in other zoning districts.

As a discretionary approval, Major Site Plan Review would be subject to CEQA review, which would require identification and mitigation of any impacts associated with adverse environmental impacts.

Other Bay Area cities are instead utilizing performance standards for evaluating data center development. Adoption of specific performance standards would directly address the City's concerns, with a CUP only being triggered for requests to waive or exceed such performance standards.

[10] HMC, §§ 10-1.1605; 10-1.3075.

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Correspondence Chain 5

From: BC4AD
To: CityClerk; Elizabeth Blanton; Sachiko Riddle
Subject: Re: Planning Commission meeting - WS 26-002
Date: Thursday, January 22, 2026 9:41:22 PM
Attachments: 8E721ADA-56FE-40A2-9871-C8A67D045EAA.png

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And finally,

Data centers are a danger to public health & safety because the FCC admitted it has no EMF studies concerning data centers nor any planned.

Federal Communications Commission
Washington, D.C. 20554

January 20, 2026

VIA ELECTRONIC MAIL

Jennifer L. Pelton
1216 Broadway 14F
New York, NY 10001
jenesq@jenesq.net

FOIA Control No. 2026-000230

Dear Ms. Pelton:

This is in reply to the Freedom of Information Act (FOIA) request you submitted to the Federal Communications Commission (FCC or Commission) on December 5, 2025, seeking "all radiofrequency electromagnetic studies conducted, being conducted, or planned to be conducted in the future concerning data centers as defined by the Energy Independence and Security Act of 2007 (42 U.S.C. § 17112), the Federal Data Center Enhancement Act of 2023 (Pub. L. 118-31) and Presidential Executive Orders."[1]

Your request was assigned FOIA Control No. 2026-000230 and referred to the FCC's Office of Engineering and Technology (OET). OET conducted a search and found no records responsive to your request.

We are required by both the FOIA and the Commission's own rules to charge requesters certain fees associated with the costs of searching for, reviewing, and duplicating the sought after information.[2] To calculate the appropriate fee, requesters are classified as: (1) commercial use requesters; (2) educational requesters, non-commercial scientific organizations, or representatives of the news media; or (3) all other requesters.[3]

Pursuant to section 0.466(a)(5)-(7) of the Commission's rules, you have been classified as category (2), "educational requesters, non-commercial scientific organizations, or representatives of the news media."[4] For such requesters," the Commission assesses charges to recover the cost of reproducing the records requested, excluding the cost of reproducing the first 100 pages. No reproduction of records resulted from this response. Therefore, you will not be charged any fees. You have requested a fee waiver pursuant to section 0.470(e) of the Commission's rules.[5] Because you are not required to pay any fees in relation to your FOIA request, the Office of the General Counsel, which reviews such requests, does not make a determination on your request for a fee waiver.[6]

---

[1] FOIA Control No. 2026-000230 (submitted Dec. 11, 2025).

[2] *See* 5 U.S.C. § 552(a)(4)(A); 47 CFR § 0.470.

[3] 47 CFR § 0.470.

[4] 47 CFR § 0.466(a)(5)-(7).

[5] 47 CFR § 0.470(e).

[6] 47 CFR § 0.470(e)(5).

You may seek review of this determination by filing an application for review with the Office of General Counsel within 90 calendar days of the date of this letter.[7] Your appeal must articulate specific grounds for review, identify factors warranting further consideration of the issue presented, and specify the relief being sought.[8]

If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission's FOIA Public Liaison for assistance at:

FOIA Public Liaison
Federal Communications Commission
Office of the Managing Director
Performance Evaluation and Records Management
45 L Street NE, Washington, DC 20554
202-418-0440
FOIA-Public-Liaison@fcc.gov

If you are unable to resolve your FOIA dispute through the Commission's FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road–OGIS
College Park, MD 20740-6001
202-741-5770
877-684-6448
ogis@nara.gov
https://www.archives.gov/ogis

Sincerely,

Andrew C. Hendrickson
Chief
Office of Engineering and Technology

cc: FCC FOIA Office

[7] 47 CFR §§ 0.461(j), 1.115; 47 CFR § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).

[8] *See* 47 CFR §§ 0.251(j) (applications for review may be dismissed for failure to articulate specific grounds for review); 1.115(b) (an application for review must specify with particularity the questions presented for review and specify the factor(s) (from an enumerated list) warranting Commission consideration of the questions).

On Thu, Jan 22, 2026 at 9:08 PM BC4AD <[redacted]> wrote:

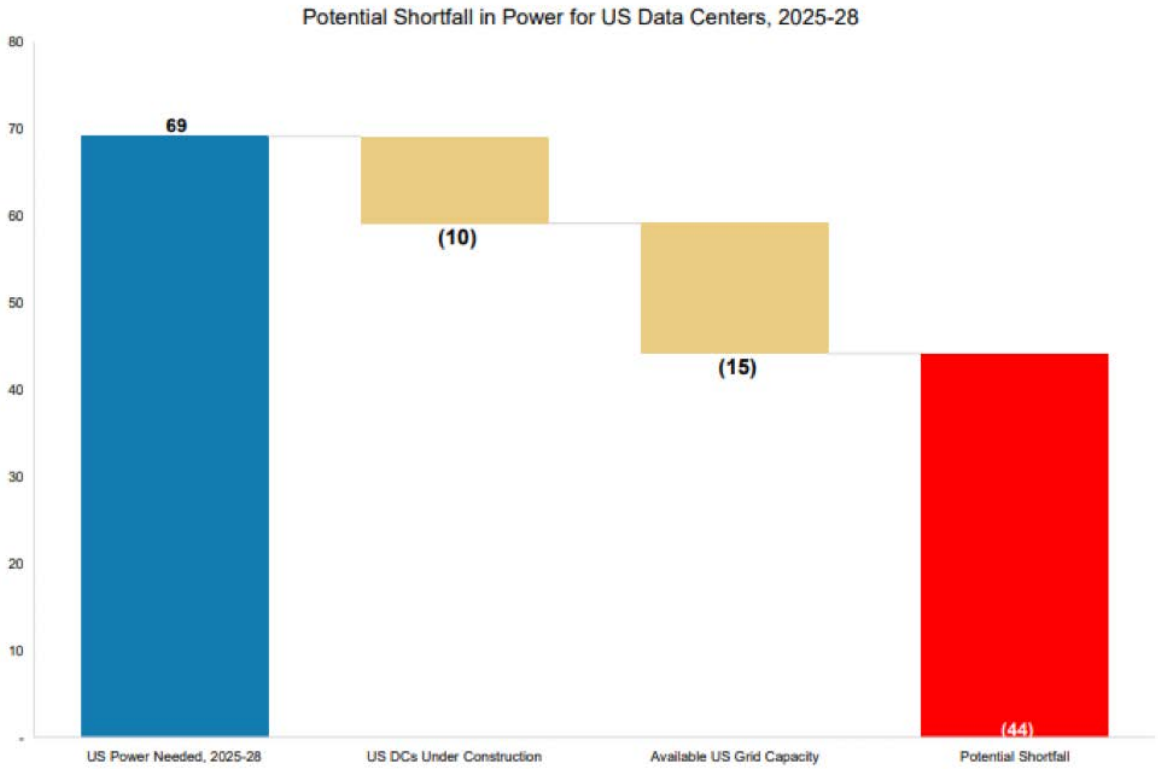
> To follow up on a recent comment by a commissioner regarding Data centers,

This is what Larry Ellison said recently in a recent earnings call:

> Let me say something that's going to sound really bizarre. Well, you'd probably say, well, he says bizarre things all the time. So why is he announcing this one? Let's be really bizarre. So we're in the middle of designing a data center that's north of the gigawatt that has -- but we found the location and the power place.
>
> We've looked at it, they've already got building permits for three nuclear reactors. These are the small modular nuclear reactors to power the data center. This is how crazy it's getting. This is what's going on.

Are we seriously going to allow this in the City of Hayward moving forward? These data centers require massive amounts of energy.

Exhibit 4: We see the risk of a "power shortfall" for US Data Centers



Source: Morgan Stanley Research

The US needs to spend trillions on its grid and power capacity before it can afford to spend trillions on data centers.

- By 2028, a 44 GW power shortfall is projected
- That's the equivalent of ~44 nuclear reactors
- Or ~70 gas power plants.

Residents cannot be subsidizing this massive buildout.

Best,
John

On Thu, Jan 22, 2026 at 8:57 PM BC4AD [redacted] wrote:

> Dear Planning Commission & staff,
>
> I am not truly sure what we are trying to accomplish with the ACU. This seems to be a radical approach to patchwork the city again. Where are the aesthetic standards? The city is currently dilapidated & we are still not addressing the foundation. We need to implement comprehensive design standards. How will ACUs impact neighbors in residential areas? We as a coalition don't want sudden increase in traffic in residential areas destroying our quiet peace & enjoyment. More traffic means more noise, more wear & tear on roads etc.
>
> The only way to activate vacant commercial properties is to implement a vacancy tax.

With regards to data centers, I have previously written to the city council about the AI bubble. If the city is considering of approving more data centers, then they need to ask for the maximum community benefits such as facade improvement to finally address the blight. Residents should not be subsidizing data centers via strained water resources & electrical grid. Every time they unveil another mega-project, it’s the same story: billionaires building empires, politicians chasing control, while we're told to pay for it & clap.

Why can France build at least aesthetically pleasing data centers? Yet we’re allowing ugly monstrosities.

A lawyer for Microsoft recently said: “nobody really wants a data center in their backyard, I don’t want a data center in my backyard, data centers don’t really bring a lot of jobs”. - Norton Rose Fulbright meeting.

Best,
John
BC4AD

From: Julie Machado MFT
To: Sachiko Riddle; Elizabeth Blanton
Cc: Mark Salinas; Frank Goulart
Subject: Re: Question about Rezoning Letter
Date: Friday, January 23, 2026 3:55:39 PM
Attachments: image.png

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Thank you, Sachiko!

I appreciate your prompt and clear response.

BTW, my very favorite cat ever, was named Sachiko ("Satchie" for short). She is no longer with us. I'll add a picture of her after my signature.

Warmly,

Julie Machado, LMFT
Lic. MFT 27937
22248 Main St.
Hayward CA 94541
[redacted] (voicemail, no texts)
[redacted] (regular email)
[redacted] (secure email)
[redacted]
Pronouns: She/Her/Hers

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From: Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Sent: Friday, January 23, 2026 10:25 AM
To: Julie Machado MFT [redacted]; Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Cc: Mark Salinas <Mark.Salinas@hayward-ca.gov>; Frank Goulart [redacted]
Subject: RE: Question about Rezoning Letter

Hello,

Yes, your understanding of the new zoning is correct. The proposed CO-R district, which is what the RO district would become, allows for office uses by right. The legal status of your

use would not be impacted by this zoning change.

Please let us know if you have any other questions.

Thank you,
Sachiko

Sachiko Riddle (she/her)
Assistant Planner
Phone 510-583-4209| **Email** sachiko.riddle@hayward-ca.gov
777 B Street, Hayward, CA 94544
Permit Center | E-Permits Portal | E-Permits Portal Help Center

Please note: *City Hall will close non-essential services during the week of Monday December 22, through January 2, 2026. Inspections will not be scheduled during this time and will resume upon staff's return to City Hall. Petitions, application submittals with required payment and resubmittals received by Wednesday, December 17 will be processed prior to the business closure; however, submittals/payments received between December 18 thru January 2, will be processed when offices reopen on Monday, January 5, 2026.* ***Plans submitted prior to December 19, 2025, will be reviewed under the 2022 California Building Codes. Due to the City closure, plans submitted December 20, 2025, or later will be reviewed under the *NEW* 2025 California Building Codes.***

From: Julie Machado MFT [redacted]
Sent: Thursday, January 22, 2026 7:20 PM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>; Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Cc: Mark Salinas <Mark.Salinas@hayward-ca.gov>; Frank Goulart [redacted]
Subject: Re: Question about Rezoning Letter

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Adding a corrected email for Sachiko.

Julie

From: Julie Machado MFT [redacted]

Sent: Thursday, January 22, 2026 7:18 PM
To: elizabeth.blanton@hayward-ca.gov <elizabeth.blanton@hayward-ca.gov>; sachiko.riddle@hayward <sachiko.riddle@hayward>
Cc: Mark.Salinas@hayward-ca.gov <Mark.Salinas@hayward-ca.gov>; Frank Goulart [redacted]
Subject: Question about Rezoning Letter

Hello,

We recieved your letter of January 15 regarding the proposed re-zoning of our property at 22248 Main Street.

Am I correct that the new zoning will still allow usage as professional office space, which is what the building has been used for, for approximately 30 years?

I don't think it's relevant here, but I will also point out that this particular property is on the City's Historic Properties list, in case you are unaware of it.

I would prefer a response in writing via email. But if you feel you need to talk with me, my cell is [redacted].

Please advise.

Thank you,

Julie Machado, LMFT
Lic. MFT 27937
22248 Main St.
Hayward CA 94541
[redacted] (voicemail only, no texts)
[redacted] (regular email)
[redacted] (secure email)
[redacted]
Pronouns: She/Her/Hers

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From:	Miriam Lens
To:	Sara Buizer; Jeremy Lochirco; Elizabeth Blanton; Sachiko Riddle
Subject:	FW: City Council Agenda Item No. 2: Work Session: Proposed Municipal Code and Zoning Map Revisions Related to the Business-Friendly Hayward Project
Date:	Tuesday, January 27, 2026 8:35:35 AM
Attachments:	Letter to Planning Commission_Agenda Item No.2 (1.22.2026).pdf

FYI

From: Galvez, Janet [redacted]
Sent: Monday, January 26, 2026 10:59 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Cc: Bell, Courtney [redacted]; Sidles, Philip [redacted]; Surdin-OLeary, Danielle [redacted]; Harandi, Ali [redacted]; Tarpin, Claudia [redacted]; Thakral, Samidha [redacted]; Xu, Miao [redacted]
Subject: City Council Agenda Item No. 2: Work Session: Proposed Municipal Code and Zoning Map Revisions Related to the Business-Friendly Hayward Project

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Dear Mayor and Councilmembers,

On behalf of Prologis, thank you for your continued leadership as the City considers updates to its zoning code and broader economic development strategy. For over 40 years, Prologis has invested in Hayward by supporting jobs, generating significant tax revenue, and advancing sustainable industrial development. We support the Business-Friendly Hayward initiative, particularly its focus on strengthening the City's fiscal health, attracting new investment while advancing sustainability and environmental stewardship in order to position Hayward for long-term resilience.

We write to share the letter Prologis submitted to the Planning Commission last week regarding proposed zoning changes affecting industrial and data center uses. We are concerned that the proposed prohibition of data centers in the Industrial Park zoning district will unintentionally work against the goals set forth in the Business-Friendly Hayward initiative. Given Council's central role in shaping the City's climate, economic, and land use policies, we wanted to ensure you had visibility into our perspective as this discussion continues.

At the outset, we want to emphasize that modern data centers can be planned and regulated in a manner consistent with Hayward's sustainability and climate action goals.

When subject to clear, objective performance standards, data centers can function as climate-supportive infrastructure that enables electrification, supports renewable energy integration, strengthens grid reliability, and reduces vehicle trips. In addition, locating data centers within established industrial areas, combined with enforceable performance standards, buffering, and CEQA review, provides a more precise and equitable approach than broad zoning exclusions, while ensuring that environmental and community impacts are appropriately addressed.

In addition to these sustainability benefits, data center uses represent a significant fiscal and economic opportunity for Hayward. For these reasons, we respectfully encourage the City Council to consider a balanced approach that continues to allow data centers in both IP and IG zoning districts, subject to clear, objective performance standards. Such an approach would advance Hayward's economic development objectives while remaining aligned with the City's sustainability priorities.

We welcome continued dialogue with City staff, Councilmembers, and stakeholders to ensure that any final zoning framework reflects Hayward's leadership in climate responsibility while providing clarity to attract businesses and support economic stability.

Thank you for your time and consideration.

Janet Galvez | VP, Investment Officer

Pier 1, Bay 1 | San Francisco | California | 94111 | United States of America
Direct [redacted] | Mobile [redacted] | [redacted]
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Correspondence Chain 8

From: Alisha Khan
To: List-Planning Commission; [redacted]
Cc: Jeremy Lochirco; Elizabeth Blanton; Sachiko Riddle
Subject: FW: ACU and empty buildings
Date: Friday, January 30, 2026 12:55:13 PM

Good afternoon, Planning Commissioners,

Please see the email below from Peggy Guernsey regarding ACUs and vacant commercial buildings. This comment relates to the Business Friendly Project and is being forwarded for your awareness.

Thank you,

Alisha Khan | Senior Secretary
Planning Division
P 510-583-4205 | alisha.khan@hayward-ca.gov

-----Original Message-----
From: Peggy Guernsey [redacted]
Sent: Friday, January 30, 2026 12:10 PM
To: Alisha Khan <Alisha.Khan@hayward-ca.gov>
Subject: ACU and empty buildings

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi Alisha,

Please direct the Planning Commission to not pass ACU into residential zoning and housing areas.

We have hundreds of empty buildings where these vendors can start their businesses off the street, inside, with cleaning supplies and laws, electric, gas, table and chairs off sidewalks, and streets.

My street is horribly impacted by ADUs lack of parking for the 10+new cars. We are a single family home street, surrounded by apts, 2/3/4/5 plexus. Our homes are mostly 1 car short driveways,garages that the lack for parking is severely blocking Paratransit drop off of disabled residents. Paratransit must park in the middle of the street and we must walk down slope into the gutter to get home.

The apts, condos you are approving do NOT have shopping centers, many closed and moved out, to support these new residents, So they go to Union City, Fremont to shop.

Please stop ACU in Hayward until all our empty buildings are full!!!!!!!!!!!!

Peggy Guernsey
25236 Delmar Ave
Hayward, CA 94542-1806

Correspondence Chain 9

From:	Puesto Markets. INC
To:	Leigha Schmidt; Elizabeth Blanton; Sachiko Riddle; [redacted]; List-Planning Commission; Jeremy Lochirco; Angela Andrews; Ray Bonilla; Daniel Goldstein; George Syrop; Francisco Zermeno; Julie Roche; Mark Salinas
Subject:	Request for Guidance and Reconsideration Regarding Municipal Code Section 10-1.110
Date:	Monday, February 2, 2026 6:12:47 PM

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Good evening City Planning Division, Commissioners, City Council Members, and Mayor,

My name is Lesley Urista, and I am the owner of Puesto Market, located at 226 Jackson St., Hayward, CA 94544. I am writing to respectfully follow up on our previous conversations regarding potential changes to Municipal Code Section 10-1.110.

As discussed, my application for a Conditional Use Permit (UP-25-0020) to sell beer and wine was denied due to the presence of a liquor store located across the street. I understand the reasoning behind this decision; however, I strongly believe that liquor stores should not be categorized under the same municipal code as full-service grocery stores. These are fundamentally different business models, serving different community needs. Had these uses been distinguished separately, I believe my application could have been considered more favorably.

I have spoken directly with the liquor store owner, and we are in full agreement that our businesses are not the same. They are also supportive of my continued efforts to advocate for this distinction.

Additionally, with the recent closure of Walgreens and the upcoming closure of Safeway in our area, the community is losing essential grocery access. Given these changes, I would like to ask whether my application could be reconsidered. I would also like to note that the business located next door at 230 Jackson St., Hayward, CA 94544 has been leased to a Latin pharmacy with no rights to sell alcohol, and any previously associated liquor license will not be utilized at that location.

At this time, I am seeking guidance on what steps I can take next. I understand the basis for the original denial, but I believe it is appropriate to reevaluate this policy especially during a time when many local businesses are struggling to remain open and the population has grown significantly since the last amendment to this municipal code.

As a small business owner, I am doing everything I can to keep my doors open. In this type of business, any additional revenue makes a meaningful difference. I sincerely appreciate your time, consideration, and any guidance you can provide as I continue to pursue this matter.

Thank you for your attention.

Sincerely,
Lesley Urista
Owner, Puesto Market

[redacted]
226 Jackson St.
Hayward, CA 94544

From: Sachiko Riddle
To: Ben Goulart; Elizabeth Blanton
Cc: [redacted]
Subject: RE: rezoning our neighborhood?
Date: Monday, February 9, 2026 8:16:56 AM
Attachments: image001.png
image002.png

Hello,

No, the existing businesses will not be impacted by this change. Their business license is still valid and they will be able to continue operating. They will renew as normal at the end of 2026 with no changes to their status.

Thank you,
Sachiko

Sachiko Riddle (she/her)
Assistant Planner
Phone 510-583-4209| **Email** sachiko.riddle@hayward-ca.gov
777 B Street, Hayward, CA 94544
Permit Center | E-Permits Portal | E-Permits Portal Help Center

Please note: *City Hall will close non-essential services during the week of Monday December 22, through January 2, 2026. Inspections will not be scheduled during this time and will resume upon staff's return to City Hall. Petitions, application submittals with required payment and resubmittals received by Wednesday, December 17 will be processed prior to the business closure; however, submittals/payments received between December 18 thru January 2, will be processed when offices reopen on Monday, January 5, 2026.* ***Plans submitted prior to December 19, 2025, will be reviewed under the 2022 California Building Codes. Due to the City closure, plans submitted December 20, 2025, or later will be reviewed under the *NEW* 2025 California Building Codes.***

From: Ben Goulart <[redacted]>
Sent: Saturday, February 7, 2026 9:08 AM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Cc: [redacted] Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Subject: Re: rezoning our neighborhood?

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Thank you for all the information, the clarity was helpful. It seems Google has a completely different description of what Hayward's "Commercial/ Office Residential" will look like, and I am glad the city is not implementing any of that. One question I have is whether existing businesses operating as a "normal" business, like a landscape contractor, dentist or counseling office, need to upgrade to "commercial" status? Or is it business as usual with the change?

Thanks,

On Fri, Feb 6, 2026 at 3:09 PM Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov> wrote:

> Hi Ben,
>
> It was nice chatting with you just now. Thanks again for reaching out about the proposed rezoning of your property and immediate neighborhood from “Residential Office” to “Commercial Office-Residential” as part of the Business Friendly Hayward Project.
>
> As we discussed, the proposed rezoning is an effort to consolidate two of the City’s zoning districts that are very similar to each other – the “Residential Office” District and the “Commercial Office” District. Both districts allow a mix of office and residential uses, and so will the newly proposed district, as is shown in the attached chart, which was included in the mailer sent to all affected properties.
>
> No other types of commercial businesses, like retail stores, restaurants, or auto service uses will be allowed as part of these changes. Additionally, there are no changes to the allowed density or intensity of development, meaning that future development will still be subject to the same development rules for dwelling units per acre, building heights, front and side setbacks, and parking standards that are in place today. As a result, the future character of the neighborhood will remain the same.
>
> I hope you’ll join us for our virtual meeting to discuss the proposed rezonings on **Thursday, February 12 at 10:00 a.m.** You can join the meeting using this link: https://bit.ly/3NmPLHo. (Since I have your email now, I’ll also forward you a calendar invitation, which you can re-forward as you see fit.)
>
> Additionally, if your neighborhood group meets regularly and would like my project co-lead, Sachiko Riddle, and I to attend a future meeting of yours to discuss this project further, we’d be happy to – just let us know when.
>
> Thanks and have a good weekend,

Elizabeth

Elizabeth Blanton (she/her)
Senior Planner

Phone 510-583-4206 | **Email** elizabeth.blanton@hayward-ca.gov
777 B Street, Hayward, CA 94544

HAYWARD e-permits

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---------- [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

HAYWARD

On Thu, Feb 5, 2026 at 3:31 PM, Ben Goulart <ben@waterfallguy.com> wrote:

> **CAUTION:** This is an external email. Do not click on links or open attachments

unless you know the content is safe.

** Please note I was the past president of the Prospect Hill Neighborhood Association, not the current president of the North Main Prospect Neighborhood Association.** My bad, and sorry for the confusion, I should have done my due diligence. I am triggered by this rezoning plan because past rezoning of west Hayward years ago ushered in the crazy powerplant. I will be meeting with the NMPHA to talk shop about moving forward, as nobody knows that we are getting commercial office zoning that will crush the residential feel of our community.

Ben Goulart
Past President, Prospect Hill Neighborhood Association
[redacted]

On Thu, Feb 5, 2026 at 12:47 PM Ben Goulart <[redacted]> wrote:

> Hi George, I live at 22244 Main Street, and have lived in this neighborhood for 35 years. As the president of the Prospect Hill Neighborhood Association, we are all unhappy with the city's new plans to rezone our neighborhood. I see that zoning changes will bring significant changes to our neighborhood. What I saw is that you are changing our residential neighborhood from "office/residential" to "commercial office/residential" and this is what google says could be the fall out from doing that:
>
> Rezoning a neighborhood from "office/residential" to "commercial office/residential" significantly increases development potential, likely leading to higher traffic volume, increased noise, light pollution, and more intense, higher-density construction. While this change may increase property values, it can also decrease privacy and quiet enjoyment, as commercial uses like retail or service businesses are introduced alongside homes.
> Significant changes to expect include:
>
> - **Increased Traffic and Noise:** The introduction of commercial businesses often brings higher volumes of traffic, including customers, delivery trucks, and, potentially, increased noise pollution.
> - **Greater Density and Height:** The new designation may permit taller or larger buildings, potentially altering the neighborhood's aesthetic and reducing privacy for existing homes.
> - **Shift in Commercial Character:** The area may see a mix of retail, services,

or office spaces, making it more of a mixed-use or "walkable" corridor, which can be positive for convenience but less peaceful for residents.

- **Higher Property Values (and Taxes):** Commercial-zoned land is generally more valuable than purely residential land, which can lead to higher property assessments and increased property taxes for homeowners.
- **Infrastructure Changes:** Increased density might necessitate improvements to utilities (water, sewer) to accommodate larger commercial, as opposed to residential, demands.

Overall, this rezoning moves a neighborhood from a blend of work-live to a more intense, mixed-use commercial environment, which can bring both economic benefits and disruptions to daily life.

*We are not happy about this and formally request a denial of zoning changes. Please contact me asap so we can talk about this project as we are looking into hiring a lawyer to take up this case if this action is pursued.

Ben Goulart
President, Prospect Hill Neighborhood Association
[redacted]

--

Benjamin Goulart
The Waterfall Guy
[redacted]

2/13/2026

City of Hayward
Department of Planning and Development
777 B Street
Hayward, CA 94541

Attention: Elizabeth Blanton, Senior Planner: Elizabeth.Blanton@hayward-ca.gov
Sachiko Riddle, Associate Planner: Sachiko.Riddle@hayward-ca.gov

Re: Supply Chain Federation Comments on "Business-Friendly Hayward" Zoning Update

Elizabeth Blanton and Sachiko Riddle,

On behalf of the Supply Chain Federation (SCF) and California Trucking Association (CTA), we appreciate the opportunity to provide comments on the City of Hayward's proposed zoning updates under the "Business-Friendly Hayward" initiative. We support the City's goal of modernizing zoning regulations and strengthening economic development. However, several proposed changes to industrial use definitions and permitting requirements raise concerns regarding unintended impacts on investment certainty, leasing flexibility, and Hayward's overall competitiveness.

The Supply Chain Federation is a national trade association representing companies involved in goods movement, logistics, distribution, industrial real estate, and related infrastructure across the United States. Our membership includes Third-Party Logistics (3PL) providers, warehouse operators, last-mile delivery companies, developers, ports, and transportation providers that collectively support local and regional economies through job creation, tax revenue, and efficient movement of goods. We engage regularly with state and local governments on land-use, infrastructure, and regulatory policies that directly affect supply chain operations and industrial competitiveness.

The California Trucking Association is the nation's largest statewide trade association representing the trucking industry. Established in 1934, CTA supports the companies and professionals that keep California's economy moving. Our carrier membership ranges from individual owner-operators to small family-owned for-hire fleets, to the world's largest international carriers. A vital and indispensable component of the state's economic health, nearly 80 percent of California communities rely exclusively on trucks for essential goods, and the industry hauls 90 percent of all manufactured tonnage statewide.

Truck Terminal Definition and Treatment of Last Mile and 3PL Uses
The proposal to expand the definition of "Truck Terminal" to include Last Mile delivery and Third-Party Logistics (3PL) operations represents a significant policy shift. As proposed, these uses would no longer be permitted in the Industrial Park (IP) zoning district and would also require a Conditional Use Permit (CUP) in the General Industrial (IG) district.

Last Mile and 3PL operations are integral components of modern supply chains and operate across a wide range of building types and scales. Treating these business models as a distinct land-use category—rather than addressing operational intensity through objective performance standards—risks over-regulating lower-intensity facilities and materially limiting future leasing flexibility for both logistics providers and property owners. This approach could discourage investment and reduce the adaptability of industrial properties to evolving market needs.

We encourage the City to distinguish between land-use classification and operational intensity. Many potential impacts associated with logistics activity—such as truck frequency or hours of operation—can be more effectively addressed through clear, objective standards rather than reclassification into more restrictive use categories.

Data Centers
We are also concerned with the proposal to remove data centers as a permitted use in the IP zoning district and would also require a CUP in the IG district. IP-zoned sites are often uniquely suited for data center development due to existing power infrastructure and site characteristics. Eliminating the data center use could negatively affect IP-zoned land values and weaken Hayward's ability to compete for technology-related investment.

Data centers represent significant long-term capital investment and contribute to local employment and the tax base. Eliminating data centers as an allowable use, or requiring discretionary approvals may lengthen project timelines, increase entitlement risk, and complicate financing, making Hayward less competitive relative to neighboring jurisdictions that continue to allow these uses by right in comparable zones.

Legal Non-Conforming Uses and Business Impacts
By eliminating the Last Mile and 3PL use in the IP zoned area, any existing business that plans to relocate or expand within the City of Hayward would be prevented from doing so. This could lead to businesses leaving the City of Hayward, increased building vacancy, and the reduction in property values due to the limited pool of businesses that are allowed in operate in these areas of the City.

Investment Certainty and Conditional Use Permits
Across both proposals, the increased reliance on Conditional Use Permits introduces

additional time, cost, and political uncertainty into the development and leasing process. For property owners, tenants, and lenders, entitlement risk is a material consideration that directly affects feasibility and investment decisions—particularly for speculative development or adaptive reuse of existing industrial buildings.

Regional Competitiveness and Policy Alignment

Hayward operates within a highly competitive regional industrial real estate market. Even modest increases in regulatory uncertainty can shift investment to nearby jurisdictions that offer clearer and more predictable zoning frameworks. Restrictive policies do not eliminate demand for logistics or technology uses; rather, they risk displacing that activity—and associated economic benefits—elsewhere.

We also encourage the City to evaluate whether the proposed changes are fully aligned with adopted General Plan goals related to industrial land preservation, job growth, and economic competitiveness.

Conclusion

While we appreciate the City's effort to modernize its zoning framework, we respectfully urge reconsideration of the proposed treatment of Last Mile, 3PL, and data center uses. Retaining by-right status for these uses in appropriate industrial districts—or addressing concerns through objective, performance-based standards—would better support the City's stated business-friendly objectives while preserving predictability and flexibility for industrial stakeholders.

Thank you for your consideration and welcome the opportunity to meet with you to discuss our concerns. If you have any questions, please contact Sarah Wiltfong at [redacted]

Sincerely,

Sarah Wiltfong
Chief Advocacy & Policy Officer
Supply Chain Federation

Nick Chiappe
Director of Government and Regulatory Affairs
California Trucking Association

CC: Mayor Salinas and City Council Members

NAIOP
COMMERCIAL REAL ESTATE DEVELOPMENT ASSOCIATION
SAN FRANCISCO BAY AREA CHAPTER

Correspondence Chain 12

February 17, 2026

The Honorable Mark Salinas
Mayor, City of Hayward
Members of the City Council
City of Hayward
777 B Street
Hayward, CA 94541

Dear Mayor Salinas and Members of the City Council:

On behalf of the NAIOP San Francisco Bay Area Chapter, the Commercial Real Estate Development Association representing over 750 developers, owners, investors, and service providers throughout the region, **I am writing to share concerns regarding proposed amendments to the City's industrial zoning regulations as part of the Business-Friendly Hayward initiative.**

We appreciate and support the City's stated goal of strengthening economic development and improving regulatory clarity. However, several of the proposed changes affecting industrial districts may unintentionally introduce new limitations that appear inconsistent with those objectives.

The draft revisions would broaden the definition of "Truck Terminal" to include Last Mile and Third-Party Logistics (3PL) operations and remove these uses as permitted-by-right in the IP zoning district, instead requiring a Conditional Use Permit in the IG district. Last Mile and 3PL facilities are now essential components of modern supply chains and are commonly accommodated in industrial zones throughout the Bay Area. Subjecting these uses to discretionary approval would reduce flexibility for existing and future industrial properties, introduce uncertainty into leasing decisions, and make it more difficult for owners and tenants to respond to evolving logistics demands.

The proposed treatment of data centers raises similar concerns. The draft update would remove data centers as a by-right use in the IP district and instead require a Conditional Use Permit in the IG district. Many IP-zoned properties are well suited for data center development due to their location, building configuration, and access to power infrastructure. Requiring discretionary approval where none is currently required may negatively affect land values, complicate site selection decisions, and reduce Hayward's competitiveness relative to neighboring jurisdictions actively seeking to attract advanced industrial and technology uses.

We understand that these concepts were initially presented without direct outreach to industrial property owners or operators. We appreciate staff's subsequent willingness to convene a virtual stakeholder session and view that as a constructive opportunity for meaningful engagement with the commercial real estate community.

575 Market Street, Suite 400 | San Francisco, CA 94105
P: [redacted] | [redacted] | www.naiopsfba.org

NAIOP
COMMERCIAL REAL ESTATE DEVELOPMENT ASSOCIATION
SAN FRANCISCO BAY AREA CHAPTER

Industrial land remains a cornerstone of Hayward's economic base and a critical component of the region's goods movement and employment ecosystem. **As the City finalizes its zoning updates, we respectfully urge a balanced approach that preserves predictability within industrial districts while advancing broader economic development goals.**

Thank you for your consideration and for your continued commitment to Hayward's long-term economic vitality.

Sincerely,

Alison Trejo

Alison Trejo, CAE
Executive Director, NAIOP San Francisco Bay Area Chapter

Correspondence Chain 13

From: Richard Poolis
To: Elizabeth Blanton
Subject: Truck Terminal Feedback
Date: Thursday, February 19, 2026 11:33:24 AM

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi Elizabeth,
First of all thanks for hosting the industrial round table today to solicit feedback on the industrial use definitions. The City of Hayward has always been really good at making their zoning rules clear to owners/developers especially compared to other 880 Cities. So I commend the City for that.

I was able to provide some verbal response but wanted to document and send in writing my thoughts around the Truck Terminal definition.

- Concern is some 'industrial labels' like 3pl and last mile delivery included in the Truck Terminal definition
- 3pl / last mile delivery is a business model not a land use
    - Many 3PL operators
        - Store goods long term
        - Use racking
        - Fulfill orders
        - Function as traditional warehouses
- As written - the inclusion of 3PL in the truck terminal definition may unintentionally capture traditional warehouse users whose primary activity is storage and distribution rather than freight movement (which is what I think the City is trying to carve out)
- Incidental storage needs clarification
    - 'storage of cargo is incidental to the primary function of…"
        - Maybe look to define incidental
            - By time
            - By floor area
            - By revenue
            - Bu operational intent
- Dock door threshold not enough on its own as drafted
    - Many legitimate warehouses have 10-40 doors but operate as storage and distribution facilities.
    - Operational characteristics should control
- Redefine Truck Terminal by throughput metrics
    - I think the City is focused on traffic impacts so focus on defining this
    - Another focus point could be throughput volume

Thank you and happy to chat further or take part in any other focused conversations,

Regards,
Richard

Richard Poolis
Director of Development
Northern California, Seattle, Texas

First Industrial Realty Trust (NYSE:FR)
3620 Happy Valley Road, Suite 201
Lafayette, CA 94549
[redacted]

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Correspondence Chain 14

From: Sidles, Philip
To: Elizabeth Blanton; Sachiko Riddle
Cc: Bell, Courtney; Surdin-OLeary, Danielle; Galvez, Janet
Subject: RE: Business Friendly Hayward Project - Follow up from last week"s Industrial Businesses Focus Group
Date: Tuesday, February 24, 2026 11:44:58 AM
Attachments: image001.png

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Good Morning Elizabeth and Sachiko,

Thank you again for hosting the Industrial outreach call. It was great to see such strong engagement - with roughly 70 participants, it's clear there is a lot of interest in the City of Hayward and these proposed changes.

With the large group and all of us providing feedback, we didn't get a clear picture of what the City is hoping to achieve with the proposed changes to the truck terminal definition. We want to make sure we have a clear grasp of your priorities and the specific impacts you're trying to address so that we can be constructive partners in identifying workable solutions.

We'd like to schedule a smaller working session with your team to better understand your objectives and the policy direction you're considering.

The Prologis team brings a unique perspective to this discussion, as we are both a developer and a long-term owner, and we develop across multiple product types — including traditional industrial and data centers. That vantage point allows us to think holistically about operational impacts, tenant demand, long-term land use strategy, and how definitions may influence real-world project feasibility over time. We believe that perspective could be helpful as you refine the proposal.

We are happy to share examples from around the Bay Area that may help address the concerns you're targeting while also keeping the zoning framework attractive to investment.

In general, we encourage maintaining maximum use flexibility across the industrial zones. A flexible framework helps ensure that industrial areas can adapt to evolving business needs and changing market conditions over time. When allowable uses are narrowly defined, it can increase vacancy risk and slow reinvestment in existing properties. Over the long term, flexibility supports continued modernization of industrial buildings and infrastructure, helping the City sustain a strong employment base and economic resilience. Similarly, while Conditional Use Permits (CUPs) may be appropriate in certain cases, added uncertainty in process and timing can unintentionally discourage reinvestment.

Please let us know your availability over the next two weeks, and we will coordinate a time that works for everyone.

Thanks again!
Phil

Philip Sidles | Director, Entitlements
Pier 1, Bay 1 | San Francisco | California | 94111 | United States of America
Direct [redacted] | Mobile [redacted] [redacted]
www.prologis.com | Follow us on LinkedIn and Facebook

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From: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Sent: Monday, February 23, 2026 2:54 PM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>; Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Cc: [redacted]
Subject: Business Friendly Hayward Project - Follow up from last week's Industrial Businesses Focus Group

EXTERNAL EMAIL

CAUTION: This email originated from outside of Prologis. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi all,

Thanks again for joining us at our Industrial Businesses Focus Group last week for the Business Friendly Hayward Project. As promised, for those of you who weren't able to hang on the line with us to discuss the updates to our proposed data center regulations based on recent Council direction, we will be holding a second meeting to provide this update. **If you'd like to participate, please indicate your availability in this Doodle poll by Wednesday at noon.** For those who are interested, I'll follow up with a calendar invitation and Microsoft Teams link based on the date/time that works for most people.

In addition, Sachiko and I will be workshopping the definitions of "truck terminal" and "last mile delivery" based on all of your feedback and will follow up when we have new proposed language to share. Thanks to those of you who have already provided suggested language. If you have

suggestions which you have not already shared, please send them our way.

Again, thanks for your engagement on this project. Let us know if you have any additional thoughts or questions.

Elizabeth

Elizabeth Blanton
Senior Planner | Planning Division
City of Hayward | 777 B Street, Hayward, CA 94541
O: (510) 583-4206 | **E:** *elizabeth.blanton@hayward-ca.gov*

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From: Sachiko Riddle
To: Greg Pearson; Elizabeth Blanton
Subject: RE: Business Friendly Hayward Project - Update on Truck Terminal/Last Mile Delivery Definitions
Date: Monday, March 9, 2026 8:58:50 AM
Attachments: image001.png

Hello,

We are keeping our current definition of truck terminal which does not include 3PL in the description. I will forward you the meeting invite for tomorrow.

Thank you,
Sachiko

Sachiko Riddle (she/her)
Assistant Planner
Phone 510-583-4209| **Email** sachiko.riddle@hayward-ca.gov
777 B Street, Hayward, CA 94544
Permit Center | E-Permits Portal | E-Permits Portal Help Center

From: Greg Pearson [redacted]>
Sent: Friday, March 6, 2026 2:36 PM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>; Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Subject: RE: Business Friendly Hayward Project - Update on Truck Terminal/Last Mile Delivery Definitions

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Thanks – I would love to be included in the call for the 10th.

To that end, is the 3PL bit also off the table?

GP

Greg Pearson
Fortress Investment Group
11611 San Vicente Blvd
10th Floor
Los Angeles, CA 90049
M: [redacted] (US) / M: [redacted] (UK)

gpearson@fortress.com

From: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Sent: Friday, March 6, 2026 2:32 PM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>; Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Subject: Business Friendly Hayward Project - Update on Truck Terminal/Last Mile Delivery Definitions

Hi all,

Over the past couple of weeks, Sachiko and I have been working with internal staff and several of you to refine our draft definitions for "Truck Terminal" and "Last Mile Delivery." During this process, something has become clear – it's going to take us more time to get this right.

As a result, we've made the decision to remove our revised definition for Truck Terminal from the Business Friendly Hayward Project [hayward-ca.gov] that will be going forward to Planning Commission and City Council for final approval next month. **Instead, the existing definition, as well as our existing policies for processing these types of uses will remain in place, unchanged.**

At the end of the day, the purpose of this project is to make our regulations clearer, and more business friendly. We've heard loud and clear from you all that our proposed revised definition is not achieving that objective, so it's an easy decision to not move forward with the proposed language.

For those of you that would like to continue working with us on drafting new definitions, we will still hold our planned meeting next week on 3/10 at 10:30 a.m. We'll use this time to continue taking input on what thresholds and terminology any new definitions should include if the City decides to move forward with revising these definitions in the future. If you have further input that you have not already shared with us, we encourage you to join us.

As always, don't hesitate to reach out if you have any questions,

Elizabeth

Elizabeth Blanton
Senior Planner | Planning Division
City of Hayward | 777 B Street, Hayward, CA 94541
O: (510) 583-4206 | **E:** *elizabeth.blanton@hayward-ca.gov*

Permit Center [hayward-ca.gov] | *E-Permits Portal* [haywardca-energovpub.tylerhost.net] | *E-Permits Portal Help Center* [hayward-ca.gov]

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Correspondence Chain 16

From:	Elizabeth Blanton
To:	"Nathan Downs"
Cc:	Naomi Powell; NoMa Prospect Neighborhood Association; Sachiko Riddle
Subject:	RE: The Real NoMa Prospect Neighborhood Assoc
Date:	Thursday, March 19, 2026 10:38:00 AM
Attachments:	image002.png image003.png image004.png image005.png image006.png image007.png image009.png

Thank you! We'll forward along to our admin team along with your email addresses to make sure you are all noticed about projects in/near this boundary.

And thanks for the kind words – it was a pleasure meeting with you all last night. Your thoughtfulness and care for your neighborhood is inspiring.

Elizabeth

Elizabeth Blanton
Senior Planner | Planning Division
City of Hayward | 777 B Street, Hayward, CA 94541
O: (510) 583-4206 | **E:** *elizabeth.blanton@hayward-ca.gov*

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From: Nathan Downs <[redacted]>
Sent: Thursday, March 19, 2026 7:00 AM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Cc: Naomi Powell [redacted]; NoMa Prospect Neighborhood Association [redacted]; Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Subject: Re: The Real NoMa Prospect Neighborhood Assoc

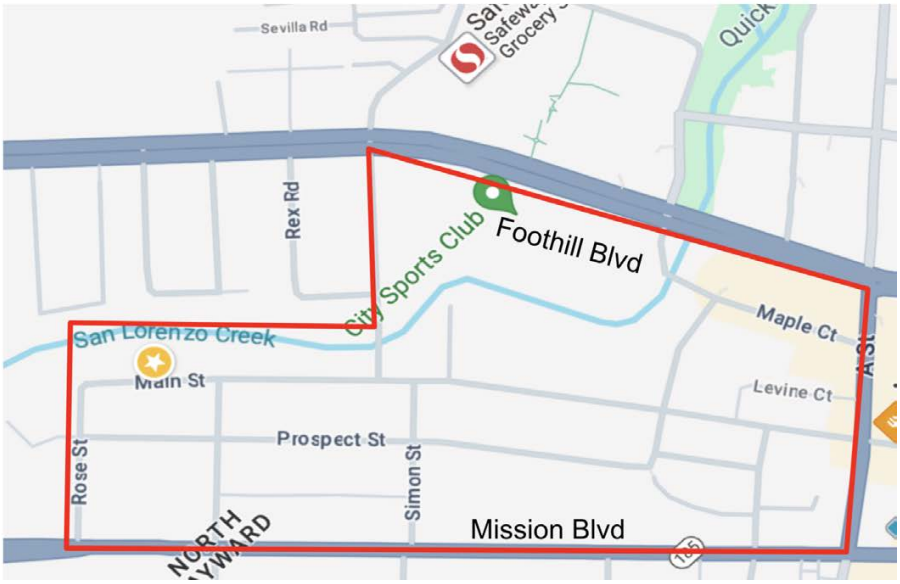
CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Good morning. With all of the criticisms and frustrations around government these days it's refreshing to have open and collaborative experiences like last night. Thank You.
Here is our footprint:

Prospect Hill
NoMa

Foothill
A Street
Rose
Mission

Our Community Footprint



On Wed, Mar 11, 2026 at 3:12 PM Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov> wrote:

> Perfect – that will work great for the space. Thanks!
>
> **Elizabeth Blanton**
> **Senior Planner | Planning Division**
> City of Hayward | 777 B Street, Hayward, CA 94541
> **O:** (510) 583-4206 | **E:** *elizabeth.blanton@hayward-ca.gov*
>
> *Permit Center* | *E-Permits Portal* | *E-Permits Portal Help Center*
>
> ---
>
> **From:** Naomi Powell <[redacted]>
> **Sent:** Wednesday, March 11, 2026 1:59 PM
> **To:** Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
> **Cc:** Nathan Downs <[redacted]>; NoMa Prospect Neighborhood Association [redacted]>; Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
> **Subject:** Re: The Real NoMa Prospect Neighborhood Assoc
>
> **CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.
>
> Hi Elizabeth,
>
> We deeply appreciate the conference space at City Hall! We should have no more than 8 - 10 people.
>
> Naomi

On Wed, Mar 11, 2026 at 11:49 AM Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov> wrote:

> Hi Naomi,
>
> No problem – I reserved us **Conference Room 1C** in **City Hall** on Wednesday, March 18 at 7pm. When members of your group arrive, let the Security Guard know that you have a meeting with Elizabeth Blanton and Sachiko Riddle in Conference Room 1C, and they will direct you to the correct place.
>
> Do you have a sense of how many people we should be expecting?
>
> Thanks,
> Elizabeth

Elizabeth Blanton
Senior Planner | Planning Division
City of Hayward | 777 B Street, Hayward, CA 94541
O: (510) 583-4206 | **E:** *elizabeth.blanton@hayward-ca.gov*

Permit Center | *E-Permits Portal* | *E-Permits Portal Help Center*

From: Naomi Powell <[redacted]>
Sent: Wednesday, March 11, 2026 11:06 AM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Cc: Nathan Downs <[redacted]>; NoMa Prospect Neighborhood Association <[redacted]> Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Subject: Re: The Real NoMa Prospect Neighborhood Assoc

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello Elizabeth,

Thank you for the update and clarification to the proposed rezoning, we look forward to discussing in depth! Might a conference room be available at City Hall we could use?

If not, let's plan to meet at Buffalo Bill's on B St.

All the best,
Naomi

On Wed, Mar 11, 2026 at 10:01 AM Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov> wrote:

> Hi Nathan,
>
> See attached for a chart showing the two options that staff is considering for the Residential Office (RO) zoning district:

- **Option 1:** RO zoning remains, but office uses are allowed by right, instead of having to go through a use permit process. Also, outdoor recreational uses would now be prohibited.
- **Option 2:** The RO district is combined with the Commercial Office (CO) district to create a new district: Commercial Office – Residential (CO-R). This new district would mean that additional uses would be allowed by right in your neighborhood, including offices, personal services (hair and nail salons, for example), plant nurseries, and low-barrier navigation centers for the homeless.

Option 2 is what the City initially proposed, as seen in the mailers that were sent out in January. However, given feedback that we've received to date, staff created Option 1, which wouldn't result in a rezoning at all, but rather would make it easier to open an office. ***At this point, staff is leaning toward Option 1***, but we are curious to learn your Neighborhood Association's preferences/thoughts on the two choices, and to hear if you recommend any further revisions to either option.

Once you have a location determined for the dinner/meeting next week, let us know where we should meet you. Looking forward to our discussion. Thanks again for your engagement on this project.

Elizabeth

Elizabeth Blanton
Senior Planner | Planning Division
City of Hayward | 777 B Street, Hayward, CA 94541
O: (510) 583-4206 | **E:** *elizabeth.blanton@hayward-ca.gov*

Permit Center | *E-Permits Portal* | *E-Permits Portal Help Center*

From: Nathan Downs <[redacted]
Sent: Monday, February 23, 2026 4:10 PM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Cc: NoMa Prospect Neighborhood Association <[redacted]>; Naomi Powell [redacted]>; Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Subject: Re: The Real NoMa Prospect Neighborhood Assoc

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Sounds great, thanks for the update Liz!

On Mon, Feb 23, 2026 at 3:30 PM Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov> wrote:

> Hi Nathan,
>
> We're working on some revisions to the materials that we've already sent you based on some feedback received to date. We'll make sure to send these to you at least a week before the March 18 meeting.

Thanks,
Elizabeth

Elizabeth Blanton
Senior Planner | Planning Division
City of Hayward | 777 B Street, Hayward, CA 94541
O: (510) 583-4206 | **E:** *elizabeth.blanton@hayward-ca.gov*

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From: Nathan Downs <[redacted]>
Sent: Thursday, February 19, 2026 9:10 AM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Cc: NoMa Prospect Neighborhood Association <[redacted]; Naomi Powell <[redacted]>; Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Subject: Re: The Real NoMa Prospect Neighborhood Assoc

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Excellent, we look forward to meeting you and Sachiko. Question: are there any materials we could share with the board and/or community in advance? If so this could help us hit the ground running and make the best use of our time. Thanks!

On Thu, Feb 19, 2026 at 8:35 AM Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov> wrote:

> Hi Nathan,
>
> Yes, Wednesday, March 18 at 7:00 p.m. works for us. Let us know the location when it's selected. Looking forward to meeting your group.
>
> Elizabeth
>
>
>
>
>
> **Elizabeth Blanton**
> **Senior Planner | Planning Division**
> City of Hayward | 777 B Street, Hayward, CA 94541
> **O:** (510) 583-4206 | **E:** *elizabeth.blanton@hayward-ca.gov*
>
> *Permit Center | E-Permits Portal | E-Permits Portal Help Center*
>
>
> **From:** Nathan Downs <[redacted]>
> **Sent:** Wednesday, February 18, 2026 6:53 PM
> **To:** Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>

Cc: NoMa Prospect Neighborhood Association [redacted]; Naomi Powell [redacted]>; Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Subject: Re: The Real NoMa Prospect Neighborhood Assoc

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Yes, it's the third Wednesday of the month @7. Does next month work for you?

On Tue, Feb 17, 2026 at 11:49 AM Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov> wrote:

> Hi Nathan,
>
> Thanks for reaching out. Unfortunately, we can't make this Wednesday work, but we'd love to meet with your group. Let us know if we can get on your calendar for your March meeting or perhaps if we can find a date to touch base in between.
>
> Elizabeth
>
> **Elizabeth Blanton** (she/her)
> Senior Planner
>
> **Phone** 510-583-4206 | **Email** elizabeth.blanton@hayward-ca.gov
> 777 B Street, Hayward, CA 94544
>
> HAYWARD e-permits
> *Permit Center* | *E-Permits Portal* | *E-Permits Portal Help Center*

From: NoMa Prospect Neighborhood Association [redacted]
Sent: Sunday, February 15, 2026 9:04 AM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>; Naomi Powell <[redacted]
Subject: The Real NoMa Prospect Neighborhood Assoc

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Hi Elizabeth,

[redacted]

Anyhow - we DO live on Main Street and we ARE very connected to our community. We were unable to make the zoning zoom last week but we'd love to have you and Sachiko join us at our monthly board meeting. People from the city join us on a very regular basis. We typically choose a new restaurant each month and have a meal while discussing how we can make our neighborhood better. I'd describe the energy as laid back and thoughtful.

Our next meeting is in the downtown area this Wednesday at 7pm, restaurant TBD. We did Storybook last month. Are you available to join?

Kindly,
Nathan Downs
[redacted]

--

North Main & Prospect Hill Neighborhood Association
Join Our Facebook Group

President: Naomi Powell
Vice President: Nathan Downs
Treasurer: Jackie Orr
Safety & Services: Carlos Gonzalez
Hazel Garden Lead: Chris Orr
Communication & Membership: Lenae Crowder
Secretary: Vacant
Member at Large: Nathan Williams

From: Elizabeth Blanton
To: "Sidles, Philip"; Sachiko Riddle
Cc: "Bell, Courtney"
Subject: RE: Business Friendly Hayward Project - Follow-Up from Data Center discussion
Date: Friday, March 27, 2026 8:35:00 AM
Attachments: image003.png
image005.png
image006.png
image007.png
image001.png

Hi Phil and Courtney,

Thanks for your patience on this. After discussing internally, we agree and have amended the draft Code to reflect a two tier system for Data Centers:

1. Data Centers 50+ MW: Major Conditional Use Permit (requiring Council approval)
2. Data Centers <50 MW: Conditional Use Permit (requiring Planning Commission approval)

We didn't think it was appropriate/necessary to create a class of ancillary data centers that are allowed by right for a few reasons:

- As a land use, they would be allowed by right currently, and we've never seen this type of ancillary data center in Hayward to date.
- If the generators are diesel powered, they very likely will still require a use permit for hazardous materials.
- Under the new regulations, if a data center came in that was determined by staff to be ancillary to a primary use AND didn't trigger the need for additional use permit review based on the amount of hazardous materials on site, we could process it under the permitting process required for the primary use.

I'm off for the rest of today, but if you'd like to chat further, let me know, and we can set up a time next week. The draft regs are currently going through an internal review process, but once the staff report and attachments are published for the 4/9 Planning Commission hearing, I'll be sure to forward to you for your review.

Elizabeth

Elizabeth Blanton
Senior Planner | Planning Division
City of Hayward | 777 B Street, Hayward, CA 94541
O: (510) 583-4206 | **E:** elizabeth.blanton@hayward-ca.gov

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From: Elizabeth Blanton
Sent: Wednesday, March 18, 2026 5:12 PM
To: 'Sidles, Philip' <[redacted]>; Sachiko Riddle <Sachiko.Riddle@Hayward-ca.gov>
Cc: Bell, Courtney <[redacted]>

Subject: RE: Business Friendly Hayward Project - Follow-Up from Data Center discussion

Hi Phil,

Thanks for reaching out. We are still discussing internally. I'll get back to you asap.

Elizabeth

Elizabeth Blanton
Senior Planner | Planning Division
City of Hayward | 777 B Street, Hayward, CA 94541
O: (510) 583-4206 | **E:** *elizabeth.blanton@hayward-ca.gov*

Permit Center | *E-Permits Portal* | *E-Permits Portal Help Center*

From: Sidles, Philip <[redacted]com>
Sent: Wednesday, March 18, 2026 2:26 PM
To: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>; Sachiko Riddle <Sachiko.Riddle@hayward-ca.gov>
Cc: Bell, Courtney <[redacted]>
Subject: RE: Business Friendly Hayward Project - Follow-Up from Data Center discussion

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Good Afternoon Elizabeth/Sachiko,

We wanted to check-in to see if you had any questions about these suggestions.

We're happy to hop on a quick call to talk through it, and we can give some examples of what we're building-out in other industrial buildings where Data Center and R&D/MFG uses are being placed in the same building. We can't talk about the tenant and exact locations, but can talk about the business and build-out that these zoning suggestions would help facilitate during permitting.

Thanks,
Phil

Philip Sidles | Director, Entitlements
Pier 1, Bay 1 | San Francisco | California | 94111 | United States of America
Direct [redacted] | Mobile [redacted] | [redacted]
www.prologis.com | Follow us on LinkedIn and Facebook

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From: Bell, Courtney <[redacted]>
Sent: Friday, March 13, 2026 4:56 PM
To: Elizabeth Blanton <elizabeth.blanton@hayward-ca.gov>; Sachiko Riddle <sachiko.riddle@hayward-ca.gov>
Cc: Sidles, Philip <[redacted]>; Galvez, Janet <[redacted]>; Surdin-OLeary, Danielle <[redacted]>
Subject: Business Friendly Hayward Project - Follow-Up from Data Center discussion

Elizabeth & Sachiko,

To follow-up on our discussions on the Data Center zoning, we've put together the attached redline to your zoning code that we think will meet industry trends, and create a pathway for the City Council to review large data center projects.

As we discussed, there is value to provide different permit pathways for different sizes of data centers. Large projects would go through the Major CUP process at City Council, others may qualify for a regular CUP, while the smallest data centers could be permitted by right. Providing an easier permit pathway for small scale projects that may occur in conjunction with an advanced manufacturing or R&D use in industrial zones could help attract and retain "high tech" users to Hayward in line with the goals of the Business-Friendly Hayward Project.

Our proposal aligns with examples we've seen in neighboring jurisdictions as well as existing State/CEC regulations. We also took some time to think through how a data center project would work through Hayward's Industrial Design Guidelines so you will see suggested edits in some areas, for example, how to tie into the Major Site Plan Review process if needed.

Given the timeframes for the zoning updates, we thought this redline format would be the

most efficient way to get our thoughts over to you to review. We would be happy to walk through it on a call next week to provide further context. Let us know times that work for you, we can make ourselves available first thing Monday/Tuesday next week.

Best,
Courtney

"P" designates permitted uses.
"A" designates uses that are permitted after review and approval of an Administrative Use Permit.
"C" designates uses that are permitted after review and approval of a Conditional Use Permit.
"MC" designates uses that are permitted after review and approval of a Major Conditional Use Permit.
"-" designates uses that are not allowed.

Table 10-1.1603: Use Regulations—Industrial Subdistricts "P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed (unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)				
Use	**Subdistrict**			**Additional Regulations**
	IL	**IP**	**IG**	
Industrial Uses				
Data Center	See below			
Data Center (less than 20 MW)	-	P	P	See definition in Section 10-1.3510. See below for special requirements.
Data Center (20 MW to 50 MW)	-	C*	C*	See definition in Section 10-1.3510. See below for special requirements.
Data Center (over 50MW)	-	MC	MC	See definition in Section 10-1.3510. See below for special requirements.

E. Data Centers.

1. "MW" refers to the number of megawatts of on-site back-up power generation.

2. All data centers shall comply with the requirements of Sections 10-1.1604, 10-1.1606, and 10-1.1607.

3. A data center that meets either or both of the criteria below shall require a major conditional use permit pursuant to Section 10-1.3211:

   a. More than 50 MW of on-site backup power generation.

   b. Water demand equivalent to, or greater than, the amount of water required by a 500-dwelling unit project.

Courtney Bell | Vice President, Entitlements
Pier 1, Bay 1 | San Francisco | California | 94111 | United States of America
Direct [redacted] | Mobile [redacted] | [redacted]
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DATA CENTERS: MYTH VS. FACT

Data centers are popping up across Turtle Island, devouring land, water, and energy. Every major tech company, including Amazon, Google, Meta, Apple, and OpenAI (ChatGPT) is racing to build massive, multi-billion-dollar data centers without community consent or evidence of benefits.

A **hyperscale data center** is a massive facility built to house the machines that power artificial intelligence (AI), store digital data, and support cryptocurrency. These centers can consume as much water and power as entire towns and cities.

Honor the Earth has compiled a list of the data center myths being spread by corporations, government officials, and developers. Here are the facts about what this new era of colonialism means for Indian Country.

AI AND GENERATIVE AI: UNDERSTANDING THE DIFFERENCE

AI (Artificial Intelligence) is a broad field of computer science that gives computers the ability to simulate human intelligence. This includes tasks like problem-solving, learning, and understanding language.

Generative AI is a specific type of AI that can create new content, such as text, images, or audio, that resembles human-generated work. When we use AI learning algorithms, we're often giving away vast amounts of our private data and information to these companies for nothing in return. An example being when your auntie posts an AI generated picture of herself with Jason Momoa on Facebook.

ECONOMIC IMPACTS

Myth: Building data centers is great for tribal communities

1) **Fact**: Hyperscale data center developers are targeting rural and tribal communities as locations for new facilities for a variety of reasons: access to more water, cheaper electricity, and tax incentives from local governments and water/electric companies. The energy needs of the data centers are often so large that they require entire new power plants to be built in rural areas to supply their demand.[1]

Myth: Hyperscale data centers won't impact your power bill

2) **Fact**: Quite the opposite. Hyperscale data centers have caused energy price increases for consumers of up to 267%.[2] In 2024, customers across seven states paid over $4 billion in additional utility costs to connect data centers to the power grid.[20]

Myth: AI and Hyperscale data centers are good for the economy

3) **Fact:** The generative AI and hyperscale data center industry carries deep financial risks of stranded assets.[3] Every year AI fails to return ever-higher numbers, the need grows for increased labor productivity.[5]

Myth: Hyperscale data centers will provide jobs

4) **Fact**: There is NO evidence that data-center job promises are being fulfilled.[6] In Abilene, Texas, some 1,500 people are building the first data center for the Stargate artificial-intelligence venture led by OpenAI. Once completed, the facility will only have about 100 full-time employees, according to the city's economic development agency.[4] In some fields, AI technologies are replacing human labor.

ENVIRONMENTAL IMPACTS

Myth: Data centers are energy efficient and AI could solve climate change

5) **Fact:** By 2030, 2.5 billion tons of CO^2 may be released into the atmosphere by hyperscale data centers globally, more than 40% of the United States' total emissions. One center alone can release anywhere between 200,000-400,000 metric tonnes of CO^2 annually, as much as a small city.[7]

Myth: Data centers can use recycled water and be water efficient

6

6) **Fact:** Nearly all data centers require huge amounts of drinking water to function and cool their machines. In some cases, this water can never be reused or returned to the water cycle because of contamination. Data centers are already consuming over 25% of local community water supplies in certain areas. In 2023, Google's data centers alone used over 6 billion gallons of water for cooling, enough water for the entire city of Los Angeles for 2 weeks.[8]

Myth: Data centers won't impact the water in your home

7) **Fact:** Many people report loss of water pressure in areas where data centers are built. It can be particularly damaging for rural households that rely on well water, causing those sources to go dry or build up sediment. These facilities are an extreme danger to precious water resources and will impact your family directly if built near your home.[9]

Myth: Data centers won't impact your night sky

8) **Fact**: While few studies have been conducted on data center light pollution, one report from a former worker at data centers in Virginia, described the facilities light pollution as "easily seen for miles." Data centers "glow at night like a giant city of lights. The night sky is glowing like a meteorite just crashed into the woods ... humming, pulsating, glowing." Data centers are also incompatible with residential areas because they often "deploy bright security lighting."[10]

HEALTH

Myth: Data centers are safe for our health

9) **Fact**: Data centers emit up to 97 decibels of sound pollution, enough to cause permanent hearing loss for people who work or live nearby. This is comparable to the sound of a motorcycle or a jackhammer next to your bedroom window.[11]

Myth: AI helps us solve tasks more efficiently and helps us think better

10) **Fact**: Users of AI programs like ChatGPT have been shown to have lower brain engagement and "consistently underperformed at neural, linguistic, and behavioral levels." By relying on generative AI to do our critical thinking, we're shutting down the most important parts of our brain - the stuff that makes us human. A preliminary study from MIT has revealed that engaging with AI to write an essay causes "cognitive debt" and those who used ChatGPT to write struggled to quote their essays.[12]

Myth: AI data centers do not negatively impact public health

11) **Fact**: The energy and generators that power AI data centers release dangerous fumes that include fine particulate matter and nitrogen oxides. These pollutants can trigger and worsen health issues including (but not limited to) asthma and heart attacks.[13] In recent reports, data centers have been linked to miscarriages and rare cancers.[19]

INDIGENOUS SOVEREIGNTY

Myth: AI can protect our culture and Indigenous languages

12) **Fact**: AI will never be able to accurately learn our languages. By giving tech corporations access to our ancestral knowledge, we risk the misrepresentation and appropriation of our culture. Native histories, cultural knowledge, and languages should stay in Native hands.[14]

Myth: Allowing data centers on Indigenous lands and engaging with generative AI is Data Sovereignty

13) **Fact:** Indigenous communities are being told that AI data centers will help us protect and assert our data sovereignty. However, many tribal nations do not have the capacity or legal infrastructure to regulate multinational corporations. By giving these companies unfettered access to our data, we're actually giving away our power. This is not data sovereignty.[15]

SECRECY

Myth: Non-disclosure agreements (NDAs) protect competitive advantage

14) **Fact:** NDAs with data center developers limit accountability because they are broad in writing and discourage information sharing on project energy and water use. NDAs leave both leaders and their constituents in the dark regarding the potential impacts of these projects.[16]

Myth: Data centers can protect your privacy

15) **Fact**: Data centers are part and parcel of the surveillance state. Every private conversation you share with ChatGPT is recorded forever and can be shared with authorities if asked. A significant percentage of AI power usage goes to surveillance apparatus like facial recognition and location tracking.[17]

Myth: Our communities need more energy

16) **Fact**: A December report to Virginia's legislature revealed that if data centers expanded to meet "unconstrained demand," the state's electricity use would double by 2033 and nearly triple by 2040.[18] This is likely even greater for rural areas that currently use very little power compared to cities. The massive increase in energy demand is not for people, it's for data centers.

WORKS CITED

1. A blueprint for rural data center growth, Data Center Dynamics (2024).
2. The AI data center boom is driving up electricity costs, research shows, CNET (2025).
3. As data center boom hits Michigan, utilities hedge against a bust, Bridge Michigan (2025).
4. The AI Data-Center Boom Is a Job-Creation Bust, Wall Street Journal (2025).
5. Ai is failing at an overwhelming majority of companies using it, MIT study finds, Futurism (2025).
6. Cloudy Data, Costly Deals: How Poorly States Disclose Data Center Subsidies, Good Jobs First (2025).
7. Global data center industry to emit 2.5 billion tons of CO2 through 2030, Morgan Stanley says, Reuters (2024).
8. A new front in the water wars: Thirsty, Giant Data Centers, The Washington Post (2023).
9. 'I can't drink the water' - life next to a US data centre, BBC (2025).
10. Data centers are changing the landscape. Here's how they may affect rural Virginia, Cardinal News (2025).
11. Why Data Centers Are Loud, and How to Quiet Them Down, Data Center Knowledge (2023).
12. Your Brain on ChatGPT: Accumulation of Cognitive Debt when Using an AI Assistant for Essay Writing Task, MIT Media Lab (2025).
13. We Need to Talk About AI's Impact on Public Health, IEEE Spectrum (2025).
14. Data Centers in Virginia - Report to the Governor & General Assembly of Virginia, Joint Legislative Audit and Review Commission (2024).
15. Live Wire with Mvskoke A.I., Mvskoke Media (2025).
16. Tech Giants Are Trying to Cover Up the Environmental Impacts of Their Data Centers, The Progressive (2025).
17. Open Data and the AI Black Box, Electronic Frontier Foundation (2023).
18. Data Centers in Virginia - Report to the Governor & General Assembly of Virginia, Joint Legislative Audit and Review Commission (2024).
19. 'The Precedent Is Flint': How Oregon's Data Center Boom Is Supercharging a Water Crisis: Amazon has come to the state's eastern farmland, worsening a water pollution problem that's been linked to cancer and miscarriages, Rolling Stone (2025).
20. Connection Costs: Loophole Costs Customers Over $4 Billion to Connect Data Centers to Power Grid, Union of Concerned Scientists (2025).

From: Ricardo Badilla
To: Elizabeth Blanton
Subject: Support for Expanding Church Access in Hayward
Date: Wednesday, April 15, 2026 7:42:44 PM

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Elizabeth,

I hope you are doing well.

I am writing to express my strong support for churches and faith-based organizations having greater access to operate within the City of Hayward, particularly in commercial areas.

Churches play a vital role in our community. Beyond religious services, they provide support systems for families, mentorship for youth, counseling, food distribution, and a sense of unity that strengthens neighborhoods. In many cases, they serve as a resource for individuals who may not otherwise have access to guidance or assistance.

Given the positive impact churches have, I believe it is important to revisit and reduce any unnecessary restrictions that limit their ability to operate or expand within the city. Allowing more flexibility in zoning and permitting would help these organizations continue to serve and uplift the community.

I respectfully encourage the City to consider policies that support and welcome churches as valuable contributors to Hayward’s social and community well-being.

Thank you for your time and for the work you do for our city. I would be happy to support this effort further if needed.

Thank you
Ricardo badilla

Ricardo

File #: PH 26-020

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Finance Director

SUBJECT

Master Fee Schedule: Adopt a Resolution Approving the Master Fee Schedule Fiscal Year 2026-2027 and the Fiscal Year 2026-2027 Fine and Bail Schedule, and Finding the Action is Exempt from California Environmental Quality Act Review

RECOMMENDATION

That City Council adopts the attached resolution (Attachment II) adopting the Master Fee Schedule Fiscal Year 2026-2027 (Attachment III) and the Fiscal Year 2026-2027 Fine and Bail Schedule (Attachment IV) updating fees charged for services and fines and bail schedules with approved fee changes effective July 1, 2026

SUMMARY

Staff has completed a comprehensive review of the City's Master Fee Schedule and Fine and Bail Schedules to identify and determine necessary adjustments to charges. If adopted, changes will become effective July 1, 2026.

A complete and detailed listing of fees is reflected in the attached Master Fee Schedule Fiscal Year 2026 -2027 (Attachment III) and the Fiscal Year 2026-2027 Fine and Bail Schedule (Attachment IV) and, once approved, can be found on the Master Fee Schedule website link found in the City's website: <https://www.hayward-ca.gov/your-government/documents/master-fee-schedule>

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Proposed Master Fee Schedule Fiscal Year 2026-2027
Attachment IV	Fiscal Year 2026-2027 Fine and Bail Schedule

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT: Master Fee Schedule: Adopt a Resolution Approving the Master Fee Schedule Fiscal Year 2026-2027 and the Fiscal Year 2026-2027 Fine and Bail Schedule, and Finding the Action is Exempt from California Environmental Quality Act Review

RECOMMENDATION

That City Council adopts the attached resolution (Attachment II) adopting the Master Fee Schedule Fiscal Year 2026-2027 (Attachment III) and the Fiscal Year 2026-27 Fine and Bail Schedule (Attachment IV) updating fees charged for services and fines and bail schedules with approved fee changes effective July 1, 2026, and finds the action exempt from CEQA review.

SUMMARY

Staff has completed a comprehensive review of the City's Master Fee Schedule and Fine and Bail Schedules to identify and determine necessary adjustments to charges. If adopted, changes will become effective July 1, 2026.

A complete and detailed listing of fees is reflected in the attached Master Fee Schedule Fiscal Year 2026-2027 and the Fiscal Year 2026-2027 Fine and Bail Schedule (Attachment IV) and, once approved, can be found on the Master Fee Schedule website link found in the City's website: https://www.hayward-ca.gov/your-government/documents/master-fee-schedule.

BACKGROUND

As part of a general cost recovery strategy, local governments have adopted user fees to fund programs and services that provide direct benefit to a specified user or have limited or no direct benefit to the community. The City's Master Fee Schedule and the Fine and Bail Schedule identify the fees for various City services and fines. Where appliable, the fees in the Master Fee Schedule Fiscal Year 2026-2027 are based on recovery for the cost of delivering services, such as building and fire inspections and must comply with provisions of current legislation.

If the City Council chooses to adopt a fee that does not recover the full cost of providing a service, the City must use General Funds to subsize that difference, which reduces funds that may be available to provide other services with community-wide benefits such as public safety or maintenance. Unlike most revenue sources, the City has more control over the level of user fees they charge to recover costs.

Legislative Requirements

Proposition 26 Review and Compliance

In November 2010, California voters approved Proposition 26, which amended Articles XIIIA and XIIIC of the State constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes are not

disguised as fees: taxes must be approved by voters whereas legislative bodies, such as a City Council, can approve fees.

Proposition 218 Review and Compliance

In November 1996, California voters passed Proposition 218, the "Right to Vote on Taxes Act." This constitutional amendment protects taxpayers by limiting the methods by which local governments can create or increase taxes, fees, and charges without taxpayer consent.

Proposition 218 requires voter approval prior to imposition or increase of general taxes, assessments, and certain user fees.

The proposed Master Fee, Fine and Bail Schedules have been reviewed for compliance with Propositions 26 and 218 and, in the City Attorney's opinion, are compliant.

DISCUSSION

The most recent comprehensive user fee and cost allocation plan study was conducted by Willdan Financial Services and presented to Council on August 20, 2024. Staff used this fee study as a basis for the proposed updates in this report. To update the 2024 fee study for FY 2026-2027, staff adjusted expenses that have changed since 2024. Due to salary and benefit increases over the past two years, there are significant updates to specific charges. Those changes can be reviewed in Attachment III.

In addition, the Master Fee Schedule Fiscal Year 2026-2027 will include chargeable hourly rates for all staff as a central source for this information. The chargeable hourly rates reflect the comprehensive cost of providing services, including the salary and benefit costs for providing service as well as associated costs such as services and supplies, department overhead and central overhead (City Attorney, Finance, Human Resources).

The following summary of changes in fees by program area reflects any new fees or other structural changes to a charge.

All City Departments

Fees categorized as "All City Departments" are generally associated with administrative citations, late or delinquent payments, copying of materials, and violations of smoking or tobacco ordinance. Charges for violations are proposed to remain the same as the prior year while costs of Administrative Hearing or Reinspection Fees are increasing to recover costs of such activities.

City Clerk

Fees for services performed by the City Clerk's Office are primarily associated with passport services which are set by the United States Department of State or the United State Post Office. Therefore, these fees are maintained at the same level as the prior year. Staff recommends that other fees are also maintained at the same level as FY 2025-26 as those are minor fees with minimal activity or revenue impact.

Development Services

Most fees for services for the City of Hayward are associated with the Development Services Department. While a few fees remain at the same level as FY 2025-26, fees are generally increasing between 9% and 27%, with a few fees increasing by a significantly higher percentage due to a previous subsidy.

The following fees are changing to reflect previously adopted resolutions

(1) **Park Impact Fees**: All park impact fees will decrease by 0.6%, in accordance with Section 3 of Resolution 19-245. Detailed changes can be found in Attachment III.

(2) **Affordable Housing In-Lieu Fees**: Fees will be decreased by 0.6% based on January 2026 CCI % change and authorized by Resolution 17-167, as amended by Resolution 23-074. Additional changes are incorporated in Attachment III to simplify language, more clearly capture qualifying projects, simplify administration, improve fee predictability, support small infill development, and account for amendments affecting these fees.

Building Division Fee Adjustments are detailed in Attachment III. Following are structural modifications.

(1) Update to the International Code Council valuation table to use the August 2025 ICC Building Valuation Data.

(2) Modification of valuation categories.

(3) Clarifications of circumstances of fee application

(4) Addition of the following fees:

a) Complete Building Demolition

b) Pool Demolition

c) Heat Pump Water Heater

d) Permit Extension Fees

e) Completion Fees

(5) New categories for Equipment Installation

Code Enforcement: Changes in the Code Enforcement Division Fees are primarily associated with clarifications of fee applicability.

Housing Division Fee Adjustments:

(1) **Rent Stabilization Administration Fee:** The due date for this administration fee is proposed to be modified to align with the annual billing cycle and establishing a Special Assessment for unpaid annual program fees.

(2) **Administrative Citation Fine:** Staff recommends establishing an this fine of $1,000 for violations of the Tenant Relocation Assistance Ordinance (TRAO), pursuant to Hayward Municipal Code (HMC) Chapter 1, Article 7 and Government Code Section 53069.4.

(3) **Loan Servicing and Monitoring**: Staff recommends the following new fees:

a) Notary Services: Government Code section 8211 specifies the fees that can be charged for notary services.

b) Modification/Transfer Fee to establish cost recovery for staff time and administrative costs associated with reviewing and processing requests for ownership transfers and agreement modifications.

c) Update the subsection title from "Rental Housing" to "Affordable Housing" to more accurately reflect that the fees apply to all affordable development projects and to ensure clarity and consistency in administration.

Planning Division Fee Adjustments are detailed in Attachment III. Structural adjustments are outlined below:

(1) Various clarifications of fee application

(2) Modifications to deposit amounts and categories

(3) Addition of categories for Tree Removal Permit (≤ 2 trees, 3 to 5 trees, 6 to 8 trees, > 9 trees, Heritage Trees

(4) Addition of Fees:

a) Addition of Tree Pruning Permit

b) Planning, Landscaping Inspection and Reinspection

(5) Subject to approval of resolution associated with the Business Friendly Hayward item to be presented at this Council meeting, Planning recommends the following additions to the fee schedule (specific fees are listed in Attachment III):

a) Accessory Commercial Unit

b) Limited Entertainment Permit

c) Minor Temporary Use Permit

d) Major Conditional Use Permit

Engineering

While a few fees remain at the same level as FY 2025-26, fees are generally increasing between 2% and 20%.

The following new fees are proposed for Engineering and Transportation Services:

(1) **Additional Inspections** will be charged to customers who require additional inspections after normal work hours or on weekends. The need for further adjustments will be reviewed, and appropriate increases may be proposed in the future.

(2) **Construction Inspection, Technical Support, and Project Closeout for Trenchless Construction** (5% of Construction Cost prior to permit issuance). This fee is intended to assure these permit account balances remain positive and significantly reduce the staff time currently spent following up on unpaid invoices and contacting billing references. This may also help prevent delays in permit issuance, benefiting the applicant.

(3) **Survey Monument Preservation Review Fee** to recover the costs of Survey staff reviewing permit applications with potential monument preservation concerns. California Business and Professions Code 8771, (Professional Land Surveyors Act) specifically subsection (d) pertains to permitted construction or maintenance work and states, "The governmental agency performing or permitting construction or maintenance work is responsible for ensuring that either the governmental agency or landowner performing the construction or maintenance work provides for monument perpetuation required by this section." The creation of this new fee will account for the average staff time-cost associated with this type of review.

(4) **Floodplain Review Fee** ($4000 -Deposit Time and Materials): The Federal Emergency Management Agency (FEMA) has temporarily suspended processing of Conditional Letters of Map Revision (CLOMR-F) and Letters of Map Revision (LOMR-F) applications, applicants cannot obtain timely federal determinations that would otherwise validate proposed floodplain fill and related design assumptions; accordingly, for fill/grading projects within FEMA Special Flood Hazard Areas, the City must perform enhanced due diligence to confirm that project design and construction will comply with the City's floodplain management ordinance and remain consistent with applicable FEMA floodplain standards and engineering criteria. To ensure the technical analyses supporting these projects (e.g., hydrologic/hydraulic modeling, floodplain impacts, and associated plans/calculations) are accurate, complete, and defensible, the City needs the ability to retain an independent qualified consultant engineer to conduct a formal peer review, and the proposed deposit/T&M fee is necessary to recover the cost of that third-party review. This proposed fee is a refundable deposit, meaning any funds not used by the end of the project and review process will be returned to the developer. This fee would be used when the City retains an independent, qualified consultant

engineer to peer review the applicant's supporting technical submittals (e.g., hydrologic/hydraulic analysis, plans, and calculations) and provide an independent review for accuracy and completeness. This will be similar to other fee categories in which as deposit is collected from developers and costs of consultant or staff time is charged against it.

Staff also recommends removing the Major Street Improvement Plan Review. Costs for projects that fall within this category would be recovered through the "Encroachment Permit Application - Major Work" process, or through a formal Capital Improvement Plan (CIP) project.

In addition, staff recommends recategorizing fees from Engineering Services / Survey to Encroachment Permit Application, Minor Work, Survey.

Finance

While a few fees remain at the same level as FY 2025-26, fees are generally increasing between 3% and 20%. There are no new fees or structural changes proposed for Finance.

Fire Department

While a few fees remain at the same level as FY 2025-26, fees are generally increasing between 16% and 21%.

Staff recommends the following modifications to align with state law:

(1) **Delete Hazardous Waste Generator Program** – Conditionally Exempt Small Quantity Generator (CESQG) as it has been combined with Hazardous Waste Generator – Small Quantity Generator (SQG).

(2) **Modify definition for Hazardous Waste Generator** – Small Quantity Generator (SQG) to read: "Small Quantity Generator (SQG) – Less than 1,000 kilograms (approximately 270 gallons or 2200 pounds) per month. Less than one kilogram of acutely / extremely hazardous waste per month.

(3) **Modify definition for Hazardous Waste Generator** – Large Quantity Generator (SQG) to read: "Small Quantity Generator (SQG) – Less than 1,000 kilograms or more per month (approximately 270 gallons or 2200 pounds) per month or one kilogram or more of acutely / extremely hazardous waste per month.

Staff also recommends modification of the Non-Compliance Fee so that it is a general fee as it is currently only appliable to California Environmental Reporting System (CERS).

In addition, staff recommends adding the following No Show Fees to account for staff time and costs when the applicant does not show up for their appointment.

(1) Fire Prevention Office No Show for Inspection Appointment Fee

(2) HazMat No Show for Inspection Appointment Fee

Information Technology

Hourly rates are increasing between 23% and 30%. There are no new fees or structural changes proposed for Information Technology. Information Technology has also provided updated information to support the Technology Fees collected by other departments.

Library

Most fees are maintained at the same level as the prior year. A few facilities charges and materials charges are being updated to align to other fees and reflect changing materials costs.

Maintenance Services

Fees are increasing between 15% and 25%. Maintenance Services has also recommended a change to the Bail and Fine Schedule increasing vehicle fines. This proposed increase supports continued compliance with parking regulations while remaining sensitive to community impact. Staff evaluated street sweeping violation fines throughout the region and found variable amounts: for example, Union City charges $110, San Francisco charges $105, and Fremont charges $90.

Police Department

Most fees associated with Animal Control are remaining the same as Fiscal Year 2025-26. For other Police services, fees are increasing between 12% and 25% with a few fees increasing by a significantly higher percentage due to previous subsidy

Public Works and Utilities

Fees are proposed to increase between 5% and 25%.

The department proposes the following new fines:

(1) **Fine for Unauthorized Connection to a Fire Hydrant ($2,500/$5,000/$10,000)**: Water theft committed via the unauthorized connection to a fire hydrant in violation of Hayward Municipal Code Chapter 11, Article 2, Section 11-2.24 is punishable as follows:

a) A fine not exceeding two thousand five hundred dollars ($2,500) for a first violation.

b) A fine not exceeding five thousand dollars ($5,000) for a second violation of the same ordinance.

c) A fine not exceeding ten thousand dollars ($10,000) for the third violation and each additional violation of the same ordinance.

(2) **Fine for Meter Tampering ($130/$700/$1,300)**: If water theft is committed via meter tampering in violation of an Hayward Municipal Code Chapter 1, Article 3, Section 1-3.00), it is punishable as follows:

a) A fine not exceeding one hundred thirty dollars ($130) for a first violation.

b) A fine not exceeding seven hundred dollars ($700) for a second violation of the same ordinance within one year of the first violation.

c) A fine not exceeding one thousand three hundred dollars ($1,300) for the third violation and each additional violation of the same ordinance within one year of the first violation ordinance.

(3) **Backflow Related Fees** for meter lock and meter unlock (service restoration) for backflow customers. The new fees being proposed below are intended to recover costs associated with the staff time, materials, and vehicle costs required to provide these services to customers.

a) Additional visits for backflow inspection/test fee

b) Meter Lock Fee due to Non-Compliant Backflow

c) Backflow Service Restoration/Unlock Fee

(4) **On-Site Visits Requested by Customers** ($50) can be charged to customers who specifically request City staff to make an on-site visit outside of the normal scope of City staff maintenance and repair tasks. This fee is in line with what is charged by EBMUD ($50), ACWD ($50), and DSRSD ($112)

Staff also recommends updates to the Non-Residential Sewer Connection Fee Reduction Language. In Fiscal Year 2009 - 2010, in order to address the impacts of the 2008 recession, a 70% fee reduction to Non-Residential Sewer Connection Fee was introduced and has not been revised since Fiscal Year 2014.

Considering the current business conditions in Hayward and in light of the extremely high cost estimated for the Water Resource Recovery Facility (WRRF) Improvement Phase II project currently estimated at $498 million, staff is proposing a phased transition to promote fiscal sustainability, maintain equitable rate structures across the customer base, and reduce financial impacts to the utility over time. Currently the Non-Residential Sewer Connection Fee is reduced by 70% from actual costs. Staff is proposing to gradually modify from a reduction of 70% from actual costs to a reduction of 50% of actual costs beginning in Fiscal Year 2026-27 and gradually increasing that modification over several fiscal years to limit any immediate impact to businesses in Hayward.

In addition, staff recommends similar updates to the carbonaceous biochemical oxygen demand (CBOD) and suspended solids (SS) milligrams per liter amounts due to domestic wastewater strengths having increased over the past several years due to water conservation efforts. Similar to the Non-Residential Sewer Connection Fee, staff is proposing to gradually modify from a reduction of 70% from actual costs to a reduction of 50% from actual costs beginning in Fiscal Year 2026-27 and gradually increasing that modification over several fiscal years to limit any immediate impact to businesses in Hayward

ENVIRONMENTAL REVIEW

This item is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15273 of CEQA Guidelines which states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purposes of:

1. Meeting operating expenses, including employee wage rates and fringe benefits;
2. Purchasing or leasing supplies, equipment, or materials;
3. Meeting financial reserve needs and requirements;
4. Obtaining funds necessary for capital projects necessary to maintain service within existing service areas; or
5. Obtaining funds necessary to maintain intra-city transfers as are authorized by City Charter.

ECONOMIC IMPACT

Approval of the attached resolution may have an economic impact on our community as fees and fines are added and increased. Revenues from fees will be used to provide services.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not specifically relate to any of the six priorities outlined in the Council's Strategic Roadmap.

FISCAL IMPACT

Overall, staff anticipates that general fund revenues may increase by at least $1 million for Fiscal Year 2026-27. Currently, most of the City's fee do not offset the staff time spent performing the various activities supported by the fees. Adopting these fee changes will more closely align revenues with expenses.

PUBLIC CONTACT

A public notice was published in The Daily Review on March 14, 2026, and March 21, 2026. The public notice contained the meeting date announcing the time, location, and subject matter of this public hearing.

NEXT STEPS

Upon approval of the attached resolution the fees will be effective July 1, 2026, to allow for the required sixty-day notice period.

Prepared by: Franchesca Hatfield, Management Analyst
Nicholas Mullins, Senior Management Analyst
Michael Barnes, Acting Deputy Director of Finance/Revenue Manager

Recommended by: DeAnna Hilbrants, Director of Finance

Approved by:

_____
Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-_____

Introduced by Council Member _____

RESOLUTION ADOPTING THE MASTER FEE SCHEDULE FISCAL YEAR 2026-2027 AND THE FISCAL YEAR 2026-27 FINE AND BAIL SCHEUDLE REFLECTING UPDATED FEES AND CHARGES FOR DEPARTMENTS IN THE CITY OF HAYWARD AND FINDING THAT THE ACTION IS EXEMPT FROM CEQA REVIEW

WHEREAS, as part of a general cost recovery strategy, the City of Hayward has adopted user fees to fund programs and services that provide direct benefit to a specified user.

WHEREAS, in November 1996, California voters passed Proposition 218, the "Right to Vote on Taxes Act." This constitutional amendment protects taxpayers by limiting the methods by which local governments can create or increase taxes, fees, and charges without taxpayer consent. Proposition 218 requires voter approval prior to imposition or increase of general taxes, assessments, and certain user fees.

WHEREAS, in November 2010, California voters approved Proposition 26, which amended Article XIII C of the State Constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes, which must be approved by the voters, are not disguised as fees, which can be approved by legislative bodies, such as a city council. The proposed Master Fee Schedule (MFS) is compliant.

WHEREAS, the proposed Master Fee Schedule Fiscal Year 2026-27 and the Fiscal Year 2026-27 Fine and Bail Schedule have been reviewed for compliance with Propositions 26 and 218 and, in the City Attorney's opinion, are compliant.

WHEREAS, a public hearing was held on April 21, 2026, to present the Master Fee Schedule Fiscal Year 2026-27 and the Fiscal Year 2026-27 Fine and Bail Schedule.

WHEREAS, Section 15273 of the California Environmental Quality Act (CEQA) Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purposes of:

1. Meeting operating expenses, including employee wage rates and fringe benefits;
2. Purchasing or leasing supplies, equipment, or materials;
3. Meeting financial reserve needs and requirements;
4. Obtaining funds necessary for capital projects necessary to maintain

service within existing service areas; or

5. Obtaining funds necessary to maintain intra-city transfers as are authorized by City Charter; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby adopts Master Fee Schedule Fiscal Year 2026-27 and the Fiscal Year 2026-27 Fine and Bail Schedule relating to fees and charges for all departments of the City of Hayward incorporated herein by reference and as outlined in the April 21, 2026, City Council report; either on its face or as applied, the invalidity of one provision shall not affect the other provisions of Master Fee Schedule Fiscal Year 2026-27 or the Fiscal Year 2026-27 Fine and Bail Schedule, and the applications thereof; and to that end the provisions of this Master Fee Schedule Fiscal Year 2026-27 and the Fiscal Year 2026-27 Fine and Bail Schedule shall be deemed severable.

BE IT FURTHER RESOLVED that the fees and charges adopted by this resolution shall become effective as of July 1, 2026.

BE IT FURTHER RESOLVED that this action is determined to be exempt from CEQA review pursuant to Section 15273 of the California Environmental Quality Act (CEQA) Guidelines based on the findings stated herein.

IN COUNCIL, HAYWARD, CALIFORNIA April 21, 2026.

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

Adopted Master Fee Schedule
Fiscal Year 2026~~5~~-2027~~6~~

~~Interim~~ Director of Finance: ~~Sharif Etman~~ DeAnna Hilbrants

HAYWARD

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Introduction

The Master Fee Schedule Resolution reports fees for services that are provided to our citizens. Fees that do not recover the full cost of providing the service result in a subsidy which shifts funds away from the critical, high priority needs of job creation, public safety initiatives, utility services, and neighborhood programs.

Before a fee increase was considered the Department responsible for the service demonstrated that the services are being provided as efficiently and effectively as possible. There are a minimal number of fees that were considered for an increase in this year's amendment. For these fees, each respective department demonstrated that services are provided in a best practice manner, and that all reasonable opportunities for savings have been exhausted. As a result of this critical analysis, only fees for new programs or services have been added. Additionally, other fees have been lowered, deleted, or to clarify actual fees charged for services.

Proposition 26 Review and Compliance

In November 2010, California voters approved Proposition 26, which amended Article's XIIIA and XIIIC of the state constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes, which must be approved by the voters, are not disguised as fees, which can be approved by legislative bodies, such as a city council. The proposed Master Fee Schedule (MFS) was reviewed for compliance with Proposition 26, and in the City Attorney's opinion, the MFS is compliant.

All City Departments

A. ADMINISTRATIVE CITATIONS – Authorized by Hayward Municipal Code (HMC) Article 7 – Administrative Citations have fines set pursuant to Government Code (GC) Section 53069 and 36900. Unless otherwise specified by Ordinance, Fee Schedule or Code, the fine amount for any violation of any section of the Municipal Code shall be:

1. First Violation	$100.00
2. Second Violation	$200.00
3. Third and Subsequent Violations	$500.00

B. ADMINISTRATIVE HEARING FEE $~~761.00~~1,500.00

C. USB FLASH DRIVE $20.00 Each

D. DISHONORED OR RETURNED PAYMENT FROM BANK OR CREDIT CARD

1. If paid within 30 days of notification	$25.00 + check amount
2. If paid after 30 days of notification, subject to forgiveness of all or a portion of the fee by the Director of Finance	As authorized by California Civil Code 1719, but not less than $25.00

E. GROSS HOUSEHOLD INCOME

The State of California annually publishes an Official State Income Limits guideline for each county. This document is available through the California Department of Housing and Community Development website at https://www.hcd.ca.gov/ . Municipal programs offering income-based discounts will use the 'Alameda County – Very Low Income' figures to determine eligibility.

F. LATE AND DELINQUENT PAYMENTS

Unless specifically provided otherwise, the manner of payment, delinquency status, and assessment and collection of penalties for delinquent payment of the fees imposed or reflected by this master fee schedule shall be as follows:

DAILY FEE:	Due on its effective date and delinquent at 5:00 PM on due date.
MONTHLY FEE:	Due on the first day of each month for which licenses, permits, fees are sought and delinquent at 5:00 PM on the tenth day of the month.
QUARTERLY FEE:	Due on the first day of the yearly quarter period and delinquent at 5:00 PM on the tenth day of the first month in which the quarterly fee is due.
ANNUAL FEES:	Due on the first day of the established annual period and delinquent at 5:00 PM on the tenth day of the first month in which the annual fee is due.

A late payment fee of $5.00 per month shall be applied to all accounts paid after the established due date.

The delinquent account(s) shall be assessed an interest charge of one percent (1%) per month of the unpaid delinquent balance and related interest charge. The interest charge shall be applied to all accounts delinquent for any calendar month or portion of such month and shall not be prorated.

If the delinquent payment is paid within 30 days of notification, the interest fee may be subject to forgiveness based on hardship. The Director of Finance shall review and document all interest fees not collected.

G. PHOTOCOPYING OF FILE MATERIALS

1. Black and White Copy – 8½ x 11 inches or 8½ x 14 inches	$0.50 per page for first ten (10) pages of each document $0.10 each additional page of same document
2. Black and White Copy – 11 x 17 inch	$1.00 per page for first ten (10) pages of each document $0.20 per page each additional page of same document
3. Color Copy – 8½ x 11 inches or 8½ x 14 inches	$0.75 per page
4. Color Copy – 11 x 17 inches	$1.50 per page

H. RESEARCH OR ANALYSIS OF RECORDS (involving more than 15 minutes)

1. $76.00 per hour (minimum charge of $20.00)

I. SMOKING ORDINANCE

1. Smokers Violating the Ordinance $50.00 per violation

2. Fines for businesses that fail to enforce the smoking ordinance

(1) First Offense	$1,000.00
(2) Second Offense	$1,500.00
(3) Third Offense	$2,000.00

J. TOBACCO ORDINANCE

1. Offense Fees

(1) First Offense	$1,500.00 Penalty/30 day TRL suspension
(2) Second Offense	$3,000.00 Penalty/30 day TRL suspension
(3) Third Offense	$5,000.00 Penalty/30 day TRL suspension or revocation

2. Reinspection Fee $~~117~~784.00 per visit

City Clerk

A. GENERAL SCHEDULE OF CHARGES

1. Certification of Documents	$15.00 for first page $8.00 Each succeeding page
2. Certificate of Residency	$15.00 per issuance
3. Photocopying of Public Records	
a. Black and White Copy	$0.50 per page for the first ten pages
8½ x 11 inches or 8½ x 14 inches	$0.10 per page for each additional page of the same document
b. Black and White Copy	$1.00 per page for the first ten pages
11 x 17 inches	$0.20 per page for each additional page of same document
c. Color Copy– 8½ x 11 inches or 8½ x 14 inches	$0.75 per page
d. Color Copy – 11 x 17 inches	$1.50 per page
e. Photocopying of FPPC Forms/Statements of Government Code 81008	$0.10 per page, plus $5 retrieval fee for reports & statements 5 or more years old
4. Reproduction of Meetings on USB Flash Drive	$20.00 per USB flash drive
a. City Council	
b. Planning Commission	
5. Fee to File "Notice of Intent to Circulate a Petition for Municipal Initiative" (refundable if a sufficient petition is filed within one year) Elections Code 9202 (b)	$200.00
6. Candidate Statement (Election Year)	
a. Publication cost of the candidate's statement in Sample Ballot Pamphlet set by Alameda County Registrar of Voters	Cost of printing, handling
7. Notary Service – Government Code 8211	$15.00 per signature
8. Passport Service	$130.00 (age 16 and over)
a. Passport Book Fee set by and payable to US Department of State	$100.00 (under 16) (note: additional $60.00 for expedited service)
b. Passport Card Fee set by and payable to US Department of State	$30.00 (age 16 and over) $15.00 (under 16)
c. Passport Execution Fee set by US Department of State, payable to City of Hayward	$35.00
d. ~~Express Mail~~Priority Mail Express service from City of Hayward to US Department of State. (Rate set by USPS and is subject to federal adjustment.)	Current Rate $33.25, subject to federal adjustment. ~~$31.40~~

	Payable to City of Hayward.	
e.	~~Express Mail~~Expedited delivery from US Department of State to Customer. Rate set by and payable to US Department of State, and subject to federal adjustment.	Current Rate $22.05, subject to federal adjustment. ~~$21.36~~

City Manager

A. ADMINISTRATIVE SERVICES

a. Annual Bonds Issue Fees	1/8 of 1% of bond amount
b. Low Income Mortgage Credit	2% of first year's credit payable as part of State Fee

A. BUILDING PERMIT FEES

BUILDING PERMIT FEES CALCULATED BY VALUATION

This includes all new buildings, facilities, additions, tenant improvements and residential remodels.

- Valuation is defined as the fair market value of materials and labor for the work.
- Valuation shall be the higher of the stated valuation or the figure from the current International Code Council valuation table below.
- The current ICC Valuation data table below is adjusted with a regional construction cost modifier for the San Francisco Bay Area of 16%*. ** Source: The local modifier is 1.16 times the cost per square foot as published in the Building Standards Journal, April 2002 edition.*
- The valuation for tenant improvements, residential remodels or other projects that do not involve new square footage, shall be a minimum of **60%** of the cost per square foot in the valuation table below.

	Construction Type and Minimum Cost Per Square Foot							
International Building Code Group Building Division staff will help determine the valuation for occupancies or construction types not listed in this table. The values below are based on the **August 2025 ICC Building Valuation Data** with the Building Standards Journal 16% local cost modifier included.	**IA**	**IB**	**IIA**	**IIB**	**IIIA**	**IIIB**	**VA**	**VB**
A-1 Assembly, theaters, with stage	395.36	381.29	370.04	355.45	332.14	322.52	309.51	297.67
A-1 Assembly, theaters, without stage	362.98	348.91	337.65	323.07	300.04	290.42	277.41	265.57
A-2 Assembly, nightclubs	315.62	306.37	296.75	285.43	267.34	260.08	243.11	233.89
A-2 Assembly, restaurants, bars, banquet	314.46	305.21	294.43	284.27	265.02	258.92	240.79	232.73
A-3 Assembly, churches	368.42	354.35	343.10	328.51	305.63	296.01	282.99	271.15
A-3 Assembly, general, community halls	309.39	295.32	282.91	269.48	245.30	236.83	222.66	211.98
A-4 Assembly, arenas	361.82	347.75	335.33	321.91	297.72	289.26	275.09	264.41
B Business	349.630	337.21	325.11	311.35	284.35	274.21	254.12	242.46
E Educational	336.53	324.54	313.59	300.41	278.92	264.71	244.13	236.23
F-1 Factory and industrial	192.35	183.07	171.55	165.08	146.99	139.84	121.89	113.49
F-2 Factory and industrial, low hazard	191.19	181.91	171.55	163.92	146.99	138.68	121.89	112.33
H-1 high Hazard, explosives	179.44	170.16	159.81	152.17	135.61	127.30	110.51	N.P.
H-2 H-3 H-4 High Hazard	179.44	170.16	159.81	152.17	135.61	127.30	110.51	100.95
H-5 HPM	349.63	337.21	325.10	311.35	284.35	274.21	254.12	242.46
I-1 Institutional	322.17	310.63	299.54	288.22	263.81	256.73	237.60	229.12
I-2 Institutional, hospitals	549.67	537.25	525.15	511.39	483.03	N.P.	451.80	N.P.
I-2 Institutional, nursing homes	319.20	366.78	354.68	340.92	315.66	N.P.	285.44	N.P.
I-3 Institutional restrained	368.96	356.54	344.44	330.68	306.60	295.30	299.39	262.39
I-4 Institutional, day care facilities	322.17	310.63	299.54	288.22	263.81	256.73	237.60	229.12
M Mercantile	235.57	226.31	215.53	205.38	186.89	180.78	162.66	154.60
R-1 Residential, hotels	325.88	314.34	303.25	291.93	266.95	259.86	240.73	232.25
R-2 Residential, multiple family	272.12	260.58	249.49	238.17	214.63	207.54	188.41	179.93
R-3 residential, one- and two-family	252.97	246.24	240.33	235.20	227.34	219.24	211.39	198.13
R-4 Residential, care/assisted living	322.17	310.63	299.54	288.22	263.81	256.73	237.60	229.12
S-1 Storage, moderate hazard	178.28	169.00	157.49	151.01	133.29	126.14	108.19	99.79
S-2 Storage, low hazard	177.12	167.84	157.49	149.85	133.29	124.98	108.19	98.63
U Utility, miscellaneous	142.27	134.17	124.26	119.24	106.22	99.50	84.54	80.78

BUILDING PERMIT FEES CALCULATED BY VALUATION
This includes all new buildings, facilities, additions, tenant improvements and residential remodels
**All sub-permits (plumbing, mechanical and electrical) are included in the plan check and inspection fees for valuation based projects.*

- Once the valuation for the project is established, use the table below to determine the Building Inspection Fee. Several other fees are based on the Building Inspection Fee and this is outlined on the next page.

TOTAL VALUATION (Materials and Labor)	BUILDING INSPECTION FEE
$1 to $500	$5033.66
$501 to $2,000	$50 for the first $500 plus $3.33 4.38 for each additional $100 or fraction thereof, to and including $2,000
$2,001 to $2550,000	$10099.30 for the first $2,000 plus $18.75 20.06 for each additional $1,000 or fraction thereof, to and including $2550,000
$50,001 to $50200,000	$1,000 560.48 for the first $2550,000 plus $10 14.47 for each additional $1,000 or fraction thereof, to and including $5200,000
$50200,001 to $5100,000	$922.332,500 for the first $20050,000 plus $8.33 10.03 for each additional $1,000 or fraction thereof, to and including $1500,000
$1500,001 to $1,0500,000	$5,000 1423.76 for the first $500100,000 plus $7.00 8.02 for each additional $1,000 or fraction thereof, to and including $1,0500,000
~~$500,001 to $1,000,000~~	~~$4632.79 for the first $500,000 plus $6.81 for each additional $1000 or fraction thereof, to and including $1,000,000~~
$1,000,001 and up	$8,500 8038.50 for the first $1,000,000 plus $54.52 for each additional $1,000 or fraction thereof

BUILDING PERMIT FEES CALCULATED BY VALUATION

This includes all new buildings, facilities, additions, tenant improvements and residential remodels.

Please Note: *All sub-permits (plumbing, mechanical and electrical) are included in the plan check and inspection fees for valuation-based projects. This worksheet includes fees specific to building permit applications from multiple departments.*

INSPECTION FEES * *For projects that require landscape or planning inspections a minimum of 1 hour will be charged. Additional hours may be charged depending on the scope of work.*	**BUILDING INSPECTION FEE** ***From valuation table on previous page.***	$
	FIRE INSPECTION FEE *Flat Rate*	$398~~262~~
	HAZ-MAT INSPECTION FEE *Flat Rate*	$397~~215~~
	LANDSCAPE INSPECTION FEE* *Flat Rate*	$498~~476~~
PLAN REVIEW FEES * *For building permit master plan reviews, the formula is calculated at 1.25% of the Building Inspection Fee. Flat rate reviews such as Solid Waste, Housing also apply to master plan reviews.* ** *Plot plan review fees only apply to production homes. Additional fees will apply. Note: Additional impact fees and/or taxes will apply.*	**BUILDING INSPECTION FEE x 1.0 = BUILDING PLAN CHECK FEE***	$
	BUILDING INSPECTION FEE x .35 = PLANNING REVIEW FEE	$
	BUILDING INSPECTION FEE x .35 = FIRE REVIEW FEE	$
	HAZ-MAT REVIEW FEE – See Haz-Mat fees in master fee schedule~~*Various Flat Rates - Call 510-583-4900 for an estimate based on project scope.*~~	$
	SOLID WASTE REVIEW FEE *Flat Rate Depending on Scope - Single-Family or Remodel: **$77~~62~~**, Tract Development: **$~~200~~250**, Commercial TI with trash enclosure: **$15~~0~~87**, Commercial TI without trash enclosure: **$10~~0~~25***	$
	HOUSING REVIEW FEE *Flat Rate Depending on Scope - Buildings with 1 to 4 dwelling units: **$474.** Buildings with 5 or more dwelling units: **$790** ADUs: **$158***	$
	BUILDING PLOT PLAN REVIEW FEE** *Flat Rate*	$454 ~~381~~
	HOUSING PLOT PLAN REVIEW FEE** *Flat Rate*	$474
	MASTER PLAN REVIEW* *For residential tracts, see note on left*	$~~316~~
	PLANNING PLOT PLAN REVIEW FEE** *Flat Rate*	$747~~587~~
ADMINISTRATIVE FEES	**BUILDING INSPECTION FEE x .09 = TECHNOLOGY FEE**	$
	BUILDING INSPECTION FEE x .16 = POLICY PLANNING FEE	$
	BUILDING INSPECTION FEE x .35 = PERMIT ISSUANCE FEE	$ ~~190~~
CALIFORNIA STATE FEES	**SMIP FEE RESIDENTIAL: .00013% OF VALUATION**	$
	SMIP FEE COMMERCIAL: .00028% OF VALUATION	$
	CA BUILDING STANDARDS FEE	$
	$1.00 (Valuation $1-25k) $2.00 (Valuation $25-50k) $3.00 (Valuation $50-75k) $4.00 (Valuation $75-100k) Add $1 per every 25k over 100k	

BUILDING PERMIT FEE $_____

This total only reflects plan review fees, administrative fees and inspection fees for a building permit. Most projects will have other fees and taxes in addition to the total shown here. Please contact each reviewing group for a full assessment of these additional costs.

FLAT RATE PERMIT FEES

These items will also have administrative fees added to the permit. In some cases, hourly plan review fees will also be required.

Miscellaneous Permit Fees – *Not Calculated by Valuation*	**Unit**	**Fee**
1. Standard Hourly Rate (or fraction thereof) for plan check, inspections or other administrative services	Hourly	$227~~190~~
a. Overtime Rate for Plan Check or Inspection Services	Hourly	$340~~286~~
2. Revision (permit issuance fee and hourly plan check will also be charged)	Hourly	$227~~190~~
3. Flat Rate Permit Issuance Fee (~~applies to all permits~~for projects that are not valuation based)	Hourly	$227~~190~~
4. Miscellaneous Items (for items that do not have a set fee)	Each	$227~~190~~
5. Plot Plan Review		
a. Planning Division Plot Plan Review	Each Plot	$747~~681~~
b. Building Division Plot Plan Review and processing	Each Plot	$454~~381~~
6. Address Assignment (including apartments, units, suites, ADUs, meters, etc.)	Each	$340
~~a. New Address (including apartments, units, suites, meters, etc.)~~	~~each~~	~~$286~~
~~b. Accessory Dwelling Unit Address~~	~~each~~	~~$95~~
		~~**Inspection Fee**~~
7. Demolition **Hourly plan check fees may apply depending on scope*		~~$381~~**Inspection Fee**
a. Complete Building Demolition (Commercial/Residential)	Each	$454
b. Minor Residential Demo (removal of patio covers, accessory structure or similar exterior elements. Removal of interior walls requires a residential remodel permit.	Each	$114~~95~~
c. Pool Demo	Each	$454
8. Equipment Installation		~~$381~~
a. ~~Additional Equipment at Same Site~~First Pieces	First Piece	$454~~$190~~
b. Additional Equipment at Same Site	Each	$227
c. Equipment Pad	Each	$340~~286~~
9. Voluntary Residential Seismic Retrofit Using "Plan Set A" - Only applies to single family homes with a crawlspace less than or equal to 4 feet high	Each	$340 ~~190 flat rate – no admin fees~~
10. Damaged Building Survey Fire, flood, vehicle, or similar damage		$908~~763~~
11. Patio Covers		
a. Patio Cover (requires drawings and hourly plan check)	Each	$340~~294~~
b. Enclosed Patio (requires drawings and hourly plan check)	Each	$681~~588~~
12. Photovoltaic Systems		
Residential – Up to 15kW (for systems that are not flush mounted, hourly plan check fees apply)~~(for systems that are not flush~~	Each System	$454~~Up to 15kW $450, $15 per kW~~

~~mounted, hourly plan check fees apply)~~		~~above 15kW~~
a. Commercial, up to 50 kilowatts (hourly plan check fees)	Each System	$1,220~~1000~~
b. Commercial, each additional kilowatt 51KW-250kW (hourly plan check fees apply)	Each System	$97
c. Commercial, each additional kilowatt over 250kW (hourly plan check fees apply)	Each System	$65
13. Residential Package Permits		
a. Tub/Shower Enclosure (includes trades)		$227~~190~~
b. Remodel – Complete Bathroom (includes trades)		$340~~286~~
c. Remodel – Kitchen (includes trades)		$681~~572~~
14. Storage Racks		
a. Up to 100 linear feet	First 100 lf.	$681~~572~~
b. Each additional 100 linear feet	Each 100 lf.	$227~~190~~
15. Deferred Submittal (may require additional hourly plan review fees)	Each	$908
16. Phased Approval Permits (additional valuation - based fees apply)	Each	$908

FLAT RATE PERMIT FEES
These items will also have administrative fees added to the permit. In some cases, hourly plan review fees will also be required.

Plumbing Mechanical & Electrical Fees – *Not Calculated by Valuation*

17. Plumbing Permits – Residential *(single-family and duplexes)*		
a. Water Heater/Gas	Each	$113~~95~~
b. Heat Pump Water Heater	Each	$227
c. Fixtures – covers 2 Inspections for any type or number of fixtures	Each~~2 site visits~~	$227~~190~~
d. Water Service Repair / Replacement	Each	$113~~95~~
e. Water Pipe (Repair or Replacement)	Each	$227~~190~~
f. Sewer on private property or Cleanout Installation	Each	$227~~190~~
g. Sewer Ejector System	Each	$227~~190~~
h. Solar Water Heating System - ***Hourly plan check fees may apply for systems that are not flush mounted or have other structural issues.***	Each	$227~~190~~
i. Residential Gas Piping	Each	$227~~190~~
j. Residential Gas Test or Meter Reset	Each	$227~~190~~
18. Plumbing Permits – *Commercial + Multi-Family*		
a. Water Heater (Repair or Replacement)	Each	$227~~190~~
b. Water Service (Repair or Replacement)	Each	$227~~190~~

c.	Sewer Ejector System	Each	$227~~190~~
d.	Industrial / Commercial Process Piping System	Each	$454~~190~~
e.	Gas Piping	Each 100 linear feet or fraction thereof	$227~~190~~ /100 feet
f.	Gas Test/Meter ~~Reading~~Reset	Each	$227~~190~~
g.	Sewer on private property or Cleanout Installation	Each	$227~~190~~
h.	Grease Trap	Each	$227~~190~~
i.	Grease Interceptor	Each	$454~~190~~
j.	Vacuum Breaker, Backflow Preventer or Pressure Regulator	Each	$227~~190~~

19. Mechanical Permits – *Residential* *(single-family and duplexes)*

a.	Heating and/or Cooling Equipment (including ducts)	Each	$340~~190~~
b.	Wall Furnace	Each	$227~~190~~
c.	Kitchen Hood and Bathroom Vents	Each	$113~~95~~

20. Mechanical Permits – *Commercial + Multi-Family*

**For units over 400 pounds or for replacements that are not in the same location, hourly plan review fees apply.*

a.	*HVAC unit (includes all associated sub-permits)	Each	$340~~286~~
b.	*Air Handler Unit	Each	$227~~190~~
c.	Vent System	Each	$227~~190~~
d.	Exhaust Hood Replacement (additional hourly plan check may apply)	Each	$227~~190~~

21. Electrical Permits – Residential *(single-family and duplexes)*

a.	General Electrical Permit – Residential (rough and final)	Each	$340~~286~~
b.	Residential E.V. Charger	Each	$113~~95~~
c.	Service Upgrade – Residential	Each	$113~~95~~
d.	Meter Rest	Each	$113~~95~~
e.	Temporary Power Installation	Each	$227~~190~~
f.	Minor Residential Electrical Permit (final only – no rough)	Each	$227~~190~~

FLAT RATE PERMIT FEES

These items will also have administrative fees added to the permit. In some cases, hourly plan review fees will also be required.

			Inspection Fee

22. Electrical Permits – *Commercial + Multi-Family*

a.	General Electrical Permit – Commercial + Multi-Family (rough and final)	Each	$681~~572~~
b.	Commercial E.V. Charger (may require additional hourly plan review)	Each	$454~~381~~

c. Commercial Service Upgrade	Each	$227~~190~~
d. Commercial Meter Reset	Each	$227~~95~~
e. Minor Commercial Electrical Permit (final only – no rough)	Each	$340~~286~~
f. Signs (illuminated exterior signage)	Each	$227~~190~~

Additional Services and Violations – ***Not Calculated by Valuation***	~~Unit~~	
23. Special Review Services		
a. Expedited Hourly Plan Review	Hourly	$340~~286~~
b. Expedited Plan Review	Each	200% of plan review
c. Phased Approval Permits	Each	$908~~763~~
d. Temporary Certificate of Occupancy	Each	$1,816~~527~~
e. Alternate Materials and Methods Review	Each	$908~~763~~
24. Copies, Re-Print + Change of Contractor		
a. Printing Scanned/Archived Drawing	Each	$10 per sheet
b. Job Card/Permit Re-Print	Each	$113~~95~~
c. Change of Contractor	Each	$227~~190~~
25. Special Inspector Qualification Review		
a. Initial Review for Approved Inspector List	Each	$908~~763~~
b. Renewal Review (after 3 years)	Each	$454~~381~~
26. Violation Fees		
a. Investigation Fee for work done without Permits **(in addition to the regular permit fees)**	Each project	205% of the Building Permit
b. Filing of Notice of Substandard or Hazardous Structure	Hourly	$227~~109~~
c. Removal of Notice of Substandard or Hazardous Structure	Hourly	$227
d. Placards for Condemnation	Hourly	$227~~109 per hour~~
e. Notice and Order	Hourly	$227~~109 per hour~~
f. Stop Work Order/Red Tag	Hourly	$227~~109 per hour~~
27. Permit Extension Fees		
a. First Extension	Each	$227
b. Second Extension	Each	$454
c. Third Extension and Beyond	Each	$908
28. Completion Permits		

**Based on percentage of work that passed inspection prior to the expiration of the renewed permit (Ordinance 105.5.2 – Fees for Completion Permits)*

Completed Inspections	% of Updated Valuation
a. None	60
b. Foundation	55
c. Under-floor	50
d. Shear Wall	40
e. Rough Frame	30
f. Lath of Gypsum Board	20
g. All, except Final	10

B. PLANNING

	UNIT	
1. Conceptual Development Review Meeting[1] **Subsequent meetings related to same project/project site	~~**No charge for 1st meeting**~~	~~Subsequent meetings** billed at $392 per hour~~
a. Residential	No Charge for 1st review	$1,245 Per subsequent review (starting 2nd review)
b. Commercial & Mixed Use	$	1,245 per review
~~**Subsequent meetings related to same project/project site~~		
2. SB330 Preliminary Application	$	~~1~~2,000 Time & Material; Initial deposit[2]
3. Code Assistance Meeting[3]	No Charge	
4. Review of Business License Application	$	124 Per License
5. Annexation Proceedings Costs shall also include, but not be limited to, current annexation filing fees established by the Board of Equalization in manner provided by the State Government Code Section 54902.5.	$	15,000 Time & Material, Initial Deposit[2]
6. LAFCO Utility Service Agreement (Preparation and processing of documents in connection with utility service to property outside of the City limits)	$	5,000 Time & Material, Initial Deposit[2]

[1] It is recommended that major projects be reviewed at a Pre-Application Meeting prior to submittal of a Development Review Application. A Code Assistance Meeting is also recommended involving project design to allow professionals to address technical code questions.

[2] This is an initial deposit only to cover staff labor hours and materials. The hourly rate may vary by department; the hourly rate of Planning staff is $~~195.80~~249. Materials being deducted from deposits may include costs associated with he distribution of required public noticing, such as legal ads and post cards; an overhead charge of $0.10 per post card (in addition to applicable postage costs) will be applied to cover material and administrative costs. If during the review of the project the Planning Director estimates that the charges will exceed the deposit, additional deposit(s) will be required. Also, the Planning Director may authorize a lesser initial deposit than shown if he/she determines that processing of an application will not entail need for the full initial deposit. Prompt payments of deposits or outstanding fees owed in association with the application will assure continued staff review of the project. Any surplus deposit remaining shall be refunded promptly upon project completion.

[3] It is recommended that major projects be reviewed at a Pre-Application Meeting prior to submittal of a Development Review Application. A Code Assistance Meeting is also recommended involving project design to allow professionals to address technical code questions.

7. Environmental/Technical Analysis (Contract) Consultant	$	5,000 Time & Material, Initial Deposit[2]
8. General Plan Amendment[1]	$	15~~2~~,000 Time & Material, Initial Deposit[2]
9. Text Change to Zoning Ordinance[1]	$	15~~12~~,000 Time & Material, Initial Deposit[2]
10. Rezoning and Pre-zoning (including new or major modification to a Planned Development)	$	15~~12~~,000 Time & Material, Initial Deposit[2]
11. Rezoning (Planned Development Precise Plan or Preliminary Plan Minor Modification)	$	4,000~~6,000~~ Time & Material, Initial Deposit[2]
12. Conditional Use Permit[1]	$	8, 000~~6,000~~ Time & Material, Initial Deposit[2]
13. Major Conditional Use Permit	$	15,000 Time & Material, Initial Deposit[2]
~~13.~~**14. Administrative Use Permit[1]**		
a. Livestock	$	500 Per Application
b. Food Vendors	$	700 Per Application
c. All Others ~~Processed Administratively~~	$	4,000 Time & Material, Initial Deposit[2] ~~2,000 Time & Material; Initial Deposit[2]~~
~~d. Processed Administratively~~		~~2,000 Time & Material; Initial Deposit[2]~~
~~e. Involving Public Hearing~~	~~$~~	~~6,000 Time & Material; Initial Deposit[2]~~
~~14.~~**15. Site Plan Review[1]**		
a. Processed Administratively	$	4,000 Time & Material, Initial Deposit[2]
b. Involving Public Hearing	$	6,000 Time & Material, Initial Deposit[2]
~~15.~~**16. Major Site Plan Review**	$	8,000 Time &

		Material, Initial Deposit[2]
~~**16. Variance/Warrants – Processed Administratively**~~	~~$~~	~~6,000 Time & Material; Initial Deposit[2]~~
17. Variances, Including Warrants & Exceptions		~~2,000 Time & Material; Initial Deposit[2]~~
a. Processed Administratively	$	6,000 Time & Material, Initial Deposit[2]
b. Involving Public Hearing	$	8,000 Time & Material, Initial Deposit[2]
18. Minor Modification ~~of Approved Development Plan~~ – Processed Administratively	$	6,000 Time & Material, Initial Deposit[2]
19. Major Modification ~~of Approved Development Plan~~ – Involving Public Hearing	$	~~6~~8,000 Time & Material; Initial Deposit[2]
20. Extension of Approved Development Plan/Applications	$	1,000 Time & Material; Initial Deposit[2]
21. Designation of Historical or Architectural Significance[1]	$	6,000 Time & Material; Initial Deposit[2]
22. Development Agreement		
a. Review of application, negotiation of agreements, processing through Planning Commission and City Council	$	15,000~~12,000~~ Time & Material; Initial Deposit[2]
b. Amendment Processing	$	6,000 Time & Material; Initial Deposit[2]
c. Annual Review	$	1,000 Time & Material; Initial Deposit[2]
23. ~~Written~~ Zoning Verification Letter ~~of Zoning Designation~~ or Similar Request	$	747~~587~~ Flat Fee
24. Research, Meetings, & Hourly Rate	$	249 Flat Fee ~~195 per hour after~~
25. Zoning Conformance Permit		
a. ~~Tier One:~~ Apiaries/Unattended Collection Boxes	$	373 Fixed Fee ~~293 Per Application~~

b. ~~Tier Two:~~ Household Pets (when required)	$	124 Fixed Fee ~~98 Per Application~~
c. ~~Tier Three:~~ Accessory Dwelling Units	$	498 Fixed Fee ~~392 Per Unit~~
d. ~~Tier Four:~~ Outdoor dining	$	747 Fixed Fee~~587~~
e. Accessory Commercial Unit	$	498 Fixed Fee
26. Sign Permits		
a. Sign Permit (one business)	$	498~~392~~
b. Sign Permit (each additional business – same application)	$	498~~392~~
c. Temporary Sign Permit (Banners, Flags, Streamers, Pennants, Buntin, Searchlights, Inflatable Signs, Human Signs) *Temporary sign deposits to be ~~refuneded~~refunded upon removal of signage	$	498~~100 Fee Plus 200 Deposit*~~
d. Portable/A-Frame Signs	$	100~~50 Encroachment Permit~~
e. Mural Art	$	100~~50~~
*Note: Revocable Encroachment Permit also applies to Human signs in the public right of way, see Engineering and Transportation section for applicable fee(s).		
27. Sign Program	$	1,000 Time & Material; Initial Deposit[2]
28. Appeal Fee – For ~~for~~ Applicant	$	6,000 Time & Material; Initial Deposit[2]
29. Appeal Fee – Other Than Applicant	$	747~~490~~
30. Tentative Tract or Tentative Parcel Map, Including Vesting	$	
a. Processed Administratively	$	6,000~~4,000~~ Time & Material; Initial Deposit[2]
b. Involving Public Hearing	$	8,000 ~~6,000~~ Time & Material; Initial Deposit[2]
31. Landscape Lighting Assessment District Benefit Zone Annexation & Formation	$	15,000 Time & Material; Initial Deposit[2]
32. Lot Line Adjustment	$	4,000 Time & Material; Initial Deposit[2]
33. Certificate of Merger or Certificate of Compliance	$	4,000 Time & Material; Initial Deposit[2]

34. Security Gate Application	$	2,000 Time & Material; Initial Deposit[2]
35. Street/Special Event Permit	$	4,1132,944

The Development Services Director or designee may reduce or waive this fee for certain events. (*See Fee Reduction, Waiver, and Sponsorship for Special Events Policy)*

36. Tree ~~Preservation~~Removal Permit		
a. Annual Pruning Certification	$	817 Fixed Fee
b. Tree Removal~~/pruning~~ Permit* A Minor Encroachment Permit may also be required – See Engineering Services Section		~~490~~
i. ≤ 2 trees	$	498 Fixed Fee
ii. 3 to 5 trees	$	996 Fixed Fee
iii. 6 to 8 trees	$	1,245 Fixed Fee
iv. ≥9	$	1,000 Deposit
v. Heritage Tree	$	1,000 Deposit
c. Tree Pruning Permit		
i. ≤ 2 trees	$	249 Fixed Fee
ii. ≥ 3 trees	$	747 Fixed Fee
iii. Heritage Tree		498 Fixed Fee
~~c.~~d. Investigation and Violation Fee – Work done without Permits (in addition to the regular permit fees)		200% of Tree Permit Fee
37. Mobile Home Park Closure / Change of Use	$	11,7489,814
38. Inspections – Planning and Landscape		
a. Code Enforcement Compliance Inspection Fee	$	424~~162~~
b. Planning, Landscaping Inspection and Reinspection Fee~~Landscape Inspection and/or Re-inspection Fee~~	$	249 Fixed Fee ~~196 Per Hour~~
39. Review of Ministerial Planning Applications		
a. Applications that do not Include a Tentative Map	$	4,000 Deposit
b. Applications that Involve a Tentative Map	$	6,000 Deposit
40. Limited Entertainment Permit	$	249
41. Minor Temporary Use Permit	$	747
~~39.~~42. **Policy Planning Fee**		16% of Building Permit Fee
~~**40. Review of Ministerial Planning Applications**~~		~~4,000 Deposit for applications that do not include a Tentative Map $6,000 Deposit for applications~~

~~that involve a Tentative Map~~

~~41.~~43. Park Impact Fee – Residential

~~Residential~~		~~$~~	
a.	ADU that is 750+ s.f.	$	3,379~~3,812~~
b.	Studio/0-bedroom Unit	$	3,789~~3,812~~
c.	1 Bedroom Unit	$	5,931~~5,967~~
d.	2 Bedroom Unit	$	10,699~~10,764~~
e.	3 Bedroom Unit	$	18,685~~18,798~~
f.	4+ Bedroom Unit	$	25,991~~26,148~~
	Industrial Development (Industrial us in IL, IP, or IG zoning district)		
g.	Gross Floor Area	$	0.95~~0.96~~ per s.f.

Notes:

1. Bedroom", "dwelling unit", "gross floor area", as defined by HMC Sec. 10-1.3500.
2. Projects receiving all discretionary approvals by the effective date of this Resolution shall be subject to the parkland dedication and in- lieu fee requirements in effect immediately prior to the effective date of Resolution 19-245.

~~42.~~44. Affordable Housing In-Lieu Fees

1. Residential Development Projects – Ten Units or More

a.	High-Density Condominiums (35 units per acre or more.	$	19.22~~33~~/Square Foot of Habitable Space*
b.	Lower Density Ownership Housing (Less than 35 units per acre)	$	25.82~~97~~/Square Foot of Habitable Space*
c.	All other Dwelling Unit Types	$	23.30~~44~~/Square Foot of Habitable Space*

*Notes:
Affordable housing in-lieu fees shall be paid either prior to issuance of a building permit or prior to approval of a final inspection or issuance of an occupancy permit. Fees paid at occupancy shall be increased by 10 percent (10%).

"Habitable Space" means floor area within a Dwelling Unit designed, used, or intended to be used exclusively for living and sleeping purposes and exclusive of vent shafts, eaves, overhangs, atriums, covered entries and courts and any portion of a structure above ground used for parking, parking aisles, loading areas, or accessory uses.

2. Residential Development Projects – Less Than Ten ~~Two to Nine Units~~
Fee calculated pursuant to Section 44.1 above:~~Projects of two to nine units shall pay the following percentage of the fee calculated pursuant to Section 40.1 above:~~

~~Number of Units in the Project~~Residential Development Projects	Percentage of Calculated Fee
~~2~~<10	50%
~~3~~	~~67%~~
~~4~~	~~75%~~
~~5~~	~~80%~~
~~6~~	~~83%~~
~~7~~	~~86%~~
~~8~~	~~88%~~
~~9~~	~~89%~~

~~2.~~3. Fractional Units

If an applicant provides on-site Affordable Units under Chapter 10, Article 17 of the Hayward Municipal Code and elects to pay affordable housing in-lieu fees for a fractional unit, the fractional in-lieu fee payment shall be calculated as follows:

Fractional Unit/Total Affordable Unit Requirement x Per Square Foot Fee x Total Habitable Square Footage in the Project

~~3.~~4. Applications for Residential Development Projects of Two or More Units Deemed Complete as of December 20, 2017

a. Projects receiving all discretionary approvals by February 1, 2018: Affordable housing impact fees in effect on December 20, 2017.

~~b.~~ Projects not receiving all discretionary approvals by February 1, 2018, provided that all discretionary approvals and building permit(s) are obtained within two (2) years of December 20, 2017: 50% of the affordable housing in-lieu fee calculated under either Section 3.1 or Section 3.2 of RES 17-167, and as amended, as applicable, depending on the size of the project.~~as applicable depending on the size of the project.~~

~~43.~~45. Mills Act/Williamson Act Program

a. Mills Act/Williamson Act Program	$~~$2,000~~	2,000 Time & Material Initial Deposit
b. Mills Act Annual Compliance Inspection	$~~$387~~	498 Fixed Fee

C. CODE ENFORCEMENT COMMUNITY PRESERVATION PROGRAM~~S~~

1. General Administration Fees (Applicable to all Code Enforcement Programs/Cases

~~a. Abatement Cost~~	~~$1,477.00~~	~~+Contract cost~~
~~b. Administrative Hearing Fee (Code Enforcement Cases)~~	~~$1,276.00~~	
~~c.~~a. Code Enforcement Re-inspection Fee	$~~$696.00~~	784
~~d.~~b. Code Enforcement Request for Postponement Fee	$	423
~~e.~~c. Impound Fee (Un-permitted Mobile Vending)	$	573
~~f. Hourly Inspection Fee (past initial 2 hours)~~	~~$~~$474.28	$218

~~g. Legal Consultation Fee~~	~~$$480.00~~	$667
~~h. Lien/Special Assessment (per parcel): Code Violations~~	~~$$1,858.00~~	$573
~~i.~~d. Monthly Storage Fee (Mobile Vending Equipment)	$~~$218.00~~	218
~~j.~~e. No Show on Inspection Fee	$~~$667.00~~	667
~~k. Police Standby and Safety Fee~~	~~$$309.00~~	
~~l. Special Assessment (per parcel): Unpaid Annual Program Fees~~	~~$$806.00~~	
~~m.~~f. Impound Fee (includes 3 hours of Code Enforcement Staff Time)	$~~$448.00~~	573
~~n.~~g. Storage Fee (flat rate pallet and handling fee)	$~~$218.00~~	218
~~o.~~h. Request for Postponement of Inspection		
(1) First Request	$	423 Flat Rate
~~a. First Request for postponement penalty~~	~~First Request Free of Charge~~	
~~(1)~~(2) Second Request for postponement penalty	$	423 Flat Rate~~+400 penalty~~
~~(2)~~(3) Third & Subsequent request for postponement penalty	$	423 Flat Rate~~+$800 penalty~~
~~(3)~~(4) "No Show" for Inspection Appointment Penalty	$	667 Flat Rate~~+$1,600 penalty~~

2. Violation of Community Preservation, Sign, Vehicle, Weed Abatement, Building, Public Nuisance, Zoning Ordinances, and HMC Code violations

a. First Violation

(1) Initial inspection Fee (upon violations found)	No Violations-free of charge	$773
(2) Penalty for initial violation (upon first failed re-inspection)		$400
(3) Penalty for second violation (upon second failed re-inspection)	Penalty	$800
(4) Penalty for third and Subsequent violations	Penalty	$1,600

b. Subsequent violation(s) within 1 year

(1) Subsequent Case Initial inspection Fee	~~$784~~	$743
(2) Subsequent Case Initial Inspection Penalty	Penalty	$800
(3) Subsequent Case Re-inspection Fee	~~$626~~	$784
(4) Subsequent Case Re-inspection Penalty	Penalty	$1,600

3. Egregious Violation(s) Penalties

On-going health and safety violations, public nuisances and illegal uses, including but not limited to: garage conversion, room additions, unauthorized short-term rentals, accessory structures, construction without permits, home occupation, use permits or site plan review, unpermitted uses

related to environmental hazards.			
a.	Tier 1 for first verified violation(s)	Penalty	$1,500
b.	Tier 2 for second verified violation(s)	Penalty	$3,000
c.	Tier 3 for third and subsequent verified violation(s)	Penalty	$5,000
4.	**Tobacco Retailer License, Initial or Renewal Fee**	Annual Fee~~$400~~	$722
	Initial Inspection	No Charge	
a.	First Offense	Penalty/30-day TRL suspension	$1,500
b.	Second Offense	Penalty/30-day TRL suspension	$3,000
c.	Third Offense	Penalty/30-day TRL suspension	$5,000
5.	**Cannabis Licensing Program, License Renewal, Inspection, Penalties Fees**		
a.	Preliminary Determination of Eligibility/Screening Application		$2,500
b.	Initial Commercial Cannabis Business Permit Application		$15,000
	*Covers cost of consultant review of business and operating plan, initial site inspections to verify compliance by applicable City staff, administrative costs, and program management, including HPD decoy operations.		
c.	Annual Cannabis Permit Renewal Fee, Per License Type		
	*Covers cost of follow-up site inspections to verify compliance and related administrative costs		
	Delivery		$5,000
	Distribution		$5,000
	Cultivation		$8,000
	Manufacturing		$8,000
	Retail Dispensaries (Storefront)		$10,000
	Microbusiness (includes all activities)		$20,000
	Testing Labs		$3,000
d.	Temporary Cannabis Permit Activity	Deposit/ Hourly	$2,500
e.	Modification to Existing Commercial Cannabis Permit *Does not include revisions to Planning Entitlements	Deposit/ Hourly	$2,000
f.	Employee Work Permit Application Fee		
	(1) Initial Application Fee (Including, but not limited to: Fingerprints, Live Scan, and Badge)		$299

(2) Renewal Fee w/o Live Scan			$160
g. Inspection Fees			
(1) Initial Inspection			$0
(2) Code Enforcement-Reinspection		~~$696~~	$784
h. Penalties for Non-Cultivation Related Violations			
(1) First Violation			$5,000
(2) Second Violation			$10,000
(3) Third Violation			$15,000
(4) Selling Cannabis Product to a Minor		/Incident	$2,500
i. Penalties for Cultivation Violations			
(1) First Violation		Per Plant~~$1,000~~	$5,000
(2) Second Violation within 2 years		Per Plant	$2,500
(3) Third Violation within 2 years		Per Plant	$5,000
6. Grading or Encroachment Permit			
a. Code Enforcement Investigation fees, for permit not obtained		Fee	$2,000
7. Building Violation Fees			
a. Investigation Fee for work done without Permits (in addition to the regular permit fees)		Fee ~~$2,3000~~	$2,300
b. Filing of Notice of Substandard or Hazardous Structure		Per Hour~~$280~~	$305
c. Removal of Notice Substandard or Hazardous Structure		Per Hour~~$280~~	$305
d. Placards for Condemnation		Per Hour~~$280~~	$305
e. Notice and Order		Per Hour~~$280~~	$305
8. Vacant Property Monitoring			
Annual Vacant Property Registration and Monitoring Fee		~~$2,607 (minimum of one inspection per year)~~	$2,371 (Minimum of one inspection per year)
Program Fees:			
Initial Inspection, No Violation Found		~~988~~	$1,048 (If a violation found)
Reinspection Fee			$784
Initial Inspection, Violation Found		Penalty	$1,500
2nd Re-Inspection, Violation Found		Penalty	$3,000
3rd and Subsequent Re-inspection, Violations Found		Penalty	$5,000

D. CODE ENFORCEMENT – RENTAL HOUSING & HOTEL INSPECTION PROGRAM

1. Annual Fee for Rental Housing, Hotel or Motel

a.	Single-family, Duplex, Triplex, or Fourplex		$125
b.	Five or more units	Per Unit	$35
2.	**First Request for Postponement of Initial Inspection or Progress Check**	No Charge	
3.	**Inspection, Report, and Enforcement Actions Pursuant to HMC, Ch. 9, Art. 5, Rental Unit Parce**		
a.	Initial Inspection, No Violation Found	~~$988~~No Charge	(Included in annual fee)
b.	Code Enforcement-Re-inspection Fee (single unit)	~~$696~~	$784
c.	Code Enforcement-Multi-family Re-inspection Fee (per unit)	~~$175~~	$180
d.	First Progress Check, Violations not corrected	Penalty	$400
e.	Second Progress Check	Penalty	$800
f.	Third and Subsequent Progress Checks	Penalty	$1,600
4.	~~**Rental Inspection No Access Fee and Penalties**~~**Initial Inspection or Progress Check, No Access or Re-schedule**		
a.	~~No Access Administrative Fee (upon no access on scheduled rental $423 inspections)~~First Site Visit	~~$423~~	$512
b.	~~First Failed Site Access Penalty~~Second Site Visit	Penalty	$512
~~c.~~	~~Second Failed Site Access Penalty~~	Penalty~~$800~~	~~penalty~~
~~d.~~c.	Third and Subsequent Visit ~~Failed Site Access Penalty~~	Penalty~~$1,600~~	$512

E. CODE ENFORCEMENT ADMINISTRATION

1.	Lien/Special Assessment (per parcel): Unpaid Annual Program Fees		$921
2.	Lien/Special Assessment (per parcel): Code Violations	~~$1,858~~	$2,134
3.	Hearing Fee: Administrative, Special Assessment, Administrative Citation, and Lien Hearings)	~~$1,276~~	$1,500
4.	Abatement costs (per parcel)	~~$1,477~~	~~$1,555~~+ Contractor Costs
5.	Hourly Code Enforcement Inspection Fee (Applicable to all Code case Types above initial 2 hours with continuing violations)	~~474.28~~	$525
6.	Police Standby Safety Fee	~~$309~~	$346
7.	Legal Consultation	~~$480~~	$530
~~**5. Rent Control Deregulation Inspection pursuant to Ordinance No. 83-023 as amended.**~~			
~~a. Initial Inspection/Survey and one Re-inspection~~		~~$938~~	

F. HOUSING

1. Rent Stabilization Administration

a.	Annual Fee per Rental Unit		$32
b.	Annual Fee per Covered Rental Unit		$66
c.	Annual Fee per Mobile-home Space		$5
d.	Special Assessment (per parcel): Unpaid Annual Program Fees	Per Parcel	$921

The fees set forth herein shall be payable immediately and shall be delinquent if not received by the Housing Division on or before 5 p.m., ~~August~~ October 31.

2. Tenant Relocation Assistance Ordinance Hearings

a.	Hearing Fee: Administrative, Special Assessment, Administrative Citation, and Lien Hearings	Per Hearing	$1,500
b.	Administrative Citation	Per Citation	$1,000

3. ~~LOAN SERVICING AND MONITORING~~Loan Servicing and Monitoring

General

a.	Title Report	Per Report	Actual Costs
b.	Property Appraisal Report	Per Report	Actual Costs
c.	Recording Fee	Per Document	Actual Costs or $50 minimum
d.	Document Preparation Fee	Per Document	$100
e.	Notary Service - Government Code 8211	Per Signature	$15

Homeownership Loan Programs

a.	Refinance/Subordination Fee (does not apply to CDBG and HOME)	Per Transaction	$600
b.	Late Payment Fee	Payment after 15 days	The greater of 6% Monthly Loan or $5 minimum

Below Market Rate Program Fee

a.	Refinance/Subordination Fee	Per Transaction	$600
b.	Modification/Transfer Fee		Actual Costs/ Time and Materials[1]
~~b.~~c.	Resale Fee		0.5% Purchase Price
~~c.~~d.	Exercise City Option to Purchase		3% Maximum restricted resale price

Affordable ~~Rental~~ Housing

a.	Loan and Agreement Modification Fee		Actual Costs/ Time and Materials[1]
b.	Subordination Fee		Actual Costs/ Time and Materials[1]
c.	Monitoring Fee	Per Unit	$50
d.	Resale Fee		Actual Costs/ Time and Materials[1]
e.	Legal Fee	Per Transaction	Actual Costs

[1]Costs may include but are not limited to: hourly rate for staff time, recording fees, title reports, appraisals, and public noticing costs. Hourly rate may vary by department, but the hourly rate for Housing staff is $199~~158.28~~.

Engineering and Transportation Services

A. AIRPORT SERVICES

1. Monthly and Daily Fees for Aircraft Parking and Storage.

Waiting List Application Refundable Deposit of $~~200~~300.00

a. Hangar Space	Monthly Charges
(1) Small T-Hangars	$319.00
(2) Standard T-Hangars	$494.00
(3) Large T-Hangars	$614.00
(4) Small Executive Hangar	$1,065.00
(5) Standard Executive Hangars	$1,475.00
(6) Large Executive Hangars	$1,609.00

b. Hanger Storage Rooms	Monthly Charges
(1) Small	$79.00
(2) Medium	$110.00
(3) Large	$213.00
(4) Extra Large	$271.00
(5) Office Spaces	$706.00

c. Tie Downs (Aircraft Gross Weight/Wing Span)

(1) Single Engine 3,500 lb. and Single Engine Helicopters	$65.00
(2) Twin Engine 12,500 lb. less than 50 ft and Twin Engine Helicopters	$75.00
(3) 12,501 - 25,000 lb. more than 50 ft	$108.00
(4) 25,001 - 75,000 lb.	$161.00
(5) Excess of 75,000 lbs.	$216.00

d. Transient Overnight Tie Downs (Aircraft Gross Weight/Wing Span)
First Four (4) Hours Free

Single Engine 3,500 lb. and Single Engine Helicopters

	Daily Charge
(1) Single Engine 3,500 lb. less than 40 ft%	$6.00
(2) Twin Engine 12,500 lb. less than 50 ft and all Helicopters	$8.00
(3) 12,501 - 25,000 lb. more than 50 ft	$12.00
(4) 25,001 - 75,000 lb.	$23.00
(5) Excess of 75,000 lbs.	$29.00
(6) Lighter-than air Airships	$20.00

e. Effective July 1, 1997, a late charge of $15.00 or 5% of the monthly rent per month,

whichever is greater, shall be assessed if rent is not paid within ten (10) days of its due date (does not apply to daily rent).

f. Effective July 1, 1997, if the service of a member firm of the California Association of Photocopies and Process Servers must be utilized, a $50 fee shall be charged to the individual or business necessitating said process service.

g. The City shall charge a fee equal to the sum of the following: Five cents for each gallon of petroleum products delivered during the previous calendar month from the Leased Premises, or an amount equal to 3 percent of the gross receipts (including fuel and gasoline taxes for which Lessee sold fuel products during the previous calendar month on or from the Airport, whichever amount is greater.

h. All month-to-month Airport leases shall include a security deposit equal to one month's rent.

2. Permits

	Monthly Charges
a. Airport Annual Business Permit	$150~~126~~.00
b. Taxiway Access Permit	$786.00

3. Airport Land Values

Airport Land Value is on file in the Airport Administration Office and available for review

4. Gate Access Cards

a. Initial Issue for Airport Tenants	Free
b. Initial Issue for non-direct Airport Tenants	$47~~43~~.00
c. Replacement	$47~~43~~.00

5. Hangar Padlock Keys

a. Duplicate Key	$21~~12~~.00
b. Padlock Replacement	$133~~126~~.00

6. Chocks and Chains Replacement $79~~63~~.00

7. Landing Fee

Commercial aircraft operations (shall include landings of all non-based general aviation aircraft that conduct air taxi, charter, or cargo operations under FAR Part 121 or Part 135) based on maximum certificated gross landing weight:

	Per Landing	Daily	Monthly
0 – 3,500 pounds	$2	$5	$13
3,501 – 6,250 pounds	$4	$10	$26
6,251 – 12,500 pounds	$8	$20	$52
12,501 – 25,000 pounds	$16	$40	$104
25,001 – 50,000 pounds	$32	$80	$208
50,001 pounds and above	$64	$160	$416

8. Hangar Exchange

a. Administration Fee for Exchange between Tenants (each Tenant)	$100~~89~~.00

b. Administration Fee for Exchange into Vacant Hangar	$10089.00
9. Tie Down Exchange	
a. Administration Fee to Exchange tie-down spaces	$7052.00
10. Vacated Hangar Cleanup	
a. Cleanup and disposal of items, minimum charge of 2 hours (per person)	$250174.00
b. Additional hours, hourly rate	$10087.00
11. Ramp Sweeping Services, hourly rate	$238.00/hour
***Ramp Sweeping Services do not include staff time**	
12. Maintenance Staff Service Charge per hour	$10087.00 plus materials
13. Airport Administration Building Meeting Room	
a. Non-profit Aviation organization charging no fee to the public	No Charge
b. For-profit Aviation organization charging a fee to the public	$200.00/day
14. Airport Project Administration Fee	$5,000.00
15. Commercial Operator/Fixed Base Operator Waste Oil Fee	$1.00/per qt.

B. ENGINEERING SERVICES

1. Publication	
a. Standard Detail	$20.00
b. "No Parking" Signs	$29.00
c. Copy and print full size prints (24x36) first 10 pages (fee is per page)	$10.00
d. Copy and print full size prints (24x36) first 11+ pages (fee is per page)	$8.00
~~**2. Survey**~~	
~~a. Curb and gutter skating; after 100 linear ft.~~	~~$870.00~~
~~b. Curb and gutter skating; after 100 linear ft. – each additional 50 linear ft.~~	~~$420.00~~
~~c. Grade calculation s and cut sheets per location~~	~~$420.00~~
~~d. Form checking up to 100 linear ft.~~	~~$840.00~~
~~e. Form checking: up to 100 linear ft. – each additional 50 linear ft.~~	~~$210.00~~
~~3.~~2. **Sidewalk Rehabilitation Program**	
a. Single Family Residential lots	$550529.00
b. Multi-family with 1 or 2 damaged locations	$550529.00
c. Additional locations Varies – shall be charged for the exact square footage of the damaged sidewalk repair at the actual Construction Contract bid price	~~$529.00~~
~~**4. Major Street Improvement Plan Review**~~	~~$3,027.00 (Deposit – T&M)~~

~~5.~~3. **Encroachment Permit Application – Minor Work**	$374.00~~327~~ plus Public Works inspection fee
a. Concrete	
(1) Curb, gutter, and/or sidewalk (including driveway) First 100 linear ft.	$595~~496~~.00
(2) Each additional 100 linear feet or fraction thereof	$465~~386~~.00
(3) Driveway, handicapped ramp, curb return	$430~~360~~.00
(4) Planter strip fill (each property)	$215~~180~~.00
b. Drainage	
(1) Drainage system and appurtenance, first 100 linear ft.	$975~~811~~.00
(2) Each additional 100 linear ft. or fraction thereof, up to a maximum total of 500 linear ft.	$765~~637~~.00
(3) Drainage tie-in to existing structures	$765~~637~~.00
(4) Non-standard structures (other than above)	$975~~811~~.00
(5) Manholes, vaults, area drains, storm water inlets other standard structures	$975~~811~~.00
(6) Storm Water Interceptors	$975~~811~~.00
c. Street Work & Miscellaneous	
(1) Street trenches ~~or bores~~ up to 100 linear ft.	$765~~637~~.00
(2) Each additional 100 linear ft. or fraction thereof, up to a maximum total of 500 linear ft.	$555~~463~~.00
(3) Street cuts, other, up to 100 square ft.	$765~~637~~.00
(4) Each additional 100 sq. ft. or fraction thereof	$555~~463~~.00
(5) Temporary placement of Debris Box or Storage Container within public right-of-way. (cost per month)	$196~~405~~.00
(6) Street micro trench up to 500 linear ft.	$4,875~~4,251~~.00
(7) Street bores or any trenchless work up to 500 linear ft.	$4,875~~4,251~~.00
(8) Sidewalk area obstruction fee, first week only	$1,040~~868~~.00
a. Sidewalk area obstruction fee, each additional week or fraction thereof	$205~~172~~.00
(9) Temporary lane closure only (no construction), first week only	$380~~315~~.00
a. Temporary lane closure only (no construction), each additional week or fraction thereof	$205~~172~~.00
d. Monitoring well inspection and plan review	
(1) First well	
a. Inspection	$537~~496~~.00
b. Plan review	$374~~630~~.00
(2) Each additional well within the same general location	

a. Inspection	$250~~224~~.00
e. Utility Services – New or Repaired	
(1) Each new or replaced utility pole location, guy wire, etc.	$555~~463~~.00
(2) Each utility service connection in sidewalk or street (gas electric, telephone, etc.)	$635~~531~~.00
f. Sanitary Sewers	
(1) Sanitary Sewer Laterals	
a. From main in street to easement to building up to 100 linear ft.	$975~~811~~.00
b. Each additional 100 linear ft. or fraction thereof	$555~~463~~.00
c. Add for monitoring structure if required	$975~~811~~.00
d. From existing stub at right-of-way to building up to 100 linear ft.	$765~~637~~.00
e. Each additional 100 linear feet or fraction thereof	$555~~463~~.00
f. Each building sewer repair or replacement	
(i) In public right-of-way, complete	$975~~811~~.00
(ii) In private property (no street evacuation)	$765~~637~~.00
(2) Sanitary Sewer Building Court Mains	
a. Each building court main when plan, profile, and cut sheet are required, initial	$975~~811~~.00
b. Each additional 100 ft. or fraction thereof	$555~~463~~.00
c. Each building court main when plan only is required for Initial 100 ft. or less	$725~~603~~.00
d. Each additional 100 feet or fraction thereof	$465~~386~~.00
g. Additional Inspections For any public works encroachment permit on which an unreasonable number of inspections are required, an additional fee per inspection will be charged for each inspection over and above the number deemed reasonable by the City Engineer.	$405.00
h. Additional Inspections After Hours	$215.00
~~h.~~i. Permit Amendment Fee (extensions for expired permit, additional permits not originally obtained, etc.)	$187~~157~~.00 (per occurrence)
~~i.~~j. Traffic Control Plan Review	$216.00~~180.00~~
a. For additional sheets over 6 pages	$108~~90~~.00

~~j.~~k. Survey	
a. Curb and gutter skating; after 100 linear ft.	$889~~870~~.00
b. Curb and gutter skating; after 100 linear ft. – each additional 50 linear ft.	$431~~420~~.00
c. Grade calculations and cut sheets per location	$431~~420~~.00

d. Form checking up to 100 linear ft.	$863~~840~~.00
e. Form checking: ~~up to~~after 100 linear ft. – each additional 50 linear ft.	$215~~210~~.00
f. Survey Monument Preservation Review	$50.00

~~6.~~4. Encroachment Permit Application – Major Work (road closures, traffic control, more than 500 linear ft. of work, etc.) — $4,000.00 (Deposit – T&M)

a. Construction Inspection, Technical Support, & Project Closeout for Trenchless Construction~~5% of Construction Cost prior to permit issuance~~ — ~~$~~5% of construction cost prior to permit issuance.

~~7.~~5. Development Plan Review

a. Parcel Map Application — $5,000.00 (Deposit – T&M)

b. Final Map Application — $15,000.00 (Deposit – T&M)

c. Grading Permit Application — $4,000.00 (Deposit – T&M)

d. Geological Investigation and Report Peer Review — $4,000.00 (Deposit – T&M)

e. Floodplain (Special Flood Hazard Area - SFHA) Development (Fill/Grading) – Hydrologic & Hydraulic (H&H) Engineering Peer Review — $4,000.00 (Deposit – T&M)

~~e.~~f. Construction Inspection — ~~3% of Imp. Cost (Deposit – T&M)~~5% on any amt below $500,000
4% on any amt above $500,000

~~8.~~6. Penalties

Failure to comply with this notice will result in further enforcement action by the Code Enforcement Division including, but not limited to; additional permit, inspection and penalty fees, and/or other available legal remedies.

a. Public Works penalty for work in public right-of-way or grading without a permit — $2,000.00

b. Code violation illegal project, penalty fee may be applied daily — $125.00

c. Code Enforcement Investigation fees for permit not yet obtained — $2,000.00

~~9.~~7. Dig-Once Policy

a. Engineering Plan Review — $2,500.00 (Deposit – T&M)

b. Moratorium Override Request Fee — $5,000.00 (Deposit – T&M)

~~10.~~8. Section 7-4 Wireless Communication Facilities

a. Wireless Communication Facilities in the Public Right of Way (WCF PROW)

(1) WCF PROW Permit Application Fee	$2,000.00 (Deposit – T&M)
(2) Renewal Fee	100% of Application Fee
(3) Appeal Fee	$400.00
(4) Application Pre-Submittal Review Fee	No Charge

b. Small Cell Master License Agreement (MLA)

(1) MLA Processing	$4,000.00
(2) Pole License Administrative Fee	$2,500.00
(3) Annual Lease Charge for Use of City Poles	$295.04*
	$303.89**

*$295.04 Effective January 14, 2026

**$303.89 Effective January 14, 2027

~~11.~~9. Traffic Impact Fee

a. Residential

(1) Single-Family Resident/Unit	$3,922~~3,936~~/unit
(2) Townhome/Unit	$3,922~~3,936~~/unit
(3) Multi-Family/Unit	$0/unit

b. Non-Residential

(1) Retail/KSF	$0/KSF
(2) Office/KSF	$0/KFS
(3) General Industrial/KSF	$3,661~~3,674~~/KSF
(4) Distribution or e-commerce/KSF	$6,499~~6,522~~ /KSF

c. Appeal Fee. $451~~453~~.00

d. Annual Adjustment

The traffic impact fees listed above shall be automatically adjusted on the first of the fiscal year based on the preceding calendar year average California Cost Index (CCI) for the San Francisco Bay Area as produced by the Engineering News Record (ENR).

Finance

A. OPERATING PERMITS

1. Bingo Permit (Reference HMC 4-3)	
a. Initial or Renewal Fee	$6961.00
2. Card Club Permit (Reference HMC 4-3)	
a. Application Fee	$122106.00
b. Annual Table Fee	$18,46716,511 Per Table
3. Closeout Sale Permit (Reference HMC 6-4)	
a. Initial Fee	$4540.00
b. Renewal	$4540.00
4. Cabarets and Dance Licenses and Permits (Reference HMC 6-2)	
a. Annual License (payable quarterly in advance)	$692619.00
b. Single Event Permit	$461412.00 Per Year
5. Preferential Parking Permit (Reference Hayward Traffic Regulations Section 3.95 and Hayward Traffic Code 6.36)	
a. Initial Fee and Biennial Renewal Fee (for first residential or visitor permit)	$6050.00
b. Each additional residential permit	$3025.00
c. Each additional visitor permit	$3025.00
d. Permit Replacement fee	$3025.00
6. Peep Show Permit (Reference HMC 6-9)	
a. Peep Show Device	Time & Material
b. Investigation Fee	Time & Material
~~a. Tobacco Retailer License (Reference HMC 10-1.2780)~~	
~~a. Initial or renewal Fee~~	~~$773.00~~

B. MISCELLANEOUS FEES

1. Monthly Listing of New Hayward Based Businesses	$1817.00 Per Month
2. Business Verification/Ownership Research	$3029.00 Per Business
3. Parking Tax Offset Fee	$2.50
4. Online Credit/Debit Card Payment Transaction Fee	$3.95
~~4.~~5. Business License Application Fee	$29.0027.00 Per Application

~~5.~~6. Business License Technology Fee	$10.00 Per Business
~~6.~~7. Chargeback/Returned Payment Fee	$25 .00 for first/$35.00 after
~~7. Credit/Debit Card Service Fee~~	~~Not to exceed 4% for transactions over $300.00~~

Fire Department

A. FIRE PREVENTION

Standard Hourly Rate	Per Hour	$318~~262~~.00
OVERTIME (AFTERHOUR INSPECTION 2 hour minimum)	Per Hour	$478~~394~~.00
Expedited Plan Review (2 hour minimum)	Per Hour	$478~~394~~.00

New Fire Sprinkler Systems PLUS Hydraulic Calculation Fee* (See Below)

1-29 Heads	Per Floor or System	$2,232~~1,839~~.00
30-100 Heads	Per Floor or System	$2,710~~2, 233~~.00
101-200 Heads	Per Floor or System	$3,029~~2,496~~.00
201-350 Heads	Per Floor or System	$3,508~~2,891~~.00
351+ Heads	Per Floor or System	$4,305~~3,548~~.00

Fire Sprinkler —Tenant Improvements (PLUS Hydraulic Calculation Fee*, if applicable)

LESS THAN 30 HEADS W/ NO HYDRO - Minor plan check required – only one inspection		$956~~788~~.00
LESS THAN 30 HEADS WITH HYDRO - Minor plan check required – only one inspection		$1,275~~1,051~~.00
Minor plan check required-only one inspection		
30-100 Heads	Per Floor or System	$2,391~~2,710~~.00
101-200 Heads	Per Floor or System	$3,029~~2,496.00~~
201-350 Heads	Per Floor or System	$3,508~~2,891~~.00
351+ Heads	Per Floor or System	$4,305~~3,548~~.00

Tract Review – Fire Sprinkler Master Plan Check PLUS Hydraulic Calculation Fee*

Duplicate TRACT Plan Check 13D SYSTEM (SFD/TOWNHOUSE)	Per Floor or System	$1,275~~1,051~~.00
Duplicate TRACT Plan Check 13 SYSTEM (BUILDING) - 200 Heads and Below	Per Floor or System	$1,594~~1,314~~.00
Duplicate TRACT Plan Check 13 SYSTEM (BUILDING) - 201 – 350 Heads	Per Floor or System	$1,913~~1,576~~.00
Duplicate TRACT Plan Check 13 SYSTEM (BUILDING) - 351+ Heads	Per Floor or System	$2,232~~1,839~~.00

Additional Fire Sprinkler Review Items

Hydraulic Calculation*	Per Remote Area	$1,275~~1, 051~~.00
Antifreeze System	Per System	$2,391~~1,971~~.00
Dry Pipe Valve	Per Valve	$2,551~~2,102~~.00

Deluge/Pre Action	Per Valve	$3,0292,496.00
Pressure Reducing Station	Per Valve	$3,5082,891.00
Fire Pump	Per Pump	$4,1453,416.00
Water Storage Tank		
Gravity	Per Tank	$2,3911,971.00
Pressure	Per Tank	$2,3911,971.00
Fire Standpipe System		
Class I, II, III & Article 81	Per Standpipe	$2,8702,365.00
Fire Alarm System -New		
0-15 Devices*	Per System	$1,5941,314.00
16-50 Devices	Per System	$2,2321,839.00
51-100 Devices	Per System	$2,8702,365.00
101-500 Devices	Per System	$3,5082,891.00
Each additional 25 devices up to 1,000	Per System	$1,5941,314.00
1001+	Per System	$6,3785,256.00
Each additional 100 devices	Per System	$3,1892,628.00
*Devices=All Initiating and indicating appliances, including Dampers		
Existing system under 8 devices		$956788.00
Additional Fire Alarm Review Items		
Hi/Lo Alarms	Each	$1,7541,445.00
Low Air/Temp Alarms	Each	$1,7541,445.00
Graphic Annunciator Review	Each	$1,7541,445.00
Hazardous Activities or Uses		
Installation Permits		
Clean Agent Gas Systems		$1,7541,445.00
Dry Chemical Systems		$1,7541,445.00
Wet Chemical/Kitchen Hood		$1,7541,445.00
Foam Systems		$1,7541,445.00
Paint Spray Booth		$1,7541,445.00
Vehicle Access Gate		$797657.00
Monitoring		$956788.00
Aboveground—Flammable/Combustible Liquid Tank and/or Pipe		$1,5941,314.00

Underground—Flammable/Combustible Liquid Tank and/or Pipe		$1,594~~1,314~~.00
Fuel Dispensing System Complete		$1,754~~1,445~~.00
High Piled/Rack/Shelf Storage		$2,072~~1,708~~.00
Smoke Control CFC		$2,072~~1,708~~.00
Medical Gas Alarms		$1,754~~1,445~~.00
Refrigerant System		$1,594~~1, 314~~.00
Refrigerant Monitoring System		$1,754~~1,445~~.00

AMMR Review

Activity Permits (Single Event/One-Time)	Each	$956~~788~~.00
Open Flames and Candles	Per Permit	$1,275.00
Carnivals and Fairs	Per Permit	$1,594~~1, 314~~.00
Seasonal Lots (Christmas Tree/Pumpkin Lot)	Per Permit	$318~~262~~.00
Special Events (Haunted House/Camps)	Per Permit	$318~~262~~.00
Explosives	Per Permit	$1,594~~1,314~~.00
Fireworks; Displays	Per Permit	$1,594~~1,314~~.00
Hot-Works Operations	Per Permit	$1,275~~1, 051~~.00
LP-Gas	Per Permit	$1,594.00
Liquid or Gas-Fueled Vehicles or Equipment in Assembly Buildings	Per Permit	$1,594~~314~~.00
(1) Covered Mall Buildings	Per Permit	$1,594~~1,314~~.00
(2) Open Burning	Per Permit	$1,594~~1,314~~.00
Pyrotechnical Special Effects Material	Per Permit	$1,594~~1,314~~.00
Temporary Membrane Structures, Tents and Canopies (105.5.49)		
(1) Small Tent Structure (750 Sq. Ft. or less)	Per Permit	$797~~657~~.00
(2) Large Tent Structure (751 Sq. Ft. or above)	Per Permit	$956~~758~~.00
(3) Fire Safety Inspections	Per Application	$1,275~~1,051~~.00
(4) Non-Compliance Inspections	Per Inspection	$1,275~~1,051~~.00
(5) Outside Agency	Per Inspection	$1,275~~1,051~~.00

Facility Inspections

Annual State-Mandated Pre-Inspections (6 or less Occupants)	Per Facility	$262.82
Annual State-Mandated Pre-Inspections (7 or more Occupants)	Per Facility	$394.23

Apartments

Small Apartments (3-15 units)	Per Facility	$262.82
Medium Apartments (16-100) units More	Per Facility	$1,275~~1,051~~.00
Large Apartments (>100 units)	Per Facility	$1,594~~1,314~~.00
24 Hour Community Care Facilities	Per Facility	
7 to 49	Per Facility	525.64
50 or more	Per Facility	$1,275~~1,051~~.00
Day Care Centers		
Residential 9-14	Per Facility	$318.~~262.~~00
Commercial 15+	Per Facility	$637~~525~~.00
High Rise Building	Per Facility	$1,913~~1,576~~.00
Homes for the Mentally Impaired (7 or more Occupants)	Per Facility	$1,275~~1,051~~.00
Hospital and Jail	Per Facility	$2,870~~2,365~~.00
Hotels/Motels	Per Facility	$1,275~~1,051~~.00
School	Per Facility	$1,435~~1,182~~.00
Reports	Per Facility	
Life Safety Report	Per Report	$0.50/page for first ten (10) pages of Each document $0.10 Each additional page of same document
Life Safety Report Photographs	Per Photograph	Direct cost of duplication
Subpoenaed Reports	Per Report	$0.50/page for first ten (10) pages of Each document $0.10 Each additional page of same document

Other Fire Fees

Underground Fire Service Plan Check	Each	$2,870~~2,365~~.00
Emergency Underground Repair	Each	$956~~788~~.00
Hydrant Flow Test (existing Hydrants)	Each	$1,116~~919~~.00
Fire Plans Examiner Miscellaneous	~~each~~Each	$478~~394~~.00
Re-Inspection Fee	Per Hour	$558~~459~~.00
Fire Prevention Office "No Show" for Inspection Appointment Fee	Each	$318.00

False Alarm Response*	Per Billed Incident	$1,435~~1,182~~.00
Fire Hydrants	Per Hydrant	$318~~262~~.00
Re-roofing Permits /Siding/Windows (Applicable only in Wildland/Urban Interface)	Per Application	$159~~131~~.00
Fire Permit Extension Fee	Per 6-Month Extension	$159~~31~~.00
Cannabis Facilities	Per Year	$1,275~~1,051~~.00
Pre-Application/General Plan Review/Code Assistance	Per Meeting	$1,594~~1,314~~.00
Planning/Engineering Referrals (HWD)	Per Application	$1,275~~1,051~~.00
Business License Reviews	Each	$1,116~~1,919~~.00
Fairview Planning Referrals	Each	$478~~394~~.00
Fairview New Construction	Per Application	$1,435~~1,182~~.00

Annual Permits

Additive Manufacturing (3D Printing) (105.5.1)	Per Year	$1,275.00 ~~1,051.00~~
Aerosol Products (105.5.2))	Per Year	$1,594.00 ~~1,314.00~~
Amusement Buildings (105.5.3)	Per Year	$1,275.00 ~~1,051.00~~
Aviation Facilities (105.5.4)	Per Year	$1,275.00 ~~1,051.00~~
Carnivals and Fairs (105.5.5)	Per Year	$1,275.00 ~~$1,051.00~~
Cellulose Nitrate Film (105.5.6)	Per Year	$1,275.00 ~~$1,051.00~~
Combustible Dust-Producing Operations (105.5.7)	Per Year	$1,275.00 ~~$1,051.00~~
Combustible Fibers (105.5.8)	Per Year	$1,275.00 ~~$1,051.00~~
Compressed Gases (105.5.9)	Per Year	$1,275.00 ~~$1,051.00~~
Covered Mall Buildings (105.5.10)	Per Year	$3,508.00 ~~2,891.00~~
Cryogenic Fluids (105.5.11)	Per Year	$1,275.00 ~~$1,051.00~~
Cutting and Welding (105.5.12)	Per Year	$1,275.00 ~~$1,051.00~~
Dry Cleaning Plants (105.5.13)	Per Year	$1,275.00 ~~$1,051.00~~
Energy Storage Systems (105.5.14)	Per Year	$1,275.00

		~~$1,051.00~~
Exhibits and Trade Shows (105.5.15)	Per Year	$1,275.00 ~~$1,051.00~~
Explosives (105.5.16)	Per Year	$1,275.00 ~~$1,051.00~~
Fire Hydrants and Valves (105.5.17)	Per Year	$1,275.00 ~~$1,051.00~~
Flammable and Combustible Liquids (105.5.18)	Per Year	$1,275.00 ~~$1,051.00~~
Fruit and Crop Ripening (105.5.20)	Per Year	$1,275.00 ~~$1,051.00~~
Fumigation or Thermal Insecticide Fogging (105.5.21)	Per Year	$1,275.00 ~~$1,051.00~~
Hazardous Materials (105.5.22)	Per Year	$1,275.00 ~~$1,051.00~~
HPM facilities (105.5.23)	Per Year	$1,594.00 ~~1,314.00~~
High-Piled Storage < 12000 SF (105.5.24)	Per Year	$1,275.00 ~~1,051.00~~
High-Piled Storage > 12000 SF (105.5.24)	Per Year	$1,594.00 ~~1,314.00~~
Hot-Works Operations (105.5.25)	Per Year	$1,275.00 ~~1,051.00~~
Industrial Ovens (105.5.26)	Per Year	$1,275.00 ~~$1,051.00~~
Lumber Yards and Woodworking Plants (105.5.27)	Per Year	$1,275.00 ~~$1,051.00~~
Liquid or Gas-Fueled Vehicles or Equipment in Assembly Buildings (105.5.28)	Per Year	$1,275.00 ~~$1,051.00~~
LP-Gas (105.5.29)	Per Year	$1,275.00 ~~$1,051.00~~
Magnesium (105.5.30)	Per Year	$1,275.00 ~~$1,051.00~~
Miscellaneous Combustible Storage (105.5.31)	Per Year	$1,275.00 ~~$1,051.00~~
Mobile Fueling of Hydrogen-Fueled Vehicles (105.5.32)	Per Year	$1,275.00 ~~$1,051.00~~
Motor fuel-dispensing facilities (105.5.33)	Per Year	$1,275.00 ~~$1,051.00~~
Open Burning (105.5.34)	Per Year	$1,275.00 ~~$1,051.00~~
Open Flames and Torches (105.5.35)	Per Year	$1,275.00

		~~$1,051.00~~
Open Flames and Candles (105.5.36)	Per Year	$1,275.00 ~~$1,051.00~~
Organic Coatings (105.5.37)	Per Year	$1,275.00 ~~$1,051.00~~
Outdoor assembly event (105.5.38)	Per Year	$1,275.00 ~~$1,051.00~~
Places of Assembly < 300 (105.5.39)	Per Year	$1,275.00 ~~$1,051.00~~
Places of Assembly > 300 (1055.39)	Per Year	$1,594.00 ~~1,314.00~~
Plant extraction systems (105.5.40)	Per Year	$1,275.00 ~~$1,051.00~~
Private Fire Hydrants (105.5.41)	Per Year	$1,275.00 ~~$1,051.00~~
Pyrotechnical Special Effects Material (105.5.42)	Per Year	$1,275.00 ~~$1,051.00~~
Pyroxylin Plastics (105.5.43)	Per Year	$1,275.00 ~~$1,051.00~~
Refrigeration Equipment (105.5.44)	Per Year	$1,275.00 ~~$1,051.00~~
Repair Garages and Motor Fuel-Dispensing Facilities (105.5.45)	Per Year	$1,275.00 ~~$1,051.00~~
Rooftop Heliports (105.5.46)	Per Year	$1,275.00 ~~$1,051.00~~
Spraying or Dipping (105.5.47)	Per Year	$1,275.00 ~~$1,051.00~~
Storage of Scrap Tires and Tire Byproducts (105.5.48)	Per Year	$1,275.00 ~~$1,051.00~~
Technology Fee	Per Year	6% of annual permit fee
Tire-Rebuilding Plants (105.5.50)	Per Year	$1,275.00 ~~$1,051.00~~
Waste Handling (105.5.51)	Per Year	$1,275.00 ~~$1,051.00~~
Wood Products (105.5.52)	Per Year	$1,275.00 ~~$1,051.00~~
Lithium Batteries (105.5.53)	Per Year	$1,275.00 ~~$1,051.00~~
Additional Permits (105.5.54)	Per Year	$1,275.00 ~~$1,051.00~~
Essential City Facilities	Per Year	$1,275.00

~~$1,051.00~~

Miscellaneous Fees - Building Permits

Minor Tenant Improvement	Per Permit	$956~~788~~.00
Revision-minor changes to (E) permit	Per Permit	$478~~394~~.00
Cellular Sites		
Existing Site	Per Permit	$956~~788~~.00
New Site	Per Square Footage	VARIABLE - SEE CHART
Equipment Installations	Per Permit	$956~~788~~.00
HVAC/air units		
If over 2,000 cfm	Per Permit	$318~~262~~.00

B. HAZARDOUS MATERIALS OFFICE

Annual Certified Unified Program Agency (CUPA) Program Permit and Registration Fees

1. Hazardous Materials Storage Permit

   Annual permit per facility for storage and/or handling of hazardous materials as defined in Hayward Municipal Code, Chapter 3, Article 8.

1A	Storage of one (1) or more types Solid - up to 500 pounds Liquid - up to 55 gallons Gaseous - up to 2,000 cubic feet at STP	$381.00 Per Year
2A	Storage of one (1) or more types Solid - over 500 & up to 5,000 pounds Liquid - over 55 & up to 550 gallons Gaseous - over 200 & up to 2,000 cubic feet at STP	$397~~255~~.00 Per Year
3A	Storage of one (1) to five 5) types Solid - over 5,000 & up to 25,000 pounds Liquid - over 550 & up to 2,750 gallons Gaseous - over 2,000 & up to 10,000 cubic feet at STP	$413~~269~~.00 Per Year
3B	Storage of six (6) or more types Solid - over 5,000 & up to 25,000 pounds Liquid - over 550 & up to 2,750 gallons Gaseous - over 2,000 & up to 10,000 cubic feet at STP	$447~~298~~.00 Per Year

4A	Storage of one (1) to five (5) types Solid - over 25,000 & up to 50,000 pounds Liquid - over 2,750 & up to 5,000 gallons Gaseous - over 10,000 & up to 20,000 cubic feet at STP	$462~~312~~.00 Per Year
4B	Storage of six (6) or more types Solid - over 25,000 & up to 50,000 pounds Liquid - over 2,750 & up to 5,000 gallons Gaseous - over 10,000 & up to 20,000 cubic feet at STP	$480~~326~~.00 Per Year
5A	Storage of one (1) to five (5) types Solid - over 50,000 pounds Liquid - over 5,000 gallons Gaseous - over 20,000 cubic feet at STP	$530~~369~~.00 Per Year
5B	Storage of six (6) to ten (10) types Solid - over 50,000 pounds Liquid - over 5,000 gallons Gaseous - over 20,000 cubic feet at STP	$580~~411~~.00 Per Year
5C	Storage of eleven (11) or more types Solid - over 50,000 pounds Liquid - over 5,000 gallons Gaseous - over 20,000 cubic feet at STP	$596~~426~~.00 Per Year

2. Hazardous Waste Generator Program

	~~Conditionally Exempt Small Quantity Generator (CESQG) – Up to an including 100 kilograms per month (approximately up to and including 27 gallons or 220 pounds per month) or less than or equal to 1 kilogram of acutely hazardous waste per month~~	~~The category that was the basis for this fee has been eliminated by the State and combined with Hazardous Waste - SQG.$184.00peryear~~
a.	Small Quantity Generator (SQG) – Less than 1000 kilograms (approximately 270 gallons or 2200 pounds) per month. Less than 1 kilogram of acutely/extremely hazardous waste per month~~Small Quantity Generator (SQG) – Over 100 kilograms up to and including 1000 kilograms per month (approximately over 27 gallons up to and including 270 gallons or over 220 pounds up to and including 2,220 pounds per month)~~	$397~~340~~.00 Per Year

	b. Large Quantity Generator (LQG) – 1000 kilograms or more per month (approximately 270 gallons or 2200 pounds) or 1 kilogram or more of acutely/extremely hazardous waste per month~~Large Quantity Generator (LQG) – Greater than 1000 kilograms per month (approximately over 270 gallons or 2,220 pounds per month) or greater than 1 kilogram of acutely hazardous waste per month~~		$529~~454~~.00 Per Year
3.	Hazardous Waste Treatment (Tiered Permit) Program		
	a. Permit by Rule (Fixed Units)	Per Year	$529~~454~~.00 Per Facility
	b. Permit by Rule (Transportable units)	Per Year	$529~~454~~.00 Per Facility
	c. Conditional Authorization	Per Year	$298~~255~~.00 Per Facility
	d. Conditional Exemption, Specified Waste	Per Year	$264~~227~~.00 Per Facility
	e. Conditional Exemption, Small Quantity Treatment	Per Year	$264~~227~~.00 Per Facility
	f. Conditional Exemption, Commercial Laundry	Per Year	$2~~64872~~.00 Per Facility
	g. Conditional Exemption, Limited	Per Year	$2~~64872~~.00 Per Facility
4.	Hazardous Materials Business Plan (HMBP)	Per Year	$397~~255~~.00 Per Facility
5.	Underground Storage Tank (UST) Program	Per Year	$1,490~~1,278~~.00 ~~for 1st UST per year $553.00 per add'l UST per year~~
6.	Underground Storage Tank (UST) Program per Additional UST		$645~~533~~.00 Per Facility
7.	Aboveground Petroleum Storage Act Program (APSA) – Spill Prevention Control and Countermeasure Plan (SPCC) – Qualified: Greater than 1,320 gallons but not more than 10,000 gallons stored at facility per year.	Per Year	$365.00 Per Facility
~~7.~~8.	Aboveground Petroleum Storage Act Program (APSA) - Spill Prevention Control and Countermeasure Plan (SPCC) - Non-Qualified: 10,000 gallons or greater stored at the facility per year.	Per Year	$463 ~~397~~Per Facility
	~~Spill Prevention Control and Countermeasure Plan (SPCC)~~	~~per year~~	~~$397.00 per facility~~
~~8.~~9.	California Accidental Release Prevention (CalARP)		

Program			
a.	Small CalARP facility	Per Year	$3,0792,642.00 Per Facility
b.	Large CalARP facility	Per Year	$3,17922,727.00 Per Facility
9.10.	Annual State Surcharges*		
a.	CUPA Program Oversight		Current State Fee*
b.	Underground Storage Tanks (UST) Program Current State Fee*		Current State Fee*
c.	CalARP Program Fee*		Current State Fee*
d.	California Electronic Reporting System (CERS) Fee*		Current State Fee*
e.	Above-ground Petroleum Storage Act (APSA) Fee*		Current State Fee*

*These fees are established through a regular fee adoption process by the State of California and are required to be collected at the current State of California rate by the Hayward Fire Department's Certified Unified Program Agency (CUPA). The fees are then required to be remitted by the City of Hayward Fire Department to the State of California on a quarterly basis. The fees are set by the State of California per Title 27 California Code of Regulations Section 15240.

10.11.	Technology Fee	6% of annual permit fee

New Construction Permits and Fees

1.	New Construction	
a.	Large, Tenant Improvement – New Facility	$4,768.004,090.00
b.	Medium, Tenant Improvement – New Facility	$3,129.002,684.00
c.	Small, Tenant Improvement – New Facility	$1,589.001,363.00
d.	Extra Small, Tenant Improvement – New Facility	$794.00681.00
2.	New Facility – No Construction	
a.	Medium to Large	$2,384.002,045.00
b.	Small	$1,192.001,022.00
3.	Underground Storage Tank	
a.	System Installation – VPH* up to 3 tanks	$5,017.004,303.00
	System Installation – VPH" each tank over 3 tanks	$1,672.001,434.00
b.	Piping Installation	$1,738.001, 491.00
c.	Piping Installation – VPH*	$2,136.001,832.00
d.	UDC/Sump Installation	$1,738.001,491.00
e.	UDC/Sump Installation – VPH*	$2,136.001,832.00
f.	System Removal up to 3 tanks	$2,185.001,874.00
	System Removal each tank over 3 tanks	$728.00624.00

g.	Piping Removal	$1,390.001,193.00
h.	UDC/Sump Removal	$1,390.001,193.00
i.	EVR Phase I Installation or Upgrade	$794.00681.00
j.	EVR Phase II Installation or Upgrade	$1,440.001,235.00
k.	Monitoring System Installation or Upgrade	$1,291.001,107.00
l.	System Tank/Piping Repair	$2,285.001,906.00
m.	System Tank/Piping Repair – VPH*	$2,682.002,301.00
n.	System Miscellaneous Component Repair - Major	$2,285.001,960.00
o.	System Miscellaneous Component Repair – Major– VPH*	$2,682.002,301.00
p.	System Miscellaneous Component Repair – Minor (Including Monitoring System ("Cold Starts")	$943.00809.00
q.	System Miscellaneous Component Repair – Minor – VPH* (Including Monitoring System ("Cold Starts")	$1,341.001,150.00
r.	Spill Bucket/Overfill Protection Replacement	$1,589.001,363.00
s.	Temporary Closure *VPH – Vacuum, Pressure, and Hydrostatic Continuously Monitored Systems	$1,788.001,534.00
4.	Aboveground Storage Tanks	
a.	System Installation	$1,490.001,278.00
b.	System Removal	$1,291.001,107.00
c.	System Repair or Modification	$1,142.00980.00
5.	California Accidental Release Prevention (CalARP) Program	
a.	Large - Risk Management Plan Review	$8,544.007,329.00
b.	Small - Risk Management Plan Review	$5,364.004,602.00
c.	Other costs incurred, including but not limited to third- party review, laboratory work, public notice, communication and correspondence	$198.00170.00 per hour or cost
6.	Meetings	
a.	Code Assistance Meeting	$496.00426.00
b.	Pre-Application Meeting	$397.00340.00
7.	Request for Alternate Means of Protection (AMP)	$681.00
a.	Review	$794.00681.00

Miscellaneous Fees

1.	Annual Permit Fee	Per Year	$198
2.	Operational Permits - Mobile Fueling Operations		

a.	Initial Permit and Verification Inspection	Per Site	$794.00~~681.00~~
b.	Annual Permit Fee	Per Year	$198.00~~170.00~~
3.	Facility Closures		
a.	3A and above – full facility closure		$2,185.00~~1,874.00~~
b.	3A and above – partial facility closure		$1,241.00~~1,065.00~~
c.	Below 3A – full facility closure		$745.00~~639.00~~
d.	Below 3A – partial facility closure		$496.00~~426.00~~
4.	Contamination		
a.	Staff oversight	Per Hour	$198.00~~170.00~~
5.	Site Clearance		
a.	New construction/use – large		$496.00~~426.00~~
b.	New construction/use – small		$298.00~~255.00~~
c.	Property transfer – large		$496.00~~426.00~~
d.	Property transfer – small		$298.00~~255.00~~
6.	Other Inspections and Compliance Verification		
a.	Re-inspection (CUPA and non-CUPA)	Per Hour	$198.00~~170.00~~
b.	Re-inspection beyond allowed by permit	Per Insp.	$397.00~~340.00~~
c.	After-hours inspection	Per Hour	$298.00~~255.00~~
d.	Miscellaneous Inspections and Activities	Per Hour	$198.00~~170.00~~
e.	Compliance verification	Per Notice	$99.00
~~e.~~	~~Compliance verification~~	Each	~~$99.00~~85.00
~~e~~f.	HazMat Office "No Show" for Inspection Appointment Fee		$198.00
7.	Plan Review/Checking Fees – General		
a.	Planning Review Fee	Per Hour	$198.00~~170.00~~
b.	Plan Checking Fee	Per Insp.	$198.00~~170.00~~
c.	Expedited Plan Checking Fee (two hours minimum)	Per Hour	$298.00~~255.00~~
8.	California Environmental Reporting System		
a.	Assistance Fee	Per Hour	$198.00~~170.00~~
b.	Assistance Fee (after hours)	Per Hour	$298.00~~255.00~~
9.	Non-Compliance Fine~~Fee~~	Per Hour	$596.00~~511.00~~

C. FIRE STATION 6 REGIONAL TRAINING CENTER RENTAL FEES

a.	Classroom – EMS (Capacity #)	Per Day	$350.00
b.	Classroom - Fire2 (Capacity 24)	Per Day	$350.00

c.	Classroom – Fire Simulator (Capacity #)	Per Day	$650.00
d.	HazMat Simulator	Per Day	$480.00
e.	Pump Pit	Per Day	$250.00
f.	Class A Victorian	Per Day	$480.00
g.	Outdoor Classroom	Per Day	$350.00
h.	BART Rescue Prop	Per Day	$500.00
i.	Fire Tower (Full Building)	Per Day	$1,500.00
j.	Full Facility Rental	Per Day	$1,800.00
k.	Transportation Training Prop	Per Day	$500.00
l.	Vehicle Extrication	Per Day	$480.00

Information Technology

Video Technician		
Video services, including editing and duplication, provided for events	Per Hour	$184~~150~~.00
GIS Map Printing	Per Hour	$244~~188~~.00

Library and Community Services

A. GENERAL SCHEDULE OF CHARGES:

1.	Item Replacement Fees	
a.	Print material, videotapes and sound recordings	Original cost of item plus processing fee
b.	DVD's	Original cost of item plus processing fee
c.	Reference materials (return within 7 days)	Original cost of item plus processing fee
d.	Processing fee	$~~96~~.00
e.	Board Games	Up to $54.99 Each
2.	Printing/Copying Fees (per page	
a.	Printing (B&W)	$0.15
b.	Printing (Color)	$0.30
c.	Copying (B&W)	$0.15
d.	Copying (Color)	$0.30
3.	Replacement of lost library cards (1 free per year)	$2.00
4.	Replacement lost/damaged bar code or RFID tag	$1.00
5.	Agenda & Minutes Library Commission	$30.00~~ per year~~
6.	Mailing of library materials	Cost of mailing

B. ADMINISTRATIVE SERVICES

1.	Community Services Commission Agenda	$15.00 Per Year
2.	Community Services Commission Minutes	$15.00 Per Year

C. MAKERSPACE MATERIALS FEES (21ST CENTURY LIBRARY)

1.	Carvey Materials	
a.	Birch material	$3.15 Each
b.	2-color ABS	$3.15 Each
c.	HDPE	$2.50 Each
d.	Linoleum	$3.00 Each
2.	Laser Cutter Materials	
a.	Birch material	$3.75 Each
b.	Clear acrylic	$3.75 Each
3.	Cricut & Scan N Cut Materials	
a.	Iron-on vinyl	$1.25 Per sq. ft.
b.	Perm adhesive vinyl	$1.25 Each
c.	12" x 12 Cardstock	$0.65 Each
d.	Transfer tape	$0.65 Each

e. Craft Paper	$0.50 Each
4. Wide-format Printer Paper (per page)	
a. 11” x 17” matte	$0.85
b. 11” x 17” photo	$1.35
c. 13” x 19” matte	$1.75
d. 13” x 19” photo	$3.50
e. 4” x 6” ink only	$0.05
f. 5” x 7” ink only	$0.07
g. 8.5” x 11” ink only	$0.20
h. 11” x 17” ink only	$0.35
i. 13” x 19” ink only	$0.50
5. 3D Printing	
a. Filament	$0.05 Per Gram
6. Sublimation	
a. 8.5” by 11” Paper + Printed ink or marker	$1.25 Each
b. Mug blank	$3.00 Each
c. Mouse Pad blank	$1.50 Each
d. Hat blank	$3.00 Each
e. Puzzle blank	$1.50 Each
f. Bag-small	$1.00 Each
g. Bag-large	$1.50 Each
7. Xyron (Create-a-Sticker)	
a. Sticker paper	$0.10 Per Linear Inch
b. Magnet	$0.30 Per Linear Inch
8. Sewing	
a. 12” x 12” Fabric	$0.75 Each
b. 18” x 22” Fat Quarter	$2.50 Each
c. Fusible Interfacing	$1.00 Per Linear Foot
9. Button Maker	
a. 1.25” button kit	$0.10 Each
b. 2.25” button kit	$0.20 Each
10. Embroidery	
a. Thread	$0.10 Per 1000 stitches
b. Stabilizer	$0.25 Per sheet
11. Miscellaneous	
a. Shrinky Dink	$0.50 Per sheet

b.	Perler Project	$0.50 per project board
c.	Laminate Pouch	$0.25 Each

D. LIBRARY OF THINGS

Item	LOT Category	Actual Cost	Fee Schedule
Puzzles	LOT Game	$16.99	Original cost of item plus processing fee
Ukuleles	LOT Music	$50.00	Original cost of item plus processing fee
Binoculars	LOT Recreation	$59.99	Original cost of item plus processing fee
Backpacks (Hiking)	LOT Recreation	$112.86	Original cost of item plus processing fee
Stargazing Kits	LOT Recreation	$504.38	Original cost of item plus processing fee
Trekking Poles	LOT Recreation	$34.99	Original cost of item plus processing fee
SunJack Solar Chargers	LOT Technology	$79.95	Original cost of item plus processing fee
IFixIt Pro Tech Kits	LOT Technology	$94.94	Original cost of item plus processing fee

E. TECH LENDING LIBRARY FEES

a.	Processing Fee	$20.00
b.	Wifi Connected Chrome Book	up to $500
c.	Wifi Connected Tablet	up to $250
d.	Hot Spot	up to $400
e.	Peripherals	up to $25 Each

Maintenance Services Department

A. CITY HALL RENTALS

USER GROUPS

Users are classified into the following groups for determining scheduling priority and the applicable fees and charges.

a. Individuals living in Hayward
b. Individuals living outside of Hayward
c. Non-profits [501(c) 3,4, or 6] and other public or private civic, cultural, educational, or charitable groups
d. Businesses and other commercial groups

RENTAL RATES:

			FEE RATES BY USER GROUP **ALL RATES HOURLY**			
			Individual		Organization	
City Hall Facilities	Seating	Deposit	A. Hayward Resident	B. Non- Hayward Resident	C. Non- Profit	D. Commercial
City Hall – Rotunda (4 hr. min)	160	$300*	$121 ($920 daily max)	$152	$131 ($920 daily max)	$183
City Hall – Council Chambers (4 hr. min)	166	$300*	$68 ($546 daily max)	$99	$78 ($546 daily max)	$131
City Hall – Pre- function Area 2nd floor (4 hr. min)	100	$300*	$57 ($462 daily max)	$89	$68 ($462 daily max)	$121
City Hall – Plaza (4 hr. min)	-	$500*	$73 ($588 daily max)	$105	$84 ($588 daily max)	$137

*Non-refundable processing fee of $75 (up to $225 / $425 refundable)

OTHER CITY HALL FEES

Note: All equipment fees are for one setup and per day

Facility Fee	Rate (All User Groups)
Room Setup Fee	$158
Security Admin Fee	$60
Janitorial Admin Fee	$60
Insurance Admin Fee	$90

B. LIBRARY MEETING ROOM RENTALS

USER GROUPS

Users are classified into the following groups for determining scheduling priority and the applicable fees and charges.

a. Individuals living in Hayward
b. Individuals living outside of Hayward
c. Non-profits [501(c) 3,4, or 6] and other public or private civic, cultural, educational, or charitable groups
d. Businesses and other commercial groups

e. City of Hayward and other government agencies (federal/state/city/local)

RENTAL RATES

	FEE RATES BY USER GROUP **ALL RATES HOURLY**				
	Individual		Organization		Government
Library Meeting Room and Event Spaces	**A. Hayward Resident**	**B. Non-Hayward Resident**	**C. Non-Profit**	**D. Commercial**	**E. Government Agency**
Fremont Bank Foundation Room A (Half)	$60.00	$80.00	$50.00	$150.00	$0.00
Fremont Bank Foundation Room B (Half)	$60.00	$80.00	$50.00	$150.00	$0.00
Fremont Bank Foundation Room (Full)	$100.00	$140.00	$75.00	$250.00	$0.00
Meeting Room C	$30.00	$40.00	$25.00*	$50.00	$0.00
Prep Area**	$50.00	$50.00	$50.00	$100.00	$0.00
Weekes Library Legacy Room***	$0.00	$0.00	$0.00	$0.00	$0.00

*Two (2) meetings each month in Meeting Room C will be free if the following criteria are met:

i. Meeting sponsored by a Group C user that is based in Hayward and serves primarily Hayward residents
ii. Meeting is open to the public

**Prep Area is a room next to Fremont Bank Foundation Room A with refrigerator, oven, and sink

***All events held in the Legacy Room are required to be open to the public

OTHER LIBRARY MEETING ROOM FEES

Meeting Room Fee	Rate (All User Groups)
Room Setup Fee (If Requested)	$50.00-$100.00
Janitorial Service Fee (When Needed)	$57.00 Per Event, plus janitorial hourly service fee
Attendant On Duty (When Needed)	$75.00 Per Hour
–Processing Fee	–$50 Per Reservation

Notes:
All meeting room applications must be submitted via the online scheduling system **at least 30 days in advance**. Paper applications will not be accepted.
Minimum rental is two (2) hours. Hourly rates are not pro-rated for parts of an hour.
Partial- hour reservations will be rounded up to the nearest hour.
Any setup and tear-down time required must be included in the time requested and will be billed at the same rental rate.
Payments must be made at least 14 days prior to the event. Events are not considered approved until payment is received in full.
Other service fees (when needed) may also be applicable. These may be assessed prior-to

or immediately following the reservation.

C. STREET MAINTENANCE

		Fee	Penalty
1.	Cart Retrieval Fee	$142.19~~113.75~~	
2.	Sign Fabricated & Installed by City Crew	$868.75~~695.00~~	
3.	Illegal Dumping on Public Right-of-Way	**Fee**	**Penalty**
	a. First Violation		
	Initial Inspection and noticing	No Charge	No Penalty
	Reinspection shows violation eliminated	No Charge	No Penalty
	Reinspection shows violation still exists; City abates	$1,845.31~~1,476.25~~	$400.00
	b. Subsequent Violation within 12 Months *(same property owner)*		
	Initial Inspection and noticing	$1,845.31~~1,476.25~~	$800.00
	Reinspection shows violation eliminated	No Charge	No Penalty
	Reinspection show violation still exists; City abates	$1,845.31~~1,476.25~~	$1,600.00
	Lien/Special Assessment Per Parcel	$2,134.00~~1,858.00~~	
	Hearing Fee; Administrative, Special Assessment, Administrative Citation, and Lien Hearings	$1,500.00~~1,276.00~~	
4.	Special Events Per Hour	$179.69~~143.75~~	

Police Department

ANIMAL CONTROL
(Ref. Hayward Municipal Code, Chapter 4, Article 4)

For those fees designated to RTO (Refer To Office), the Animal Services Manager shall determine a reasonable fee or charge, basing that determination on the nature of the service; time spent; consistency with fees and charges specified for other services; actual costs incurred, including overhead and other indirect cost; and any other relevant factors.

1. Impounding Charges	
a. For each dog and cat	
(1) 1st impoundment	$50.00~~ penalty~~
(2) 2nd impoundment within one year	$75.00~~ penalty~~
(3) 3rd impoundment within one year	$150~~149~~.00~~ penalty~~
(4) Impound dangerous animal	$190~~148~~.00~~ penalty~~
(5) Field Impound	$150~~125~~.00
b. For any unsterilized dog or cat impounded, an additional fee is assessed as mandated by the State of California Food & Agricultural Code.	
(1) 1st Impoundment	$35.00 Penalty
(2) 2nd Impoundment	$50.00 Penalty
(3) 3rd Impoundment	$100.00 Penalty
c. For each horse, bull, cow, steer, calf, colt, sheep, lamb goat or hog	
(1) 1st impoundment	RTO (minimum field impound) Charge will be total direct cost
(2) 2nd impoundment within one year	RTO (minimum field impound) Charge will be total direct cost
(3) 3rd impoundment within one year	RTO (minimum field impound) Charge will be total direct cost
d. For each non-specified animal (rabbit, monkey, rat, etc.)~~ RTO (minimum 1st impound)~~	RTO (minimum 1st impound)
2. Feeding and Boarding Charges Per Day. Boarding charges shall be levied as of the first day of impoundment. Charges shall be waived where the animal is redeemed "off the truck."	
a. For each dog, cat or small domestic pet	$15.00
b. Special needs animal (medications given, treatment)	$37.00 per day
c. For each horse, bull, cow, hog, steer, lamb, sheep, goat, colt, or calf	RTO. Charge will be

	total direct cost
d. For lamb, sheep, goat, other small livestock maintained at shelter	$24.00
e. For each non-specified animal	RTO (minimum $15 board fee)
3. Special Services	
a. Owner surrender of adult unlicensed animals (boarding fees for the State mandated period additional)	$4027.00 Per Animal
b. Owner surrender of additional animals less than ten weeks of age. Boarding fees for the State mandated holding period will also be charged	$9.00 Per Animal
c. Owner surrenders - small animals/bird Boarding fees for the state mandated holding period will also be charged	$34.00 Per Animal
d. Owner brings dead animal to shelter for disposal	
(1) Under 50 lbs.	$50.00 Per Animal
(2) Over 50 lbs.	$75.00 Per Animal
(3) Transportation of disposal	$14596.00 Per Animal
e. Transportation of ~~stray~~ injured or sick owned animal to a veterinarian ~~where owner is later identified~~	$13096.00
f. Veterinary treatment provided to an animal housed in the Shelter where the owner is later identified	Actual Vet Costs
g. Rabies vaccination	Actual Vet Costs
h. In-house cat, dog, or rabbit vaccines ~~Para-influenza type vaccine~~	~~Actual Vet Costs~~$10.00
~~i. Felv/FIV combo test – in-house~~	~~$25.00 minimum~~
~~j.~~i. Deworm & Flea Preventative	
(1) Cat	$10.00
(2) Dog – under 25lbs.	$15.00
(3) Dog – 25.1-50lbs.	$30.00
(4) Dog – 50.1-100lbs.	$45.00
j. Felv/FIV combo test – in-house	$45.00
k. Microchip ~~Insertion~~	
(1) Animal adopted from the Shelter	$15.00
(2) Animals not adopted from the Shelter	$3029.00
4. Animal License and Permit Fees	
a. Dog License	
(1) Flat fee is for 1, 2 or 3 years depending on Rabies Vaccination Certificate (not to exceed 3 years)	$17.00
(2) Unsterilized animal (flat license or license renewal fee additional)	$35.00 ~~penalty~~
(3) License renewal – replacement tag additional if needed	$17.00 ~~plus penalty~~

The Animal Services Manager is authorized to reduce dog license fees by one half of the amount set forth above	
b. Late Penalty	$5.00
c. Replacement license tag issued at time of renewal	$4~~13~~.00
d. Replacement license tag issued not at time of renewal	$12~~13~~.00
e. Seeing or hearing dog	No Charge
f. Fancier's Permit	$395~~243~~.00
5. Observation Fees	
All observation fees are assessed at the full rate and are not refundable, either in part or in full.	
a. For each dog, cat or small domestic pet for quarantine, evidence and protective custody. Boarding fees for the State mandated holding period will also be charged.	$5.00 Per Day
b. Other Animals	Actual Costs per inspection
c. Property inspections (required prior to home quarantines and for the private retention of all animals declared dangerous outside City of Hayward hearing)	$75.00
6. Adoption Fees	RTO (minimum $5.00)
a. The fees charged for dogs and cats offered for adoption shall be set by the Animal Services Manager. In no case shall this amount be less than $5.00. In no case shall animals listed as "Owner Surrendered" be adopted by the previous owner without payment of all fees and charges (as specified in the schedule) for shelter service in impounding and caring for the animal	$20.00
b. All Other Animals	Market Value
c. Spaying and neutering (mandated for dogs and cats prior to adoption)	Veterinary contract cost
d. Administrative processing fee for the return of animals adopted from the shelter	$15~~11~~.00
7. Hearing Fee: Hearing and inspection of property of owners of animals declared dangerous or potentially dangerous	$200~~150~~.00

POLICE ADMINISTRATION

1. Photocopying of Reports	
a. Traffic Accident Reports	$25~~22~~.00 Per Report
b. Other Reports	$25~~22~~.00 Per Report
2. Photographs	$40~~33~~.00 Each
3. Citation Sign off-Outside Agencies	$33~~27~~.00 Per Citation

4. Fingerprinting (Fingerprint processing fees established by Federal or State agencies shall be additional charge.)	$42~~35~~.00 Each
5. Traffic Police Security Services	
a. Traffic control and police security services for pre-planned, non-city sponsored events	Time & Motion
b. Planned traffic control for contractors and utilities	Time & Motion
6. Permit Processing (Fees are for processing only, fingerprint and Department of Justice fees are not included)	
a. Taxi Drivers	
(1) Initial Permit	$923~~825~~.00
(2) Annual Renewal$	461~~412~~.00
(3) Annual taxi operating sticker	$230~~206~~.00
(4) Lost permit replacement	$42~~35~~.00
b. Tow Permits	
(1) Company 1st License	$461~~412~~.00
(2) Company Annual Renewal	$64~~53~~.00
(3) Driver 1st License	$461~~412~~.00
(4) Driver Annual Renewal	$64~~53~~.00
(5) Lost Permit Replacement	$64~~53~~.00
c. Massage Establishments	
(1) Initial Inspection/application and processing of new massage establishment	$1,154~~1,031~~.00
(2) Annual Renewal fee for massage establishment	$384~~318~~.00
(3) Badge Replacement	$128~~106~~.00
(4) Massage Out-Call initial inspection/application	$1,154~~1,031~~.00
(5) Massage Out-Call renewal	$241.00
d. Card Clubs Employee Permit	
(1) Initial permit	$241.00
(2) Annual renewal	$256~~212~~.00
(3) Lost permit replacement	$128~~106~~.00
e. Firearms	
(1) Background Investigation	Time & Motion
(2) Firearm dealers annual permit	$1,965~~1,743~~.00
f. Employees Working at a Cannabis Establishment	
(1) Employee Work Permit Application Fee	

a. Employee background check (live scan + fingerprint/photograph processing fee)	$82.00 Vice
Any charges not specified below shall be established by State and/or Federal Statutes	
(2) Other Permit processing	Time & Motion
7. Alarm Permit Fee	
a. New and annual renewal:	$25~~22~~.00
b. For Low income or persons in a temporary or permanent disabled status who:	$10~~29~~.00
(1) meet the City income guidelines as defined in the All City Department section of the Master Fee Schedule and	
(2) file with the Revenue Division of the Finance Department a discount application and adequate documentary evidence showing that the Permit applicant comes within the provision of subparagraph (a).	
8. False Alarm Fees (for instances of false alarms within any one-year period):	
a. First False Alarm Fee	$0.00 Records
b. Second False Alarm Fee	$185.00
c. Third False Alarm Fee Penalty	$185.00 $50.00
d. Fourth False Alarm Fee Penalty	$185.00 $200.00
e. Fifth and Each Fee	$185.00
Subsequent False Alarm Penalty	$400.00
9. Vehicle Release Fee	$278~~250~~.00
10. Vehicle Verification or Administrative Fee	
a. Onsite verification	$114~~103~~.00
b. Offsite verification	$229~~206~~.00
11. Communication Tapes	$119~~101~~.00 Per Tape
12. Clearance Letters	$25.00 Per Letter
13. Auto Sales/Repair Permit	$254~~212~~.00
14. Vehicle Abatement	$254~~212~~.00 Per Vehicle
Any charges not specified below shall be established by State and/or Federal statutes.	
a. Cite & Release	$89.00
b. Hold for Court	$180.00
c. Transfer to Santa Rita	$199.00
15. Social Host Accountability Ordinance	

The following penalties and/or cost recovery are authorized by Chapter 4, Article 11 of the HMC. Penalties for violations and cost recovery are separate and distinct charges. Penalties for Violation – The following is authorized by sec 4-11.20 HMC.	
a. First Violation	$750.00
b. Second Violation	$1,500.00
c. Third & Subsequent Violations	$2,500.00
Public Safety Services/Response Cost - The following is authorized by sec 4-11.25 HMC	
d. Recovery of the cost of the public safety response to a "Social Host" ordinance violation using the fully burdened cost allocation rate.	Time & Motion
16. Firearms Range Maintenance Fees – apportions the upkeep of the firearms range among user law enforcement agencies over a fiscal year period	$2,000.00
17. Alcohol	
a. Level I – Alcoholic Beverage Establishment Retail License Fee – Full service restaurants, wine shops, breweries, distilleries; and retail stores using no more than 5% of their floor area for alcohol sales, storage and display.	$280.00
b. Level II – Alcoholic Beverage Establishment Retail License Fee – All alcoholic beverage outlets other than Level I.	$1,120.00
c. Critical Incident Fee	Time & Motion
d. Violation of Alcoholic Beverage Outlets Ordinance	
(1) First Offense	$750.00
(2) Second Offense	$1,500.00
(3) Third and subsequent Offenses	$2,500.00
e. Reinspection Fee—	Time & Motion
f. Alcohol Sales – Special Event Permit	$304.00

Tow Operation Fee
Fees to be charged for tow operations shall not be in excess of the following schedule:

1. Towing	
a. Towing of vehicles of others (From public and private property)	$281.25~~225.00~~
b. All other towing:	
1. Passenger vehicles	$281.25~~225.00~~
2. Motorcycles	$281.25~~$225.00~~
3. Trucks to 10,000 lbs. (unloaded)	$281.25~~$225.00~~
4. Trucks 10,000 to 26,000 lbs.	$312.50~~250.00~~
5. Trucks over 26,000 lbs.	$468.75~~375.00~~

c. Extra labor charges on disabled vehicles Applicable 1/2 hours after arrival of tow truck (Per hour or portion thereof, at 15-minute increments)	$237.50~~190.00~~/hr.
d. Gate fee request between 5:00 PM and 8:00 AM On weekdays and all day Saturday, Sunday and Holidays	$150~~120~~.00
2. Storage (Storage charges applicable after 8 hours)	
a. Passenger vehicles, motorcycles and trucks (To 8,000 lbs., outside per 24-hour period)	$112.50~~90.00~~
b. Passenger vehicles, motorcycles and trucks (To 8,000 lbs., inside per 24-hour period)	$112.50~~90.00~~
c. Trucks over 8,000 lbs., buses, and trailers over 20 feet long	$156.25~~125.00~~
3. Miscellaneous Service to the Public	
a. Service charges on disabled vehicles where no tow is made	$125~~100~~.00
b. Release of vehicle from hook-up after authorization to tow	$112.50~~900.00~~
4. Complicated Tow	
a. Trailer con gear (big rig dolly)	$187.50~~150.00~~
b. Air cushion, includes operator for 3 hours	$1,875~~1500~~.00
c. Lumper, or extra personnel 6am to 6pm	$62.50~~50.00~~/hr. (2hr. min)
5. City Owned Vehicles	
a. Removal or tow of vehicle	$60~~50~~.00
b. Service charge on disabled vehicle (no tow)	$60~~50~~.00
c. Tow from outside of City of Hayward	$60~~50~~.00/hr. + $1.00 Per Mile
$362.50~~290~~ if 2 axle to portal plus for Air cushion Towing, add $213.75 ~~174~~ for first three hours then $500~~400~~ after	
$~~454~~ 567.50 if 3 axle to portal plus for Air cushion Towing, add $~~174~~ 213.75 for first three hours then $500~~400~~ after	

Concealed Carry Weapons Permit
Fees below do not include State or other applicable fees:

1. New Permit Fee	
a. Standard - 2 Years	$430~~167~~.00
b. Judicial - 3 Years	$430.00~~$165.00~~
c. Reserve - 4 Years	$430.00~~$165.00~~
d. Employment - 90 Days	$430.00~~$165.00~~
2. Renewal Fee	
a. Standard - 2 Years	$95~~25~~.00
b. Judicial - 3 Years	$95.00~~$25.00~~

c. Reserve - 4 Years	$95.00~~$25.00~~
d. Employment - 90 Days	$95.00~~$25.00~~

Hayward Film Permit

1. Film Permit applications	$125.00 Per Day
2. Expedited Film Permit (3-5 days)	$250.00 (excludes larger productions)
3. Film Permit (TV series, movies, feature films, pilots)	$175.00 Per Day
Minor Encroachment Permit (filming) ~~– excluding work to be performed by Public Works, i.e., no traffic control plan provided, just review~~	Dependent on encroachment type. Refer to Engineering Section B(5)
~~4. Major Encroachment Permit (filming) – includes work from Public Works, i.e., traffic control plan~~	~~Time & Motion, $4,000 Deposit. Refer to Engineering Section B(6)~~
~~5.~~4. Police clearance (filming)	$346~~309~~.00 Hourly
~~6.~~5. Fire Permit (filming)	$318~~262~~.00 flat fee (does not include cost if presence is required at event)
~~7.~~6. Filming on City Property/Facilities/Hangars (varies) Airport Property and Hangars – filming and Photography requests will be authorized at the discretion of the Airport Manager provided that the requested activity will in no way interfere with the safe, orderly, and uninterrupted use of Airport facilities by Airport users or portrays the Airport in a negative manner	$1,500.00 daily fee (extra labor, security engineering or comparable cost are not included)
~~8.~~7. Filming at City Hall	$575.00 daily fee (does not Include cost of guard, janitorial and insurance)

Utilities & Environmental Services

1. SANITARY SEWER SERVICE CHARGES AND FEES

Sewer System Connection Charge (Reference Hayward Municipal Code, Chapter 11, Article 3, Section 11-3.255).

	~~Current~~Sep 1, 2025	Sep 1, 2026~~5~~
(1) Single family, duplex, triplex, and fourplex residential units, townhouses, and planned developments	$13,235	$14,559~~13,235~~
(2) Multi family, high density residential, and mobile homes, each residential unit	$11,781	$12,960~~11,781~~
(3) Accessory Dwelling Units (ADUs, where applicable), each unit	$5,295	$5,825~~5,295~~
(4) Commercial, industrial, institutional and all other connections:		
Per gallon of daily capacity required to serve the user	$32.98	$36.28~~32.98~~
Per pound per year of biochemical oxygen demand (cBOD)	$34.11	$37.53~~34.11~~
Per pound per year of suspended solids (SS)	$22.34	$24.58~~22.34~~
Minimum charge	$13,235	$14,559~~13,235~~

For the purposes of calculating non-residential sewer connection fees, carbonaceous biochemical oxygen demand (CBOD) and suspended solids (SS) will be reduced by 50%~~70%~~ of the estimated values in the actual discharge, but not lower than the CBOD and SS for domestic wastewater, that is, 371~~307~~ milligrams per liter and 297~~258~~ milligrams per liter respectively. The property will be entitled to discharge CBOD and SS concentrations commensurate with the estimated actual concentrations. The volume component will not be reduced and will be calculated at 100% of the estimated discharge. The CBOD and SS reduction is applicable only to estimated daily discharge of 25,000~~50,000~~ gallons or less. Discharge in excess of 50,000 gallons per day from a facility will be subject to a sewer connection fee based on full CBOD and SS concentrations. This provision will be in effect through June 30, 2027. ~~September 30, 2025.~~

a. Interest Rates on Sewer Connection Fee Payment Agreements (Reference Hayward Municipal Code, Chapter 11, Article 3, Section 11-3.255)

12-month agreement – 4%
24-month agreement – 5%
36-month agreement – 6%
48-month (and longer) agreement – 7%

b. Sewer Service Charges (Reference Hayward Municipal Code, Chapter 11, Article 3, Section 11-3.450)

Residential Service	**Eff. Jul 1, 20256**	**Eff. Jul 1, 20276**	
~~Residential Unit~~	$53.57~~47.83~~	$60.00~~53.57~~	Per Month
(1) Standard (over 8 units of metered water usage)			
~~(1) Duplex, Triplex, Fourplex (per unit)~~	~~$53.5747.83~~	~~$60.0053.57~~	~~per month~~
(2) Economy (5 to 8 units of metered water usage)*	$25.23	$28.26	Per Month
(3) Lifeline (0 to 4 units of metered water usage)*	$13.01	$14.58	Per Month
(4) Duplex, Triplex, Fourplex (per unit)	$53.57	$60.00	Per Month
~~(2)~~(5) Multi-Family (per unit)	$48.71~~43.49~~	$54.56~~48.71~~	Per Month
~~(3)~~(6) Mobile Home (per unit)	$36.23~~32.34~~	$40.58~~36.23~~	Per Month
~~(1) Economy (5 to 8 units of metered water usage)*~~	~~(2) $25.232 2.52~~	~~(3) $28.262 5.23~~	~~(4) per month~~
~~(5) Lifeline (0 to 4 units of metered water usage)*~~	~~(6) $13.011 1.61~~	~~(7) $14.581 3.01~~	~~(8) per month~~

*Economy and Lifeline rates are only applicable for City water customers

Non-Residential Service – Critical Users

Sewer Service Charge

Constituent/Unit	Jul. 1, 20265	Jul. 1, 20276
Flow – Cost per 100 cubic feet (ccf)	$6.15020~~5.49120~~	$6.88830~~6.15020~~
Biochemical Oxygen Demand – Cost Per Pound	$0.57890~~0.51680~~	$0.64840~~0.57890~~
Suspended Solids – Cost Per Pound	$2.00060~~1.78620~~	$2.24070~~2.00060~~

Non-Residential Service – Coded Users

Sewer Service Charge Per ccf

	With Irrigation Meter		**Without Irrigation Meter**	
Customer Classification	**Eff. Jul 1, 20265**	**Eff. Jul 1, 20276**	**Eff. Jul 1, 20265**	**Eff. Jul 1, 20276**
All Other Domestic Use	$8.91~~7.95~~	$9.98~~8.91~~	$8.02~~7.16~~	$8.99~~8.02~~
Restaurant w/ Grease Interceptor	$11.80~~10.53~~	$13.22~~11.80~~	$10.61~~9.47~~	$11.89~~10.61~~
Restaurant w/o Grease	$14.52~~12.96~~	$16.27~~14.52~~	$13.06~~11.66~~	$14.63~~13.06~~

Interceptor				
Commercial Laundry	$10.13039.04	$11.3510.03	$8.737.79	$9.788.73
Bakeries	$16.1214.39	$18.0616.12	$15.5413.87	$17.4115.54
Industrial Laundry	$15.7314.04	$17.6215.73	$14.1512.63	$15.8514.15
Beverage Bottling	$10.239.13	$11.4610.23	$9.208.21	$10.319.20
Food Manufacturing	$28.8125.72	$32.2728.81	$34.2530.58	$38.3634.25
Meat Products	$19.2917.22	$21.6119.29	$14.7313.15	$16.5014.73
Slaughterhouse	$22.2019.82	$24.8722.20	$20.0017.85	$22.4020.00
Dairy Product Processors	$15.9214.21	$17.8415.92	$14.3212.78	$16.0414.32
Canning and Packing	$11.3510.13	$12.7211.35	$10.219.11	$11.4410.21
Grain Mills	$14.9313.33	$16.7314.93	$13.4612.01	$15.0813.46
Fats and Oils	$10.779.61	$12.0710.77	$9.698.65	$10.869.69
Pulp and Paper	$11.2810.07	$12.6411.28	$9.968.89	$11.169.96
Manufacturing				
Inorganic Chemicals	$18.2216.26	$20.4118.22	$16.4014.64	$18.3716.40
Paint Manufacturing	$28.3925.34	$31.8028.39	$25.5622.82	$28.6325.56
Leather Tanning	$37.3833.37	$41.8737.38	$33.6330.02	$37.6733.63
Fabricated Metal	$6.585.87	$7.376.58	$5.925.28	$6.645.92

All non-critical commercial and industrial users will be included in the above UCC classification that most closely represents the wastewater discharge strength and characteristics in comparison with domestic wastewater definition in the Regulations, as determined by the Director of Public Works. The UCC designation of a particular industry may not necessarily correspond to the Standard Industrial Classification (SIC) which may be assigned for other purposes.

Unclassified and Critical Users

(1) "Critical Users" and those whose discharge does not respond to any UCC because of variations in wastewater constituents or treatment costs shall pay an amount calculated in accordance with the following formula where,

C = V/M (160 Cv + CB x BOD + CS x SS)

C = Sewer service charge during period for which billing is calculated.

V= Volume of water consumed per hundred cubic feet (CCF) during period for which the billing is calculated (total of public water service, metered flow and all private sources, except those meters or services specifically identified for irrigation purposes only).

BOD= Average Biochemical Oxygen Demand, in milligrams per liter, from user during period for which the billing is calculated.

SS= Average Suspended Solids, in milligrams per liter, from user during period for which the billing is calculated.

Cv = Treatment cost per hundred cubic feet of water
CB = Treatment cost per pound of BOD
CS = Treatment cost per pound of SS
M = 160 for users with separate irrigation meters; and 178 for users without separate irrigation meters.

(1) The minimum fee for each non-residential user shall be that established for one (1) Service Unit per month.

Per Hayward Municipal Code Chapter 11, Article 3, Sec. 11-3.450 and Sec 11-3.455, the basis for determining the cost for treating and collecting wastewater will be the "service unit" which will be considered to be the basic charge for each premises computed on the basis of treating wastewater. The service units for commercial and industrial premises shall be based on categories of usage with similar treatment costs and grouped into User Classification Codes. The categories of usage, user classification codes, and service units to be applied per month for the purpose of determining the applicable sewer service charges shall be those as determined from time to time by resolution of the Hayward City Council.

Wastewater Discharge Permit Fees and Miscellaneous Charges

(1) Wastewater Discharge Permit Fees

Type of Permit	New Permit	Permit Renewal	Amendment
Categorical	$6,450~~6,144~~.00	$4,430~~4,218~~.00	$1,575~~1,501~~.00
Non-Categorical Significant	$4,740~~4,513~~.00	$3,170~~3,018~~.00	$1,230~~1,170~~.00
Groundwater	$2,300~~2,191~~.00	$1,230~~1,170~~.00	$760~~725~~.00
Non-Sewered Credit	$280~~265~~.00	$280~~265~~.00	N/A
Special Purpose (one-time discharge)	$1,245~~1,185~~.00	N/A	N/A

(2) Compliance Schedule (for Correction of Violations) $950~~906~~.00

(3) Wastewater Sampling

(a) Composite Sample with Lab Costs	$1,065~~1,013~~.00
(b) Composite Sample without Lab Costs	$490~~466~~.00
(c) Grab Sample	$505~~480~~.00
(d) Violation Follow-Up Sample with Lab Cost	$1,065~~1,013~~.00
(e) Violation Follow-Up Sample without Lab Cost	$490~~466~~.00
(f) Sampling Equipment Fee	$25.00

(4) Compliance Schedule (for Correction of Violations) $1,095~~1,041~~.00

(5) Violation follow-up inspection $925~~883~~.00

(6) Development Plan Review

(a) Industrial	$680~~646~~.00
(b) Commercial	$680~~646~~.00
(c) Residential	$420~~402~~.00

2. WATER SERVICE CHARGES AND INSTALLATION FEES

a. Water Services charges for labor and materials (Reference: Hayward Municipal Code, Chapter 11, Article 2, Section 11-2.02 and 11-2.04)

(a) Single Services. (Also see (4) below)

Meter Size and Service Size	Fee
a. 5/8" x 3/4"	$7,5456,560.00
b. 3/4" x 3/4"	$7,545.00$6,560.00
c. 3/4" x 1"	$7,545.00$6,560.00
d. 1" x 1"	$7,8706,560.00
e. 1" x 1-1/2"	$9,3007,750.00
f. 1-1/2 x 1-1/2	$10,2908,575.00
g. 1-1/2 x 2"	$10,2908,575.00
h. 2" x 2"	$10,5608,800.00
i. Larger than 2" x 2"	~~Actual cost of labor, materials, & equipment**~~Deposit – T&M Initial Deposit = $10,000

(b) Manifold Service. (Also see (4) below)

Meter Size and Service Size	Service Size	Fee
a. 5/8" x 5/8"	1"	$9,5908,340.00
b. 3/4" x 3/4"	1"	$9,5908,340.00
c. 1" x 1"	1 1/2"	$10,0108,340.00
d. 1" x 1-1/2"	2"	$10,6508,875.00
e. 1-1/2" x 1-1/2"	2"	$11,2809,400.00
f. 1-1/2" x 2"	2"	$11,5209,600.00
g. 2" x 2"	2"	$11,7609,800.00
h. More than two meters or larger than 2" service line	Deposit – T&M Initial Deposit = $10,000~~Actual cost of labor, materials, & equipment**~~	

**Per Hayward Municipal Code Sec. 11-2.05, actual costs can be charged for services larger than two inches and unusually long or difficult service connections of any size.

(c) Meters Set on Existing Service. (Also see (4) below)

Meter Size	Fee
a. 5/8"	$610530.00

b.	3/4”	$680~~590~~.00
c.	1”	$745~~650~~.00
d.	1-1/2”	$975~~850~~.00
e.	2”	$1,080.~~941.~~00
f.	Larger than 2”	Deposit – T&M Initial Deposit = $1,000~~Actual cost of labor, materials, & equipment**~~

(d) All meters in new developments shall have remote radio read capability. The cost for remote read capability is $200 per meter, which is in addition to the fees listed above.

b. Water Service, Construction Work, Temporary Service (Reference: Hayward Municipal Code, Chapter 11, Article 2, Section 11-2.22)

(1) Water Hydrant Meter Deposit

Water Hydrant Meter Deposit Fees (for a 3/4” hydrant meter)	$1,800
Water Hydrant Meter Deposit Fees (for a 3” hydrant meter)	$3,000
Water Hydrant Meter Deposit Fees (for a 4” hydrant meter)	$3,000
Water Hydrant Meter Deposit Fees (for a 6” hydrant meter)	$5,300

(2) The monthly meter service charge on all hydrant and construction meters shall be as follows:

a)	3/4” meter	$16.00	Per Month
b)	3" meter	$120.00	Per Month
c)	4" meter	$210.00	Per Month
d)	6" meter	$650.00	Per Month

(3) All hydrant and construction meter accounts will accrue charges for minimum monthly consumption on the following amounts. However, customers who report water consumption data during the reporting period of the first 5 working days of each month and provide proof they have consumed less than the proposed minimum charges in the table below shall only be billed for the amount consumed.

a)	3/4" meter	1,600 cu ft.
b)	3" meter	12,700 cu ft.
c)	4" meter	28,000 cu ft.
d)	6" meter	50,000 cu ft.

(4) Failure to Report Hydrant or Construction Meter Reading shall cause a $150.00 charge for

each month that a reading is not reported (Hayward Municipal Code, Chapter 11, Article 2, Section 11- 2.22). This charge is in addition to service charges and water usage charges.

(5) Unauthorized Connection to a Fire Hydrant – Water theft committed via the unauthorized connection to a fire hydrant in violation of an ordinance (Reference Hayward Municipal Code Chapter 11, Article 2, Section 11-2.24) adopted under this section is punishable as follows:

1. A fine not exceeding two thousand five hundred dollars ($2,500) for a first violation.
2. A fine not exceeding five thousand dollars ($5,000) for a second violation of the same ordinance.
3. A fine not exceeding ten thousand dollars ($10,000) for the third violation and each additional violation of the same ordinance.

c. Water System Facilities Fee (Refer~~r~~ence Hayward Municipal Code, Chapter 11, Article 2, Section 11-2.35)

Water Connection (or Facilities) Fee:

(a) Residential

The facilities fee will be based on the water meter size required to meet the indoor demand (excluding fire service demand) and outdoor demand of the residence as determined by the City, based on fixture unit count. The meter that is installed may be larger than the meter facilities fee that is charged if the service is combined with a private fire service. For multi-family complexes, the facilities fee will be based on the water meter size required to meet the indoor demand for each dwelling unit, as determined by the City, regardless of the arrangement of water meters or meter sizes at the premises.

	Size	Sep 1, 2025	Sep 1, 2026
a.	5/8" meter	$7,846.00	$8,631.00
b.	3/4" meter	$11,773.00	$12,950.00
c.	1" meter	$19,614.00	$21,575.00

(b) Non-residential, each separate irrigation service, and each residential unit with meter size larger than 1”

	Size	Sep 1, 2025	Sep 1, 2026
a.	5/8" meter	$7,846.00	$8,631.00~~$7,846.00~~
b.	3/4" meter	$11,773.00	$12,950.00~~$11,773.00~~
c.	1" meter	$19,614.00	$21,575.00~~$19,614.00~~
d.	1 ½" meter	$39,228.00	$43,151.00~~$39,228.00~~
e.	2" meter	$62,763.00	$69,039.00~~$62,763.00~~

f.	3" meter	$124,425.00	$136,868.00~~$124,425.00~~
g.	4" meter	$196,141.00	$215,755.00~~$196,141.00~~
h.	6" meter	$392,282.00	$431,510.00~~$392,282.00~~
i.	8" meter	$627,651.00	$690,416.00~~$627,651.00~~
j.	10" meter	$902,249.00	$992,474.00~~$902,249.00~~

(c) Fire Service, per service regardless of size $7,846.00

For reference, below is the fixture unit count and its corresponding equivalent meter size:

Equivalent Meter Size Calculation		
Total Fixture Unit Count	Corresponding Equivalent Meter Size	Maximum Flow Capacity (GPM)
0-23	5/8"	15
23.5-40	¾"	25
40.5-85	1"	40
85.5-150	1 ½"	80

Meter Services Charges:

The bimonthly standard meter service charge for all meters (except temporary service for construction work), based on size of meter, shall be as follows:

		Oct 1, 2025	Oct 1, 2026
a.	5/8" meter	$41.34	$43.82
b.	3/4" meter	$57.67	$61.14
c.	1" meter	$90.37	$95.79
d.	1 ½" meter	$172.08	$182.40
e.	2" meter	$270.14	$286.35
f.	3" meter	$580.64	$615.48
g.	4" meter	$1,038.23	$1,100.52
h.	6" meter	$2,133.15	$2,261.14
i.	8" meter	$4,584.48	$4,859.55
j.	10" meter	$6,872.40	$7,284.74

(1) Exemption for Low Income:
Notwithstanding any other provision of Hayward Municipal Code, Chapter 11, Article 2, the low income meter service charge shall be imposed by this subsection upon any customer that:

(a) meets the City income guidelines as defined in the All City Department section of the Master Fee Schedule and

(b) files with the Revenue Division of the Finance Department a discount application and adequate documentary evidence showing that the applicant comes within the provision of subparagraph (a).

(2) The bimonthly low-income meter service charge for 5/8", 3/4", and 1" meters, shall be as follows:

	Oct 1, 2025	Oct 1, 2026
a. 5/8" meter, low income	$14.48	$15.35
b. 3/4" meter, low income	$20.20	$21.42
c. 1" meter, low income	$31.64	$33.54

(3) The water usage charge based on the number of cubic feet of water supplied during each billing period shall be as follows:

Water Usage Rates:

The water usage tiers and rates, based on consumption per hundred cubic feet (ccf), shall be as follows:

	Usage	Rate/ccf Oct 1, 2025	Rate/ccf Oct 1, 2026
Residential:			
Single Family	1 – 8 ccf	$8.01	$8.50
Multifamily (based on average usage per dwelling unit)	9 – 18 ccf	$9.49	$10.06
	Over 18 ccf	$11.66	$12.36
Non-Residential	1 – 110 ccf	$8.69	$9.22
	Over 110 ccf	$10.20	$10.82
Irrigation	1 – 170 ccf	$10.27	$10.89
	Over 170 ccf	$13.06	$13.85
Hydrant	All Usage	$9.67	$10.26

*Note: hundred cubic feet = approximately 748 gallons of water

~~**Single Family Residential & Multifamily***~~

~~Cost Per CCF of Metered Water Consumption:~~	~~Rate/ccf Oct 1, 2025~~	~~Rate/ccf Oct 1, 2026~~

~~1 – 8 ccf (hundred cubic feet)~~	~~$8.01~~	~~$8.50~~
~~9 – 18 ccf~~	~~$9.49~~	~~$10.06~~
~~Over 18 ccf~~	~~$11.66~~	~~$12.36~~

~~*Based on average usage per dwelling unit~~

~~**Non-Residential**~~

~~Cost Per CCF of Metered Water Consumption:~~

	~~Oct 1, 2025~~	~~Oct 1, 2026~~
~~1 – 110 hundred cubic feet (ccf)~~	~~$8.69~~	~~$9.22~~
~~Over 110 ccf~~	~~$10.20~~	~~$10.82~~

~~**Irrigation**~~

~~Cost Per CCF of Metered Water Consumption:~~

	~~Oct 1, 2025~~	~~Oct 1, 2026~~
~~1 – 170 hundred cubic feet (ccf)~~	~~$10.27~~	~~$10.89~~
~~Over 170 ccf~~	~~$13.06~~	~~$13.85~~

~~**Hydrant and Fireline Accounts**~~

~~Cost Per CCF of Metered Water Consumption:~~

	~~Oct 1, 2025~~	~~Oct 1, 2026~~
~~All usage~~	~~$9.67~~	~~$10.26~~

~~Note: hundred cubic feet = approximately 748 gallons of water~~

d. Fire Service Connections Inside City (Reference: Hayward Municipal Code, Chapter 11, Article 2, Section 11-2.39)

The fire service charge per each billing period shall be as follows:

	Oct 1, 2025	Oct 1, 2026
~~a. 5/8" meter~~	~~$8.80~~	~~$9.33~~
~~b. 3/4" meter~~	~~$8.90~~	~~$9.43~~
~~c.~~a. 1" meter	$9.17	$9.72
~~d.~~b. 1-1/2" meter	$10.12	$10.73
~~e.~~c. 2" meter	$11.81	$12.52
~~f.~~d. 3" meter	$17.83	$18.90
~~g.~~e. 4" meter	$28.21	$29.90
~~h.~~f. 6" meter	$65.44	$69.37

~~i.~~g. 8" meter	$129.65	$137.43
~~j.~~h. 10" meter	$226.25	$239.83

e. Fire Flow Test. A charge of $407 shall be applied for each fire flow test.

f. A 50% surcharge on water usage shall be applied in the event that a fire service connection is used for any purpose other than those specifically identified in the Hayward Municipal Code, Chapter 11, Article 2, Section 11-2.20, that is, for extinguishing fires or authorized testing of the fire protection system(s).

Customers with appropriate documentation may qualify for a full or partial refund in specific circumstances such as:

- Authorized water usage (e.g., for extinguishing fires or planned test of fire protection systems). Fire service connections are not intended for day-to-day water consumption but may occasionally be authorized for specific uses. In instances where customers can provide documentation for authorized water usage, customers will only be billed for consumption and will be refunded if a 50% surcharge has been applied to their account.
- False usage volume (e.g., due to a faulty check valves). In instances where customers can provide proof that water consumption was due to an inaccurate meter reading, refunds can be issued for any false consumption, inclusive of the 50% surcharge.

g. Other Water System Fees and Charges

Account Establishment Fee	$87.00
After-Hours Meter Activation Fee	$120~~108~~.00
Meter Lock Fee	$150~~138~~.00
Meter Removal Fee	$145~~134~~.00
Meter Test Fee (up to 1-inch meter)	$365~~333~~.00
Meter Test Fee (1 1/2-inch to 2-inch meter)	$485~~441~~.00
Meter Test Fee (3-inch meter and larger)	$605~~549~~.00
Noticing Fee	$6.00
Service Restoration/Unlock Fee	$117.00
Capping and uncapping of 2" meter and below	$625~~570~~.00
Water Hydrant Meter Site Visit fee	$125.00
Additional visits for backflow inspection/test fee	$70.00
Meter Lock Fee due to Non-Compliant Backflow	$150.00
Backflow Service Restoration/Unlock Fee	$117.00
On-site visits requested by customers	$50.00

h. Meter Tampering F~~ee~~ine – Water theft committed via meter tampering in violation of an ordinance (Reference Hayward Municipal Code Chapter 1, Article 3, Section 1-3.00) adopted under this section, is punishable as follows:

(a) A fine not exceeding one hundred thirty dollars ($130) for a first violation.

(b) A fine not exceeding seven hundred dollars ($700) for a second violation of the same ordinance within one year of the first violation.

(c) A fine not exceeding one thousand three hundred dollars ($1,300) for the third violation and each additional violation of the same ordinance within one year of the first violation ordinance.

~~h.~~i. Special Billings

Special Requests for Water Billing

(a) Base Rate Services	$26.00
(b) Each Additional Meter	$9.00

~~i.~~j. Development Plan Review

Residential	$200.00
Commercial	$300.00
Industrial	$300.00
Additional Development Plan Review	$205.00

(After three rounds of plan review, additional review time will be billed in hourly increments.)

~~j.~~k. Water Service Connection Plan Review (Outside City of Hayward's Jurisdiction)

(a) From main in street or easement to water meter up to 100 linear feet	$528.00
(b) Each additional 100 linear feet or fraction thereof (up to 400 linear feet)	$396.00

~~k.~~l. Water System Impact Evaluation $10,000 Deposit

~~l.~~m. Sanitary Sewer System Impact Evaluation $10,000 Deposit

~~Land Use Category Description~~	~~Minimum Parcel Size~~	~~Runoff Factor~~	~~Service Charge/Runoff Acre/Year~~
~~Commercial/Industrial~~	~~0.25~~	~~0.80~~	~~$338.32~~
~~Parking Lots~~	~~0.25~~	~~0.80~~	~~$285.60~~
~~Utilities~~	~~0.25~~	~~0.80~~	~~$285.60~~
~~Institutional/Apartments~~	~~0.25~~	~~0.60~~	~~$285.60~~
~~Condominium~~	~~#~~	~~0.60~~	~~$285.60~~
~~Single Family up to 4-Plex~~	~~0.25~~	~~0.40~~	~~$285.60~~
~~Single Family Ranches~~	~~0.25~~	~~0.40~~	~~$285.60~~
~~Vacant Land (Utilized)~~	~~10~~	~~0.01~~	~~$285.60~~
~~Vacant Land (Non-utilized)~~	~~17~~	~~0.00~~	~~$285.60~~
~~Owned by Government~~	~~0.25~~	~~0.40*~~	~~$285.60~~
~~Parcels w/o Valuation~~			
~~Utilities on Leased Land~~			
~~Cemeteries~~			
~~Common Area~~			

~~NOTES:~~

~~(1) LUF = Land Use Factor coding system utilized by Alameda County Flood Control~~

~~(2) Minimum Parcel Size is the minimum size on which charges are calculated~~

~~(3) Runoff Factor is the ratio between impervious surface area and total surface area as~~

~~determined by the Alameda County Flood Control District~~
~~# Condominium parcel size is determined by dividing the parcel size by the total number of units.~~
~~*Or as determined~~

~~Rate Formula: Service Charge per year =~~
~~PARCEL SIZE x RUNOFF FACTOR x SERVICE CHARGE/RUNOFF ACRE/YEAR~~

3. STORMWATER

a. Stormwater Treatment Measure Inspection	$635~~606~~.00
b. Stormwater Facility Inspection	
Industrial (under State Permit)	$545~~518~~.00
Industrial (not under State Permit)	$545~~518~~.00
Restaurant	$350~~331~~.00
Commercial	$295~~281~~.00

The stormwater facility inspection fee will be waived if the inspection does not result in an adverse finding for the property and the potential for pollutant discharge is nonexistent.

Land Use Category Description	Minimum Parcel Size	Runoff Factor	Service Charge/Runoff Acre/Year
Commercial/Industrial	0.25	0.80	$338.32
Parking Lots	0.25	0.80	$285.60
Utilities	0.25	0.80	$285.60
Institutional/Apartments	0.25	0.60	$285.60
Condominium	#	0.60	$285.60
Single Family up to 4 -Plex	0.25	0.40	$285.60
Single Family Ranches	0.25	0.40	$285.60
Vacant Land (Utilized)	10	0.01	$285.60
Vacant Land (Non-utilized)	17	0.00	$285.60
Owned by Government	0.25	0.40*	$285.60
Parcels w/o Valuation			
Utilities on Leased Land			
Cemeteries			
Common Area			

NOTES:
(1) LUF = Land Use Factor coding system utilized by Alameda County Flood Control

(2) Minimum Parcel Size is the minimum size on which charges are calculated

(3) Runoff Factor is the ratio between impervious surface area and total surface area as determined by the Alameda County Flood Control District
Condominium parcel size is determined by dividing the parcel size by the total number of units.
*Or as determined

Rate Formula: Service Charge per year =
PARCEL SIZE x RUNOFF FACTOR x SERVICE CHARGE/RUNOFF ACRE/YEAR

4. RECYCLED WATER

(1) Recycled Water Connection Fee

The recycled water connection fee will be based on the recycled water meter size required to meet the recycled water demand of the property as determined by the City.

a. Size	Sep 1, 2025	Sep 1, 2026
b. 5/8" meter	$7,846.00	$8,631.00
c. 3/4" meter	$11,773.00	$12,950.00
d.		
e. 1" meter	$19,614.00	$21,575.00
f. 1 ½" meter	$39,228.00	$43,151.00
g. 2" meter	$62,763.00	$69,039.00
h. 3" meter	$124,425.00	$136,868.00
i. 4" meter	$196,141.00	$215,755.00
j. 6" meter	$392,282.00	$431,510.00
k. 8" meter	$627,651.00	$690,416.00
l. 10" meter	$902,249.00	$992,474.00

(2) The bimonthly standard recycled water meter service charge for all recycled water meters, based on size of meter, shall be as follows:

	Oct 1, 2025	Oct 1, 2026
a. 5/8" meter	$41.34	$43.82
b. 3/4" meter	$57.67	$61.13
c. 1" meter	$90.37	$95.79
d. 1 ½" meter	$172.08	$182.40
e. 2" meter	$270.14	$286.35
f. 3" meter	$580.64	$615.48
g. 4" meter	$1,038.23	$1,100.52
h. 6" meter	$2,133.15	$2,261.14
i. 8" meter	$4,584.48	$4,859.55
j. 10" meter	$6,872.40	$7,284.75

Recycled Water usage charge based on the number of cubic feet of water supplied during each billing period shall be as follows:

	Usage	Rate/ccf Oct. 1, 2025	Rate/ccf Oct. 1, 2026
Tier 1 ~~1 - 170 CCF~~	1 - 170 CCF	$7.70	$8.16
Tier 2 ~~> 170 CCF~~	> 170 CCF	$8.70	$10.39

Cost Per CCF of Metered Water Consumption
Note: hundred cubic feet = approximately 748 gallons of water

5. LOW INCOME REFUSE SERVICE RATES

A residential subscriber shall receive a discount in the amount of $8.22 per month for refuse service for a single-unit dwelling based on the following:

a. The subscriber meets the City income guidelines as defined in the All City Department section of the Master Fee Schedule and

b. The subscriber files with the Revenue Division of the Department of Finance a discount application and adequate documentary evidence showing that the subscriber comes within the provision of subparagraph (a).

6. SOLID WASTE PLAN REVIEW FEES

Development Plan Review

Single Family or Remodel	$7762.00
Tract Development	$250200.00
Commercial/Industrial Tenant Improvement w/ Trash Enclosure	$187150.00
Tenant Improvement w/o Trash Enclosure	$125100.00
Mixed Use (Commercial & Residential)	Actual cost

Glossary of Terms

The following description of fee charges has been prepared for your convenience. If you have any questions regarding fee charges, please feel free to discuss them with a member of the City staff.

Annexation Fees:

Charges for time and material costs involved in processing applications for the annexation of property to the City.

Compliance Services Fees:

Charges imposed to defray the City's labor and materials cost of assuring compliance with specific City ordinances such as weed abatement.

Inspection Fees:

Charges related to the physical inspection of facilities, buildings, sites, equipment, etc.

Licenses and Permit Fees:

Charges imposed to defray the cost incurred in processing applications for licenses and permits which authorize the holder to engage in a specific function or activity and include the costs of assuring compliance with related conditions and regulations.

Penalty Fees and Fines:

Charges imposed for non-compliance with specific City requirements.

Plan Check Fees:

Charges for time and materials costs for the detailed inspection of plans submitted to the City for review.

Rental Fees:

Charges for use of City facilities and services.

Service Fees:

Charges for time and materials costs incurred by the City in the course of providing those services for which fees or charges are not otherwise specifically set forth.

Special Services Fees:

Charges for time and materials costs incurred by the City in the course of providing extraordinary services.

City of Hayward - Hourly Rates

Title	Hourly Rate
Blended Rates	
BUILDING	**$227.10**
CODE ENFORCEMENT INSPECTION	**$191.31**
FIRE PREVENTION	**$318.92**
HAZARDOUS MATERIALS	**$198.70**
HOUSING	**$199.42**
LIBRARY SERVICES	**$168.96**
MAINTENANCE SERVICES	**$243.19**
PLANNING	**$249.16**

The following hourly rates are used for services charged to external parties when those services are not already in the Master Fee Schedule

Position Rates

ACCOUNT CLERK	**$82.77**
ACCOUNTANT	**$143.85**
ACCOUNTING MANAGER	**$204.97**
ADMINISTRATIVE CLERK II	**$104.27**
ADMINISTRATIVE HEARING OFFICER	**$244.68**
ADMINISTRATIVE INTERN	**$78.90**
ADMINISTRATIVE SECRETARY	**$116.99**
ADMINISTRATIVE SUPERVISOR	**$201.54**
AIRPORT BUSINESS SUPERVISOR	**$214.66**
AIRPORT MAINTENANCE WORKER	**$174.78**
AIRPORT MANAGER	**$273.51**
AIRPORT OPERATIONS SPECIALIST	**$130.79**
AIRPORT OPERATIONS SUPERVISOR	**$248.62**
ANIMAL CARE ATTENDANT	**$89.26**
ANIMAL CONTROL OFFICER	**$106.65**
ANIMAL SERVICES ADMINISTRATOR	**$213.58**
APPARATUS OPERATOR (56 HR)	**$262.74**
ASSISTANT CITY ATTORNEY	**$238.96**
ASSISTANT CITY MANAGER	**$350.47**
ASSISTANT TO CITY MANAGER	**$264.70**
ASSOC CIVIL ENGINEER	**$200.46**
ASSOC TRANSPORTATION ENGINEER	**$183.62**
ASSOC TRANSPORTATION PLANNER	**$137.95**

AUDIO VIDEO SPECIALIST	**$184.92**
BACKFLOW/CROSS CONNECT TESTER	**$192.93**
BATTALION CHIEF	**$400.36**
CALL TAKER	**$114.16**
CERTIFIED LATENT PRNT EXAMINER	**$204.66**
CHEMIST	**$188.13**
CHIEF ECONOMIC DEVELOPMENT OFC	**$261.55**
CHIEF OF POLICE	**$575.08**
CITY ATTORNEY	**$298.61**
CITY CLERK	**$193.62**
CITY COUNCIL	**$53.76**
CITY MANAGER	**$367.51**
COMMUNICAT & MARKETING OFFICER	**$231.15**
COMMUNICATIONS ADMINISTRATOR	**$191.17**
COMMUNICATIONS OPERATOR	**$146.95**
COMMUNICATIONS SUPERVISOR	**$171.42**
COMMUNITY SERVICE OFFICER	**$128.25**
COMMUNITY SERVICES MANAGER	**$204.69**
CONSTRUCTION INSPECTOR	**$148.03**
COUNSELING SUPERVISOR	**$169.90**
CRIME & INTELLIGENCE ANALYST	**$176.85**
CRIME PREVENTION SPECIALIST I	**$125.54**
CRIME PREVENTION SPECIALIST II	**$147.73**
CRIME SCENE SPECIALIST	**$147.64**
CRIME SCENE TECHNICIAN	**$119.13**
CROSS CONNECT CONTROL SPEC	**$257.41**
CUSTOMER ACCOUNT CLERK	**$135.11**
CUSTOMER FIELD TECHNICIAN	**$211.56**
DEP DIR OF DEV SERVICES	**$251.23**
DEP DIRECTOR OF PUBLIC WORKS	**$260.84**
DEPUTY CITY ATTORNEY II	**$196.62**
DEPUTY CITY CLERK	**$146.18**
DEP DIR OF MAINT SERVICES	**$231.11**
DEPUTY DIRECTOR OF FINANCE	**$306.40**
DEPUTY DIRECTOR OF HR	**$229.92**
DEPUTY DIRECTOR OF IT	**$437.39**
DEPUTY FIRE CHIEF (40 HR)	**$404.25**
DEVELOPMENT REVIEW SPECIALIST	**$198.92**
DIGITAL APPLICATIONS DEVELOPER	**$251.01**
DIRECTOR OF DEVELOPMENT SVCS	**$274.23**
DIRECTOR OF FINANCE	**$284.06**
DIRECTOR OF HUMAN RESOURCES	**$245.97**
DIRECTOR OF INFO TECH/CIO	**$511.95**
DIRECTOR OF MAINTENANCE SVCS	**$431.72**

DIRECTOR OF PUBLIC WORKS	**$430.95**
ECON DEVELOPMENT SPECIALIST	**$157.42**
ELECTRICIAN II	**$235.52**
EMERGENCY MEDICAL SVCS COORD	**$171.23**
ENGINEERING TECHNICIAN	**$109.37**
ENVIRONMENTAL SERVICES MANAGER	**$309.67**
EQUIPMENT MECHANIC I	**$174.87**
EQUIPMENT MECHANIC II	**$177.07**
EQUIPMENT OPERATOR	**$189.77**
EQUIPMENT PARTS STOREKEEPER	**$176.92**
EQUIPMENT SERVICE ATTENDANT	**$149.77**
EQUITY AND INCLUSION OFFICER	**$198.91**
EXECUTIVE ASSISTANT	**$126.72**
FACILITIES & BUILDING MANAGER	**$339.07**
FACILITIES CARPENTER II	**$170.93**
FACILITIES LEADWORKER	**$307.72**
FACILITIES PAINTER II	**$227.78**
FACILITIES SERVICEWORKER II	**$187.31**
FACILITIES SUPERVISOR	**$0.00**
FAMILY COUNSELOR	**$139.06**
FINANCE SUPERVISOR	**$164.62**
FINANCE TECHNICIAN	**$136.37**
FIRE MARSHAL EMT	**$343.49**
FIRE SERVICES SUPERVISOR	**$215.64**
FIRE TRAINING OFFICER (40 HR)	**$422.36**
FIREFIGHTER (56 HR)	**$223.88**
FLEET MAINTENANCE MANAGER	**$287.32**
GEOGRAPHIC INFO SYSTEMS COORD	**$343.13**
GRAPHICS & MEDIA RELNS TECH	**$127.77**
HR ADMINISTRATIVE ASSISTANT	**$123.14**
HUMAN RESOURCES ANALYST I	**$118.43**
HUMAN RESOURCES ANALYST II	**$143.69**
HUMAN RESOURCES MANAGER	**$253.48**
HUMAN RESOURCES TECHNICIAN	**$104.00**
HVAC MECHANIC	**$259.12**
INFO SYSTEMS SUPPORT TECH	**$216.44**
INFORMATION TECHNOLOGY MANAGER	**$350.96**
IT TECHNICIAN II	**$244.88**
JAIL ADMINISTRATOR	**$188.41**
JAIL SUPERVISOR	**$142.08**
LABORATORY TECHNICIAN	**$164.29**
LABORER	**$142.88**
LANDSCAPE MAINTENANCE MANAGER	**$298.70**
LEAD PROGRAM ASSISTANT	**$109.00**

LEGAL SECRETARY II	**$94.45**
MAIL & PURCHASING CLERK	**$96.07**
MAIL AND REVENUE CLERK	**$133.84**
MAIL CLERK	**$109.87**
MANAGEMENT ANALYST I	**$153.71**
MANAGEMENT ANALYST II	**$197.32**
MANAGEMENT FELLOW	**$111.75**
MAYOR	**$103.06**
NEIGHBORHOOD PARTNERSHIP MGR	**$191.15**
OPERATOR IN TRAINING	**$187.26**
PARALEGAL	**$110.94**
PERMIT TECHNICIAN I/II	**$150.60**
PERSONNEL OPERATIONS SPEC	**$137.31**
POLICE CAPTAIN	**$472.46**
POLICE LIEUTENANT	**$372.79**
POLICE OFFICER	**$253.15**
POLICE PROGRAMS ANALYST	**$167.67**
POLICE RECORDS CLERK II	**$100.50**
POLICE SERGEANT	**$292.06**
PROCESS SERVER	**$301.77**
PROPERTY TECHNICIAN	**$120.37**
PURCHASING & SERVICES MANAGER	**$247.07**
PURCHASING TECHNICIAN	**$117.97**
REAL PROPERTY MANAGER	**$257.07**
RECORDS SUPERVISOR	**$134.31**
RESERVE OFFICER COORDINATOR PT	**$212.82**
REVENUE MANAGER	**$288.29**
SECRETARY	**$133.05**
SENIOR ACCOUNT CLERK	**$126.57**
SENIOR ACCOUNTANT	**$159.23**
SENIOR ASSISTANT CITY ATTORNEY	**$282.86**
SENIOR CIVIL ENGINEER	**$247.66**
SENIOR CONSTRUCTION INSPECTOR	**$204.21**
SENIOR CRIME & INTEL ANALYST	**$194.14**
SENIOR CUSTOMER ACCOUNT CLERK	**$146.94**
SENIOR EQUIPMENT MECHANIC	**$208.33**
SENIOR FIRE TECHNICIAN	**$137.55**
SENIOR MANAGEMENT ANALYST	**$219.61**
SENIOR PARALEGAL	**$135.65**
SENIOR SECRETARY	**$141.49**
SENIOR TRANSPORTATION ENGINEER	**$200.84**
SENIOR TRANSPORTATION PLANNER	**$177.98**
SENIOR UTILITIES ENGINEER	**$291.07**
SENIOR UTILITY LEADER	**$222.85**

SHELTER OPERATIONS SUPERVISOR	**$131.16**
SHELTER VOLUNTEER COORD	**$102.11**
SOLID WASTE PROGRAM MANAGER	**$215.99**
SOLID WASTE PROGRAM MANAGER	**$222.81**
SR AIRPORT MAINTENANCE WORKER	**$203.25**
SR UTILITY CUSTOMER SVC LEADER	**$214.05**
SR UTILITY FIELD SVCS LEADER	**$236.66**
SR WATER RESOURCES ENGINEER	**$277.98**
SR WPSC INSPECTOR	**$233.99**
STAFF FIRE CAPTAIN (40 HR)	**$329.12**
STOREKEEPER - EXPEDITER	**$176.45**
SUPERVISING CONSTRUCTION INSP	**$242.77**
SURVEY ENGINEER	**$205.04**
SURVEYOR	**$131.11**
SUSTAINABILITY SPECIALIST	**$179.72**
TECHNICAL INTERN	**$78.90**
TRAFFIC SIGNAL TECHNICIAN	**$140.54**
TREE TRIMMER	**$156.68**
UTILITIES ENGINEERING MANAGER	**$396.60**
UTILITIES MAINTENANCE MECHANIC	**$225.32**
UTILITIES O & M MANAGER	**$354.91**
UTILITIES SERVICE WORKER	**$182.55**
UTILITY LEADER SEWER	**$204.88**
UTILITY LEADER WATER	**$231.18**
UTILITY WORKER SEWER	**$165.74**
WATER METER MECHANIC	**$232.74**
WATER POLLUTION CONTROL ADMIN	**$228.89**
WATER RESOURCES MANAGER	**$340.46**
WPCF LEAD OPERATOR	**$223.63**
WPCF MANAGER	**$358.70**
WPCF OPERATOR	**$242.53**
WPSC INSPECTOR I	**$158.50**
WPSC INSPECTOR II	**$200.56**
YFSB ADMINISTRATOR	**$239.32**

City of Hayward Traffic Code
Draft Fiscal Year 2026-27 Fine and Bail Schedule
Approved XXX

All fines not paid within legal time requirements will be assessed a penalty (total amount due will be the fine amount plus a penalty) (penalty equals double the fine amount plus an administration fee of $18)

Section	Offense	FY 2025-26 Fine	Proposed FY 2026/27 Fine	Note
Uniform Fire Code				
9.01.4	Parked in Fire Lane	$218.50	$218.50	No Change
Hayward Municipal Code				
Chapter 4				
4-15.20(a)	Administrative Penalty associated with the Social Nuisance Ordinance			
	- 1st violation within a 12 month period:	$750.00	$750.00	No Change
	- 2nd violation within a 12 month period:	$1,200.00	$1,200.00	No Change
	- 3rd violation within a 12 month period:	$2,500.00	$2,500.00	No Change
	- Add'l violations within a 12 month period:	$5,000.00	$5,000.00	No Change
Chapter 6	Violation of any provision regulating TAXICABS is subject to Government Code section 36900:			
	- 1st violation within a 12 month period (infraction):	$100.00	$100.00	No Change
	- 2nd violation within a 12 month period (infraction):	$200.00	$200.00	No Change
	- 3rd violation within a 12 month period (infraction):	$500.00	$500.00	No Change
	- Add'l violations within a 12 month period (misdemeanor)	$500.00	$500.00	No Change
6-5.04(a)	Insurance			
6-5.04(b)	Taxicab Stands			
6-5.04(c)	Standing on Streets			
6-5.04(d)	Soliciting Passengers			
6-5.04(e)	Direct Route			
6-5.04(f)	Business License			
6-5.04(g)	Mechanical Condition			
6-5.04(h)	Exterior Condition			
6-5.04(I)	Complaint Procedure			
6-5.04(j)	Information to be posted in taxicabs			
6-5.04(k)	Excessive Charges			
6-5.04(l)	Sanitary Condition			
6-5.04(m)	Fire Extinguisher			
6-5.04(n)	Baggage			
6-5.04(o)	Refusal to Pay Fine			
6-5.04(p)	Refusal to Carry Passengers			
6-5.04(q)	Unlicensed Taxicabs			
6-5.04(r)	Taxicab Identification			
6-5.04(s)	Driver's License and Permit			
6-5.04(t)	Operation certificate and license			
6-5.04(u)	Waybills Required			
Hayward Traffic Code				
5.02	Obediance to Traffic Control Devices	$297.50	$297.50	No Change
6.01.1	No Parking - Red Curb Zone	$79.00	$83.00	Increase $4.00
6.01.2	Yellow Curb, Loading Zone	$79.00	$83.00	Increase $4.00
6.01.3	White Curb, Passenger Loading Zone	$79.00	$83.00	Increase $4.00
6.01.4	Green Curb Zone - Over Time Limit	$79.00	$83.00	Increase $4.00
6.01.5	Blue Curb, Disabled Persons Zone	$337.50	$337.50	No Change
6.05	Parking in Alley	$79.00	$83.00	Increase $4.00
6.06	Bus Zone	$287.50	$287.50	No Change
6.23	Municipal Lot/City Property Special Restrictions	$79.00	$83.00	Increase $4.00
6.23h	Disabled Persons Stall	$337.50	$337.50	No Change
6.24	Selling on Street/City Property	$242.50	$242.50	No Change
6.30	Over Time Limit	$79.00	$83.00	Increase $4.00
6.32	Commercial Vehicle, Over Posted Time Limit	$129.50	$129.50	No Change
6.33	Commercial Vehicle in Residential Area	$129.50	$129.50	No Change
6.35	Not Parked within Designated Space	$79.00	$83.00	Increase $4.00
6.36(a)	Residential Permit Parking only	$79.00	$83.00	Increase $4.00
6.36(b)	BART Commuter Parking on Designated Streets	$55.00	$55.00	No Change
6.37	Driving Off Interstate Truck Route	$79.00	$83.00	Increase $4.00
6.38	Commercial Vehicle in Posted No Parking	$129.50	$129.50	No Change
6.39a	Parked off Pavement or Not Leading to Garage	$107.50	$107.50	No Change
8.10	Double Parked	$79.00	$83.00	Increase $4.00
8.11	No Parking in Parkways	$79.00	$83.00	Increase $4.00
8.12	Parked on Street over 72 Hours	$79.00	$83.00	Increase $4.00
8.13	Parking on Street for Sale or Repairs	$107.50	$107.50	No Change
8.14	Private Property Parking	$107.50	$107.50	No Change
8.15	Disabled Persons Stall, Private Property	$337.50	$337.50	No Change

City of Hayward Traffic Code
Draft Fiscal Year 2026-27 Fine and Bail Schedule
Approved XXX

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Section	Offense	FY 2025-26 Fine	Proposed FY 2026/27 Fine	Note
8.17	Narrow Street Posted No Parking	$79.00	$83.00	Increase $4.00
8.18	Parked on Hill, Wheels not Curbed	$79.00	$83.00	Increase $4.00
8.20.3	Posted No Parking	$79.00	$83.00	Increase $4.00
8.20.4	No parking - Street Sweeping Zone	$79.00	$83.00	Increase $4.00
8.21	Not 18", not Parallel to Left Side One Way	$79.00	$83.00	Increase $4.00
8.22	Parked at Angle	$79.00	$83.00	Increase $4.00
8.30	Temporary No Parking Area	$79.00	$83.00	Increase $4.00
8.39	Leaving Attended Parking Lot without Paying	$79.00	$83.00	Increase $4.00
8.50	Blocking Crosswalk	$79.00	$83.00	Increase $4.00
California Vehicle Code				
21113a	Violate Restriction on School Grounds, etc.	$79.00	$83.00	Increase $4.00
22500a	No Parking in an Intersection	$79.00	$83.00	Increase $4.00
22500b	Parked Across Crosswalk	$79.00	$83.00	Increase $4.00
22500d	Parking W/I 15' of Fire Station Driveway	$79.00	$83.00	Increase $4.00
22500e	Parked Blocking Driveway	$79.00	$83.00	Increase $4.00
22500f	Parked on Sidewalk	$79.00	$83.00	Increase $4.00
22500g	Parked Adjacent To or Opposite Street Excavation	$79.00	$83.00	Increase $4.00
22500h	Double Parked	$79.00	$83.00	Increase $4.00
22500i	Bus Passenger Loading Zone w/Red Curb	$287.50	$287.50	No Change
22500j	No Parking in Tunnel or Tube	$79.00	$83.00	Increase $4.00
22500k	No Parking on a Bridge	$79.00	$83.00	No Change
22500n (1)	No Parking within 20' of an intersection	$79.00	$83.00	Increase $4.00
22500n (2)	No Parking within 15' of a crosswalk	$79.00	$83.00	Increase $4.00
22502a	Parked Wrong Side of Road/over 18" from Curb	$79.00	$83.00	Increase $4.00
22507.8a	Disabled Parking Space	$340.50	$340.50	No Change
22507.8c	Disabled Access Area	$340.50	$340.50	No Change
22507b	Disabled Parking - Obstruct or Block Access	$340.50	$340.50	No Change
22513	Tow Truck on Freeway	$79.00	$83.00	Increase $4.00
22514	Park w/in 15' of Fire Hydrant	$79.00	$83.00	Increase $4.00
22515	Unattended Vehicle with Motor Running	$79.00	$83.00	Increase $4.00
22516	Locked Vehicle Person Inside Can't Escape	$113.50	$113.50	No Change
22521	Parking on or w/in 7.5' of Railroad Track	$79.00	$83.00	Increase $4.00
22522	Block Sidewalk Ramp for Disabled Painted Red	$340.50	$340.50	No Change
22523a	Vehicle Abandoned on Highway or Street	$460.50	$460.50	No Change
22523b	Vehicle Abandoned on Private Property	$460.50	$460.50	No Change
25300e	Warning Device Parked Vehicle	$79.00	$83.00	Increase $4.00
26708	Tinted windshield	$79.00	$83.00	Increase $4.00
26710	Defective windshield	$79.00	$83.00	Increase $4.00
27155	No gas cap	$79.00	$83.00	Increase $4.00
27465b	Bald tire	$79.00	$83.00	Increase $4.00
4000a	No evidence of current registration	$79.00	$83.00	Increase $4.00
40226	Dismissal of Handicap Citation	$79.00	$83.00	Increase $4.00
4462b	Display false tab	$79.00	$83.00	Increase $4.00
5200	No plate	$79.00	$83.00	Increase $4.00
5204a	Expired tags	$79.00	$83.00	Increase $4.00

File #: LB 26-007

DATE: April 21, 2026

TO: Mayor and City Council

FROM: City Attorney
Police Chief

SUBJECT

Massage Permits: Introduction of an Ordinance Amending Article 10, Chapter 6 of the Hayward Municipal Code Relating to Massage Permits and Finding that the Action is Exempt from Environmental Review.

RECOMMENDATION

That the City Council introduces the attached ordinance (Attachment II) amending Article 10, Chapter 6 of the Hayward Municipal Code, relating to Massage Permits, and finds that the action is exempt from environmental review.

SUMMARY

On December 16, 2025, the City Council adopted Ordinance No. 25-16, an interim urgency ordinance imposing a 45-day moratorium on approval of new massage businesses in Hayward. On January 27, 2026 the City Council adopted Ordinance No. 26-02, extending the moratorium for an additional 10 months, 15 days as allowed by state law. During this moratorium no conditional use permits, massage permits, or business licenses would be issued for new massage establishments or existing establishments undergoing a change of ownership.

Under current zoning regulations, massage businesses are allowed by right in the downtown core, but require a conditional use permit in some other commercial areas and are completely prohibited in other parts of the City. Additionally, massage businesses must obtain an operating permit (massage permit) from the Hayward Police Department pursuant to Hayward Municipal Code Chapter 6, Article 10. The attached ordinance contains amendments to regulations relating to issuance of massage permits that are intended to enhance enforcement capabilities, including expanded basis for suspension or revocation of permits.

The Business Friendly Hayward project led by the Planning Division includes amendments to the Zoning Ordinance that impose stricter land use controls around massage establishments. Introduction of the Business Friendly Hayward amendments are taking place separately but in conjunction with the introduction of the updated massage regulations contained in the attached ordinance.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Ordinance
Attachment III	Exhibit A to Attachment II

DATE: April 21, 2026

TO: Mayor and City Council

FROM: City Attorney
Police Chief

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SUMMARY

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The Business Friendly Hayward project led by the Planning Division includes amendments to the Zoning Ordinance that impose stricter land use controls around massage establishments. Introduction of the Business Friendly Hayward amendments are taking place separately but in conjunction with the introduction of the updated massage regulations contained in the attached ordinance.

BACKGROUND

HPD has become aware of instances of commercial sex work taking place at permitted and unpermitted massage businesses within the City. Although there are mechanisms in place to revoke existing permits for these types of violations, the lack of land use controls for massage businesses downtown creates challenges in processing new operating permit applications, and increases the risk that these new establishments will become hosts for commercial sex activity and human trafficking. Adoption of the moratorium on new permits for massage businesses has provided City staff time to develop alternative approaches to land use approval and operational regulation of these businesses that will provide greater safeguards for the community.

The following example provides an illustration of the significant public health and safety risk posed by massage establishments, and the need for more robust local regulations: shortly before the 45-day moratorium was adopted, the Santa Clara County District Attorney's Office announced the arrest of three individuals who are suspected of running a network of brothels in the Bay Area, including one in Hayward.[1] According to the Santa Clara District Attorney, the brothels were operating under legal cover as massage parlors. The Hayward Police Department collaborated with multiple agencies at the local, state and federal levels on the investigation that lead to the arrests of the suspects and identification of over 40 women involved in commercial sex work at the brothels.

DISCUSSION

Massage establishments in Hayward are regulated through the Zoning Ordinance (Chapter 10, Article 1) and the Massage Permit Ordinance (Chapter 6, Article 10). Under current zoning regulations, massage businesses are allowed by right in the Downtown core,[2] require a conditional use permit (CUP)[3] in select commercial districts, and are prohibited in all other parts of the city.

The Massage Permit Ordinance[4] requires massage establishment operators to obtain a permit issued by the Police Chief, subject to specific conditions such as background checks for all owners and employees, state certification for all massage therapists, and compliance with operational requirements. Failure to comply with the requirements of the Massage Permit Ordinance can lead to suspension or revocation of a massage permit.

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[1] https://da.santaclaracounty.gov/operation-family-ties-das-human-trafficking-task-force-busts-brothel-network-worth-millions

[2] HMC Section 10-28.2.3.010, Downtown Use Table: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAMUCO_CH10PLZOSU_ART28DECO_ART10-28.2SPZO_DIV10-28.2.3USTA

[3] HMC Section 10-1.3200, Conditional Use Permit: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAMUCO_CH10PLZOSU_ART1ZOOR_S10-1.3200COUSPE

[4] HMC Chapter 6, Article 10, Massage Permit Ordinance: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH6BUPRTR_ART10MAPEOR

The Hayward Police Department Vice Unit is responsible for enforcing the massage permit regulations. The unit is staffed with a detective and a sergeant who are responsible for reviewing massage permit applications, conducting background checks on applicants, investigating complaints, and initiating enforcement actions when necessary.

There are currently 17 permitted massage establishments in Hayward, with 10 of those establishments having complaints of illicit activity. One business recently had its massage permit revoked after an investigation revealed commercial sex activity taking place at the location. Additionally, the Hayward Police Department is aware of several unpermitted massage businesses in the city.

The combination of staffing challenges and suboptimal local regulatory tools increases the risk of bad operators who may be engaged in human trafficking and commercial sex work operating massage establishments in the city, which poses a significant threat to public health and safety. Some of the proposed amendments to the Massage Permit Ordinance include:

- Expanded definition of "owner or operator" that includes anyone listed on a business license, any general or limited partners or shareholders, or any person with a 5% or greater ownership interest in the business.
- Requiring an applicant for a massage business permit to provide the name and contact information of the property owner where the business will be located, as well as a copy of the lease for the premises, or a notarized acknowledgement by the property owner that they are aware of the nature of the business conducted by their tenant.
- Expanded basis for suspension or revocation of permits, including if specified acts that constitute criminal offenses involving sexual activity have taken place, whether or not criminal charges have been pursued.
- Prohibiting use of sexually suggestive advertising related to massage services and
- Changing duration of permit from two (2) years to one (1) year.

Environmental Review - Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a "project" pursuant to the California Environmental Quality Act ("CEQA"), under Public Resource Code Section 21065 and CEQA Guidelines Section 15320, 15378, and 15061(b) (3) as there is no possibility that such action would cause either a direct, or reasonably foreseeable indirect, physical change in the environment.

FISCAL IMPACT

The recommendations provided herein will have no additional fiscal impact.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the six priorities outlined in the Council's Strategic Roadmap.

NEXT STEPS

If introduced by the City Council, the Ordinance will return for adoption and take effect 30 days thereafter. The moratorium adopted by Ordinance No. 26-02 will terminate upon the effectiveness of the attached ordinance and the Business Friendly Hayward amendments.

Prepared by: Michael Vigilia, Senior Assistant City Attorney
Det. Gabrielle Wright, Hayward Police Department

Recommended by: Michael Lawson, City Attorney
Bryan Matthews, Police Chief

Approved by:

_____
Jennifer Ott, City Manager

ATTACHMENT II

ORDINANCE NO. 26-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD AMENDING CHAPTER 6, ARTICLE 10 OF THE HAYWARD MUNICIPAL CODE RELATING TO MASSAGE PERMITS

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

Section 1. Chapter 6, Article 10 of the Hayward Municipal Code is amended to read as reflected in Exhibit A, attached hereto and incorporated herein.

Section 2. California Environmental Quality Act. Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a "project" pursuant to the California Environmental Quality Act ("CEQA"), under Public Resource Code Section 21065 and CEQA Guidelines Section 15320, 15378, and 15061(b) (3) as there is no possibility that such action would cause either a direct, or reasonably foreseeable indirect, physical change in the environment.

Section 3. If any section, subsection, paragraph, or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid, or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed each section, subsection, clause or phrase hereof irrespective of the fact that any one or more section, subsections, clauses or phrases be held unconstitutional, invalid or unenforceable.

Section 4. Effective Date. Pursuant to Section 620 of the City Charter, this Ordinance shall become effective thirty (30) days from the date of its adoption by the City Council. The moratorium adopted by Ordinance No. 26-02 shall terminate upon the effectiveness of this Ordinance and the zoning amendments contained in the Business Friendly Hayward ordinance considered separately but concurrently.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ___ day of __, 2026, by Council Member _____,

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ___ day of __, 2026, 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

ARTICLE 10 MASSAGE PERMIT ORDINANCE[1]

SEC. 6-10.00 TITLE.

This ordinance shall be known as the Massage Permit Ordinance.

SEC. 6-10.01 FINDINGS AND PURPOSE.

The City Council finds and declares as follows:

a. The City of Hayward is authorized to regulate a lawful massage business pursuant to Government Code section 51030, et seq., Business and Professions Code section 4600, et seq., 37101, section 16000, or section 16100 of the California Business and Professions Code, or by virtue of Section 7 of Article XI of the Constitution of the State of California.

b. There is significant risk of injury to massage clients by improperly trained and/or uneducated massage therapists and this Article provides reasonable safeguards against injury and economic loss.

c. There is risk of prostitution and/or sex trafficking and this Article provides safeguards against these practices.

d. The permit requirements and restrictions imposed by this Article are reasonably necessary to protect the health, safety and welfare of the citizens of the City of Hayward, as well as to ward against illegal sexual commerce.

SEC. 6-10.02 DEFINITIONS.

For the purpose of this Article, certain words and phrases shall be construed herein as set forth in this section, unless it is apparent from the context that a different meaning is intended:

a. 'Acupuncture.' Whereas acupuncture is described as the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electro acupuncture, cupping, and moxibustion; 'Acupressure' is based on a theory similar to acupuncture except that it stimulates acupuncture points by the application of pressure rather than needling.

[1]Note(s)—Repealed and replaced by Ordinance 06-09, adopted May 2, 2006; Repealed and replaced by Ordinance 15-02, adopted January 20, 2015.

b. 'Adult-oriented merchandise.' Any sexually-oriented implements, paraphernalia, or novelty items, such as but not limited to: condoms and sexually-oriented items that are designed or marketed primarily for the stimulation of human genital organs.

c. 'Applicant.' In the case of a massage establishment permit, means an individual, or if not an individual, the general partner, chief executive officer, chief advisor, or other person responsible for the ownership and operation of the massage establishment, who applies to obtain a permit under this Article. In the case of a massage therapist permit, "applicant" means an individual who applies for a permit under this Article.

d. 'CAMTC.' California Massage Therapy Council.

e. 'Chief of Police.' The Chief of Police of the City of Hayward or his or her designee.

f. 'Employee.' Includes any owner, partner, operator, manager, supervisor or worker, (whether part-time, full-time, temporary, permanent, or independent contractor) whether paid or not, who renders personal services of any nature in the operation of a massage establishment.

g. 'Massage.' The scientific manipulation of the soft tissues. For purposes of this definition, the terms "massage", "massage therapy", and "bodywork" shall have the same meaning.

h. 'Massage establishment.' A fixed location where massage is performed for compensation, excluding those locations where massage is only provided on an out-call basis.

i. 'Massage practitioner.' A person who is certified by the California Massage Therapy Council pursuant to CA Business and Professions Code Section 4604.2 and who administers massage for compensation.

j. 'Massage therapist.' A person who is certified by the California Massage Therapy Council under CA Business and Professions Code Section 4604 and who administers massage for compensation. For purposes of this definition, "Massage therapist", "Massage Technician", and "Masseuse" shall have the same meaning.

k. 'Managing employee.' Any employee of a massage establishment who has been designated by the massage establishment permittee to manage the business.

l. 'Out-call massage therapy.' A massage therapy performed or administered for money or other consideration by a licensed massage practitioner at a location other than a licensed massage establishment.

m. ‘Owner or operator’ means any and all owners of a massage business, including, but not limited to, the following persons: The manager or other responsible employee; the individual(s) whose name appears on the business tax certificate issued by the City; a general partner, a limited partner, a shareholder, a sole proprietor, or any person who has a five-percent or greater ownership interest in a massage business,

whether as an individual, corporate entity, limited partner, shareholder, or sole proprietor.

n. 'Permit.' The permit to engage in the business of massage therapy as required by this Article.

o. 'Permittee.' Any person possessing a permit required and issued under this Article, or any owner or operator of the permitted establishment.

p. 'Person.' Any individual, co-partnership, firm, association, joint stock company, corporation, joint venture, or combination of individuals of whatever form or character.

q. 'Sexual or Genital Part.' Sexual and genital parts shall include the genitals, pubic area, anus, perineum of any person and the breasts of any female.

(Amended by Ordinance 17-09, adopted June 20, 2017)

SEC. 6-10.03 PERMIT REQUIREMENT.

a. Massage Establishment Permit:

(i) Except as otherwise provided in section 6-10.04, it shall be unlawful for any person to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the city, the operation of a massage establishment without first having obtained a massage establishment permit issued by the Chief of Police pursuant to this Article. A separate permit shall be obtained for each separate massage establishment and any change in ownership to any establishment.

(ii) Prior to commencing operations pursuant to a Massage Establishment Permit issued by the Chief of Police, applicants must also obtain appropriate land use approvals pursuant to the City's Zoning Ordinance.

(iii) A permit issued under this Article does not authorize the permittee to practice massage therapy until the permittee has complied with all business license requirements, zoning/planning requirements, and all other applicable federal, state, and City of Hayward laws and regulations.

b. Massage Therapist Certification: Except as otherwise provided in Section 6-10.04, it shall be unlawful for any person to engage in, conduct or carry on the function of a massage therapist without a current, valid certificate from the California Massage Therapy Council ("CAMTC"), or a current, valid license or certificate from the Department of Consumer Affairs to practice massage therapy.

c. Persons practicing acupressure under the direction of a licensed State of California acupuncturist shall obtain CAMTC certification as required in this Article.

SEC. 6-10.04 PERMIT EXEMPTIONS.

a. The permit requirements of this Article shall not apply to the following persons while engaged in the performance of their duties:

(1) Physicians, surgeons, chiropractors, osteopaths, nurses, physical therapists, or acupuncturists who are duly licensed to practice their respective professions in the State.

(2) Barbers, beauticians, cosmetologists, and estheticians who are duly licensed under the laws of the State while engaging in practices within the scope of their licenses.

(3) Hospitals, nursing homes, sanitariums, or any other health facility duly licensed by the State.

(4) Accredited high schools, junior colleges, colleges, or universities whose coaches and trainers are acting within the scope of their employment.

(5) Accredited colleges or universities that offer massage therapy programs whose instructors and students are acting within the scope of their employments or within the scope of their curriculum.

(6) Trainers of amateur, semiprofessional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event such as road races, track meets, triathlons, biathlons, or similar single occurrence athletic or recreational events.

SEC. 6-10.05 MASSAGE ESTABLISHMENT PERMIT APPLICATION AND FEE.

a. Each applicant for a massage establishment permit shall file a written application with the Chief of Police on a form provided by the Police Department. The application shall be forwarded to the Planning Director to determine if the use is allowed in the zoning district where the massage establishment is proposed to be located. A massage establishment permit does not authorize the permittee to provide massage therapy services, and it is unlawful to do so without valid CAMTC certification.

b. Each application shall be accompanied by a nonrefundable fee, in an amount established by resolution of the City Council. The application fee shall be used to defray, in part, the costs of the investigation and report, and is not made in lieu of any other fees or taxes required under this Code. Applicants are required to make payment to the Department of Justice for fingerprinting services as required by this Article. A copy of the receipt for the nonrefundable fee shall accompany the application. Separate checks are not required to pay the required fees as outlined in this Article.

c. Each applicant shall submit the following information in the application under penalty of perjury:

(1) The full, true name under which the business will be conducted.

(2) The present or proposed address where the business is to be conducted.

(3) The applicant's full, true name, including all other names used presently or in the past, date of birth, valid California driver's license number or identification number, Social Security number, present residence address and telephone number, gender, height, weight, color of hair, and color of eyes.

(4) The names and addresses of all persons financially interested in the business.

(5) The applicant's two (2) most recent street addresses and the dates of residence at each address.

(6) The name, street address, and telephone number of other businesses in which the applicant has owned or been employed within the past seven (7) years. This shall include the dates of employment, positions held by the applicant, and a contact person at each location. Applicant shall disclose or declare that within the seven (7) years preceding submission of the application, the owner, operator, manager, and/or responsible managing officer/employee has not:

   a. Had a massage establishment, massage therapist, or other similar permit or license denied, suspended, or revoked by the city, or any other federal, state or local agency;

   b. Engaged in conduct or operated a massage therapy or similar establishment in a manner that would be grounds for denial, suspension, or revocation of a permit under this Article; or Chapter 10.5 (commencing with section 4600) of Division 2 of the Business and Professions Code.

   c. Owned or managed a massage establishment or similar establishment where persons required to be licensed were allowed to work without the required license or permit.

(7) A statement of the permit history of the applicant which identifies whether or not such person has ever held a professional or vocational license or permit, other than as required under this Article, issued by any agency, board, city, county, territory, or state; the date of issuance of such permit or license; whether or not the permit or license is still in effect; if the permit or license is no longer in effect, whether or not it was revoked or suspended, and if so, the reason(s) therefore. The name and location of the jurisdiction or agency, which suspended or revoked such license, certificate, permit, or other authorization shall also be included.

(8) The name and street address of any other massage business operated or managed by the applicant during the last seven (7) years.

(9) A statement whether the applicant intends to personally provide massage therapy services at the business. The applicant for a massage establishment permit is required to obtain a certificate from CAMTC if that person intends to provide massage therapy services.

(10) Written proof of the applicant's current, valid certification by CAMTC, and proof of certification for any employees or independent contractors who will perform massage services at the applicant's massage establishment.

(11) Applicant's criminal convictions in California or any other jurisdiction for offenses other than traffic violations within ten (10) years before the date of the application. For the purposes of this subsection, the term 'applicant' shall apply to:

a. An individual if the applicant is an individual;

b. Any officers, directors, stockholders holding more than five percent (5%) of the stock of the corporation, or the managing responsible officer, if the applicant is a corporation; and

c. A partner or the managing responsible officer, if the applicant is a partnership.

(12) The name, street address, telephone number, and date of birth of each massage therapist or employee who is or will be employed at the massage establishment, regardless of the nature of the employment, along with a valid form of identification.

(13) The name, street address, and telephone number of any massage business or other like establishment owned or operated by any person whose name is required to be given pursuant to this section.

(14) Documentation to prove that the applicant has a lawful right to work in the United States, to include but not limited to: Department of Justice Immigration and Naturalization Service Employment Authorization Document.

(15) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the state and date of incorporation and the name, residence address, and telephone number of each of its current officers, directors, along with the amount of stock held.

(16) If the applicant is a partnership, the application shall set forth the name, residence street address, and telephone number of each of the partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the County Clerk. If one (1) or more of the partners is a corporation, the provisions of this subsection pertaining to corporate applicants shall apply to the corporate partner. The applicant, if a corporation or partnership, shall designate one (1) of its officers or general partners to act as its responsible managing officer/employee. Such person shall complete and sign all application forms required of an individual applicant under this Article and shall, at all times, meet all of the requirements set for permittees by this Article or the permit shall be suspended until a responsible managing officer who meets such requirements are designated. If no such person is found within ninety (90) calendar days after the permit's suspension, the corporation or partnership's permit is deemed canceled. If the corporation or partnership wishes to reapply for a permit, a new application shall be filed.

(17) Fingerprints taken by a representative of the Hayward Police Department and submitted to the Department of Justice for processing pursuant to this Article.

(18) Written authorization for the city, its agents, and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and into the background of the applicant and the responsible managing officer/employee of the massage establishment.

(19) Such other identification and information shall be provided as required by the Chief of Police, necessary to discover the truth of the matters specified and required in the application.

(20) The name, address, and telephone number of the owner of the real property upon, in, or from which the certified massage establishment is to be operated. In the event the applicant is not the legal owner of the property, the application shall be accompanied by a copy of any written lease between the applicant and the property owner authorizing use of the premises for a massage establishment, or, alternatively, if there is no written lease, then a written, notarized acknowledgment from the property owner that the property owner has been advised that a massage establishment will be operated by the applicant upon, in, or from the property owner's property.

SEC. 6-10.06 APPLICATION REVIEW.

The application and supplementary material shall be reviewed by the Chief of Police. If it is clear from the face of the application and supplementary material that the applicant is not qualified for the Massage Establishment Permit, or if the required fee has not been paid, the application may be denied without further investigation. If it appears from the face of the application and supplementary material that the applicant may be eligible for the Massage Establishment Permit, the Chief of Police shall verify the information submitted by the applicant and shall further investigate the qualifications of the applicant as follows:

a. The Hayward Police Department shall take a full set of the applicant's fingerprints, and shall submit the fingerprints to the Department of Justice for evaluation. Upon receipt of the report from the Department of Justice, the Chief of Police shall review the criminal history (if any) of the applicant;

b. The Chief of Police may conduct additional investigations in a manner authorized by law when necessary to determine if the applicant meets the qualifications for a permit pursuant to this Article; and

c. Upon receipt of an application for a massage establishment permit, the Chief of Police shall refer the application to other City of Hayward departments, as appropriate, for review of the application and inspection of the premises to ensure compliance with applicable local, state and federal laws and regulations, including, but not limited to, building, health, and fire safety regulations.

SEC. 6-10.07 PERMIT ISSUANCE OR DENIAL.

a. The Chief of Police shall take action on the application for a Massage Establishment Permit within sixty (60) calendar days of submission of a completed application. When necessary, the Chief of Police may extend the time to take action on the application.

b. The following circumstances are grounds for denial of a permit:

(1) The application is incomplete and/or required supplementary material is not submitted within thirty (30) calendar days of the date the material is requested;

(2) The applicant does not have sufficient proof of the required CAMTC certification requirements pursuant to section 6-10.05 of this Article;

(3) The operation as proposed by the applicant would not comply with all applicable ordinances and laws, including, but not limited to, the city's building, health, and fire safety ordinances;

(4) The applicant has previously had a massage establishment permit, massage therapist permit, or any similar license, certificate, or permit revoked by the city or any public agency;

(5) The applicant is found to have made a material misstatement or omission in the application or in a previous application.

(6) The applicant has been successfully prosecuted under the Red Light Abatement Act (California Penal Code section 11225 et seq.) or any similar law in another jurisdiction; or

(7) The applicant has been convicted of any of the following offenses during the seven (7) years preceding the date of the application:

(i) Conduct which requires registration under California Penal Code section 290.

(ii) Conduct which is in violation of California Penal Code sections 220, 245.3, 245.5, 261, 264.1, 266(h), 266(i), 266(j), 286, 288, 314, 315, 316, 318, 647(a), 647(b), or 647(d).

(iii) Crimes that are designated in California Government Code section 51032(b).

(iv) Any other crime involving dishonesty, fraud, deceit, violence, or moral turpitude.

(v) Conspiracy or attempt to commit any of the aforementioned designated offenses.

(vi) Convictions to a charge of a violation of California Penal Code sections 415 and 602, or any lesser included or related offense, in satisfaction of, or as a substitute for, any of the previously listed crimes, or any crime committed while engaged in the ownership of a massage establishment or the practice of massage therapy.

(vii) Convictions that have been expunged and convictions under the laws of other jurisdictions which proscribe the same or similar conduct as therefore designated crimes shall be reported.

(viii) Been convicted of a Health and Safety Code section 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Code sections 11054, 11055, 11056,11057 or 11058.

(ix) Whether the applicant has been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to California Penal code sections 11225 et seq. or any similar provisions of law in a jurisdiction outside the state.

c. If prosecution is pending against the applicant either for conduct listed in section 6-10.08 or for conduct violating this Article's provisions, the Chief of Police may postpone decision on the application until the final resolution of the prosecution. As used in this subsection, prosecution means charges filed by the district attorney, administrative proceedings brought by a local government or agency, or a civil or administrative action maintained by any city, county, state, or government.

d. The Chief of Police may postpone decision on a license or permit application until the City of Hayward receives the applicant's fingerprint review results from the California Department of Justice.

e. The Chief of Police shall give written notice of the grounds for denial to the applicant personally or by first class mail, postage prepaid, at the address provided in the application. The notice shall advise the applicant of the right to appeal the decision.

SEC. 6-10.08 DISQUALIFYING CONDUCT.

The following conduct shall be a basis for denial, revocation or suspension of a massage establishment permit:

a. Conviction of, or entry of a plea of guilty or no contest to, an offense that requires registration under California Penal Code section 290, or which is a violation of sections 266(i), 314, 315, 316, 318 or 647(b) or the sections in Part 1, Title 9, Chapters 7.5 or 7.6 of the Penal Code or equivalent offenses under the laws of another jurisdiction, or any offense involving sexual misconduct with children or adults, even if expunged pursuant to Penal Code section 1203.4;

b. Conviction of, or entry of a plea of guilty or no contest to, an offense involving the sale of a controlled substance specified in sections 11054, 11055, 11056, 11057, 11058, 11351, 11352, 11358 through 11363 or 11378 through 11380 of the California Health and Safety Code, or equivalent offenses under the laws of another jurisdiction, even if expunged pursuant to Penal Code section 1203.4;

c. Conviction of, or entry of a plea of guilty or no contest to, a violation of Penal Code Section 415 as a result of an arrest for violation of Penal Code section 647(b).

d. Any conduct presented in Section 6-10.10, or any prohibited activity or violation of any relevant California and Federal statute, including but not limited to, Business and Professions Code sections 4600, et seq.

SEC. 6-10.09 HEARING ON DENIAL OF PERMIT.

If a permit for a massage establishment is denied, an applicant may, within seven (7) calendar days after such action is taken, request a hearing before the City Manager or her/his designee, at which time evidence will be received for the purpose of determining whether the action of the Chief of Police in denying the issuance of an annual permit should be sustained or reversed. The City Manager or her/his designee shall render her/his decision, in writing, within seven (7) calendar days after the hearing has been concluded.

SEC. 6-10.10 GROUNDS FOR SUSPENSION OR REVOCATION OF PERMIT.

The Chief of Police may revoke or suspend any permit granted under this Article if any of the following are found:

a. The permittee does not possess the qualifications for the permit as required by this Article;

b. The permittee has been found to be in violation of any provision of this Article;

c. The permittee has engaged in conduct or operated a massage establishment or has engaged in conduct as a massage therapist in a manner which violates this Article, any conditions of the permit, or any of the laws which would have been grounds for denial of the permit;

d. There is fraud, material misrepresentation, false statement, or omission of a material fact in any application for a permit or in any supplementary material;

e. An activity authorized in the permit has been conducted in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public;

f. Upon a recommendation from the city and/or county officials which states that such business is being managed, conducted, or maintained without regard for public safety or public health;

g. Out-Call services not authorized by the Chief of Police, and/or out-call services not in accordance with any provision within this Ordinance, or Chief of Police out-call policy described in the massage establishment permit application, or applicable State or Federal statute, rule, or regulation; or

h. h..Any prohibited activity or violation of any relevant California and Federal statute, including but not limited to, Business and Professions Code sections 4600, et seq.

i. Sexually suggestive or sexually oriented advertising relating to massage services has been disseminated in a manner that identifies, depicts, or otherwise connects such advertising to the permitted premises, including the use of the establishment's business name, address, phone number, website, or other identifying information; and Such advertising, by its nature or content, reasonably creates the impression that sexual activity or sexually oriented conduct is available or performed on the premises

j. There have been one or more acts prohibited under California Penal Code Sections **266**, **266a**, **266e**, **266f**, **266g**, **266h**, **266i**, **266j**, **315**, **316**, **318**, **647(b)**, or **653.22** taking place on the premises of the massage establishment, whether or not any criminal prosecution has been pursued or conviction obtained for such acts, and whether or not they occurred with or without the actual knowledge of the permittee.

k. If the applicant has failed to comply with a final court order or administrative action of an investigatory agency finding a violation of applicable federal, state and local wage and hour laws, including, but not limited to, the Federal Fair Labor Standards Act, the **California Labor Code**, and any local minimum wage ordinance or prevailing wage requirements. For purposes of this subsection, a final court order or administrative action is one as to which there is no pending appeal and the time for filing an appeal has passed.

l. Any circumstances that constitute grounds for denial of a massage permit application otherwise described in this Article.

SEC. 6-10.11 HEARING ON SUSPENSION OR REVOCATION OF PERMIT.

Prior to the suspension or revocation of any permit issued pursuant to this Article, a hearing as provided in section 6-10.09 of this Article, shall be held by the Chief of Police, at which time evidence will be received for the purpose of determining whether or not such permit shall be suspended or revoked, or whether the permit may be retained. The Chief of Police shall render her/his decision within seven (7) calendar days after the hearing has been concluded.

SEC. 6-10.12 BURDEN OF PROOF.

Unless otherwise specifically prohibited by law, the burden of proof is on the applicant or permittee in any hearing or other matter under this Article.

SEC. 6-10.13 APPEAL OF SUSPENSION OR REVOCATION OF PERMIT.

Appeal from the decision of the Chief of Police to suspend or revoke a permit pursuant to section 6-10.11 may be appealed to the City Manager within seven (7) calendar days of the decision of the Chief of Police.

SEC. 6-10.14 MINIMUM AGE REQUIREMENT.

a. No person shall be employed in a massage establishment or perform massage therapy or manage or hold an ownership interest in a massage establishment who is not at least eighteen (18) years of age.

b. It is unlawful for the owner, proprietor, managing employee, or any other person in charge of any massage establishment to employ any person under eighteen (18) years of age.

SEC. 6-10.15 PERMITS NONASSIGNABLE.

No permit shall be sold, transferred, or assigned by the permittee or by operation of law, to any other person. Any such sale, transfer, assignment, attempted sale, attempted transfer or attempted assignment shall constitute an immediate revocation of the permit and the permit shall thereafter be null and void. A new owner of a massage therapy establishment must submit a new application for a massage establishment permit in accordance with this Article.

SEC. 6-10.16 CHANGE OF NAME OR LOCATION, EXPANSION OF BUILDING.

a. No permittee shall operate under any name or conduct any massage establishment under any designation or location not specified in the permit.

b. In the case of any proposed change of name, notification thereof shall be made to the Chief of Police at least thirty (30) calendar days prior to the change. Any proposed change of name is subject to the approval of the Chief of Police.

c. Any proposed change of location of a massage establishment is subject to the approval of the Chief of Police, in addition to compliance with all city ordinances and regulations.

d. Any application for an expansion of a building of a massage establishment shall require compliance with this Article and all other applicable laws, city ordinances and regulations.

SEC. 6-10.17 DISPLAY OF PERMIT.

a. The massage establishment permit and a copy of the CAMTC certification of each and every massage therapist employed in the establishment shall be displayed in an open and conspicuous place on the premises.

b. Each massage therapist shall be issued a photograph identification badge from the Police Department. When visiting a location other than a massage establishment in order to give a massage, each massage therapist shall display the badge.

SEC. 6-10.18 FACILITIES AND OPERATING REQUIREMENTS.

a. Every massage establishment and every massage therapist shall comply with standards established by the Alameda County Health Services for such businesses and practitioners and the following facilities and operations requirements:

(1) The massage establishment's premises and facilities shall meet and be maintained in a condition to comply with all applicable code requirements of the city, county, and state, including, but not limited to, those related to the safety of structures, adequacy of the plumbing, lighting, heating, ventilation, waterproofing of rooms in which showers, water or steam baths are used, and the health and cleanliness of the facility.

(2) Massage establishments and massage therapists shall at all times have an adequate supply of clean sanitary towels, coverings, and linens. Towels, non-disposable coverings, and linens shall not be used on more than one (1) client, unless they have first been laundered and disinfected. Disposable towels and disposable coverings shall not be used on more than one (1) client. Soiled linens and paper towels shall be deposited in separate receptacles.

(3) In the massage establishment, wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bathrooms, tanning booths, whirlpool baths, and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day when the premises are open, with a disinfectant. Bathtubs shall be thoroughly cleaned with a disinfectant after each use. All walls, ceilings, floors, and other physical facilities for the establishment shall be in good repair, and maintained in a clean and sanitary condition.

(4) All equipment used in the massage therapy operation shall be maintained in a clean and sanitary condition. Instruments utilized in performing massage therapy shall not be used on more than one (1) client unless they have been sterilized, using standard sterilization methods.

(5) If separate dressing rooms are offered, they may be occupied by no more than one (1) person at a time. Dressing rooms need not be separate from the room in which the massage therapy is being performed.

(6) Toilet facilities shall be provided in convenient locations within the massage establishment and shall consist of at least one (1) unisex toilet with lavatories or wash basins provided with soap and both hot and cold running water either in the toilet room or vestibule.

(7) A minimum of one (1) wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage therapy services. Soap and sanitary towels shall also be provided at each basin.

(8) Massage therapy shall be provided or given only between the hours of 7:00 a.m. and 10:00 p.m. No massage establishment shall be open and no client shall be in the establishment between 10:00 p.m. and 7:00 a.m.

(9) No alcoholic beverages shall be sold, served, furnished, kept, consumed, or possessed on the premises of any massage establishment.

(10) Controlled substances must not be consumed in a massage establishment unless the person has a prescription for the substance.

(11) No owner, manager, operator, responsible managing employee, or permittee shall permit, and no massage therapist contractor shall offer or perform, any service other than those permitted under this Article.

(12) No permittee or employee of a massage establishment shall:

a. Expose the sexual or genital part of the permittee or employee in the course of a massage therapy; or

b. Touch or expose the sexual or genital part of any other person in the course of a massage therapy.

c. Perform massage therapy on a patron with the intent or purpose of arousing, appealing to, or gratifying the sexual desires of said patron.

d. Perform any task or service associated with the massage establishment while nude, semi-nude, or dressed in lingerie, see-through or transparent attire.

(13) No permittee or employee of a massage establishment shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective customers that any service is available that is prohibited under this Article nor shall any massage establishment employ language in any advertising text or business name that would reasonably suggest to a prospective client that any service is available that is prohibited under this Article.

(14) The use or possession of adult-oriented merchandise in or on any part of a massage establishment is expressly prohibited.

(15) Condoms must not be kept or used for any purpose in the massage establishment.

(16) Recordings.

~~a. No electrical, mechanical or artificial device shall be used by the operator and/or manager, massage therapist or any employee of the massage establishment for audio and/or video recording or for monitoring the performance of a massage therapy, or the conversation or other sounds in the massage rooms without the knowledge and written consent of the patron.~~

~~b. No surveillance cameras, or video recording devices of any type, may be installed on the exterior of the massage establishment. Other surveillance cameras must not be maintained or operated so as to provide surveillance of the exterior of a massage establishment or the surrounding area. No video recording devices may be installed into rooms in which massage services will be rendered.~~

i. Surveillance camera systems may be maintained by the manager/ owner with the approval of the Chief of Police. Owner shall retain video for at least 14 days. Any exterior surveillance cameras shall be available via remote access and provided to the Hayward Police Department upon request

(17) Locks prohibited.

a. No massage therapy shall be conducted within any cubicle, room, booth or treatment room on the premises of a massage therapy business which is fitted with a lock.

b. All entrance and exit doors on the premises of a massage establishment shall remain unlocked during business hours unless the massage establishment is a business entity owned by one (1) individual with one (1) or fewer employees or independent contractors.

(18) All massage services shall be paid for in the reception area. Massage establishments may utilize a system where tip envelopes are provided in the treatment rooms to be utilized and deposited by the client in the reception area.

(19) A massage establishment must not be used for residential or sleeping purposes unless the massage establishment is properly zoned and has all necessary use permits, and the massage establishment is owned by one (1) individual with one (1) or fewer employees or independent contractors.

(20) No person other than the client and the client's immediate family or guardian is allowed in the massage room while the client is dressing or undressing.

(21) No person other than the client, the massage therapist assigned to the client, and the client's immediate family or guardian are allowed in the massage room if any door into the massage room is closed. Others may be in the massage room so long as all doors to the room are fully open.

(22) Massage establishment personnel or any massage therapist must not inquire as to whether any client is a peace officer.

(23) It shall be grounds for suspension, revocation, or denial of a massage establishment permit if the permittee, or any person acting on behalf of the permittee, employs, allows, or permits any person to work or provide massage services at the permitted premises who is not registered with the Police Department as required by this Article.

(24) No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

(25) A list of massage services available and the cost of such services shall be posted in an open and conspicuous public place on the premises. The massage services shall be described in English and may also be described in such other languages as may be convenient. No massage establishment operator shall permit, and no person employed or retained by the massage establishment shall offer to perform any massage services or request or demand fees other than those posted.

(26) Display of Human Trafficking Notices. The massage establishment shall comply with the requirements in California Civil Code Section 52.6 related to the posting of information for victims of human trafficking.

SEC. 6-10.19 RESPONSIBILITY OF EMPLOYER.

It shall be the responsibility of the massage establishment permittee who employs or allows any person acting or purporting to act as a massage therapist, or the employer of any person acting or purporting to act as a massage therapist, to ensure that such person complies with the requirements of this Article and all laws.

The massage establishment permittee shall be held responsible for the conduct of all persons on the premises who engage in providing the service of massage therapy. Any act or omission of any person giving massage therapy, or any service of massage therapy, shall be deemed the act or omission of the holder of the massage establishment permit for the purposes of determining whether the permit may be revoked, suspended, or denied. Proof of knowledge of any violation of this section shall not be required for purposes of suspension, revocation, or denial of a massage establishment permit.

SEC. 6-10.20 PERMIT DURATION AND RENEWAL.

a. A permit shall be valid for one year from the date of issuance unless revoked or suspended.

b. A permittee may apply for a renewal of a permit thirty (30) calendar days prior to the expiration of the permit. If, upon the 31st day after the expiration of a permit, an application of renewal has not been received, the permit shall be deemed expired. Any permit issued under this Article shall be returned to the Chief of Police within forty-eight (48) hours of its expiration. No privilege to provide massage therapy shall exist until an application for renewal has been granted. After a permit expires, a new application may be filed.

c. Permits may be renewed by filing an application for renewal under penalty of perjury updating information in the original application provided to the Chief of Police.

d. Verification of continued certification, in good standing, from CAMTC, of all massage therapists shall accompany the application for renewal. Verification of CAMTC certification of all new massage therapists hired by a massage therapy establishment shall be submitted to the Chief of Police within thirty (30) days of hiring a new massage therapist.

e. To renew a permit under this Article, the permittee shall pay the city a nonrefundable fee in an amount set forth by resolution of the City Council. A copy of the receipt for the nonrefundable fee shall accompany the application for renewal.

f. After investigating the application for renewal , the Chief of Police shall renew the permit if the permittee continues to meet the requirements for the issuance of a permit, and none of the grounds for denial of a permit set forth in this Article exist. The Chief of Police shall renew the permit within thirty (30) calendar days of such request if the information upon which the original application was granted remains unchanged and no violations of this Article have been committed.

g. The permittee must update the Chief of Police of any violation of this Article, violation of Business and Professions Code section 4609, or any change in the status of the CAMTC certification of any employee or independent contractor within thirty (30) calendar days of the violation or change in certification status.

SEC. 6-10.21 APPLICABILITY TO EXISTING BUSINESSES.

Any business that holds itself out as a massage establishment in any way will be subject to the provisions of this Ordinance.

(Amended by Ordinance 17-09, adopted June 20, 2017)

SEC. 6-10.22 CEASE OF BUSINESS.

If at any time during the duration of a permit issued under this Article a permittee ceases to do business as a massage establishment, the permittee shall:

a. Return any permit issued under this Article to the Chief of Police within five (5) business days; and

b. Notify the Revenue Division of the Finance Department.

SEC. 6-10.23 INSPECTION.

The Police Department shall, from time to time and during any hour in which a massage establishment is open for business, make an administrative inspection of each massage establishment for the purpose of determining compliance with this Article.

SEC. 6-10.24 ENFORCEMENT.

a. It is the duty of the Chief of Police to enforce rules and regulations in accordance with this Article.

b. Pursuant to the City's prosecutorial discretion, the city may enforce violations of the provisions of this Article as criminal, civil and/or administrative actions.

c. If a person falsely states or advertises or puts out any sign or card or other device, or falsely represents to the public through any print or electronic media, that he or she or any other individual is licensed, certified, or registered by a governmental agency as a massage therapist or massage practitioner, that person shall be subject to a civil penalty not to exceed two thousand five hundred dollars ($2,500.00) for each violation, to be assessed and collected in a civil action brought by the City Attorney, District Attorney, or Attorney General. –

File #: LB 26-008

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Salary and Benefits Resolution & Employment Agreements: Adopt Resolutions Amending the Unrepresented Employees Salary and Benefits Resolution, the City Clerk Employment Agreement, the City Attorney Employment Agreement, and the City Manager Employment Agreement

RECOMMENDATION

That the City Council adopts Resolutions (Attachments II, IV, V, and VI) amending the Unrepresented Employees Salary and Benefits Resolution (Attachment III) for Executives and Non-Executives; the City Clerk Employment Agreement; and the City Attorney Employment Agreement to defer cost of living adjustment (COLA) increases and to Amend the City Manager Employment Agreement to continue forgoing cost-equivalent benefits for the full fiscal year 2026-27.

SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. In order to lead the City forward in this initiative, the City Manager has agreed to continue forgoing benefits that are cost equivalent to four and one-half percent (4.5%) in her overall salary through the end of fiscal year 2026-27. The City Attorney and City Clerk have agreed to defer the upcoming four percent (4%) COLA due in their respective employment agreements at the beginning of fiscal year 2026-27 to the end of the fiscal year 2026-27. In addition, the Executive team will defer the COLA due in the Unrepresented Employees Salary and Benefits Resolution from the beginning of fiscal year 2026-27 to the end of fiscal year 2026-27 (4%), and Unrepresented Non-Executive employees will similarly defer the three percent (3%) COLA from the beginning of fiscal year 2026-27 to the end of fiscal year 2026-27. These deferrals are aligned with other concessions agreed upon with some non-safety labor unions.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution - Unrepresented Employees
Attachment III	Unrepresented Employees Salary and Benefits Resolution
Attachment IV	Resolution - City Attorney

Attachment V	Resolution - City Clerk
Attachment VI	Resolution - City Manager

DATE: April 21, 2026

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Unrepresented Employees Salary and Benefits Resolution and Employment Agreements: Adopt Resolutions Amending the Unrepresented Employees Salary and Benefits Resolution, the City Clerk Employment Agreement, the City Attorney Employment Agreement, and the City Manager Employment Agreement

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SUMMARY

The City of Hayward is facing a budget deficit and is taking measures to reduce costs. In order to lead the city forward in this initiative, the City Council has provided direction to forgo the salary increase for Mayor and Council, effective the pay period containing July 1, 2026, which is based on the Consumer Price Index. In addition, the City Manager has agreed to continue forgoing benefits that are cost equivalent to four and one-half percent (4.5%) in her overall salary through the end of fiscal year 2026-27. The City Attorney and City Clerk have agreed to defer the upcoming four percent (4%) COLA due in their respective employment agreements at the beginning of fiscal year 2026-27 to the end of the fiscal year 2026-27. In addition, the Executive team will defer the four percent (4%) COLA due in the Unrepresented Employees Salary and Benefits Resolution from the beginning of fiscal year 2026-27 to the end of fiscal year 2026-27, and Unrepresented Non-Executive employees will similarly defer the three percent (3%) COLA from the beginning of fiscal year 2026-27 to the end of fiscal year 2026-27. These deferrals are aligned with other concessions agreed upon with some non-safety labor unions.

FISCAL IMPACT

The proposed amendments include the following projected savings:

- Nearly $300,000 in savings from amending the Unrepresented Employees Salary and Benefits Resolution
- $9,000 in savings from amending the City Clerk Employment Agreement
- $14,000 in savings from amending the City Attorney Employment Agreement
- $18,000 in savings from amending the City Manager Employment Agreement

The total projected General Fund savings is approximately **$340,000** in fiscal year 2026-27.

BACKGROUND

In response to the City's current financial state, the City implemented a number of cost saving measures, including but not limited to: a transfer of Measure C funds; a use of OPEB Trust fund balance; use of CDBG funds; update of master fee schedule; cost reductions and revenue offsets in the Navigation Center; maintaining the FY 2025-26 worker's compensation transfer amount into FY 2026-27 resulting in use of fund balance in the Worker's Compensation Fund; public safety overtime reductions; and other police department savings. Even after all these measures are assumed, the City still projects funding gap that will need to be closed by either labor concessions or departmental cost reductions, which will include additional layoffs or a combination of both, depending on the extent of concessions.

All bargaining groups in the City were asked for a concession equivalent to forgoing upcoming scheduled COLA increases. Cost savings contributed by bargaining groups are critical to the City's fiscal health as employee salaries and benefits costs make up over 90% of the General Fund budget.

DISCUSSION

In fiscal year 2025-26, Council decided to forgo the salary increase, for Mayor and Council, of one and one-half percent (1.5%) and reduced their salaries by an additional five percent (5%) to help lead the City in addressing the financial state of the organization. Mayor and Council have provided direction to forgoing the upcoming increase due the pay period containing July 1, 2026. This increase will be determined based on CPI and will not be applied for fiscal year 2026-27. This action will be brought back to Council with the next Salary Plan amendment in May 2026.

In fiscal year 2025-26, unrepresented executive and non-executive employees were subject to unpaid furloughs as a cost saving measure for the City. Executive employees furloughed for the equivalent of four percent (4%) of their annual salary and unrepresented non-executive employees were furloughed for the equivalent of three and one-half (3.5%) of their annual salary.

As the City's financial structural deficit continues, all unrepresented employees will defer their respective COLAs, initially scheduled for the pay period containing July 1, 2026. Pursuant to the

most recent salary resolution, unrepresented executive employees are due a four percent (4%) COLA increase and unrepresented non-executive employees are due a three percent (3%) COLA increase beginning the pay period containing July 1, 2026. These increases will instead be deferred to the end of the fiscal year and will now be effective at the beginning of the pay period containing June 30, 2027. This deferral creates a general fund cost savings in fiscal year 2026-27.

Similarly, the City Clerk and City Attorney previously agreed to a furlough equivalent to four percent (4%) of salary in fiscal year 2025-26. For fiscal year 2026-27, both the City Clerk and City Attorney have agreed to defer the four percent (4%) COLA due in their respective employment agreements the pay period containing July 1, 2026. The deferral will move the COLA increase from the beginning of the fiscal year to the end of the fiscal year and will now be effective at the beginning of the pay period containing June 30, 2027, creating a year of salary savings from the respective employment agreements for the City.

In addition, the City Manager previously agreed to forgo her personal equipment and vehicle allowance in the first year of her employment to lead the City in realizing additional cost savings. The City Manager has agreed to continue forgoing the personal equipment and vehicle allowance in her employment agreement for an additional six months, through the end of fiscal year 2026-27. These forgone benefits represent the equivalent of four and one-half percent (4.5%) of the City Manager's salary, and equivalent savings through the end of fiscal year 2026-27.

STRATEGIC INITIATIVES

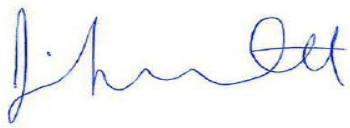
This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

NEXT STEPS

Staff will finalize the documents and obtain necessary review by the City Attorney and respective approval by the City Manager and the Mayor to execute them. The Human Resources Department will work with the Finance Department to implement these changes.

Prepared and Recommended by: Ian Tecson, Director of Human Resources

Approved by:



Jennifer Ott, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member _____

RESOLUTION APPROVING AMENDMENT TO THE SALARY AND BENEFITS RESOLUTION FOR UNREPRESENTED EMPLOYEES

WHEREAS, the City of Hayward is facing a budget deficit and is taking measures to reduce costs; and

WHEREAS, the City of Hayward must realize cost saving measures for the upcoming fiscal year 2026-27 to eliminate the budget deficit; and

WHEREAS, the City's Executive Team supports deferring the four percent (4%) Cost of Living Adjustment (COLA) increase due for unrepresented executive classifications at the beginning of Fiscal Year 2026-27 to the pay period including June 30, 2027; and the three percent (3%) COLA due at the beginning of Fiscal Year 2026-27 for unrepresented non-executive classifications will be deferred to the pay period including June 30, 2027.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves the amendment to the Salary and Benefits Resolution for Unrepresented Employees.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

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

Salary and Benefits Resolution

for

UNREPRESENTED EMPLOYEES

Effective July 1, 2015

Amended: *May 13, 2012 (Resolution No. 12-071)*
June 13, 2012 (Resolution No.12-093)
April 15, 2014 (Resolution No. 14-045)
July 7, 2015
May 17, 2016
June 27, 2017
June 26, 2018
May 26, 2020
June 22, 2021
July 20, 2021
June 21, 2022
July 1, 2024
October 28, 2025 (Resolution No. 25-187)
November 18, 2025 (Resolution No. 25-197)
April 21, 2026 (Resolution No. 26-XXX)

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1.00 COMPOSITION

The employee classifications subject to this Resolution are categorized into three groups: Unrepresented-Executive, Unrepresented Exempt, and Unrepresented Non-Exempt, which are comprised of the classifications of employment listed in Appendix A to this Resolution and any other classification of employment which may hereafter be assigned by the City Manager in accordance with the provisions of the City of Hayward Personnel Rules governing unit determination and modification.

2.00 PROBATIONARY PERIOD

2.01 Appointments Not Subject to Probationary Period

All employees in positions identified in Appendix B as being members of the unclassified service are not subject to this Section 2.00. Employees in the unclassified service are "at-will" employees who can be separated from employment at any time, with or without cause. Employees who move from positions in the classified service to positions in the unclassified service will be required to sign a notification and acknowledge that the position is at-will.

2.02 Appointments Subject to Probationary Period

All employees in positions identified in Appendix B as being part of the classified service shall serve a probationary period as provided in this Section. The probationary period shall be regarded as a part of the selection process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to their position.

All appointments to the classified service (other than temporary and provisional appointments or appointments to part-time positions that are regularly scheduled to work less than twenty (20) hours per week) shall be subject to a probationary period. The regular period of probation shall be one (1) year, but longer periods may be specified in individual classification descriptions and shall apply to all positions in the classification. An extension of the probationary period up to a maximum of six (6) months may be approved by the City Manager or designee in individual cases.

2.03 Release of Probationer

During the probationary period, an employee in the classified service may be released at any time without the right of appeal. Written notice of release designating the effective date of such action shall be furnished to the probationer. Persons employed in part-time positions scheduled for less than twenty (20) hours per week are excluded from the classified service and may be released at any time without the right of appeal.

2.04 Release Following Promotion

Any employee in the classified service may be released during the probationary period following promotion to another position in the classified service. The employee released shall be reinstated to the employee's former position or to a position in the

class from which the employee was promoted unless the reason for the release is cause for dismissal. The employee will be reinstated to the salary step held before the promotion. If no vacancy exists in this former class, the employee with the least amount of time in this class shall be demoted to the most recent class in which that employee has satisfactorily served. If any employee is released by such action, such employee shall be placed on a reemployment register for the classification from which the employee was released.

Any employee who is released during a probationary period following promotion to another position in the classified service and whose release is cause for dismissal shall retain appeal rights to the dismissal from City employment, but not the right to appeal the employee's release from the position from which the employee was demoted.

2.05 Effect of Leaves on Probationary Period

Periods on a paid or unpaid leave of one (1) week or more shall automatically extend the probationary period of any employee on probation. The length of the extension shall be equal to the length of the individual's placement on paid or unpaid leave.

2.06 Effective Date of Regular Status

Upon attaining regular status as a member of the classified service, the effective date shall revert to the date of the initial probationary appointment.

3.00 LAYOFFS, RESIGNATIONS & TERMINATIONS

3.01 Layoffs

Whenever there is a lack of work or a lack of funds requiring a reduction in personnel in a department or division of the City government, the required layoffs shall be made as the City Manager may designate in accordance with the following procedures:

A. Employees shall be laid off in inverse order of their length of service within the affected job classification. A layoff out of the inverse order of seniority may be made if, in the City Manager's judgment, retention of special job skills is required.

1. Length of service for the purpose of this Section shall mean an employee's continuous, uninterrupted service in the classification affected by the layoff. Length of service is determined based on the date of appointment in the affected classification and includes time spent as a probationary or part-time employee in that classification. Length of service includes all days of attendance at work and authorized leaves of absence. Length of service does not include unauthorized absences or periods of suspension or layoff. Length of service shall not include time spent in a provisional or acting appointment in the affected classification unless such provisional or acting appointment was contiguous with appointment to such classification in a probationary or part-time status.

2. An interruption in length of service within a classification shall occur as a result of any one of the following:

   a. Discharge for cause.

   b. Voluntary resignation.

   c. Retirement for service or disability.

   d. Absence from work for twenty-four (24) consecutive months because of layoff.

   e. Failure to return from layoff as provided in Section 3.02, Right of Return Following a Layoff.

   f. Failure to return from an approved leave of absence upon the date specified for return at the time said approval was granted.

3. Whenever the effective date of appointment to a classification is the same for two (2) or more employees, the original date of hire as a probationary or part-time employee with the City shall be used to determine which employee has a greater length of service within the classification. The employee with the earlier original date of hire with the City shall be considered to have the greater length of service within the classification in this situation.

4. Whenever the effective date of appointment to a classification and the original date of hire as a probationary or part-time employee with the City is the same for two (2) or more employees, actual hours worked shall be used to determine which employee has greater length of service within the classification. The employee with more hours worked in the classification shall be considered to have the greater length of service within the classification in this situation.

B. Within each affected job classification, employees will be laid off in the following order, unless retention of special job skills is required: all provisional employees shall be laid off before probationary employees and all probationary employees shall be laid off before any regular employees provided, however, that part-time employees whose length of service is less than any probationary or regular employee shall be laid off before such probationary or regular employee. Thereafter, if additional reductions in personnel are required, those employees with the least length of service within the affected classification shall be laid off.

C. Any regular, probationary, or part-time employee in the classified service who is designated to be laid off and who has held regular status in a lower or equal classification within the City may displace an employee in the lower or equal classification provided that the employee exercising the displacement privilege has greater classification length of service than the incumbent in the class to which the employee is bumping. If the employee in the higher

classification has not held status in a lower classification in the department, then no displacement rights accrue to that individual.

1. Bumping rights afforded to an employee in the classified service pursuant to this Section shall include bumping rights to those classifications in which the employee has previously served and which may since have been re-titled but where, as determined by the City Manager or designee, no substantive changes have been made in the duties or qualifications for the classification(s) in question.

2. Prior to employees being laid off, the Human Resources Department shall furnish to affected employees, upon request, status registers for all affected classifications in this group. Said lists shall include the names of all present employees who have held these classifications, their appointment dates, and their length of service thereto.

3. An employee eligible to bump into another classification pursuant to this paragraph (C) shall have five (5) calendar days after notice of assignment by the City Manager or designee to a position in that classification in which to accept such assignment. If the affected employee fails to accept such assignment within said five (5) calendar day period, the employee shall be laid off. An employee so assigned shall be placed at a salary step in the range for the classification to which the employee bumps which is closest to the employee's former rate of pay but which does not exceed the salary step held by the employee in the classification from which the employee was displaced.

4. In the event an employee bumps to an occupied or vacant position that is "flexibly" staffed as reflected in the Positions and Salaries Resolution, assignment to said position shall be at the level the employee previously held.

D. Employees scheduled for layoff will be given at least fourteen (14) calendar days advance notice, if possible. The City shall attempt, in so far as is possible, to accomplish any contemplated reduction in personnel by attrition rather than by layoff.

E. In the event employees are scheduled to be laid off, other employees with greater length of service within the same classification may elect to be laid off in lieu of those employees scheduled for such layoff.

3.02 Rights of Return Following a Layoff

As position vacancies in the classified service occur, employees on layoff and those occupying positions to which they have bumped shall be afforded return rights in the order of their length of service in the classification(s) in which such vacancies occur.

A. An employee shall have ten (10) calendar days from the mailing by certified mail of a notice of return to work to the employee's address of record on file in the Human Resources Department to indicate acceptance of such return and the employee's agreement to report for work as specified in the notice.

B. Employees in layoff status shall retain all credited sick leave earned but unused at the time of layoff less any amounts paid out. An employee who is laid off shall not earn vacation leave credit while in layoff status.

C. Employees who are displaced from positions in the classified service by virtue of layoff shall be placed on a reemployment register for the classification they held at the time the layoff occurred, hereinafter referred to as the "primary" register. They shall also be placed on reemployment registers for classifications in which they previously served, hereinafter referred to as "secondary" registers. If an employee fails to respond to a notice of return within the prescribed time period or declines to return from layoff to a secondary register classification, the employee's name shall be removed from said secondary register and the employee shall no longer be eligible for recall to that classification. If an employee fails to respond to a notice of return within the prescribed time period or declines to return to the primary register classification, the employee will be considered to have voluntarily resigned from employment with the City. Notices will be sent to the employee's last address on record with the City.

D. Full-time employees who have bumped to a part-time position or who have been recalled from layoff to a part-time position shall be afforded an opportunity to return to full-time status as position openings become available. Such right of return shall be subject to the "length-of-service" and "service within classification" requirements provided in this Section and Section 3.01, Layoffs, of this Resolution.

E. Employees who request and are granted a voluntary demotion to a vacant position in lieu of layoff shall be afforded the same rights of return as employees who have exercised bumping rights.

F. An employee who, in lieu of layoff, was transferred to another position within the same classification shall be notified of an opening in the employee's previous position and shall be afforded an opportunity to apply for reinstatement to that position.

G. Primary and secondary registers shall be valid for a period of two (2) years.

3.03 Resignations

Any employee wishing to leave the employ of the City in good standing shall file with the employee's Department Director or designee or, in the case of a Department Director, with the City Manager, a written resignation stating the effective date and reasons for leaving. The written resignation must be filed at least two (2) weeks before the planned separation date unless the City Manager or designee waives such time limit. A resignation becomes final when accepted by the person receiving the resignation. Once the resignation is accepted, it cannot be withdrawn. A statement

as to the resigned employee's service performance and other pertinent information shall be forwarded to the Human Resources Department. Failure to submit a written resignation as provided in this Section shall be entered on the service record of the employee and may be cause for denying future employment with the City.

3.04 Terminations

An employee in the unclassified service may be terminated or discharged from employment at any time by the City Manager. Whenever it is the intention of the City Manager to discharge an employee, the Director of Human Resources shall be notified.

Discipline of employees in the classified service, including termination or discharge, shall be subject to the City's Personnel Rules.

4.00 WORK SCHEDULES

4.01 Work Schedules

The normal schedule for all full-time employees shall consist of eighty (80) hours during each bi-weekly period. The City reserves the right to implement business closures, including the following, observed annually:

- During the calendar week in which the Thanksgiving holiday is observed
- On those days between the City's observance of Christmas and New Year's Day, with the discretion to extend the closure through the calendar week in which New Year's Day is observed.
- Cesar Chavez Day, March 31st (observed the following Monday if holiday falls on a Monday; observed the preceding Friday if holiday falls on a Saturday)

If the City exercises the right to implement business closures, employees will be permitted to use available accrued vacation or management leave

balances. Employees who do not have sufficient leave balances for the entire period will be in an unpaid status. No leave balances will be advanced.

In lieu of using accrued leave balance, employees may elect to be in an unpaid status during any business closure. For purposes of business closures only, employees who elect to take time off unpaid during City designated business closures shall continue to accrue seniority, sick leave, and vacation leave, and will be eligible for holiday pay as if they were in a paid status. In exercising the right to implement business closures, the City Manager or designee has sole discretion in determining which departments and/or positions will be affected by the closure.

4.02 Overtime

It is the policy of the City that overtime work is to be kept to a minimum, consistent with the protection of lives and property of its citizens and the efficient operation of activities of the City, and it shall be authorized by the Department Directors or their designees. Overtime-eligible employees are not permitted to work overtime except as the Department Director or designee authorizes or directs. No employee may work overtime without receiving prior approval from the appropriate supervisor prior to performing the work. Working overtime without advance approval is grounds for discipline.

Employees eligible to receive overtime compensation, as determined under the provisions of the Fair Labor Standards Act (FLSA), shall receive overtime for work performed over forty (40) hours per workweek at 1.5 times the employee's regular rate of pay. All hours paid shall be counted toward the forty (40) hour threshold for purposes of determining if an employee is entitled to receive overtime compensation.

For purposes of computing overtime, the regular workweek for an employee shall be a seven (7) day cycle as established by the Human Resources Director. All overtime entitlements shall be computed to the nearest tenth of an hour (6-minute increments).

Employees may request and, subject to approval of the Department Director or designee, receive compensatory time in lieu of overtime pay. The compensatory time accrual cap shall be one hundred twenty (120) hours. The compensatory time cap shall be maintained on a continuous, per pay period basis.

An employee's eligibility to receive overtime compensation for services performed shall be determined in accordance with the FLSA. Those employees who are classified as "exempt" under the FLSA shall not be eligible to receive overtime.

4.03 Work Performed During Disaster

Overtime exempt employees who are required to work during a declared civil emergency shall not receive additional compensation for hours worked in excess of their regular workday or workweek. All employees shall have the duty and obligation to perform emergency work upon request of proper authority declaring such emergency.

4.04 Fiscal Year 2025-2026 Furlough Obligation

A. Executive Classification Furlough

Between November 3, 2025, and June 28, 2026, all executive classifications, will take the approximate equivalent of a four percent (4%) reduction in annual salary costs through a furlough obligation. The approximate equivalent is eighty-three and two-tenths (83.2) furlough hours.

Furlough Hours

An employee required to furlough will be allowed to meet their furlough obligation through time off of their choosing, provided the requests for time off are approved in advance by the employee's supervisor. Supervisors will be

encouraged to approve the use of such requests unless operational necessity precludes approval.

Employees must first meet their furlough obligation prior to taking accrued vacation or compensatory time off.

An employee must submit their request for the use of floating furlough hours in accordance with their regular time-off request practice. Furlough hours must be taken within fiscal year 2025-2026, no later than the pay period ending June 28, 2026. Absent such a timely request, the employee's supervisor can unilaterally schedule the furlough hours to be taken by the employee.

In the event of a dispute regarding the approval of furlough hours, their supervisor shall forward the reason for denial to the City Manager for review, whose decision shall be final.

Furlough Payback

In order to mitigate the financial impact of the Furlough Program on employees, employees will spread the payback of the furlough obligation over the remaining 17 pay periods in FY 2025-26 between November 3, 2025, and June 28, 2026. The furlough obligation spread over FY 2025-26 shall have approximately four and eighty-nine hundredths (4.89) hours of paid time deducted from each full-time employees' paycheck beginning the pay period including November 3, 2025, and ending with the pay period including June 28, 2026.

Any employee who leaves City employment prior to completely reimbursing the City for the furlough hours taken will have any remaining prorated balance of owed furlough payback hours deducted from their final paycheck.

Exceptions to Furlough Obligation

Any new employees or employees returning from an unpaid status will have a furlough obligation based on the number of pay periods remaining in FY 2025-26. Any employee paid under Workers' Compensation will not be expected to participate in the Furlough Program until they have returned to work. At that time, a determination will be made to calculate the employee's furlough obligation on a pro-rated basis, based on the number of pay periods remaining in the furlough payback period.

B. Non-Executive Classification Furlough

Between November 17, 2025, and June 28, 2026, all non-executive classifications will take the approximate equivalent of a four percent (3.5%) reduction in annual salary costs through a furlough obligation. The approximate equivalent is seventy-two and eight-tenths (72.8) furlough hours.

Furlough Hours

An employee required to furlough will be allowed to meet their furlough obligation through time off of their choosing, provided the requests for time off are approved in advance by the employee's supervisor. Supervisors will be encouraged to approve the use of such requests unless operational necessity precludes approval.

Employees must first meet their furlough obligation prior to taking accrued vacation or compensatory time off.

An employee must submit their request for the use of floating furlough hours in accordance with their regular time-off request practice. Furlough hours must be taken within fiscal year 2025-2026, no later than the pay period ending June 28, 2026. Absent such a timely request, the employee's supervisor can unilaterally schedule the furlough hours to be taken by the employee.

In the event of a dispute regarding the approval of furlough hours, their supervisor shall forward the reason for denial to the City Manager for review, whose decision shall be final.

Furlough Payback

In order to mitigate the financial impact of the Furlough Program on employees, non-executive employees will spread the payback of the furlough obligation over the remaining 16 pay periods in FY 2025-26 between November 17, 2025, and June 28, 2026. The furlough obligation spread over FY 2025-26 shall have approximately four and fifty-five hundredths (4.55) hours of paid time deducted from each full-time employees' paycheck beginning the pay period including November 17, 2025, and ending with the pay period including June 28, 2026.

Any employee who leaves City employment prior to completely reimbursing the City for the furlough hours taken will have any remaining prorated balance of owed furlough payback hours deducted from their final paycheck.

Exceptions to Furlough Obligation

Any new employees or employees returning from an unpaid status will have a furlough obligation based on the number of pay periods remaining in FY 2025-26. Any employee paid under Workers' Compensation will not be expected to participate in the Furlough Program until they have returned to work. At that time, a determination will be made to calculate the employee's furlough obligation on a pro-rated basis, based on the number of pay periods remaining in the furlough payback period.

5.00 BENEFIT PLANS

5.01 Medical Insurance

The City currently contracts with the California Public Employees' Retirement System (CalPERS) for the purpose of providing medical insurance benefits for active employees and their eligible dependents, eligible retired employees, and eligible survivors of retired employees. Eligibility of a dependent to participate in this program shall be in accordance with the terms of the Public Employees' Medical and Hospital Care Act (PEMHCA). Eligibility of retired employees and survivors of retired employees to participate in this program shall be in accordance with those provisions of the PEMHCA providing for participation by "annuitants."

The City's employer contribution towards medical insurance benefits for each eligible employee shall be the minimum contribution amount required by Government Code Section 22892. Contributions provided under this Section are required only to the extent mandated by the PEMHCA.

Because CalPERS may change carriers and plans, the City shall not be required to provide specific insurance coverage and shall only be required to provide those benefits as described in this Section so long as the City contracts for benefits with CalPERS for medical insurance benefits.

The City will provide each eligible annuitant, as defined by the PEMHCA, with an employer contribution towards medical insurance benefits that is equal to any contribution provided to an active employee under this Section.

5.02 Flexible Benefits Allowance

The City shall continue to provide a Flexible Benefit Allowance (125 Plan) for each full-time employee in regular or probationary status who is enrolled in one of the CalPERS medical insurance plans offered by the City.

Effective January 1, 2019, the allowance provided shall be equal to eighty percent (80%) for eligible Executives and ninety percent (90%) for eligible Exempt and Non-Exempt employees of the premium cost for health insurance coverage based on the employee's plan selection and participation level (e.g., Employee only coverage, Employee + 1 coverage, or Employee + 2 coverage), less the amount of any contribution provided under Section 5.01, Medical Insurance, of this Resolution.

For Executives, the City's maximum contribution shall not exceed the cost of eighty percent (80%) of the premium for the second most expensive benefit plan as determined by the employee's participation level, less the City's contribution towards medical benefits under PEMHCA. For Exempt and Non-Exempt employees, the City's maximum contribution shall not exceed the cost of ninety percent (90%) of the premium for the Kaiser benefit plan as determined by the employee's participation level, less the City's contribution towards medical benefits under PEMHCA. In no event shall the sum of the City's contributions pursuant to the provisions of this Section and Section 5.01, Medical Insurance of this Resolution exceed eighty percent (80%) for Executives and ninety percent (90%) for Exempt and Non-Exempt employees of the

premium cost for the CalPERS medical insurance plan in which the employee is enrolled.

The City shall continue to provide flexible benefit allowances as provided in this Section unless amended or repealed by the City Council.
Contributions to an employee's 125 Plan account shall be used only for payment of those benefits that are available through the City's 125 Plan. The City will not treat any contributions made to the 125 Plan as compensation subject to income tax withholding unless the Internal Revenue Service (IRS) and/or California Franchise Tax Board (FTB) indicates that such contributions are taxable income subject to withholding. Each employee shall be solely and personally responsible for any federal, state, or local tax liability of the employee that may arise out of the implementation of this Section or any penalty that may be imposed therefore.

Each employee shall file an election in writing during the month of open enrollment for medical insurance each year as to how the monies in the employee's 125 Plan account are to be expended during the ensuing year. Thereafter, no changes to designations so made shall be allowed until the enrollment of the following year, except for changes due to an eligible qualifying event.

Each employee shall be responsible for providing immediate written notice to the Director of Human Resources or designee of any change to the number of the employee's dependents, which affects the amount of the City's payment to the 125 Plan account. An employee who, by reason of failing to report a change in dependents, receives a City payment greater than the amount to which the employee is entitled shall be liable for refunding the excess amounts received via a reduction in the amount paid to the employee's 125 Plan account in subsequent months. Changes to flexible benefit contributions associated with changes in an employee's number of dependents shall take effect at the start of the first (1st) pay period in the month following the month in which notice of the change is received by the Human Resources Department. No retroactive increases to the flexible benefit allowance provided by the City shall be allowed.

5.03 Federal or State Health Plan

If, pursuant to any federal or state law which may become effective subsequent to the effective date of this Resolution, the City is required to pay contributions or taxes for hospital, medical, dental care, prescription drug, or other health benefits to be provided to employees under such federal or state act, the City's obligation to furnish the same benefits under the Hospital Medical-Surgical-Dental Care and Prescription Drug Plans shall be suspended, and the contributions agreed to be paid monthly hereunder by the City under Sections 5.01, Medical Insurance, 5.02, Flexible Benefits Allowance, and 5.05, Supplemental Retirement Benefit, of this Resolution shall be reduced each month by the amounts the City is required to expend during any such month in the form of contributions or taxes to support said federal or state health plan.

If, as a result of such a law, the level of benefits provided by such law for any group of employees or their dependents is lower in certain categories of services than that provided under Sections 5.01, 5.02, and 5.05, the City shall, to the extent practicable, provide a plan of benefits supplementary to the federal or state benefits so as to make

benefits in each category of coverage as nearly comparable as possible to the benefits provided under said Sections 5.01, 5.02, and 5.05. The City need only expend for this purpose the actual amount required to achieve parity between the benefits provided under Sections 5.01, 5.02, and 5.05 and the benefits provided under any federal or state plan as supplemented in the manner hereinabove described.

If the benefits provided under the federal or state act exceed the benefits provided hereunder in each category of coverage, the City shall be under no further obligation to make any contribution in pursuance of this Section. In the event that the federal or state government enacts a health care program requiring contributions by employees, the City shall reimburse employees for such contributions in the amount by which said employee contribution reduces the City contribution required by the terms of this Resolution.

5.04 Alternate Benefits

A. An alternate benefit in the form of a cash payment is available to those full-time employees in regular or probationary status who: (1) elect to opt-out of receiving City contributions under Section 5.01, Medical Insurance, and 5.02, Flexible Benefits Allowance, and (2) provide proof of medical insurance coverage from a plan other than a City-sponsored plan.

   Any cash payments provided under this Section shall be reported to the IRS and the FTB as compensation subject to income tax withholding. Each employee shall be solely and personally responsible for any tax liability that may arise out of the implementation of the alternate benefits. The amount of alternate benefit provided to an employee is based on the level of insurance coverage that the employee could have received if the employee had enrolled in a City-sponsored health insurance plan, as follows:

   Employee only – Three hundred and ten dollars ($310.00) per month

   Employee and one (1) dependent – Four hundred and eighty dollars ($480.00) per month

   Employee and two plus (2+) dependents–Six hundred dollars ($600.00) per month

B. A full-time employee who does not receive a City contribution under Section 5.01, Medical Insurance, and 5.02, Flexible Benefits Allowance, and who is enrolled in a City-sponsored health insurance plan as the dependent of another City employee may be eligible to receive an alternate benefit as provided in this Subsection. If the cost to the City of providing an employee with benefits as the dependent of another is less than the cost of enrolling the employee separately in a City-sponsored health insurance plan, then the individual enrolled as a dependent may receive an alternate benefit. The amount of any alternate benefit shall be equal to the amount of savings to the City for enrollment of the employee as a dependent, up to a maximum alternate benefit of one hundred and fifty dollars ($150.00) per month.

The following examples illustrate how alternate benefits will be provided to employees who are enrolled as a dependent in a City-sponsored health insurance plan. For purpose of these examples, assume the following amounts as the City's total costs towards providing benefits under Section 5.01, Medical Insurance, and 5.02, Flexible Benefits Allowance:

Employee only - total cost of five hundred dollars ($500.00) per month

Employee and one (1) dependent – total cost of one thousand dollars ($1,000.00) per month

Employee and two (2) or more dependents – total cost of fourteen hundred dollars ($1,400.00) per month

Example 1. Employee A and B are spouses who both work for the City of Hayward. Employee A participates in City-sponsored health insurance at the Employee plus 1 level (City cost of one thousand dollars ($1,000.00) per month), with Employee B enrolled as Employee A's one dependent. If each employee was to participate in a City-sponsored plan as individual employees, then the City's cost would be five hundred dollars ($500.00) per month for each employee (or a total of one thousand dollars ($1,000.00) per month for two people, each enrolled individually at the employee only level). Since there is no cost savings to the City for enrolling Employee B as a dependent of Employee A, and vice-versa, then neither employee is eligible to receive an alternate benefit.

Example 2. Employee A and B are spouses who both work for the City of Hayward. They have one child. Employee A participates in City-sponsored health insurance at the Employee +2 or more level (City cost of one thousand four hundred dollars ($1,400.00) per month), with Employee B and the child enrolled as Employee A's dependents. If Employee B was to enroll in a City sponsored plan individually (City cost of five hundred dollars ($500.00)), and Employee A's participation was modified to the Employee +1 (City cost of one thousand dollars ($1,000.00)), the City's total cost for providing benefits to both employees would increase from one thousand four hundred dollars ($1,400.00) to one thousand five hundred dollars ($1,500.00) per month. Since the City realizes a one hundred dollars ($100.00) savings per month due to Employee B's enrollment as a dependent of Employee A, Employee B is eligible to receive an alternate benefit. The amount of this alternate benefit will be one hundred dollars ($100.00) per month.

Example 3. Employee A and B are spouses who both work for the City of Hayward. They have two children. Employee A participates in City-sponsored health insurance at the Employee + 2 or more level (City cost of one thousand four hundred dollars ($1,400.00) per month), with Employee B and the two children enrolled as Employee A's dependents. If Employee B was to enroll in a City sponsored plan individually (City cost of five hundred dollars ($500.00)), and Employee A continued to participate in Employee +2 or more benefits with the two children as dependents (City cost of one thousand four hundred dollars ($1,400.00), the City's costs for providing

benefits to both employees would increase from one thousand four hundred dollars ($1,400.00) to one thousand nine hundred dollars ($1,900.00) per month. Since the City realizes a five hundred dollars ($500.00) savings per month due to Employee B's enrollment as a dependent of Employee A, Employee B is eligible to receive an alternate benefit. The amount of this alternate benefit will be one hundred fifty dollars ($150.00) per month (the maximum alternate benefit available to employees enrolled as dependents of another employee).

C. Enrollment in alternate benefits must be elected each year during open enrollment. Benefit eligibility and alternate benefit amounts may vary from year to year depending on plan premiums.

D. The provisions of this Section shall be administered in accordance with regulations issued by the City Manager or designee which shall include, but not be limited to, the method and frequency of reimbursement to employees for the alternate benefits program(s) selected, the frequency with which employees may exercise the option to change alternate benefits programs, and appropriate procedures for the verification of payments made in pursuance of this Section.

5.05 Supplemental Retirement Benefit

Employees who retire from the City are eligible to receive a supplement retirement benefit. This benefit shall be equal to two hundred thirty-seven dollars and thirty-one cents ($237.31), less the amount provided for under Section 5.01, Medical Insurance, above. This supplemental benefit is provided in the form of a monthly cash payment to the retiree. To receive this benefit, the employee must begin receiving pension benefits within one hundred twenty (120) days of leaving City employment. Retirees are solely responsible for any tax consequences associated with the receipt of benefits under this Section.

5.06 Dental Insurance

The City shall contribute towards dental insurance coverage for full-time employees, other than temporary and provisional employees, and their eligible dependents as provided in this Section.

The City's contribution on behalf of an eligible employee participating in a City-sponsored dental plan shall be equal to eighty percent (80%) of the monthly premium for dental insurance, as determined by the employee's enrolled participation level in the City sponsored dental plan. Employees enrolled in dental insurance are required to contribute the remaining twenty percent (20%) of the premium costs for dental insurance coverage.

Monthly premium rates are established on a calendar year basis by the insurance provider, or in the case of a self-funded plan, by a third-party examining plan utilization review, market trends, overall plan costs, and any other industry standard metrics deemed necessary by the third party.

Currently, the City provides insurance coverage through a Delta Dental plan or United Concordia plan. Details regarding benefits and covered services for each plan may be found in the current Delta Dental or United Concordia benefits summaries for the City of Hayward respectively.

The City reserves the right to provide dental care benefits under a plan or through a carrier of its choice. Alternate coverage may be provided through a consortium of public agencies or private employers which may be formed for the purpose of providing dental care benefits for employees or through a program of self-insurance. In the event the City exercises this option, the alternate coverage shall be substantially equivalent to the coverage in effect when a change in carriers takes effect.

5.07 Life Insurance

The City shall pay the cost of providing each employee with a group term life insurance policy equivalent to the employee's annual gross salary. The policy shall include accidental death and dismemberment coverage and the right to conversion at the time of termination of employment to a form of permanent coverage without medical restrictions and without the requirement to demonstrate evidence of insurability.

5.08 Disability Insurance

The City shall continue in effect, at no cost to the employee, the Short Term/Long Term Disability Insurance policy with Lincoln Financial; or any other such successor program which provides benefits comparable to those available under the Lincoln Financial policy. This program shall provide short-term disability benefits based upon two-thirds (2/3) of an employee's current gross salary, up to two thousand seven hundred sixty nine dollars ($2,769.00)/week, after a fourteen (14) day waiting period. Beginning in the fourth month, the long-term disability plan shall provide benefits based upon two-thirds (2/3) of an employee's current gross salary, up to twelve thousand dollars ($12,000.00)/month.

5.09 Vision Care

The City shall contribute towards vision care insurance for full-time employees and their eligible dependents. Currently, the City provides vision insurance coverage through VSP under a plan that provides for a fifteen dollars ($15.00) deductible, an eye examination, and lenses and frames once per year.

For eligible employees who enroll in a City sponsored vision plan, the cost of the monthly premium shall be shared equally (50/50) between the employee and the City.

Monthly premium rates are established on a calendar year basis by the insurance provider, or in the case of a self-funded plan, by a third-party examining plan utilization review, market trends, overall plan costs, and any other industry standard metrics deemed necessary by the third party.

The City reserves the right to provide vision care benefits under a self-funded plan or through a carrier of its choice. Alternate coverage may be provided through a consortium of public agencies or private employers which may be formed for the purpose of providing vision care benefits for employees, or through a program of self-

insurance. In the event the City exercises its option to move to a self-funded plan or to change insurance carriers, any new benefit plan shall provide coverage that is substantially equivalent to the coverage available at the time this option is exercised.

5.10 Benefits for Domestic Partners

The City agrees to provide medical, dental, and vision plan insurance coverage to registered domestic partners of City employees as defined under PEMHCA who are otherwise without such benefit coverage and who register accordingly with the Secretary of State as prescribed by CalPERS.

5.11 Medical, Dental, Vision, Flexible and Alternate Benefits for Certain Part-Time Employees

Employees who are hired in a part-time status and full-time employees who voluntarily assume part-time status shall be entitled to participate in group medical, dental, and vision insurance programs, and to receive a payment from the City to be applied to such plans subject to the following conditions:

1. Except as provided in paragraph 2 below, only those employees hired into positions budgeted for twenty (20) or more hours per week and who consistently work twenty (20) or more hours per week shall be entitled to coverage under group medical and dental plans.

2. The City's contributions towards medical insurance for part-time employees who are eligible to participate in a CalPERS health insurance plan as an "employee" shall be equal to the contribution provided to full-time employees in Section 5.01, Medical Insurance.

3. The City will provide those part-time employees who regularly work more than twenty (20) hours per week (at least a 0.5 full-time equivalent (FTE) with a flexible benefit allowance. The amount of any allowance provided shall be determined in accordance with the formulas contained in Section 5.02, Flexible Benefits Allowance, except that the sum of the contribution provided to a part-time employee who works more than twenty (20) hours per week under Section 5.01, Medical Insurance, plus the amount provided as a flexible benefit allowance shall be based on the total number of hours worked each month by the part-time employee.

   For new employees, the City contribution for medical insurance shall be based upon the employee's estimated work schedule during the first (1st) month of coverage. Thereafter, the actual number of hours worked by the employee each month shall be used to determine the amount of City contribution toward medical insurance premiums in the following month. However, the amount provided shall never be less than the amount required by applicable government codes.

4. The City's payment for dental insurance shall be proportionate to the amounts paid on behalf of full-time employees as specified in Section 5.06, Dental

Insurance, of this Resolution. The calculation of proportionate payments shall be in accordance with the provisions of paragraph 3 of this Section.

5. The City's payment for vision insurance shall be proportionate to the amounts paid on behalf of full-time employees as specified in Section 5.09, Vision Care, of this Resolution. The calculation of proportionate payments shall be in accordance with the provisions of paragraph 3 of this Section.

6. The City's payment for alternate benefits shall be based upon scheduled hours of work and shall be proportionate to the amounts paid on behalf of full-time employees as specified in Section 5.04, Alternate Benefits, of this Resolution. The calculation of proportionate payments shall be based upon the hours budgeted for the position.

As an exception to the foregoing, those employees who assume part-time status as a result of a City imposed reduction in hours will continue to receive City payment of medical, dental, and vision insurance premiums and will continue to participate in the 125 Plan on the same basis as for full-time employees.

5.12 Deferred Compensation Plan

A Deferred Compensation Plan has been established for the benefit of City employees. Employees may contribute to the Plan as provided by the Plan terms.

Except for those changes which are necessary or desirable to obtain or maintain the favorable tax status of the plan, any changes in the written plan document governing the implementation and administration of the Deferred Compensation Plan adopted by the Hayward City Council on May 12, 1981, with respect to termination or modification of the plan will be jointly decided upon by the Administrative Committee as defined in Section 13.00 of the plan document.

5.13 Defined Benefit Retirement Program

The City will continue to contract with CalPERS to provide a retirement program for employees. Benefits shall include:

1. CalPERS Retirement Benefit Formula:
    b. Classic Members: 2.5% at 55
    c. New Members: 2.0% at 62
2. Fourth Level of 1959 Survivor's Benefits
3. One (1) Year Final Compensation
4. Military Service Credit as Public Service
5. Continuation of Pre-Retirement Death Benefit after Remarriage of Survivor.
6. Five hundred dollar ($500.00) Retired Death Benefit
7. Two percent (2%) Annual Cost-of-Living Allowance Increase

These benefit plans require an employee contribution of eight percent (8%). Employees shall pay the full employee contribution of eight percent (8%), which shall be paid by the employee on a pre-tax basis in accordance with the IRS Section 414(h)(2) method of reporting retirement payments.

An employee, who is not eligible for enrollment in CalPERS and who, in accordance with the federal Omnibus Budget Reconciliation Act of 1990, is required to be covered by Social Security or an alternate system, shall be enrolled in the Public Agency Retirement System (PARS). The City shall contribute three and three-fourths percent (3.75%) of covered earnings into the employee's PARS account.

5.14 Car Allowances and Mileage Reimbursement

Except as specifically provided under the terms of an employment agreement, employees are not eligible to receive a vehicle allowance. Employees who are required to drive their personal vehicles for City business will be reimbursed for actual miles driven at the rate established by the IRS.

5.15 Additional Employee CalPERS Contributions

Effective the pay period including July 1, 2017, Exempt and Non-Exempt employees shall contribute a total of three percent (3%) of their salaries to CalPERS as payment of the City's employer contributions that the City would otherwise be required to pay to CalPERS for these employees (employer-cost share).

Effective the pay period including July 1, 2017, Executive employees shall contribute a total of five percent (5%) of their salaries to CalPERS as payment of the City's employer contributions that the City would otherwise be required to pay to CalPERS for these employees (employer-cost share).

5.16 Health and Wellness Reimbursement

The City will reimburse full-time Exempt and Non-Exempt employees a maximum of up to six hundred dollars ($600.00) annually and Executive employees a maximum of up to one thousand and two hundred dollars ($1,200.00) annually for expenses associated with health and wellness equipment or programs to support the employee's health and wellness.

This reimbursement may be used for fees associated with gym or health club memberships, fitness classes (such as yoga, Zumba, or similar), personal trainers, weight loss programs (such as Weight Watchers, Jenny Craig, or similar), and fitness equipment such as (treadmills, stationary cycles, bike stands (to convert a road bike to a stationary cycle), non-motorized bicycles (excluding any road bicycles or scooters that have motors or batteries), full-body strength training equipment, in-house fitness systems, stair climbing machines, elliptical machines, rowing machines, cross-country ski machines, weights, gloves, or exercise mats (or similar), wearable fitness trackers (such as Fitbit etc.), associated parts for equipment previously reimbursed by the City under this provision, or other health and wellness related expenses. Employees may

not seek reimbursement for apparel, sneakers, or recreational equipment under this program.

Reimbursement of Recurring Fees and Expenses. The City will reimburse full-time Exempt or Non-Exempt employees up to fifty dollars ($50.00) and full-time Executive employees up to one-hundred dollars ($100.00) per month for expenses associated with health and wellness programs.

Requests for reimbursement of monthly fees for health and wellness related expenses must be submitted in writing and accompanied by receipts and proof of monthly membership within forty-five (45) days of the most recent monthly payment made by the employee. Following receipt and approval of the employee's request, the employee shall receive the health and wellness reimbursement on a monthly basis until the employee indicates they have cancelled the monthly health and wellness related payments. The employee will be expected to inform the City in a timely manner that they have ceased making recurring monthly payments for health and wellness related expenses. Timely notice under this Section shall mean no more than thirty (30) days from when the employee cancels their recurring monthly health and wellness related fees.

Although participants may not be required to produce monthly receipts for health and wellness payments made on a recurring monthly basis, the City, at the discretion of the Human Resources Director or designee, may at any time request receipts to verify monthly payments have been continuous and the participating employee remains eligible to receive the health and wellness benefit in accordance with this Section of the Resolution.

Reimbursement of Non-Recurring Fees and Expenses. For non-recurring health and wellness expenses, the City will reimburse Exempt and Non-Exempt full-time employees up to six hundred dollars ($600.00) and Executive full-time employees up to one thousand two hundred dollars ($1,200.00) for purchases made during that fiscal year. Requests for reimbursement of non-recurring health and wellness related expenses must be submitted in writing and accompanied by receipts and proof of purchase within forty-five (45) days of the date of the receipt. Purchases made through June 30 of a fiscal year shall be deducted from an employee's available health and wellness funds for that fiscal year.

Expenses reimbursed under this program are subject to the approval of the Director of Human Resources and the City Manager.

The City's decision to reimburse is final and not subject to dispute.

The Health and Wellness benefit provided by the City of Hayward is subject to the Internal Revenue Service IRC Section 106.

5.17 Professional Development Reimbursement

The City agrees to reimburse all employees except for the classification of Chief Economic Development Officer and Executive classifications for professional development. This reimbursement may be for career development resources such as

attendance at conferences, training courses, software, the purchase of books, subscriptions to professional journals or magazines, computers and electronic devices, dues to professional organizations, applications or examination fees associated with registration or certification, and other expenses related to professional development including research and training.

Prior to incurring any expense from the professional development fund, employees shall submit a request in writing to the Human Resources Department for preliminary review. Expenses reimbursed under this program are subject to the approval of the Director of Human Resources or designee and final approval of the City Manager or designee.

The City will reimburse Unrepresented Exempt and Non-Exempt employees up to five-hundred dollars ($500.00) for approved purchases made during that fiscal year. All receipts for reimbursement, regardless of aggregate value, must be submitted no later than June 1 of each fiscal year.

5.18 Educational Reimbursement

During the course of this Salary and Benefits Resolution the City shall maintain a fund to provide resources for management employees to pursue educational opportunities and enhancements. Initial funding shall be five thousand dollars ($5,000.00) per fiscal year. At the end of each fiscal year of this Salary and Benefits Resolution the City shall review the educational reimbursement account to determine if the current funding is adequate. In the event funding for the account is not adequate, the City shall meet with the employees covered under this Salary and Benefits Resolution to discuss funding adjustments.

A. Eligibility

1. Any full-time, permanent employee with at least three (3) months of service may apply. Employees in a temporary, provisional, or part-time status are not eligible.

B. Required Qualifications

Employees may request reimbursement for:

1. Attendance at a school of recognized educational standing, including correspondence schools.
2. Subjects and/or professional licenses must relate directly to the employee's present job or to a reasonably predictable future job with the City.
3. Other expenses may be considered as they directly apply to educational reimbursement, including but not limited to required textbooks, lab materials, and certification fees.

C. Procedures

1. Prior to enrolling in a class or otherwise incurring an expense from the educational reimbursement fund, the employee shall submit a completed Application for Educational Reimbursement to the Human

Resources Department for preliminary review. The Human Resources Department will review the application and notify the employee's immediate supervisor and/or the affected Department Director as necessary. The Human Resources Department shall then inform the employee if the employee's application for reimbursement is approved or denied. If denied, the Director of Human Resources or designee shall provide the rationale in writing to the employee within seven (7) days. Appeals of denials of educational reimbursement under this Section may be made to the City Manager or designee.

2. If employees are required to engage in study of subjects that are required for the position, and are so directed by the City, the entire tuition, and other specifically approved expenses, will be considered training and development and paid by the department rather than covered under this Section.

A maximum of one thousand dollars ($1,000.00) will be available to an employee applying for reimbursement each fiscal year for the remainder of the term of this Salary and Benefits Resolution. Such reimbursement is available only through the Human Resources Department, and as outlined in Administrative Rule 2.5 which may be periodically revised.

5.19 Personal Equipment Stipend

The City agrees to provide a stipend to all Executive classifications and the Chief Economic Development Officer classification for the use of personal equipment in the performance of their work. This stipend may be used at the discretion of the employee to offset costs associated with the use of personal equipment which includes but is not limited to cell phones, computers and electronic devices, and other expenses related to connectivity.

Executive employees shall receive this stipend as a one-time lump-sum payment of $4,200 annually or in installments of three-hundred and fifty dollars ($350.00) per month paid equally over twenty-six (26) pay periods.

5.20 Cellular Phone Stipend

Effective July 1, 2018, All employees except the Chief Economic Development Officer and Executive classifications shall receive a cellular phone stipend of one-hundred dollars ($100.00) per month in equal installments over twenty-six (26) pay periods.

6.00 SALARY ADMINISTRATION

6.01 Salary Administration Policy

The policy governing preparation of a compensation plan shall be that of salary standardization.

6.02 Salary at Time of Employment

The plan may provide a flat salary rate or a salary range for each classification with a minimum, maximum, and one or more intermediate steps. The beginning or normal hiring rate shall usually be at the first step of the range. Every new employee shall be paid the first step upon employment, except that the City Manager or designee may authorize employment at a higher step if the labor supply is restricted or the person to be hired is unusually well qualified.

6.03 Eligibility for Advancement in Pay

Non-executive employees may be advanced to higher steps as merited by progressive improvement in job skills and work performance. The following time-in-step requirements shall normally apply for an employee to be eligible for advancement in pay.

Step	Time-in-Step
A to B	Six (6) months
B to C	Six (6) months
C to D	One (1) year
D to E	One and one-half (1.5) years

If warranted for the good of the service or when an employee demonstrates outstanding capacity in performing job duties, advancement may be made prior to completion of the above time-in-step requirements. If the first day of the time-in-step period begins in the first five (5) days of the payroll period, then begin time in step with the start of the payroll period. If not, then time shall begin on the first day of the next payroll period. Advancement in pay, when approved, shall be effective at the beginning of the first pay period immediately following completion of the time-in-step requirements outlined above. If an employee is on leave without pay for more than one (1) month, the period shall be deducted from the employee's accumulated time-in-step.

The City Manager or designee shall review the performance of Executive level employees annually, and advancement in pay is based solely on satisfactory performance. If warranted for the good of the service or when an employee demonstrates outstanding capacity in performing job duties, advancement may be made at the sole discretion of the City Manager or designee. Moreover, beginning in April 2018 and every two years thereafter, a total compensation salary survey of all Executive positions shall be conducted. If a position is below market average, the City Manager may recommend a salary adjustment up to a maximum of the market average. This provision does not prevent a salary survey or subsequent adjustment in circumstances where there is difficulty recruiting or to maintain internal equity.

6.04 Attaining Advancement

An employee must demonstrate that advancement is merited based on job performance. Advancement shall not be made solely because an employee is eligible according to time-in-step requirements. Good attitude and personal conduct, work accomplished, conscientious attendance, safety alertness, efforts at self-improvement,

and other factors of individual achievement must be evident as appropriate to the position.

6.05 Use of Performance Ratings in Determining Whether Step Advancement is Merited

Performance ratings shall guide supervisors and Department Directors in determining whether step advancements have been earned and should be recommended to the City Manager or designee.

6.06 Withholding Step Advancements

The Department Director or designee has the authority and responsibility to recommend withholding step advancements by the City Manager if they are not merited. The Department Director or designee shall keep their employees informed about their job performance, giving good work its proper recognition and any deficient work all possible guidance and assistance toward improvement. Department Directors or their designee shall notify the employee as to the reasons for withholding step advancements prior to submitting such recommendation to the City Manager.

6.07 Change in Pay Upon Promotion

When employees are promoted, they shall normally receive the first step in the salary range for their new position. However, if such step is equal to or less than their present salary or they would be eligible for step advancement shortly in their previous position, they may be placed into the next step in the salary range of the new position which is close to five percent (5%) above their present salary. When no advancement in salary is granted on promotion, employees may be allowed to carry forward time-in-step accumulation. As an exception, if the employee has acted in the job class or received special assignment pay for the performance of duties related to the classification to which employee is being promoted, the City Manager or designee may approve appointment at a higher step.

6.08 Change in Pay Upon Demotion

When an employee is demoted, whether voluntarily or otherwise, the employee's compensation shall be adjusted to the salary prescribed for the class to which the employee is demoted. The employee will be placed in a salary step in the demoted classification that is the same as or above the step held prior to demotion provided said demotion is not the result of disciplinary action. If the demotion is a result of disciplinary action, the specific salary step shall be determined by the City Manager or designee, whose decision shall be final. However, if the employee had prior service in the demoted position, the employee's step on the salary schedule for the demoted position shall not be set at a step that is lower than the step previously held by the employee in that position before the employee's promotion.

6.09 Change in Pay Upon Reclassification

When a position is reallocated to a classification with a higher pay range and the incumbent employee retains the position, the employee shall normally be placed at the first step in the new range. If no increase in pay results, advancement may be made to the next step immediately above the present salary. When recommended by the

Department Director or designee and approved by the City Manager, additional advancement may be granted. If no change in salary is granted, the employee may be allowed to carry forward time-in-step accumulation.

When a position is reallocated to a classification with a lower salary range, the incumbent employee's pay shall not be reduced while the employee continues to occupy the position. If the employee's current rate is below the maximum step of the new range, the employee shall continue at the present salary and carry forward time-in-step accumulation. If the employee's current rate exceeds the maximum step of the new range, the employee's salary shall be frozen at its current level. When the incumbent leaves the position, a replacement shall normally be hired at the beginning rate.

6.10 Acting Pay

Employees may be assigned to perform the duties of a higher classification on an "acting" basis when, in the judgment of the Department Director or designee, a need exists for work to be performed in such higher classification.

"Acting" assignments shall only be made by the Department Director or designee, and the employee shall be provided with a written notice assigning the employee to the higher classification on an "acting" basis.

Employees assigned in accordance with the foregoing to perform the duties of a higher classification on an "acting" basis for a period of five (5) consecutive days or more shall receive "acting" pay retroactive to the first day of such assignment.

Employees qualifying for "acting" pay shall receive the salary step of the higher classification which represents an increase over the employees' present salary step. If the closest step in the "acting" classification is not equal to at least a five percent (5%) increase over the employee's present salary step, the employee shall receive "acting" pay equal to five percent (5%) above the employee's current pay step, except that the total rate paid (base salary plus any percentage increase) for work performed in "acting" assignment shall not exceed the top step of the salary range for the higher class.

6.11 Bilingual Pay

Employees who are required, in the performance of their duties, to converse with the public in a language other than English and who have demonstrated their competency through a language fluency test administered through the Human Resources Department shall receive bilingual pay in the amount of thirty dollars ($30.00) per pay period.

Employees who are required in the performance of their duties to communicate in writing and/or translate official written documents in a language other than English and who have demonstrated their competency in a second language through a written fluency test administered by the Human Resources Department shall receive an additional seventy dollars ($70.00) of bilingual pay, for a total of one-hundred dollars ($100.00) per pay period.

No more than once every twenty-four (24) months, the City Manager or designee may require an employee receiving bilingual pay to demonstrate continued competency in a second language as a condition of continuing to receive pay under this Section. Employees who do not demonstrate continued competency will cease receiving bilingual pay until such time as competency is again demonstrated.

6.12 Special Assignment Positions

Special assignment positions within a classification may be established where duties and responsibilities are of a specialized nature by comparison to other positions in the class. Selection of employees to said positions and removal therefrom shall be made by the City Manager or designee. An employee so assigned shall receive a salary increment not to exceed ten percent (10%) of the employee's present salary.

6.13 Salaries

All classifications determined to be three percent (3.0%) or more below the total compensation median for the jurisdictions surveyed as part of the equity studies shall receive a one-time equity adjustment that brings them to the total compensation median. This adjustment shall go into effect the pay period including July 1, 2024.

The Positions and Salaries Resolution shall provide for the salary ranges for the classifications of employment listed in Appendix A.

6.14 "Y-Rated" Salaries

Employees whose classifications are affected by the recalibration of the salary schedule shall be y-rated at their current step until they are advanced to the next step in the range in accordance with applicable provisions of this Resolution. Upon advancement, employees will advance into the adjusted salary schedule listed in Appendix A.

6.15 Salary Adjustments

Cost-of-Living (COLA) adjustments shall be made as follows:

Executives	Exempt/Non-Exempt
Four percent (4%) effective the pay period that includes October 1, 2024 Four percent (4%) effective the pay period including July 1, 2025. Four percent (4%) effective the pay period including ~~July 1, 2026~~ June 30, 2027.	Five percent (5%) effective the pay period including October 1, 2024. Four percent (4%) effective the pay period including July 1, 2025. Three percent (3%) effective the pay period including ~~July 1, 2026~~ June 30, 2027.

6.16 Salary Survey

A total compensation equity study for all Unrepresented classifications shall be completed no later than December 1, 2026.

The following jurisdictions will be included in the survey: City of Alameda, City of Berkeley, City of Daly City, City of Fremont, City of Palo Alto, City of Redwood City, City of Sunnyvale, City of San Leandro, City of Santa Clara, and City of San Mateo.

The salary survey shall include the monthly base salary and all employee costs paid by the respective agencies. Employee costs include, but are not limited to, employer contributions to medical, dental, vision, and life insurance, as well as long-term disability, short-term disability, deferred compensation, retirement contributions, and phone, car, and uniform allowances.

The bidding and selection process for a survey provider will begin in approximately February 2026.

6.17 Longevity Pay

For purposes of this section only, and unless otherwise specified for Police Chief and Fire Chief all Unrepresented classifications except for Executive classifications are eligible for longevity pay with the City that is contiguous to an employee's most recent hire date by the City shall be considered for the purpose of calculating continuous service and eligibility for longevity pay.

An employee with fifteen (15) or more years of continuous service with the City shall receive longevity pay of two and a half percent (2.5%) above their base salary.

An employee with twenty (20) or more years of continuous service with the City shall receive additional longevity pay of two and a half percent (2.5%) for a total of five percent (5.0%) above their base salary.

An employee with twenty-five (25) or more years of continuous service with the City shall receive additional longevity pay of two and a half percent (2.5%) for a total of seven- and one-half percent (7.5%) above their base salary.

In no case shall an employee receive more than a total of seven- and one-half percent (7.5%) above their base salary on account of longevity pay.

This benefit shall be implemented effective the pay period including July 1, 2024, for all then-current bargaining unit employees who meet the above years of service thresholds. Going forward, longevity pay shall be implemented the first full pay period following the employee's anniversary date that triggers eligibility for such pay. Longevity pay shall be payable on employees' regular paychecks.

This Longevity Pay shall be reported to CalPERS as Longevity Pay Incentive Pay. The Parties acknowledge that CalPERS makes all final determinations as to the pensionability of any differential pay.

7.00 HOLIDAYS

7.01 Holidays Observed by the City

The following days shall be holidays for all employees:

- New Year's Day (January 1)
- Martin Luther King Day (third Monday in January)
- Lincoln's Birthday (February 12)
- President's Day (third Monday in February)
- Memorial Day (last Monday in May)
- Juneteenth National Independence Day (June 19)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Admission Day (September 9)
- Indigenous Peoples' Day (second Monday in October)
- Veteran's Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Friday after Thanksgiving Day (Friday following fourth Thursday in
- November)
- Christmas Eve Day (December 24)
- Christmas Day (December 25)
- New Year's Eve (December 31, second half of workday / 4 hours)

If any of said holidays fall on a Sunday, the following Monday shall be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. If a holiday falls on an employee's regular day off, or if an employee is scheduled or assigned to work on a holiday, the employee shall be entitled to equivalent time off at a later date, and such time shall be credited to the employee's vacation leave. Scheduling or assignment of holiday work must be approved in advance by the City Manager or designee. The hours for which an employee receives holiday pay shall be based on the employee's regularly scheduled work hours for the day on which the holiday is observed.

7.02 Holidays for Part-Time Employees

Part-time employees who are regularly scheduled to work twenty (20) or more hours per week shall be entitled to four (4) hours' pay for each holiday observed for full-time employees. Eligible part-time employees shall receive one-half (1/2) hour of holiday leave with pay for each full hour of leave granted to full-time employees for the New Year's Eve holiday described in Section 7.01, Holidays Observed by the City, of this Resolution.

8.00 VACATIONS

8.01 Vacation Leave Policy

Vacation leave is a benefit and the use of same shall be approved by the City Manager or designee considering the desires and seniority of employees and, more particularly, the workload requirements of the department. Employees shall take vacation leave regularly each year and shall be encouraged to take vacation at least a full week at a time. To give effect to this policy and to realize the greatest benefit from vacation leave for both employee and the City, limitations shall be placed upon the amount of unused vacation leave an employee is allowed to accumulate.

If an employee exhausts their vacation leave, the employee may apply for another eligible paid or unpaid leave (excluding sick leave) as provided for in this Resolution. If vacation leave is approved and then it is determined that the employee does not have enough vacation leave available to cover the request and no other leave is requested, Payroll will deduct the excess time from another eligible paid leave balance. No vacation leave accruals will be credited in advance. No vacation leave will be earned while on an unpaid leave.

If vacation leave is used to remain in a paid status while on approved leave under the Family Medical Leave Act (FMLA)/California Family Rights Act (CFRA) or Pregnancy Disability Leave Law (PDLL), the vacation hours used will run concurrently with the state and/or federal leave entitlement.

8.02 Vacation Accruals for Full-Time Employees

All full-time employees, other than temporary and provisional employees, shall accrue vacation leave benefits each payroll period based upon the number of regularly scheduled hours.

The vacation accrual schedule for employees who are budgeted at and work full-time is as follows:

Years of Service	Per 80 Hr. Period	Hourly Equivalent	Annual
Up to 5 yrs.....	3.08 hrs.....	0.0385 hrs.....	80 hrs.
From 5 to 9 yrs.....	4.62 hrs.....	0.0578 hrs.....	120 hrs.
From 10 to 19 yrs.....	6.16 hrs.....	0.0770 hrs.....	160 hrs.
From 20 yrs.....	7.70 hrs.....	0.0963 hrs.....	200 hrs.

An employee will accrue at the next highest benefit level on the employee's corresponding anniversary date. For purposes of crediting service time for vacation accruals, a former regular employee who is reinstated within one (1) year from the date of the employee's date of separation shall receive credit for their prior service on a probationary and regular appointment. No service time on a temporary, provisional, or contracted appointment will be credited.

The increases in the vacation leave allowance shall be granted based on full-time, continuous service. An approved leave of absence shall not constitute a break in service for the purpose of this Section, but vacation leave shall not be earned during any period of unpaid absence.

As an exception to the foregoing, the City Manager or designee is authorized to place a new management employee at a position in the vacation schedule which recognizes that said employee has left a similar position with another employer where the employee had substantial vacation benefits.

Vacation leave shall continue to be earned during other authorized leaves with pay. When a holiday falls during an employee's absence on vacation leave, it shall not be deducted from the employee's accrued vacation leave.

The maximum vacation accrual cap shall be twice the annual allowance plus forty (40) hours. The vacation accrual cap shall be maintained on a continuous per pay period basis. Exceptions may be permitted upon approval of the City Manager or designee. In granting such exceptions, the City Manager or designee may specify a time within which such excess vacation leave must be used. It shall be the responsibility of each employee to ensure the full use of vacation leave credits received by scheduling the necessary time off each year.

During the term of this Resolution, employees may cash out up to (120) hours of accrued vacation and/or management leave each year in no more than two (2) payments, at the employee's discretion, contingent on the employee using a minimum of eighty (80) hours paid vacation and/or management leave in the twelve (12) months preceding the submission of the request and having at least forty (40) hours of vacation and/or management leave remaining after the cash-out. This leave cash out must be consistent with Section 10.09, Management Leave, of this Resolution.

All requests for cash-out shall be submitted through Employee Self Service (ESS) by completing the Request for Management Leave/Vacation Leave Cash Out Form. Employees who intend to cash out leave shall submit an irrevocable request to do so in the calendar year preceding the year in which the cash-out is to be processed. Employees may specify the month(s) in which they wish to receive their cash out in the payment year but cannot split the payout into more than two (2) payments per calendar year. For example, if an employee wishes to cash out eighty (80) hours of leave in calendar year 2025, they must submit their irrevocable request to do so no later than December 31, 2024, and can specify that they wish to cash out forty (40) hours in March 2025 and forty (40) hours in September 2025 at the time of the request. Employees who fail to provide such notice will be paid out for the requested cash out as part of their final payment issued in the applicable calendar year. Payout will be applied to a single bi-weekly payroll, and employees will be responsible for all taxes associated with such payout.

Under no circumstances will an employee be permitted to cash out more than one-hundred twenty (120) hours of management leave or a combination of vacation and management leave each calendar year.

8.03 Vacation Accruals for Certain Part-Time Employees

Only those employees hired into positions budgeted for twenty (20) or more hours per week and who consistently work twenty (20) or more hours per week shall be eligible for vacation leave. Eligible part-time employees, other than temporary and provisional employees, shall accrue vacation leave benefits each payroll period based upon the number of hours the employee works. The hourly equivalent rates are as follows:

Years of Service	Hourly Equivalent
Up to 5 yrs.....	0.0385 hrs.....
From 5 to 9 yrs.....	0.0578 hrs.....
From 10 to 19 yrs.....	0.0770 hrs.....
From 20 yrs.....	0.0963 hrs.....

Notwithstanding the foregoing, employees who are hired in a part-time status and full-time employees who assume part-time status shall accrue vacation benefits each payroll period based upon the total number of hours for which the employee was compensated in the payroll period. To be eligible for this benefit, employees must consistently work a half-time schedule or more. The amount of vacation so accrued shall be proportionate to that earned by full time employees in the same payroll period. The vacation accrual schedule specified in Section 8.02, Vacation Accruals for Full-Time Employees, of this Resolution and listed above will be used for purposes of prorating vacation leave.

The use of vacation shall be subject to the provisions and all Subsections of this Resolution. The maximum vacation accrual cap shall be twice the annual allowance plus twenty (20) hours. The vacation accrual cap shall be maintained on a continuous per pay period basis. Exceptions to the foregoing may be permitted pursuant to the provisions of Section 8.02 of this Resolution.

8.04 Payment for Unused Vacation Leave

Leave time earned but unused at the date of termination shall be added to final pay. If the employee owes the City for unearned leave taken, the actual time shall be deducted from final pay.

9.00 SICK LEAVE

9.01 Sick Leave Policy

Sick leave is a paid leave. Sick leave shall be allowed in case of an employee's bona fide illness or injury, or for an employee's doctor/health appointments. Use of sick leave shall be approved by the employee's supervisor.

Employees shall, whenever possible, make appointments for medical, dental, and other similar purposes on Saturday or other non- work time.

In addition to the foregoing, sick leave may be used as family sick leave to care for an ill or injured family member or to take a family member to a doctor appointment. A

"family member" is defined as a child, parent, spouse, registered domestic partner, child of a registered domestic partner, grandparent, grandchild, or sibling. Up to half (1/2) of an employee's annual sick leave accruals per calendar year may be used as family sick leave.

A certificate from an attending physician stating the expected duration of the family member's illness may be required. Authorization to use additional sick leave for family illness beyond the maximum identified above may be granted by the City Manager or designee when, in the City Manager or designee's judgment, circumstances warrant the same. Employees may use not more than four (4) hours of sick leave for the purpose of consulting with a physician concerning a serious illness or injury of a member of the employee's immediate family.

Sick leave may also be taken for specified purposes by employees who are the victim of domestic violence, sexual assault, or stalking.

If an employee exhausts all accrued sick leave, the employee may apply for another eligible paid or unpaid leave as provided for in this Resolution. If sick leave is approved and then it is determined that the employee does not have enough sick leave available to cover the request and no other leave is requested, Payroll will deduct the excess time from another eligible paid leave balance.

No sick leave accruals will be credited in advance. No sick leave will be earned while on an unpaid leave.

If sick leave is used for purposes that qualify under a state or federal leave law, such as the Family Medical Leave Act/California Family Rights Act or Pregnancy Disability Leave, then any sick leave used will count towards the state or federal leave entitlement.

9.02 Sick Leave Allowance for Full-Time Employees

All full-time employees, other than temporary and provisional employees, shall accrue sick leave benefits each payroll period based upon the number of hours the employee is entitled. The full-time sick leave accrual rate is 3.704 hours per payroll period (up to ninety-six (96) hours annually). Employees shall accrue sick leave credits in accordance with the foregoing schedule from their initial date of employment.

The use of accrued sick leave shall be subject to the provisions of Section 9.00, Sick Leave, of this Resolution. An absence approved as sick leave shall be deducted from an employee's leave balance at the end of the pay period in which the leave is taken. There shall be no limit upon the number of hours of unused sick leave which may be accumulated by an employee. Upon separation of an employee, any sick leave balance for which payment has not been made shall be canceled and shall not be restored if a former employee is reinstated.

9.03 Sick Leave Allowance for Certain Part-Time Employees

1. Healthy Workplaces, Healthy Families Act of 2014

Part-time employees who work thirty (30) or more days within a year shall receive sick leave in accordance with the Healthy Workplaces, Healthy Families Act of 2014 and City Administrative Rule (AR) 2.56, Paid Sick Leave. The annual period shall be based on the part-time employee's first day of employment and anniversary date thereafter.

Employees eligible for sick leave under the Healthy Workplaces, Healthy Families Act of 2014 shall receive forty (40) hours of sick leave on their first day of employment and may begin using their accrued sick leave after the ninetieth (90th) day of employment. Employees shall receive forty (40) hours of sick leave at beginning of each fiscal year thereafter and can accrue up to a maximum of six (6) days or forty-eight (48) hours of paid sick leave, whichever is greater. Any unused paid sick leave balance will carry over year to year while continuously employed, up to the six (6) day or forty-eight (48) hour cap.

The use of sick leave so earned by part-time employees shall be subject to the provisions of this Resolution.

2. Part-Time Employees Regularly Scheduled Twenty (20) or More Hours per Week

Part-time employees who are regularly scheduled to work twenty (20) or more hours per week shall be entitled to accrue sick leave benefits each payroll period based upon the total number of hours for which the employee was compensated in the payroll period.

The amount of sick leave so accrued shall be proportionate to that earned by full-time employees based on the number of hours worked by the part-time employee. The full-time sick leave accrual rate is three and seven hundred four thousands (3.704) hours per payroll period. The use of accrued sick leave shall be subject to the provisions of this Resolution.

3. Sick Leave Usage

Sick leave is accrued for all regular hours worked and shall continue to be earned during other authorized leaves with pay. There shall be no limit upon the number of hours of unused sick leave that may be accumulated by an employee. Upon separation of an employee, any sick leave balance for which payment has not been made shall be canceled and shall not be restored if a former employee is reinstated.

Sick leave may be taken for the diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member. Employees may take up to a maximum of forty (40) hours of sick leave per year to care for an eligible family member (the employees' child, parent, spouse, registered domestic partner, grandparent, grandchild, sibling). A certificate from an attending physician stating nature and extent of the family member's illness may be required in cases of suspected abuse of this provision.

Sick leave may also be taken for specified purposes by employees who are the victim of domestic violence, sexual assault, or stalking.

9.04 Sick Leave Notice and Certification

In order to receive compensation while absent on sick leave, employees or someone on their behalf shall notify the immediate supervisor prior to or within thirty (30) minutes before the time set for reporting to work. The City Manager or designee may waive this requirement upon presentation of a reasonable excuse by the employee. Employees shall file a personal affidavit or physician's certificate with their supervisor if required by the City Manager or designee for any use of sick leave.

After three (3) consecutive working days' absence, the supervising authority may require an appointment and/or physician's certificate. If employees become ill while on vacation, periods of illness may be charged to sick leave upon presentation of a physician's certificate certifying duration of illness. In cases of frequent use of sick leave, employees may be requested to file physician's statements for each illness, regardless of duration, to the extent allowed by law.

A physician's certificate must include the name and signature of the attending physician, the date and time the employee was seen by the physician, and the physician's certification that the illness or injury was of such nature to prevent the employee from performing their job. Employees may also be required to take an examination by a physician designated by the City and to authorize consultation with their own physician concerning their illness.

Sick leave shall not be granted for absences caused by intoxication or excessive use of alcoholic beverages. As an exception to the foregoing, sick leave may be authorized for the treatment of alcoholism or substance abuse when such condition is diagnosed by a competent medical authority.

These same requirements may also be applied for family sick leave requests.

9.05 Payment for Unused Sick Leave

Any employee leaving employment of the City in good standing after having completed twenty (20) years of continuous public service with the City, or upon retirement from the City for service or disability with at least ten (10) years of service, or upon termination of employment by reason of death, shall receive payment for a portion of that sick leave earned but unused at the time of separation.

The amount of payment for unused sick leave shall be based on the employee's accumulated unused sick leave balance at the time of separation (up to a maximum of two thousand four hundred (2400 hours)), times the employee's hourly rate of pay at time of separation plus seven percent (7%), times the number of whole years of continuous service, times the percentage factor from the following table:

- Zero percent (0%) to sixty-five percent (65%) of maximum eligible sick leave accrual = 1%

- Sixty-five and one-hundredth percent (65.01%) or more of maximum eligible sick leave accrual = one and fifteen one-hundredths percent (1.15%), provided the employee has twenty-five (25) years of service. If the employee

has less than twenty-five (25) years of service the payout percent will equal one percent (1%).

For the purposes of this Section, the maximum eligible sick leave accrual will be calculated as the number of whole years of service times ninety-sixty and two-tenths (96.2) sick leave hours. The following examples illustrate how sick leave payouts will be provided to employees under this Section:

Example 1. Employee A is retiring after twenty and seven-tenths (20.7) years of service. Employee A has one thousand three hundred thirty-five and four-tenths (1335.4) hours of unused sick leave at time of retirement. The maximum number of sick leave hours Employee A could have accrued over the course of her employment with the City was ninety-six and two-tenths (96.2) hours x twenty (20) years = one thousand nine hundred twenty-four (1924.0) hours. Her total sick leave hours one thousand three hundred thirty-five and four-tenths (1335.4) are equal to sixty-nine and four-tenths percent (69.4%) of the total maximum eligible sick leave accrual one thousand three hundred thirty-five and four-tenths (1335.4) ÷ one thousand nine hundred twenty-four (1924.0) x 100 = sixty-nine and four-tenths percent (69.4%). Employee A did retain greater than sixty-five percent (65%) of the maximum eligible sick leave accrual, however, employee A does not have twenty-five (25) years of service. Therefore, employee A is only eligible to receive 1% of unused sick leave balances for every whole year of service. Employee A hourly rate is forty-two dollars and thirty-five cents ($42.35). Employee A sick leave payout hourly rate is forty-two dollars and thirty-five cents ($42.35) x 1.07 = forty-five dollars and thirty-one cents ($45.31). Employee A sick leave payout calculation is as follows:

One thousand three hundred thirty-five and four-tenths (1335.4) hours x forty-five dollars and thirty-one cents ($45.31) x twenty (20) years x .01 = twelve thousand one hundred and one dollars and forty cents ($12,101.40)

Example 2. Employee B is retiring after thirty and two tenths (30.2) years of service. Employee B has two thousand four hundred and fifty-seven and eight tents (2457.8) hours of unused sick leave at time of retirement. The maximum number of sick leave hours employee B could have accrued over the course of employee B employment with the City was ninety-six and two-tenths (96.2) hours x thirty (30) years = two thousand eight hundred and eighty-six (2886.0) hours. Employee B total sick leave hours two thousand four hundred and fifty-seven and eight tents (2457.8) are equal to eighty-five and two-tenths percent (85.2%) of the total maximum eligible sick leave accrual two thousand four hundred and fifty seven-tenths (2457.8) ÷ two thousand eight hundred and eighty six (2886.0) x 100 = eighty-five and two-tenths percent (85.2%)). Employee B retained greater than sixty-five percent (65%) of employee B maximum eligible sick leave accrual, and employee B has more than 25 years of experience. Therefore, employee B would be eligible for one and fifteen one-hundredths percent (1.15%) of his unused sick leave balances for every year of service. Employee B hourly rate is $41.18. Employee B sick leave payout hourly rate is forty-one dollars and eighteen cents ($41.18) x 1.07 = forty-four dollars and six cents ($44.06). Employee B sick leave payout calculation is as follows:

Two thousand four hundred (2400) hours (max allowed) x forty-four dollars and six cents ($44.06) x thirty (30) years x .0115 = thirty-six thousand four hundred eighty-one dollars and sixty-eight cents ($36,481.68)

Payment of unused sick leave for part-time employees shall be determined using a pro-rated maximum accrual of sick leave hours and a pro-rated cap on the maximum number of hours that are subject to cash-out. The percentage applied for pro-rating shall be determined based on the average number of hours worked during the one (1) year period immediately preceding separation. For example, if the employee worked one thousand forty (1,040) hours during the year before separation, or the equivalent of 0.5 FTE, then the pro-rated maximum accrual will be 0.5 x ninety-six and two-tenths (96.2) hours, or an annual accrual rate of forty-three and one-tenth (43.1) hours. The pro-rated cap for this same employee will be 0.5 x two thousand four hundred (2,400) hours or one thousand two hundred (1,200) hours.

That portion of an employee's sick leave balance for which payment is not provided shall be canceled and shall not be restored if said employee is reinstated.

Employees hired on or after April 1, 2012, shall not be eligible to receive any sick leave cash-out benefits under this Section. The Fire Chief and Police Chief are subject to the Payment for Unused Sick Leave as outlined in Section 11.07 and 11.08 of the Salary and Benefits Resolution.

9.06 Catastrophic Injury/Illness Time Bank

Upon approval of the City Manager or designee, a time bank may be established for the benefit of an employee who is incapacitated by a catastrophic illness or injury. The intent of this program is to assist catastrophically ill or injured employees who have exhausted all available paid accruals to maintain a paid status for a maximum of one (1) year. Catastrophic injury or illness is defined as a medically certified, severe and disabling, non-industrial condition resulting in an employee's inability to work. Employees may submit requests to donate earned vacation and/or compensatory time on a voluntary basis subject to the conditions listed below.

A. Employees initially eligible to receive leave contributions must have exhausted all other leave balances available including earned vacation, management leave, and earned sick leave.

B. State and federal income tax on the value of leave donated shall be deducted from the recipient employee's pay at the time of crediting.

C. Leave hours that are credited as sick leave to the recipient shall not be reversible.

D. Hours requested to be donated shall be kept in a pledge status until used, shall be credited monthly as sick leave, and shall be subject to the provisions of this Resolution regarding the use and payment of same. Donations shall be credited in the following order:

1. From donors whose vacation accruals are at or within sixteen (16) hours of the maximum allowed for their classification; then

2. From other donors in random order, to be determined on a draw basis by the Human Resources Department.

3. Donation requests shall be credited in the order specified above in subsequent month(s).

E. Donated leave time shall be changed to its cash value and then credited to the recipient in equivalent hours at the recipient's straight time hourly rate of pay. Recipient employees shall not be credited with more than one-hundred percent (100%) of their normally scheduled hours for any given pay period.

F. Donating employees may not reduce their balance of earned vacation below eighty (80) hours by reason of such donations.

G. Recipient employees shall be credited with up to forty (40) hours of donated time upon return to work, provided that sufficient hours remain in pledge status during the pay period immediately preceding the return-to-work date. All undonated, pledged hours exceeding forty (40) shall be returned to the respective donor(s).

H. In the event of the death of the recipient, the recipient's designated beneficiary shall receive payment for hours credited as donated. Hours remaining in pledge status are not subject to payout to the beneficiary and shall be returned to the donor(s).

This provision shall also allow the use and donation of catastrophic leave to employees who need paid time off to care of a catastrophically injured or ill dependent. The use of this leave is limited to a one (1) year period for establishment of any Catastrophic Injury/Illness Time Bank. Upon approval of the City Manager or designee, a time bank may be established for the benefit of an employee who has a dependent who is incapacitated by a catastrophic illness or injury. A dependent is defined as a legal spouse, registered domestic partner, legal child under the age of twenty six (26), or legal child of a registered domestic partner under the age of twenty six (26).

An employee must provide a signed medical certification from the treating physician of the employee's dependent stating that the employee's dependent has a severe and disabling injury or illness and indicating the amount of time the employee would need to be off to care for the dependent.

An employee shall not be credited with more than one-hundred percent (100%) of the employee's normally budgeted hours for any given pay period. In no event shall an employee receive donated paid leave in addition to any paid benefit provided to the employee for time off to care for the employee's dependent that will result in the employee receiving more than one-hundred percent (100%) of the employee's base salary for the pay period. Records of any paid benefit provided to the employee for

time off to care for a dependent must be provided by the employee to Payroll for integration with catastrophic leave.

Employees can donate paid leave to an employee who has a dependent with a catastrophic injury/illness under the same terms and conditions as for an employee who has a catastrophic injury/illness.

Employees can utilize catastrophic leave for up to a one (1) year period. The period starts for the first day of use of catastrophic leave. For example, if catastrophic leave starts on July 1, 2024, it can only be used up until June 30, 2025. Leave can be taken on an intermittent basis if approved by the City Manager or designee but will not exceed catastrophic leave usage past the one (1) year leave period.

Any leave used for purposes that qualify under a state or federal leave law, such as the FMLA/CFRA/PDLL will count toward any state of federal leave entitlements. If an employee is unable to return to work and has exhausted all accrued leave entitlements, the employee may be retired for disability and/or separated.

10.00 MISCELLANEOUS LEAVES

10.01 Bereavement and Reproductive Loss Leave

All full-time employees, other than temporary and provisional employees, shall be granted bereavement leave and reproductive loss with pay for not more than five (5) workdays upon, a reproductive loss or the death of a close relative or registered domestic partner. Reproductive loss events include failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. Close relatives are defined as child, children-in-law, someone else related by blood or in a family-like relationship ("designated person"), and domestic partner registered with the City in a manner prescribed by the Human Resources Department. When additional time is desired, and upon a supervisor's review and approval, all full-time employees may be allowed to take accumulated vacation or management leave.

Upon request of the City, the employee shall furnish proof of the relationship to the deceased, such as a written notice to their supervisor stating that they certify their relationship to the deceased.

All full-time employees are allowed a maximum of twenty (20) days of reproductive loss in a twelve (12) month period if multiple events of reproductive loss occur. Full-time employees may utilize the initial three (3) paid workdays plus two (2) unpaid workdays for an initial event. The remaining seventeen (17) allowable reproductive loss days are unpaid. Reproductive loss leave must be taken within three (3) months of the event or end of CFRA/FMLA or other protected leave, if used.

Part-time employees who work a continuous schedule of twenty (20) or more hours per week shall be granted bereavement or reproductive loss leave with pay as necessary on the same basis as full-time employees, except that the leave shall be prorated based on the number of hours worked.

10.02 Jury Leave

An employee summoned to jury duty shall inform their supervisor and, if required to serve, may be absent from duty with full pay. Any jury fees received by an employee shall be remitted to the City, excluding mileage reimbursement.

10.03 Military Leave

Military Leave shall be granted in accordance with the provisions of state and/or federal law. All employees entitled to military leave shall give the City Manager an opportunity, within the limits of military requirements, to determine when such leave shall be taken.

10.04 Worker's Compensation Leave

For an employee injury or disability falling within the provisions of the State Workers' Compensation Disability Act (SWCDA), disability compensation at the rate allowed under the SWCDA shall be the basic remuneration during the employee's period of disability. Compensation under the SWCDA will be provided through payroll or the City's third-party administrator. Employees may elect to use their own personal paid leave to supplement any workers' compensation benefits received. If any paid leave is used, the employee must contact Human Resources Department and integrate the leave with any temporary disability benefits paid under the SWCDA so that compensation does not exceed 100% of an employee's regular pay.

The City reserves the right to withhold payment of any disability benefits until such time it is determined whether or not the illness or injury is covered under the SWCDA.

10.05 Family and Medical Leave / California Family Rights Act

Employees may be eligible for leave under the FMLA and/or the CFRA. The administration of any FMLA or CFRA leave provided for under this provision shall be in accordance with the provisions of the FMLA and the CFRA. Leave provided under this provision may run concurrently with other leaves provided under this Resolution as designated by the Human Resources Department. Additional information regarding available leave benefits is set forth in City Administrative Rule 2.45, as that Rule may be revised.

10.06 Pregnancy Disability Leave

Employees may be eligible for leave under the California PDLL. The administration of any leave given under the PDLL shall be in accordance with the provisions of the PDLL. Leave provided under this provision may run concurrently with other leaves provided under this Resolution. Additional information regarding available leave benefits is set forth in City Administrative Rule 2.45, as that Rule may be revised.

10.07 Leave of Absence

The City Manager or designee, upon written request of a full-time employee, other than a temporary or provisional employee, may grant for the good of the service a leave of absence without pay for a maximum period of one (1) year. Consideration for granting

leave will consider the employee's previous time off, reason for request, business needs, etc.

Leaves hereby authorized shall include medical leaves, educational leaves, parental leaves, and leave for any other purpose promoting the good of the service. Part-time employees are eligible for leaves of absence on a pro-rata basis (e.g., half-time employees are eligible for one-half the leave of absence duration of a full-time employee, i.e., a maximum of six (6) months duration). Whenever granted, such leave shall be in writing and signed by the City Manager or designee. Upon expiration of such a leave, the employee shall be reinstated to the position held at the time the leave was granted. Failure of the employee to report promptly at the expiration or within a reasonable time after notice to return to duty shall terminate the employee's right to be reinstated.

All eligible paid leaves must be exhausted during any leave granted under this provision. Should employees exhaust their leave balance while on a leave of absence, all remaining time will be without pay. If a Leave of Absence is used for purposes that qualify under a state or federal leave law, such as the FMLA/CFRA or PDLL, the leave taken will count towards the state or federal leave entitlement. If an employee is unable to return to work and has exhausted all available leave entitlements, the employee may be retired for disability or separated. No benefits will be provided during this period except as provided below. Health coverage may be continued, but at the employee's own cost.

10.08 Parental Leave

Employees shall be granted forty (40) hours of leave with pay at their current straight-time hourly rate upon the birth of a child, or when a child begins residence with an employee who has commenced adoption proceedings with full intent to adopt. Part-time employees hired into positions budgeted for twenty (20) or more hours per week and who consistently work twenty (20) or more hours per week shall be granted proportionate leave based on their work schedules. Leave must be taken within one (1) year from the date of birth or placement of the child.

In addition, a new parent may use up to one hundred and twenty (120) hours of earned sick leave upon the birth of a child or when a child begins residence with an employee who has commenced adoption proceedings. Any leave granted under this provision shall run concurrently with FMLA/CFRA leave.

10.09 Management Leave

The City Council wishes to acknowledge the special public service rendered by the City's Executive and Exempt employees. In maintaining the City's efficiency and reputation, Executive and Exempt employees in this group work additional hours as required for appearances before the City Council, City Boards, and Commissions, residents' groups, and intergovernmental bodies; for maintenance of essential services during emergencies; and for accomplishment of work assignments which often impose irregular hours and time expenditures far above the conventional forty (40) hour workweek. Under such circumstances, these employees neither expect nor receive overtime pay. However, upon being regularly required to work throughout the year beyond the normal workweek, an employee shall be provided up to two (2) weeks'

annual management leave. Upon request of an employee, the City Manager or designee may authorize additional management leave.

Employees may cash out up to eighty (80) hours of management leave each fiscal year.

Employees may cash out up to an additional forty (40) hours of management leave and/or vacation leave, for a total of one-hundred twenty (120) hours of leave, each fiscal year in no more than two (2) payments, at the employee's discretion, contingent on the employee using a minimum of eighty (80) hours' paid vacation and/or management leave in the twelve (12) months preceding the request and must have at least forty (40) hours of vacation and/or management leave remaining after the cash out.

Under no circumstances will an employee be permitted to cash out more than one-hundred twenty (120) hours of management leave or a combination of vacation and management leave each fiscal year.

All requests for cash out must be submitted through ESS by completing the Request for Management Leave/Vacation Leave Cash Out Form; requests must be processed and paid out on a paycheck date in the respective calendar year. For example, if a request is received for a pay period that ends in December of the respective year but results in a paycheck the following calendar year, this request will not be processed as the payout must occur on a paycheck in the respective calendar year. Payout will be applied to a single bi-weekly payroll and employees will be responsible for all taxes associated with such payout.

11.00 MISCELLANEOUS PROVISIONS

11.01 Notification of Address

All employees, including those on a leave of absence, shall keep the Human Resources Director or designee always informed as to their current home address, no later than ten (10) days after such change of address.

11.02 Restrictions on Outside Work

Gainful employment outside an employee's regular City position shall be considered a privilege subject to regulation and not a right. No employee shall engage in a gainful occupation outside of the employee's City position which is incompatible with the employee's City employment or which is of such a nature as to interfere with satisfactory discharge of the employee's regular duties. Any employee who wishes to engage in or accept such employment may do so after having first obtained written approval of the City Manager or designee. Approval of outside employment will be granted for a period not to exceed one (1) year. Employees wishing to continue outside employment will need to re-apply for approval of outside work upon the expiration of the current approval. Violation of this Section shall be cause for disciplinary action.

11.03 Employee Health and Medical Examinations

When in the judgment of the City Manager or designee, an employee's health or physical condition may have an adverse effect on the performance of duties or affect the safety or health of fellow employees, the employee may be required to undergo a medical examination at City expense.

Based on authoritative medical advice, the City Manager shall determine whether an employee is physically incapacitated for the duties of the position and may take whatever action the City Manager deems appropriate. The determination and resultant action may be the subject of appeal to the Personnel Commission for its review and recommendation.

Those employees designated by the City Manager shall also undergo, at City expense, routine medical examinations. The frequency of these examinations and the examining physician shall also be designated by the City Manager.

11.04 Conversion of Compensatory Time

An employee promoted from another representation unit to a classification in the Unrepresented Executives, Management, City Manager, Human Resources, & City Attorney Employees Unit will be required at the time of promotion to redeem all accrued compensatory time at the straight time hourly rate immediately prior to promotion. As an exception to the foregoing, an employee may elect to have the compensatory time transferred to the Deferred Compensation Plan pursuant to Plan rules.

11.05 Americans with Disabilities Act (ADA)

The City recognizes its obligation under the law to meet with individual employees who allege a need for reasonable accommodation in the workplace because of a disability. The City will engage in the interactive process with qualified employees to determine if a reasonable accommodation is available. In the case of an employee with a disability, managers and supervisors may be informed of necessary restrictions on the work or duties of the employee and any agreed upon reasonable accommodations.

11.06 Potential Changes in Wages and Benefits

The City agrees that leave, holidays, fringe benefits, and annual across-the-board salary increases granted to Unrepresented Exempt and Non-Exempt employees will be equal to those granted to members of the Hayward Association of Management Employees.

11.07 Fire Chief Position

Section 5.00, Benefit Plans, Section 6.00, Salary Administration, and Section 11.06, Potential Changes in Wages and Benefits, of this Resolution detailing employee benefit plans and across-the-board salary increases shall not apply to the Fire Chief. Instead, the employee benefits for the Fire Chief will be the same as those set forth in any collective bargaining agreement between the City and the Hayward Fire Chiefs Association.

The Fire Chief will be eligible to participate in the City's salary schedule as adopted by City Council, Retirement Program, Longevity Pay, and Education Incentive Pay Program and shall receive certification pay for possessing and maintaining a valid emergency medical technician certification and/or paramedic certification under the same terms and conditions provided to employees represented by the Hayward Fire Chiefs Association, and as outlined in Appendix C. Except as specifically provided in Appendix C., this section all other provisions of this Resolution shall apply to the Fire Chief.

This Section shall remain in effect until thereafter amended or rescinded by the City Council.

11.08 Police Chief Position

Section 5.00, Benefit Plans, Section 6.00, Salary Administration, and Section 11.06, Potential Changes in Wages and Benefits, of this Resolution shall not apply to the Police Chief. Instead, employee benefits for the Police Chief will be the same as those set forth in any collective bargaining agreement between the City and the Hayward Police Officers Association (HPOA) and as outlined below. Section 9.00 Sick Leave in the Salary and Benefits Resolution for Unrepresented Management Employees shall not apply to the Police Chief. Instead, payment for unused sick leave shall be the same as set forth in any collective bargaining agreement between the City and the Hayward Police Management Unit (HPMU).

Moreover, based on satisfactory performance as determined by the City Manager, salary adjustments will be equivalent to those for the Police Chief are subject to the City's salary schedule as adopted by City Council. In addition, the Police Chief is eligible to participate in the Retirement Benefit Program, Continuous Service Pay, and Education Incentive Pay Program as outlined on the same terms as members of the HPMU and as outlined in Appendix D. Except as specifically provided in Appendix D., this Section, all other provisions of this Resolution shall apply to the Police Chief.

This Section shall remain in effect until thereafter amended or rescinded by the City Council.

11.09 Duration

This Resolution is intended to provide authorization for salaries, benefits, and other terms and conditions of employment beginning July 1, 2024, and until this Resolution is thereafter amended or rescinded by the City Council.

APPENDIX A – Salary Schedule

Classification Title	Status	Job Code	Service Type		Step A	Step B	Step C	Step D	Step E
ASSISTANT CITY MANAGER	Executive	U735	Unclassified	Hourly	133.37	140.06	147.05	154.41	162.13
COMMUNICATIONS AND MARKETING OFFICER / PUBLIC INFORMATION OFFICER (PIO)	Executive	U311	Unclassified	Hourly	80.80	84.85	89.07	93.54	98.23
DEPUTY CITY MANAGER	Executive	U505	Unclassified	Hourly	104.30	109.50	114.99	120.75	126.77
DIRECTOR OF DEVELOPMENT SERVICES	Executive	U700	Unclassified	Hourly	108.22	113.62	119.33	125.30	131.55
DIRECTOR OF FINANCE	Executive	U725	Unclassified	Hourly	111.95	117.53	123.43	129.59	136.06
DIRECTOR OF HUMAN RESOURCES	Executive	U705	Unclassified	Hourly	109.02	114.45	120.18	126.19	132.49
DIRECTOR OF INFORMATION TECHNOLOGY / CHIEF INFORMATION OFFICER (CIO)	Executive	U720	Unclassified	Hourly	121.28	127.30	133.69	140.39	147.39
DIRECTOR OF LIBRARY SERVICES	Executive	U710	Unclassified	Hourly	102.00	107.09	112.47	118.09	123.99
DIRECTOR OF MAINTENANCE SERVICES	Executive	U715	Unclassified	Hourly	120.75	126.78	133.14	139.80	146.78
DIRECTOR OF PUBLIC WORKS	Executive	U730	Unclassified	Hourly	121.02	127.10	133.45	140.15	147.11
FIRE CHIEF	Executive	F800	Unclassified	Hourly	139.41	146.36	153.69	161.38	169.45
CHIEF OF POLICE	Executive	P500	Unclassified	Hourly	140.12	147.10	154.47	162.19	170.30
SENIOR ASSISTANT CITY ATTORNEY	Exempt	U215	Classified	Hourly	116.62	122.50	128.61	135.05	141.81
ASSISTANT CITY ATTORNEY	Exempt	U210	Classified	Hourly	101.87	106.95	112.35	117.95	123.83
DEPUTY CITY ATTORNEY II	Exempt	U205	Classified	Hourly	82.07	86.14	90.44	94.94	99.73
DEPUTY CITY ATTORNEY I	Exempt	U200	Classified	Hourly	69.85	73.32	76.99	80.85	84.88
EQUITY AND INCLUSION OFFICER	Exempt	U340	Classified	Hourly	76.73	80.56	84.59	88.82	93.24
ASSISTANT TO CITY MANAGER	Exempt	U320	Unclassified	Hourly	85.96	90.26	94.76	99.51	104.46

MANAGEMENT FELLOW	Exempt	U300	Classified	Hourly					50.68
CHIEF ECONOMIC DEVELOPMENT OFFICER	Exempt	U330	Classified	Hourly	91.19	95.77	100.57	105.61	110.87
DEPUTY DIRECTOR OF DEVELOPMENT SERVICES	Exempt	U515	Classified	Hourly	92.06	96.69	101.52	106.60	111.95
DEPUTY DIRECTOR OF FINANCE	Exempt	U500	Classified	Hourly	96.23	101.03	106.09	111.41	116.95
DEPUTY DIRECTOR OF HUMAN RESOURCES	Exempt	U520	Classified	Hourly	98.82	103.75	108.94	114.40	120.10
HUMAN RESOURCES MANAGER	Exempt	U135	Classified	Hourly	85.09	89.34	93.82	98.51	103.44
SENIOR HUMAN RESOURCES ANALYST	Exempt	U120	Classified	Hourly	63.14	66.27	69.57	73.06	76.71
HUMAN RESOURCES ANALYST II	Exempt	U115	Classified	Hourly	57.40	60.27	63.29	66.43	69.76
HUMAN RESOURCES ANALYST I	Exempt	U110	Classified	Hourly	52.19	54.81	57.54	60.40	63.42
DEPUTY DIRECTOR OF LIBRARY SERVICES	Exempt	U535	Classified	Hourly	92.12	96.73	101.56	106.65	111.96
DEPUTY DIRECTOR OF MAINTENANCE SERVICES	Exempt	U540	Classified	Hourly	92.41	97.01	101.89	106.97	112.33
OPERATIONS SUPPORT SERVICES MANAGER	Exempt	U400	Classified	Hourly	91.01	95.55	101.33	106.38	111.67
ASSISTANT DIRECTOR OF PUBLIC WORKS-UTILITIES	Exempt	U525	Classified	Hourly	106.38	111.71	117.29	123.14	129.32
DEPUTY DIRECTOR OF PUBLIC WORKS	Exempt	U510	Classified	Hourly	94.72	99.46	104.45	109.66	115.15
DEPUTY DIRECTOR OF INFORMATION TECHNOLOGY	Exempt	U530	Classified	Hourly	96.23	101.03	106.09	111.41	116.95
EXECUTIVE ASSISTANT	Non-Exempt	U315	Unclassified	Hourly	49.44	51.72	54.05	56.37	58.85
SENIOR PARALEGAL	Non-Exempt	U196	Classified	Hourly	50.84	53.40	56.06	58.85	61.80
PARALEGAL	Non-Exempt	U195	Classified	Hourly	46.21	48.52	50.97	53.49	56.18
HUMAN RESOURCES TECHNICIAN	Non-Exempt	U100	Classified	Hourly	47.46	49.83	52.33	54.93	57.66
HUMAN RESOURCES ADMINISTRATIVE ASSISTANT	Non-Exempt	U105	Classified	Hourly	48.13	50.11	52.08	54.04	56.19
FIREFIGHTER TRAINEE (40 HOUR)	Non-Exempt	F100	Classified	Hourly	57.42	60.28			

APPENDIX B – Employee Status

UNCLASSIFIED SERVICE

Pursuant to Article VIII of the City Charter and Chapter 2, Section 4 of the City's Municipal Code, the following classifications constitutes the City's Unclassified Service:

Assistant City Manager
Assistant to City Manager
Chief of Police
Deputy City Manager
Director of Development Services
Director of Finance
Director of Human Resources
Director of Library & Community Services
Director of Maintenance Services
Director of Public Works
Director of Technology Services
Executive Assistant
Fire Chief
Communications & Marketing Officer

CLASSIFIED SERVICE

Pursuant to Article VIII of the City Charter and Chapter 2, Section 4 of the City's Municipal Code, all positions identified in Appendix A that are not part of the unclassified service shall be included in the City's classified service.

APPENDIX C – Fire Chief Position Benefits

Retiree Medical Trust

A. Acknowledgement. In accordance with Internal Revenue Code Section 501c the City acknowledges agreement with the Medical Expense Reimbursement Plan of the WSCFF Employee Benefit Trust (hereafter, the "Trust").

B. Defined Class of Employees Receiving Contributions. "Defined Class" means all full-time employees except employees as described in B(1) below.

1. Employees who previously demonstrated to the City entitlement to full post-retirement medical benefits through a spouse or previous employment and made an irrevocable election not to participate in the Trust.

2. Eligibility Requirements: Fire employees, who have been promoted out of the International Association of Fire Fighters (IAFF) Local 1909 Firefighters, Hayward Fire Officers' Association and Hayward Fire Chiefs' Association shall continue participation in the IAFF Medical Expense Reimbursement Plan through mandatory employee and employer contributions after their promotion. City of Hayward has the authority to require mandatory deductions from employee payroll as part of the employees' compensation package, for contributions to such Plan to correspond to the Memorandum of Understanding between City of Hayward and IAFF, Local 1909 Firefighters, between City of Hayward and IAFF, Local 1909 Hayward Fire Officers Association and the Memorandum of Understanding Between City of Hayward and Hayward Fire Chiefs' Association (the "CBAs").

C. Employee Contribution Amount. The City shall withhold a mandatory contribution amount equivalent to one percent (1%) of the monthly base pay of Step E Fire Captain (fifty-six (56) hour) per month (i.e., one-hundred sixty-seven dollars and fifty-eight cents ($167.58) for FY2024), plus an additional contribution based on years of service in accordance with Table C-1 below on a pre-tax basis from the pay of every employee in the Defined Class and shall transmit such contributions to the Trust pursuant to the requirements of (G) below.

Years of service shall be inclusive of enrollment in CalPERS, United States Forestry Service, United States Military Service, CERL-1937 Act, and/or other municipal pension system.

No employee in the Defined Class shall be permitted to opt-out of the mandatory contributions or receive any portion of the contribution in cash.

Employee contributions will be made on a bi-weekly per pay period basis in the amount of seventy-seven dollars and thirty-four cents ($77.34)*, plus an additional contribution based on years of service. The contributions to the plan shall be per pay period as follows:

Table C-1.

Years of Service	Biweekly Employee Contributions (1% of Step E Fire Captain*)	Additional Biweekly Employee Contribution*	Total Biweekly Employee Contribution*	Total Monthly Employee Contribution*
0-10	$77.34	-	$77.34	$154.68
11-20	$77.34	$25.00	$102.34	$204.68
21-22	$77.34	$50.00	$127.34	$248.68
23-24	$77.34	$75.00	$152.34	$304.68
25-26	$77.34	$100.00	$177.34	$354.68
27-28	$77.34	$125.00	$202.34	$404.68
29+	$77.34	$150.00	$227.34	$454.68

*This amount shall be adjusted whenever the Step-E Fire Captain salary is adjusted

D. Vacation Leave transfer.

1. Annual Vacation Leave Transfer. The City and the employee agree that an employee in the Defined Class, by written election may convert up to one hundred twenty (120) hours of accrued vacation one (1) time per year, and the City shall irrevocably transfer the value of the converted vacation leave to the employee's Trust account on a pre-tax basis subject to the following:

   a. The value of converted vacation hours shall be based on the employee's straight time hourly rate of pay in effect at the time of the conversion, and

   b. To be eligible for vacation leave transfer all fifty-six (56) hour employee must have used a minimum of ninety-six (96) hours of paid vacation in the twelve (12) months preceding the submission of the request and have at least forty-eight (48) hours of vacation after the conversion.

   c. To be eligible for vacation leave transfer all forty (40) hour employees must have used a minimum of eighty (80) hours of paid vacation in the twelve (12) months preceding the submission of the request and have at least forty (40) hours of vacation after the conversion.

   d. The employee may elect to apply any portion of the value of the converted vacation leave to a qualifying deferred compensation plan up to allowable IRS limits, and

e. The employee may not convert accrued vacation leave more than one (1) time per calendar year, and

f. No employee in the Defined Class shall have the option to receive a cash payout for the value of the converted vacation leave in lieu of making contributions to the Trust and/or deferred compensation plan.

2. Vacation Leave Transfer at Separation. For every employee in the Defined Class, the City shall, upon the employee's separation from the City, irrevocably contribute to the employee's Trust account on a pretax basis, an amount equal in value to one hundred percent (100%) of the payments that would otherwise be paid on behalf of the employee for unused vacation leave.

The employee, by written election received by the City no later than thirty (30) days prior to separation, may elect to apply any portion of the value of the vacation leave accrual to a qualifying deferred compensation plan up to allowable IRS limits. Absent such election, the City shall implement the vacation leave transfer to the employee's Trust account as set forth above.

No employee in the Defined Class shall have the option to receive a cash payout for the value of the accrued vacation leave in lieu of making contributions to the Trust and/or deferred compensation plan.

Employees excluded from Trust contributions in accordance with Section B (1) shall receive a cash payout for accrued vacation leave upon separation. Such employees may elect to apply any portion of the cash payout to a qualifying deferred compensation plan up to allowable IRS limits.

E. Sick Leave Transfer. For every employee in the Defined Class, the City shall, upon the employee's separation from the City, irrevocably contribute to the employe's Trust account on a pre-tax basis, an amount equal in value to one hundred percent (100%) of the payments that would otherwise be paid to or on behalf of the employee for unused sick leave.

The employee, by written election received by the City no later than thirty (30) days prior to separation, may elect to apply any portion of the value of the sick leave accrual pursuant to terms set forth in this section, to a qualifying deferred compensation plan up to allowable IRS limits, or apply accrued sick leave hours to service credit in accordance with the City's agreement with CalPERS. Absent such election, the City shall implement the sick leave transfer to the employee's Trust account as set forth above.

No employee in the Defined Class shall have the option to receive a cash payout for the value of the accrued sick leave in lieu of making contributions to the Trust, deferred compensation plan, or CalPERS service credit.

F. Employer Contribution Amount. The City and the employee agree that effective July 1, 2024, the City shall, on a pre-tax basis, make the following contribution based on years of service on behalf of every member of the Defined Class. Years of service shall be inclusive of enrollment in CalPERS, United States Forestry Service, United States Military Service, CERL-1937 Act, and/or other municipal pension system.

1. The City shall contribute a total of five hundred eight dollars and thirty cents ($508.30) per month (two-hundred thirty-four dollars and sixty cents ($234.60) per pay period). The City contribution shall be allocated to the employee's Trust account and a City-sponsored 401(a) account in accordance with Table F-1 below:

Table F-1

Years Of Service	City Trust Contribution (Biweekly)	City 401(a) Contribution (Biweekly)	Total City Contribution (Monthly)
Up to 15	$0	$234.60	$508.30
Greater than 15	$170.39	$64.21	$508.30

2. Employees exempted from Trust participation pursuant to section B(1) shall receive five-hundred eight dollars and thirty cents ($508.30) as a monthly City contribution to the 401(a).

3. The City acknowledges that Trust provisions require participating employees to attain five (5) years of Active Service in the plan to qualify as a Regular Beneficiary, as defined by the plan document. Regular Beneficiaries are entitled to monthly benefits from the Poled Account of the Trust.

   In consideration of the elimination of the Supplemental Retirement Benefit pursuant to Section 5.01-A of the Hayward Fire Chiefs Association MOU, and Section 6.10 of the International Association of Fire Fighters (IAFF) Local 1909 MOU, and Section 6.10 of the Hayward Fire Officers' Association MOU, the City shall make a lump sum contribution on behalf of all employees in the Defined Class retiring with less than five (5) years of monthly Trust contributions, for the term of the MOUs defined herein only, in accordance with the following:

   a) The City lump sum contribution shall be made to the employee's Trust account at retirement.

   b) The amount of the City lump sum payment shall be limited to the minimum amount necessary to provide a retiring employee with only the additional Active Service required for the employee to receive monthly benefits from the Trust as a Regular Beneficiary and provide a Monthly Benefit Level of at least five hundred eight

dollars and thirty cents ($508.30) as calculated on the date that the lump sum payment is made.

c) The City lump sum contribution shall incorporate an actuarially adjusted Active Service Unit ("ASU") value set forth in Appendix C – Lump Sum Transfer Conversion Table of the Trust plan document in effect at the time of retirement.

d) The City lump sum transfer shall not be inclusive of terminal leave transfers to the Trust pursuant to Section 5.13 D(2) and 5.13 (E) of the Hayward Fire Chiefs Association MOU; Section 6.12 D(2), and 6.12 (E) of the Hayward Fire Officers' Association MOU, Section 6.12 D (2), and 6.12 (E) of the International Association of Fire Fighters (IAFF) Local 1909 MOU.

e) The City acknowledges that a retiring employee has the option to convert the City lump sum transfer to ASUs in order to attain Regular Beneficiary status, as defined by the Trust or retain the City lump sum transfer in the Individual Employee Account in the Trust and remain as a Limited Beneficiary.

f) A retiring employee in the Defined Class who has previously received five (5) years of contributions to the Trust and attained Regular Beneficiary status in the Trust shall not be eligible for a City lump sum contribution.

g) A retiring employee in the Defined Class shall not have the option to receive a cash payout for the value of the City lump sum contribution in lieu of making contributions to the Trust.

G. Remittance of Contributions. The City shall remit the above contributions directly to the Trust effective the first full pay period occurring after approval of this resolution. Those contributions shall be remitted per pay period, in one aggregate payment, either ACH transfer or wire, directly to the custodian of the Trust within thirty (30) days of the date the payment would have been payable to the Employee.

The City hereby acknowledges receipt of the Trust Agreement governing the Trust and will comply with rules set by the Trust Office in regard to reporting and depositing the required contributions set forth herein.

H. Reporting to the Trust Office. The City shall electronically submit to the Trust Office a report of contributing employees for each contribution sent to the Trust, in the format requested by the Trust, and received by the Trust Office within fourteen (14) days of receipt of the contribution funds.

The City shall also provide an initial report of information for all contributing employees, as reasonably requested by the Trust; and shall send updates to this information to the Trust Office whenever the City has notice of changes to the information.

I. Modification of Employee Contribution and Leave Amounts. The City and Employee acknowledge that IRS rules prohibit a greater recurring contribution amount than the contribution amount set forth in the MOU between the City of Hayward and the International Association of Fire Fighters (IAFF) Local 1909 Firefighters.

J. To the extent authorized by law, all contributions under this section shall be made on a pre-tax basis. The employee assumes full responsibility and liability for tax consequences related to contributions to and/or withdrawals from the Trust.

K. Responsibility for the maintenance and investment of the Trust funds rests solely with the Trust's Board of Trustees.

L. The City provides no guarantee to the employee regarding the ultimate length of retiree medical benefit payout. Employees who participate in the Trust assume the entire risk from any investment gains or losses associated with these funds or other decline in value. Nothing contained in this section shall constitute a guarantee by the City that assets of the Trust will be sufficient to pay any benefit to any person or to make any other payment during an employee's life expectancy after retirement. All payments, in the form of employee contributions, to the Trust are defined contributions only. Payments to be paid from the Trust are limited to the remaining assets in the Trust and governed by the Board of Trustees and the current Plan. The parties understand that the above provisions shall in no way obligate the City to incur any additional costs or obligations beyond those already set forth in this resolution.

M. The City's obligation to provide pre-tax deposits would remain subject to IRS rules as they may be revised in the future. Should the IRS later determine that these contributions are no longer permissible on a pre-tax basis, the City shall cease deducting such amounts from employee compensation.

N. Participation in the Trust shall be the complete and sole responsibility of the employee. The City shall not be involved in the Trust's design, its administration, or in the benefits paid, nor shall the City have any responsibility for any actions of the Trust or its trustees, or of the employee with respect to the Trust. The City has no fiduciary duty with respect to the Trust.

CalPERS Pension Benefits

Payment of Employers' PERS Contributions

(A) Employees Hired Before January 1, 2013

The provisions described in this Section A apply only to CalPERS eligible employees hired before January 1, 2013, or to eligible employees hired after that date who qualify for pension reciprocity pursuant to Government Code Section 7522.02 (c), referred to as CalPERS "Classic Members."

The City shall continue to provide CalPERS Classic Members with retirement benefits in accordance with the existing contract with PERS, and all amendments to that contract, including:
1. Section 21362.2 – 3% @ 50 Retirement Formula;
2. Section 20042 – Final Compensation 1 year;
3. Section 20965 – Unused Sick Leave Credit;
4. Section 21547.7 – Alternative Death Benefit for Local Fire Members Credited with 20 or More Years of Service;
5. Section 21573 – 1959 Survivor Benefits Level 3;
6. Section 21329 – 2% Annual Cost-of-Living Allowance Increase;
7. Section 20516 – Member Sharing Cost of Optional Benefit;
8. Section 20903 – Additional Service Credit 2 Years;
9. Section 21551 – Pre Retirement Death Benefit to Continue after Remarriage;
10. Section 21027 – Military Service Credit for Retired Persons;
11. Section 21024 – Military Service Credit for as Public Service;
12. Section 21635 – Post-Retirement Survivor Allowance to Continue after Remarriage;
13. Section 21624/21626 – Post-Retirement Survivor Allowance;
14. Section 21620 – Retired Death Benefit; and
15. Section 20055 – Prior Service.

As long as the annual Normal Cost required by PERS for the fiscal year is at least thirty percent (30.00%), and as authorized by Government Code Section 20516 (Optional Benefits, Cost Sharing), "Classic" bargaining unit members shall be responsible for payment of the nine percent (9%) employee retirement contribution plus an additional six percent (6%) of their salaries (for a total of 15%) to the California Public Employees' Retirement System (CalPERS) as payment of the City's employer contributions (Employer Cost-Share) that the City would otherwise be required to pay to CalPERS for these employees. Said contribution shall be credited to each member's account as a normal contribution.

The balance, if any, of this contribution shall constitute employee payment of a portion of the employer's fifty percent (50%) of normal cost as determined by CalPERS. The term "normal cost" is defined in section 7522.04(g) of the Government Code as "the portion of the present value of projected benefits under the defined benefit that is attributable to the current year of service, as determined by the public retirement system's actuary according to the most recently completed valuation."

(B) Employees Hired on or After January 1, 2013

This Section B shall apply to CalPERS eligible employees hired on or after January 1, 2013, who do not qualify for pension reciprocity pursuant to Government Code Section 7522.02(c). Referred to as CalPERS "New Members." The retirement plan for these employees shall be the retirement plan which the City is required to provide for new members pursuant to California Public Employees' Pension Reform Act of 2013.

i. As required by Government Code Section 7522.25, the safety Option Plan Two (2% @ 50 – 2.7% @ 57) pension formula shall apply.

ii. As required by Government Code Section 7522.32, for the purposes of determining a retirement benefit for these employees, final compensation shall mean the highest average annual pensionable compensation earned during thirty-six (36) consecutive months of service.

iii. As required by Government code Section 7522.30, employees shall have an initial contribution rate of fifty percent (50%) of the total normal cost rate as defined in Section 7522.04(g).

iv. Other contracted benefits include:

1. Section 20965 – Unused Sick Leave Credit;
2. Section 21547.7 – Alternative Death Benefit for Local Fire Members Credited with 20 or More Years of Service;
3. Section 21573 – 1959 Survivor Benefits Level 3;
4. Section 21329 – 2% Annual Cost-of-Living Allowance Increase;
5. Section 20516 – Member Sharing Cost of Optional Benefit;
6. Section 20903 – Additional Service Credit 2 Years;
7. Section 21551 – Pre Retirement Death Benefit to Continue after Remarriage;
8. Section 21027 – Military Service Credit for Retired Persons;
9. Section 21024 – Military Service Credit for as Public Service;
10. Section 21635 – Post-Retirement Survivor Allowance to Continue after Remarriage;
11. Section 21624/21626 – Post-Retirement Survivor Allowance;
12. Section 21620 – Retired Death Benefit; and
13. Section 20055 – Prior Service.

New members shall continue to pay a total of fifteen percent (15%) of reportable wages to fund their pension until such time that a successor agreement is negotiated. The fifteen percent (15%) of reportable wages is comprised of the CalPERS published employee rate, plus the additional contribution to the City's employer rate that the City would otherwise be required to pay to CalPERS for these employees. Under Section 20516, the additional contributions are as follows:

Effective the pay period including July 1, 2023, 3.75%

If CalPERS enacts another change to the employee rate as reflected in the Annual Valuation Report, the parties will amend this side letter to ensure it accurately reflects new members pay a total of fifteen percent (15%) of reportable wages to fund their pension. This contribution represents the employee's fifty percent (50%) of normal cost as determined by CalPERS. The balance, if any, of this contribution shall constitute employee payment of a portion of the employer's 50% of normal cost as determined by CalPERS. In no event shall the employee contribution be less than fifty percent (50%) of the total normal cost rate, as required by Government Code Section 7522.30.

Longevity Pay

The Fire Chief is eligible to receive longevity pay as follows:

Upon completion of fifteen (15) years of service as an employee of the City shall receive a two percent (2%) longevity pay premium on the fifteenth (15th) anniversary, and an additional one percent (1%) longevity pay premium on each succeeding anniversary up to and including the member's twenty-fifth (25th) anniversary.

Education Incentive Program

The Fire Chief is eligible to participate in the Education Incentive Program as follows:

A. Qualification Requirements.

1. Candidates must complete a minimum of fifty (50) hours of approved study and training during each qualification period as defined below.

   a) Employees shall be eligible for additional compensation as defined in Section 4(a) on July 1 providing, they have completed necessary program requirements between January 1 and June 30 during the preceding twelve (12) months. Recertification as required shall take place during the following twelve (12) month period.

   b) Employees shall be eligible for additional compensation as defined in Section 4(a) on January 1 providing, they have completed necessary program requirements between July 1 and December 31 during the preceding twelve (12) months. Recertification as required shall take place during the following twelve (12) month period.

2. Approved Study and Training.

   (a) Credit will be provided for approved study and training in accredited outside training programs (defined below) provided courses taken do not substantially duplicate the in-service training provided by the Hayward Fire Department.

   (b) Candidates may take courses in accredited public or private schools, colleges, or universities if the courses are identified as courses that would improve their efficiency, knowledge, or competency in the performance of their duties.

   (c) Candidates may receive credit for participation in California Fire Training Courses offered by the state Department of Education Fire Training Program. Credit for participation in these courses shall be on the basis of one (1) hour of credit for each hour of classroom study.

   (d) Enrollment in correspondence courses and educational television courses may be approved providing such courses are acceptable for credit towards a baccalaureate degree by a college or university with maximum accreditation from the Western Association of Schools and Colleges. Such courses must also be consistent with the general aims and requirements of the program.

(e) Four (4) or more units of approved public school, college, or university work shall be equivalent to fifty (50) hours of classroom study. Credit for special classroom study or training obtained by participation in state Fire Training Courses or other approved sources may be combined with college enrollment to obtain the required fifty (50) hours only upon approval of the Fire Chief.

(f) Candidates who wish to enroll in an outside school, college, or university must submit, in advance of enrollment, a report to the Fire Chief for approval showing the name of the school, the subject, the number of credits or units, the name of the instructor, and the class schedule. Candidates who wish to appeal the decision of the Fire Chief with respect to the suitability of intended training or course work, may do so by fully stating their position in writing to the Program Review Committee whose decision shall be final.

g) Candidates attending outside schools, colleges, or universities will be required to complete the selected course of study with a minimum grade of "C" or its equivalent. Transcripts or other official notification from the institution shall be furnished to the Fire Chief. For non-graded courses or training programs, a certificate of completion together with evidence of satisfactory attendance shall be required.

3.Teaching.

(a) Candidates who hold a valid California teaching credential or who have completed the requirements for the teaching credential may secure credit by teaching without compensation in an accredited fire service training program or school.

B. Additional Compensation.

1. Employees completing fifty (50) hours of approved study or training during the appropriate qualification period shall receive additional compensation of two and one half percent (2.5%) above the salary step currently held. Said compensation shall be paid for a twelve (12) month period as defined in Section A above.
2. A candidate who obtains an Associate Degree in Fire Science or an appropriately related field as determined by the Program Review Committee shall be entitled to additional compensation of two and one half percent (2.5%) above the salary step currently held. This additional compensation shall be considered "permanent" and not subject to re-qualification requirements. Credit under this section will be allowed for approved state Fire Training Courses successfully completed by employees on the basis of eighteen (18) hours of classroom study being equivalent to one (1) "quarter" unit of academic work (equivalent quarter unit). A maximum substitution of thirty (30) "equivalent quarter units" will be allowed in qualifying for the compensation allowed by this section. Candidates who have completed ninety (90) quarter units or more of academic work with thirty (30) units in Fire Science, but who do not possess an Associate Degree, may apply to the Fire Chief for the additional compensation authorized by this section. The Fire Chief may either approve such request or refer it to the Program Review Committee for determination. The decision of the Program Review Committee shall be final.

3. A candidate who obtains a Bachelor's Degree shall be entitled to additional compensation of five percent (5%) above the salary step currently held provided said degree was obtained during the course of employment in the Hayward Fire Department. Compensation shall be provided under this section to candidates who obtained a Bachelor's Degree prior to employment provided that they hold a Fire Science Certificate, or its equivalent, as determined by the Program Review Committee. For the purpose of this section, the work required for a Fire Science Certificate shall be the program requirements currently in effect at Chabot College, Hayward. Candidates who have completed two hundred (200) quarter units or more of academic work with thirty (30) units in Fire Science, but who do not possess a Bachelor's Degree, may apply to the Fire Chief for the additional compensation authorized by this section. The Fire Chief may either approve such request or refer it to the Program Review Committee for determination. The decision of the Program Review Committee shall be final.
4. Employees who qualify for additional compensation under paragraphs B2 and B3 above may obtain an additional two and one half (2.5) salary increase without the need to continue their work in the program as set forth in paragraph B1.
5. Employees who qualify for additional compensation under B3 above and who have completed two hundred and forty (240) hours of additional education calculated at a maximum of forty-eight (48) hours per year shall be entitled to additional permanent compensation of seven and one half percent (7.5%) above the salary step currently held without the need to continue work in the program as required in B3 above.
6. In no event shall any employee receive an Education Incentive Premium in excess of seven and one-half percent (7.5%) by reason of their participation in this program.
7. The City will report all of the above outlined educational incentives in Section 12.01 Fire Education Incentive Program to CalPERS as special compensation.

C. Program Review Committee.

A Program Review Committee consisting of the City Manager, Fire Chief, Director of Human Resources, or their designated alternates, and two representatives of the Association eligible to participate in the Program shall assist in its administration. The committee shall resolve questions of eligibility, hear appeals from candidates with respect to acceptability of course work or training programs, and decide any other questions which may arise in the administration of the program and (or) interpretation of this section. A quorum of three (3) voting members shall be required, and decisions of the committee shall be by majority vote of those in attendance.

D. General Instructions.

1. Each course of study, training, or teaching assignment must be approved in advance by the Fire Chief.

2. All time spent in qualifying for the program shall be off-duty time and shall entail no cost to the City, nor shall compensation be received from any other source. Benefits allowed an employee under the "GI Bill" shall not be precluded by this section.
3. No credit will be given for seminars, workshops, or mandatory training programs.

Payment for Unused Sick Leave

Any employee leaving the employment of the City in good standing after having completed twenty (20) years of continuous service, or upon retirement from the City for service or disability, or upon termination of employment by reason of death shall receive payment for a portion of that sick leave earned but unused at the time of separation. The amount of this payment shall be equivalent to one percent (1%) of sick leave earned but unused at the time of separation times the number of whole years of continuous employment times an employee's hourly rate of pay at the time of separation. The sick leave pay out rate shall include nine percent (9%) CalPERS pickup for purpose of calculation. For the purpose of this computation, the hourly rate of pay for an employee who works a forty (40) hour week shall be the employee's annual salary divided by two thousand eighty (2080) hours. Payment of unused sick leave for part-time employees shall be based upon the hourly rate of pay in effect at the time of separation. In lieu of payment for unused sick leave, the employee may receive credit for unused sick leave in accordance with Government Code Section 20965. In the event any unused sick leave is not applied to credit with CalPERS, the balance that is not used for these purposes shall be treated in accordance with the provisions set forth herein. That portion of an employee's sick leave balance for which payment is not provided shall be canceled and shall not be restored if said employee is reinstated

APPENDIX D – Police Chief Position Benefits

CalPERS Pension Benefits

A. Employee CalPERS Contributions

The City will continue to contract with CalPERS to provide a retirement program for bargaining unit members. Benefits shall include:

1. Three percent (3%) at fifty (50) benefit formula
2. Third Level of 1959 Survivor Benefits
3. Post-Retirement Survivor Allowance
4. One (1) Year Final Compensation
5. Military Service Credit as Public Service
6. Military Service Credit for Retired Persons
7. Continuation of Pre-Retirement Death Benefits After Remarriage of Survivor
8. Continuation of Pre-Retirement Death Benefits After Remarriage of Survivor

These benefit plans require an employee (or member) contribution of nine percent (9%) from police safety employees. Employees shall pay the full employee contribution of nine percent (9%) which shall be paid by the employee on a pre-tax basis.

B. Cost Sharing of Employer Contributions

i. Employees Hired Before January 1, 2013

The provisions described in this subsection (a) apply only to CalPERS eligible employees hired before January 1, 2013, or to an eligible employee hired after that date who qualifies for pension reciprocity pursuant to Government Code Section 7522.02 (c). Referred to as CalPERS "Classic Members."

As long as the annual Employer Contribution Rate required by PERS for the fiscal year beginning July 1, 2014 is at least thirty percent (30.00%), and as authorized by Government Code Section 20516 (Optional Benefits, Cost Sharing), "Classic" bargaining unit members shall be responsible for payment of the nine percent (9%) employee retirement contribution plus an additional six percent (6%) of their salaries (for a total of 15%) to the California Public Employees' Retirement System (CalPERS) as payment of the City's employer contributions that the City would otherwise be required to pay to CalPERS for these employees. Said contribution shall be credited to each member's account as a normal contribution.

ii. Employees Hired on or After January 1, 2013

This Section b shall apply to CalPERS eligible employees hired on or after January 1, 2013, who do not qualify for pension reciprocity pursuant to

Government Code Section 75522.02(c). Referred to as CalPERS "New Members." The retirement plan for these employees shall be the retirement plan which the

City is required to provide new members pursuant to the California Public Employees' Pension Reform Act of 2013.

As long as the annual Employer Contribution Rate required by CalPERS for the fiscal years beginning July 1, 2014, is at least thirty percent (30.00%), and as authorized by Government Code Section 20516 (Optional Benefits, Cost Sharing), "New" bargaining unit members shall pay a total of fifteen percent (15%) of reportable wages to fund their pensions. The fifteen percent (15%) of reportable wages is comprised of the CalPERS published employee rate, plus the additional contribution to the City's employer rate that the City would otherwise be required to pay to CalPERS for these employees. Under Section 20516, the additional contributions are as follows:

Under Section 20516, after July 1, 2016, employees shall continue to pay an additional contribution of three percent (3.00%). If CalPERS enacts a change to the employee rate as reflected in the Annual Valuation Report, the parties will agree to a side letter to ensure it accurately reflects new members pay a total of fifteen percent (15%) of reportable wages to fund their pension. This contribution currently represents more than the employee's fifty percent (50%) of the normal cost as determined by CalPERS. The amount paid in excess of fifty percent (50%) of the normal cost shall constitute employee payment of a portion of the employer's fifty percent (50%) of the normal cost as determined by CalPERS. Said contributions over the fifty percent (50%) threshold shall be credited to each member's account as a normal contribution.

In no event shall the employee contribution be less than fifty percent (50%) of the total normal cost rate, as required by Government Code Section 7522.30. In the event that fifty percent (50%) of the normal cost exceeds fifteen percent (15%), the employee contribution shall be increased to ensure that the employee contribution is fifty percent (50%) of the total normal cost rate in compliance with Government Code section 7522.30. The City agrees to meet and discuss, at the request of the HPMU, mutually acceptable adjustments to the terms negotiated herein in order to provide equitable treatment of classic and new PEPRA employees.

The City will continue to not treat these contributions as compensation subject to income tax withholding unless the Internal Revenue Service or Franchise Tax Board indicates that such contributions are taxable income subject to withholding. Each employee shall be solely and personally responsible for any federal, state, or local tax liability of the employee that may arise out of the implementation of this Section or any penalty that may be imposed, therefore.

Continuous Service Pay

For the purpose of this Section only, continuous, paid experience in a relevant classification unique to the Hayward Police Department that is contiguous with the employee's acceptance into the Police Academy shall be considered experience or the purpose of calculating years of continuous service and eligibility for continuous service pay.

(a) Experience with the City of Hayward in a police officer sworn capacity for fifteen (15) years or more shall be entitled to "permanent" compensation of three percent (3%) above the basic salary step currently held.

(b) Experience with the City of Hayward in a police officer sworn capacity for twenty (20) years or more shall be entitled to "permanent" compensation of six percent (6%) above the basic salary step currently held.

Effective July 1, 2023:

(c) Experience with the City of Hayward in a police officer sworn capacity for twenty-four (24) years or more shall be entitled to "permanent" compensation of ten percent (10%) above the basic salary step currently held.

(d) Experience with the City of Hayward in a police officer sworn capacity for twenty-five (25) years or more shall be entitled to "permanent" compensation of eleven percent (11%) above the basic salary step currently held.

(e) Experience with the City of Hayward in a police officer sworn capacity for twenty-six (26) years or more shall be entitled to "permanent" compensation of twelve percent (12%) above the basic salary step currently held.

(f) Experience with the City of Hayward in a police officer sworn capacity for twenty-seven (27) years or more shall be entitled to "permanent" compensation of thirteen percent (13%) above the basic salary step currently held.

(g) Experience with the City of Hayward in a police officer sworn capacity for twenty-eight (28) years or more shall be entitled to "permanent" compensation of fourteen percent (14%) above the basic salary step currently held.

(h) Experience with the City of Hayward in a police officer sworn capacity for twenty-nine (29) years or more shall be entitled to "permanent" compensation of fifteen percent (15%) above the basic salary step currently held.

In no case will the Police Chief receive more than a total of fifteen percent (15%) above the basic salary step currently held by reason of the Police Chief's continuous service, and in no case will the Police Chief receive more than a total of twenty-seven and one-half percent (27.5%) above the basic salary step currently held by reason of the Police Chief's combined continuous service and participation in the Police Education Incentive Program as outlined below.

Police Education Incentive Program

Police Chief completing the approved study or training requirements in accordance with the Continuing Education Requirements section of the Police Education Incentive Program policy during the appropriate qualification period shall receive additional compensation of two and one-half percent (2.5%) above the salary step currently held. Said compensation shall be paid for a twelve (12) month period (26 bi-weekly pay periods). The Professional Certification Program established by the California Commission on Peace Officer Standards and Training (POST) shall be made a part of

this policy, and all future revisions to the Professional Certificate Program shall automatically be incorporated herein.

A Police Chief who obtains a POST Intermediate Certificate shall be entitled to additional compensation of two and one-half percent (2.5%) above the salary step currently held. It shall be considered "permanent" and not subject to re-qualification requirements. The additional compensation shall be retroactive to the date the Police Chief is eligible for and submits their application for the POST Intermediate Certificate and their Incentive Pay Request to the Personnel and Training Bureau.

A Police Chief who obtains a POST Intermediate Certificate and who possesses a four (4)-year (BA or BS) degree or higher shall be entitled to compensation of five percent (5%) above the basic salary step currently held. It shall be considered "permanent" and not subject to re-qualification requirements. The additional compensation shall be retroactive to the date the Police Chief is eligible for and submits their application for the POST Intermediate Certificate and their Incentive Pay Request to the Personnel and Training Bureau.

Police Chief who obtains a POST Advanced Certificate shall be entitled to compensation of seven and one-half percent (7.5%) above the basic salary step currently held. It shall be considered "permanent" and not subject to re-qualification requirements. The additional compensation shall be retroactive to the date the Police Chief is eligible for and submits their application for the POST Advanced Certificate and their Incentive Pay Request to the Personnel and Training Bureau.

Police Chief who obtains an Advanced Certificate and who possess a Master's degree shall be entitled to additional "permanent" compensation of ten percent (10%) above the salary step currently held.

Police Chief who obtains a POST Management Certificate and who possess a Master's degree shall be entitled to compensation of twelve and one-half percent (12.5%) above the basic salary step currently held. It shall be considered "permanent" and not subject to re- qualification requirements. The additional compensation shall be retroactive to the date the Police Chief is eligible for and submits their application for the POST Management Certificate and their Incentive Pay Request to the Personnel and Training Bureau.

Under this Section, the Police Chief is only eligible to receive additional compensation under Subsections (b), (c), (d), (e), or (f) provided in the table below. The Police Chief cannot combine differentials under (b) through (f). As an exception, the Police Chief receiving additional compensation under Subsections (b) through (f) would also be eligible to receive the two and one-half percent (2.5%) as outlined in Subsection (a) provided they comply with the requirements of that Subsection.

Summary of Requirements and Pay Percentages for POST/Educational Incentive Program		
Subsection	POST/Degree/Years Requirement	Max % Per Subsection
(b)	Intermediate POST	2.5%
(c)	Intermediate POST + Bachelor's Degree	5.0%
(d)	Advanced POST	7.5%
(e)	Advanced POST + Master's Degree	10.0%
(f)	Management POST + Master's Degree	12.5%
(a)	Additional % Allowed with Continuing Education[1]	2.5%

[1]Can be combined with incentives earned under (b), (c), (d), (e) or (f).

In no case will the Police Chief receive more than a total of fifteen percent (15%) above the basic salary step currently held by reason of the Police Chief's participation in the program, and in no case will the Police Chief receive more than a total of twenty-seven and one-half percent (27.5%) above the basic salary step currently held by reason of the Police Chief's combined participation in the Police Education Incentive Program and continuous service in a sworn capacity as outlined above, Continuous Service Pay.

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION APPROVING AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF HAYWARD AND THE CITY ATTORNEY AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS, the City of Hayward is facing a budget deficit and is taking measures to reduce costs; and

WHEREAS, the City of Hayward must realize cost saving measures for the upcoming Fiscal Year 2026-27; and

WHEREAS, the City's Executive Team supports deferring the Cost of Living Adjustment (COLA) increase due for unrepresented executive classifications at the beginning of Fiscal Year 2026-27 to the end of Fiscal Year 2026-27; and

WHEREAS, pursuant to his employment agreement, the City Attorney is due a four percent (4%) COLA increase at the beginning of Fiscal Year 2026-27and has agreed to defer that increase to the end of Fiscal Year 2026-27.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves amendment to the employment agreement between the City of Hayward and the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 202

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. 26-___

Introduced by Council Member _____

RESOLUTION APPROVING AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF HAYWARD AND THE CITY CLERK AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS, the City of Hayward is facing a budget deficit and is taking measures to reduce costs; and

WHEREAS, the City of Hayward must realize cost saving measures for the upcoming Fiscal Year 2026-27; and

WHEREAS, the City's Executive Team supports deferring the Cost of Living Adjustment (COLA) increase due for unrepresented executive classifications at the beginning of Fiscal Year 2026-27 to the end of fiscal year 2026-27; and

WHEREAS, pursuant to her employment agreement, the City Clerk is due a four percent (4%) COLA increase at the beginning of Fiscal Year 2026-27 and will defer that increase to the end of Fiscal Year 2026-27.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves amendment to the employment agreement between the City of Hayward and the City Clerk.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

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. 26-____

Introduced by Council Member _____

RESOLUTION APPROVING AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF HAYWARD AND THE CITY MANAGER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS, the City of Hayward is facing a budget deficit and is taking measures to reduce costs; and

WHEREAS, the City of Hayward must realize cost saving measures for the upcoming fiscal year 2026-27; and

WHEREAS, the City's Executive Team supports deferring the Cost of Living Adjustment (COLA) increase due for unrepresented executive classifications at the beginning of the fiscal year to the end of fiscal year 2026-27; and

WHEREAS, the City Manager previously agreed to forgo the personal equipment stipend and vehicle allowance in her employment agreement for the first year of employment, representing an approximate four and one-half percent 4.5% reduction in overall compensation; and will continue forgoing the personal equipment stipend and vehicle allowance for an additional six months, through the end of Fiscal Year 2026-27.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves an amendment to the employment agreement between the City of Hayward and the City Manager.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2026

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