

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, May 24, 2016

7:00 PM

Council Chambers

City Council

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

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

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

ACTION ITEMS

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

CONSENT

1. [CONS 16-213](#) Adoption of a Resolution Authorizing the City Manager to Enter Into and Execute an Agreement With Acclamation Insurance Management Services (“AIMS”) for Third Party Administrator (“TPA”) of the City of Hayward’s Workers’ Compensation Claims Services

Attachments: [Attachment I Resolution AIMS contract](#)

2. [CONS 16-240](#) Approval to Initiate Formation of Benefit Zone No. 14 to the Consolidated Landscaping and Lighting District 96-1 for the La Vista Property , Setting of the Date for the Public Hearing and Ordering the mailing of Ballots and Associated Waiver

Attachments: [Attachment I La Vista Resolution Initiation of LLD Zone 14](#)
[Attachment II La Vista Resolution to Levy Assessments](#)
[Attachment III Engineer's Report La Vista Zone Formation](#)

3. [CONS 16-241](#) Approval to Initiate Proceedings to Annex the Spindrifft at Eden Shores Property to Benefit Zone No. 12 of the Consolidated Landscaping and Lighting District 96-1, Setting of the Date for the Associated Public Hearing, and Ordering the Mailing of Ballots and Associated Waiver

Attachments: [Attachment I Resolution to Annex Spindrifft property](#)
 [Attachment II Resolution Intention to Levy Assessments](#)
 [Attachment III Engineer's Report](#)

4. [CONS 16-250](#) FY 2016 - Pavement Preventative Maintenance & Resurfacing Project: Award of Contract

Attachments: [Attachment I Resolution](#)
 [Attachment II Street List](#)
 [Attachment III Map of Streets](#)
 [Attachment IV Bid Summary](#)

5. [CONS 16-252](#) FY 2016 Sidewalk Tripping Hazards Removal Project- Adoption of Resolution Authorizing the City Manager to Execute a Purchase Order Contract with BPR, Inc.

Attachments: [Attachment I Resolution](#)
 [Attachment II Location Map Districts 2 & 3](#)

6. [CONS 16-256](#) Authorization for the City Manager to Execute the Alameda CTC Master Programs Funding Agreement for Measure B, Measure BB, and Vehicle Registration Fee Direct Local Distribution Funds

Attachments: [Attachment I Resolution](#)
 [Attachment II MPFA Agreement](#)
 [Attachment III MPFA Implementation Guidelines](#)

WORK SESSION

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

7. [WS 16-036](#) FY 2017 Proposed Operating Budget - Departmental Budget Presentations (Report from City Manager) (Continued from Saturday, May 21, 2016)
- Attachments:** [Attachment I Agenda and Tentative Schedule](#)
[Attachment II FY2017-2026 Capital Improvement Program](#)
8. [WS 16-026](#) Federal and State Legislative Priorities Program (Report from Assistant City Manager McAdoo)
- Attachments:** [Attachment I Draft Legislative Program](#)
9. [WS 16-033](#) Capital Improvement Program FY 2017 - FY 2026 (Report from Director of Public Works Fakhrai)

PUBLIC HEARING

10. [PH 16-041](#) Recommended approval of proposed project at 81 Fagundes Court for twenty-eight detached single-family homes and fourteen attached townhomes on a 3.2-acre site; KB Home Bay Area (Applicant)/ Steven Amaral (Owner) (Report from Director of Development Services Rizk)

Attachments: [Attachment I Resolution](#)
[Attachment II Ordinance](#)
[Attachment III Area and Zoning Map](#)
[Attachment IV Project Plans](#)
[Attachment V Planning Commission Meeting Minutes](#)

11. [PH 16-048](#) Adoption of an Ordinance to Approve An Amendment to the City of Hayward Contract with the California Public Employees Retirement System (PERS) Contract for Miscellaneous Members in HAME, Local 21 and Unrepresented Employees (Report from Director of Human Resources Collins)

Attachments: [Attachment I Ordinance Authorizing an Amendment](#)
[Attachment II Summary of Ordinance Published on 05/20/16](#)
[Attachment III Sample Contract Amendment](#)

CITY MANAGER'S COMMENTS

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

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

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

ADJOURNMENT

NEXT SPECIAL MEETING – June 14, 2016, 7:00 PM

ELECTION DAY - JUNE 7, 2016

PUBLIC COMMENT RULES

The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.

PLEASE TAKE NOTICE

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

PLEASE TAKE FURTHER NOTICE

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

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

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



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-213

DATE: May 17, 2016

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adoption of a Resolution Authorizing the City Manager to Enter into and Execute an Agreement with Acclamation Insurance Management Services (“AIMS”) for Third Party Administrator (“TPA”) of the City of Hayward’s Workers’ Compensation Claims Services

RECOMMENDATION

That the City Council adopts the attached Resolution authorizing the City Manager to enter into and execute an agreement with Acclamation Insurance Management Services (“AIMS”) for Third Party Administrator (“TPA”) of the City of Hayward’s Workers’ Compensation Claims Services.

BACKGROUND

The City of Hayward is self-insured for the Workers’ Compensation Program and uses the services of a TPA for claims administration. Since July, 2011, JT2 Integrated Resources (“JT2”) has provided these services for the City. In partnership with JT2, the City of Hayward made several program improvements over the last five years, including reducing overall costs, implementing a Return to Work Program, and transitioning to a paperless system. The contract with JT2 for TPA services expires on June 30, 2016.

Conducting open and competitive bid opportunities is a best business practice for public agencies that allows the City to ensure that it receives high quality, efficient, and cost effective services from its vendors. Accordingly, in partnership with the cities of Newark and San Leandro, the City of Hayward initiated an open and competitive Request for Proposals (“RFP”) process in October 2015. In response to the RFP, proposals were received from the following eight vendors:

- Acclamation Insurance Management Services
- Athens Administrators
- Hazelrigg Claims Management Services
- Innovative Claim Solutions, Inc.
- Intercare Holdings Insurance Services, Inc.
- JT2 Integrated Resources
- Tristar Insurance Group

York Risk Services Group, Inc.

The review and rating process included an initial screen of the proposals by each agency individually, an external panel rating with each agency having a representative, individual interviews, and an internal panel from City of Hayward. The internal panel for the City of Hayward consisted of representatives from the Police, Fire, Utilities and Environmental Services, and an Attorney that represents the City on many of its litigated workers compensation cases. Upon completion of the various review and rating processes, AIMS, Innovative Claim Solutions, and JT2 were invited to participate in the internal panel interviews. The panel unanimously recommended AIMS as the City's TPA.

DISCUSSION

AIMS has been administering property/liability and workers compensation claims continuously for over forty years (formerly Leonard J Russo Insurance Services - name changed in 1990). The company provides effective claims management administration, placing a major focus on customer service, exceeding reporting requirements, providing the technological capacity to capture critical data in a seamless fashion, and providing creative solutions to assist the City with providing a high quality workers' compensation benefit to its employees, while minimizing employee absences and program costs.

Through a collaborative and communication-driven partnership with AIMS, the City of Hayward will continue to strive for improved results in the areas of costs per claim, litigation costs, and resolution of claims. In addition to continuing to improve the administration of the program, there will be an increased focus on workers' compensation legislation, reducing medical costs, and prevention of employee accidents and injuries. The AIMS management team is a highly functioning and experienced group of professionals, with over eighty years of service collectively and a range of fifteen to thirty years individually. AIMS currently provides TPA services for over one hundred clients throughout California, of which fifty-three are cities including City of Los Angeles (sworn fire), City of Richmond, and City of Sunnyvale.

The proposed agreement results in a cost reduction in TPA administrative and bill review services. Currently, the City pays \$310,819 per year for administration fees and \$39 per bill for bill review. The agreement with AIMS will cost \$295,000 for administration fees and \$32 per bill for bill review, with standard annual increases of approximately three percent to the administration fees each year. This represents an approximate savings of \$15,819 in administrative fees. Moreover, the approximate annual savings in bill review costs is \$35,000, based on a five-year average of approximately 5,000 bills per year. Table 1 details the administrative fees for the proposed contract.

Table 1: Administrative Fees

FY	Annual Rate	Fixed Monthly Fee
2016	\$295,000	\$24,583.33
2017	\$303,850	\$25,320.83
2018	\$312,965.50	\$26,830.42
2019	\$322,354.46	\$26,862.87
2020	\$332,025.09	\$27,668.76

If approved, Human Resources staff will work closely with Department Heads, designated staff, JT2, and AIMS to ensure a smooth transition and to meet the unique training and support needs of each Department. Upon execution of the agreement, AIMS will work with JT2 to receive data and will take over the account and all associated claims services effective July 1, 2016.

FISCAL IMPACT

As described above, and in addition to continued gain in program efficiencies, the proposed contract will result in a savings of \$15,819 in administrative fees and an annual savings of approximately \$35,000 in bill review costs. Expenses related to TPA services are budgeted in the Workers' Compensation Internal Service Fund, which is adopted annually and included as part of the General Fund Budget.

Each fiscal year, departments are charged an internal service fee, which is a percentage of total program costs by job type and calculated based on a prior three year utilization average. In addition to TPA services, medical expense, legal services, salary continuation, claim expenses, program-related training and ergonomic equipment and supplies are also part of the Worker's Compensation Fund budget. In FY 2016, the workers' compensation's adopted budget is \$6.3 million.

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

Approved by:



Fran David, City Manager

Attachments: (Provide short title and list attachment within resolution, i.e., Attachment I-a)

Attachment I

Resolution Authorizing the City Manager to Enter Into and Negotiate an Agreement with AIMS

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT WITH ACCLAMATION INSURANCE MANAGEMENT SERVICES FOR THIRD PARTY ADMAISTRATOR OF THE CITY OF HAYWARDS WORKERS' COMPENSATION CLAIMS SERVICES

WHEREAS, the City of Hayward is self-insured for workers' compensation claims and uses the services of a third party to provide claims administration, legal services, statistical analysis or claims and costs and return to work program development and implementation; and

WHEREAS, the City of Hayward conducted an open and competitive Request for Proposal process for the provision of workers' compensation claim administration services and Acclamation Insurance Management Services was identified as the most qualified firm to provide these services;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby authorize and direct the City Manager to execute a five-year agreement with Acclamation Insurance Management Services, effective July 1, 2016 through June 30, 2021, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-240

DATE: May 24, 2016

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Approval to Initiate Formation of Benefit Zone No. 14 to the Consolidated Landscaping and Lighting District 96-1 for the La Vista Property , Setting of the Date for the Public Hearing and Ordering the mailing of Ballots and Associated Waiver

RECOMMENDATION

That the City Council

- (a) Adopts the attached two resolutions (Attachments I and II)
 - i. Approving the formation of Benefit Zone No. 14, adding it to the existing Lighting and Landscaping District 96-1, and designating it as La Vista Prperty
 - ii. Defining the improvements to be undertaken by the District:
 - iii. Designating the Engineer of Work and directing preparation of the required Engineer's Report; and
 - iv. Establishing the maximum assessment rate for FY 2017
 - v. Setting the date, time, and place for the Public Hearing; and
 - vi. Authorizing the City Clerk to give Notice of Hearing in accordance with law; and
 - vii. Proposing to levy annual assessments.
- (b) Preliminarily approves the Engineer's Report (Attachment III).

BACKGROUND

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

In 1996, six separate Landscaping and Lighting Districts, Benefit Zones 1-6, were consolidated into one district, Consolidated Landscaping and Lighting District No. 96-1 (the District), by the adoption of Resolution No. 96-63. In subsequent years, Benefit Zones 7-13 were individually created and annexed into the District.

On February 24, 2016, SCI Consulting Group was hired to assist the City of Hayward with the formation and/or annexation of three benefit zones to the existing Consolidated Landscaping and Lighting District 96-1. The approved La Vista development will consist of 179 single-family residences. The formation of Benefit Zone No. 14 of the District for the La Vista property is proposed to provide funding for the maintenance and improvements to perimeter and setback landscaping, irrigation, bioswales and lighting facilities. City staff worked with SCI to prepare the attached documentation, as well as the ballot documents.

DISCUSSION

Attachment I, if adopted, would initiate the proceedings for the formation of Benefit Zone No. 14 of Consolidated Landscaping and Lighting District 96-1 for the La Vista Property and designates SCI Consulting Group as the Engineer of Work.

Adoption of the second resolution (Attachment II) would preliminarily approve the Engineer's Report, set June 14, 2016 as the date for the public hearing, and order the mailing of the ballots and waiver. Noteworthy in the resolution is that the total assessment and rates as shown in the seventh item for fiscal year 2017 assessment are \$589.73 per Single Family Equivalent (SFE). The cost escalator mechanism describing the changes in the maximum assessment rate, calculated in accord with the Bay Area consumer price index (CPI), is contained in item ten in the resolution.

FISCAL IMPACT

There is no fiscal impact to the City's General Fund from this recommendation because expenditures are to be paid for by the Benefit Zone No. 14 Consolidated Landscaping and Lighting District No. 96-1 fund accounts.

NEXT STEPS

Assuming the City Council adopts the attached resolutions, proceedings for the formation of Benefit Zone No. 14 of the Consolidated Landscaping and Lighting District No 96-1 for the La Vista Property and balloting procedures required by Proposition 218 will be initiated.

Ballots will be mailed on May 25, 2016 to all property owners within the proposed benefit zone area.

A Waiver of the 45 Day Balloting Period required by law will also be sent on May 25, 2016 (this balloting period may be waived if there is only one property owner, which is the case).

If the property owner elects to proceed with the Waiver, which is expected, this will remove the need for the 45 day balloting period and allow the City Council to consider final approval of the Engineer's Report and a Resolution to Levy Assessments at a Public Hearing on the next available City Council meeting agenda, which is anticipated for June 14, 2016.

Should a noticed Public Hearing be held on June 14, 2016, the property owner within the Property Area will have an opportunity to raise concerns about assessments. Following the conclusion of the public

File #: CONS 16-240

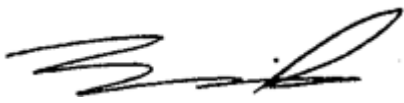
input portion of the public hearing, the Council will order the close of the balloting and commence tabulation of the results. After tabulation of the ballots is completed, the Council may consider - provided a majority protest does not exist - adoption of a Resolution to Levy the Assessments for fiscal year 2017.

Prepared by: Peter Rei, PE, PLS, Contract Development Review Engineer

Reviewed by: Sara Buizer, AICP, Planning Manager

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Resolution to initiate formation of Benefit Zone No. 14 of Landscaping and Lighting Assessment District No. 96-1 for the La Vista Property
Attachment II	Resolution providing Intent to Levy Assessments, approve the Engineers Report and set the date for a Public Hearing for the formation of Benefit Zone 14 to Landscaping and Lighting Assessment District No. 96-1 for the La Vista Property
Attachment III	Preliminary Engineer's Report for the Benefit Zone Formation for the La Vista Property

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-_____

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD INITIATING PROCEEDINGS FOR THE FORMATION OF BENEFIT ZONE NO. 14 OF THE CITY OF HAYWARD LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1 FOR THE LA VISTA PROPERTY

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

- 1. The City Council hereby proposes the formation of a landscaping and lighting district pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof) (“the Act”).
- 2. The purpose of the landscaping and lighting district shall be to install, maintain and service those improvements described in Section 4 below.
- 3. The formation of new Benefit Zone No. 14 of the existing City of Hayward Landscaping and Lighting Assessment District 96-1 in this Resolution is hereby given the distinctive designation of "La Vista" Property (the “Property Area”), which proposed landscaping and lighting district is primarily described as all of the lands within the current boundaries of the Property Area.
- 4. It is proposed the Property Area undertake the following improvements: servicing, operations and maintenance of ground cover, shrubs, and trees, irrigation systems, drainage systems, street lights, paved trails, bioswales and tree bio-treatment wells and all necessary appurtenances, as applicable, for property owned or maintained by the City of Hayward. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of said improvements, including repair, removal, or replacement of all or part of any improvement; providing for the life, growth, health and beauty of landscaping; and cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti. Servicing means the furnishing of electric current or energy for the operation or lighting of any improvements, and water for irrigation of any landscaping or the maintenance of any other improvements.

ATTACHMENT I

- 5. SCI Consulting Group is hereby designated as Engineer of Work for purposes of these proceedings and is hereby ordered to prepare an Engineer's Report in accordance with Article 4 of Chapter 1 of the Act and Article XIID of the California Constitution. Upon completion, the Engineer shall file the Engineer's Report with the City Clerk for submission to the City Council.

IN COUNCIL, HAYWARD, CALIFORNIA May 24, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-_____

Introduced by Council Member _____

RESOLUTION INITIATING PROCEEDINGS, PROVIDING INTENTION TO LEVY ASSESSMENTS, PRELIMINARILY APPROVING ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR THE FORMATION OF BENEFIT ZONE NO. 14 OF THE CITY OF HAYWARD LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1 FOR THE LA VISTA PROPERTY

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

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

WHEREAS, the formation of new Benefit Zone No. 14 of the existing District was a condition of development approval for the project known as the La Vista development (the "Property"); and

WHEREAS, this proposed benefit zone formation would provide direct and special benefits to the Property by providing for the maintenance and improvement of street lighting, setback landscaping and irrigation for the Property; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hayward, (the "City"), County of Alameda, State of California, that:

1. The Council hereby proposes the formation of new Benefit Zone No. 14 for the existing Landscaping and Lighting Assessment District No. 96-1, pursuant to Article XIID of the California Constitution, and the Landscaping and Lighting Act of 1972 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof).

ATTACHMENT II

2. The purpose of the District shall be for the maintenance and servicing of improvements to the City of Hayward described in Section 3 below.

3. Within Zone No. 14 of the District, the proposed improvements are generally described as the servicing, operations and maintenance of ground cover, shrubs and trees, irrigation systems, drainage systems, street lights, paved trails, bioswales and tree bio-treatment wells and all necessary appurtenances, as applicable, for property owned or maintained by the City of Hayward. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of said improvements, including repair, removal, or replacement of all or part of any improvement; providing for the life, growth, health and beauty of landscaping; and cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti. Servicing means the furnishing of electric current or energy for the operation or lighting of any improvements, and water for irrigation of any landscaping or the maintenance of any other improvements.

4. SCI Consulting Group is hereby designated as Engineer of Work for purposes of these proceedings and was ordered to prepare an Engineer's Report in accordance with Article 4 of Chapter 1 of the Act and Article XIID of the California Constitution.

5. The Engineer's Report has been made, filed with the City Clerk and duly considered by the Council and is hereby deemed sufficient and preliminarily approved. Such report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

6. The Assessment Area consists of the lots and parcels shown on the assessment diagram of the Engineer's Report, on file with the City of Hayward, and reference is hereby made to such diagram for further particulars.

7. The amounts due for improvements and expenses incidental thereto, to be paid by the formation of the La Vista subdivision into Benefit Zone No. 14 of the District for the FY 2017, are fully detailed in the Engineer's Report for the City of Hayward. Reference is hereby made to said Engineer's Report for further particulars regarding said formation. The maximum FY 2017 assessment rate is \$589.73 per Single Family Equivalent (SFE).

8. The public hearing for the Assessment District Benefit Zone formation shall be held before this Council in the City Council Chambers of the City of Hayward, 777 B Street, Hayward, California, 94541 on June 14, 2016, at the hour of 7:00 PM for the purpose of allowing public testimony regarding the proposed formation and for the City's final action upon the proposed formation for Property.

9. The City Clerk is hereby authorized and directed to cause Notice of the hearing ordered under Section 5 hereof to be given in accordance with law by mailing, postage prepaid, in the United States mail, and such Notice shall be deemed to have been given when so deposited

ATTACHMENT II

in the mail. The mailed Notice shall be given to all property owners within the new Benefit Zone in the Assessment District by such mailing by name to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of the County of Alameda, or in the case of any public entity, the representative of such public entity at the address thereof known to the Clerk. The Notice shall include, but not be limited to, the total amount of assessment proposed to be levied in the new Benefit Zone for the Assessment District, the assessments proposed for the owner's particular parcel(s) and the duration thereof, the reason for the assessments and the basis upon which the amount of the assessments was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, and a statement that the existence of a majority protest will result in the assessment not being imposed. Since the property owner in the proposed new Benefit Zone area will have unanimously waived the right to a 45-day balloting period, the Notice herein described shall be mailed before the date of the public hearing.

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

IN COUNCIL, HAYWARD, CALIFORNIA May 24, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

ATTACHMENT II

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

FORMATION OF BENEFIT ZONE 14

**TO LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT No. 96-1
FOR THE LA VISTA PROPERTY**

PRELIMINARY ENGINEER'S REPORT

MAY 2016

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

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

CITY OF HAYWARD

CITY COUNCIL

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

CLERK OF THE COUNCIL

Miriam Lens

CITY MANAGER

Fran David

CITY ATTORNEY

Michael Lawson

ENGINEER OF WORK

SCI Consulting Group

CITY OF HAYWARD

LA VISTA, BENEFIT ZONE No. 14
FORMATION OF BENEFIT ZONE 14 TO LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT No. 96-1
FOR THE LA VISTA PROPERTY
ENGINEER'S REPORT, FY 2017



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INTRODUCTION

OVERVIEW

On May 7, 1996, the City of Hayward ("City") formed the Consolidated Landscaping and Lighting Assessment District No. 96-1 ("District") by consolidating six separate Landscape and Lighting Assessment Districts into six separate zones of benefit within the new District. Since the formation, seven additional benefit zones (Benefit Zone No. 7 – No. 13) have been created and annexed into the District, creating thirteen separate zones of benefit.

The formation and annexation of the La Vista ("La Vista" or the "Assessment Area") properties as Benefit Zone No. 14 into the District is proposed to provide funding for the maintenance and improvements to the perimeter and setback landscaping, irrigation and lighting facilities ("Improvements") to specially benefit the properties in the La Vista subdivision. La Vista is a residential development that will consist of 179 single-family residences on a 162-acre site that is located northeast of Mission Boulevard, between the new extensions of Tennyson Road and Alquire Parkway.

This formation, described in this Engineer's Report, results from agreements or conditions of development approval between the City of Hayward and the property owner, La Vista, L.P. The City and property owner agreed on maintenance and Improvements of the perimeter setback landscaping in order to improve the utility of these properties through increased access and proximity to the amenities, improved views, extension of desirable outdoor space and other special benefits. Moreover, the City would not approve this development without these associated Improvements.

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

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

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

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

After the ballots are mailed to property owners in the Assessment Area, a minimum 45-day time period must be provided for the return of the assessment ballots, unless a petition is signed to waive the balloting period. Following the ballot period, a public hearing must be held for the purpose of allowing public testimony regarding the proposed assessments. This hearing is scheduled for June 14, 2016 at 7:00 p.m. At this hearing, the public will have the opportunity to speak on this issue and the returned ballots will be tabulated.

If it is determined at the public hearing that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the Council may take action to form the La Vista Assessment Area, authorize the formation, and approve the levy of the assessments for fiscal year 2017. If the assessments are so confirmed and approved, the levies would be submitted to the County Auditor/Controller in August 2016 for inclusion on the property tax roll for Fiscal Year 2017.

LEGISLATIVE ANALYSIS

PROPOSITION 218

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

Other Assessment Districts that were formed after Proposition 218, including those for Benefit Zone No. 14, are consistent with the approval procedures and requirements imposed by Proposition 218.

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

AUTHORITY

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

- Benefit assessments are for special, not general, benefit

- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the Assessment Area

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

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

DAHMS V. DOWNTOWN POMONA PROPERTY

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

BONANDER V. TOWN OF TIBURON

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

BEUTZ V. COUNTY OF RIVERSIDE

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

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

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

COMPLIANCE WITH CURRENT LAW

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

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

PLANS & SPECIFICATIONS

INTRODUCTION

The work and Improvements proposed to be undertaken by the City of Hayward and the formation and annexation of La Vista property to Benefit Zone No. 14 of the Landscaping and Lighting Assessment District No. 96-1 and the costs thereof paid from the levy of the annual assessments, will provide special benefit to Assessor Parcels within the Assessment Area as defined in the Method of Assessment herein. Consistent with the Landscaping and Lighting Act of 1972, (the "Act") the work and Improvements are generally described as follows:

Improvements within the Assessment Area include: ground cover, shrubs, and trees, irrigation systems, drainage systems, street lights, paved trails, bioswales and tree bio-treatment wells and all necessary appurtenances. Services provided include all necessary service, operations and maintenance of the Improvements.

Installation, maintenance and servicing of public Improvements, including but not limited to, street lights, paved trails, ground cover, shrubs, trees, irrigation systems, and soil retaining components, graffiti removal and painting, and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, as applicable, for property within the Assessment Area that is owned or maintained by the City of Hayward (the "Improvements"). Any plans and specifications for these Improvements will be filed with the Park Superintendent of the City of Hayward and are incorporated herein by reference.

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

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

DESCRIPTION OF IMPROVEMENTS

Improvements include all work associated to maintain Improvements, setback landscaping, irrigation and street lighting along the public right of ways of Tennyson Road, Vista Grande Drive, Cantera Drive, Mountain View Drive, Fortuna Way and Alquire Parkway, and firebreak landscaping along the perimeter of the backside of the development. Such landscaping consists of the care for groundcover, shrubs, trees, weed abatement in planted areas,

CITY OF HAYWARD

LA VISTA, BENEFIT ZONE NO. 14
FORMATION OF BENEFIT ZONE 14 TO LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1
FOR THE LA VISTA PROPERTY
ENGINEER'S REPORT, FY 2017



upkeep and servicing of the irrigation system, and utility costs to service the landscaping. Additionally, to maintain offsite private paved trails east of Alquire Parkway. Maintenance also includes graffiti removal, renovations and replacements, as well as maintenance of bioswales and Fitera Tree Filters.

SUMMARY FIGURE OF COSTS

The budget depicted in Figures 1, 2, 3 and 4, on the following pages reflects estimated costs for Fiscal Year 2017. As shown on Figure 4, total maintenance costs for the La Vista formation are anticipated to total **\$105,561**, equating to **\$589.73** per single family equivalent.

FIGURE 1 – 2017 ANNUAL BUDGETED LANDSCAPING COSTS

Task	Quantity	Units	Annual	Annual	Annual	Annual	Total Costs	Replacement	Unit
			Maintenance	Maintenance	Replacement	Replacement		Years	Replacement
			Rate	Costs	Rate	Costs			Costs
Landscaping									
Landscaped Area	114,645 sqft		\$0.35	\$40,125.75	\$0.05	\$5,732.25	\$45,858.00	15	\$0.75
Firebreak Landscaped Area	55,400 sqft		\$0.01	\$554.00	\$0.01	\$369.33	\$923.33	15	\$0.10
Trees	379 each		\$50.00	\$18,950.00	\$14.00	\$5,306.00	\$24,256.00	25	\$350.00
Irrigation System	1 ls		\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00	\$4,500.00	10	\$25,000.00
Sub Totals:				\$61,629.75		\$13,907.58	\$75,537.33		
Total Annual Costs:							\$75,537.33		

FIGURE 2 – 2017 ANNUAL BUDGETED HARDSCAPE COSTS

Task	Quantity	Units	Annual Maintenance Rate	Annual Maintenance Costs	Annual Replacement Rate	Annual Replacement Costs	Total Costs	Replacement Years	Unit Replacement Costs
Sidewalks & Paving									
Paved Trails	40,613	sqft	\$0.05	\$2,030.63	\$0.02	\$812.25	\$2,842.88	50	\$1.00
Street Lights (includes power)	34	each	\$240.00	\$8,160.00	\$20.00	\$680.00	\$8,840.00	25	\$500.00
Subtotals				\$10,190.63		\$1,492.25	\$11,682.88		
Total Annual Costs:							\$11,682.88		



FIGURE 3 – 2017 ANNUAL BUDGETED MANAGEMENT OTHER COSTS

Task	Quantity	Units	Annual Rate	Annual Costs	Total Costs
Utilities and Administration					
Water	1615	HCF	\$5.00	\$8,076.17	\$8,076.17
District Management (portion)	1	ls	\$5,000.00	\$5,000.00	\$5,000.00
Engineer's Report (portion)	1	ls	\$3,500.00	\$3,500.00	\$3,500.00
Subtotals				\$16,576.17	\$16,576.17
Total Annual Costs:					\$16,576.17

FISCAL YEAR 2017 ESTIMATE OF COST AND BUDGET

FIGURE 4 – 2017 COST ESTIMATE

City of Hayward - La Vista Landscaping and Lighting District No. 96-01, Benefit Zone No. 14 Estimate of cost Fiscal Year 2016-17				
				<i>Total Budget</i>
Total Costs				
Total Annual Landscaping Costs (From Table 1)				\$75,537
Total Annual Hardscape and Other Costs (From Table 2)				\$11,683
Total Annual Management Costs (From Table 3)				\$16,576
County Collection Fee (1.7%)				<u>\$1,765</u>
Total Maintenance and Servicing and Related Expenditures				\$105,561
Total Maintenance and Servicing and Related Expenditures and Incidentals				
(Net Amount to be Assessed: Annual Costs - Existing Funds)				\$105,561
Budget Allocation to Property				
	Number of Parcels	Total SFE Units	Assessment per SFE	Total Assessment
	179	179	\$589.73	\$105,561

METHOD OF ASSESSMENT APPORTIONMENT

METHOD OF APPORTIONMENT

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

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

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

The La Vista parcels proposed for annexation to Benefit Zone No. 14 of the Landscaping and Lighting Assessment District No. 96-1 consist of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the Assessment Area properties in Benefit Zone No. 14 of the Landscaping and Lighting Assessment District No. 96-1, over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

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

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

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

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

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

- Proximity
- Expanded or improved access
- Views

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

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

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

The following benefit categories summarize the types of special benefit to residential and other lots and parcels resulting from the installation, maintenance and servicing of setback landscaping, irrigation system, paved trails and street lights to be provided with the assessment proceeds. These categories of special benefit are derived from the statutes passed by the California Legislature and studies which describe the types of special benefit received by property from maintenance and improvements such as those proposed by the City of Hayward for the formation and annexation of Benefit Zone No. 14 of the Landscaping

and Lighting Assessment District No. 96-1. These types of special benefit are summarized as follows:

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

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

GENERAL VERSUS SPECIAL BENEFIT

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

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

In other words:

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

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

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

A formula to estimate the general benefit is listed below:

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

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

CALCULATING GENERAL BENEFIT AND SPECIAL BENEFIT PAID FROM OTHER FUNDS

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

BENEFIT TO PROPERTY OUTSIDE THE PROPOSED ASSESSMENT AREA

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

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

Nonetheless, some properties within immediate adjacent proximity of the Improvements, but outside of the boundaries of the District, may receive some benefit from the Improvements. These includes some of the properties at the end of Bodega Street, Overhill Drive and along Calhoun Street and at the intersection of Tennyson Rd and Mission Valley Boulevard. A total of no more than 13 proximate parcels have been identified that receive some special benefit from the proposed improvements including improved views, proximity and/or access, but do not receive extension of outdoor areas nor the special benefit of parcel creation. Since these adjacent properties only receive a 3 of the 5 major special benefits, a 60% factor is applied.

The general benefit to property outside of the District is calculated as follows with the parcel and data analysis performed by SCI Consulting Group.

TOTAL GENERAL BENEFIT TO PROPERTIES OUTSIDE OF THE DISTRICT = 4%

Assumptions:

13 parcels outside and adjacent to the District
179 parcels in the Assessment District

Calculation

General Benefit to Property outside the Improvement District=
 $(13/(13+179)) * 60\% = 4\%$

BENEFIT TO PROPERTY INSIDE THE DISTRICT THAT IS INDIRECT AND DERIVATIVE

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

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

BENEFIT TO THE PUBLIC AT LARGE

The general benefit to the public at large can be estimated by the proportionate amount of time that the Assessment Area’s Improvements are used and enjoyed by individuals who are not residents, employees, customers or property owners in the Assessment Area. As part of the La Vista development, but outside the Assessment Area, a new 30-acre community park will be developed. This is likely to generate visitors from outside the Assessment Area. Visitors from public at large may receive some special benefit from the proposed improvements including improved views, proximity and/or access as they drive past the improvements to reach the park. Based on surveys and research conducted by SCI, in which visitors to similar parks; at various times of the day, evening, and week; were asked to look at a District map and to identify whether they lived or worked within the park’s District, less than 10% of the use of similar parks and recreation areas is by the public at large. Therefore, the general benefit to public at large is estimated at 10%.

TOTAL GENERAL BENEFITS TO BE FINANCIALLY CONTRIBUTED FROM OTHER FUNDS IS 14%

Using a sum of these three measures of general benefit, we find that approximately 14% of the benefits conferred by the Improvements may be general in nature and should be funded by sources other than the Assessments.

General Benefit Paid From Other Funds =

- 4.0% (Outside the district)
 - + 0.0% (Inside the district - indirect and derivative)
 - + 10.0% (Public at Large)
- = 14% (Total General Benefit and Special Benefit paid from other funds)

Although this analysis finds that 14% of the Assessment may provide general benefits and special benefit that would need to be paid from funds other than the assessment.

SOURCE OF FINANCIAL CONTRIBUTIONS FROM OTHER FUNDS TO SATISFY THE 14% REQUIREMENT

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

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

The City of Hayward owns and maintains a storm drainage system along the border of the Assessment Area. This system serves to prevent flooding and associated damage to the Improvements, and manage urban runoff including local pollutants loading from the Improvements. The contribution from the City of Hayward toward general benefit from the maintenance, rehabilitation, and replacement of the local storm drainage system is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In others words, if the Assessment Area were required to construct and maintain the local storm drainage system, the budget would increase by at least 10%.

The City of Hayward owns and maintains local public streets throughout the Assessment Area. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Hayward toward general benefit from the maintenance, rehabilitation, and replacement of the local public streets is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local

infrastructure. In others words, if the Assessment Area were required to construct and maintain the local public streets, the budget would increase by at least 10%.

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

Source of Financial Contributions from Other Funds to Satisfy 14% Requirement

- 10.0% (Curb and gutter)
 - + 10.0% (Storm drainage system)
 - + 10.0% (Public roads)
 - + 20.0% (Amortized value of initial construction)
- = 50.0% (Total General Benefit paid from other funds)

In other words, the formation requires 14% contribution to offset the general benefits conferred by the Improvements, and there is a 50% contribution from City of Hayward supporting local infrastructure, along with the amortized value of initial construction. This 50% contribution more than satisfies the general benefit requirements.

ZONES OF BENEFIT

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

Within the Assessment Area, zones of benefit are not justified or needed because the Improvements are provided relatively evenly across the entire area and for all parcels. Parcels of similar type in the District receive similar benefits on a per parcel and land area basis. Therefore, zones of benefit are not justified.

ASSESSMENT APPORTIONMENT

The assessments are apportioned among all lots and parcels within the Assessment Area on the basis of Single Family Equivalent (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer’s Report, all properties are designated an SFE value, which is

each property's relative benefit in relation to a single family home on one parcel. The "benchmark" property is the single family detached dwelling which is equal to one Single Family Equivalent benefit factor.

La Vista is a residential development project consisting of 179 single family residences. Each residential property receives similar benefit from the proposed improvements. Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all residential parcels is on an equivalent dwelling unit basis. Vacant parcels will also exist for a relatively short period of time prior to their development.

RESIDENTIAL PROPERTIES

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

VACANT RESIDENTIAL

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

OTHER PROPERTIES

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

INITIATION OF ASSESSMENT ON PARCELS

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

ASSESSMENT

WHEREAS, the City Council of the City of Hayward, County of Alameda, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively “the Act”), adopted its Resolution Initiating Proceedings for the formation and annexation of La Vista property to Benefit Zone No. 14 of the Landscaping and Lighting Assessment District No. 96-1;

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

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

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

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

The amount to be paid for Improvements and expenses incidental thereto, that are to be paid by the formation of Benefit Zone No. 14 of the Landscaping and Lighting Assessment District No. 96-1, for the Fiscal Year 2017, are detailed below.

FIGURE 5 – SUMMARY COST ESTIMATE FOR BENEFIT ZONE NO. 14 FOR FISCAL YEAR 2017

Budget Item	Cost
Total Annual Costs	\$103,796
Incidentals	\$1,765
Total Budget	\$105,561

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

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

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

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


Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2017. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2017 for each parcel or lot of land within said Landscaping and Lighting Assessment District No. 96-1.

Dated: May 17, 2016



Engineer of Work

By 
John W. Bliss, License No. C52091

ASSESSMENT DIAGRAM

The boundaries of the La Vista Assessment Area proposed to be included in Benefit Zone No. 14 of Landscaping and Lighting Assessment District No. 96-01 is displayed on the following Assessment Diagram.

CITY OF HAYWARD

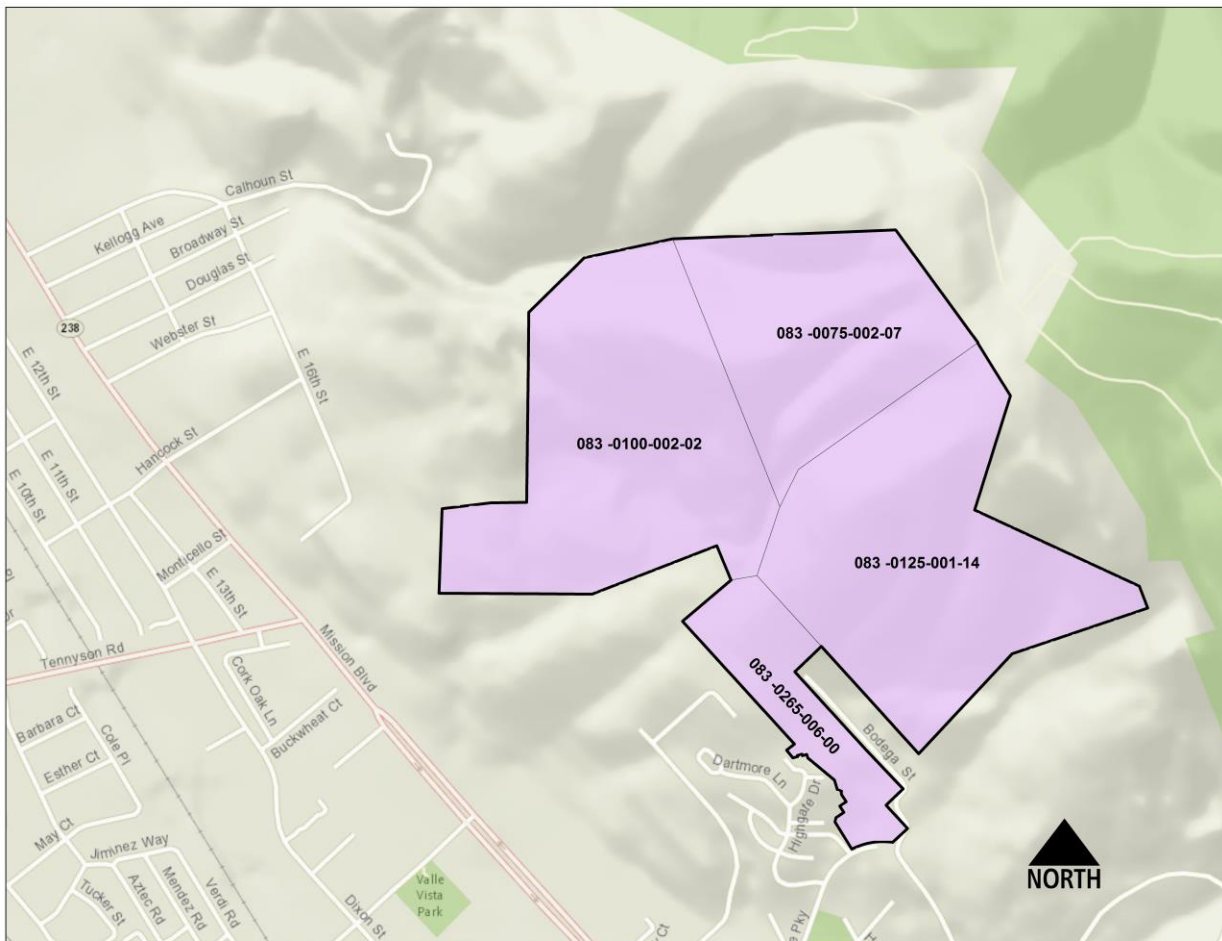
LA VISTA, BENEFIT ZONE No. 14

FORMATION OF BENEFIT ZONE 14 TO LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT No. 96-1

FOR THE LA VISTA PROPERTY

ENGINEER'S REPORT, FY 2017





FILED IN THE OFFICE OF THE CLERK OF THE COUNCIL,
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA,
THIS ____ DAY OF _____, 2016.

CLERK OF THE COUNCIL, CITY OF HAYWARD

RECORDED IN THE OFFICE OF THE CLERK OF THE COUNCIL,
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA,
THIS ____ DAY OF _____, 2016.

CLERK OF THE COUNCIL, CITY OF HAYWARD

AN ASSESSMENT WAS CONFIRMED AND LEVIED BY THE
CITY COUNCIL, CITY OF HAYWARD, COUNTY OF SOLANO,
CALIFORNIA, ON THE LOTS, PIECES AND PARCELS OF
LAND ON THIS ASSESSMENT DIAGRAM ON THE ____
DAY OF _____, 2016 FOR FISCAL YEAR 2016-17 AND
SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL
FOR SAID FISCAL YEAR WERE FILED IN THE OFFICE OF
THE COUNTY AUDITOR OF THE COUNTY OF ALAMEDA ON
THE ____ DAY OF _____, 2016.

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

CLERK OF THE COUNCIL, CITY OF HAYWARD

 Zone14: La Vista

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

SCI Consulting Group
4745 Mangels Boulevard
Fairfield, CA 94534

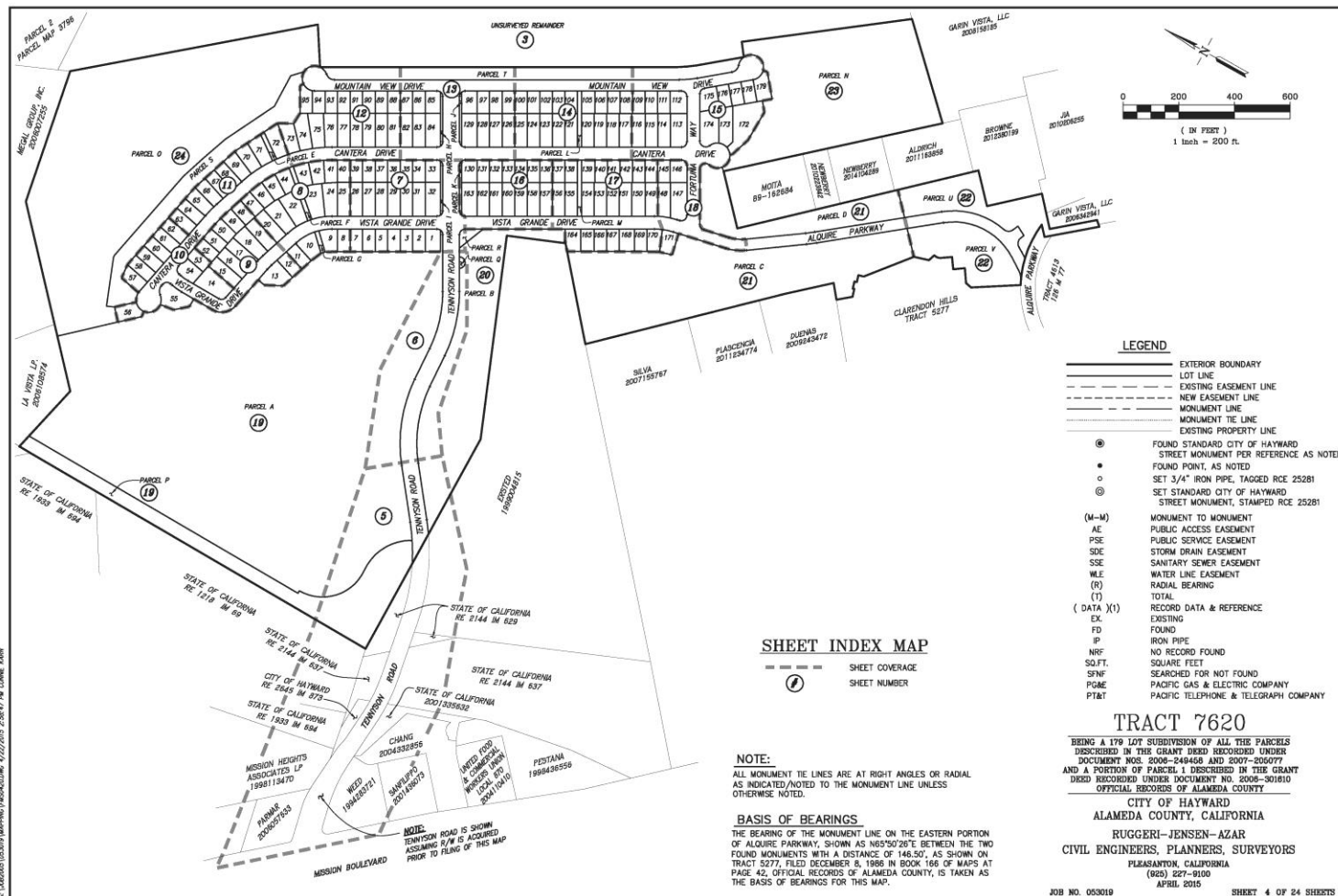
CITY OF HAYWARD
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT 96-01
LA VISTA FORMATION TO BENEFIT ZONE NO. 14
ASSESSMENT DIAGRAM

CITY OF HAYWARD
LA VISTA, BENEFIT ZONE No. 14
FORMATION OF BENEFIT ZONE 14 TO LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT No. 96-1
FOR THE LA VISTA PROPERTY
ENGINEER'S REPORT, FY 2017



SHEET INDEX MAP

The Sheet Index Map below provides an illustration of the 179 residential parcels within the Assessment Area that are proposed for development and subject to the assessment.



ASSESSMENT ROLL

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

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

Parcel	Owner	Developed Property Assessment
083 -0075-002-07	La Vista LP	\$14,153.42
083 -0100-002-02	La Vista LP	\$41,870.53
083 -0125-001-14	La Vista LP	\$35,383.55
083 -0265-006-00	La Vista LP	\$14,153.42
	Totals	\$105,560.92

Note: The assessments listed above indicate amounts *at buildout* and are based on the developed property rate of \$589.73 per Single Family Equivalent (SFE).

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



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-241

DATE: May 24, 2016

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Approval to Initiate Proceedings to Annex the Spindrift at Eden Shores Property to Benefit Zone No. 12 of the Consolidated Landscaping and Lighting District 96-1, Setting of the Date for the Associated Public Hearing, and Ordering the Mailing of Ballots and Associated Waiver

RECOMMENDATION

That the City Council:

1. Adopts the two attached resolutions (Attachments I and II)
 - a. Proposing annexation into Benefit Zone No. 12 of the property known as "Spindrifft at Eden Shores";
 - b. Defining the improvements to be paid for through the annexation;
 - c. Designating the Engineer of Work and ordering preparation of the Engineer's Report in accordance with law;
 - d. Establishing the maximum assessment rate for FY 2017;
 - e. Setting the date, time, and place for the public hearing ; and
 - f. Authorizing the City Clerk to issue the Notice of Hearing in accordance with law; and
 - g. Proposing to levy annual assessments; and
2. Preliminarily approves the Engineer's Report (Attachment III).

SUMMARY

The City Council approved the associated 118-unit residential development on May 20, 2014. One of the conditions of approval required formation of a new landscape and lighting assessment district or annexation into an existing district. The Engineer's Report, which is included as Attachment III, addresses the annexation of Spindrifft at Eden Shores Property ("Annexation Area") into Zone 12 of the City of Hayward Consolidated Landscaping and Lighting District No. 96-1 ("District"), and includes the following information: (1) An estimated budget for the Annexation Area; (2) A description of the improvements to be operated, maintained, and serviced by the Zone No. 12 in the District; (3) Special Benefits section including the General Benefit calculation and methodology; and (4) The assessment apportionment and list of the assessments proposed to be levied upon each assessable parcel within the Annexation Area.

BACKGROUND

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

In 1996, six separate Landscaping and Lighting Districts, Benefit Zones 1-6, were consolidated into one district, Consolidated Landscaping and Lighting District No. 96-1 (the District), by the adoption of Resolution No. 96-63. In subsequent years, Benefit Zones 7-13 were individually created and annexed into the District.

On February 24, 2016, SCI Consulting Group was hired to assist the City of Hayward with the formation and/or annexation of three benefit zones to the existing Consolidated Landscaping and Lighting District 96-1. The Spindrifft development is a two phased project that will consist of 118 single-family residences. Per the Development Agreement, the construction of the residential lots must be done proportionally with commercial development north of the Annexation Area in an area bounded by Hesperian Boulevard to the east, Industrial Parkway to the north, Marina Boulevard to the west, and Eden Shores Boulevard to the south. At this time, only 58.4 percent of the Annexation Area (related to the Costco development), or 66 single-family residences, can be developed. The annexation of the Spindrifft property into Benefit Zone No. 12 of the District is proposed to provide additional funding for the maintenance and improvements of neighborhood serving facilities at Alden E. Oliver Sports Park. City staff worked with SCI to prepare the attached documentation, as well as the ballot documents.

DISCUSSION

The first attached resolution (Attachment I) initiates the proceedings for the formation and annexation of the Spindrifft Property into Benefit Zone No. 12 of the District and designates SCI Consulting Group as the Engineer of Work.

The second resolution (Attachment II) preliminarily approves the Engineer's Report, sets June 14, 2016 as the date for the public hearing, and orders the mailing of the ballots and waiver. Noteworthy in this document is that the total assessment and rates are shown in section seven of that resolution (\$194.97 per single-family equivalent).

The cost escalator mechanism describing the changes in the maximum assessment rate, calculated in accord with the Bay Area consumer price index (CPI), is contained in bullet ten.

Engineer's Report - The Engineer's Report ("Report") describes the methodology used to develop the proposed assessment, as well as the financial details related to the proposed assessment and services to be funded by the proposed assessment. Included in the Report is the following information:

- The total maintenance costs for the Spindrifft Annexation (Figure 1 on page 10 of the Report);
- The Special Benefits section including the General Benefit calculation and methodology (pages 11-

17);

- The Assessment apportionment (described on pages 18-19);
- The CPI calculation in this report allows for an increase of up to 3% annually (page 21 of the Report).

For a geographical overview of the entirety of Benefit Zone 12 and the proposed Annexation Area, please see the color coded map provided on page 23 of the Report.

FISCAL IMPACT

There is no fiscal impact to the City's General Fund from this recommendation because expenditures are to be paid for by the Consolidated Landscaping and Lighting District No. 96-1 Benefit Zone 12 fund accounts.

NEXT STEPS

Assuming the City Council adopts the attached resolutions, the proceedings for the annexation of Spindrifft Property to Benefit Zone No. 12 of the District and associated balloting procedures required by Proposition 218 will be initiated.

Ballots will be mailed on May 25, 2016 to all property owners within the proposed Annexation Area.

A Waiver of the 45 Day Balloting Period required by law will also be sent on May 25, 2016 (this balloting period may be waived if there is only one property owner, which is the case).

If the property owner elects to proceed with the Waiver, which is expected, this will remove the need for the 45 day balloting period and allow the City Council to consider final approval of the Engineer's Report and a Resolution to Levy Assessments at a Public Hearing on the next available City Council meeting agenda, anticipated for June 14, 2016.

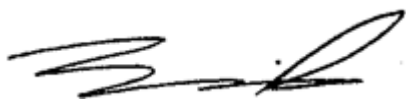
Should the noticed Public Hearing be held on June 14, 2016, the property owner within the Annexation Area will have an opportunity to raise concerns about assessments. Following the conclusion of the public input portion of the public hearing, the Council will order the close of the balloting and commence tabulation of the results. After tabulation of the ballots is completed, the Council may consider - provided a majority protest does not exist - a Resolution to Levy the Assessments for fiscal year 2017.

Prepared by: Peter Rei, PE, PLS, Contract Development Review Engineer

Reviewed by: Sara Buizer, AICP, Planning Manager

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

- | | |
|----------------|--|
| Attachment I | Resolution to initiate formation and annexation of the Spindrifft at Eden Shores Property into benefit Zone 12 of Landscaping and Lighting Assessment District No. 96-1 |
| Attachment II | Resolution providing Intent to Levy Assessments, preliminarily approving the Engineers Report and setting the date for a Public Hearing for the annexation of Spindrifft at Eden Shores Property into benefit Zone 12 of Landscaping and Lighting Assessment District No. 96-1 |
| Attachment III | Preliminary Engineer's Report for "Spindrifft" property |

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-_____

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD INITIATING PROCEEDINGS FOR THE ANNEXATION OF SPINDRIFT AT EDEN SHORES PROPERTY INTO BENEFIT ZONE NO. 12 OF THE CITY OF HAYWARD LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1

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

1. The City Council hereby proposes the annexation of property into a landscaping and lighting district, pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof) (“the Act”).
2. The purpose of the annexation shall be to ensure sufficient installation, maintenance and service of those improvements described in Section 4 below.
3. The property proposed to be annexed into Benefit Zone No. 12 of the existing City of Hayward Landscaping and Lighting Assessment District 96-1 (“District”) in this Resolution is hereby given the distinctive designation of "Spindrift at Eden Shores" (the “Annexation Area”), which is primarily described as all of the lands within the current boundaries of the Annexation Area.
4. It is proposed that the Annexation Area be subject to the following improvements: servicing, operations and maintenance of picnic tables, basketball courts, soccer and baseball fields, barbeque areas, turf, irrigation systems, fencing, walkways, graffiti removal and painting and all necessary appurtenances within Aldan E. Oliver Sports Park, as applicable, for property owned or maintained by the City of Hayward. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of said improvements, including repair, removal, or replacement of all or part of any improvement; providing for the life, growth, health and beauty of landscaping; and cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti. Servicing means the furnishing of electric current or energy for the operation or lighting of any improvements, and water for irrigation of any landscaping or the maintenance of any other improvements.

ATTACHMENT I

- 5. SCI Consulting Group is hereby designated as Engineer of Work for purposes of these proceedings and is hereby ordered to prepare an Engineer's Report in accordance with Article 4 of Chapter 1 of the Act and Article XIIIID of the California Constitution. Upon completion, the Engineer shall file the Engineer's Report with the City Clerk for submission to the City Council.

IN COUNCIL, HAYWARD, CALIFORNIA May 24, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-_____

Introduced by Council Member _____

RESOLUTION INITIATING PROCEEDINGS, PROVIDING INTENTION TO LEVY ASSESSMENTS, PRELIMINARILY APPROVING ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR THE ANNEXATION OF SPINDRIFT AT EDEN SHORES EAST PROPERTY INTO BENEFIT ZONE NO. 12 OF THE CITY OF HAYWARD LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1

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

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

WHEREAS, annexation of property into existing Benefit Zone No. 12 of the District is a condition of development approval for the property known as Spindrift at Eden Shores (the "Property"); and

WHEREAS, this proposed annexation would provide direct and special benefits to the Property by providing partial funding for the maintenance and improvement of Alden E. Oliver Sports Park for the Property; and

WHEREAS, the procedures for the proposed annexation will provide owner(s) of the Property with the opportunity to submit ballots for the proposed annexation and assessment of levies that would fund the maintenance of services and improvements.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hayward, (the "City"), County of Alameda, State of California, that:

1. The Council hereby proposes the annexation of property into Zone No. 12 of the existing City of Hayward Landscaping and Lighting Assessment District, pursuant to Article XIID of the California Constitution, and the Landscaping and Lighting Act of 1972 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof).

ATTACHMENT II

2. The purpose of the District shall be for the maintenance and servicing of improvements described in Section 3 below.

3. Within Zone No. 12 of the District, the proposed improvements are generally described as the servicing, operations and maintenance of picnic tables, basketball courts, soccer and baseball fields, barbeque areas, turf, irrigation systems, fencing, walkways, graffiti removal and painting and all necessary appurtenances as applicable for property owned or maintained by the City of Hayward. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of said improvements, including repair, removal, or replacement of all or part of any improvement; providing for the life, growth, health and beauty of landscaping; and cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti. Servicing means the furnishing of electric current or energy for the operation or lighting of any improvements, and water for irrigation of any landscaping or the maintenance of any other improvements.

4. SCI Consulting Group is hereby designated as Engineer of Work for purposes of these proceedings and was ordered to prepare an Engineer's Report ("Report") in accordance with Article 4 of Chapter 1 of the Act and Article XIID of the California Constitution.

5. The Report has been made, filed with the City Clerk and duly considered by the Council and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

6. The Annexation Area consists of the lots and parcels shown on the assessment diagram of the Report, on file with the City of Hayward, and reference is hereby made to such diagram for further particulars.

7. The amounts due for improvements and expenses incidental thereto, to be paid by the annexation of the Spindrift subdivision into new Benefit Zone No. 12 of the District for FY 2017, are fully detailed in the Report for the City of Hayward. Reference is hereby made to said Report for further particulars regarding said annexation. The maximum FY 2017 assessment rate is \$194.97 per Single Family Equivalent (SFE).

8. The public hearing for the proposed annexation into the District shall be held before this Council in the City Council Chambers of the City of Hayward, 777 B Street, Hayward, California, 94541 on June 14, 2015, at the hour of 7:00 PM for the purpose of allowing public testimony regarding the proposed annexation and for the City's final action upon the proposed assessments for property(s).

9. The City Clerk is hereby authorized and directed to cause Notice of the hearing ordered under Section 8 hereof to be given in accordance with law by mailing, postage prepaid, in the United States mail, and such Notice shall be deemed to have been given when so deposited

ATTACHMENT II

in the mail. The mailed Notice shall be given to all property owners within the proposed Annexation Area and by such mailing by name to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of the County of Alameda, or in the case of any public entity, the representative of such public entity at the address thereof known to the Clerk. The Notice shall include, but not be limited to, the total amount of assessment proposed to be levied in the Annexation Area, the assessments proposed for the owner's particular parcel(s) and the duration thereof, the reason for the assessments and the basis upon which the amount of the assessments was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, and a statement that the existence of a majority protest will result in the assessment not being imposed. Since all property owners in the proposed Annexation Area will have unanimously waived their right to a 45-day balloting period, the Notice herein described shall be mailed before the date of the public hearing.

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

IN COUNCIL, HAYWARD, CALIFORNIA May 24, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS: MAYOR:
-------	----------------------------

NOES:	COUNCIL MEMBERS:
-------	------------------

ABSTAIN:	COUNCIL MEMBERS:
----------	------------------

ABSENT:	COUNCIL MEMBERS:
---------	------------------

ATTEST: _____
City Clerk of the City of Hayward

ATTACHMENT II

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

ANNEXATION OF SPINDRIFT AT EDEN SHORES PROPERTY TO

**LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT No. 96-1,
BENEFIT ZONE No. 12**

FINAL ENGINEER'S REPORT

MAY 2016

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

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

CITY OF HAYWARD

CITY COUNCIL

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

CLERK OF THE COUNCIL

Miriam Lens

City Manager

Fran David

CITY ATTORNEY

Michael Lawson

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

OVERVIEW

On May 7, 1996, the City of Hayward ("City") formed the Consolidated Landscaping and Lighting Assessment District No. 96-1 ("District") by consolidating six separate Landscape and Lighting Assessment Districts into six separate zones of benefit within the new District. Since the formation, seven additional benefit zones (Benefit Zone No. 7 – No. 13) have been created and annexed into the District, creating thirteen separate zones of benefit.

The Annexation of Spindrift at Eden Shores ("Spindrift" or the "Annexation Area") properties into the existing Benefit Zone No. 12 of the District is proposed to provide partial funding for the ongoing maintenance and improvements to Alden E. Oliver Sports Park ("Improvements") to specially benefit the properties in the Spindrift subdivision. Benefit Zone No. 12 currently encompasses prior developments, consisting of 139 single-family units and 122 condominiums. Spindrift is a residential development to be constructed in two phases that will consist of 118 single-family residences. The 14.5-acre site that is located west of Hesperian Boulevard, east of Marina Drive, south of Eden Shores Boulevard and north of Eden Park Place.

This annexation, described in this Engineer's Report, results from agreements or conditions of development approval between the City of Hayward and the property owner, Legacy. Per the Development Agreement, the development of the residential lots must be done proportionally with non-residential development north of the Annexation Area and east of Marina Drive. With the development of the Costco site, 58.4 percent of the Annexation Area or 66 single-family residences can be developed at this time. The City and property owner agreed on maintenance and Improvements to neighborhood serving features at the Alden E. Oliver Sports Park in order to improve the utility of these properties through increased access and proximity to the amenities, improved views, extension of desirable outdoor space and other special benefits. Moreover, the City would not approve this development without these associated Improvements.

This Engineer's Report ("Report") was prepared to establish the budget for the services that would be funded by the proposed fiscal year 2017 assessments and to determine the benefits received from the maintenance and Improvements by Spindrift property within the Annexation Area and the method of assessment apportionment to lots and parcels. This Report and the proposed assessments have been made pursuant to the Landscaping and

Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "Act") and Article XIID of the California Constitution (the "Article").

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

If the Council approves such Resolution, a notice of assessment and assessment ballot will be mailed to property owners within the Annexation Area. Such notice would include a description of the proposed assessments as well as an explanation of the method of voting on the assessments. Each notice would also include a ballot on which the property owner could mark his or her approval or disapproval of the proposed assessments, and a postage prepaid envelope in which to return the ballot.

After the ballots are mailed to property owners in the Annexation Area, a minimum 45-day time period must be provided for the return of the assessment ballots, unless a petition is signed to waive the balloting period. Following the ballot period, a public hearing must be held for the purpose of allowing public testimony regarding the proposed assessments. This hearing is scheduled for June 14, 2016 at 7:00 p.m. At this hearing, the public will have the opportunity to speak on this issue and the returned ballots will be tabulated.

If it is determined at the public hearing that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the Council may take action to form the Spindrif Annexation Area, authorize the annexation, and approve the levy of the assessments for fiscal year 2017. If the assessments are so confirmed and approved, the levies would be submitted to the County Auditor/Controller in August 2016 for inclusion on the property tax roll for Fiscal Year 2017.

LEGISLATIVE ANALYSIS

PROPOSITION 218

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

Other Assessment Districts that were formed after Proposition 218, including those for Benefit Zone No. 12, are consistent with the approval procedures and requirements imposed by Proposition 218.

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

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

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

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

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

DAHMS V. DOWNTOWN POMONA PROPERTY

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

BONANDER V. TOWN OF TIBURON

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

BEUTZ V. COUNTY OF RIVERSIDE

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

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

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

COMPLIANCE WITH CURRENT LAW

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

This Engineer’s Report is consistent with *Beutz*, *Dahms* and *Greater Golden Hill* because the Improvements will directly benefit property in the Annexation Area and the general benefits have been explicitly calculated and quantified and excluded from the

assessments. The Engineer's Report is consistent with *Bonander* because the assessments have been apportioned based on the overall cost of the Improvements and proportional special benefit to each property.

PLANS & SPECIFICATIONS

INTRODUCTION

The work and Improvements proposed to be undertaken by the City of Hayward and the annexation of Spindrift property to Benefit Zone No. 12 of the Landscaping and Lighting Assessment District No. 96-1 and the costs thereof paid from the levy of the annual assessments, will provide special benefit to Assessor Parcels within the Annexation Area as defined in the Method of Assessment herein. Consistent with the Landscaping and Lighting Act of 1972, (the "Act") the work and Improvements are generally described as follows:

Improvements within the Alden E. Oliver Sports Park include: picnic tables, barbeque areas, basketball courts, and soccer and baseball fields. Services provided include all necessary service, operations and maintenance of the Improvements.

Installation, maintenance and servicing of neighborhood-serving Improvements of the sports park complex, including but not limited to picnic tables, basketball courts, soccer and baseball fields, barbeque areas, turf, irrigation systems, fencing, and soil retaining components, walkways, graffiti removal and painting, and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, as applicable, for the Alden E. Oliver Sports Park that is owned or maintained by the City of Hayward (the "Improvements"). Any plans and specifications for these Improvements will be filed with the Park Superintendent of the City of Hayward and are incorporated herein by reference.

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

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

DESCRIPTION OF IMPROVEMENTS

Improvements include all work associated to maintain all neighborhood-serving Improvements, landscaping and irrigation in Alden E. Oliver Sports Park such as picnic tables, basketball courts, soccer and baseball fields, barbecue areas and all other park amenities. Maintenance also includes graffiti removal, renovations and replacements.

SUMMARY FIGURE OF COSTS

The budget depicted below reflects estimated costs for Fiscal Year 2017. As shown on Figure 4, total maintenance costs for the Spindrift annexation are anticipated to total **\$23,006.46**, equating to **\$194.97** per single family equivalent.

FISCAL YEAR 2016-17 ESTIMATE OF COST AND BUDGET

FIGURE 1 – 2016-17 COST ESTIMATE

City of Hayward - Spindrift at the Eden Shores East Landscaping and Lighting District No. 96-01, Benefit Zone No. 12 Estimate of cost Fiscal Year 2016-17				
				<i>Total Budget</i>
Total Costs				
Total Annual Maintenance Costs				\$14,121
Total Annual Management Costs				\$8,500
County Collection Fee (1.7%)				<u>\$385</u>
Total Maintenance and Servicing and Related Expenditures				\$23,006
Total Maintenance and Servicing and Related Expenditures and Incidentals				
(Net Amount to be Assessed: Annual Costs - Existing Funds)				\$23,006
Budget Allocation to Property				
	Number of Parcels	Total SFE Units	Assessment per SFE	Total Assessment
	118	118	\$194.97	\$23,006.46

METHOD OF ASSESSMENT APPORTIONMENT

METHOD OF APPORTIONMENT

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

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

1. Identification of all benefit factors derived from the Improvements
2. Calculation of the proportion of these benefits that are general
3. Determination of the relative special benefit with the two zones described below within the Annexation Area
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; location, property type, property characteristics, improvements on property and other supporting attributes

The Spindrift parcels proposed for annexation to Benefit Zone No. 12 of the Landscaping and Lighting Assessment District No. 96-1 consist of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the Annexation Area properties in Benefit Zone No. 12 of the Landscaping and Lighting Assessment District No. 96-1, over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

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

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

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

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

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

- Proximity
- Expanded or improved access
- Views

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

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

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

The following benefit categories summarize the types of special benefit to residential and other lots and parcels resulting from the maintenance and servicing of the neighborhood-serving park improvements to be provided with the assessment proceeds. These categories of special benefit are derived from the statutes passed by the California Legislature and studies which describe the types of special benefit received by property from maintenance and improvements such as those proposed by the City of Hayward for the Spindrift annexation into Benefit Zone No. 12 of the Landscaping and Lighting Assessment District No. 96-1. These types of special benefit are summarized as follows:

- A. Improved access to Alden E. Oliver Park.
- B. Proximity to Alden E. Oliver Park.
- C. Improved Views.
- D. Extension of a property's outdoor areas and Landscaped Areas for properties within close proximity to the Improvements.
- E. Creation of individual lots for residential use that, in absence of the assessments, would not have been created.

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

GENERAL VERSUS SPECIAL BENEFIT

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

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

In other words:

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

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

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

A formula to estimate the general benefit is listed below:

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

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

CALCULATING GENERAL BENEFIT AND SPECIAL BENEFIT PAID FROM OTHER FUNDS

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

BENEFIT TO PROPERTY OUTSIDE THE PROPOSED ANNEXATION AREA

In summary, real property located within the boundaries of the Annexation Area distinctly and directly benefit from closer proximity, access and views of the Improvements funded by the Assessments, the creation of developable parcels, and from the extension of usable land area provided by the assessments. The Improvements are specifically designed to serve

local properties in the Annexation Area. The Annexation Area has been narrowly drawn to include those parcels that receive a direct advantage from the Improvements. The public at large and other properties outside the development receive limited benefits from the Improvements because they do not have similar proximity, access or views of the Improvements. These are special benefits to property in the Annexation Area in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of specific proximate properties and make them more functional to use, safer and easier to access.

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

Furthermore, there are multiple, proximate parks and other improvements outside of the Annexation Area, funded by other sources, that provide park benefits to nearby parcels that are outside of the Annexation Area. For example, parks facilities at nearby Gordon E. Oliver Eden Shores Park, Penke Park, Alvarado Park, Mariner Park and at Mt Eden High School, Leadership Public Schools, etc. as well as the Eden Shores private club facilities provide park improvements to proximate properties. The Alden E. Oliver Sports Park is primarily surrounded by non-residential and commercial/industrial properties that do not benefit from improved park facilities in the same way. Also, there are a number of natural barriers including Alameda Creek to the north and railroad tracks and a drainage canal to the West that effectively limit the access to Alden E. Oliver Sports Park to the Annexation Area. Finally, the Alden E. Oliver Sports Park improvements maintained by the proposed Assessments specially benefit the properties within the Annexation but other nearby improvements primarily benefit other proximate properties.

However, there are certain properties that are located outside the boundaries of the Annexation Area on the other side of Marina Drive that will benefit from the improvements at Alden E. Oliver Sports Park. The amount of benefit conferred to properties just outside the Annexation Area boundaries, must be deducted from the total benefit and not assessed to property in the Annexation Area. This benefit is calculated as 30% due to the fact that the Annexation Area included 70% of the street frontage along Eden Park Boulevard.

BENEFIT TO PROPERTY INSIDE THE DISTRICT THAT IS INDIRECT AND DERIVATIVE

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

BENEFIT TO THE PUBLIC AT LARGE

The general benefit to the public at large can be estimated by the proportionate amount of time that the Annexation Area's park and recreational facilities are used and enjoyed by individuals who are not residents, employees, customers or property owners in the Annexation Area. Based on surveys and research conducted by SCI, in which visitors to similar destination sports parks; at various times of the day, evening, and week; were asked to look at a District map and to identify whether they lived or worked within the park's District, less than 50% of the use of similar parks and recreation areas is by the public at large. When people outside the Annexation Area use parks, they diminish the availability of parks for people within the Annexation Area.

TOTAL GENERAL BENEFITS TO BE FINANCIALLY CONTRIBUTED FROM OTHER FUNDS IS 80%

Using a sum of these three measures of general benefit, we find that approximately 80% of the benefits conferred by the Improvements may be general in nature and should be funded by sources other than the Assessments.

General Benefit Paid From Other Funds =

- 30% (Outside the district)
- + 0.0% (Inside the district - indirect and derivative)
- + 50% (Public at Large)

= 80% (Total General Benefit and Special Benefit paid from other funds)

SOURCE OF FINANCIAL CONTRIBUTIONS FROM OTHER FUNDS TO SATISFY THE 80% REQUIREMENT

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

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

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

Improvements. The contribution from the City of Hayward toward general benefit from the maintenance, rehabilitation, and replacement of the local storm drainage system is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In others words, if the Annexation Area were required to construct and maintain the local storm drainage system, the budget would increase by at least 10%.

The City of Hayward owns and maintains local public streets along the border of the Annexation Area. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Hayward toward general benefit from the maintenance, rehabilitation, and replacement of the local public streets is conservatively estimated to be 20%, based upon the relative cost to construct and maintain this critical local infrastructure. In others words, if the Annexation Area were required to construct and maintain the local public streets, the budget would increase by at least 20%.

The value of the initial Improvements constructed by the Developer can be quantified and monetized as an annuity to be amortized. Since the initial Improvements were performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs, and is conservatively estimated to contribute 10%. In others words, if the Annexation Area were required to construct all the Improvements, the annual budget would increase by at least 10%.

The City and the various sports team and leagues that use the Alden E. Oliver Sports Park also provide funding, investment, maintenance and capital improvements to the park. This general benefit has been conservatively estimated to be 30% of the overall financial contribution to the park.

Source of Financial Contributions from Other Funds to Satisfy 80% Requirement

- 10.0% (Curb and gutter)
 - + 10.0% (Storm drainage system)
 - + 20.0% (Public roads)
 - + 10.0% (Amortized value of initial construction)
 - + 30.0% (Direct contribution from City and sports team and leagues)
- = 80.0% (Total General Benefit paid from other funds)

In other words, the Annexation requires 80% contribution to offset the general benefits conferred by the Improvements, and there is an 80% contribution from City of Hayward supporting local infrastructure, along with the amortized value of initial construction. This 80% contribution more than satisfies the general benefit requirements.

ZONES OF BENEFIT

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

Within the Annexation Area, zones of benefit are not justified or needed because the Improvements are provided relatively evenly across the entire area and for all parcels. Parcels of similar type in the District receive similar benefits on a per parcel and land area basis. Therefore, zones of benefit are not justified.

ASSESSMENT APPORTIONMENT

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

Spindrift is a residential development project consisting of 118 single-family residences. Each residential property receives similar benefit from the proposed improvements. Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all residential parcels is on an equivalent dwelling unit basis. Vacant parcels will also exist for a relatively short period of time prior to their development.

RESIDENTIAL PROPERTIES

All improved residential properties that represent a single residential dwelling unit, including both the single family residences and townhome style condominiums, are assigned 1.0 SFE. (The single family residences and townhome style condominiums are generally of similar size and generally house the same number of occupants and therefore are assessed the same SFE value.)

VACANT RESIDENTIAL

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

OTHER PROPERTIES

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

INITIATION OF ASSESSMENT ON PARCELS

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

ASSESSMENT

WHEREAS, the City Council of the City of Hayward, County of Alameda, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively “the Act”), adopted its Resolution Initiating Proceedings for the Annexation of Spindrift property to Benefit Zone No. 12 of the Landscaping and Lighting Assessment District No. 96-1;

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

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

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

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

The amount to be paid for Improvements and expenses incidental thereto, that are to be paid by the annexation of Spindrift property to Benefit Zone No. 12 of the Landscaping and Lighting Assessment District No. 96-1, for the Fiscal Year 2016-17, are detailed below.

FIGURE 2 – SUMMARY COST ESTIMATE FOR SPINDRIFT ANNEXATION TO BENEFIT ZONE No. 12 FOR FISCAL YEAR 2016-17

Budget Item	Cost
Total Annual Costs	\$22,621
Incidentals	\$385
Total Budget	\$23,006

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Spindrift Annexation Area. The distinctive number of each parcel or lot of land in said property proposed for annexation into existing Benefit Zone No. 12 of the said Landscaping and Lighting Assessment District No. 96-1, is its Assessor Parcel Number appearing on the Assessment Roll.

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

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

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

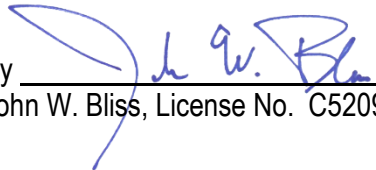
Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2016-17. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2016-17 for each parcel or lot of land within said Landscaping and Lighting Assessment District No. 96-1.

Dated: May 17, 2016

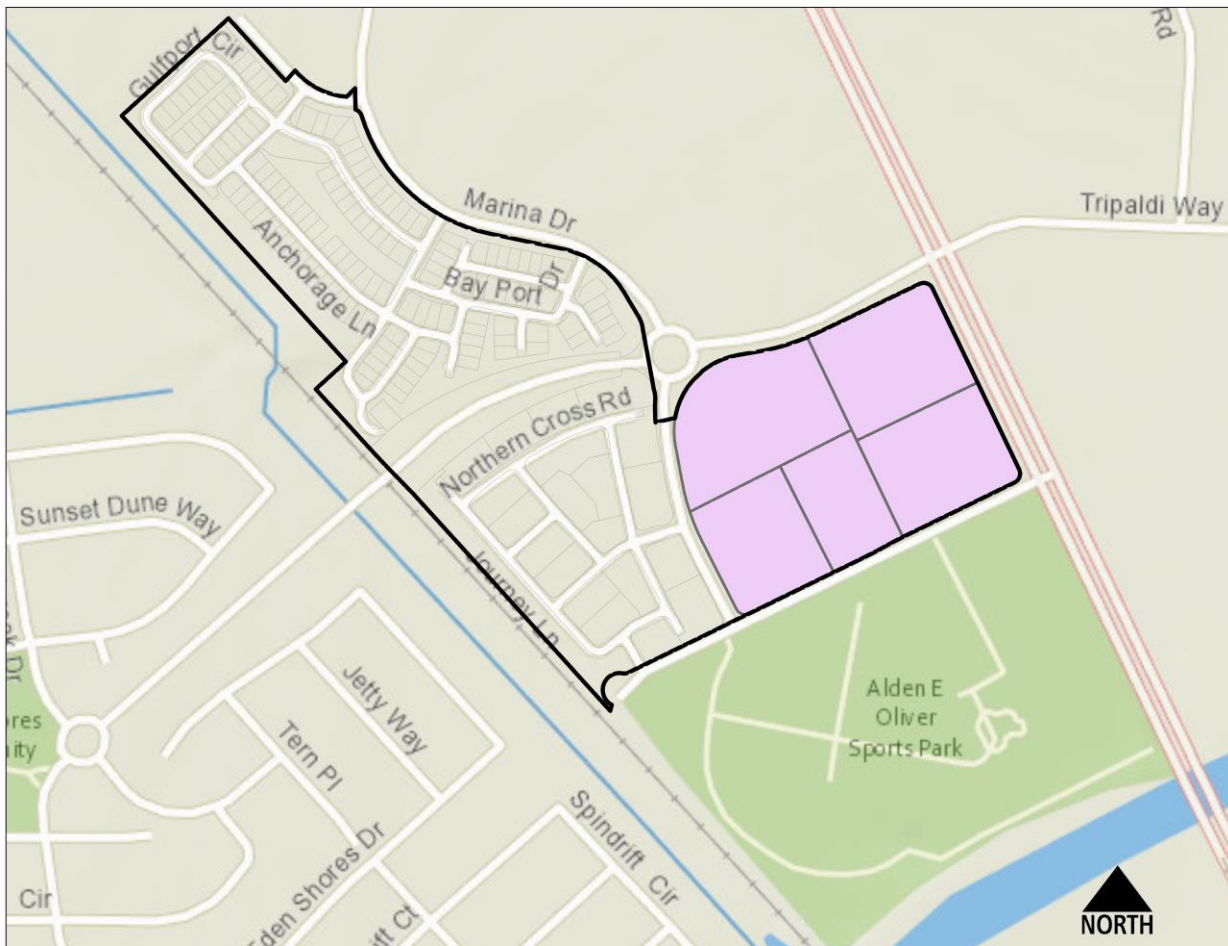


Engineer of Work

By 
John W. Bliss, License No. C52091

ASSESSMENT DIAGRAM

The boundaries of the Spindrifft Annexation Area proposed to be annexed into Benefit Zone No. 12 of Landscaping and Lighting Assessment District No. 96-01 is displayed on the following Assessment Diagram.



FILED IN THE OFFICE OF THE CLERK OF THE COUNCIL,
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA,
THIS ____ DAY OF _____, 2016.

CLERK OF THE COUNCIL, CITY OF HAYWARD

RECORDED IN THE OFFICE OF THE CLERK OF THE COUNCIL,
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA,
THIS ____ DAY OF _____, 2016.

CLERK OF THE COUNCIL, CITY OF HAYWARD

AN ASSESSMENT WAS CONFIRMED AND LEVIED BY THE
CITY COUNCIL, CITY OF HAYWARD, COUNTY OF SOLANO,
CALIFORNIA, ON THE LOTS, PIECES AND PARCELS OF
LAND ON THIS ASSESSMENT DIAGRAM ON THE
DAY OF _____, 2016 FOR FISCAL YEAR 2016-17 AND
SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL
FOR SAID FISCAL YEAR WERE FILED IN THE OFFICE OF
THE COUNTY AUDITOR OF THE COUNTY OF ALAMEDA ON
THE ____ DAY OF _____, 2016.

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

CLERK OF THE COUNCIL, CITY OF HAYWARD

-  Zone 12: Eden Shores East
-  Spindrift Annexation

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

SCI Consulting Group
4745 Mangels Boulevard
Fairfield, CA 94534

CITY OF HAYWARD
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT 96-01
SPINDRIFT ANNEXATION TO BENEFIT ZONE NO. 12
ASSESSMENT DIAGRAM

ASSESSMENT ROLL

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

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

Parcel	Owner	Developed Property Assessment
456 -0101-010-03	EDEN SHORES ASSOCIATES I LLC	\$5,459.16
456 -0101-011-01	EDEN SHORES ASSOCIATES I LLC	\$3,119.52
456 -0101-012-00	EDEN SHORES ASSOCIATES I LLC	\$5,069.22
456 -0101-013-03	EDEN SHORES ASSOCIATES I LLC	\$5,069.22
456 -0101-014-03	EDEN SHORES ASSOCIATES I LLC	\$4,289.34
	Totals	\$23,006.46

Note: The assessments listed above indicate amounts *at buildout* and are based on the developed property rate of \$189.26 per Single Family Equivalent (SFE).

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



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-250

DATE: May 24, 2016

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

FY 2016 - Pavement Preventative Maintenance & Resurfacing Project: Award of Contract

RECOMMENDATION

That Council adopts the attached resolution (Attachment I) awarding the contract to American Asphalt Repair & Resurfacing Co. Inc., in the amount of \$3,053,768.32; and authorizing the expenditure of an additional \$1,000,000 on this contract for potential additional work and contingencies.

BACKGROUND

On March 15, 2016, Council approved the plans and specifications for the FY 2016 - Pavement Preventative Maintenance & Resurfacing Project, and called for bids to be received on April 26, 2016.

The City's Street Preventative Maintenance (PM) & Resurfacing Program involves streets in relatively good condition where the application of the low cost slurry seal treatment is used to prolong the life of the pavement, and protect the city's original investment in rehabilitating or reconstructing the street. The PM treatment reduces the amount of water that can infiltrate the pavement structure, protects the pavement system, and slows the rate of deterioration.

Slurry seal is a mixture of water, asphalt emulsion, aggregate, chemical additives and polymer. The polymer provides better mixture properties. This year, staff will be using a special slurry seal called micro-surfacing. The primary difference between micro-surfacing and the slurry seal used in prior years is in how the emulsion cures. The asphalt emulsion used in micro-surfacing contains chemical additives, which allow it to break without relying on the sun or heat for evaporation to occur. Thus, micro-surfacing is an application that cures quicker than ordinary slurry seals. This will allow the street to be returned to traffic use much sooner than using the ordinary slurry seal. The micro-surfacing application will be made after any localized pavement section failures have been repaired.

The PM treatment is typically made every five to seven years after a street has received new hot mix asphalt concrete and before the street begins to deteriorate to the point where more costly rehabilitation or reconstruction work will be needed.

DISCUSSION

The approval of Measure C, the ½-cent local sales tax measure approved by Hayward voters in 2014, has made additional funds available for the City’s Street Pavement Preventative Maintenance Program. A total of 218 street sections will be treated in this year’s program compared to approximately forty street sections per year that were treated in prior years. Please see Attachment II for the list of streets included in this project.

The selection of streets for this year’s micro-surfacing slurry seal treatment is based on staff’s analysis of the Pavement Condition Indices (PCI) identified through the City’s computerized Pavement Management Program (PMP), field examination, and the functional classification of each street. This project will cover sixty-nine lane-miles of city streets. Overall, the City is responsible for the maintenance of 657 lane-miles of roadway.

On April 26, 2016, five bids were received for the FY 2016 - Pavement Preventative Maintenance & Resurfacing Project. American Asphalt Repair & Resurfacing Co. Inc. of Hayward, California, submitted the low bid of \$3,053,768.32, which is 24% below the engineer’s estimate of \$4,020,000. Pavement Coatings Co. of Woodland, California submitted the second low bid in the amount of \$3,820,790.60, which is 5% below the engineer’s estimate. The bids range from \$3,053,768.32 to \$4,499,085.60.

Staff recommends using the balance in funds afforded by the low bid for contingencies to be used to perform additional work on Tennyson Road, and then perform additional accessible ramp upgrades for conformance with the Americans with Disabilities Act (ADA).

All bid documents and licenses are in order. Staff recommends award of contract to the low bidder, American Asphalt Repair & Resurfacing Co. Inc., in the amount of \$3,053,768.32 and authorization to spend an additional \$1,000,000 for contingencies, including additional street work as described above.

This project is categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

FISCAL IMPACT

The estimated project costs are as follows:

Construction Contract	\$3,053,768
Administrative Change Order	\$1,000,000
Design and Administration	\$150,000
Construction Engineering, Inspection, and Testing Services	\$296,232
Total	\$4,500,000

The Recommended FY 2016 Capital Improvement Program includes \$12,000,000 in Measure C funds, of which \$4.5 million will be used for this project. The remaining \$7.5 million will be used for the FY16 Pavement Rehabilitation and Reconstruction project, which will be presented to Council as a separate project.

PUBLIC CONTACT

Because of the large number of street sections to be improved throughout the city, staff has undertaken careful planning to prevent traffic congestion and limit inconvenience to the community. To this end, a staging plan has been developed that divides the city into three construction zones, and will require the contractor to complete work in each zone before moving to another zone. Also, the contractor will be required to allow local traffic at all times, and to keep side streets open when working on a given street to allow residents places to park that are not too far from their homes.

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. The notice will explain the necessity for allowing the micro-surfacing coats to dry (for approximately one hour) before the streets can be reopened to traffic. 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.

COMPLETE STREETS

The existing bicycle facilities, sidewalk, and street lighting will be maintained during construction, but no new sidewalk, streetlight or bike lanes will be added with this project. However, existing bike lanes and markers will be re-striped, and the project will install new green bike lane striping at select intersections to increase bike lane and rider visibility. A sample of the green bike lane striping will be installed at B Street and Grand Avenue to allow residents to view the proposed bike lane striping and provide any feedback. The project will install new handicap ramps where they are missing at the street corners, and reconstruct existing curb ramps that are not ADA compliant. Improvements on these streets are consistent with the City's adopted Complete Streets Policy, which ensures that consideration is given to all users of the street, including pedestrians, bicyclists, transit, senior citizens and school children, in addition to vehicular traffic.

SCHEDULE

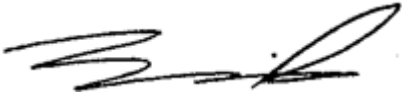
Begin Work	June 20, 2016
Complete Work	October 13, 2016

Prepared by: Yaw Owusu, Assistant City Engineer

Recommended by: Morad Fakhrai, Director of Public Works

File #: CONS 16-250

Approved by:



Fran David, City Manager

Attachments:

Attachment I
Attachment II
Attachment III
Attachment IV

Resolution - Award of Contract
List of Streets
Map of Streets
Bid Summary

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-_____

Introduced by Council Member _____

RESOLUTION AWARDING THE CONSTRUCTION CONTRACT TO
American Asphalt Repair & Resurfacing Co. Inc.

WHEREAS, by resolution on March 15, 2016, the City Council approved the plans and specifications for the FY 2016 – Pavement Preventative Maintenance & Resurfacing Project, Project No. 05204 and called for bids to be received on April 26, 2016; and

WHEREAS, on April 26, 2016, five bids were received ranging from \$3,053,768.32 to \$4,499,085.60; American Asphalt Repair & Resurfacing Co. Inc. of Hayward, California submitted the lowest bid in the amount of \$3,053,768.32, which is 24% below the Engineer’s Estimate of \$4,020,000; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that American Asphalt Repair & Resurfacing Co. Inc. is the lowest responsible bidder whose bid complies with the specifications and is hereby awarded the construction contract for the FY 2016 – Pavement Preventative Maintenance & Resurfacing Project, Project No. 05204, for the amount of \$3,053,768.32, and in accordance with the aforementioned plans and specifications on file in the office of the City Clerk of the City of Hayward; and to award an additional \$1,000,000 for potential additional work and contingencies. All other bids are hereby rejected.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the Director of Public Works is authorized to expend up to \$4,500,000 for project design, construction, construction inspection, testing, project administration, and contingency costs to complete the project.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the contract with American Asphalt Repair & Resurfacing Co. 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 _____, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**FY 2016 Pavement Preventative Maintenance
& Resurfacing Project Street List**

ATTACHMENT II

No.	Street Name	Begin	End
1	ALBANY ST	YORK PL	REVERE AVE
2	ALBATROSS RD	BREAKER CIR	BREAKER CIR
3	ALDENGATE WY	HESPERIAN BLVD	SLEEPY HOLLOW AVE
4	ALICE ST	A ST	B ST
5	ALICE ST	MEEK AVE	WINTON AVE
6	AMADOR ST	YOLO ST	INYO ST
7	ANDREA ST	W TENNYSON RD	BRIAN ST
8	ARAGON AVE	CELIA ST	PANJON ST
9	ARROWHEAD WY	MISSION BLVD	VANDERBILT ST
10	ATHERTON ST	C ST	D ST
11	AUDUBON ST	BRIERGATE WY	CHEVY CHASE WY
12	AVOCADO CT	ORCHARD AVE	END OF CUL-DE-SAC
13	BAHAMA AVE	W TENNYSON RD	SLEEPY HOLLOW AVE
14	BALDWIN ST	W TENNYSON RD	BRIAN ST
15	BALMORAL WY	WESTCHESTER ST	MEDINAH ST
16	BARBARA CT	PACIFIC ST	COLE PL
17	BARCELONA AVE	PANAMA ST	BOLERO AVE
18	BARNARD ST	SEAVER ST	FRY LN
19	BARRON WY	VANDERBILT ST	LARRABEE ST
20	BAY CENTER PL	WHITESSELL ST	END
21	BEACHWOOD ST	MARSHBROOK DR	SPINDRIFT CIRCLE
22	BEATRON WY	ROCHELLE AVE	TENNYSON RD
23	BERRY AVE	ACFC CANAL	SOTO RD
24	BISCAYNE AVE	END @ SCHOOL ENTRANCE	TAMPA AVE
25	BLANCHE ST	MISSION BLVD	TREVOR AVE
26	BLANCHE ST	WESTCHESTER ST	MISSION BLVD
27	BOARDWALK WY	TAYLOR AVE	CHANCE ST
28	BOOKER WY	ELDRIDGE AV	ELDRIDGE AV
29	BOULDER CREEK DR	HAT CREEK WY	HAT CREEK WY
30	BRAE BURN AVE	ROUSSEAU ST	ST ANDREWS ST
31	BRAE BURN AVE	BURNHAM WY	WHEELON AVE
32	BREAKER CIRCLE	MARSHBROOK DR	MARSHBROOK DR
33	BREAKER LANE	MARSHBROOK DR	MARSHBROOK DR
34	BRIGHTON ST	CELIA ST	EASTWOOD WY
35	BRUNO ST	W TENNYSON RD	BRIAN ST
36	BRYN MAWR AV	HARDER RD	DEVON DR
37	BUCHANAN WAY	CHANDLER RD	CALAVERAS RD
38	BURBANK ST	MARTIN LUTHER KING DR	FILBERT ST
39	BURKE DR	WHITMAN ST	INGRAM PL
40	BURNHAM WAY	GRESEL ST	BALMORAL WY
41	C ST	MAIN ST	MISSION BLVD

**FY 2016 Pavement Preventative Maintenance
& Resurfacing Project Street List**

ATTACHMENT II

42	C ST	FIRST ST	SECOND ST
43	CABRILLO CT	SANDLEWOOD DR	END
44	CABRILLO DR	EMERSON AVE	MORNINGSIDE DR
45	CABRILLO DR	MORNINGSIDE DR	CABRILLO CT
46	CAMPECHE ST	SLEEPY HOLLOW AVE	TALLAHASSEE ST
47	CANTERBURY LN	GILLINGHAM LN	CHUTNEY RD
48	CARDEN LN	STONEBRAE COUNTRY CLUB	END
49	CARDINAL ST	OSAGE AVE	LILAC AVE
50	CARLYLE ST	TIPPICANOE AVE	WARNER AVE
51	CARMAR ST	ETTA AVE	ROANOKE ST
52	CASCADE ST	UNDERWOOD AVE	REGAL AVE
53	CASCADE ST	REGAL AVE	EVERGREEN ST
54	CEDARBROOK RD	ARROWHEAD WY	ASHBROOK WY
55	CELIA ST	ETTA AVE	HUNTWOOD AVE
56	CENTRAL BLVD	MISSION BLVD	DEL MAR CT
57	CENTRAL BLVD	DEL MAR CT	WESTVIEW WY
58	CHANCE ST	400 FT NW OF OLYMPIC AVE	END OF CUL DE SAC
59	CHESAPEAKE ST	GAINESVILLE AVE	CALAROGA AVE
60	CHICIONE AV	JANICE AVE	CORRINE ST
61	CHUTNEY RD	RUUS LN	STONEBROOK LN
62	CLAWITER RD	BREAKWATER CT	SPRR TRACKS (N OF DIABLO)
63	COLEMAN AV	VENTURA AVE	HUNTWOOD AVE
64	COLERIDGE AV	CELIA ST	PANJON ST
65	COLETTE ST	SORENSEN RD	LUVENA DR
66	CONSTELLATION DR	EMERSON AVE	MORNINGSIDE DR
67	CONSTELLATION DR	MORNINGSIDE DR	PEACHTREE DR
68	COOPER WY	TRITON ST	HUNTWOOD AVE
69	CORRINE ST	MISSION BLVD	CHICOINE AVE
70	CORTEZ ST	POMPANO AVE	TAMPA AVE
71	COTTAGE PARK DR	WHITMAN ST	ROUNDAABOUT
72	CURRANT WAY	PEAR ST	PAPAYA ST
73	DALE ST	PONTIAC ST	GLADE ST
74	DANIA LN	YOSHIDA DR	LAGUNA DR
75	DEL NORTE CT	CUL DE SAC	OLIVER DR
76	DEVON DR	MISSION BLVD	SPRING DR
77	DIABLO AVE	CLAWITER RD	VIKING ST
78	DIABLO EXTENSION	VIKING ST	END
79	DICKENS AVE	FOLSOM AVE	W TENNYSON RD
80	DIXON ST	COPPERFIELD AVE	TENNYSON RD
81	DOUGLAS ST	100 FEET E/O E. 16TH	END OF PAVEMENT
82	DOUGLAS ST	MISSION BLVD	100 FEET E/O E.16TH
83	DOVE WY	345 N/O EGRET LN	HESSE DR

**FY 2016 Pavement Preventative Maintenance
& Resurfacing Project Street List**

ATTACHMENT II

84	DOVE WY	EGRET LN	345 N/O EGRET LN
85	DUFFEL PL	STEWART DR	HYDE DR
86	DUMONT AVE	GADING RD	GAMBOA ST
87	DUNE CIR	SANDCREEK DR	SANDCREEK DR
88	E 13TH ST	TENNYSON RD	HANCOCK ST
89	E ST	MAIN ST	SECOND ST
90	EASTMAN CT	CUL DE SAC	HARDER RD
91	EASTMAN ST	EASTMAN CT	JANE AVE
92	EASTWOOD WY	RUUS RD	BRIGHTON ST
93	EDEN LANDING RD	ARDEN RD	PVMT CHNG @ INVESTMENT BLVD
94	EDEN SHORES BLVD	MARINA DR	BEGIN PCC
95	ELDRIDGE AVE	MCBRIDE LN	INGLEWOOD ST
96	ELIZABETH WY	HUGH WY	CHICOINE AVE
97	ELLEN AVE	GROOM ST	EDITH ST
98	ELMHURST ST	BROADMORE AVE	SANTA CLARA ST
99	EMERSON AVE	CONSTELLATION DR	CABRILLO DR
100	ENTERPRISE AVE	CLAWITER RD	WHITESSELL ST
101	ETTA AVE	EASTWOOD WY	END
102	EVANGELINE WY	VANDERBILT ST	FAIRCLIFF ST
103	FARMHILL DR	PINEWOOD DR	HAYWARD BLVD
104	FIFTH ST	E ST	D ST
105	FIFTH ST	D ST	END @ SCHOOL ENTRANCE
106	FLAMINGO AVE	STANWOOD RD	EVERGREEN DR
107	FLORIDA ST	CALAROGA AVE	DOLPHIN LN
108	FLORIDA ST	MIAMI AVE	CANDLEWOOD CT
109	FOLEY ST	DEPOT RD	MCCONE AVE
110	FOLSOM AVE	HAVANA AVE	TAMPA AVE
111	FOLSOM AVE	TAMPA AVE	EASTSIDE OF CANAL
112	FOLSOM AVE	EASTSIDE OF CANAL	RUUS RD
113	FORBES ST	DAVIS AVE	LINCOLN AVE
114	GAITHER WY	RALIEGH PL	SEYMORE PL
115	GERALD WY	SINCLAIR ST	END
116	GILLINGHAM LN	ROSECLIFF LN	WELFORD LN
117	GLADE ST	PONTIAC ST	DALE ST
118	GOODRICH ST	MOCINE AVE	JANE AVE
119	GOODWIN ST	MOCINE AVE	JANE AVE
120	GREEN HAZEL RD	SIERRAWOOD AVE	GOLD TREE WY
121	GREENWOOD RD	SIERRAWOOD AVE	GOLD TREE WY
122	GROOM ST	SYCAMORE AVE	LILLY AVE
123	HAPPYLAND AVE	WEST A ST	END
124	HARRIS RD	MANON AVE	HUNTWOOD AVE
125	HAYWARD BLVD	BARN ROCK DR	FAIRVIEW AVE

**FY 2016 Pavement Preventative Maintenance
& Resurfacing Project Street List**

ATTACHMENT II

126	HAYWARD BLVD	693 FT. E/O	BARN ROCK DR
127	HEMLOCK RANCH RD	SIERRAWOOD AVE	GOLDTREE WY
128	HESPERIAN BLVD	INDUSTRIAL PKWY	ARF AVE
129	HESPERIAN BLVD	ARF AVE	W TENNYSON RD
130	HESPERIAN BLVD	W TENNYSON RD	SLEEPY HOLLOW AVE (SE EDGE)
131	HOLLY HILL AV	SOUTHGATE	250 FT S/O SOUTHGATE
132	HOTEL AVE	MISSION BLVD	MAIN ST
133	HUNTWOOD AV	AUSTIN AVE	END
134	INDUSTRIAL PKWY W	DEPOT ROAD	CRYER STREET
135	INWOOD LN	WHEELON AVE	GREENBRIAR LN
136	JAMAICA LN	TRINIDAD ST	SLEEPY HOLLOW AVE
137	JILLIENE WY	VANDERBILT ST	FAIRCLIFF ST
138	KELLY ST	B STREET	MANSFIELD AVE
139	KENNET ST	LEXINGTON AVE	WESTCHESTER ST
140	KENNET ST	WESTCHESTER ST	MEDINAH ST
141	KIWANIS ST	ROTARY ST	LION ST
142	LAFAYETTE AVE	PULASKI ST	PAYNE ST
143	LEXINGTON AVE	SENECA ST	OLEAN ST
144	LUSTIG CT	HUNTWOOD AVE	TENNYSON RD
145	MAHOGANY ST	COTTAGE PARK	72 FT S/O COTTAGE PARK DR
146	MANGROVE RD	SIERRAWOOD AVE	GOLDTREE WY
147	MANTILLA AVE	MANDARIN AVE	POMPANO AVE
148	MAPLE CT	A ST	MCKEEVER AVE CENTERLINE
149	MEADOWBROOK AVE	ROUSSEAU ST	FAIRWAY ST
150	MEEK AVE	MYRTLE ST	D ST
151	MEEK AVE	D ST	JACKSON ST
152	MIAMI AVE	FLORIDA ST	MELBOURNE AVE
153	MIDDLE LN	EDEN AVE	HESPERIAN BLVD
154	MINERVA ST	RUUS RD	TRITON ST
155	MISSON BLVD FRONTAGE	CITY LIMIT	WARNER AVE
156	MISSON BLVD FRONTAGE	WESTCHESTER ST	LEXINGTON AVE
157	MISTLETOE DR	CUL DE SAC	CABRINI DR
158	MORSE CT	HIGHLAND BLVD	CUL DE SAC
159	NASSAU LN	BRAE BURN AVE	PRESTWICK AVE
160	OLEAN ST	LEXINGTON AVE	REVERE AVE
161	OLYMPIC AVE	STATE ST	TAYLOR AVE
162	OLYMPIC AVE	CHANCE ST	STATE ST
163	ONTARIO PL	UTICA ST	MOHICAN ST
164	OPTIMIST ST	ROTARY ST	LION ST
165	ORCHARD AVE	ACFC CANAL	END
166	OSWOSSO PL	SENECA ST	UTICA ST

**FY 2016 Pavement Preventative Maintenance
& Resurfacing Project Street List**

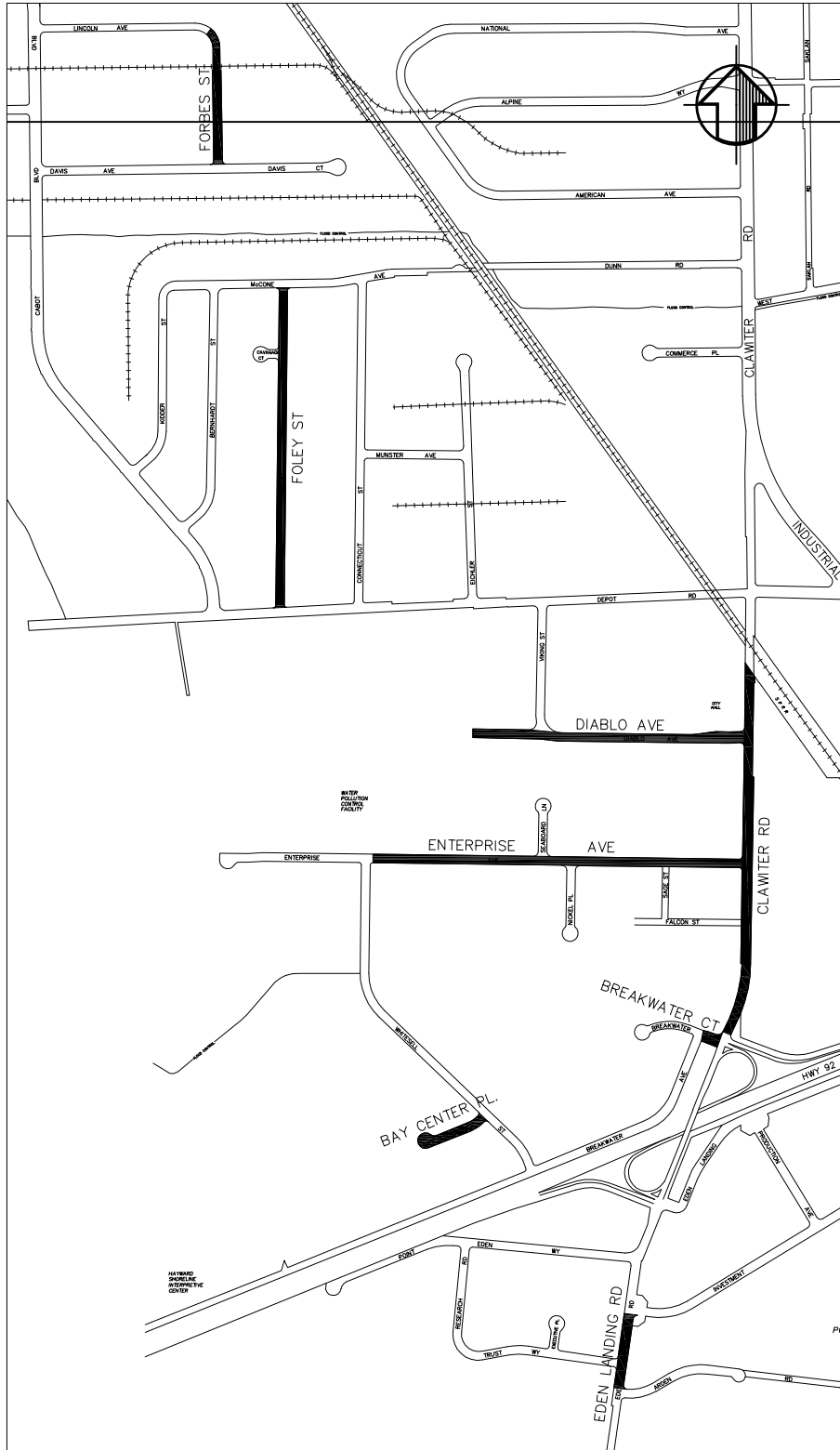
ATTACHMENT II

167	OVERHILL DR	MISSION BLVD	670 FT E/O MISSION BLVD
168	PANJON ST	85 FT W/O TRITON ST	COLERIDGE
169	PEACHTREE DR	TAHOE AVE	CONSTELLATION DR
170	PEARL AVE	B ST	WINGATE WY
171	PENSACOLA WY	SUMATRA ST	MANTILLA AVE
172	PLOVER CT	MARSHBROOK DR (WEST END)	CUL-DE-SAC
173	PRATT AVE	KNAPP ST	AMARAL ST
174	RALEIGH PL	GADING RD	GAITHER WY
175	RIDING CLUB CT	BARN ROCK DR	END (CUL DE SAC)
176	RIVER CREST LN	BRAE BURN AVE	PRESTWICK AVE
177	ROANOKE ST	CARMAR ST	CELIA ST
178	ROCHELLE AVE	LANCE WY	QUIST AVE
179	ROME PL	MOHICAN ST	DEARBORN ST
180	ROOSEVELT AVE	BRICK WY	PATRICK AVE
181	ROTARY ST	KIWANIS ST	MYRTLE ST
182	SANTA CLARA ST	LARCHMONT ST	280 FEET S/O WINTON AVE
183	SANTA CLARA ST	JACKSON ST	LARCHMONT ST
184	SANTA CLARA ST	HARDER RD	JACKSON ST
185	SCHUYLER AVE	CARROLL AVE	VALLEY FORGE ST
186	SCHUYLKILL AVE	CARROLL AVE	VALLEY FORGE ST
187	SEBASTIAN WY	MANDARIN AVE	MANTILLA AVE
188	SECOND ST	220' W/O PATRICIA CT CL	100' W/O WALPERT ST CL
189	SENECA ST	OSWOSSO PL	REVERE AVE
190	SEVENTH ST	B ST	D ST
191	SIERRAWOOD AVE	WHITETREE ST	GREENWOOD RD
192	SILVA AVE	SYCAMORE AVE	JACKSON ST
193	SIXTH ST	C ST	D ST
194	SKYLINE DR	PINEWOOD DR	HAYWARD BLVD
195	SOTO RD	JACKSON ST	WINTON AVE
196	ST BEDE LN	PATRICK AVE	ST FRANCIS AVE
197	STATES ST	FOLSOM AVE	END OF STREET
198	TENNYSON RD	RUUS RD	WHITMAN ST
199	TENNYSON RD	WHITMAN ST	MISSION BLVD
200	TIEGEN DR	ROXANNE AVE	HIGHLAND BLVD
201	TINA WY	HUGH WY	CHICOINE AVE
202	TRAYNOR ST	ORCHARD AVE	SOTO RD
203	TRITON ST	102 FT N/O CELIA ST	CELIA ST
204	TRITON ST	CELIA ST	COOPER WY
205	TUCKER ST	QUIST AVE	LANCE WY
206	UTICA ST	OSWOSSO PL	LAFAYETTE AVE
207	VANDERBILT ST	FAIRWAY ST	BRIERGATE WY
208	VANDERBILT ST	ETHAN CT	FAIRWAY ST

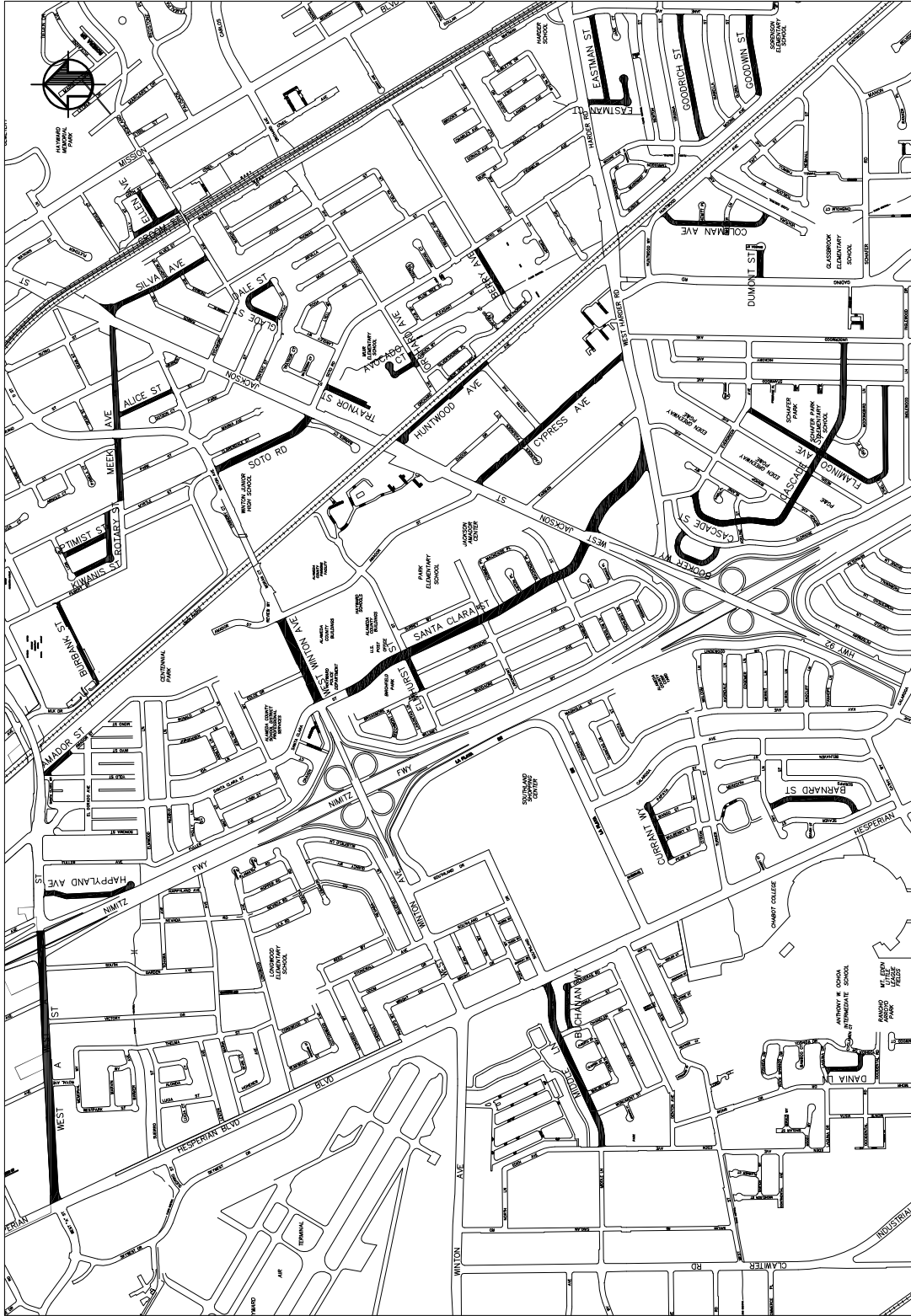
**FY 2016 Pavement Preventative Maintenance
& Resurfacing Project Street List**

ATTACHMENT II

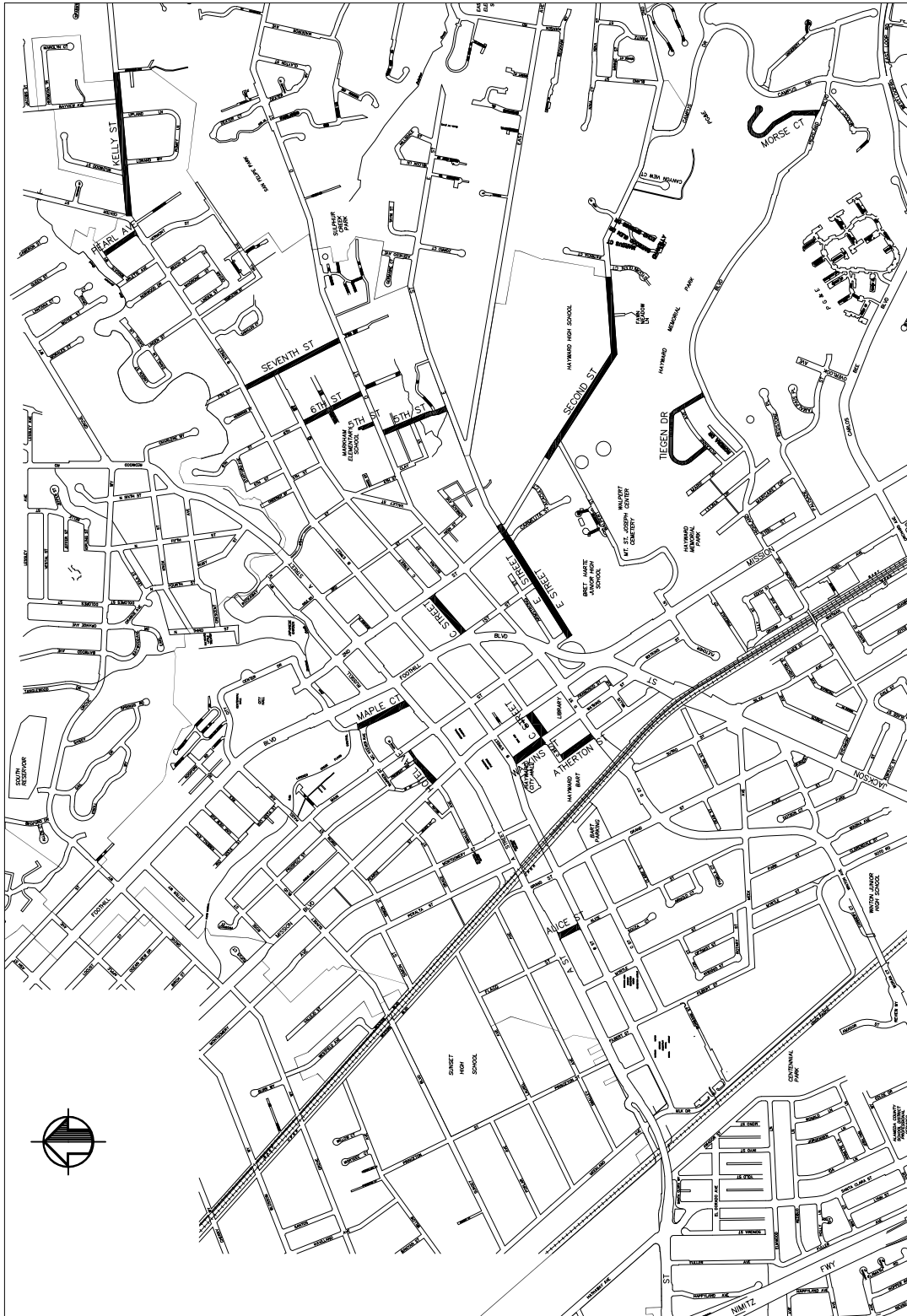
209	WARNER AVE	MISSION BLVD	PULASKI DR
210	WATKINS ST	C ST	B ST
211	WEST A ST	HESPERIAN BLVD	NB ON-RAMP NIMITZ
212	WEST TENNYSON RD	HESPERIAN BLVD	CALAROGA AVE
213	WESTCHESTER ST	KENNET ST	MISSION BLVD FRONTAGE RD
214	WHITMAN ST	BURKE DR	191 ft S OF RAYMOND CL
215	WHITMAN ST	191 ft S RAYMOND DR	HARDER RD
216	WHITMAN ST	TENNYSON RD	BURKE DR
217	W TENNYSON RD	PATRICK AVE	RUUS RD
218	W WINTON AVE	SANTA CLARA ST	AMADOR ST



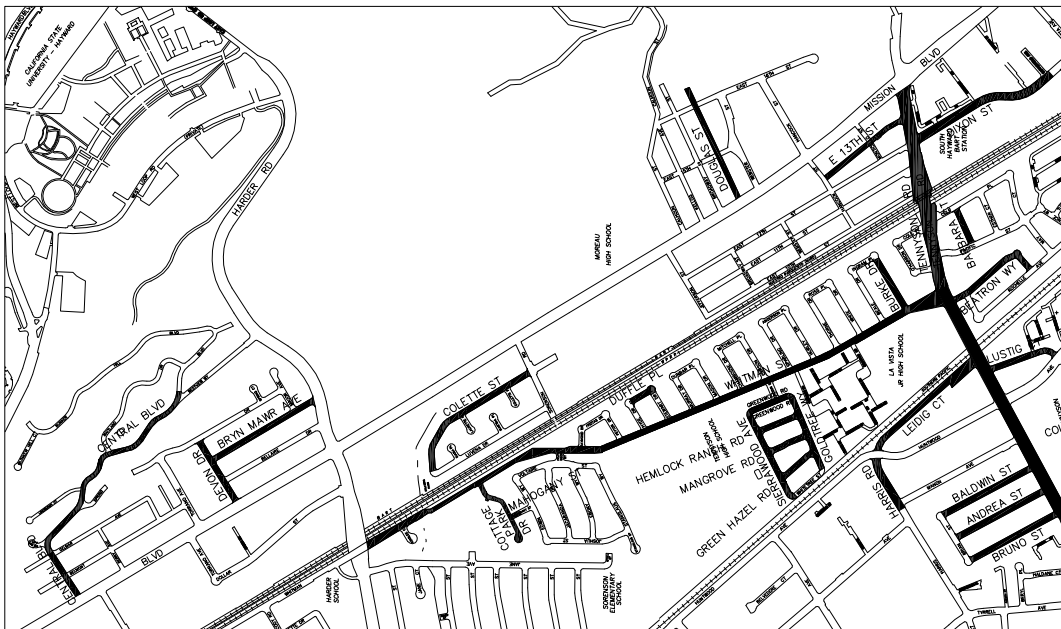
LOCATION MAP
FY16 MEASURE C
STREET PREVENTATIVE MAINTENANCE AND RESURFACING
PROJECT NO. 05204



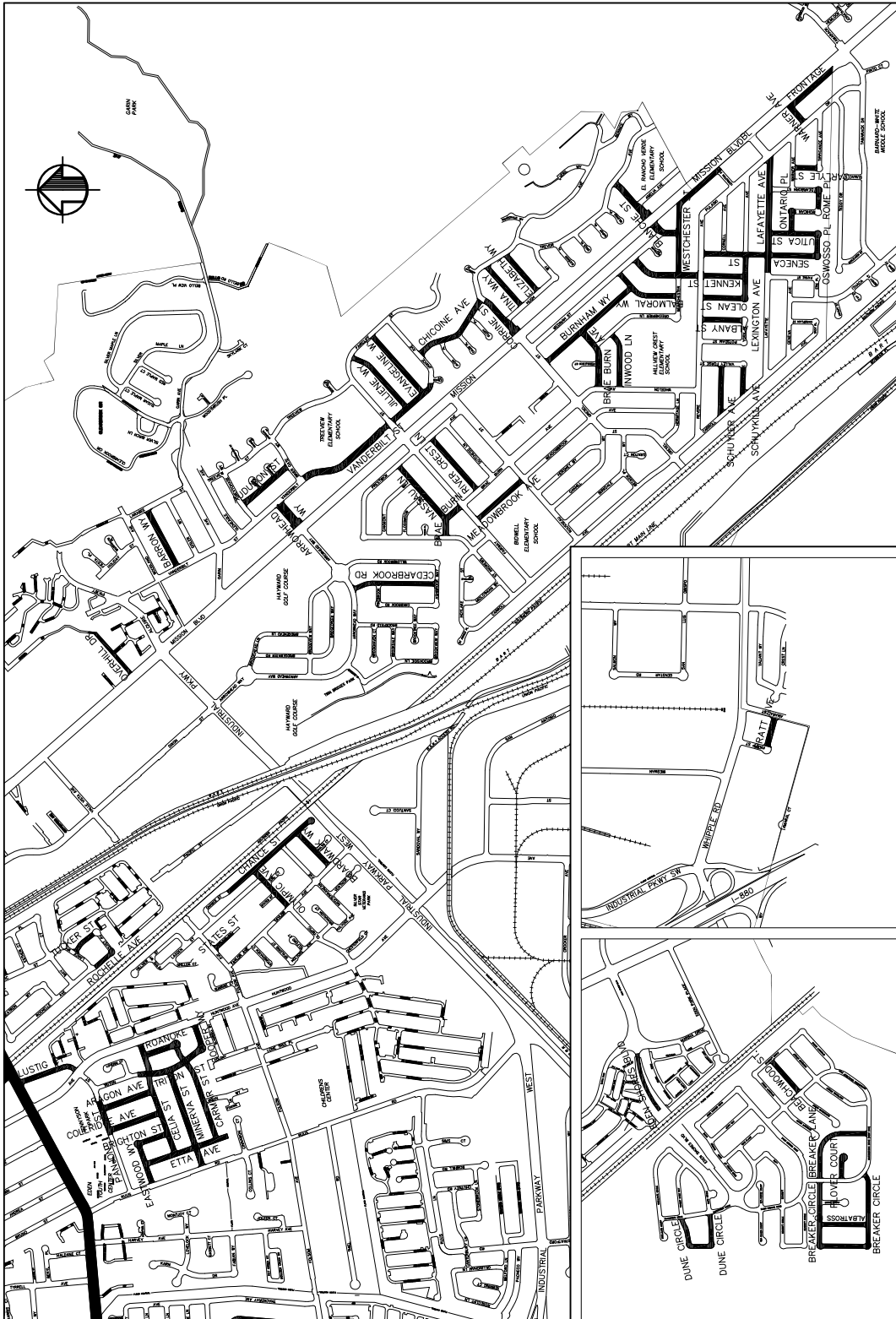
LOCATION MAP
FY16 MEASURE C
STREET PREVENTATIVE MAINTENANCE AND RESURFACING
PROJECT NO. 05204



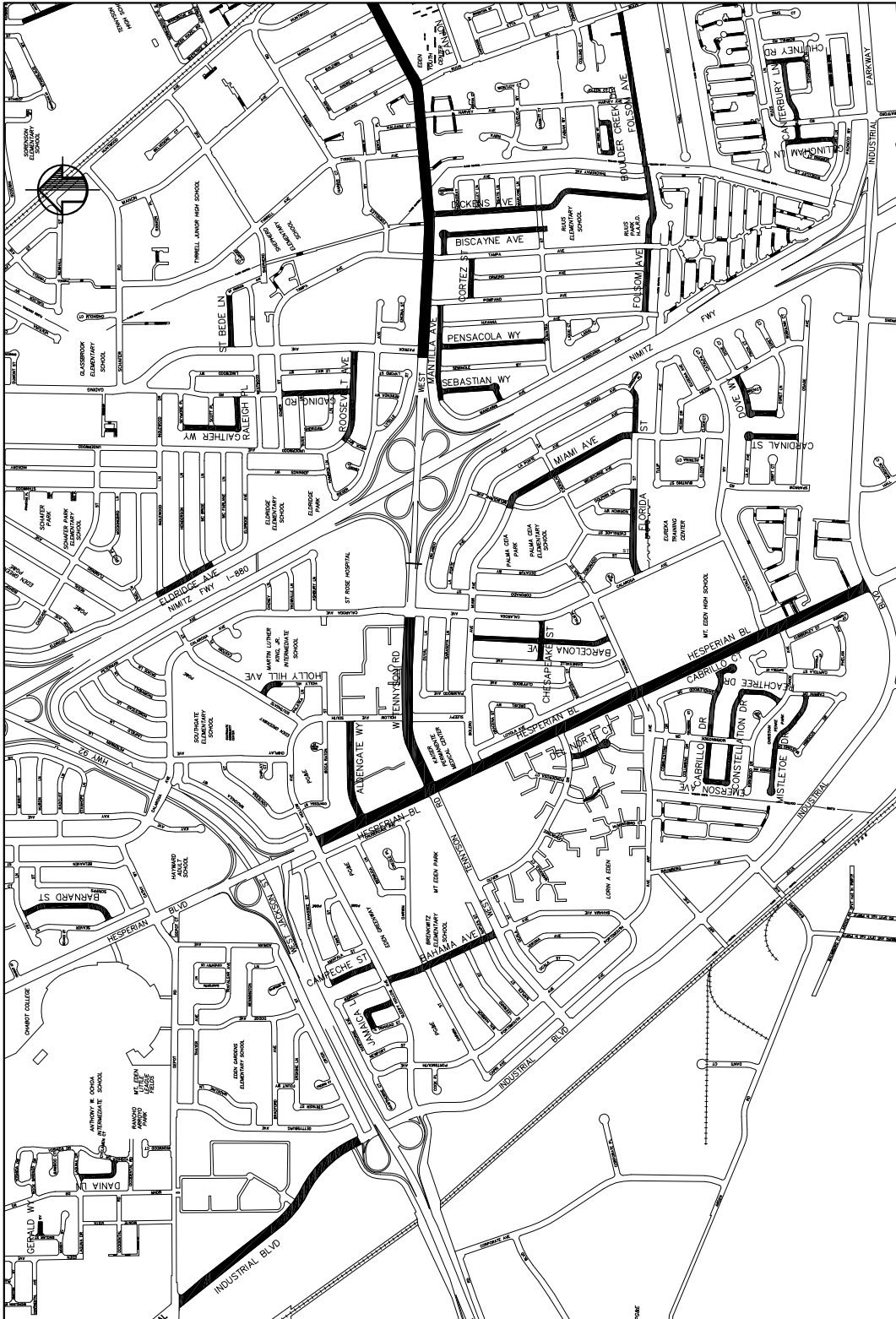
LOCATION MAP
FY16 MEASURE C
STREET PREVENTATIVE MAINTENANCE AND RESURFACING
PROJECT NO. 05204



LOCATION MAP
FY16 MEASURE C
STREET PREVENTATIVE MAINTENANCE AND RESURFACING
PROJECT NO. 05204



LOCATION MAP
FY16 MEASURE C
STREET PREVENTATIVE MAINTENANCE AND RESURFACING
PROJECT NO. 05204



LOCATION MAP
FY16 MEASURE C
STREET PREVENTATIVE MAINTENANCE AND RESURFACING
PROJECT NO. 05204

MF
5/4/16

Date

Morad Fakhrai, Director of Public Works

CITY OF HAYWARD
CONSTRUCTION OF FY 2016 PAVEMENT PREVENTATIVE MAINTENANCE & RESURFACING PROJECT
PROJECT NO. 05204
BIDS OPENED: 04/26/2016
(NUMBER OF BIDS RECEIVED - 5)

BID ITEM LIST 1		BID SUMMARY		ENGINEER'S ESTIMATE		American Asphalt		Pavement Coatings Co.	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	MOBILIZATION	100,000.00	100,000.00	175,800.00	175,800.00	105,002.85	105,002.85
2	1	LS	TRAFFIC CONTROL	200,000.00	200,000.00	100,000.00	100,000.00	250,000.00	250,000.00
3	311,989	LF	PAVEMENT CRACK SEALING	1.00	311,989.00	0.60	187,193.40	0.60	187,193.40
4	524,736	SY	MICRO-SURFACING (TYPE II)	1.85	970,761.60	1.15	603,446.40	1.60	839,577.60
5	325,198	SY	MICRO-SURFACING (TYPE III)	2.75	894,294.50	1.65	536,576.70	2.00	650,396.00
6	62,724	SF	AC SPOT REPAIRS - 4" DEEP LIFT	6.00	376,344.00	5.47	343,100.28	4.75	297,939.00
7	48,161	SF	AC SPOT REPAIRS - 6" DEEP LIFT	8.00	385,288.00	8.19	394,438.59	7.40	356,391.40
8	100	EA	RETROFIT EXISTING CURB RAMPS WITH DETECTABLE WARNING SURFACE	1,000.00	100,000.00	1,000.00	100,000.00	1,100.00	110,000.00
9	3	EA	REPLACE VEHICLE DETECTOR LOOPS	2,000.00	6,000.00	1,000.00	3,000.00	1,600.00	4,800.00
10	34	EA	REMOVE AND UPGRADE SPEED HUMP	5,000.00	170,000.00	3,500.00	119,000.00	14,000.00	476,000.00
11	36,545	SF	THERMOPLASTIC PAVEMENT MARKINGS	4.00	146,180.00	3.35	122,425.75	3.70	135,216.50
BID ITEM LIST 1 TOTAL					3,660,857.10		2,684,981.12		3,412,516.75
BID ITEM LIST 2									
12	21,849	LF	4" WHITE THERMOPLASTIC STRIPE	0.50	10,924.50	0.40	8,739.60	0.50	10,924.50
13	29,178	LF	6" WHITE THERMOPLASTIC STRIPE	0.70	20,424.60	0.60	17,506.80	0.70	20,424.60
14	9,873	LF	8" WHITE THERMOPLASTIC STRIPE	0.90	8,885.70	0.80	7,898.40	0.90	8,885.70
15	20,436	LF	12" WHITE THERMOPLASTIC STRIPE	1.75	35,763.00	3.00	61,308.00	3.30	67,438.80
16	67,791	LF	4" YELLOW THERMOPLASTIC STRIPE	0.50	33,895.50	0.40	27,116.40	0.45	30,505.95
17	11,996	LF	12" YELLOW THERMOPLASTIC STRIPE	1.75	20,993.00	3.00	35,988.00	3.30	39,586.80
18	13,834	EA	PAVEMENT MARKERS	4.00	55,336.00	2.00	27,668.00	2.20	30,434.80
19	191	SF	SHARE LANE MARKINGS (BIKE)	75.00	14,325.00	60.00	11,460.00	1.00	191.00
20	14,483	EA	PREFORMED GREEN THERMOPLASTIC FOR BIKE LANES	8.50	123,105.50	9.00	130,347.00	9.90	143,381.70
21	58	EA	PREFORMED GREEN THERMOPLASTIC PANELS WITH BIKE RIDER SYMBOL	320.00	18,560.00	435.00	25,230.00	500.00	29,000.00
22	15	EA	PREFORMED GREEN THERMOPLASTIC PANELS WITH BIKE LANE ARROW	320.00	4,800.00	435.00	6,525.00	500.00	7,500.00
23	20	EA	PROJECT FUNDING SIGN (48 INCH X 24 INCH)	500.00	10,000.00	325.00	6,500.00	500.00	10,000.00
24	1	EA	RECYCLING IMPLEMENTATION	2,130.10	2,130.10	2,500.00	2,500.00	10,000.00	10,000.00
BID ITEM LIST 2 TOTAL					359,142.90		368,787.20		408,273.85
TOTAL OF BOTH BID ITEM LISTS:					4,020,000.00		3,053,768.32		3,820,790.60

CITY OF HAYWARD
 CONSTRUCTION OF FY 2016 PAVEMENT PREVENTATIVE MAINTENANCE & RESURFACING PROJECT
 PROJECT NO. 05204
 BIDS OPENED: 04/26/2016
 (NUMBER OF BIDS RECEIVED - 5)

BID SUMMARY		ENGINEER'S ESTIMATE		Sierra Nevada Construction		Graham Contractors, Inc.		Intermountain Slurry Seal	
				2055 East Greg Street Sparks, NV 89431 (775) 355-0420 (775) 355-0535 FAX		860 Lotus Street San Jose, CA 95126 (408) 293-9516 (408) 293-3633 FAX		1005 Terminal Way, Suite 220 Reno, NV 89502 (775) 358-1355 (775) 355-3458 FAX	
ITEM	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
BID ITEM LIST 1									
1	1	LS	MOBILIZATION	100,000.00	100,000.00	150,000.00	150,000.00	100,000.00	100,000.00
2	1	LS	TRAFFIC CONTROL	200,000.00	200,000.00	380,042.96	380,042.96	230,000.00	230,000.00
3	311,989	LF	PAVEMENT CRACK SEALING	1.00	311,989.00	0.55	171,593.95	0.79	246,471.31
4	524,736	SY	MICRO-SURFACING (TYPE II)	1.85	970,761.60	1.50	787,104.00	1.46	766,114.56
5	325,198	SY	MICRO-SURFACING (TYPE III)	2.75	894,294.50	2.00	650,396.00	2.40	780,475.20
6	62,724	SF	AC SPOT REPAIRS - 4" DEEP LIFT	6.00	376,344.00	4.65	291,666.60	6.35	398,297.40
7	48,161	SF	AC SPOT REPAIRS - 6" DEEP LIFT	8.00	385,288.00	7.15	344,351.15	9.55	459,937.55
8	100	EA	RETROFIT EXISTING CURB RAMPS WITH DETECTABLE WARNING SURFACE	1,000.00	100,000.00	1,000.00	100,000.00	997.00	99,700.00
9	3	EA	REPLACE VEHICLE DETECTOR LOOPS	2,000.00	6,000.00	825.00	2,475.00	2,000.00	6,000.00
10	34	EA	REMOVE AND UPGRADE SPEED HUMP	5,000.00	170,000.00	13,000.00	442,000.00	10,500.00	357,000.00
11	36,545	SF	THERMOPLASTIC PAVEMENT MARKINGS	4.00	146,180.00	4.00	146,180.00	3.35	122,425.75
BID ITEM LIST 1 TOTAL					3,660,857.10		3,465,809.66		3,566,421.77
BID ITEM LIST 2									
12	21,849	LF	4" WHITE THERMOPLASTIC STRIPE	0.50	10,924.50	0.45	9,832.05	0.40	8,739.60
13	29,178	LF	6" WHITE THERMOPLASTIC STRIPE	0.70	20,424.60	0.65	18,965.70	0.60	17,506.80
14	9,873	LF	8" WHITE THERMOPLASTIC STRIPE	0.90	8,885.70	0.88	8,688.24	0.80	7,898.40
15	20,436	LF	12" WHITE THERMOPLASTIC STRIPE	1.75	35,763.00	3.30	67,438.80	3.00	61,308.00
16	67,791	LF	4" YELLOW THERMOPLASTIC STRIPE	0.50	33,895.50	0.45	30,505.95	0.40	27,116.40
17	11,996	LF	12" YELLOW THERMOPLASTIC STRIPE	1.75	20,993.00	3.30	39,586.80	3.00	35,988.00
18	13,834	EA	PAVEMENT MARKERS	4.00	55,336.00	2.20	30,434.80	2.00	27,668.00
19	191	SF	SHARE LANE MARKINGS (BIKE)	75.00	14,325.00	65.00	12,415.00	60.00	11,460.00
20	14,483	SF	PERFORMED GREEN THERMOPLASTIC FOR BIKE LANES	8.50	123,105.50	10.00	144,830.00	9.50	137,588.50
21	58	EA	PERFORMED GREEN THERMOPLASTIC PANELS WITH BIKE RIDER SYMBOL	320.00	18,560.00	500.00	29,000.00	450.00	26,100.00
22	15	EA	PERFORMED GREEN THERMOPLASTIC PANELS WITH BIKE LANE ARROW	320.00	4,800.00	500.00	7,500.00	450.00	6,750.00
23	20	EA	PROJECT FUNDING SIGN (48 INCH X 24 INCH)	500.00	10,000.00	350.00	7,000.00	350.00	7,000.00
24	1	EA	RECYCLING IMPLEMENTATION	2,130.10	2,130.10	50,000.00	50,000.00	45,000.00	45,000.00
BID ITEM LIST 2 TOTAL					359,142.90		456,197.34		420,123.70
TOTAL OF BOTH BID ITEM LISTS:					4,020,000.00		3,922,007.00		3,986,545.47
									4,497,298.40



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-252

DATE: May 24, 2016

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

FY 2016 Sidewalk Tripping Hazards Removal Project- Adoption of Resolution Authorizing the City Manager to Execute a Purchase Order Contract with BPR, Inc.

RECOMMENDATION

That Council adopts the attached resolution (Attachment I) authorizing the City Manager to negotiate and execute a Purchase Order contract with BPR, Inc. for the FY 2016 Sidewalk Tripping Hazard Removal Project.

BACKGROUND

The City's Annual Sidewalk Rehabilitation Program has two components. One is the removal of tripping hazards caused by sidewalk displacements or offsets that are less than one and three-quarter inches. These hazards are removed by saw-cutting or grinding the uplifted sidewalk panel across the width of the sidewalk to produce a smooth and uniform surface that meets ADA slope requirements. The trip hazard removal is performed under a Purchase Order contract following a Request for Proposals (RFP) that is sent to contractors who perform this type of work. The other component of the Sidewalk Rehabilitation Program removes and replaces, with new concrete, all sidewalk displacements exceeding one and three-quarter inches. This work is performed under a separate public bid contract process.

Each year, \$150,000 of the Sidewalk Rehabilitation Program budget is used for removing tripping hazards along the City's sidewalks. The RFP that was sent out sought to identify contractors who could complete the work at the least possible unit price per location in order to maximize the number of locations to be repaired.

In the past, purchase order contracts were approved by the Finance Department without going to Council as long as there was an approved budget for the project. A Purchase Order is a standardized contract typically used for routine purchase of goods and services that becomes binding upon the provision of the goods or services. A new purchasing policy has been implemented, which now requires Council approval for all requisitions exceeding \$75,000.

DISCUSSION

On March 10, 2016, the City's Purchasing Division sent an RFP to ten contractors that perform concrete grinding and saw-cutting work. Two contractors responded, with BPR, Inc. submitting the low price of \$31.24 per location, which is 2% below the engineer's estimate of \$32.00. The second contractor submitted a bid in the amount of \$32.00 per location.

This year's Sidewalk Rehabilitation Program will remove tripping hazards in the Orchard Hayward Hills Neighborhood (District 2) and the Huntwood Tyrell Neighborhood (District 3). Please see Attachment II for location map. Approximately 4,800 locations of uplifted sidewalks will be repaired with this project.

All bid documents and licenses are in order. Staff recommends award of contract to the low bidder, BPR, Inc.

COMPLETE STREETS

The project satisfies the Council's Complete Streets policy by providing safe, pedestrian-friendly sidewalks.

PUBLIC CONTACT

The contractor will send notices to property owners adjacent to the work area, at least seventy-two hours in advance of the start of work.

FISCAL IMPACT

The estimated project costs are as follows:

Construction Contract	\$150,000
Design, Inspections & Construction Administration	\$25,000
TOTAL	\$175,000

The Adopted FY 2016 Capital Improvement Program (CIP) includes \$800,000 for the Sidewalk Rehabilitation Project in the Street System Improvements Fund. This budget will fund the \$175,000 necessary for this project.

NEXT STEPS

Begin Work	June 20, 2016
Complete Work	December 20, 2016

File #: CONS 16-252

Prepared by: Yaw Owusu, Assistant City Engineer

Recommended by: Morad Fakhrai, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

Attachment I
Attachment II

Resolution
Location Map - Districts 2 & 3

HAYWARD CITY
COUNCIL RESOLUTION
NO. 16-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE
AND EXECUTE PURCHASE ORDER CONTRACT WITH BPR Inc. TO
REMOVE SIDEWALK TRIPPING HAZARDS.

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 an agreement with BPR Inc.
to remove sidewalk tripping hazards in Districts 2 and 3.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL

MEMBERS: ABSENT:

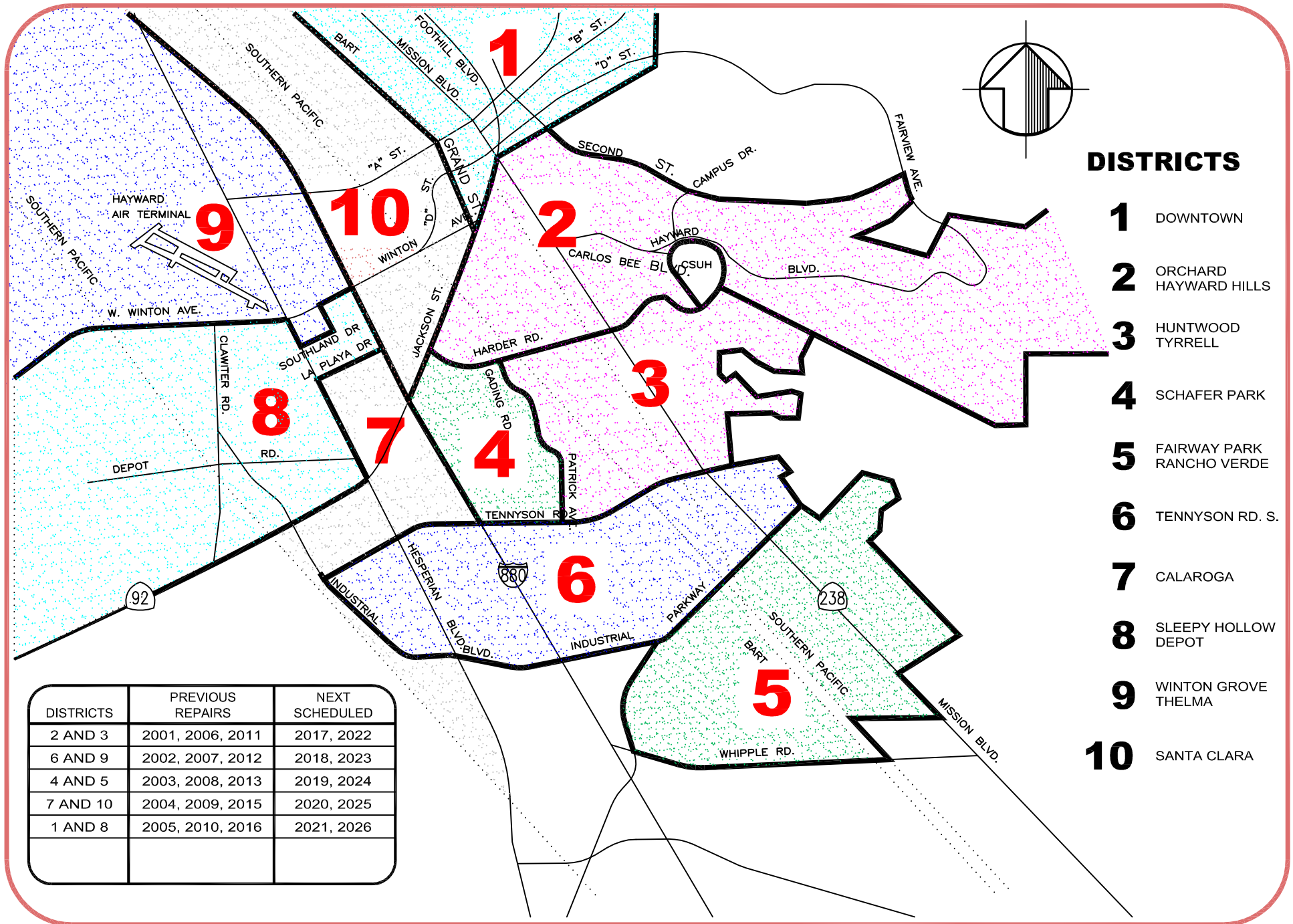
COUNCIL MEMBERS:

ATTEST: _____

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



DISTRICTS

- 1** DOWNTOWN
- 2** ORCHARD HAYWARD HILLS
- 3** HUNTWOOD TYRRELL
- 4** SCHAFER PARK
- 5** FAIRWAY PARK RANCHO VERDE
- 6** TENNYSON RD. S.
- 7** CALAROGA
- 8** SLEEPY HOLLOW DEPOT
- 9** WINTON GROVE THELMA
- 10** SANTA CLARA

DISTRICTS	PREVIOUS REPAIRS	NEXT SCHEDULED
2 AND 3	2001, 2006, 2011	2017, 2022
6 AND 9	2002, 2007, 2012	2018, 2023
4 AND 5	2003, 2008, 2013	2019, 2024
7 AND 10	2004, 2009, 2015	2020, 2025
1 AND 8	2005, 2010, 2016	2021, 2026



CITY OF HAYWARD

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

Staff Report

File #: CONS 16-256

DATE: May 24, 2016

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Authorization for the City Manager to Execute the Alameda CTC Master Programs Funding Agreement for Measure B, Measure BB, and Vehicle Registration Fee Direct Local Distribution Funds

RECOMMENDATION

That Council approves the attached resolution authorizing the City Manager to execute the Master Programs Funding Agreement (MPFA) with the Alameda County Transportation Commission (Alameda CTC) for the pass through funding from Measure B, Measure BB and the Vehicle Registration Fee (VRF).

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 Vehicle Registration Fee (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.

Annually, 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 Vehicle Registration Fee (VRF) programs. Over half of these revenues are distributed by

formula directly to twenty local jurisdictions, including the City of Hayward, to support locally managed transportation, bicycle and pedestrian, transit, and paratransit programs. In order to receive Measure B/BB/VRF Direct Local Distribution (DLD) funds, the City is required to maintain a Master Programs Funding Agreement (MPFA) with the Alameda CTC. The MPFAs identify the roles and responsibilities related to the DLD expenditures.

Alameda CTC currently maintains two active MPFAs with the City to facilitate the distribution of funds. The first, executed in 2012, is applicable to Measure B/VRF funds and expires on June 30, 2022. The second, executed in 2015, is applicable to Measure BB funds and expires on June 30, 2016. The 2015 Measure BB MPFA was an initial one-year agreement to allow for immediate flow of new Measure BB distributions to recipients, and to provide additional time to develop policies and performance measures for all DLD funds.

To address the upcoming expiration of the MPFA for Measure BB, and to provide consistent implementation across all three DLD funds, Alameda CTC is modifying and combining the two current MPFAs into one, ten-year agreement (see Attachment II). The combined MPFA will make changes to, and replace, the current agreements. It will enable continued disbursement of Measure B/BB/VRF DLD funds effective July 1, 2016, continuing through June 30, 2026, unless otherwise amended or replaced in the future.

DISCUSSION

While the combined MPFA will enable continued disbursement of Measure BB funds, it is based primarily on the 2012 MPFA covering Measure B and VRF funds. The primary changes in the new MPFA include:

- Removal of timely use of funds and reserve policies. These policies are replaced in the Measure B/BB/VRF MPFA policy provisions with reference to the Commission approved Timely Use of Funds Policies for DLD funds (December 2015). The Timely Use of Funds Policy requires all Measure B, Measure BB, and VRF recipients to spend funds expeditiously or establish a reserve fund.
- Incorporation of Measure BB references and policies specific to the Measure such as 15% of local streets and roads funds must be expended on bicycle and pedestrian related improvements.
- Incorporation of performance measures and reporting requirements.

FISCAL IMPACT

Execution of the MPFA prior to June 1, 2016 will allow an uninterrupted flow of transportation funds to the City from Measure B/BB/VRF. The table below illustrates the estimated funds provided by each program for FY17.

Funding Source	Local Streets & Roads	Bicycle & Pedestrian Projects	Paratransit
Measure B	\$2.2 million	\$457,000	\$845,000
Measure BB	\$2.0 million	\$370,000	\$526,000
VRF	\$750,000	-	-

File #: CONS 16-256

PUBLIC CONTACT

The Alameda CTC presented the MPFA Implementation Guidelines (see Attachment III) before appropriate Alameda CTC Committees, which provide oversight on funds. On February 25, 2016, the Alameda CTC adopted the final MPFA and Implementation Guidelines.

NEXT STEPS

If Council approves staff recommendations, the MPFA will be fully executed by the City Manager prior to June 1, 2016 to ensure that Measure B/BB/VRF funds continue to flow to the City.

Prepared by: Fred Kelley, Transportation Manager

Recommended by: Morad Fakhrai, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

Attachment I
Attachment II
Attachment III

Resolution
Master Programs Funding Agreement
MPFA Implementation Guidelines

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-_____

Introduced by Council Member _____

RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER
TO EXECUTE THE ALAMEDA CTC MASTER PROGRAMS FUNDING
AGREEMENT FOR MEASURE B, MEASURE BB, AND VEHICLE
REGISTRATION FEE DIRECT LOCAL DISTRIBUTION FUNDS

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

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;

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, the Alameda CTC developed a combined ten-year Measure B, 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, 2016 through June 30, 2026; and

WHEREAS, the combined ten-year MPFA supersedes the prior master agreements related to Measure B, Measure BB, and VRF DLD funds as of the effective date, July 1, 2016, of the combined MPFA.

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

NOW THEREFORE BE IT RESOLVED, that the City Council of Hayward approves the MPFA attached to this resolution and authorizes the City Manager to execute the attached MPFA; and be it further

RESOLVED, that City of Hayward and its agents shall comply with the Alameda CTC MPFA; and be it further

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

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

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

This Master Programs Funding Agreement (“AGREEMENT”, effective the 1st of July 1, 2016, 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. (the “Act”), 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 duration of the Measure B sales tax will be 20 years from the initial year of collection, which began April 1, 2002, with said tax to terminate/expire on March 31, 2022. The tax proceeds will 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. The Measure B Expenditure Plan authorizes the issuance of bonds to expedite delivery of transportation projects and programs. Costs associated with bonding will be borne only by the capital projects included in the Measure B Expenditure Plan and by any programs included in the Measure B Expenditure Plan that utilize the bond proceeds.

D. 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.

E. 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”).

F. On June 24, 2010, ACTIA and ACCMA took the final actions to create ALAMEDA CTC, which has assumed the responsibilities of ACTIA and ACCMA, including duties related to Measure B and the VRF.

G. On November 4, 2014, the voters of Alameda County, pursuant to the Act, approved Measure BB, thereby authorizing ALAMEDA CTC to administer the proceeds from the extension of the existing Measure B one-half of one percent transaction that is scheduled to terminate on March 31, 2022, and the augmentation of the tax by one-half of one percent.

H. The duration of the Measure BB sales tax will be 30 years from the initial year of collection, which begins April 1, 2015, with said tax to terminate/expire on 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.

I. This AGREEMENT delineates the requirements of the Measure B/Measure BB/VRF Direct Local Distribution (“DLD”) funds that are directly allocated to local jurisdictions and transit operators, as authorized by the Measure B Expenditure Plan, 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.

J. This AGREEMENT was originally approved by the governing body of the ALAMEDA CTC on February 25, 2016.

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 B, 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 B and Measure BB
Local Streets and Roads Program	Measure B, Measure BB, and VRF
Mass Transit Program	Measure B and Measure BB
Paratransit Program	Measure B and Measure BB

2. All DLD distributions pursuant to this AGREEMENT shall be effective as of July 1, 2016.

A. BICYCLE AND PEDESTRIAN PROGRAM

1. ALAMEDA CTC will distribute Measure B and 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.

2. 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

1. ALAMEDA CTC will distribute Measure B and 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 within the subarea. RECIPIENT's allocations are subject to change based on variations in annual population and road mile figures.

2. 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.

3. 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.

4. 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 B and Measure BB DLD funds pursuant to set percentages detailed in the Measure B Expenditure Plan and the Measure BB Expenditure Plan. RECIPIENT's percentage fund distribution, if applicable, is detailed in the Measure B and 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 B and Measure BB DLD funds by subarea pursuant to percentages in the Measure B Expenditure Plan, and the Measure BB Expenditure Plan. RECIPIENT's percentage fund distribution by subarea, if applicable, is shown on Exhibit B attached hereto and is incorporated into this AGREEMENT by reference.

a. 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.

b. 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).

c. Measure B and 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 ALAMEDA CTC Commission (the “Commission”). RECIPIENT’s allocations are subject to change based on updated annual population figures.

2. 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 B and Measure BB sales tax revenues and VRF revenues from the State Board of Equalization (“BOE”), 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 the Measure B, 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 B, 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 B, 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 also of its calculation of the allocation formula for distributing Measure B, Measure BB, and VRF revenues to various recipients and render an annual report to the ALAMEDA CTC 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, the Measure B Expenditure Plan, the Measure BB Expenditure Plan, or the VRF Expenditure Plan.

B. RECIPIENT'S DUTIES AND OBLIGATIONS

1. RECIPIENT shall expend all Measure B, 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 B, Measure BB, and VRF funds received. RECIPIENT must account for Measure B, 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 B, Measure BB, and VRF 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.

4. RECIPIENT hereby agrees to and accepts the formulas used in the allocation of Measure B, Measure BB, and VRF revenues as reflected in the ballot measures, the Measure B Expenditure Plan, 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 B, 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 B and Measure BB funds, pursuant to the Act, and VRF funds to supplement and not replace existing property taxes used for transportation purposes.

3. **Fund Exchange:** Any fund exchanges made using Measure B, 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 B, Measure BB, and VRF programs, including direct staff costs and consultant costs, are eligible uses of Measure B, 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 B, 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 B, 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 (covering the prior fiscal year) regarding programs and projects on which RECIPIENT expended Measure B, Measure BB, and VRF funds.

3. RECIPIENT shall document expenditure activities and report on the performance of Measure B, 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 C.

4. RECIPIENT shall install or mount signage adjacent to Measure B, Measure BB, and VRF funded construction projects and on vehicles funded with Measure B, 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 B, Measure BB, and/or VRF funds.

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

6. RECIPIENT shall, at least annually, publish an article highlighting a project or program funded by Measure B, Measure BB, and/or VRF funds.

7. 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, Measure BB, and/or VRF funds.

8. 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, Measure BB, and/or VRF funds before the Commission and/or the Independent Watchdog Committee or community advisory committees, as applicable.

9. 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 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 RECIPIENT in connection with the Measure B, 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, its governing body, 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, 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, 2016 to June 30, 2026, 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 B, Measure BB, and VRF program funds (but not project funding agreements), including but not limited to ALAMEDA CTC Measure B/BB/VRF Master Programs Funding Agreements, which former agreements are 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, 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)

ALAMEDA COUNTY TRANSPORTATION COMMISSION (ALAMEDA CTC)

By: _____
Frances David Date
City Manager

By: _____
Arthur L. Dao Date
Executive Director

Approved as to Form and Legality:

Recommended:

By: _____
Michael Lawson Date
City Attorney

By: _____
Deputy Director of Date
Programming and Projects

Reviewed as to Budget/Financial Controls:

By: _____
Patricia Reavey Date
Director of Finance and Administration

Approved as to Legal Form:

By: _____
Wendel, Rosen, Black & Dean LLP Date
Legal Counsel to ALAMEDA CTC

EXHIBIT A

**MEASURE B AND MEASURE BB
MASS TRANSIT DIRECT LOCAL DISTRIBUTION SUMMARY**

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

Table 1: Measure B		
Agency	Area	Percentage of Net Revenues
AC Transit	North County	9.48%
AC Transit	Central County	4.74%
AC Transit	South County	1.61%
AC Transit Welfare to Work	North County	1.24%
AC Transit Welfare to Work	Central County	0.22%
LAVTA	East County	0.69%
Union City Transit	South County	0.34%
ACE	East/South County	2.12%
SF WETA	Alameda County	0.78%

Table 2: Measure BB		
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 %

Countywide Local and Feeder Bus Service: Provides funding for countywide local and feeder bus service in every region of the county to link neighborhoods and commuters to BART, rail, and express bus connections throughout the county. Welfare to Work programs dedicate 1.46 percent of overall Measure B net sales tax revenues to enhancing transportation opportunities for persons making the transition from welfare to work.

Other Mass Transit Programs: Provides funding to San Francisco Water Emergency Transportation Authority (WETA) Transbay Ferry Service to expand transbay ferry service from Alameda. Provides funding to Altamont Commuter Express (ACE) for capital and operating costs for operations in South and East Alameda County.

Transit Operations: Provides funding to transit operators for maintenance of transit service, restoration of service cuts, expansion of transit service, and passenger safety and security. The transit operators will determine the priorities for these funds through public processes and will submit an annual audit to Alameda CTC.

AC Transit agrees to allocate 1.46 percent of overall net Measure B sales tax receipts to enhancing transportation opportunities for persons making the transition from welfare to work. These "welfare to work" funds can be used by AC Transit for service restoration and expansion or implementation of improved bus

service to facilitate travel to and from work. AC Transit will prioritize the restoration and development of new service to meet the employment-related transit needs of low-income residents in northern and central Alameda County.

Additionally, these funds may be used, at the determination of AC Transit, to provide subsidies of regular bus fares for individuals living in northern and central Alameda County who are transferring from welfare to work as well as those who are economically disadvantaged. In the event that sufficient funds are otherwise available to AC Transit to meet these needs then "welfare to work" funds can be used for other general passenger service purposes in northern and central Alameda County.

AC Transit will work together with and actively seek input from bus riders, business leaders, mayors and other elected officials in San Leandro, Hayward, and the unincorporated areas in Central Alameda County to ensure that the additional transit funds in Central County are used for bus improvements such as night, weekend, and more frequent service, connections to residential growth areas, and access to major employment centers, including enhancement of east-west corridors.

AC Transit will continue to provide transit service similar to the Department of Labor-funded shuttle to and from job sites in East and West Oakland, as needed. AC Transit, Alameda County, the City of Oakland, the Port of Oakland and other entities will look for additional money from outside sources to fund the service. If needed, Measure B funds may be used.

EXHIBIT B

**MEASURE B AND MEASURE BB
PARATRANSIT DIRECT LOCAL DISTRIBUTION SUMMARY**

Alameda CTC distributes Measure B and Measure BB paratransit funds to County subareas/planning areas and to AC Transit and BART based on the distribution percentages in the Measure B Expenditure Plan and 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 1: Measure B	
Area/Agency	Measure B Percentage¹
North County (non-mandated) <i>Cities of Alameda, Albany, Berkeley, Emeryville, and Oakland</i>	1.24%
Central County (non-mandated) <i>Cities of Hayward and San Leandro</i>	0.88%
East County (non-mandated) <i>LAVTA and City of Pleasanton</i>	0.21%
South County (non-mandated) <i>Cities of Fremont, Newark, and Union City</i>	1.06%
North County² (ADA-mandated) <i>AC Transit and BART</i>	4.53%
Central County² (ADA-mandated) <i>AC Transit and BART</i>	1.10%
<ol style="list-style-type: none"> Percentage of Measure B funds required to be distributed to each area in the County. Funding for special transportation for seniors and people with disabilities is provided for services mandated by the ADA to fixed-route public transit operators who are required to provide that service. Funds for the South County are allocated between mandated and non-mandated programs on an annual basis by the cities in that part of the County. Americans with Disabilities Act (ADA) mandated services are allocated to AC Transit and BART according to the percentages included in the Expenditure Plan. 	

Table 2: Measure BB	
Area/Agency	Percentage¹
City-based and Locally Mandated	3.0%
North County <i>Cities of Alameda, Albany, Berkeley, Emeryville, and Oakland</i>	
Central County² <i>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.</i>	
South County <i>Cities of Fremont, Newark, Union City, as well as Union City Transit.</i>	
East County³ <i>Cities of Livermore, Dublin, and Pleasanton, and unincorporated lands governed by Alameda County in the East Area, and LAVTA.</i>	
AC Transit - East Bay Paratransit⁴	4.5%
BART- East Bay Paratransit⁴	1.5%
<ol style="list-style-type: none"> 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. Funding will be assigned to Hayward to serve the unincorporated areas. Funding for Livermore and Dublin will be assigned to LAVTA for their ADA-mandated paratransit program. Measure BB funds are dispersed to AC Transit and BART to operate the East Bay Paratransit Consortium. 	

EXHIBIT C

PERFORMANCE MEASURE SUMMARY

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

Performance reporting will be done through Alameda CTC's reporting processes including the annual program compliance reports, annual performance report, and various planning activities, as they are requested and applicable. Performance will be evaluated periodically through the aforementioned evaluation reports to determine the effectiveness of investments and to inform future investment decisions.

**BICYCLE AND PEDESTRIAN PROGRAM
PERFORMANCE MEASURES**

Performance Measure	Performance Metric and Standard	Evaluation Horizon & Method	Corrective Action	Potential Improvements to Correct Deficiency
Current Master Plans Maintain a current Bicycle/Pedestrian Master Plan (BPMP) that features required core elements	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 explain and provide anticipated schedule and funding to achieve plan update.	- Schedule for update
Infrastructure Investment - Number of linear feet or lane miles of bicycle facilities built or maintained (bike lanes, bike routes, multi-use pathways) - Number of pedestrian projects completed (linear feet of sidewalks, number of crossing improvements, quantify traffic calming items, lighting, landscaping/streetscape, number of curb/ADA ramps, linear feet of trail/pathway built or maintained)	- Bikeway projects completed by roadway segment and facility type - Pedestrian projects completed by category (or categories) of improvement; increased quantity of specific improvements i.e. crossing improvements, striping, signage, curb ramps, pathways.	Annually via Compliance Report	N/A; Report on investments	N/A
Capital Project and Program Investment Amount expended on capital projects and programs by phase (design, row, con and capital support)	Investment into capital projects and programs is greater than funding program administration (outreach, staffing, administrative support)	Annually via Compliance Report	Any agency expending less on capital investments compared to other activities must explain how capital investments will be addressed in subsequent years	N/A

EXHIBIT C (cont.)

LOCAL TRANSPORTATION PROGRAM (Local Streets and Roads)
PERFORMANCE MEASURES

Performance Measure	Performance Metric and Standard	Evaluation Horizon & Method	Corrective Action	Potential Improvements to Correct Deficiency
Pavement State of Repair	Maintain a city-wide average Pavement Condition Index of 60 (Fair Condition) or above Track PCI reported based on regional data: http://www.mtc.ca.gov/news/street_fight/	Annually via Performance Report	Any agency falling under 60 PCI must provide an explanation and/or identify corrective action will need to increase PCI to target levels	Develop corrective actions
Complete Streets Implementation - Expenditure of LSR funds on bicycle and pedestrian projects elements (for Measure BB funds only) - Number of exceptions to adopted local complete streets policies issued	- Maintain a 15% annual minimum LSR investment to support bicycling and walking - Number of projects where accommodation for all users and modes of transportation not included	Annually via Compliance Report	Fund expenditures: Any agency not achieving the target percentage must explain or identify future plan. Policy exceptions: N/A	N/A
Capital Project and Program Investment Amount expended on capital projects and programs by phase (design, row, con and capital support) and by key corridors	Investment into capital projects and programs is greater than funding program administration (outreach, staffing, administrative support)	Annually via Compliance Report	Any agency expending less on capital investments compared to other activities must explain how capital investments will increase in the subsequent years	Develop corrective actions
Corridor-level Vehicle Speed and Reliability Historic trend of vehicle speed and reliability (V/C) during AM/PM peak hours on key corridors with Capital or Operational Investments	Speed and reliability trends should maintain or improve if corridor had Capital or Operational investments since the last Alameda CTC's Level of Service (LOS) Reporting period.	Bi-annually via Alameda CTC's (LOS) Report	Any agency that shows worsening speed or reliability trend after improvements must provide an explanation and identify corrective steps.	Develop corrective actions

EXHIBIT C (cont.)

MASS TRANSIT PROGRAM
PERFORMANCE MEASURES

Performance Measure	Performance Metric and Standard	Evaluation Horizon and Method	Corrective Action	Potential Improvements to Correct Deficiency
Ridership/Service Utilization - Annual Ridership - Passenger trips per revenue vehicle hour/mile	Change in annual ridership and passenger trips per revenue vehicle hour/mile and qualitative explanation for possible reasons	Annually via Performance Report	N/A	N/A
On-time Performance: System wide Average and Key Trunk Lines On time performance of transit system	- Average on-time performance based upon the mode of transit with a target of 75% to 90% or based on the transit agency's adopted performance goals and standards - Agencies are expected to maintain or increase on-time performance annually	Annually via Performance Report	Any agency not meeting this target must prepare a deficiency plan with short- and long-term actions to correct, and explain what would be required to provide this level of service. The deficiency plan should include the involvement of agencies that have jurisdiction over areas that may be impacting transit performance, where applicable.	Through the deficiency plan, identify any corrective actions, responsibilities, and funding opportunities to improve system performance.
Travel Time Speed and reliability (peak vs non-peak) of key trunk lines (bus operators only)	Average speeds at least 50 percent of prevailing auto speed or maintain or increase speed annually	Bi-annually via Alameda CTC's LOS Monitoring Report	Any agency not meeting this target must prepare a deficiency plan with short- and long-term actions to correct, and explain what would be required to provide this level of service. The deficiency plan should include the involvement of agencies that have jurisdiction over areas that may be impacting transit performance, where applicable.	Through the deficiency plan, identify any corrective actions, responsibilities, and funding opportunities to improve system performance.
Cost Effectiveness - Operating Cost per Passenger - Operating Cost per Revenue Vehicle Hour/Mile	Maintain operating cost per passenger or per revenue vehicle hour/mile; percentage increase less than or equal to inflation as measured by CPI	Annually via Performance Report	Any agency with significant increase in costs must provide an explanation	N/A
Transit Fleet State of Good Repair - Distance between breakdowns/service interruptions - Missed trips - Miles between road-calls	- Maintain or increase average distance between breakdowns or road calls - Maintain or reduce the number of missed trips	Annually via Performance Report	Any agency not meeting expected performance must provide an explanation	N/A
Service Provision - Frequency and service span on major corridors or trunk lines - Revenue hours - Revenue miles	- 15 minute or better frequencies on major corridors or trunk lines: 10 minute or better frequencies during weekday peak periods - Service span of 7 days/week, 20 hours per day - Maintain or increase revenue hours/miles	Annually via performance report	Any agency not meeting expected performance must provide an explanation and a description of how service provision will be met in the future	N/A

EXHIBIT C (cont.)

PARATRANSIT PROGRAM
PERFORMANCE MEASURES

Performance Measure	Performance Metric and Standard	Evaluation Horizon and Method	Corrective Action	Potential Improvements to Correct Deficiency
Service Operations and Provisions Number of people served or trips provided	Track number of individuals served by program. - 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; Report on ridership or service data.	N/A
Cost Effectiveness Cost per Trip or Cost per Passenger Total Measure B/BB program cost per one-way passenger trip divided by total trips or total passengers during period.	Maintain cost per trip or per passengers - 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	Develop corrective actions

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

**Alameda County Transportation Commission
Implementation Guidelines
For the Bicycle and Pedestrian Safety Program funded through
Measure B, Measure BB, and Vehicle Registration Fees**

Section 1. Purpose

- A. To delineate the eligible uses of Bicycle and Pedestrian Safety 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 VRF 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 Safety funds. The 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.

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 Safety 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 Safety 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 Safety Funds.
- H. **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).
- 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 may be a joint plan that addresses both walking and bicycling.
- 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, then 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 Measure 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. **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).
- R. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- S. **Project Completion/Closeout:** Inspection/project acceptance, final invoicing, final reporting, and processes for closing out project.
- T. **Scoping and Project Feasibility:** Early capital project phases that identify project needs, costs and implementation feasibility.
- U. **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 (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 Safety Fund Allocations

- A. These implementation Guidelines provide guidance on two types of Bicycle and Pedestrian Safety allocation processes for Measure B and Measure BB funds: 1) Direct Local Distribution funds and 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.

For Measure B, the DLD funds constitute seventy-five percent of the total Measure B bicycle/pedestrian funds. For Measure BB, three percent of total net Measure BB revenues are identified for the Measure BB bicycle/pedestrian DLD program. Each city and Alameda County will receive their proportional share of the DLD based on population over the life of the Measure (which share shall be adjusted annually as described in the Master Programs Funding Agreement). These funds are allocated on a monthly basis directly to each city and the County.
 - b. *Eligible Uses:* The Measure B and Measure BB Bicycle/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 of Local Bicycle and/or Pedestrian Master Plans, and updates of 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 Measure B Bicycle/Pedestrian pass-through 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 Measure B and Measure BB Bicycle and Pedestrian Safety 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 on which to specifically spend Measure B/BB funds
 - 2) Local Bicycle and/or Pedestrian Master Plan with priority projects
 - 3) Capital Improvement Program
 - 4) A resolution, such as to submit a grant application
2. Bicycle and Pedestrian Grant Funds
- a. The Alameda CTC will administer a bicycle and pedestrian discretionary grant program using a portion of each of the Measure B, Measure BB, and the VRF Bicycle and Pedestrian Safety funds. The 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.
 - 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 Measure B, Measure BB, and VRF 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.

The Governor's Office of Planning and Research has developed detailed guidance for meeting this law: *Update to the General Plan Guidelines: Complete Streets and the Circulation Element* (http://www.opr.ca.gov/planning/docs/Update_GP_Guidelines_Complete_Streets.pdf).

Section 7. Local Bicycle/Pedestrian Master Plan Requirement

- A. To receive Measure B, Measure BB, and VRF funds, local jurisdictions must do all of the following with respect to local bicycle and pedestrian master plans. The Alameda CTC will provide technical assistance and funding to local jurisdictions to meet these requirements through the competitive Bicycle and Pedestrian Safety Grant Program. Jurisdictions may also use DLD funds for the development of 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; 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. The Alameda CTC will develop and maintain guidelines outlining these core elements.

Section 8. Advancement of Direct Local Distribution Funds

- A. The Alameda CTC may consider advancing future year 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 the Alameda CTC's Director of Finance and Administration and a copy to the Deputy Director of Projects and Programs, indicating the amount of funds requested and the projects on which the funds will be spent, is required. Requests will be considered on an individual basis.

Section 9. Adoption of Implementation Guidelines

- A. Implementation Guidelines are adopted by the 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's Commission.

**Alameda County Transportation Commission
Implementation Guidelines for
the Local Streets and Roads Program Funded through
Measure B, Measure BB, and Vehicle Registration Fees**

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. The 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 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 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, sidepaths, 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. **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.
- T. **Pedestrian crossing improvements:** At-grade pedestrian crossing improvements such as crosswalks, roadway/geometric changes, or reconfiguration specifically benefiting pedestrians.
- U. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- V. **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
- W. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.
- X. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.
- Y. **Sidewalks and ramps:** New sidewalks, sidewalk maintenance, curb ramps, and stairs/ramps for pedestrian and Americans with Disabilities Act access.
- Z. **Signage:** Warning, regulatory, wayfinding, or informational signage.
- AA. **Signals:** New traffic signals or crossing signals, signal upgrades, countdown signals, audible signals, or signal timing improvements.
- BB. **Street resurfacing and maintenance:** Repaving and resurfacing of on-street surfaces, including striping.
- CC. **Traffic calming:** Infrastructure primarily aimed at slowing down motor vehicle traffic.
- DD. **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 Fund allocation process for Measure B, Measure BB, and VRF Direct Local Distribution funds.

1. Measure B and Measure 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.

The DLD funds constitute 100 percent of the total Measure B and Measure BB Local Streets and Roads funds. Each city and Alameda County will receive their proportional share (which share shall be adjusted annually as described in the Master Programs Funding Agreement) of the local transportation DLD funds within their sub-area based on a formula weighted 50 percent by the population of the jurisdiction within the sub-area and 50 percent on the number of road miles within the sub-area. These funds are allocated on a monthly basis directly to each city and the County. DLD funds must be placed in separate accounts for the Measure B, Measure BB, and VRF programs.

- b. *Eligible Uses:* The Measure B and Measure BB Local Streets and Roads 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 Measure B Local Streets and Roads 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 Measure B and Measure BB Local Streets and Roads 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 on which to specifically spend Measure B funds

- 2) Local Streets and Roads Master Plan with priority projects
- 3) Capital Improvement Program
- 4) A resolution, such as to submit a grant application

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).

The DLD funds constitute 100 percent of the total VRF Local Streets and Roads funds and are distributed among the four planning areas of the county. VRF local streets and roads DLD funds within the geographic planning area are based on a formula weighted 50 percent by the population of the jurisdiction within the planning area and 50 percent of the number of registered vehicles in the planning area. VRF local streets and roads funds will be distributed by population within a planning area. Allocations may change in the future based on changes in population and number of registered vehicle figures. Recipients are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds. Agencies will maintain all interest accrued from the VRF Local Road Program DLD funds within the program. These funds are allocated on a monthly basis directly to each city and the County. DLD funds must be placed in separate accounts for the Measure B, Measure BB, and VRF programs.

- 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 accommodates 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 Measure B and VRF 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.

The Governor’s Office of Planning and Research has developed detailed guidance for meeting this law: *Update to the General Plan Guidelines: Complete Streets and the Circulation Element* (http://www.opr.ca.gov/planning/docs/Update_GP_Guidelines_Complete_Streets.pdf).

Section 7. Pavement Condition Index Reporting

- A. To receive Measure B, Measure BB, and VRF 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 to 60 or above.

Section 8. Advancement of Direct Local Distribution Funds

- A. The Alameda CTC may consider advancing future year DLD funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to the Alameda CTC Director of Finance and Administration and a copy to the Deputy Director of Projects and Programs, indicating the amount of funds requested and the projects on which the funds will be spent, is required. Requests will be considered on an individual basis.

Section 9. Adoption of Implementation Guidelines

- A. Implementation Guidelines are adopted by the 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
Implementation Guidelines for
the Mass Transit Program Funded through
Measure B, Measure BB, and Vehicle Registration Fees**

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, 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. The 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 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, roadmiles, 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 Measure 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 \$11 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 Measure B and Measure BB Direct Local Distribution funds and Measure B Express Bus Services Grant Program and VRF Transit for Congestion Relief Program funds.
1. Measure B Mass Transit Direct Local Distribution (DLD) Funds
 - a. *General:* Alameda CTC distributes Measure B and Measure BB 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. Transit operators in Alameda County receive their proportional share of mass transit DLD funds based on percentages of net revenues generated by the Measure B and Measure BB sales and use taxes (which share shall be adjusted annually as described in the Master Programs Funding Agreement). These funds are allocated on a monthly basis directly to each transit operator.
 - b. *Eligible Uses:* The Measure B and Measure BB 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 Measure B and Measure BB 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. The Alameda CTC may consider advancing future year DLD funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to the Alameda CTC Director of Finance and Administration and a copy to the Deputy Director of Projects and Programs, indicating the amount of funds requested and the projects on which the funds will be spent, is required. Requests will be considered on an individual basis.

Section 7. Adoption of Implementation Guidelines

- A. Implementation Guidelines are adopted by the 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
Implementation Guidelines for the
Paratransit Program Funded through
Measure B and Measure BB**

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 the Paratransit funds. The 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, roadmiles, 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 Measure 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 Alameda CTC committee that 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 Measure B and Measure BB Direct Local Distribution funds and Paratransit Gap Grant Program funds.
 - 1. Measure B and Measure BB Paratransit Direct Local Distribution Funds
 - a. *General:* Alameda CTC distributes Measure B and Measure BB 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:* The Measure B and Measure BB 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 Measure B and Measure BB 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. Measure B and Measure BB Paratransit Discretionary Grant Program Funds
- a. The Measure B Expenditure Plan dedicates 1.43 percent of the funds for gaps in services to be recommended by PAPCO to reduce differences that might occur based on the geographic residence of any individual needing services. The Alameda CTC will administer a Measure B Paratransit discretionary grant program.
 - b. 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. The Alameda CTC will administer a Measure B Paratransit discretionary grant program.
 - c. The Alameda CTC adopt Grant Program Guidelines through its programming and allocation processes to guide the grant allocations.
 - d. 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.

- e. 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. The Alameda CTC may consider advancing future year DLD funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to the Alameda CTC Director of Finance and Administration and a copy to the Deputy Director of Projects and Programs, indicating the amount of funds requested and the projects on which the funds will be spent, is required. Requests will be considered on an individual basis.

Section 7. Adoption of Implementation Guidelines

- A. Implementation Guidelines are adopted by the 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 Program

Implementation Guidelines

These guidelines lay out the service types that are eligible to be funded with Alameda County Measure B (2000), Measure BB (2014) and Vehicle Registration Fee (VRF, 2010) revenues under the Special Transportation for Seniors and People with Disabilities Program (Paratransit). All programs funded partially or in their entirety through these sources, including ADA-mandated paratransit services, city-based non-mandated programs and discretionary grant funded projects, must abide by the following requirements for each type of paratransit service.

Fund recipients are able to select which of these service types are most appropriate for their community to meet the needs of seniors and people with disabilities. Overall, all programs should be designed to enhance quality of life for seniors 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. Ultimately, whether a destination is important should be determined by the consumer.

The chart below summarizes the eligible service types and their basic customer experience parameters; this is followed by more detailed descriptions of each.

Service	Timing	Accessibility	Origins/ Destinations	Eligible Population
ADA Paratransit	Pre-scheduled	Accessible	Origin-to-Destination	People with disabilities unable to ride fixed route transit
Door-to-Door Service	Pre-scheduled	Accessible	Origin-to-Destination	People with disabilities unable to ride fixed route transit and seniors
Taxi Subsidy	Same Day	Varies	Origin-to-Destination	Seniors and people with disabilities

Service	Timing	Accessibility	Origins/ Destinations	Eligible Population
Specialized Accessible Van	Pre-scheduled & Same Day	Accessible	Origin-to-Destination	People with disabilities using mobility devices that require lift- or ramp-equipped vehicles
Accessible Shuttles	Fixed Schedule	Accessible	Fixed or Flexed Route	Seniors and people with disabilities
Group Trips	Pre-scheduled	Varies	Round Trip Origin-to-Destination	Seniors and people with disabilities
Volunteer Drivers	Pre-scheduled	Generally Not Accessible	Origin-to-Destination	Vulnerable populations with special needs, e.g. requiring door-through-door service or escort
Mobility Management and/or Travel Training	N/A	N/A	N/A	Seniors and people with disabilities
Scholarship/ Subsidized Fare Programs	N/A	N/A	N/A	Seniors and people with disabilities
Meal Delivery Programs	N/A	N/A	N/A	Meal delivery programs currently funded by Measure B may continue, but new programs may not be established.
Capital Expenditures	N/A	Accessible	N/A	Seniors and people with disabilities

Service	Timing	Accessibility	Origins/ Destinations	Eligible Population
Hospital Discharge Transportation Service (HDTs)/Wheelchair Scooter Breakdown Transportation Service (WSBTS)	Same Day	Accessible	Origin-to-Destination	People with disabilities using mobility devices that require lift- or ramp-equipped vehicles

Note on ADA Mandated Paratransit: Programs mandated by the American's with Disabilities Act are implemented and administered according to federal guidelines that may supersede these guidelines; however all ADA-mandated programs funded through Measure B and BB or the VRF are subject to the terms of the Master Programs Funding Agreement.

Interim Service for Consumers Awaiting ADA Certification: At the request of a health care provider, or ADA provider, city-based programs must provide interim service through the programs listed below to consumers awaiting ADA certification. Service must be provided within three business days of receipt of application.

Note on Capital Expenditures: Any capital expenditures within the eligible service categories must be consistent with the objectives of the Alameda CTC Special Transportation for Seniors and Peoples with Disabilities (Paratransit) Program described above and are subject to review by Alameda CTC staff prior to implementation.

City-based Door-to-Door Service Guidelines	
Service Description	<p>City-based door-to-door services provide pre-scheduled, accessible, door-to-door trips. Some programs allow same day reservations on a space-available basis. They provide a similar level of service to mandated ADA services. These services are designed to fill gaps that are not met by ADA-mandated providers and/or relieve ADA-mandated providers of some trips.</p> <p>This service type does not include taxi subsidies which are discussed below.</p>
Eligible Population	<p>Eligible Populations include:</p> <ol style="list-style-type: none"> 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. Seniors 80 years or older without proof of a disability. Cities may provide services to consumers who are younger than age 80, but not younger than 70 years old. <p><i>Cities may continue to offer "grandfathered" eligibility to program registrants below 70 years old who have used the program regularly in FY 11/12, as long as it does not impinge on the City's ability to meet the minimum requirements of the Implementation Guidelines.</i></p> <p><i>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 eligibility due to disability.</i></p>
Time & Days of Service	<p>At a minimum, service must be available any five days per week between the hours of 8 am and 5 pm (excluding holidays).</p> <p>At a minimum, programs must accept reservations between the hours of 9 am and 5 pm Monday – Friday (excluding holidays).</p>
Fare (Cost to Customer)	<p>Fares for pre-scheduled service should not exceed local ADA paratransit fares, but can be lower, and can be equated to distance. Higher fares can be charged for "premium" same-day service.</p>

City-based Door-to-Door Service Guidelines

Other	<p>Door-to-Door programs must demonstrate that they are providing trips at an equal or lower cost than the ADA-mandated provider on a cost per trip basis. 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.</p> <p>Programs may impose per person trip limits to due to budgetary constraints, but any proposed trip limitations that are based on trip purpose must be submitted to Alameda CTC staff for review prior to implementation.</p>
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Taxi Subsidy Program Guidelines

Service Description	<p>Taxis provide curb-to-curb service that can be scheduled on a same-day basis. They charge riders on a distance/time basis using a meter. Taxi subsidy programs allow eligible consumers to use taxis at 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. These programs are intended for situations when consumers cannot make their trip on a pre-scheduled basis.</p> <p>The availability of accessible taxi cabs varies by geographical area and taxi provider, but programs should expand availability of accessible taxi cabs where possible in order to fulfill requests for same-day accessible trips.</p>
Eligible Population	<p>Eligible Populations include:</p> <ol style="list-style-type: none"> 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. Seniors 80 years or older without proof of a disability. Cities may provide services to consumers who are younger than age 80, but not younger than 70 years old. <p><i>Cities may continue to offer "grandfathered" eligibility to program registrants below 70 years old who were enrolled in the program in FY 11/12 and have continued to use it regularly, as long as it does not impinge on the City's ability to meet the minimum requirements of the Implementation Guidelines.</i></p> <p><i>Program sponsors may use either ADA eligibility, as established by ADA-mandated providers (incl. East Bay Paratransit, LAVTA, Union City</i></p>

Taxi Subsidy Program Guidelines	
	<p><i>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 eligibility due to disability.</i></p> <p><i>ADA-mandated providers that are not also city-based providers (East Bay Paratransit and LAVTA) are not required to provide service to seniors 80 years or older without ADA eligibility.</i></p>
Time & Days of Service	24 hours per day/7 days per week
Fare (Cost to Customer)	<p>Programs must subsidize at least 50% of the taxi fare.</p> <p>Programs can impose a cap on total subsidy per person. This can be accomplished through a maximum subsidy per trip, a limit on the number of vouchers/scrip (or other fare medium) per person, and/or a total monetary subsidy per person per year.</p>
Other	<p>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.</p>

City-based Specialized Accessible Van Service Guidelines	
Service Description	<p>Specialized Accessible van service provides accessible, door-to-door trips on a pre-scheduled or same-day basis. This service category is not intended to be as comprehensive as primary services (i.e. ADA-mandated, City-based Door-to-Door, or Taxi programs), but should be a complementary supplement in communities where critical needs for accessible trips are not being adequately met by the existing primary services. Examples of unmet needs might be a taxi 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 same-day accessible trips.</p> <p>This service may make use of fare mediums such as scrip and vouchers to allow consumers to pay for rides.</p>
Eligible Population	At discretion of program sponsor with local consumer input.

Time & Days of Service	At discretion of program sponsor with local consumer input.
Fare (Cost to Customer)	At discretion of program sponsor with local consumer input.
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 same-day accessible trips. 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.

Accessible Shuttle Service Guidelines	
Service Description	<p>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 stations, community centers, commercial districts, and post offices.</p> <p>Shuttles should be designed to supplement 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 a senior living facility. Shuttles are often designed to serve active seniors who do not drive but are not ADA paratransit registrants.</p>
Eligible Population	Shuttles should be designed to appeal to older people, 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.

Accessible Shuttle Service Guidelines	
Cost of Service	By end of the second fiscal year of service, the City's cost per one-way person trip cannot exceed \$20, 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	Shuttles are required to coordinate with the local fixed route transit provider. Shuttle routes and schedules should be designed with input from the senior and disabled communities and to ensure effective design, and any new shuttle plan must be submitted to Alameda CTC staff for review prior to implementation. Deviations and flag stops are permitted at discretion of program sponsor.

Group Trips Service Guidelines	
Service Description	Group trips are round-trip rides for pre-scheduled outings, including shopping trips, sporting events, and community health fairs. These trips are specifically designed to serve the needs of seniors and people with disabilities and typically originate from a senior center or housing facility and are generally provided in accessible vans and other vehicle types or combinations thereof.
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 limitations to control program costs.

Volunteer Driver Service Guidelines	
Service Description	<p>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. This service meets a key mobility gap by serving more vulnerable populations and should complement existing primary services (i.e. ADA-mandated, City-based Door-to-Door, or Taxi).</p> <p>Volunteer driver programs may also have an escort component where volunteers accompany consumers on any service eligible for paratransit funding, when they are unable to travel in a private vehicle.</p>
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.

Mobility Management and/or Travel Training Service Guidelines	
Service Description	<p>Mobility management services cover a wide range of activities, such as travel training, escorted companion services, coordinated services, trip planning, and brokerage. Mobility management activities often include education and outreach which play an important role in ensuring that people use the "right" service for each trip, e.g. using EBP from Fremont to Berkeley for an event, using a taxi voucher for a same-day semi-emergency doctor visit, and requesting help from a group trips service for grocery shopping.</p>
Eligible Population	At discretion of program sponsor.

Mobility Management and/or Travel Training Service 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.

Scholarship/Subsidized Fare Program Guidelines	
Service Description	Scholarship or Subsidized Fare Programs can subsidize any service eligible for paratransit funding and/or fixed-route transit for 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-based paratransit program. Low income requirements are at discretion of program sponsors, but the requirement for household income should not exceed 50% AMI (area median income).
Time and Days of Service	N/A
Fare (Cost to Customer)	N/A
Other	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 East Bay Paratransit (EBP) 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 scholarship and/or fare subsidy must be submitted to Alameda CTC staff for review prior to implementation.

Meal Delivery Funding Guidelines	
Service Description	Meal Delivery Funding programs provide funding to programs that deliver meals to the homes of individuals who are generally too frail to travel outside to congregate meal sites. Although this provides access to life sustaining needs for seniors and people with disabilities, it is not a direct transportation expense.
Eligible Population	For currently operating programs, at discretion of program sponsor.
Time and Days of Service	For currently operating programs, at discretion of program sponsor.
Fare (Cost to Customer)	For currently operating programs, at discretion of program sponsor.
Other	Currently operating funding programs may continue, but new meal delivery funding programs may not be established.

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 the Alameda CTC Special Transportation for Seniors and Peoples with Disabilities (Paratransit) Program. Planned expenditures are subject to review by Alameda CTC staff prior to implementation.

Hospital Discharge Transportation Service (HDTS)/ Wheelchair Scooter Breakdown Transportation Service (WSBTS)	
Service Description	These are specialized Countywide services providing accessible, door-to-door trips on a same-day basis in case of hospital discharge or mobility device breakdown. These services are overseen by the Alameda CTC.
Eligible Population	At discretion of Alameda CTC. Targeted towards seniors and people with disabilities without other transportation options who need trips on a same-day basis in case of hospital discharge or mobility device breakdown.
Time & Days of Service	At discretion of Alameda CTC.
Fare (Cost to Customer)	No cost to consumer.

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

Performance Measures

The Alameda CTC collects performance data from all programs funded with Alameda County Measure B (2000), Measure BB (2014) and Vehicle Registration Fee (VRF, 2010) 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-based non-mandated paratransit programs and discretionary grant-funded projects, are identified below. Additional performance-related data may be required through separate discretionary grant guidelines or to report to the Alameda CTC's Commission or one of its community advisory committees.

ADA-mandated Paratransit
<ul style="list-style-type: none"> • Number of one-way trips provided • Total Measure B/BB cost per one-way trip (<i>Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.</i>)

City-based Door-to-Door Service
<ul style="list-style-type: none"> • Number of one-way trips provided • Total Measure B/BB cost per one-way trip (<i>Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.</i>)

Taxi Subsidy Program
<ul style="list-style-type: none"> • Number of one-way trips provided • Total Measure B/BB cost per one-way trip <i>(Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.)</i>

City-based Specialized Accessible Van Service
<ul style="list-style-type: none"> • Number of one-way trips provided • Total Measure B/BB cost per one-way trip <i>(Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.)</i>

Accessible Shuttle Service
<ul style="list-style-type: none"> • Total ridership <i>(One-way passenger boardings)</i> • Total Measure B/BB cost per one-way passenger trip <i>(Total Measure B/BB program cost during period divided by the total ridership during period.)</i>

Group Trips Service
<ul style="list-style-type: none"> • Number of one-way passenger trips provided • Total Measure B/BB cost per passenger trip <i>(Total Measure B/BB program cost during period divided by the number of passenger trips provided during period.)</i>

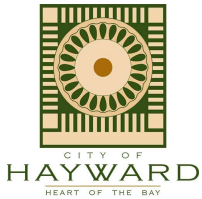
Volunteer Driver Service
<ul style="list-style-type: none"> • Number of one-way trips provided • Total Measure B/BB cost per one-way trip <i>(Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.)</i>

Mobility Management Service
<ul style="list-style-type: none"> • Number of contacts provided with mobility management support • Total Measure B/BB cost per individual provided with mobility management support <i>(Total Measure B/BB program cost during period divided by the number of individuals provided with support during period.)</i>

Travel Training Service
<ul style="list-style-type: none"> • Number of individuals trained • Total Measure B/BB cost per individual trained (<i>Total Measure B/BB program cost during period divided by the number of individuals trained during period</i>)

Scholarship/Subsidized Fare Program
<ul style="list-style-type: none"> • Number of unduplicated individuals who received scholarship/subsidized fares • Number of one-way fares/tickets subsidized • Total Measure B/BB cost per subsidy (<i>Total Measure B/BB program cost during period divided by the number of subsidized fares/tickets during period</i>)

Meal Delivery Funding
<ul style="list-style-type: none"> • Number of meal delivery trips • Total Measure B/BB cost per meal delivery trip (<i>Total Measure B/BB program cost during period divided by the number of meal delivery trips during period</i>)



CITY OF HAYWARD

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

Staff Report

File #: WS 16-036

DATE: May 21, 2016

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Council Budget Work Session on May 21, 2016: FY 2017 Proposed Operating Budget - Departmental Budget Presentations

Mayor and Council, this is just a brief reminder of the format developed for the June 21, 2016 Council work session on the FY 2017 Proposed Budget being held in Room 2A of City Hall. As you will note, there is no additional information provided to you on this topic in the published agenda materials other than the required notice and the presentation schedule, which is again attached for your reference as Attachment I.

Some Council Members have also asked about the Capital Improvements Program Budget (CIP) for FY 2017. That is coming to you separately on May 24. However, I certainly agree that the projects and expenditures funded by General Fund dollars (Fund 405) being recommended by staff are of interest to you and may inform your discussions on Saturday. Therefore, that section of the Proposed FY 2017 CIP is coming to you today marked as Attachment II to this report.

This year's budget work session is not structured around any formal presentation by any operating department, the Finance/Budget office, or my office. It is geared toward answering any questions you may have, discussing any changes you may propose, and staff generally being responsive to any and all comments generated by your review of the Proposed FY 2017 Operating Budget, which was presented to you on May 4, 2016. The schedule is tentative and the times associated with each department's conversation with you are approximate - these can vary according to the time you need in each area.

Please bring the Proposed FY 2017 Operating Budget Book with you to the Work Session along with this report containing the additional information provided by the Fund 405 section of the CIP. We look forward to the conversation. Thank you.

Attachment I: Agenda and Tentative Schedule
Attachment II: FY2017-2026 Capital Improvement Program

Council Work Session Working Agenda and Tentative Schedule

City Manager's FY 2017 Proposed Operating Budget Saturday, May 21, 2016 Conference Room 2A

Estimated Start Time	Agenda Topic	Total Allotted Time (Presentation & Q&A)
8:30 am	Roll Call/Public Comment	30 minutes
9:00 am	Review of Day's Agenda & Objectives	10 minutes
9:10 am	Library & Community Services	30 minutes
9:40 am	Maintenance Services	30 minutes
10:10 am	Fire Department	40 minutes
10:50 am	Break	10 minutes
11:00 am	Police Department	45 minutes
11:45 am	Break to pick up lunch/working lunch	15 minutes
12:00 pm	City Clerk's Office/City Manager's Office/ City Attorney's Office/Office of the Mayor and City Council	45 minutes
12:45 pm	Human Resources/I.T./Finance	30 minutes
1:15 pm	Engineering & Transportation	30 minutes
1:45 pm	Utilities & Environmental Services	30 minutes
2:15 pm	Development Services	45 minutes
3:00 pm	Conclude day and identify action steps	30 minutes

*** All times listed are tentative and subject to change based on Council discussion and direction at the meeting.*

- No CIP presentation will be given during this Council work session; a separate CIP work session is scheduled for Tuesday, June 14.
- Public hearing on the FY 2017 Operating Budget: June 21, 2016
- Council adoption of the FY 2017 Operating Budget: June 28, 2016

FY 2017 - FY 2026 CAPITAL IMPROVEMENT PROGRAM

GENERAL FUND/INTERNAL SERVICE FUND TRANSFER SUMMARY											
FUND	TRANSFER TOTAL	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
405 (Capital Projects) - General Fund	3,362	279	289	368	399	403	406	406	406	406	406
460 (Transp System Impr) - General Fund	3,500	350	350	350	350	350	350	350	350	350	350
726 (Facilities Capital) - Internal Service Fund	3,025	325	300	300	300	300	300	300	300	300	300
731 (Technology Capital) - Internal Service Fund	3,493	615	622	630	216	220	225	235	240	245	245
731 (Technology Capital) - General Fund	4,828	980	248	450	50	50	1,250	450	450	450	450
736 (Fleet Mgmt Capital) - Internal Service Fund	28,700	2,200	2,500	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
General Fund Subtotal	11,690	1,609	887	1,168	799	803	2,006	1,206	1,206	1,206	1,206
Internal Service Fund Subtotal	35,218	3,140	3,422	3,930	3,516	3,520	3,525	3,535	3,540	3,545	3,545
210 (Gas Tax) ¹	(1,881)	(227)	(229)	(232)	(234)	(236)	(239)	(241)	(243)	(246)	(248)
NET TOTAL	45,027	4,522	4,082	4,869	4,083	4,089	5,295	4,502	4,505	4,508	4,505
¹ Gas Tax funds transferred to General Fund for Gas Tax eligible expenditures, such as street maintenance and sidewalk/street patching.						All transfers expressed in 1000's.					

CAPITAL PROJECTS (GOVERNMENTAL) - FUND 405

PROJ. NO.	PROJECT DESCRIPTION	PROJ. TOTAL	PRIOR YEARS	EST FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
CAPITAL PROJECTS - GENERAL														
06902	City Hall Rotunda Sound System	25	19	6										
06903	Improvements to City Council Chambers	25	22	3										
06904	Community Satisfaction Survey	72	32	8	32									
06908	Comprehensive General Plan Update	1,605	1,588	17										
06909	Downtown Parking Study	160	29	101	30									
NEW	Downtown Parking Improvements	100			100									
06910	Interior Painting of City Facilities	30	15	15										
06978	Foothill Gateway Landscape Plan	50	0		50									
	<i>County Reimbursement RDA</i>	25		25										
06901	City Facilities Needs Assessment Study	508	413	95										
	<i>Calpine (for 21st Century Library & Community Learning Center)</i>	180		180										
06977	UST Remediation Study - Fire Station 2	320	213	107										
06906	Mural Art Program	283	122	93	68									
	<i>Reimbursement from HPD</i>				5									
05102	Landscape Material/Street Tree Replacements	613	N/A	63	55	55	55	55	55	55	55	55	55	55
05160	Surplus Property Maintenance	165	N/A	15	15	15	15	15	15	15	15	15	15	15
06121	Property Taxes on Excess Right-of-Way	50	N/A	5	5	5	5	5	5	5	5	5	5	5
06907	Project Predesign Services	385	N/A	35	35	35	35	35	35	35	35	35	35	35
06938	Annual Median Tree & Shrub Replacement	557	N/A	57	50	50	50	50	50	50	50	50	50	50
06950	Neighborhood Partnership Program Project	902	352	50	50	50	50	50	50	50	50	50	50	50
	<i>Caltrans</i>	61	61											
06905	Disaster Preparedness Exercise	50	0	50										
06968	Sealing Centennial Hall Parking Deck	262	232						30					
06952	Neighborhood Improvement Grant Program	15	0		15									
	<i>Reimbursement</i>	15			15									
06916	9/11 Memorial	100		100										
	<i>Reimbursement</i>	100		100										
NEW	150th Hayward Anniversary Events	100												100
	<i>Transfer from General Fund</i>	100			10	10	10	10	10	10	10	10	10	10
CAPITAL PROJECTS - POLICE														
07402	Supporting Services Equipment	630	31	72	165	82	52	27	54	25	32	30	30	30
07405	SWAT Team Equipment	633	156	76	17	18	30	16	17	47	84	72	50	50
07409	Police Officer Equipment	2,001	187	196	88	200	175	321	66	60	240	156	156	156
07411	Field Operations Equipment	355	25	68	56	6	25	22	27	32	19	25	25	25

CAPITAL PROJECTS (GOVERNMENTAL) - FUND 405

PROJ. NO.	PROJECT DESCRIPTION	PROJ. TOTAL	PRIOR YEARS	EST FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
07412	Criminal Investigations Equipment	186	7	26	24	17	28	14	2	20	2	22	22	2
07415	Tower Surveillance System	60	0	60										
07416	Emergency Portable Generator	44	0	44										
CAPITAL PROJECTS - FIRE														
07468	Emergency Notification System	80	80											
	<i>UASI</i>	40		40										
07472	Fire Station No. 7 & Firehouse Clinic - Constructor	10,000	5,413	4,587										
	<i>Financing</i>	8,800	5,500	3,300										
	<i>County Health Services Department</i>	1,200	1,200											
07466	Self-Contained Breathing Apparatus	900	5	895										
	<i>Grant</i>	650		650										
07469	Fire Operations Equipment	270	25	245										
07452	Fire Special Operations	1,713	557	82	240	157	82	103	82	82	82	82	82	82
07451	Defibrillators	494	254		240									
NEW	Dental Chairs for Fire Station Clinic	60			60									
	<i>OES Mutual AID</i>	60			60									
NEW	Emergency Management System	130			130									
CAPITAL PROJECTS - MAINTENANCE SERVICES														
07475	Replacement Equipment for Maintenance Services	300	71	84	25	25	25	10	10	10	10	10	10	10
NEW	Temporary Fire Station No. 7 Restoration	75			105									
CAPITAL PROJECTS - LIBRARY/COMMUNITY SERVICES														
06989	New 21st Century Library & Community Learning Center - Desigr	3,200	2,986	214										
	<i>Calpine</i>	3,200	3,200											
06992	New 21st Century Library & Community Learning Center - Predesig	1,000	718	282										
	<i>Developer Contribution</i>	1,127	1,127											
07490	Automated Materials Handling System - Main Library	435	435											
	<i>Calpine</i>	416		416										
	TOTAL PROJECT COSTS			7,751	1,655	715	627	723	498	486	679	607	585	665
	Transfer to Fund 736 from Project 07452	90		90										
TOTAL EXPENDITURES				7,841	1,655	715	627	723	498	486	679	607	585	665

CAPITAL PROJECTS (GOVERNMENTAL) - FUND 405

PROJ. NO.	PROJECT DESCRIPTION	PROJ. TOTAL	PRIOR YEARS	EST FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
	REVENUES:													
	Interest			0	0	0	0	0	0	0	0	0	0	0
	Construction Tax			250	250	250	250	250	250	250	250	250	250	250
	County Reimbursement (Project 6978)			25										
	Calpine Contribution			596										
	Mutual Aid Overhead Reimbursement			80	50	50	50	50	51	52	52	52	52	52
	OES Mutual Aid for New Dental chairs Project				60									
	UASI			40										
	Financing (for Project 07472)			3,300										
	County Health Services Dept (for Project 07472)													
	Grant (for Project 07466)			650										
	City Reimbursement (Project 06916)			100										
	City Reimbursement (Project 06952)				15									
	HPD Reimbursement (Project 06906)				5									
	REVENUE SUBTOTAL:			5,041	380	300	300	300	301	302	302	302	302	302
	TRANSFERS IN FROM:													
	General Fund	7,686	4,171	243	269	279	358	389	393	396	396	396	396	396
	General Fund for 150th Hayward Anniversary	100			10	10	10	10	10	10	10	10	10	10
	Fee Charges (for Project 06908)		417											
	TRANSFERS SUBTOTAL:			243	279	289	368	399	403	406	406	406	406	406
	REVENUE TOTALS:			5,284	659	589	668	699	704	708	708	708	708	708
	BEGINNING FUND BALANCE:			3,690	1,133	137	11	52	28	234	456	485	586	709
	ENDING FUND BALANCE:			1,133	137	11	52	28	234	456	485	586	709	752

TRANSPORTATION SYSTEM IMPROVEMENT - FUND 460

PROJ. NO.	PROJECT DESCRIPTION	PROJ. TOTAL	PRIOR YEARS	EST FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
05705	Citywide Intersection Improvement Study	400	205	195										
05706	Signal Timing and Controller Replacement Program - A Street	259	207	52										
		190	44	146										
05701	Signal Timing and Controller Replacement Program - Hesperian, Tennyson, and Winton	694	649	45										
		664	614	50										
05709	Traffic Control Devices Repair/Replacement	542	N/A	42	50	50	50	50	50	50	50	50	50	50
05734	Traffic Calming Implementation Program	975	N/A	90	90	90	90	90	90	90	90	75	90	90
05735	Neighborhood Traffic Calming Program Study	100		100										
05856	Controller Cabinet Replacement and Battery Back Up Program	330	N/A	30	30	30	30	30	30	30	30	30	30	30
05877	Transportation System Management Projects	550	N/A	50	50	50	50	50	50	50	50	50	50	50
05893	Quick Response Traffic Safety Projects	230	N/A	30	20	20	20	20	20	20	20	20	20	20
05274	Traffic Impact Fee Study	200			200									
05708	Mission/Blanche & Huntwood/Gading Traffic Signal	474		474										
		396		396										
TBD	Intersection Improvement Project - TBD	1,220				220	50	200	50	200	50	200	50	200
NEW	Huntwood/Sandoval and Huntwood/Industrial Coordination/Software	85			85									
	TOTAL PROJECT COSTS			1,108	525	460	290	440	290	440	290	425	290	440
	TOTAL EXPENDITURES			1,108	525	460	290	440	290	440	290	425	290	440
	REVENUES:													
	Interest			5	6	3	2	3	3	2	2	2	2	2
	TFCA (Projects 05701 and 05706)		804	196										
	HSIP			396										
	REVENUE SUBTOTAL:			597	6	3	2	3	3	2	2	2	2	2
	TRANSFERS IN FROM:													
	Fund 100 (General Fund)			350	350	350	350	350	350	350	350	350	350	350
	TRANSFERS SUBTOTAL:			350	350	350	350	350	350	350	350	350	350	350
	REVENUE TOTALS:			947	356	353	352	353	353	352	352	352	352	352
	BEGINNING FUND BALANCE:			525	364	195	88	150	63	126	38	100	27	89
	ENDING FUND BALANCE:			364	195	88	150	63	126	38	100	27	89	1

FACILITY MANAGEMENT CAPITAL - FUND 726

PROJ. NO.	PROJECT DESCRIPTION	PROJ. TOTAL	PRIOR YEARS	EST	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
				FY16										
07201	HVAC Replacement	906	236	50		90				400	130			
07202	Flooring Replacement	663	113	250	200	100								
07203	Roof Repair/Replacement	928	278	60				375		115				100
07209	Emergency Generator Replacement	445	150									145	150	
07210	Window Covering Replacement	142	42					100						
07211	Underground Storage Tanks	157	87	70										
07215	City Hall Security Update	217	177	40										
07216	Fire Alarm/Smoke Detector Replacement	155	55		50	50								
07217	Exterior Painting of City Facilities	423	33	10				115		90	100			75
07218	Animal Control Facility Update	90		50	40									
07220	City Hall Furniture Replacement	120		60	60									
07222	City Facility Update	145		45	50	50								
07223	City Hall Moat	30			10		20							
07224	Elevator Overhaul	100										50	50	
NEW	HPD Facility Update	25			25									
TOTAL PROJECT COSTS		4,521	1,171	635	435	290	20	590	0	605	230	195	200	175
TOTAL EXPENDITURES				635	435	290	20	590	0	605	230	195	200	175
REVENUES:														
	Interest		0	0	0	0	1	0	1	0	0	1	1	3
REVENUE SUBTOTAL:				0	0	0	1	0	1	0	0	1	1	3
TRANSFERS IN FROM:														
	Facility Op Fund - Annual Transfer	2,310	785	300	325	300	300	300	300	300	300	300	300	300
	Facilities Op Fund - One-Time Trsfr (Mid Year)	70	0	70	0	0	0	0	0	0	0	0	0	0
	General Fund - One Time Transfer 100	0	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFERS SUBTOTAL:				370	325	300	300	300	300	300	300	300	300	300
REVENUE TOTALS:				370	325	300	301	300	301	300	300	301	301	303
BEGINNING FUND BALANCE:				386	121	11	21	302	12	313	8	78	78	184
ENDING FUND BALANCE:				121	11	21	302	12	313	8	78	184	179	312

INFORMATION TECHNOLOGY CAPITAL - FUND 731

PROJ. NO.	PROJECT DESCRIPTION	PROJ. TOTAL	PRIOR YEARS	EST FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
07254	CAD/RMS Replacement	3,624	3,169	455										
07260	Enterprise Content Management	50	0	50										
07261	Business Intelligence/Analytics/Open Data	90	62	28										
07255	Enterprise Resource Planning (ERP) System	4,210	3,334	726	150									
07253	Desktop Computer Replacement Program	2,643	1,113	280	125	125	125	125	125	125	125	125	125	125
07256	Public Safety Mobile Replacement Project	2,409	1,084	125	50	400	400	50	50	50	50	50	50	50
07257	Network Server Replacement Project	1,775	349	248	278	100	100	100	100	100	100	100	100	100
07259	Geographic Information System Improvements	350	0	100	25	25	25	25	25	25	25	25	25	25
07262	Security Camera Pilot Project	100	0	100										
07263	Network Infrastructure Replacement - Police Dept	672	20	187	58	49	58			60	60	60	60	60
07264	Network Infrastructure Replacement	3,734	440	348	450	348	348			360	360	360	360	360
07265	Agenda Management System Replacement	100	0	100	0									
07266	Council Chambers Technology Upgrade	1,650	0	800	100					750				
NEW	Online Permitting				190									
NEW	Security Assessment and Improvement				120									
	TOTAL PROJECT COSTS			3,547	1,546	1,047	1,056	300	300	1,470	720	720	720	720
	TOTAL EXPENDITURES			3,547	1,546	1,047	1,056	300	300	1,470	720	720	720	720
	REVENUES:													
	Interest			15	0	2	0	1	1	1	1	1	0	0
	Cell Tower Lease Revenue			18	18	18	18	18	18	18	18	18	18	18
	Building Permit Tech Fee													
	REVENUE SUBTOTAL:			33	18	20	18	19	19	19	19	19	18	18
	TRANSFERS IN FROM:													
	Fund 405		520											
	General Fund		3,602	1,380	980	248	450	50	50	1,250	450	450	450	450
	Information Technology Charges from Fund 730	4,633	780	606	614	622	630	216	220	225	235	240	245	245
	Sewer Operations (Fund 610) for ERP		287	51										
	Water Operating Fund (Fund 605) for ERP		370	85										
	Airport Operating Fund (Fund 620) for ERP		52	17										
	TRANSFERS SUBTOTAL:			2,139	1,594	870	1,080	266	270	1,475	685	690	695	695
	REVENUE TOTALS:			2,172	1,612	890	1,098	285	289	1,494	704	709	713	713
	BEGINNING FUND BALANCE:			1,468	93	159	2	44	29	18	42	26	15	8
	ENDING FUND BALANCE:			93	159	2	44	29	18	42	26	15	8	1

FLEET MANAGEMENT CAPITAL - FUND 736 (VEHICLE AND EQUIPMENT ACQUISITION - GF/ISF)

PROJ. NO.	PROJECT DESCRIPTION	PROJ. TOTAL	PRIOR YEARS	EST FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
07301	Vehicle Replacement Needs - Fire	19,547	5,161	2,618	800	824	992	1,022	2,572	968	955	1,013	1,200	1,422
07302	Vehicle Replacement Needs - Other General Fund	9,451	1,896	813	865	771	630	705	558	635	712	627	719	520
07303	Vehicle Replacement Needs - Police	13,896	2,890	1,098	864	890	917	944	973	1,002	1,032	1,063	1,095	1,128
	TOTAL PROJECT COSTS	45,884	12,937	4,529	2,529	2,485	2,539	2,671	4,103	2,605	2,699	2,703	3,014	3,070
	TOTAL EXPENDITURES	45,884	12,937	4,529	2,529	2,485	2,539	2,671	4,103	2,605	2,699	2,703	3,014	3,070
	REVENUES:													
	Interest	42		3	2	2	4	6	0	1	3	5	5	5
	Other Revenues	198		30	15	15	15	15	15	15	15	15	15	15
	Insurance Claim	270		226										
	Fire Reimb from Fairview Fire Prot Dist	0												
	Fire Mutual Aid - Fleet Reimb Portion													
	REVENUE SUBTOTAL:	510	0	259	17	17	19	21	15	16	18	20	20	20
	TRANSFERS IN FROM:													
	Bank Loan	9,000	6,928	2,072										
	Fire Transfer from General Fund (100)	541	85	456										
	Fire Funding from CIP (405)	90		90										
	Police Transfer from General Fund (100)	400			200	200								
	Police Transfer from Capital (405)	60		60										
	Police Transfer from Measure C (101)	213		213										
	Technology Services Operating Fund (730)	0		0										
	Transfer from Capital Projects (210 & 621)	30		30										
	Internal Service Fund Charges	32,100	2,100	1,500	2,000	2,500	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
	TRANSFERS SUBTOTAL:	42,434	10,279	4,421	2,200	2,700	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
	REVENUE TOTALS:		10,279	4,680	2,217	2,717	3,019	3,021	3,015	3,016	3,018	3,020	3,020	3,020
	BEGINNING FUND BALANCE:			201	352	40	272	752	1,102	14	425	744	1,061	1,067
	ENDING FUND BALANCE:			352	40	272	752	1,102	14	425	744	1,061	1,067	1,017



CITY OF HAYWARD

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

Staff Report

File #: WS 16-026

DATE: May 24, 2016

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Federal and State Legislative Priorities Program

RECOMMENDATION

That the Council provides feedback on the proposed Legislative Program (Attachment I), specifically the general and specific legislative priorities.

BACKGROUND

For the past several years, the City has had no formal comprehensive legislative program that outlines the public policy priorities of the City. The purpose of a legislative program is to help provide direction to staff and to the City's legislative advocates in Sacramento and Washington D.C. The legislative program informs interested parties of the City's stances on any piece of legislation, state-wide referenda, grant funding opportunity, or local ballot measure. Additionally, a legislative program serves as a basis for action regarding any piece of Federal or State legislation or funding opportunity.

DISCUSSION

The attached document is an example of what a formal annual legislative program might look like. The General Legislative Priorities reflected in the document have been compiled by staff based on previous actions by and conversations with Council in an effort to give structure to this conversation. It is assumed they will be confirmed, changed, added to, or deleted by Council based on this process; and that the final document will directly reflect Council's review and input.

The City Council Priorities of Safe, Clean, Green, and Thriving, supported by Fiscal Sustainability and Organizational Health, serve as the general guiding principles for Hayward's draft legislative priorities. Under the proposed legislative program, the City has two foundational priorities: maintaining financial stability including preserving revenue sources and maintaining local control, particularly over land-use decisions. These essential parameters will guide a majority of the City's actions in support of or in opposition to proposed legislation at all levels. In addition to these parameters, the Legislative Program provides the opportunity to specifically oppose or support a policy.

The Legislative Program will continue to be coordinated through the City Manager's Office. Public policies are often brought to the attention of the City through our State and Federal Legislative Advocates, City Council, other elected officials, City staff, residents, and other governmental associations like the League of California Cities. Under this legislative program, the City will have a formal course of action to take on a given policy. The steps may include:

- Direction to Lobbyists to advocate in support or opposition to policy
- Mayoral correspondence with relevant parties, including legislators
- Correspondence authored or authorized by the City Manager as needed, consistent with Council's adopted legislative program
- Council resolutions and/or actions (e.g., work sessions, public hearings, appointing task forces, etc.)
- Council and staff outreach with relevant legislators
- Travel to Sacramento/Washington D.C. for in-person advocacy


NEXT STEPS

Following this work session and the feedback received from the Council, staff will make necessary changes to the legislative program and present the final version to Council along with a resolution establishing the legislative program for the City.

Prepared by: John Stefanski, Management Analyst I

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

Attachment I

Draft Legislative Program

City of Hayward, California
Office of the City Manager

Hayward Legislative Program

Federal and State Policy Priorities

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Mayor and City Council

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Introduction

The Hayward Legislative Program outlines the legislative priorities and stances of the City of Hayward with the intent to inform residents, representatives, and policymakers of the City's stances on the myriad of public policies that intersect with City priorities, programs, and services. These priorities are applicable to legislation, state-wide referenda, grant funding opportunities, and local ballot initiatives.

The City Council Priorities of Safe, Clean, Green, and Thriving, supported by Fiscal Sustainability and Organizational Health, serve as the guiding principles for Hayward's legislative priorities. Moreover, the City supports any and all policies that will preserve or enhance the ability of the City to promote these guiding principles at the local level.

The City has two major legislative priorities: Preserving Revenue Sources and Maintaining Home Rule Authority. City support of legislation will be contingent upon that legislation adhering to or not negatively affecting these priorities, as well as the City Council priorities.

This document provides direction to the City's legislative advocates in Washington D.C and Sacramento. Additionally, this document serves as the foundation for any City Council action regarding Federal or State legislation or funding opportunity. Staff may draft letters, direct our legislative advocates, or speak on behalf of the City regarding the legislative priorities this document outlines.

Any correspondence signifying the City's support or opposition of a given bill must be signed by the Mayor and/or City Manager with notification to the City Council.

Any questions regarding this Legislative Program can be directed to John Stefanski, Management Analyst at 510-583-3904 or John.Stefanski@Hayward-CA.gov

Sincerely,

Fran David
City Manager
ICMA-CM

Legislative Advocates

Federal Legislative Advocate

Capitol Advocacy Partners

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State Legislative Advocate

Townsend Public Affairs

Richard Harmon

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General Legislative Priorities

Public policy encompasses a myriad of subject and topic areas. However as these policies intersect at the local level, they have the ability to impact municipal revenues and/or administrative discretion and control. The City will support policies that either preserve revenue sources, maintain home rule authority, or both. If a given policy does not meet these criteria, the City will oppose that policy or legislation.

The General Legislative Priorities for the City of Hayward are:

Preserving Revenue Sources

- Support the protection or expansion of federal, state, and local funding sources that provide revenue to the City.
- Oppose any Federal or State legislation, policies, programs, referenda, unfunded mandates and budgets that would have an adverse impact on the City's ability to provide adequate programs, projects, and services to the Hayward community.

Maintaining Home Rule Authority

- Support any legislation, policies, referenda, and budgets that maintain or improve local regulatory control and authority.
- Oppose any legislation, policies, referenda, and budgets that undermine or circumvent the City Charter.

Recovering Economic Development Flexibility and Resources

- Support any legislation, policies, referenda, and budgets that maintain or increase economic development resources and flexibility at the local level
- Oppose any legislation, policies, referenda, and budgets that erode or further undermine the City's economic development resources and flexibility at the local level

City Public Policy Positions

The General Legislative Priorities help identify which public policy positions the City will take generally. The list of policy positions below is by no means exhaustive. In addition to the general legislative priorities, the City takes the following more specific public policy positions:

1.1 Public Safety

- A. Oppose legislation or referenda that decriminalize felony crimes to misdemeanors.
- B. Oppose legislation or referenda that decrease prison populations through the release of convicted criminals into our communities.
- C. Oppose legislation that would eliminate the City's ability to engage in cooperative service agreements
- D. Oppose the legalization of recreational marijuana
- E. Oppose any legislation that restricts or limits the City's ability to regulate legal marijuana at the local level.
- F. Support legislation that protects the public from dangerous or improper use of weapons
- G. Support legislation that develops and expands programs to encourage and support the City's emergency preparedness initiatives.
- H. Support legislation that develops and expands programs that aid the city in its local hazard mitigation activities as prescribed in the 2016 Local Hazard Mitigation Plan.

1.2 Transportation and Infrastructure

- A. Support legislation that boosts funding for infrastructure projects within the city and surrounding region.
- B. Support legislation that increases access and funding for regional public transportation.
- C. Support legislation that would reduce traffic congestion and boost public transportation ridership.
- D. Support legislation that promotes the use of design-build methods for faster project delivery.

1.3 Environmental Sustainability

- A. Support legislation that increases funding for the creation of sustainable and stable water supply infrastructure.
- B. Support legislation that encourages the conservation of water resources.
- C. Support legislation and funding for renewable and advanced energy technology that increase efficient consumption.

- D. Support legislation and funding for City energy and resource efficiency programs.

1.4 Finance/Human Resources

- A. Oppose Federal or State unfunded mandates.
- B. Support legislation that expands municipal tax increment financing power.
- C. Oppose legislation that reduces or removes the tax-exempt status of municipal bonds.
- D. Support legislation that reduces the long-term costs of health and other post-employment benefits.
- E. Oppose any legislation that would divert local revenues to the State or other governmental entities.
- F. Support broadening the Sales Tax to include services and e-commerce.

1.5 Community and Economic Development

- A. Support legislation that provides tools for cities to improve business development and retention.
- B. Oppose any legislation that strips the benefit provisions of AB1484 associated with the wind down of redevelopment agencies.
- C. Oppose legislation that reduces or erodes local land use control and decision making.
- D. Support legislation that develops and expands programs to encourage and support affordable housing development.
- E. Support legislation to streamline and increase efficiency of the California Environmental Quality Act (CEQA) while ensuring environmental stewardship is retained.
- F. Support legislation that aids or helps to fund non-profit entities that focus on homeless populations.

Legislative Program Coordination

Legislation can be brought to the attention of the City through a variety of channels:

- State and Federal Legislative Advocates
- Elected Representatives
- League of California Cities
- City Council Members
- City Staff
- City Residents
- Other Governmental Associations

All legislative requests for support or opposition will be directed toward the Office of the City Manager. City staff will then review the legislation in coordination with any relevant departments to analyze whether or not the legislation aligns with the City's general legislative priorities.

Following this evaluation, the City Manager's department will recommend a position and course of action. There are five main levels of action all of which are coordinated by the City Manager.

1. Direction to lobbyists to advocate in support or opposition to legislation
 - City staff will notify lobbyists of support or opposition and direct them to take appropriate action with legislators.
2. Mayoral correspondence with relevant legislators
 - City staff will draft a support or opposition letter for the City Manager and/or Mayor to review and sign. This letter will be distributed to the appropriate legislators and to the entire City Council.
3. Council approved resolution
 - City staff will draft a staff report and resolution for consideration by the full City Council. Approved resolutions will be forwarded along with a letter signed by the Mayor to the appropriate legislators.
4. Council outreach
 - City staff will draft talking points and other relevant information for individual Council Members to personally contact appropriate legislators to advocate on behalf of the City.
5. Travel to Sacramento or Washington, D.C.
 - City Staff and/or Council Members may decide to advocate in person. Staff will coordinate with the appropriate lobbyists to organize meetings or attendance at other lobbying events.



CITY OF HAYWARD

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

Staff Report

File #: WS 16-033

DATE: May 24, 2016

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Capital Improvement Program FY 2017 - FY 2026

RECOMMENDATION

That Council reviews and comments on the Capital Improvement Program (CIP) for Fiscal Year 2017 through Fiscal Year 2026 available for review here: www.hayward-ca.gov/2017CIP
<<http://www.hayward-ca.gov/2017CIP>>.

BACKGROUND

The CIP is a planning document for the upcoming ten-year period, and is a separate and distinct document from the City's Operating Budget, with the notable exception that Fund 405 is funded in large part by the General Fund, most of which is in direct support of City operations and/or facilities. The CIP contains revenue and expenditure estimates for public infrastructure projects (street construction and improvements, sewer and water systems upgrades, and storm drains), improvements to public facilities, airport projects, replacement of major equipment, and other miscellaneous projects. The highlights of this year's CIP proposal can be found in the City Manager's letter in the front of the document.

DISCUSSION

As noted in the City Manager's letter, the FY 2017 - FY 2026 budget for the CIP includes about \$517 million of projects and programs, with \$370 million in unfunded needs. The CIP continues to focus on many projects related to improving the City's infrastructure, such as improvements to fire stations, construction of the 21st Century Library and Community Center, sidewalks, streets, water, sewer, and the Hayward Executive Airport. In addition, a strong emphasis continues towards the goal of upgrading the City's overall appearance, which includes murals and landscaping.

The link to the Recommended 10-year Capital Improvement Program FY 2017 - FY 2026 for review is www.hayward-ca.gov/2017CIP <<http://www.hayward-ca.gov/2017CIP>>.

PUBLIC CONTACT

The CIP was reviewed and discussed with the Council Budget and Finance Committee on May 4. In addition to tonight's Council work session, the Planning Commission will hold a public hearing on May 26 to determine that the document conforms to the General Plan. A notice advising residents about the Planning Commission's public hearing on the CIP was published in the paper more than the requisite ten days in advance. In addition, the agenda for today's work session was posted in City Hall as well as the main and branch libraries.

NEXT STEPS

As noted above, the CIP will be reviewed by the Planning Commission on May 26. There will be a public hearing at the City Council meeting on June 21 for the CIP and operating budgets, with final adoption of both budgets planned for June 28.

Prepared and Recommended by: Morad Fakhrai, Director of Public Works

Approved by:



Fran David, City Manager



CITY OF HAYWARD

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

Staff Report

File #: PH 16-041

DATE: May 24, 2016

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT

Recommended approval of a proposed project at 81 Fagundes Court for twenty-eight detached single-family homes and fourteen attached townhomes on a 3.2-acre site; KB Home Bay Area (Applicant)/ Steven Amaral (Owner)

RECOMMENDATION

That the City Council:

1. Adopts the attached resolution (Attachment I), adopting [Initial Study, Mitigated Negative Declaration \(MND\), and Mitigation Monitoring and Reporting Program <http://www.cityofhayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-MMRP>](#) and Vesting Tentative Tract Map 8266, subject to the Conditions of Approval attached to the resolution; and
2. Introduces the attached ordinance (Attachment II), approving the Zone Change application to build twenty-eight detached single-family homes and fourteen attached townhomes.

SUMMARY

Staff is supportive of the revised project because it provides much needed ownership housing at a density and design that is compatible with surrounding developments and provides improved pedestrian access and increased number of parking spaces in response to Council's direction at the December 15, 2015 public hearing. The Planning Commission also recommends approval of the revised project.

BACKGROUND

Reviews of Previously Proposed Project - This project previously entailed forty-two detached single-family homes and was reviewed by the Planning Commission on [November 19, 2015 <http://hayward.legistar.com/gateway.aspx?m=l&id=/matter.aspx?key=1623>](#), and unanimously recommended to City Council for approval ([meeting minutes <https://hayward.legistar.com/View.ashx?M=E3&ID=418395&GUID=AAB0B5F3-FB2F-4E2B-BC30-E734E2117DEF>](#)). During the [December 15, 2015 <http://hayward.legistar.com/gateway.aspx?m=l&id=/matter.aspx?key=1691>](#) City Council meeting, the Council referred the project back to the Planning Commission for further review and direction "to eliminate the private gated community nature of the project, create a public park, and consider mitigation measures for the current parking situation". Revisions to the project entail an

additional ten on-site parking spaces and eleven additional spaces across from the project site along Huntwood Avenue, and elimination of previously proposed entry gates that will allow the project's open space areas to be more accessible. A summary of the applicant's response to items discussed by the City Council is included later in this report.

Review of Revised Design by Planning Commission - The item was heard by the Planning Commission on April 28, 2016 <<https://hayward.legistar.com/MeetingDetail.aspx?ID=482745&GUID=48457302-BA21-4BC0-BB79-C37E0D38BA41&Options=&Search=>>>. During that meeting, the Planning Commission recommended 5 to 2 that Council approves the project (see minutes, Attachment V). A summary of items discussed by the Planning Commission is included in the Discussion section of this report.

DISCUSSION AND STAFF ANALYSIS

Based on the response from the City Council to the previously proposed project, the applicant has revised the site layout and has provided additional off-site improvements. These improvements are shown on the plans, Attachment IV. The revisions include:

1. Improvement to Huntwood Avenue across from the project frontage to add an additional eleven on-street parking spaces adjacent to the project;
2. Modification of unit type mix to include fourteen attached units, which provides more space that would allow the inclusion of ten additional on-site parking spaces, with six located along the Private Street D and four located along Private Street G; and
3. Removal of all pedestrian and vehicular gates from the project to promote connected neighborhoods and support General Plan Policy LU-3.11, which discourages gated neighborhoods "to encourage social cohesion and to promote an interconnected and accessible street network that allows public access through all city neighborhoods." The entrance along Fagundes Street is proposed to have bollards, versus gates, to restrict vehicle access while allowing pedestrian connectivity.

With these revisions, the project is more consistent with the General Plan and Zoning Ordinance than the previous proposal. The neighborhood is more connected with its surroundings, and the potential impact on neighboring streets and properties is much more limited. With this design, a total of 111 off-street parking spaces are required. Each unit is provided with a two-car garage, providing a total of eighty-four spaces. An additional thirty-two spaces are provided along Private Street D and Private Street G, bringing the total number of off-street parking spaces provided to 116. Thus, the project is consistent with the City's standards for off-street parking.

The existing neighborhood is already impacted by parking due to the fact that the development to the south of this project site, Austin Commons, is not consistent with the City's current standards for off-street parking. With 208 apartment units, that project would require 400 parking spaces by current standards, while only 354 off-street spaces are provided. Austin Commons is legally nonconforming related to number of on-site parking spaces in that it was developed prior to the 1996 update to parking standards for multi-family developments, which increased the required number of parking spaces to 1.7 for each one bedroom unit and 2.1 for each two bedroom unit. The project currently under consideration meets all requirements for off-street parking and also includes the creation of additional parking along

Huntwood Avenue, which should result in an improvement in parking conditions in the area.

April 28, 2016 Planning Commission Hearing - During the April 28, 2016 Planning Commission meeting (see minutes, Attachment V), the Planning Commission reviewed the changes and recommended by a vote of 5 to 2 that Council approves the project. However, there was a great deal of discussion on three key items: noise from the railroad, open space and parkland, and parking.

Noise from Trains - With respect to noise from the trains, there was discussion if a sound wall is warranted adjacent to the railroad tracks. Sound walls are very common for projects that directly abut railroads, such as those which are north of Jackson Street in the vicinity of this project. However, south of Jackson Street, the railroad line is directly abutted by Huntwood Avenue, which creates a buffer between projects and the railroad tracks. A sound wall therefore is much less effective here because the area where it would be most effective is directly next to the wall, which in this case is not backyards but instead, an open area and Huntwood Avenue. Providing a sound wall also would shield the entire railroad area from view from Huntwood Avenue, making the area much more amenable to crime and other illicit activities.

The project was studied for noise impacts as part of the City's environmental review, and a noise study was prepared by a qualified consultant. The recommendations of that study, including using special building materials and windows to dampen noise, are included in the Mitigation Monitoring and Reporting Program and reduce the noise level to a level which is acceptable based on the Municipal Code.

Open Space and Parkland - With respect to open space and parkland, the project is providing a 5,800 square foot central open space area developed with tables and benches as well as a natural play area composed of decomposed granite with structures for children to play on. This open space area, to be maintained by the homeowners' association (HOA), is not required by City code and is provided as an amenity to offset other provisions of the Planned Development designation. This open space area does not qualify as a public park for the purpose of satisfying park dedication requirements, and therefore the developer will also pay \$494,214 in park in-lieu fees to be used to improve or expand parks within the same park zone as this project.

The Hayward City Council sometimes requires a new park within larger developments, such as the 179-unit La Vista development to the east of Mission Boulevard, but for smaller in-fill projects, such as this one, providing a public park on-site is often difficult because the total project area is relatively small and therefore, the potential for a new on-site park and a feasible project is very limited. The Hayward Area Recreation and Park District, if HARD is to maintain the park, must be willing to maintain a new park, and the City is restricted in its ability to require the provision of a park based on the State Quimby Act, which states that "only the payment of fees may be required in subdivisions containing 50 parcels or less." The group open space area, which is provided in the development, will provide opportunity for group gathering and play, and park in-lieu fees will help to fund improvements to existing or new public parks in the neighborhood.

Parking - The final key item of discussion related to the provision of parking on the site. Based on the City's Municipal Code, the revised project fully complies with all parking requirements and has a surplus of five off-street parking spaces. This is based on the inclusion of additional parking spaces on-

site and does not take into account the additional eleven spaces that would be created along Huntwood Avenue. The key focus of staff's review has been if this project complies with the City's Municipal Code, and if this project, as a Planned Development, is a better alternative than what is permitted by right by the current zoning. Staff has determined that this project meets required off-street parking obligations and that it is clearly a superior alternative than what would otherwise be permitted without requiring a rezoning to a Planned Development.

The existing zoning is RM: Medium Density Residential for the majority of the site, which would permit a rental apartment project with a higher number of units and less off-street parking spaces per unit. This application proposes a lower density and more parking, with the primary purpose of the application being the desire to have a different product type, small-lot single-family homes, than is allowed by the current zoning.

Environmental Review - Staff has prepared an Initial Study, Mitigated Negative Declaration (MND), Mitigation Monitoring and Reporting Program which indicate there will be no significant environmental impacts resulting from the project, provided the mitigation measures are incorporated, including implementing tree protection measures and tree replacement. The environmental document was made available for public review from October 19, 2015 through November 9, 2015. No comments regarding the draft environmental documents have been received.

ECONOMIC IMPACT

This infill project would further contribute to the character and revitalization of the Jackson Triangle neighborhood by allowing forty-two additional ownership homes at a density and massing consistent with surrounding development and the General Plan Land Use designation. The improvement of this site from an undeveloped agricultural parcel to a moderately dense residential development will generate higher land values both by increasing investment in the area and by creating a developed buffer between existing multi-family residential developments and the industrial parcels to the north of this site.

FISCAL IMPACT

Staff has conducted a general fiscal impact analysis of the project. Based on the estimated sale price of \$575,000 for the attached units and \$625,000 for the detached units, it is estimated that the project will generate \$51,546 of new revenue annually; however, the project is projected to cost the City \$51,413 annually, for a net annual contribution to the General Fund of \$133, which is essentially a neutral fiscal impact. Also, this preliminary analysis does not include any revenue from a community facilities district related to public services, which is required to be formed as a condition of approval.

SUSTAINABILITY FEATURES

Energy: Electricity/natural gas/other fossil fuels.

The project includes installation of solar panels on all units as well as installation of electric vehicle charging systems in the garages of all units.

Water: Efficiency and conservation.

The project meets City code requirements with respect to water efficient landscaping, as well as CalGreen standards for water use.

Air: Air emissions of pollutants.

The project meets City and State code requirements with respect to emissions. As a housing project, pollution generation is negligible.

Solid Waste: Waste reduction and diversion.

The project will comply with City standards for the recycling of construction waste.

Transportation: Consistent with the City's Complete Streets Policy.

The project does not involve creation of new public rights-of-way, though the construction of sidewalks along Huntwood Avenue will make this street more walkable.

PUBLIC CONTACT

Initial notices of the proposed project were sent on August 3, 2015 to property owners within a 300-foot radius as well as interested parties in the neighborhood. One comment was received from the owner of a property on Diadon Road, who indicated that he would not support the project if it generated more traffic on Diadon Road. Similar comments were shared by other nearby property owners at the previously referenced community meeting that was held on July 9, 2015. To respond to these comments, the project was initially redesigned to have an emergency only access gate to Fagundes Street, which will limit the trips to the site along Diadon Road. Based on comments from the City Council at the December 15, 2015 hearing, this access was revised to be open for pedestrians and bicyclists while still closed for vehicles, which should limit potential vehicular impacts to Diadon Road while promoting connectivity for pedestrians and bicyclists.

Notices of this public hearing and availability of a Draft Mitigated Negative Declaration were sent to all property owners (over 400) within a 300-foot radius of the project on May 13, 2016. In addition, notice of this public hearing was published in *The Daily Review* on May 13, 2016. No comments have been received as of the writing of this staff report. Any additional comments that are received before the City Council meeting will be forwarded to the Council for consideration.

NEXT STEPS

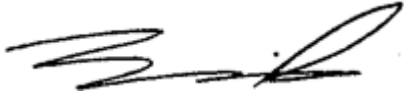
Should the Council approve the project, the applicant will work with staff to comply with the conditions of approval to allow submittal and processing of a Precise Development Plan, approval of a Final Map and Improvement Plans, execution of the mitigations measures identified in the Mitigated Negative Declaration, issuance of building permits, and construction of the project.

File #: PH 16-041

Prepared by: Michael Christensen, Assistant Planner

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I
Attachment II
Attachment III
Attachment IV
Attachment V

Draft Resolution
Draft Ordinance
Area and Zoning Map
Project Plans
April 28, 2016 Planning Commission Meeting
Minutes

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Councilmember _____

RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING VESTING TENTATIVE TRACT MAP 8266 (APPLICATION 201502586) PERTAINING TO THE DEVELOPMENT OF FOURTEEN ATTACHED SINGLE-FAMILY HOMES AND TWENTY-EIGHT DETACHED SINGLE-FAMILY HOMES AT 81 FAGUNDES COURT

WHEREAS, on June 1, 2015, Ray Panek, KB Home Bay Area (Applicant) submitted Zone Change and Vesting Tentative Tract Map Application No. 201502586 for the property located at 81 Fagundes Court, which applications requested a zoning reclassification from Medium Density Residential and Single-Family Residential to Planned Development District and a property subdivision to facilitate construction forty-two (42) single-family homes (the “Project”); and

WHEREAS, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program has been prepared to assess and mitigate the potential environmental impacts of the Project; and

WHEREAS, the Planning Commission considered the Project at a duly noticed public hearing held on April 28, 2016, and recommended that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; approve Zone Change Application 201502586, reclassifying the property from Medium Density Residential and Single-Family Residential to Planned Development District; and approve Vesting Tentative Tract Map Application;

WHEREAS, the project was modified to reflect the items discussed at the hearing held by the City Council on December 15, 2015, including removal of the gates and walls and creation of additional parking areas, both on and off street; and

WHEREAS, notice of a public hearing was published in the manner required by law and the hearing was duly held by the City Council on May 24, 2016.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. Pursuant to CEQA Guidelines Section 15220, an Initial Study (“IS”) was prepared for this

project with the finding that a Mitigated Negative Declaration (“MND”) was appropriate because all potentially significant impacts with mitigation measures could be reduced to a level of insignificance.

2. That the proposed MND was prepared by the City of Hayward as the Lead Agency and was circulated with a twenty (20) day public review period, beginning on October 19, 2015 and ending on November 9, 2015.
3. That the proposed MND was independently reviewed, considered and analyzed by the City Council and reflects the independent judgment of the City Council; that such independent judgment is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); that the City Council adopts the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.
4. That the proposed MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that all of the applicable mitigation measures identified in the MND and Mitigation Monitoring and Reporting Program will be adopted and implemented. Based on the MND and the whole record before the City Council, there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment.
5. That the project complies with CEQA, and that the proposed MND was presented to the City Council, which reviewed and considered the information contained therein prior to approving the project. The custodian of the record of proceedings upon which this decision is based in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.
6. The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring and Reporting Program (attached as Exhibit B), which is adopted as conditions of approval for the project. Adoption of this program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the project sponsor, City of Hayward or other identified public agencies of responsibility.

ZONE CHANGE

7. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies, including the following General Plan Policies:

Land Use Policies

LU-3.6 Residential Design Strategies: The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods by:

- Creating a highly connected block and street network.

- Designing new streets with wide sidewalks, planting strips, street trees, and pedestrian-scaled lighting.
- Orienting homes, townhomes, and apartment and condominium buildings toward streets or public spaces.
- Locating garages for homes and townhomes along rear alleys (if available) or behind or to the side of the front facade of the home.
- Enhancing the front facade of homes, townhomes, and apartment and condominium buildings with porches, stoops, balconies, and/or front patios.
- Ensuring that windows are provided on facades that front streets or public spaces.

LU-3.7 Infill Development in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

Housing Policies

Goal H-2.1 Homeownership Housing: The City shall encourage the development of ownership housing and assist tenants to become homeowners to reach a 60 percent owner occupancy rate, within the parameters of federal and state housing laws.

H-3.1 Diversity of Housing Types: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low density single-family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.

H-3.3 Sustainable Housing Development: The City shall improve affordability by promoting sustainable housing practices that incorporate a ‘whole system’ approach to siting, designing, and constructing housing that is integrated into the building site, consumes less water and improves water quality, reduces the use of energy use, and other resources, and minimizes its impact on the surrounding environment

H-3.4 Residential Uses Close to Services: The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

H-3.6 Flexible Standards and Regulations: The City shall allow flexibility within the City’s standards and regulations to encourage a variety of housing types.

H-4.1 Flexible Development Standards: The City shall review and adjust as appropriate residential development standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate-income households and for persons with special needs.

8. Streets and utilities, existing or proposed, are adequate to serve the development, in that the proposed development is located on an in-fill site surrounded by existing streets and there are utilities available with adequate capacity to serve the proposed development. In addition, the project is required to underground any overhead utilities in front of the site and fronting any public street.
9. Through the inclusion of amenities such as solar energy systems, electric vehicle chargers, and a central area for group gathering, the development creates a residential environment of sustained desirability and stability. The development will have no substantial adverse effect upon surrounding development, as evidenced in the Mitigated Negative Declaration.
10. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards. Proposed exceptions are offset by the incorporation of a large group open space area and installation of both solar photovoltaic systems and electric vehicle charging stations on all units.

VESTING TENTATIVE TRACT MAP 8266

11. The proposed map is consistent with applicable general and specific plans as specified in Section 64541 of the Subdivision Map Act. [Subdivision Map Act §66474(a)]
12. The design and improvement of the proposed subdivision are consistent with applicable general plan and specific plans. [Subdivision Map Act §66474(b)]
13. The site is physically suitable for the type of development, as demonstrated through the findings of the Initial Study and Mitigated Negative Declaration. Subdivision Map Act §66474(c)]
14. The site is physically suitable for the proposed density of development, as it is consistent with the General Plan designation for the site and the traffic infrastructure in the area is sufficient to support the density of the project. [Subdivision Map Act §66474(d)]
15. That the design of this infill project and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. A Mitigated Negative Declaration prepared pursuant to the guidelines of the California Environmental Quality Act (CEQA) for the development of this site demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed project. [Subdivision Map Act §66474(e)]
16. That the design of the subdivision or type of improvements are not likely to cause serious public health problems as adequate capacity exists to provide sanitary sewer service to the Project site. There are no other aspects of the Project with the potential to cause serious public health problems.. [Subdivision Map Act §66474(f)]

- 17. That the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. There are no existing public easements within the boundary of the proposed subdivision, nor are any easements necessary. Upon completion of the proposed improvements, the streets and utilities would be adequate to serve the project. New public easements are to be offered for dedication as necessary. [Subdivision Map Act §66474(g)]

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Exhibit “B”) and approves Zone Change and Vesting Tentative Tract Map Application 201502586, subject to the adoption of the companion ordinance (Ordinance No. 16-XXX) rezoning the property located at 81 Fagundes from Medium Density Residential and Single-Family Residential to Planned Development District, subject to the attached conditions of approval (Exhibit “A”).

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT A

CONDITIONS OF APPROVAL

May 24, 2016

KB Home Bay Area (Applicant/Owner),
Steven Amaral (Owner)

Zone Change and Vesting Tentative Tract Map Application No. 201502586 (Tract 8266)

Zone Change from Medium Density Residential/Single Family Residential to Planned Development (PD), and Vesting Tentative Tract Map 8266 for the subdivision and construction of fourteen attached and twenty-eight detached single-family homes on a 3.2-acre site at 81 Fagundes Ct.

GENERAL

1. In accordance with Zoning Ordinance §10-1.2500 (Planned Development District), this approval is for the Preliminary Development Plan, subject to all conditions listed below, included herein as:

Exhibit A –Planned Development and Vesting Tentative Tract Map 8266, both submitted by KB Home Bay Area on April 5, 2016.

2. The project approval shall coincide with the approval period for the Vesting Tentative Tract Map. If a building permit is issued for construction of improvements authorized by the Zone Change approval, said approval shall be void two years after issuance of the building permits, or three years after approval of Precise Plan application, whichever is later, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the Precise Plan approval.
3. This approval is tied to Vesting Tentative Tract Map 8266 and all conditions of approval of that map shall also apply to this approval.
4. This approval is subject to the Mitigation Monitoring and Reporting Program included in the City's Project files as Exhibit B.
5. The subdivider shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.

PRECISE PLAN SUBMITTAL

6. In accordance with Zoning Ordinance §10-1.2550 and prior to submitting a building permit application, a Precise Development Plan shall be submitted for review and approval.
7. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and incorporate conditions herein, and shall be submitted in conjunction with the subdivision improvement plans and Final Map.
8. The project approval includes the following project amenities to support the finding required to be made that “any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards”. These three (3) amenities include:
 - a. Installation of photovoltaic solar systems on all units;
 - b. Install electric vehicle charging equipment within the garages of all units; and
 - c. Inclusion of a group open space area for the development with gathering areas, bicycle parking, and mail pickup to encourage interaction between residents.
9. The applicant shall submit revised project plans for review and approval by the Planning Director that clearly shows the details of each project amenity. Such project amenity details shall be included in the Precise Plan submittal for final approval.
10. The Precise Development Plan shall include the following information and/or details:
 - a. A copy of these conditions of approval shall be included on a full-sized sheet(s).
 - b. Proposed location for construction staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for vanpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping.
 - c. Details of address numbers shall be provided. Address number shall be decorative. Building addresses shall be minimum 4-inch self-illuminated or 6-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
 - d. Proposed locations, heights, materials and colors of all walls and fences.
 - e. A minimum of one exterior hose bib shall be provided for each residential unit.
 - f. Proposed pavement materials for all drive aisles, parking areas, and pedestrian paths.
 - g. Proposed mailbox design and locations, subject to Post Office approval. All mailboxes shall be locking mailboxes.

- h. A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided along the private street. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
 - i. All air conditioners and utility connections for air conditioners shall be located behind solid board fences or walls and shall not exceed the height of the fence or wall, unless otherwise approved. Infrastructure for air conditioning systems is required to be installed as a standard feature.
 - j. Proposed color and materials board for all buildings, fences and walls. No changes to colors shall be made after construction unless approved by the Planning Director.
 - k. All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen.
 - l. No mechanical equipment, other than solar panels, shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus, such as vents, shall be painted to match the roof color.
 - m. Large expanses of blank wall shall not be allowed. Articulate or otherwise treat such expanses to avoid bulkiness.
 - n. All decorative window treatments shall be extended to all elevations.
 - o. All rear and side entries visible from the street shall be protected by roofs with rooflines to match the pitch of the roof.
 - p. An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars. As an alternative, an area within the fenced side yard may be used for the garbage and recycling containers but shall be shown.
 - q. All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All two car garages shall have minimum interior dimensions of 20-foot width by 19-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.
11. Any proposal for alterations to the proposed site plan and/or design which does not require a variance to any zoning ordinance standard must be approved by the Development Services Director or his/her designee, prior to implementation.
12. Details of all project amenities shall be submitted for review and approval by the Planning Director during the Precise Plan phase of the project.

13. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division in accordance with the City of Hayward's Design Guidelines prior to issuance of a building permit for the project.

Planning Division

14. **Mitigation Measure 1:** The applicant shall follow all recommendations in the tree evaluation report including protection of all trees to be preserved during all phases of the development and replacement of all removed trees based on the value of the removed trees:

Design Recommendations

- Verify the location and tag numbers of all trees recommended for preservation. Include trunk locations and tag numbers on all plans.
- Allow the Consulting Arborist the opportunity to review project plans, including but not limited to, site, grading, drainage and landscape plans
- Use only herbicides safe for use around trees and labeled for that use, even below pavement.
- Design irrigation systems so that no trenching will occur within the Tree Protection Zone.

Pre-Construction and Demolition Treatments and Recommendations

- Establish a Tree Protection Zone (TPZ) around each tree to be preserved. No grading, excavation, construction or storage of materials shall occur within that zone.
- Install protection around all trees to be preserved. Install 6 ft. chain link with posts sunk into the ground, No entry is permitted into a TPZ without permission of the project superintendent.
- Trees to be removed shall be felled so as to fall away from TPZ and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.
- Trees to be retained may require pruning to provide clearance and/or correct defects in structure. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANS Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. Pruning contractor shall have the C25/D61 license specification.

Recommendations for Tree Protection During Construction

- Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
- Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist.

- If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
- Fences have been erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the project manager.
- Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.
- All trees shall be irrigated on a schedule to be determined by the Consulting Arborist. Each irrigation shall wet the soil within the TPZ to a depth of 30”.

PRIOR TO SUBMITTAL OF SUBDIVISION IMPROVEMENT PLANS AND FINAL MAP

15. In conjunction with the Precise Plan, the applicant/developer shall submit subdivision improvement plans including Landscape and irrigation plans and a final map application for the entire project. Said improvement plans and final map shall meet all City standards and submittal requirements except as expressly approved for this Planned Development. The following information shall be submitted with, or in conjunction with, improvement plans and final map. The City reserves the right to include more detailed conditions of approval regarding required infrastructure based on these more detailed plans.
16. Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed, at no cost to the City of Hayward.
17. Unless indicated otherwise, the design for development shall comply with the following:
 - a) All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
 - b) All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments.
 - c) Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.
18. A Registered Civil Engineer shall prepare all Civil Engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape unless otherwise indicated herein.

Subdivision Improvement Plans

19. Subdivision Improvement Plans shall be approved in concurrence with the Precise Development Plan. Submit the following proposed improvement plans with supporting documents, reports and studies:

- a) A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permit.
- b) A detailed Stormwater Treatment Plan and supporting documents, following City ordinances and conforming to Regional Water Quality Control Board's Staff recommendations for new development and redevelopment controls for storm water programs.

Storm Water Quality Requirements

20. The following materials related to the Storm water quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:
 - a) The owner/developer shall enter into a City's standard "Storm Treatment Measures Maintenance Agreement" (as prepared by the City and is available in the Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
 - b) Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by the City Engineer. All reports such as Soil Report, SWPPP, and SWMP are to be submitted in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report. Documents that are clipped or stapled will not be accepted.
 - c) Before commencing any grading or construction activities at the project site, the developer shall obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
 - d) The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
 - e) The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable.

- f) The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page 30). In addition, the California Stormwater Quality Association's Stormwater best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5-12 has a section titled "BMP Design Criteria for Flow and Volume". These materials are available on the internet at www.cabmphandbooks.com
- g) The project shall be designed with a Bioretention Treatment Area and shall use a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour.
- h) All inlet rims in the Bioretention Treatment Area (BTA) shall be 6" minimum above the flow line of the BTA. The design of the longitudinal flow line shall be level.
- i) The following documents shall be completed and submitted with the improvement and/or grading plans:
 - i. Hydromodification Management Worksheet;
 - ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
 - iii. Development and Building Application Information Impervious Surface Form;
 - iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
 - v. C.3 and C.6 Data Collection Form; and,
 - vi. Numeric Sizing Criteria used for stormwater treatment (Calculations).

- 21. The developer shall be responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

Private Streets and Court (Common Driveway)

- 22. Any damaged and/or broken curb, gutter and sidewalks along the property frontages shall be removed and replaced as determined by the City.
- 23. A 5-foot wide sidewalk shall be installed along the entire property frontage on Austin and Huntwood Avenues.
- 24. The on-site streetlights and pedestrian lighting shall be LED lights and have a decorative design approved by the Planning Director. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer. Submit photometric plans with the improvement plans. Such fixtures shall have shields to minimize "spill-over" lighting on adjacent properties that are not part of the tract.
- 25. Proposed private court (common driveway) improvements shall be designed, generally

reflective of the alignment and width shown on the submitted vesting tentative tract map, and as approved by the City Engineer.

26. Entrances to Private Court shall conform to the City Standard SD-108A with detectable warning surface on both sides.
27. No parking shall be allowed within the private court. Curbs shall be painted red along BOTH sides of the private courts.
28. The private court shall not extend more than 5 feet beyond the garage door entries of the end units served by such court, unless needed for designated parking spaces.
29. The private court pavement sections shall be designed to public street standards. The private court shall be designed with a TI of five and minimum AC thickness of four inches.
30. All existing driveways to be abandoned shall be removed and replaced with standard curb, gutter and sidewalk.

Storm Drainage

31. The project streets, driveways, and parking areas shall be designed to facilitate street sweeping, including the layout of tree and handicap ramp bulb outs. The HOA shall be responsible for street sweeping on a regular basis.
32. The project shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
33. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.
34. Improvements for storm drain system shall incorporate the following:
 - a) The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Any alternative design shall be approved by the City Engineer prior to installation.
 - b) Storm drain pipes in streets and courts shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
 - c) The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site shall not augment runoff to the ACFC&WCD's downstream flood control facilities. The

hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities.

- d) The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
- e) No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
- f) All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
- g) Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.

Sanitary Sewer System

- 35. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>). Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.
- 36. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If the sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
- 37. If the existing sewer laterals cannot be reused, they shall be properly abandoned.
- 38. Each single family dwelling unit shall have an individual sanitary sewer lateral. The sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.
- 39. The current sewer connection fees for single-family residential is \$7,700 per unit. Sewer connection fees shall be paid prior to final inspection.

Water System

- 40. All public water mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest

revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>).

41. The development's proposed water main and valves shall be public, owned and maintained by the City. If the water mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
42. The new public water main shall include all valves and appurtenances required by the City and shall be constructed at the applicant's/developers expense.
43. All water mains shall be looped. Dead end water mains are not allowed. Water mains must be connected to other water mains.
44. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense.
45. All water services from existing water mains, if any, shall be installed by City Water Distribution Personnel at the applicant's/developer's expense. The developer may only construct new services in conjunction with the construction of new water mains.
46. Domestic & Fire Services:
 - a. Domestic: Each single-family residence (SFR) shall have an individual domestic water meter. Currently, the cost for a new residential water meter for a SFR (any size up to 1") and service line is \$11806, each (\$3500 installation fee + \$8106 facilities fee + \$200 radio read fee). If the new services are constructed by the applicant/developer in conjunction with their construction of the new water main, the installation fee is reduced to \$310, for a total of \$8616 each service.
 - b. Fire: Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204.
 - c. Combined Residential Services: The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1 inch (combined or not) and the maximum size for combined services is 2 inches. If the calculated fire demand exceeds 160 GPM, a separate fire service will be required. Note that, per CBC 2010 R313, flow-through or multipurpose systems may not require a backflow device (SD-216 is attached). Also note that combined services must connect directly to the water main (manifold layouts are not allowed).
47. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for development landscaping. Currently, the cost for an irrigation service and meter is \$19,910 for 1", \$37,200 for 1.5" and \$56,940 for 2". The

applicant/developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.

48. All domestic and irrigation water meters shall be radio-read type.
49. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218.
50. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
51. Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.

Solid Waste

52. Applicants must comply with applicable City standards to obtain building permits, as follows:
 - a. Residential Collection of Garbage and Recyclables: Residents are required to place their garbage, recycling, and organics carts at the curb for weekly collection service by contracted service providers:
 - i. The standard type of garbage, recycling, and organics containers are (1) 32-gallon cart for Garbage, (1) 64-gallon cart for Recycling, and (1) 64-gallon cart for Organics.
 - ii. The total space required for the standard service is approximately 3 feet by 9 feet. Sufficient space should be allocated in the garage to allow residents to keep the containers inside. Alternatively, the containers may be kept in a side yard behind a fence. Trash and recycle containers shall be stored out of public view on non-pickup days.
 - iii. Residents shall not place carts at the curb any earlier than 6:00 a.m. the day before scheduled collection, and are required to retrieve them no later than midnight the days the carts are emptied. (Hayward Municipal Code Section 5-1.15).
 - b. Requirements for Recycling Construction & Demolition Debris: City regulations require that applicants for all construction, demolition, and/or renovation projects, in excess of \$75,000 (or combination of projects at the same address with a cumulative value in excess of \$75,000) must recycle all asphalt and concrete

and all other materials generated from the project. Applicants must complete the Construction & Demolition Debris Recycling Statement, a Construction and Demolition Debris Recycling Summary Report, and weigh tags for all materials disposed during the entire term of the project, and obtain signature approval from the City's Solid Waste Manager prior to any off haul of construction and demolition debris from the project site.

53. Each unit shall have sufficient space allocated to trash, recycle, and organics carts.

Other Utilities

54. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and Comcast cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
55. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
56. The developer shall provide and install conduits and junction boxes to allow for the installation of future fiber optic network within the subdivision, which will be owned and maintained by the City.
57. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Landscape and Irrigation Plans

58. Total irrigated landscape area information shall be provided as required in the landscape ordinance. Group and private open space calculation shall be provided that meets the ordinance's requirements. Bio-retention area shall not be included in the calculation.
59. A digital copy of arborist report shall be submitted in addition to required hard copies.
60. Landscape site layout plan shall locate all existing trees and identify which would be preserved, relocated and removed including any off-site trees that may be impacted by this development.
61. Every effort shall be made to preserve high ranked trees for suitability for preservation as many as possible and integrate them into the site planning for the proposed development. For trees that can't be preserved in place among high ranked trees, transplanting effort shall be made.
62. Safe pedestrian crossings with enhanced paving shall be provided from outer units that are not directly connected to the group open space.

63. Minimum planting dimension is five feet without exception. This includes from the edge of porch to the edge of sidewalk.
64. Mailboxes shall be located on a concrete pad allowing easy access, and shall be provided with security lighting.
65. Park Dedication In-Lieu Fees are required for all dwelling units. Fees shall be those in effect at the time of issuance of the building permit and shall be paid to the City prior to the date of the final inspection or the date the certificate of occupancy is issued whichever comes first.
66. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City. Copies of the approved and signed improvement plans shall be submitted as a part of the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan. The plans shall comply with the City's latest water efficient landscape ordinance (California Building Code Title 23), or California Green Building Standards Code for outdoor water use whichever is the most stringent at the time of the first submittal of landscape and irrigation improvement for review. The plans shall also comply with other relevant sections in Municipal Codes. Dripline of the existing trees to be saved shall be shown on the plan.
67. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be twenty-two (22) inches by thirty-four (34) inches without an exception. A signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain a signature line and date for City of Hayward, Landscape Architect. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
68. Best effort shall be made to preserve high ranking existing trees and shall be incorporated into overall site planning.
69. All removed trees shall be replaced with the value equal to the approved appraised value. The value of replacement tree is based on wholesale price of tree only. The mitigation doesn't include cost of delivery, installation, or irrigation. The appraised value of exiting tree is the value of tree only and doesn't include the cost for maintenance, removal or disposal/hauling.
70. Prior to the issuance of a grading or building permit, a tree preservation bond, surety or deposit, equal in value to the trees to be preserved, shall be provided by the developer. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the conditions of the trees.
71. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period.
72. A separate tree removal permit shall be required in addition to demolition and grading permit prior to removal of any trees or commencement of mass grading.
73. Edge of bio-retention area shall be recessed minimum two feet from the edge of curb, paving, walkway, wall, structure or any hardscape.
74. Minimum planting area dimension shall be five feet measured from back of curb to back of curb, paving, walls or structure at any point.
75. Any slope exceeds three to one (3:1) shall receive jute netting.

76. Individual water meter and sewer cleanout shall be located in the driveway with traffic bearing lids.
77. Street Tree Planting: One twenty-four-inch box tree shall be planted at every twenty to forty feet on center along Austin and Huntwood Avenues. Trees shall be planted according to the City Standard Detail SD-122.
78. Front and Side Yard Tree Planting: Minimum one twenty-four-inch box tree is required for every fifty (50) feet of property frontage fronting streets. There should never be a case where a lot does not have at least one street tree.
79. One fifteen gallon evergreen tree shall be planted at every twenty feet on center where the development abuts residential and commercial/industrial developments.
80. Minimum five feet of planting area shall be provided measured from back of curb to back of curb, paving, and face of wall or structure.
81. Street trees shall be planted twenty feet from the intersection, a minimum of five feet from any underground utilities, a minimum of fifteen feet from a light pole, and a minimum thirty feet from a traffic signal, or as otherwise specified by the city.
82. Root barrier shall be provided for all trees that are located within seven feet of paved edges or structure linearly against paving or structure.
83. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs.
84. Municipal Code Article 12, Section 10-12.17 Public Education, Model Homes: All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Article.
85. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
86. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
87. Landscape inspection shall be required prior to issuance of TCO, and another inspection prior to issuance of Certificate of Occupancy at the time of converting the model for sale. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
88. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.

89. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.
90. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

Fire Protection

91. All public streets, private streets and private courts shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete. Design of the public streets and private streets and courts shall meet City of Hayward Fire Department Standards.
92. The minimum width of fire lane is 20 feet. The minimum width of fire lane with fire hydrants is 26 feet. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be maintained at all time.
93. Fire lane of 20 to 26 feet wide shall be posted on both sides as a fire lane; 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
94. Addressing of the buildings shall be in compliance with the Hayward Fire Department requirements. All buildings shall have a minimum 4 inch self-illuminated address installed on the front of the building so as to be visible from the street. A decorative address monument sign shall be installed at each court entrance, indicating the building addresses for the units served by such court. Minimum size numbers shall be 6 inches in height on a contrasting background.
95. If fire hydrants are located so as to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
96. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department.
97. All new fire hydrants shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet). The capacity of each individual hydrant shall be a minimum 1,500 GPM. Vehicular protection may be required for the fire hydrants. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants.
98. A health-based and water quality clearance shall be obtained from either the State Department of Toxic Substances Control or the California Regional Water Quality Control Board – San Francisco Bay Region. If it is determined that remediation of soil

and/or groundwater is necessary, oversight of one of these two agencies would be required.

99. Submit for proper building permits for the construction of the building to the Building Department. All building construction shall meet the requirements of the 2013 California Residential Code.
100. Buildings are required to install fire sprinkler systems in accordance with NFPA 13D.
101. Per the requirement of Hayward Public Works Department, a static pressure of 80 PSI should be used when a water test data indicates a higher pressure. The residual pressure should be adjusted accordingly.
102. Underground fire service line serving NFPA 13D sprinkler systems shall be installed in accordance with the Hayward Public Work Department SD-216. Water meters shall be minimum one-inch in diameter.
103. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity.
104. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).
105. CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
106. An approved type spark arrestor shall be installed on any chimney cap.
107. Final fire department/hazardous materials inspection is required to verify that requirements for fire protection facilities have been met, and actual construction of all fire protection equipment has been completed in accordance with the approved plan. Please contact the Fire Marshal's Office at (510) 583-4910 at least 24 hours before the desired final inspection appointment.
108. Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department. The clearance certificate will ensure that the property meets investigation and cleanup standards for residential development. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances.
109. Prior to grading, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure that hazards posed to development construction workers, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials and hazardous waste must be properly managed and disposed of in accordance with state, federal and local regulations.
110. Any wells, septic tank systems and other subsurface structures - including hydraulic lifts for elevators - shall be removed properly in order not to pose a threat to the development, construction workers, future residents or the environment. Notification shall be made to the Hayward Fire Department at least 24 hours prior to removal. Removal of these structures shall be documented and done under permit, as required by law.
111. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials are discovered during demolition

or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials.

112. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

Final Tract Map

113. Prior to recordation, a proposed Final Tract Map shall be submitted for review by the City. The Final Tract Map shall be presented to the City Council for review and action. The City Council meeting will be scheduled approximately sixty (60) days after the Improvement Plans with supporting documents and Final Map are deemed technically correct, and Subdivision Agreement and Bonds are approved by the City. The executed Final Map shall be returned to the City Public Works Department if Final Map has not been filed in the County Recorder's Office within ninety (90) days from the date of the City Council's approval.
114. Prior to the recordation of the Final Tract Map, all documents that need to be recorded with the final map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
115. The final map shall reflect all easements needed to accommodate the project development. The private street and driveways shall be dedicated as a Public Utility Easement (PUE), Public Access Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).
116. Pursuant to the City's [Affordable Housing Ordinance](#), 10 percent of all detached single family residences in a project and 7.5 percent of all attached units must be set aside and sold at affordable prices to moderate-income households (households earning 120 percent of Area Median Income or less). If this is the option selected by the developer, prior to the approval of the Final Map, an Affordable Housing Plan (AHP) shall be submitted and approved by the Planning Director related to providing affordable housing units. The AHP shall conform to the requirements of the City's Affordable Housing Ordinance and will memorialize the obligations relevant to the compliance with inclusionary housing provisions by the project owner. The Ordinance also allows developers the option to pay an Affordable Housing Impact Fee as established by the City's Master Fee Schedule. Affordable housing impact 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. Regardless of the option chosen, no final inspection will be approved and no occupancy permit will be issued for any Dwelling Unit unless all required affordable housing impact fees have been paid in full.
117. Prior to the approval of the Final Map, the developer shall pay the costs of providing public safety services to the project should the project generate the need for additional public safety services. The developer may pay either the net present value of such costs

prior to issuance of building permits, or the developer may elect to annex into a special tax district formed by the City and pay such costs in the form of an annual special tax. The developer shall post an initial deposit of \$20,000 with the City prior to submittal of improvement plans to offset the City's cost of analyzing the cost of public safety services to the property and district formation.

PRIOR TO ISSUANCE OF BUILDING OR GRADING PERMITS AND CONSTRUCTION WITH COMBUSTIBLE MATERIALS

118. Pursuant to the Municipal Code §10-3.332, the developer shall execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the subdivision agreement.
119. Prior to issuance of building permits, a final map that reflects and is in substantial compliance with the approved vesting tentative tract map, shall be approved by the City Engineer and is in the process for filing with the office of the Alameda County Clerk Recorder.
120. Submit the following documents for review and approval, or for City project records/files:
 - a. Copy of the Notice of Intent filed with State Water Resources Control Board;
 - b. Engineer's estimate of costs, including landscape improvements;
 - c. Signed Final Map;
 - d. Signed Subdivision Agreement; and
 - e. Subdivision bonds.
114. Plans for building permit applications shall incorporate the following:
 - a. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b. A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. All exterior lighting shall 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. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director or his/her designee shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the buildings. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of proposed buildings.
 - c. Plans shall show that all utilities will be installed underground.

115. Required water system improvements shall be completed and operational prior to the start of combustible construction.
116. The developer/subdivider shall be responsible to adhere to all aspects of the approved Storm Water Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.
117. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.
118. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

PRIOR TO ISSUANCE OF CERTIFICATES OF OCCUPANCY

During Construction

119. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
120. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
 - a. Grading and site construction activities shall be limited to the hours 7:00 AM to 7:00 PM Monday through Saturday and 10:00 AM to 6:00 PM Sunday and Holidays. Grading hours are subject to the City Engineer's approval. Building construction hours are subject to Building Official's approval;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Unnecessary idling of grading and construction equipment is prohibited;
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information and a copy provided to the Planning Division.
 - f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and

residents with this information prior to commencement of construction and a copy provided to the Planning Division.

- g. Daily clean-up of trash and debris shall occur on Austin Avenue, Huntwood Avenue, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- h. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- i. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- j. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- k. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- l. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- m. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- n. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
- o. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- p. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- q. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- r. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- s. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
- t. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the

project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;

- u. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
 - v. Ensure that concrete/granite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - w. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
121. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
122. In the event that human remains', archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
123. The applicant shall comply with standards identified in General Plan Appendix N – Noise Guidelines for the Review of New Development. Measures to ensure compliance with such standards shall be developed by a state licensed acoustical engineer and incorporated into building permit plans, to be confirmed by the Planning and Building Divisions. Also, confirmation by a state licensed acoustical engineer that such standards are met shall be submitted after construction and prior to issuance of certificates of occupancy.
124. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
125. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed and installed in accordance with the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Completion. The final acceptance form must be submitted prior to requesting an inspection with the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of landscape improvements.
126. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation, and

other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of eighty percent of the dwelling units, whichever first occurs, and a Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract to the Public Works – Engineering and Transportation Department by the developer.

Homeowners Association

127. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Conditions, Covenants and Restrictions (CC&R's), creating a homeowners association (HOA) for the property, shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall include the following provisions:

- a. The CC&R's shall state that the City of Hayward has the right to abate public nuisance conditions in the common area if the association or corporation fails to do so, and to assess the cost to the association, corporation or individual unit owners. In order to accomplish this, the CC&Rs shall contain the following typical statements:
 - i) In the event the Board fails to maintain the exterior portions of the common area so that owners, lessees, and their guest suffer, or will suffer, substantial diminution in the enjoyment, use or property value of the project, thereby impairing the health, safety, and welfare of the residents in the project, the City of Hayward, by and through its duly authorized officers and employees, shall have the right to enter upon the real property described in Exhibit "A" and to commence and complete such work as is necessary to maintain said exterior portions of the common area. The City shall enter and repair only if, after giving the Board written notice of the Board's failure to maintain the premises, the Board does not commence correction of such conditions in no more than 30 days from delivery of the notice and proceed diligently to completion. The Board agrees to pay all expenses incurred by the City of Hayward within 30 days of written demand. Upon failure by the Board to pay within said 30 days, the City of Hayward shall have the right to impose a lien for the proportionate share of such costs against each condominium or community apartment in the project.
 - ii) It is understood that by the provisions hereof, the City of Hayward is not required to take any affirmative action, and any action undertaken by the City of Hayward shall be that which, in its sole discretion, it deems reasonable to protect the public health, safety, and general welfare, and to enforce it and the regulations and ordinances and other laws.
 - iii) It is understood that action or inaction by the City of Hayward, under the provisions hereof, shall not constitute a waiver or relinquishment of any of

its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations, and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.

- iv) It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law shall be cumulative and not exclusive, and the maintenance of any particular remedy shall not be a bar to the maintenance of any other remedy. In this connection it is understood and agreed that the failure by the Board to maintain the exterior portion of the common area shall be deemed to be a public nuisance, and the City of Hayward shall have the right to abate said condition, assess the costs thereof and cause the collection of said assessments to be made on the tax roll in the manner provided by Chapter 4, Article 1, of the Hayward Municipal Code or any other applicable law.
 - v) The City Council of the City of Hayward may, at any time, relinquish its rights and interest in the project as herein set forth by appropriate resolution. Any such relinquishment by the City Council shall be effective on the date that the resolution is adopted and a copy thereof is placed in the United States mail, postage prepaid, addressed to the Board. The Board shall execute and record a declaration reflecting such relinquishment within 10 days of receipt of a copy of the resolution.
- b. The above five paragraphs cannot be amended or terminated without the consent of the Hayward City Council.
 - c. Each owner shall automatically become a member of the association(s) and shall be subject to a proportionate share of maintenance expenses.
 - d. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association(s).
 - e. The HOA shall be managed and maintained by a professional property management company.
 - f. The HOA shall own and maintain the private access roads and on-site storm drain systems in the development, excluding those located within the public right-of-way.
 - g. A provision that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 48 hours of notification by the City.
 - h. The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The HOA representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely

pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.

- i. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
- j. The garage of each unit shall be maintained for off-street parking of two vehicles and shall not be converted to living or storage areas. The HOA shall conduct at least semi-annual inspections to confirm that all residents are using their garages for parking their cars and not for storage. Residents shall make garages available for such inspections, as appropriate. An automatic garage door opening mechanism shall be provided for all garage doors.
- k. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.
- l. The HOA shall maintain all fencing, parking surfaces, common landscaping, lighting, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.
- m. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
- n. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
- o. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.
- p. The association shall ensure that no less than 75 percent of the units shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is not permitted. However, to address special situations and avoid unusual hardship or special circumstances, such as a loss of job, job transfer, military transfer, change of school or illness or injury that, according to a doctor, prevents

the owner from being employed, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.

Prior to the Issuance of Certificate of Occupancy or Final Report

128. All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications.
129. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
130. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
131. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch should be organic recycled chipped wood in the shades of Dark Brown Color. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.
132. The developer/subdivider shall be obligated for the following additional fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Tract Map was accepted as complete, unless otherwise indicated herein:
 - a) Supplemental Building Construction and Improvement Tax,
 - b) School Impact Fee
133. Final Hayward Fire Department inspection is required to verify that requirements for fire protection facilities have been met and actual construction of all fire protection equipment have been completed in accordance with the approved plan. Contact the

Fire Marshal's Office at (510) 583-4910 at least 24 hours before the desired final inspection appointment.

134. The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
135. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
136. The applicant/subdivider shall submit an AutoCAD file format (release 2010 or later) in a CD of approved final map and 'as-built' improvement plans showing lot and utility layouts that can be used to update the City's Base Maps.
137. The applicant/subdivider shall submit an "as built" plans indicating the following:
 - a) Approved landscape and irrigation improvements;
 - b) All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.;
 - c) All the site improvements, except landscaping species, buildings and appurtenant structures; and
 - d) Final Geotechnical Report.
138. The bollards located at the Fagundes Court entrance shall be locked, and keys shall not be provided generally to owners of homes in the development. Keys shall be provided at a location accessible to the Hayward Fire Department and Police Department and may be held by representatives of the HOA. Bollards shall be in place at all times unless removed for emergency vehicle access.

EXHIBIT B**KB Home Fagundes Residential
Mitigation Monitoring and Reporting Program**

**Zone Change and Tentative Tract Map Application No. 201502586
Ray Panek, KB Home Bay Area (Applicant)
Steven Amaral (Owner)**

December 15, 2015

Mitigation 1**Significant environmental Impact:**

The project site contains 34 existing trees, 29 of which are proposed to be removed. Of the trees to be removed, 4 were rated in poor condition, 17 were rated in good condition, and 9 were rated in high condition. HortScience, Inc. prepared a tree report dated May 2015, identifying methods for tree preservation and tree replacement to mitigate for the potential impacts. Following these recommendations will reduce impacts to a level of insignificance.

Mitigation Measure:

The applicant shall follow all recommendations in the tree evaluation report including protection of all trees to be preserved during all phases of the development and replacement of all removed trees based on the value of the removed trees:

Design Recommendations

1. The horizontal and vertical elevation of each tree to be preserved shall be accurately located by an engineer survey.
2. Tree Protection Zone (TPZ) shall be established around each tree. No grading, excavation, construction or storage of materials shall occur within that zone. No underground services including utilities, sub-drains, water or sewer shall be placed in the TPZ. Spoil from trench, footing, utility or other excavation shall not be placed within the TPZ, neither temporarily nor permanently. For design purposes, the TPZ shall be the existing curb or drip line of the tree.
3. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
4. Irrigation systems must be designed so that no trenching that serves roots larger than 1" diameter will occur within the TPZ.
5. Hydrated lime to stabilize plastic soils shall not be incorporated into soil within the TPZ. Lime is toxic to plant roots. Subsoil stabilization treatments must be discussed with the Project Arborist and designed to protect tree roots.
6. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees should be designed to withstand displacement.

Pre-Construction Treatments and Recommendations

1. The construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.
2. Fence all trees to be retained to completely enclose the TPZ prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by the City. Fences are to remain until all grading and construction is completed. Where demolition must occur close to trees, such as removing curb and pavement, install trunk protection devices such as winding silt sock wattling around trunks or stacking hay bales around tree trunks.
3. Any pruning required to provide clearance for construction shall be done by a State of California Licensed Tree Worker in accordance with the Best Management Practices for Pruning (international Society of Arboriculture, 2002) and adhere to the most recent editions of the American Nation Standard for Tree Care Operations (Z133.1) and Pruning (A300). The Consulting Arborist will provide pruning specifications prior to site demolition.
4. Tree(s) to be removed that have branches extending into the canopy of tree(s) to remain shall be removed by a Certified Arborist or Certified Tree Worker and not by the demolition contractor. The Certified Arborist or Certified Tree Worker shall remove the trees in a manner that causes no damage to the tree(s) and understory to remain.

Recommendations for Tree Protection During Construction

1. Any approved grading, construction, demolition or other work within the TPZ should be monitored by the Consulting Arborist.
2. All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.
3. Tree protection devices are to remain until all site work has been completed within the work area. Fences or other protection devices may not be relocated or removed without permission of the Consulting Arborist.
4. Construction trailers, traffic and storage areas must remain outside TPZ at all times.
5. Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Project Arborist.
6. If roots 2" and greater in diameter are encountered and during site work must be cut to complete the construction, the Project Arborist must be consulted to evaluate effects on the health and stability of the tree and recommend treatment.
7. All grading within the drip line of trees shall be done using the smallest equipment possible. The equipment shall operate perpendicular to the tree and operate from outside the TPZ. Any modifications must be approved and monitored by the Consulting Arborist.
8. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
9. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TPZ.
10. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to any project construction and during project construction

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN PROPERTY IN CONNECTION WITH ZONE CHANGE APPLICATION NO. 201502586 RELATING TO A RESIDENTIAL DEVELOPMENT AT 81 FAGUNDES COURT

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

Section 1. Rezoning.

Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to rezone the property located at 81 Fagundes Court (APNs: 443-0080-027-01, 443-0080-027-02, and 443-0085-009-03) from Medium Density Residential (RM) and Single-Family Residential (RS) to Planned Development (PD) District.

Section 2. Severance.

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

Section 3. Effective Date.

This ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held on the 24th day of May, 2016, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of June, 2016 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

DATE: _____

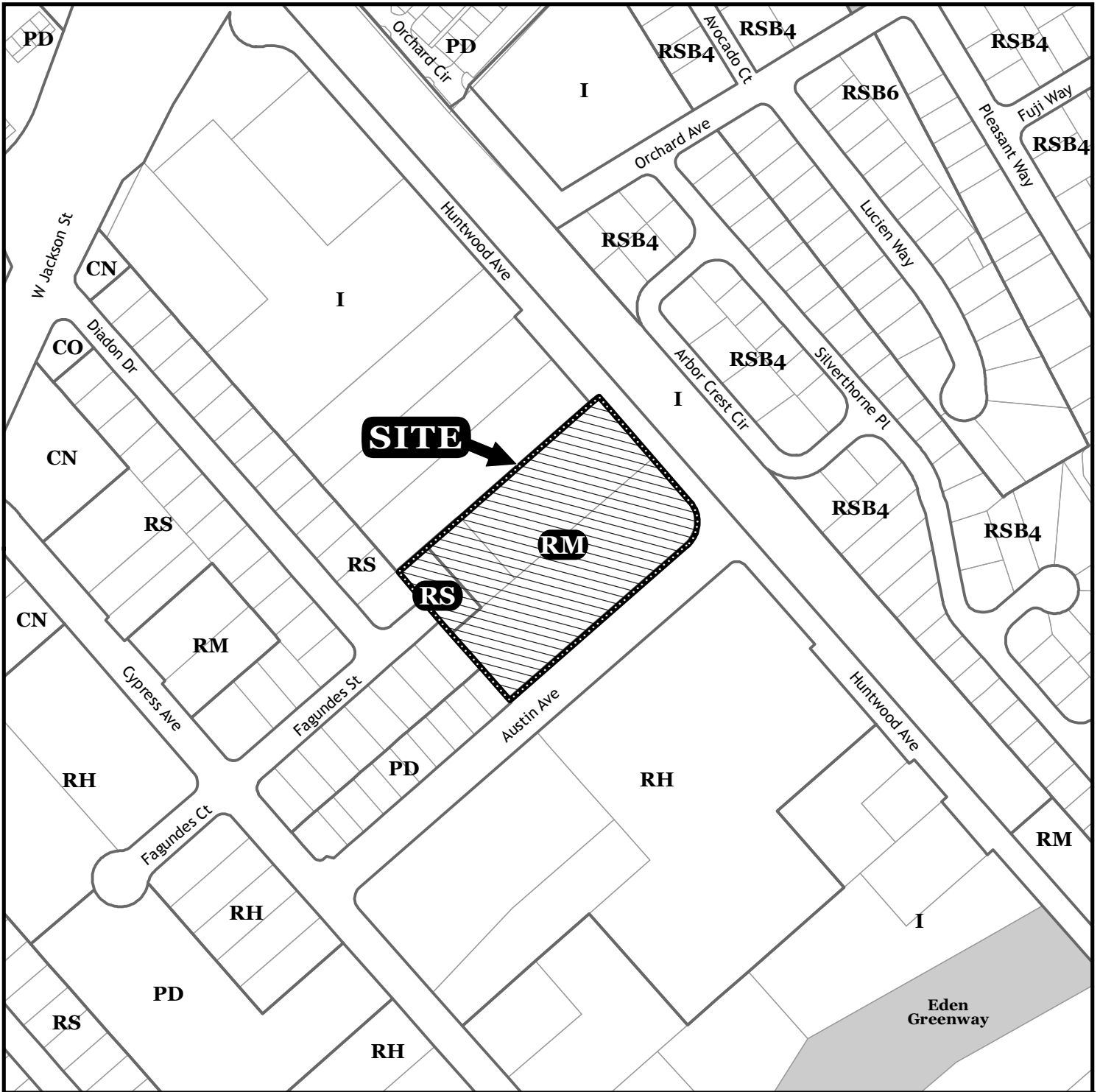
ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Area & Zoning Map



201502586

Address:
81 Fagundes Court, 24975 Huntwood Avenue

Applicant:
Ray Panek/KB Home Bay Area

Owner:
Steven Amaral

Zoning Classifications

RESIDENTIAL

- RH High Density Residential, min lot size 1250 sqft
- RM Medium Density Residential, min lot size 2500 sqft
- RS Single Family Residential, min lot size 5000 sqft
- RSB4 Single Family Residential, min lot size 4000 sqft
- RSB6 Single Family Residential, min lot size 6000 sqft

COMMERCIAL

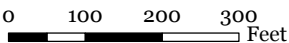
- CN Neighborhood Commercial
- CO Commercial Office

INDUSTRIAL

- I Industrial

OTHER

- PD Planned Development



SHEET INDEX

<u>NO.</u>		<u>NO.</u>	<u>LANDSCAPE PLANS</u>	<u>NO.</u>	<u>ARCHITECTURAL PLANS</u>	<u>NO.</u>	<u>ARCHITECTURAL PLANS</u>
1	COVER SHEET - SHEET INDEX	7	L-0 COVER SHEET	19	A01 STREET SCENE	33	A15 PLAN 3 'A' ELEVATIONS AT INTERIOR LOTS
	<u>CIVIL PLANS</u>	8	L-1 LAYOUT AND PLANTING LEGEND	20	A02 PLAN 1 FRONT ELEVATIONS AND ROOF PLANS	34	A16 PLAN 3 'B' ELEVATIONS AT INTERIOR LOTS
2	TM.1 VESTING TENTATIVE MAP - EXISTING PROPERTY	9	L-2 TREE REMOVAL PLAN	21	A03 PLAN 1 'A' ELEVATIONS AT INTERIOR LOTS	35	A17 PLAN 3 'C' ELEVATIONS AT INTERIOR LOTS
3	TM.2 VESTING TENTATIVE MAP - SITE PLAN	10	L-3 LANDSCAPE CONCEPT	22	A04 PLAN 1 'B' ELEVATIONS AT INTERIOR LOTS	36	A18 PLAN 3 'C' ENHANCED ELEVATIONS
4	TM.3 VESTING TENTATIVE MAP - GRADING PLAN	11	L-4 CONCEPTUAL ENLARGEMENT PLAN	23	A05 PLAN 1 'C' ELEVATIONS AT INTERIOR LOTS	37	A19 PLAN 3 FLOOR PLANS
5	TM.4 VESTING TENTATIVE MAP - UTILITY PLAN	12	L-5 LANDSCAPE DETAILS	24	A06 PLAN 1 'B' ENHANCED ELEVATIONS	38	A20 MULTI-FAMILY DUET FRONT ELEVATIONS
6	TM.5 VESTING TENTATIVE MAP - OPEN SPACE EXHIBIT	13	L-6 LANDSCAPE DETAILS	25	A07 PLAN 1 FLOOR PLANS	39	A21 MULTI-FAMILY DUET ELEVATIONS 'A' AT INTERIOR LOTS
		14	L-7 LANDSCAPE DETAILS	26	A08 PLAN 2 FRONT ELEVATIONS AND ROOF PLANS	40	A22 MULTI-FAMILY DUET ELEVATIONS 'B' AT INTERIOR LOTS
		15	L-8 IRRIGATION CONCEPT	27	A09 PLAN 2 'A' ELEVATIONS AT INTERIOR LOTS	41	A23 MULTI-FAMILY DUET ELEVATIONS 'C' AT INTERIOR LOTS
		16	L-9 IRRIGATION NOTES AND LEGEND	28	A10 PLAN 2 'B' ELEVATIONS AT INTERIOR LOTS	42	A24 MULTI-FAMILY DUET 'A' ENHANCED ELEVATIONS
		17	L-10 IRRIGATION DETAILS	29	A11 PLAN 2 'C' ELEVATIONS AT INTERIOR LOTS	43	A25 MULTI-FAMILY DUET 'C' ENHANCED ELEVATIONS
		18	L-11 IRRIGATION DETAILS	30	A12 PLAN 2 'A' ENHANCED ELEVATIONS	44	A26 MULTI-FAMILY DUET ROOF PLANS
				31	A13 PLAN 2 FLOOR PLANS	45	A27 MULTI-FAMILY DUET FIRST AND SECOND FLOOR PLANS
				32	A14 PLAN 3 FRONT ELEVATIONS AND ROOF PLANS	46	A28 MULTI-FAMILY DUET THIRD FLOOR PLAN

DEVELOPER
 KB HOME SOUTH BAY, INC,
 5000 EXECUTIVE PARKWAY, SUITE 125
 SAN RAMON, CA 94583
 (925) 983-4527
 CONTACT: RAY PANEK

CIVIL ENGINEER
 CARLSON, BARBEE & GIBSON, INC.
 2633 CAMINO RAMON, SUITE 350
 SAN RAMON, CA 94583
 (925) 866-0322
 CONTACT: LEE ROSENBLATT

LANDSCAPE ARCHITECT
 GATES + ASSOCIATES
 2671 CROW CANYON RD.
 SAN RAMON, CA 94583
 (925) 736-8176
 CONTACT: MELONIE O' SULLIVAN

ARCHITECT
 SDG ARCHITECTS, INC.
 3361 WALNUT BLVD. SUIT 120
 BRENTWOOD, CA 94513
 (925) 634-7000
 CONTACT: RALPH STRAUSS



MARCH 7, 2016



AMARAL PROPERTIES-TRACT 8266
PLANNED DEVELOPMENT
 HAYWARD, CALIFORNIA

Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS

2633 CAMINO RAMON, SUITE 350
 SAN RAMON, CALIFORNIA 94583

(925) 866-0322
 www.cbandg.com

LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	SUBDIVISION BOUNDARY
---	---	PUBLIC UTILITY EASEMENT
---	---	EXISTING RIGHT OF WAY
---	---	FENCE
---	---	SPOT ELEVATIONS
---	---	CURB, GUTTER AND SIDEWALK
---	---	TREES TO REMAIN
---	---	TREES TO BE RELOCATED
---	---	TREES TO BE REMOVED

ABBREVIATIONS

AC	ASPHALT CONCRETE
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
FC	FACE OF CURB
LS	LANDSCAPE
PL	PROPERTY LINE
PSD	PRIVATE STORM DRAIN PIPE
PUE	PUBLIC UTILITY EASEMENT
RW	RIGHT-OF-WAY
SSE	SANITARY SEWER EASEMENT
SW	SIDEWALK
WLE	WATER LINE EASEMENT

SHEET INDEX

TM.1	EXISTING PROPERTY
TM.2	SITE PLAN
TM.3	GRADING PLAN
TM.4	UTILITY PLAN
TM.5	OPEN SPACE EXHIBIT

CONTACTS

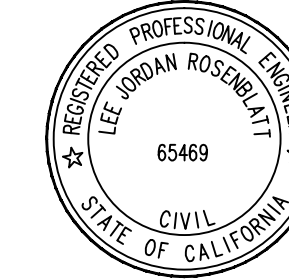
- DEVELOPER: KB HOME SOUTH BAY, INC., 5000 EXECUTIVE PARKWAY, SUITE 125 SAN RAMON, CA 94583 (925) 983-4527 RAY PANEK
- ENGINEER: CARLSON, BARBEE & GIBSON, INC. 2633 CAMINO RAMON, SUITE 350 SAN RAMON, CA 94583 (925) 866-0322 LEE ROSENBLATT, RCE #65469
- SOILS ENGINEER: STEVENS, FERRONE, & BAILEY 1600 WILLOW PASS COURT CONCORD, CA 94520 (925) 688-1001 KEN FERRONE, RCE 2513
- TOPOGRAPHIC SOURCE: AERIAL TOPOGRAPHY COMPILED BY: AEROMETRIC SURVEYS 635 MARINERS ISLAND BLVD, SUITE 204 SAN MATEO, CA 94404 (650) 349-1599

WE, KB HOME SOUTH BAY, INC. AGREE TO THE FILING OF SAID MAP AND TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

BY: _____ DATE: _____

I, LEE ROSENBLATT, CERTIFY THAT THIS TENTATIVE MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT COMPLIES WITH THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT.

BY: LEE ROSENBLATT, RCE #65469 DATE: _____

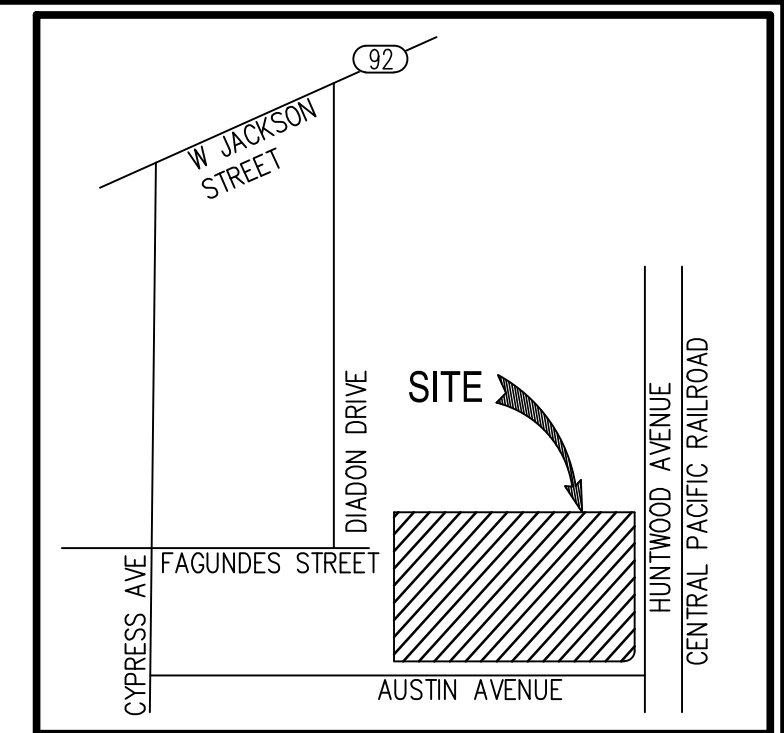


A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY STEVENS, FERRONE & BAILEY, DATED APRIL 30, 2015. WHICH HAS BEEN FILED WITH THE CITY OF HAYWARD.

BY: KEN FERRONE, RCE 2513 DATE: _____

I, MARK H. WEHBER, A LICENSED LAND SURVEYOR IN THE STATE OF CALIFORNIA, HEREBY STATE THAT THIS TENTATIVE MAP IS BASED UPON A SURVEY UNDER MY DIRECT SUPERVISION AND THAT IT COMPLIES WITH THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT.

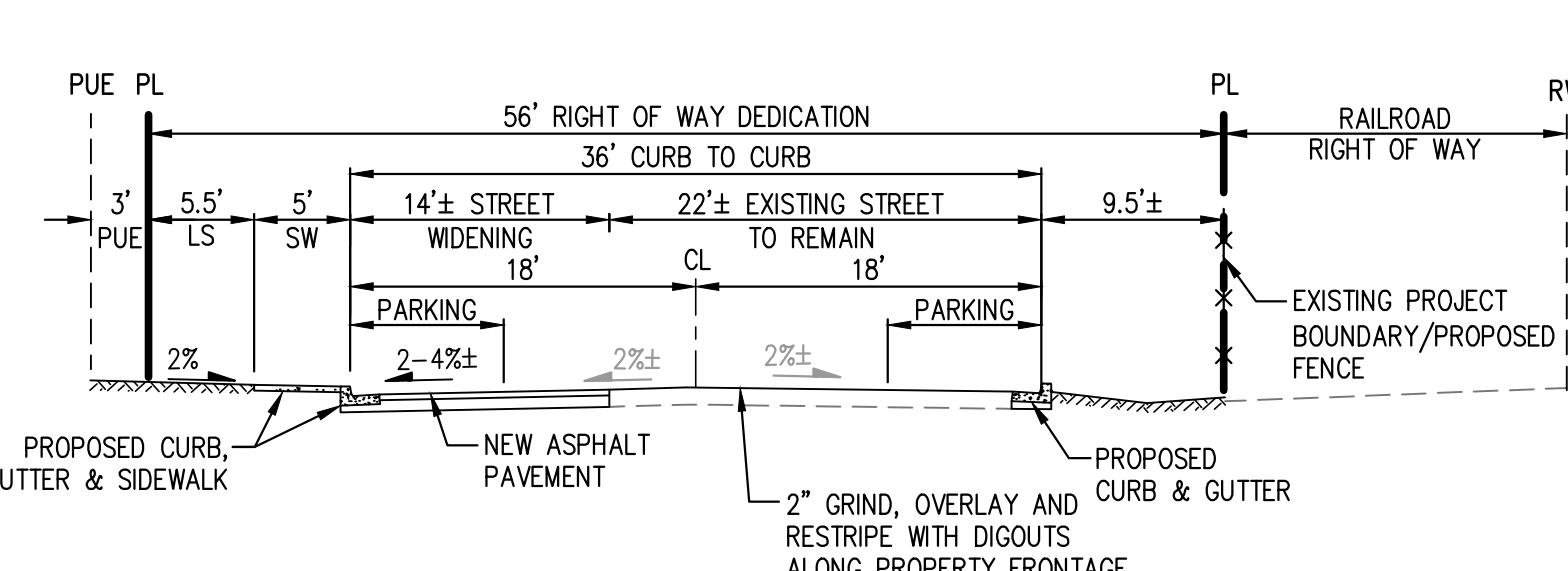
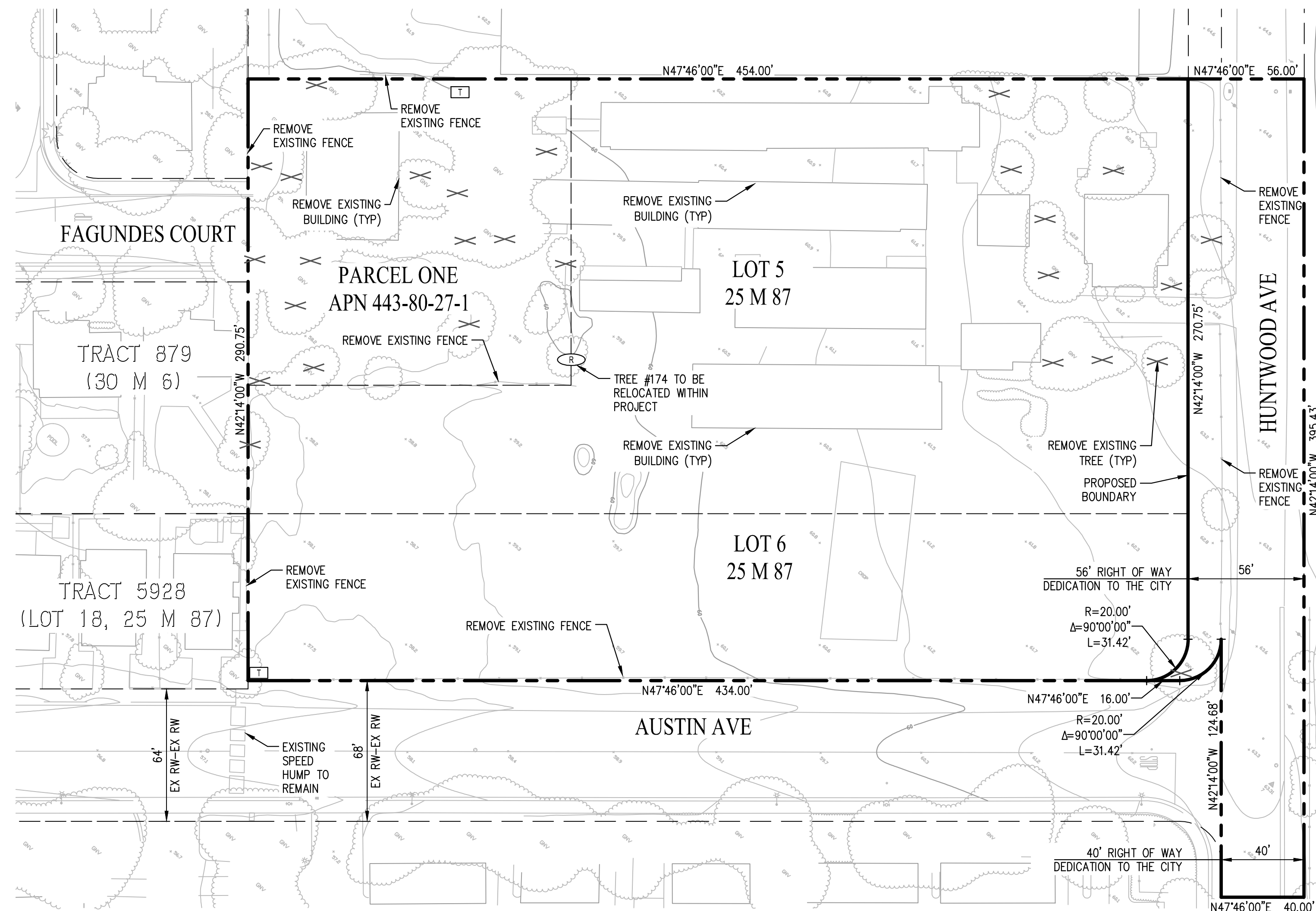
BY: MARK H. WEHBER, LS 7960 DATE: _____



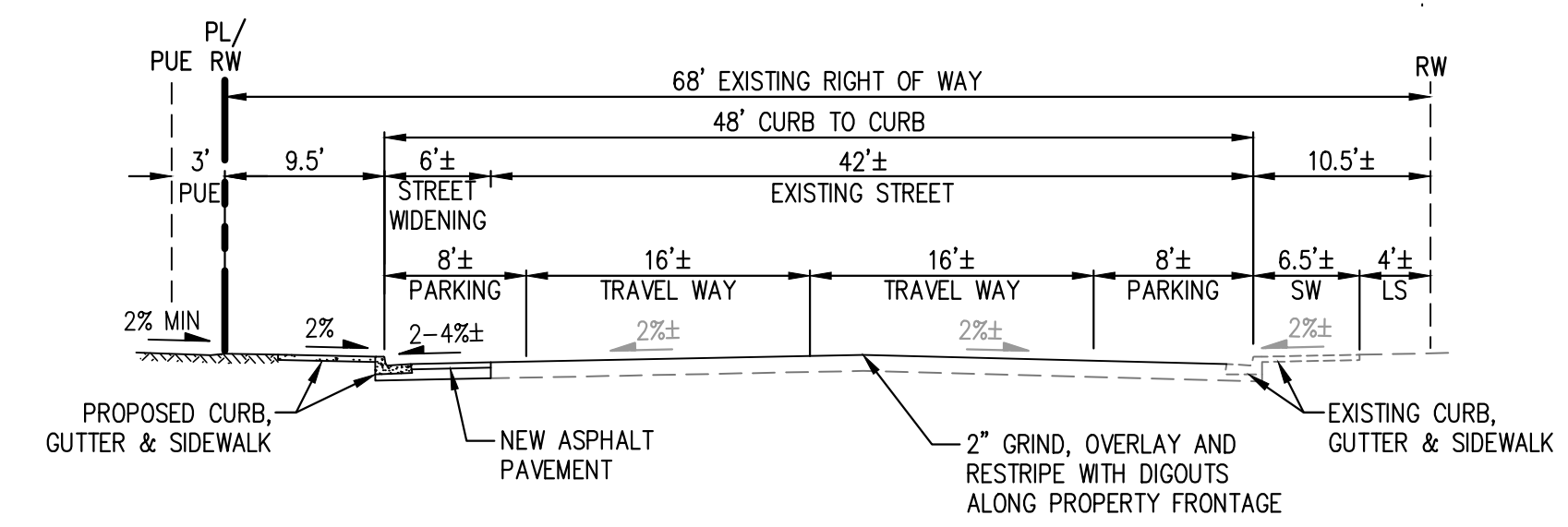
VICINITY MAP
(NOT TO SCALE)

GENERAL NOTES

- ASSESSORS PARCEL NO: 443-0085-009-03, 443-0080-027-01, 443-0080-027-02
- SITE ADDRESS: 81 FAGUNDES COURT, 24975 HUNTWOOD AVENUE, HAYWARD, CA
- SITE AREA: 3.03± ACRES
- EXISTING ZONING: RM-MEDIUM DENSITY RESIDENTIAL, RS-SINGLE FAMILY RESIDENTIAL; PROPOSED ZONING: RH-HIGH DENSITY RESIDENTIAL
- EXISTING USE: VACANT/COMMERCIAL; PROPOSED USE: SINGLE-FAMILY RESIDENTIAL - 28 UNITS, MULTI-FAMILY RESIDENTIAL - 14 UNITS
- BENCHMARK: TOP OF MONUMENT PLATE AT INTERSECTION OF HUNTWOOD AVE & AUSTIN AVE, ELEVATION = 62.67, NGVD29, CITY OF HAYWARD DATUM MONUMENTATION PLAT FILE NO:1-42
- EXISTING STRUCTURES: ALL EXISTING BUILDINGS, PAVEMENT, AND TREES WITHIN BOUNDARY TO BE REMOVED.
- STREETS: ALL ROADWAYS WITHIN THE SUBDIVISION WILL BE PRIVATE AND WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. ALL PRIVATE STREETS WILL BE WITHIN PUE'S. THE MINIMUM LONGITUDINAL SLOPE OF ALL STREETS IS 0.50%.
- TREES: ALL TREES WITHIN PROPERTY BOUNDARY TO BE PRESERVED/RELOCATED/REMOVED PER LANDSCAPE PLANS
- STREET TREES: STREET TREES SHALL BE INSTALLED PER CITY STD SD-122
- WALLS AND FENCING: ALL WALLS AND FENCING WILL BE PRIVATE FACILITIES AND PRIVATELY MAINTAINED
- STORM DRAIN: PROPOSED ONSITE STORM DRAIN FACILITIES WILL BE PRIVATE FACILITIES AND WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION
- PUBLIC UTILITIES: PROPOSED ONSITE WATER AND SANITARY SEWER FACILITIES ARE PUBLIC AND WILL BE WITHIN A SANITARY AND/OR WATER EASEMENT. PROPOSED WATER AND SANITARY SEWER FACILITIES WILL BE CONSTRUCTED PER CITY OF HAYWARD STANDARDS AND BE DEDICATED TO THE CITY
- FLOOD ZONE: ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN REFER TO: FLOOD INSURANCE RATE MAP PANEL 06001C0289G (AUGUST 3, 2009)
- WELLS ONSITE: NONE
- WATER: CITY OF HAYWARD
- SEWER: CITY OF HAYWARD
- GAS & ELECTRIC: PG&E
- TELEPHONE: SBC
- CABLE TV: COMCAST CABLE
- DIMENSIONS: ALL DIMENSIONS ARE PRELIMINARY AND SUBJECT TO FINAL MAP
- FINAL MAP: ONE FINAL MAP SHALL BE FILED FOR THIS SITE
- HOMEOWNER'S ASSOCIATION: A HOMEOWNER'S ASSOCIATION SHALL BE CREATED FOR THE DEVELOPMENT TO MAINTAIN PRIVATE AMENITIES



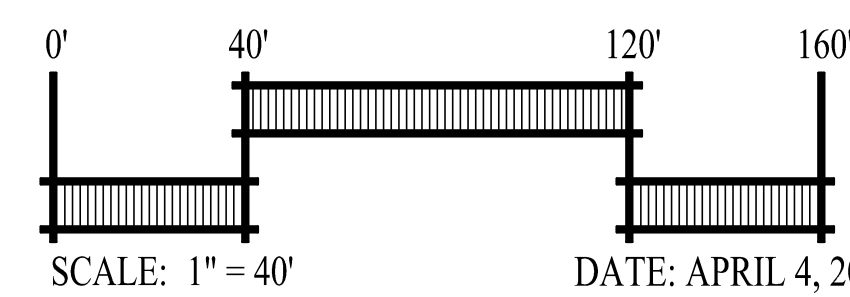
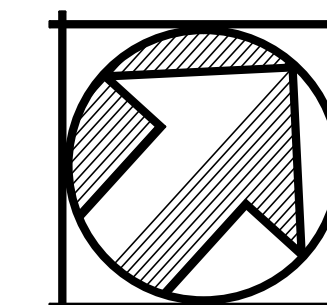
HUNTWOOD AVENUE
NOT TO SCALE



AUSTIN AVENUE
NOT TO SCALE

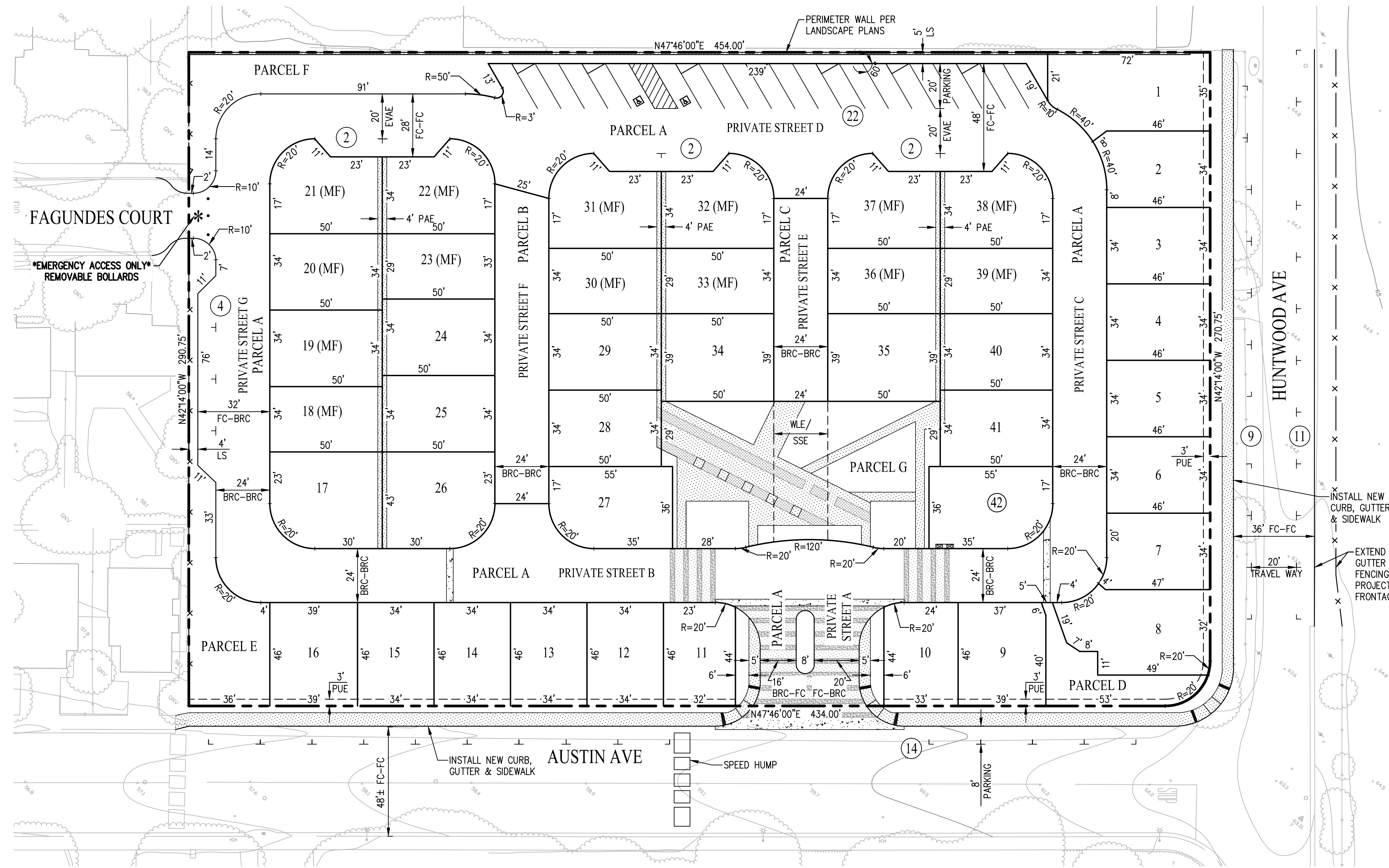
VESTING TENTATIVE MAP
EXISTING PROPERTY
AMARAL PROPERTIES - TRACT 8266

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



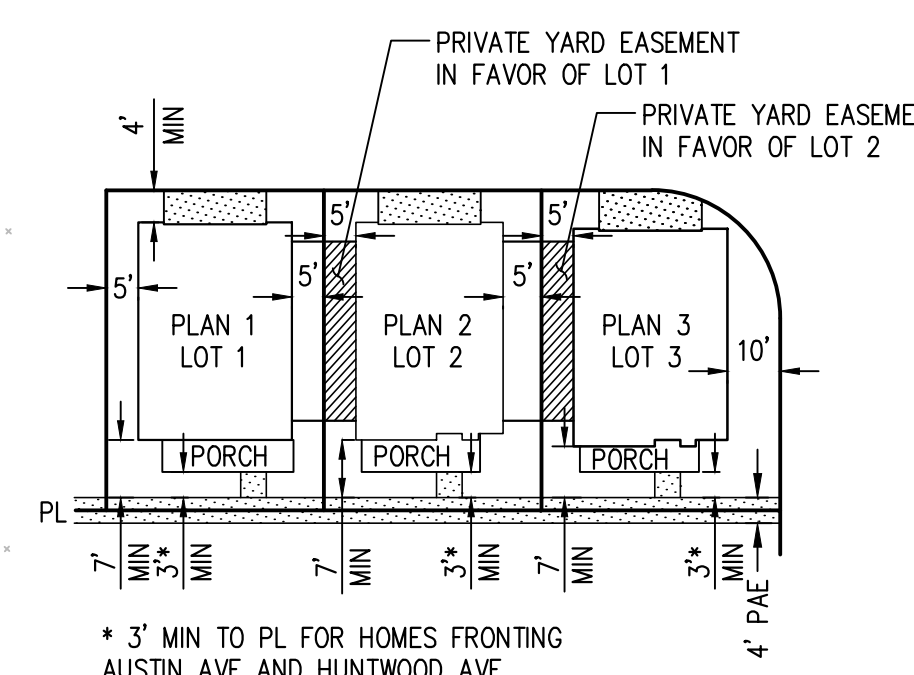
SCALE: 1" = 40'
DATE: APRIL 4, 2016

	Carlson, Barbee & Gibson, Inc. CIVIL ENGINEERS • SURVEYORS • PLANNERS	SHEET NUMBER TM.1 1 OF 46
	2633 CAMINO RAMON, SUITE 350 SAN RAMON, CALIFORNIA 94583 (925) 866-0322 www.cbangd.com	

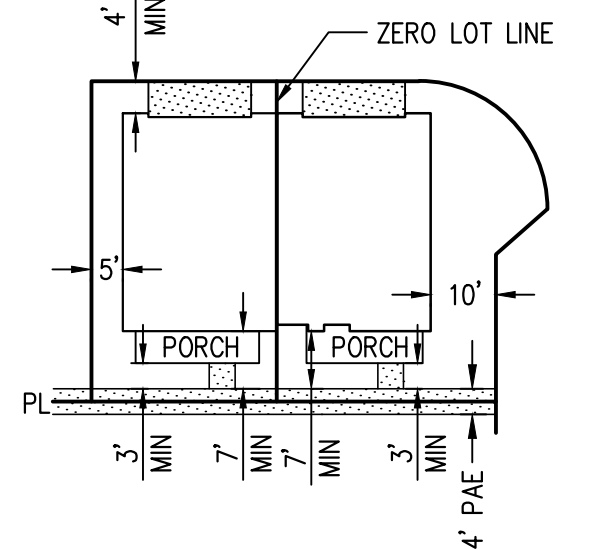


LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	SUBDIVISION BOUNDARY
---	---	PROPERTY LINE
-x-x-	-x-x-	PERIMETER FENCE PER LANDSCAPE PLANS
---	---	PERIMETER WALL PER LANDSCAPE PLANS
---	---	SIDEWALK, PATHWAY
---	---	VALLEY GUTTER
---	---	EASEMENT
---	---	SPOT ELEVATIONS
	BC	BACK OF CURB
	BRC	BACK OF ROLLED CURB
	DW	DRIVEWAY
	EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
	FC	FACE OF CURB
	LS	LANDSCAPE
	LSM	LANDSCAPE MEDIAN
	MF	MULTI-FAMILY
	PAE	PRIVATE ACCESS EASEMENT
	PL	PROPERTY LINE
	PSD	PUBLIC STORM DRAIN
	PUE	PUBLIC UTILITY EASEMENT
	RW	RIGHT-OF-WAY
	SSE	SANITARY SEWER EASEMENT
	SW	SIDEWALK
	TC	TOP OF CURB
	WLE	WATER LINE EASEMENT



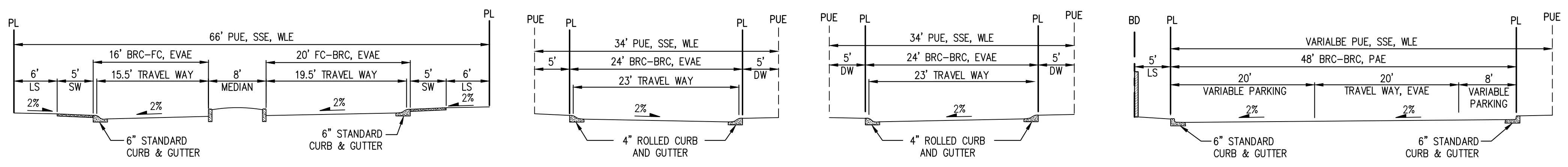
TYPICAL SINGLE FAMILY BUILDING SETBACKS
NOT TO SCALE



TYPICAL MULTI-FAMILY (MF) BUILDING SETBACKS
NOT TO SCALE

GENERAL NOTES

- EXISTING ZONING: RM MEDIUM DENSITY RESIDENTIAL
- PROPOSED ZONING: RH HIGH DENSITY RESIDENTIAL
- EXISTING LAND USE: AGRICULTURE/VACANT
- PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL (28 UNITS)
MULTI-FAMILY RESIDENTIAL (14 UNITS)
3.03± AC
- TOTAL SITE AREA: 42 LOTS; 7 PARCELS
- TOTAL NUMBER OF LOTS: 13.8 UNITS/AC
- DENSITY: 42 LOTS; 7 PARCELS
- PARKING: RESIDENT (GARAGE) 84 SPACES
GUEST (0.76/DU) 32 SPACES
TOTAL 116 SPACES*
*SEE TABLE TO LEFT
- STREETS: ALL STREETS AND DRIVE AISLES WITHIN THE SUBDIVISION WILL BE PRIVATE AND WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. ALL PRIVATE DRIVES AISLES WILL BE WITHIN PUE'S. THE MINIMUM LONGITUDINAL SLOPE OF ALL STREETS IS 0.50%.
- SIDEWALKS: ALL SIDEWALKS AND PATHWAYS TO BE 4' WIDE MINIMUM
- TOTAL IMPERVIOUS SURFACE: 1.97± AC

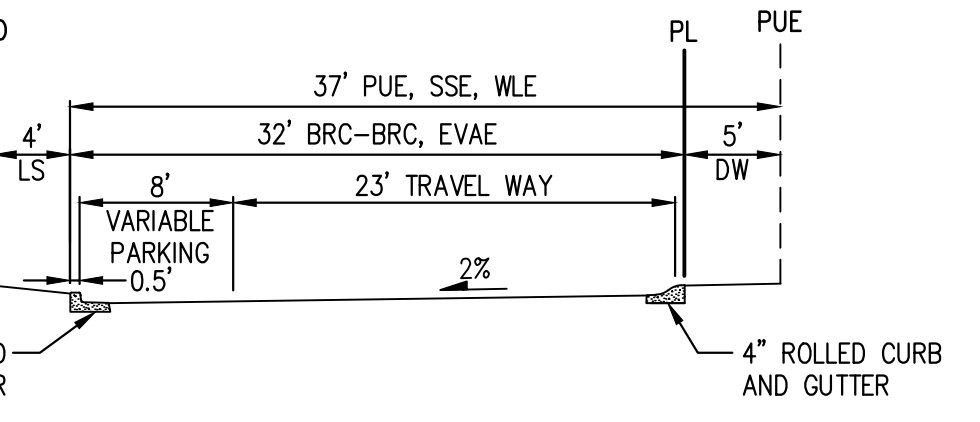


PRIVATE STREET A
NOT TO SCALE

PRIVATE STREET B
NOT TO SCALE

PRIVATE STREETS C, E & F
NOT TO SCALE

PRIVATE STREET D
NOT TO SCALE



PRIVATE STREET G
NOT TO SCALE

PARKING SUMMARY

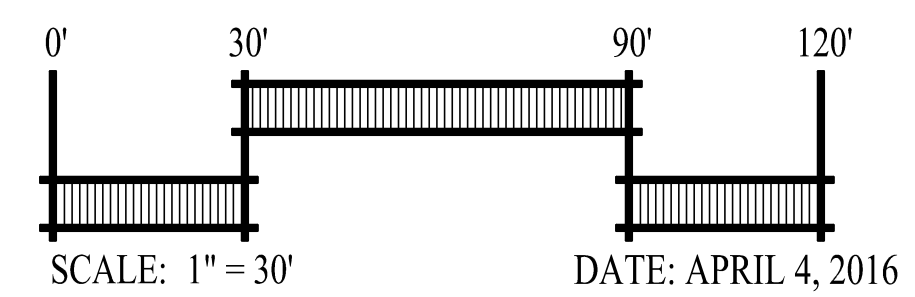
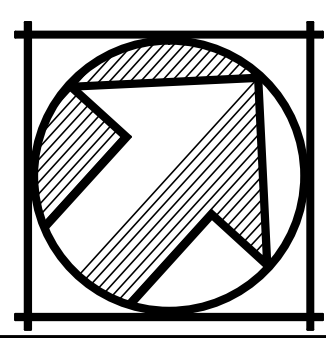
UNIT TYPE	PARKING REQUIRED			PARKING PROVIDED			
	GARAGE	STREET	RATIO	GARAGE	STREET	RATIO	
FRONTAGE SINGLE FAMILY UNITS	16 UNITS	32 SPACES	FRONTAGE*	2 SPACES/DU	32 SPACES	FRONTAGE*	2 SPACES/DU
INTERIOR SINGLE FAMILY UNITS	12 UNITS	24 SPACES	24 SPACES	2 SPACES/DU	24 SPACES	27 SPACES	2.25 SPACES/DU
INTERIOR MULTI-FAMILY UNITS	14 UNITS	28 SPACES	2 SPACES	0.10 SPACE/DU	28 SPACES	5 SPACES	0.35 SPACE/DU
TOTAL	42 UNITS	84 SPACES	26 SPACES	TOTAL	84 SPACES	32 SPACES	

* FRONTAGE PARKING INCLUDES:
 -14 PUBLIC PARKING SPACES ALONG AUSTIN AVENUE PROPERTY FRONTAGE
 -9 PUBLIC PARKING SPACES ALONG HUNTWOOD AVENUE PROPERTY FRONTAGE
 -11 ADDITIONAL PUBLIC PARKING SPACES ALONG HUNTWOOD AVENUE ACROSS THE STREET
 -14 EXISTING PUBLIC PARKING SPACES ACROSS THE STREET

**VESTING TENTATIVE MAP
SITE PLAN**

AMARAL PROPERTIES - TRACT 8266

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



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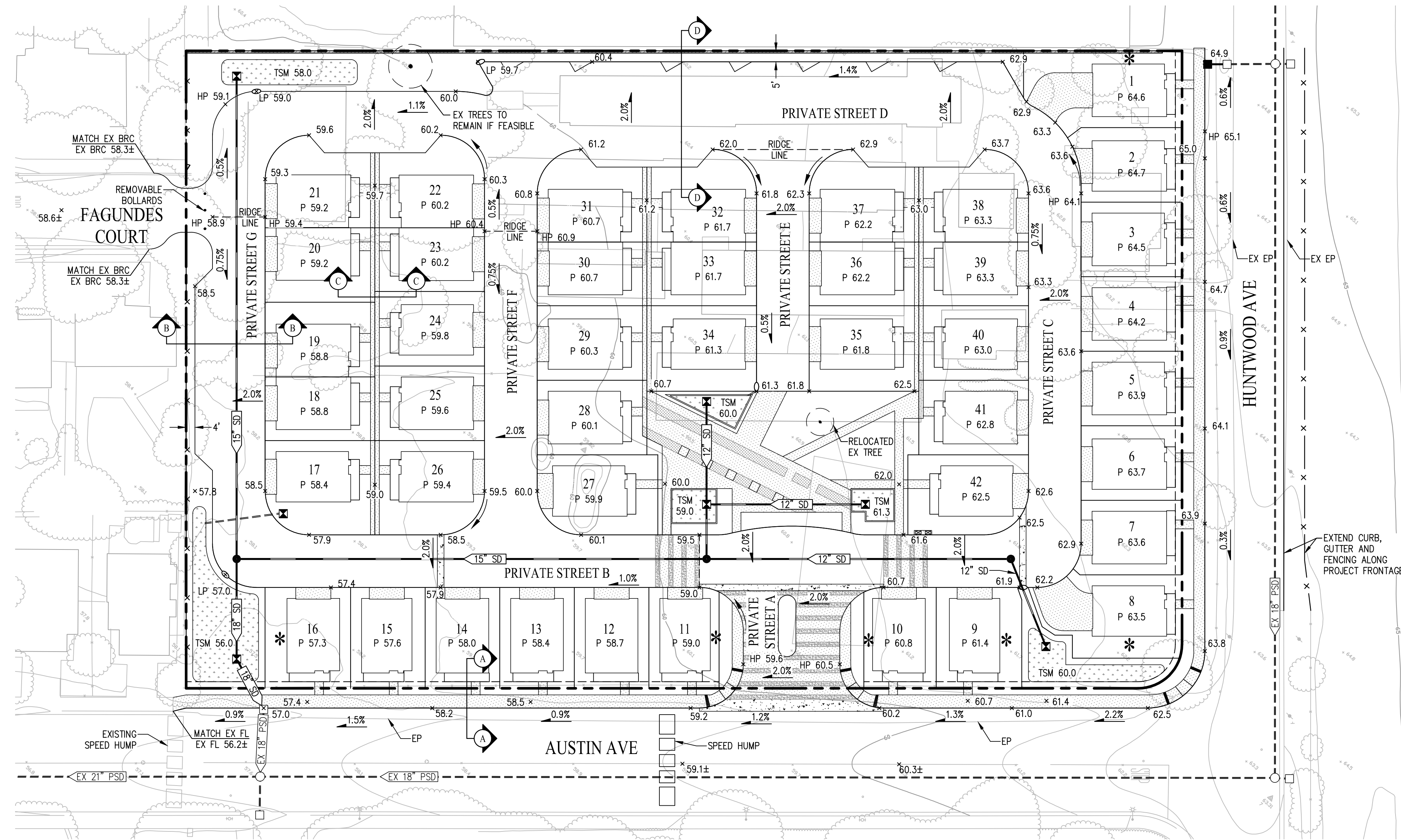
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583

(925) 966-0322
www.cbang.com

SHEET NUMBER

TM.2

2 OF 46



LEGEND		DESCRIPTION
EXISTING	PROPOSED	
- - - - -	- - - - -	SUBDIVISION BOUNDARY
- - - - -	- - - - -	LOT LINE
- x - x -	- x - x -	PERIMETER FENCE PER LANDSCAPE PLANS
- - - - -	- - - - -	PERIMETER WALL PER LANDSCAPE PLANS
- - - - -	- - - - -	CURB, GUTTER & SIDEWALK
x 60.0	x 61.0	SPOT ELEVATIONS
- - - - -	- - - - -	STORM DRAIN LINE (PRIVATE)
- - - - -	- - - - -	STORM DRAIN LINE (PUBLIC)
●	●	STORM DRAIN MANHOLE
⊗	⊗	FIELD INLET
○	○	CURB CUT
BD	BD	BOUNDARY
BOT	BOT	BOTTOM OF BASIN
EVAE	EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EX	EXISTING
FF	FF	FINISH FLOOR
GB	GB	GRADE BREAK
GR	GR	GRATE
HP	HP	HIGH POINT
LP	LP	LOW POINT
LS	LS	LANDSCAPE
LSM	LSM	LANDSCAPE MEDIAN
PL	PL	PROPERTY LINE
PSD	PSD	PUBLIC STORM DRAIN
PUE	PUE	PUBLIC UTILITY EASEMENT
SD	SD	STORM DRAIN (PRIVATE)
SW	SW	SIDEWALK
TC	TC	TOP OF CURB
TSM	TSM	TOP OF SOIL MIX
*	*	ENHANCED SIDE ELEVATION (SEE ARCHITECTURAL PLANS)
○	○	BIORETENTION AREA
○	○	RELOCATED/ EXISTING TREES TO REMAIN. SEE LANDSCAPE PLANS FOR DETAILS

GRADING NOTES

- GRADING WILL BE DONE AS PART OF THIS TRACT
- THE LIMIT OF GRADING IS THE PROPOSED SUBDIVISION BOUNDARY.
- GRADING WILL BE IN CONFORMANCE WITH PRELIMINARY SOILS REPORT.

BIO-RETENTION AREA DATA

PROPOSED TRIBUTARY DRAINAGE AREA (SF)	PERVIOUS TRIBUTARY AREA (SF)	IMPERVIOUS TRIBUTARY AREA (SF)	MINIMUM SURFACE AREA REQUIRED FOR BIO-RETENTION (4%) (SF)	TOTAL AVAILABLE SURFACE AREA FOR BIO-RETENTION (SF)
131,910	43,740	88,170	3,702	3,745

- NOTES:
- BIO-RETENTION AREA MAYBE REDUCED ONCE FLOW AND VOLUME CALCULATIONS ARE COMPLETED FOR THE CONSTRUCTION DOCUMENTS.
 - DRAINAGE AREAS SHOWN ARE PRELIMINARY AND WILL BE UPDATED WITH THE FINAL PROJECT DESIGN.

PAVEMENT DESIGN CHART

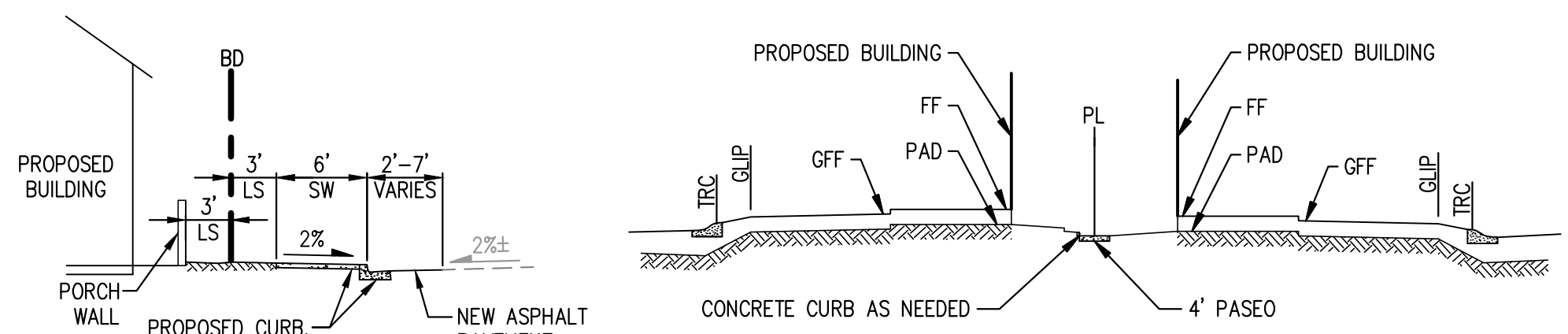
STREET	T1	R	ASPHALTIC CONCRETE (AC)	CALTRANS CLASS 2 AGGREGATE BASE (AB)	TOTAL PAVEMENT THICKNESS
PRIVATE STREETS A - G	5.0	5	4"	11"	15"
PARKING SPACES	4.5	5	4"	11"	15"

- NOTES:
- R-VALUE TO BE FINALIZED BY GEOTECHNICAL ENGINEER WITH FINAL DESIGN.

EARTHWORK SUMMARY

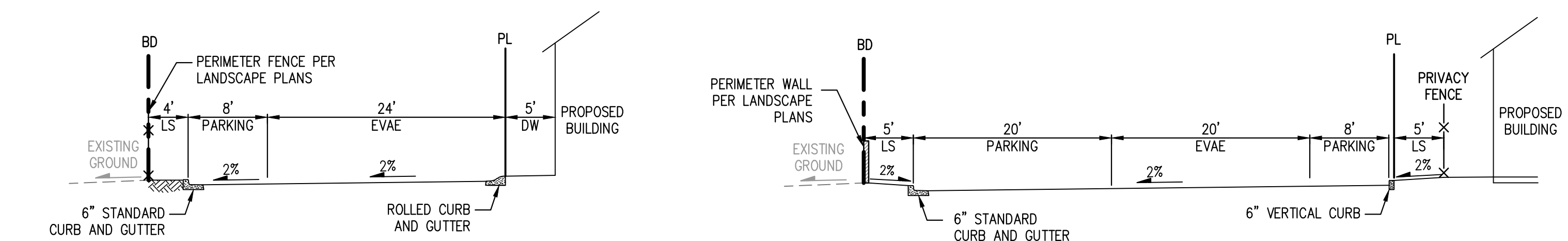
DESCRIPTION	CUT	FILL
ROUGH GRADING	1,100 C.Y.	2,500 C.Y.
BALANCE	1,400 C.Y.	
TOTAL	2,500 C.Y.	2,500 C.Y.

- NOTES:
- EARTHWORK QUANTITIES ARE APPROXIMATE AND REPRESENT RAW NUMBERS ONLY.
 - EARTHWORK QUANTITIES DO NOT INCLUDE USING ROCK GENERATED FROM BUILDING FOUNDATION.



SECTION A-A
NOT TO SCALE

SECTION C-C
NOT TO SCALE



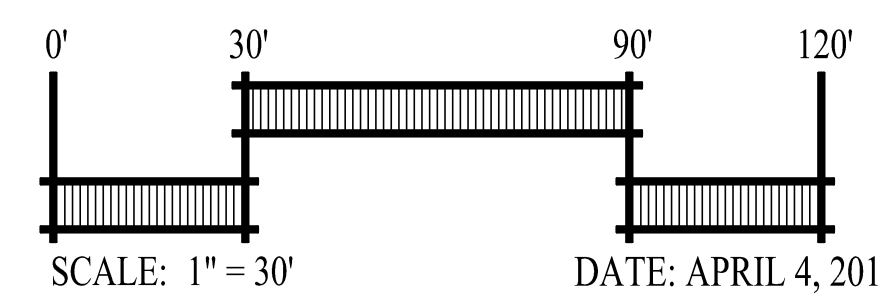
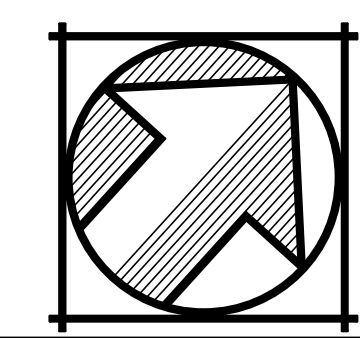
SECTION B-B
NOT TO SCALE

SECTION D-D
NOT TO SCALE

**VESTING TENTATIVE MAP
GRADING PLAN**

AMARAL PROPERTIES - TRACT 8266

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



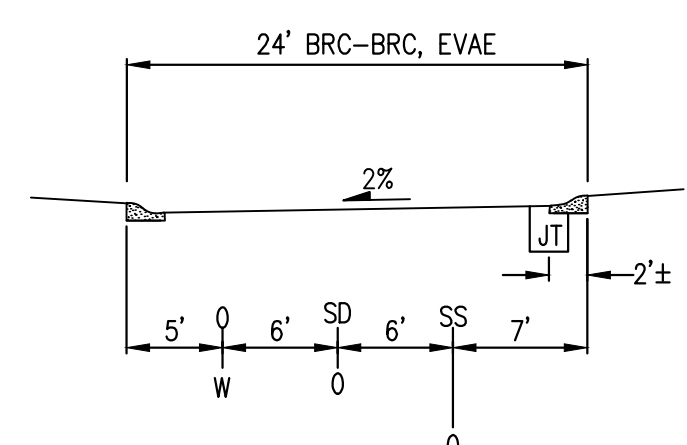
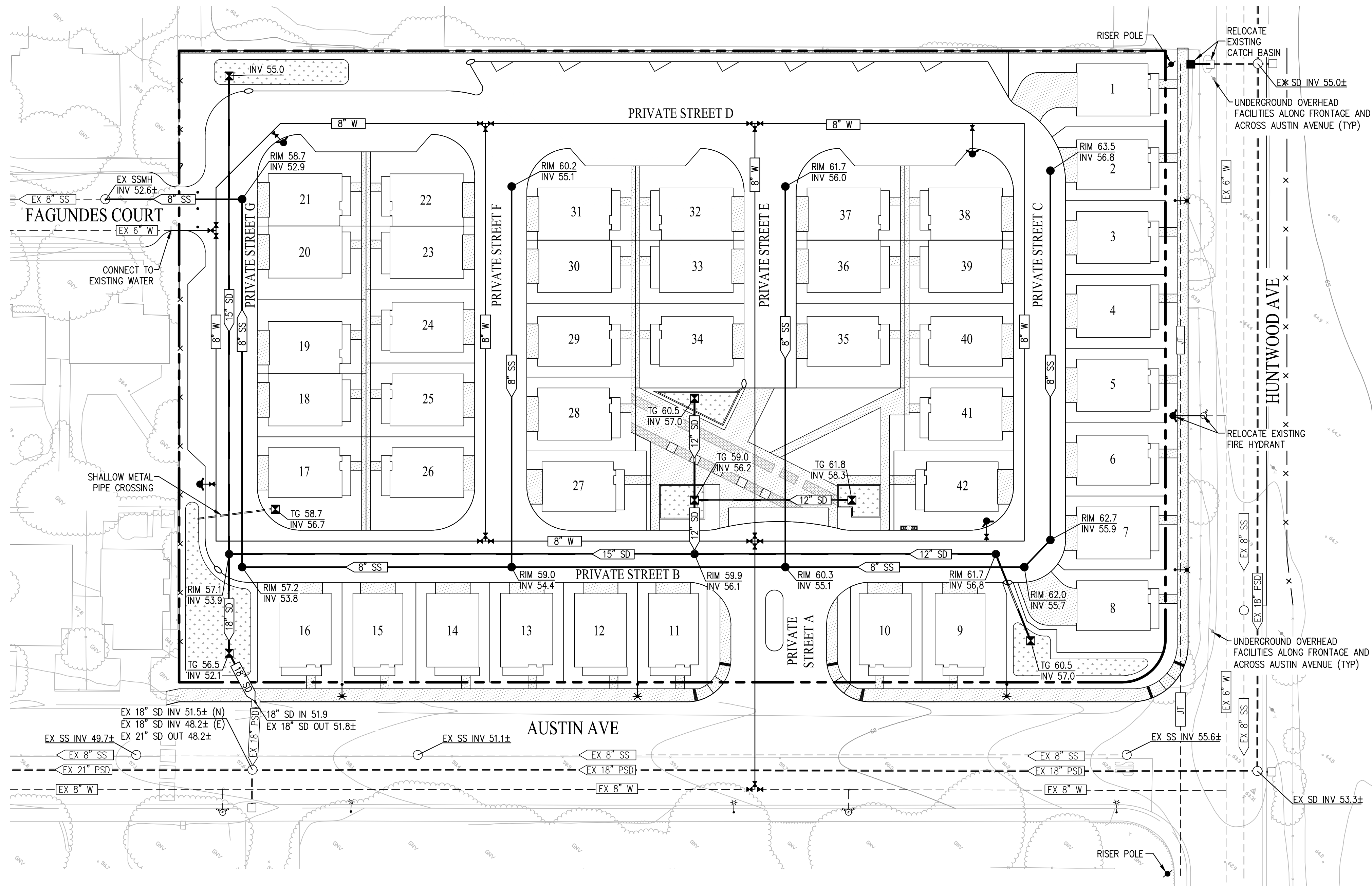
	Carlson, Barbee & Gibson, Inc. CIVIL ENGINEERS • SURVEYORS • PLANNERS	SHEET NUMBER TM.3 3 OF 46
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UTILITY NOTES

1. EXISTING UTILITIES: ALL EXISTING UTILITIES SERVING ORIGINAL USE WITHIN THE BOUNDARY TO BE REMOVED.
2. PUBLIC UTILITIES: PROPOSED WATER AND SANITARY SEWER FACILITIES WITHIN PRIVATE ROADWAYS ARE PUBLIC AND WILL BE WITHIN A SANITARY AND/OR WATER EASEMENT. PROPOSED WATER AND SANITARY SEWER FACILITIES WILL BE CONSTRUCTED PER CITY OF HAYWARD STANDARDS AND BE DEDICATED TO THE CITY.
3. PRIVATE UTILITIES: STORM DRAIN SYSTEM
4. STORM DRAIN: PROPOSED ONSITE STORM DRAIN FACILITIES WILL BE PRIVATE AND WILL BE PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. MIN SLOPE OF PROPOSED STORM DRAIN PIPE = 0.0050. PUBLIC STORM DRAIN FACILITIES TO BE CONSTRUCTED TO CITY OF HAYWARD STANDARDS. ALL STORM PIPE TO BE RCP OR NDS N-12 PER CITY OF HAYWARD STANDARDS.
5. WATER:
 - A. WATER SHALL BE CONSTRUCTED PER CITY OF HAYWARD STANDARDS.
 - B. PROVIDE KEYS/ACCESS CODE/AUTOMATIC GATE OPENER TO UTILITIES FOR ALL METERS ENCLOSED BY A FENCE/GATE AS PER HAYWARD MUNICIPAL CODE 11-2.02.1.
 - C. ONLY WATER DISTRIBUTION PERSONNEL SHALL PERFORM OPERATION OF VALVES ON THE HAYWARD WATER SYSTEM.
 - D. WATER AND SEWER SERVICE AVAILABLE SUBJECT TO STANDARD CONDITIONS AND FEES IN EFFECT AT TIME OF APPLICATION.
6. SEWER: CITY OF HAYWARD
STANDARD MIN SLOPE OF PROPOSED SEWER PIPE = 0.005
MIN SIZE OF PROPOSED SEWER MAIN IS 8". SEWER SHALL BE CONSTRUCTED OF PVC PIPE PER CITY OF HAYWARD STANDARDS.
7. GAS & ELECTRIC: PG&E.
8. TELEPHONE: SBC
9. CABLE TV: COMCAST CABLE
10. UTILITIES: UTILITIES SHOWN ARE TO BE USED AS A GUIDE AND MAY CHANGE DURING FINAL DESIGN. DESIGN SHALL ADHERE TO CITY OF HAYWARD STANDARDS.

LEGEND

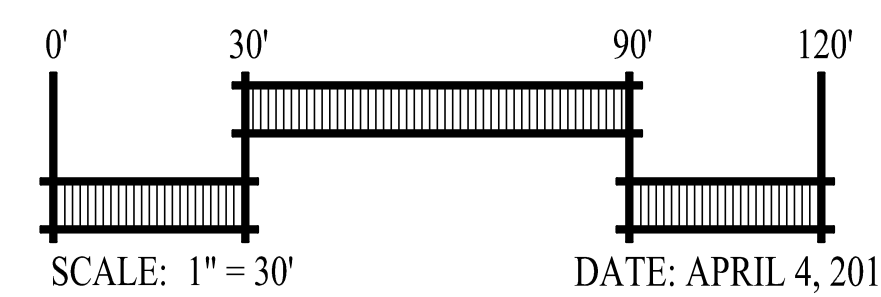
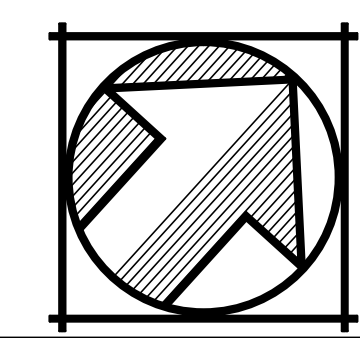
EXISTING	PROPOSED	DESCRIPTION
- - - - -	- - - - -	SUBDIVISION BOUNDARY
- - - - -	- - - - -	VALLEY GUTTER
⋆	⋆	UTILITY POLES
⋆	⋆	STREET LIGHT
EX INV 59.0	INV 59.0	INVERT ELEVATIONS
- - - - -	- - - - -	STORM DRAIN LINE (PRIVATE)
- - - - -	- - - - -	STORM DRAIN LINE (PUBLIC)
- - - - -	- - - - -	SANITARY SEWER
- - - - -	- - - - -	WATER
○	●	SANITARY SEWER MANHOLE
○	●	STORM DRAIN MANHOLE
□	□	CURB INLET
□	□	FIELD INLET
⋆	⋆	FIRE HYDRANT
○	○	CURB CUT
EVAE	EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
FC	FC	FACE OF CURB
JT	JT	JOINT TRENCH
PSD	PSD	PUBLIC STORM DRAIN
PUE	PUE	PUBLIC UTILITY EASEMENT
SD	SD	STORM DRAIN (PRIVATE)
SSE	SSE	SEWER SYSTEM EASEMENT
WLE	WLE	WATER LINE EASEMENT
■	■	BIORETENTION AREA



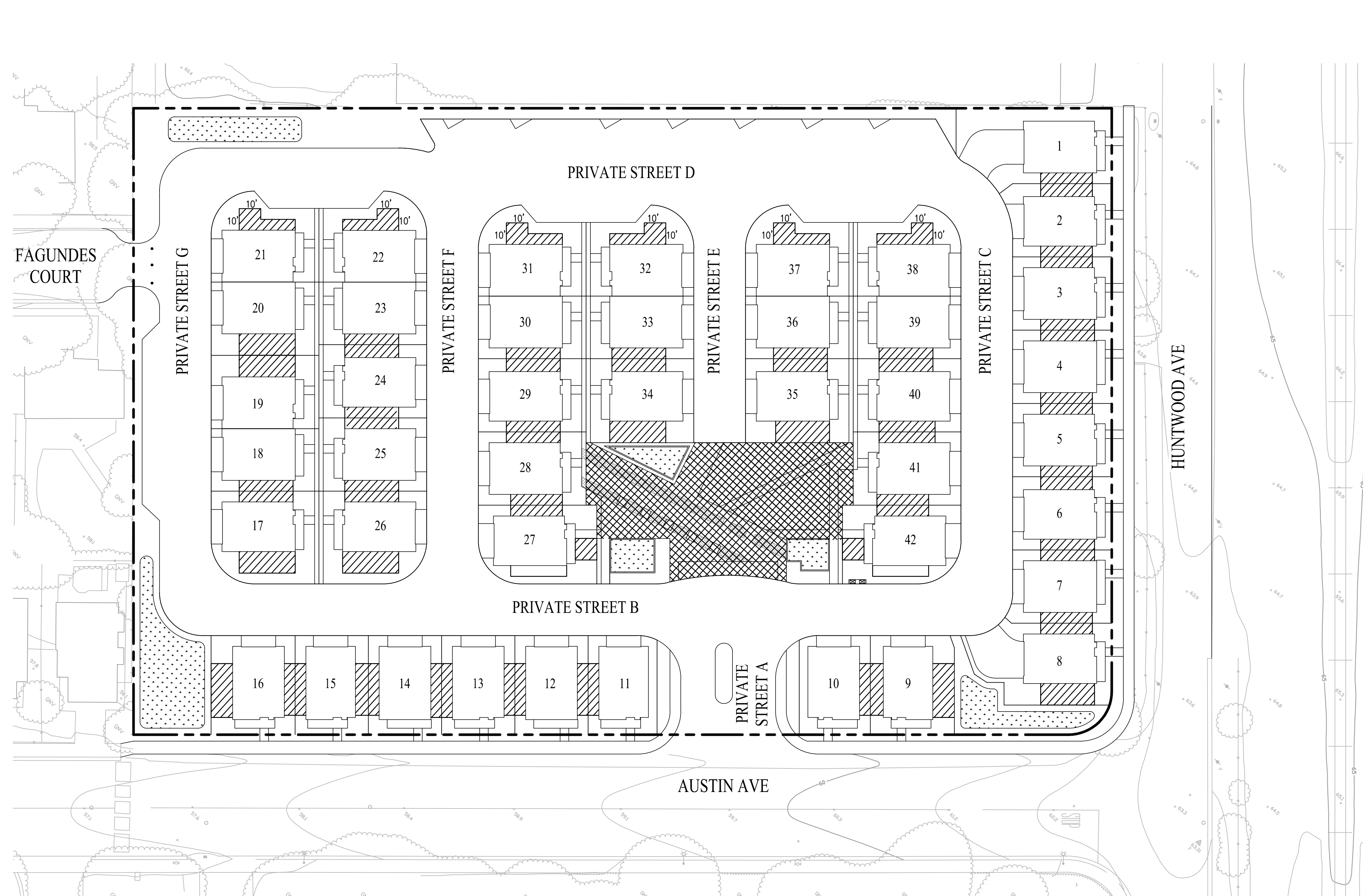
TYPICAL UTILITIES IN PRIVATE STREETS
NOT TO SCALE

VESTING TENTATIVE MAP
UTILITY PLAN
AMARAL PROPERTIES - TRACT 8266

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



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LEGEND

EXISTING	PROPOSED	DESCRIPTION
- - - - -	- - - - -	BOUNDARY
=====	=====	PERIMETER WALL
- x - x -	- x - x -	PERIMETER FENCE
x 100.0	x 100.0	SPOT ELEVATIONS
[Dotted Pattern]	[Dotted Pattern]	BIORETENTION AREA
[Cross-hatch Pattern]	[Cross-hatch Pattern]	COMMON OPEN SPACE
[Diagonal Hatch Pattern]	[Diagonal Hatch Pattern]	PRIVATE OPEN SPACE
[Hatched Pattern]	[Hatched Pattern]	LSM LANDSCAPE MEDIAN

COMMON OPEN SPACE SUMMARY

UNIT TYPE	REQUIRED COMMON OPEN SPACE		PROVIDED COMMON OPEN SPACE
	RATIO	AREA (SF)	
SINGLE FAMILY (28 UNITS)	0 SF/UNIT	0 SF	5,800 SF
MULTI-FAMILY (14 UNITS)	100 SF/UNIT*	1,400 SF	
TOTAL (42 UNITS)	BLENDED	1,400 SF	

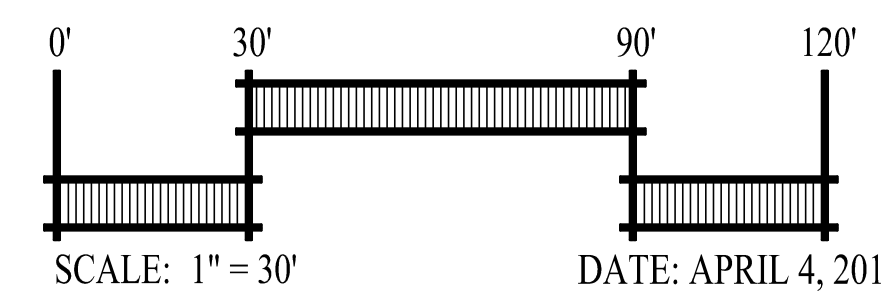
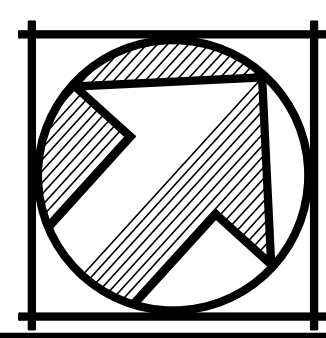
PRIVATE OPEN SPACE SUMMARY

UNIT TYPE	REQUIRED PRIVATE OPEN SPACE		PROVIDED PRIVATE OPEN SPACE
	RATIO	AREA (SF)	AREA (SF)
SINGLE FAMILY (28 UNITS)	0 SF/UNIT	0 SF	6,700 SF
MULTI-FAMILY (14 UNITS)	250 SF/UNIT*	3,500 SF	6,400 SF**
TOTAL (42 UNITS)	BLENDED	3,500 SF	13,100 SF

NOTES:
 * MULTI-FAMILY OPEN SPACE REQUIRES 350 SF OF USABLE OPEN SPACE PER UNIT WITH A MINIMUM OF 100 SF/UNIT TO BE PROVIDED IN THE COMMON OPEN SPACE.
 ** MULTI-FAMILY UNITS WITH A MINIMUM 10'X10' PRIVATE OPEN SPACE MAY DOUBLE COUNT THE AREA PER SECTION 10-1.500 HIGH DENSITY RESIDENTIAL DISTRICT (RH). ALL 14 MULTI-FAMILY UNITS HAVE AT LEAST A PRIVATE 10' X 10' AREA.

VESTING TENTATIVE MAP
 OPEN SPACE EXHIBIT
AMARAL PROPERTIES - TRACT 8266

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



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SHEET NUMBER
TM.5
 5 OF 46

G:\2426-000\ACAD\VTM\TM-5-OPEN SPACE.DWG

GATES + ASSOCIATES

LANDSCAPE ARCHITECTURE
LAND PLANNING • URBAN DESIGN
2671 CROW CANYON RD., SAN RAMON, CA 94583
T 925.736.8176 www.gates.com

AMARAL PROPERTY

HAYWARD, CA

AMARAL PROPERTY PLANNED DEVELOPMENT SUBMITTAL HAYWARD, CALIFORNIA

PROJECT DIRECTORY

CLIENT
KB HOMES
5000 EXECUTIVE PARKWAY, SUITE 125
SAN RAMON, CA 94583
PH: (925) 983-4521
CONTACT: JOHN COMPAGLIA

LANDSCAPE ARCHITECT
GATES + ASSOCIATES
271 CROW CANYON ROAD
SAN RAMON, CA 94583
PH: (925) 736-8176
CONTACT: LINDA GATES

ARCHITECT
SDG ARCHITECTURE+ ENGINEERING
3361 WALNUT BOULEVARD, SUITE 120
BRENTWOOD, CA 94513
PH: (925) 634-7000
CONTACT: RALPH STRAUSS

CIVIL ENGINEER
CARLSON, BARBEE & GIBSON
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
PH: (925) 866-0322
CONTACT: LEE ROSENBLATT

SHEET INDEX

- L-0 COVER SHEET
- L-1 NOTES AND LEGENDS
- L-2 TREE REMOVAL AND PRESERVATION PLAN
- L-3 CONCEPTUAL LANDSCAPE PLAN
- L-4 CONCEPTUAL ENLARGEMENT PLAN
- L-5 DETAILS
- L-6 DETAILS
- L-7 DETAILS
- L-8 CONCEPTUAL IRRIGATION PLAN
- L-9 CONCEPTUAL IRRIGATION NOTES AND LEGEND
- L-10 CONCEPTUAL IRRIGATION DETAILS
- L-11 CONCEPTUAL IRRIGATION DETAILS

PLANTING NOTES

1. ALL WORK SHALL BE PERFORMED BY PERSONS FAMILIAR WITH PLANTING WORK AND UNDER THE SUPERVISION OF A QUALIFIED PLANTING FOREMAN.
2. PLANT MATERIAL LOCATIONS SHOWN ARE DIAGRAMMATIC AND MAY BE SUBJECT TO CHANGE IN THE FIELD BY THE LANDSCAPE ARCHITECT.
3. ALL TREES ARE TO BE STAKED AS SHOWN ON THE TREE STAKING/CUTTING DETAIL.
4. PLANT COUNT IS FOR THE CONVENIENCE OF THE CONTRACTOR. IN CASE OF DISCREPANCIES, THE PLAN SHALL GOVERN.
5. PLANT LOCATIONS ARE TO BE ADJUSTED IN THE FIELD AS NECESSARY TO SCREEN UTILITIES BUT NOT TO BLOCK WINDOWS NOR IMPEDE ACCESS.
6. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO MAKE SUBSTITUTIONS, ADDITIONS, AND DELETIONS IN THE PLANTING SCHEME AS THEY FEEL NECESSARY WHILE WORK IS IN PROGRESS. SUCH CHANGES ARE TO BE ACCOMPANIED BY EQUITABLE ADJUSTMENTS IN THE CONTRACT PRICE IF/WHEN NECESSARY.
7. BRANCHING HEIGHT OF TREES SHALL BE A 6'-0" MINIMUM ABOVE FINISH GRADE.
8. ALL TREES IN A FORMAL GROUP PLANTING SHALL BE MATCHING IN SIZE AND SHAPE.
9. LANDSCAPE CONTRACTOR SHALL HIRE AN ACCREDITED SOILS ANALYSIS FIRM TO TEST SOIL AND ABIDE BY RECOMMENDATIONS CONTAINED WITHIN FOR PROPER PLANT GROWTH.
10. ON GRADE PLANTING BACKFILL MIX SHALL CONSIST OF 50% IMPORTED TOPSOIL, 50 % NATIVE SOIL (WITH NO ROCKS LARGER THAN 2" DIAMETER).
11. ALL ON-GRADE PLANTING AREAS ARE TO RECEIVE IRON AND NITROGEN STABILIZED REDWOOD SOIL CONDITIONER AT THE RATE OF 6 CUBIC YARDS/1000 SQUARE FEET, EVENLY TILLED 6" DEEP INTO THE SOIL TO FINISH GRADE.
12. ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH 3" LAYER OF SALT WATER FREE FIR BARK MULCH HAVING A MAXIMUM SIZE OF 3/4" DIAMETER.
13. ALL STREET TREES TO BE INSTALLED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE CITY.
14. ALL TREES WITHIN 5' OF PAVING AREAS SHALL HAVE DEEP ROOT BARRIERS INSTALLED. DEEP ROOT BARRIER MODEL NO. UB-36.2. (415) 344.1464.
15. THE LANDSCAPE CONTRACTOR SHALL AS A PART OF THIS BID PROVIDE FOR A PLANTING ALLOWANCE FOR THE AMOUNT OF \$1,500.00 (ONE THOUSAND FIVE HUNDRED DOLLARS), TO BE USED FOR SUPPLYING AND INSTALLING ADDITIONAL PLANT MATERIAL AS DIRECTED BY THE LANDSCAPE ARCHITECT AND APPROVED BY THE OWNER IN WRITING. THE UNUSED PORTION OF THE ALLOWANCE SHALL BE RETURNED TO THE OWNER AT THE BEGINNING OF THE MAINTENANCE PERIOD.
16. CONTRACTOR SHALL EXCAVATE ALL LIME-TREATED SOILS FROM ALL PLANTING AREAS.
17. ADJACENT TO CURBS OR PAVING, CONTRACTOR TO HOLD CENTER OF PLANTINGS HALF THE DISTANCE OF THE ON-CENTER SPACING.
18. THE LANDSCAPE CONTRACTOR IS TO PROVIDE AN AGRICULTURAL SUITABILITY ANALYSIS AND PERCOLATION TEST VERIFYING 3" PER HOUR DRAIN RATE FOR ON-SITE AND IMPORTED TOPSOIL. RECOMMENDATIONS FOR AMENDMENTS AND DRAINAGE SOLUTIONS CONTAINED IN THIS ANALYSIS, SHALL BE CARRIED OUT BEFORE PLANTING OCCURS IF DRAINAGE IS FOUND TO NOT AT A PROPER RATE.

GENERAL NOTES

- UTILITIES ON SITE SHALL BE SCREENED BY EVERGREEN SHRUBS
- FOR BIO-RETENTION AREA CROSS-SECTION, SEE CIVIL DRAWINGS
- SCHEMATIC CONCEPT PLANS WERE BASE ON CITY OF HAYWARD'S WATER CONSERVATION IN LANDSCAPING REGULATIONS GUIDELINES AND CHECKLIST. FOLLOWING CITY'S APPROVAL OF PD SUBMITTAL DOCUMENTS, THE CONSTRUCTION DOCUMENTS SHALL ALSO FOLLOW CITY OF HAYWARD'S WATER CONSERVATION IN LANDSCAPING REGULATIONS GUIDELINES.

LAYOUT NOTES

1. CONTRACTOR SHALL VERIFY ALL GRADES, EXISTING CONDITIONS AND DIMENSIONS IN THE FIELD PRIOR TO COMMENCING WORK ALL DISCREPANCIES OR QUESTIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT FOR RESOLUTION.
2. ALL WRITTEN DIMENSIONS SUPERSEDE ALL SCALED DISTANCES AND DIMENSIONS. DIMENSIONS SHOWN ARE FROM THE FACE OF THE BUILDING, WALL, BACK OF CURB, EDGE OF WALK, PROPERTY LINE, OR CENTERLINE OF COLUMN UNLESS OTHERWISE NOTED ON THE DRAWINGS.
3. ALL ANGLES ARE 45 DEGREE, 90 DEGREE, OR 135 DEGREE UNLESS OTHERWISE NOTED.
4. ALL CURVES AND ALL TRANSITIONS BETWEEN CURVES AND STRAIGHT EDGES SHALL BE SMOOTH.
5. SEE IRRIGATION SCHEMATIC FOR GENERAL SYSTEM REQUIREMENTS AND FOR LOCATION OF IRRIGATION MAINLINE PIPING. SLEEVES TO ACCOMMODATE IRRIGATION PIPING, SIZED AS NEEDED, SHALL BE PLACED UNDER AND THROUGH SLABS AND WALLS, PRIOR TO POURING. SCORE LINES IN SIDEWALKS SHALL BE SPACED TO EQUAL THE WIDTH OF THE WALKWAY, UNLESS OTHERWISE SHOWN. EXPANSION JOINTS IN SIDEWALKS SHALL BE 30" ON CENTER MAXIMUM AND AS SHOWN ON THE PLANS. EXPANSION JOINTS SHALL BE PLACED AT THE INTERFACE OF WALLS AND BUILDINGS AND AT THE CHANGE OF DIRECTION OF TRAVEL.
7. BUILDING LAYOUT AND LOCATION, SIDEWALK, CURB AND GUTTER, GRADING AND DRAINAGE IS BASED ON DRAWINGS PREPARED BY THE ARCHITECT AND THE CIVIL ENGINEER.
8. SEE ELECTRICAL ENGINEER'S PLANS AND LIGHTING PLAN FOR ADDITIONAL INFORMATION.
9. 6" CONCRETE MOW BAND SHALL BE INSTALLED IN BETWEEN THE SEAT WALL AND THE LAWN AREA, AS WELL AS ALONG THE EDGE OF THE RUBBER SURFACING PLAY AREA.
10. HANDRAILS ARE ONLY REQUIRED AT EACH RESIDENCE WHEN THE NUMBER OF RISERS IS 3 OR MORE.

WATER EFFICIENT LANDSCAPE STATEMENT

THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MEET CURRENT WATER EFFICIENCY STANDARDS AND STATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AB1881 AS REQUIRED BY LOCAL JURISDICTIONS WHILE ACHIEVING THE GOAL OF EFFECTIVELY AND EFFICIENTLY PROVIDING THE LANDSCAPE WITH WATER BY MEANS OF HIGH EFFICIENCY SPRAY IRRIGATION TO THE TURF AND GROUND COVER AREAS AND DRIP IRRIGATION BUBBLERS TO RESTRICTED SHRUB PLANTING AND SHRUB MASS PLANTING AREAS AS APPLICABLE.

IRRIGATION SYSTEMS SHALL BE DESIGNED TO ACCOMMODATE RECYCLED WATER WHERE AVAILABLE EITHER CURRENTLY OR IN THE FUTURE AS DIRECTED BY THE LOCAL WATER PURVEYOR. RECYCLED WATER SYSTEMS SHALL BE DESIGNED IN ACCORDANCE WITH LOCAL AND STATE CODES.

IRRIGATION SYSTEMS FOR LANDSCAPES GREATER THAN 5,000 SF SHALL HAVE A DEDICATED WATER METER FOR IRRIGATION.

A WATER EFFICIENT LANDSCAPE WORKSHEET SHALL BE INCLUDED WITH HYDROZONE INFORMATION TABLE, WATER BUDGET CALCULATIONS AND IRRIGATION OPERATION SCHEDULES.

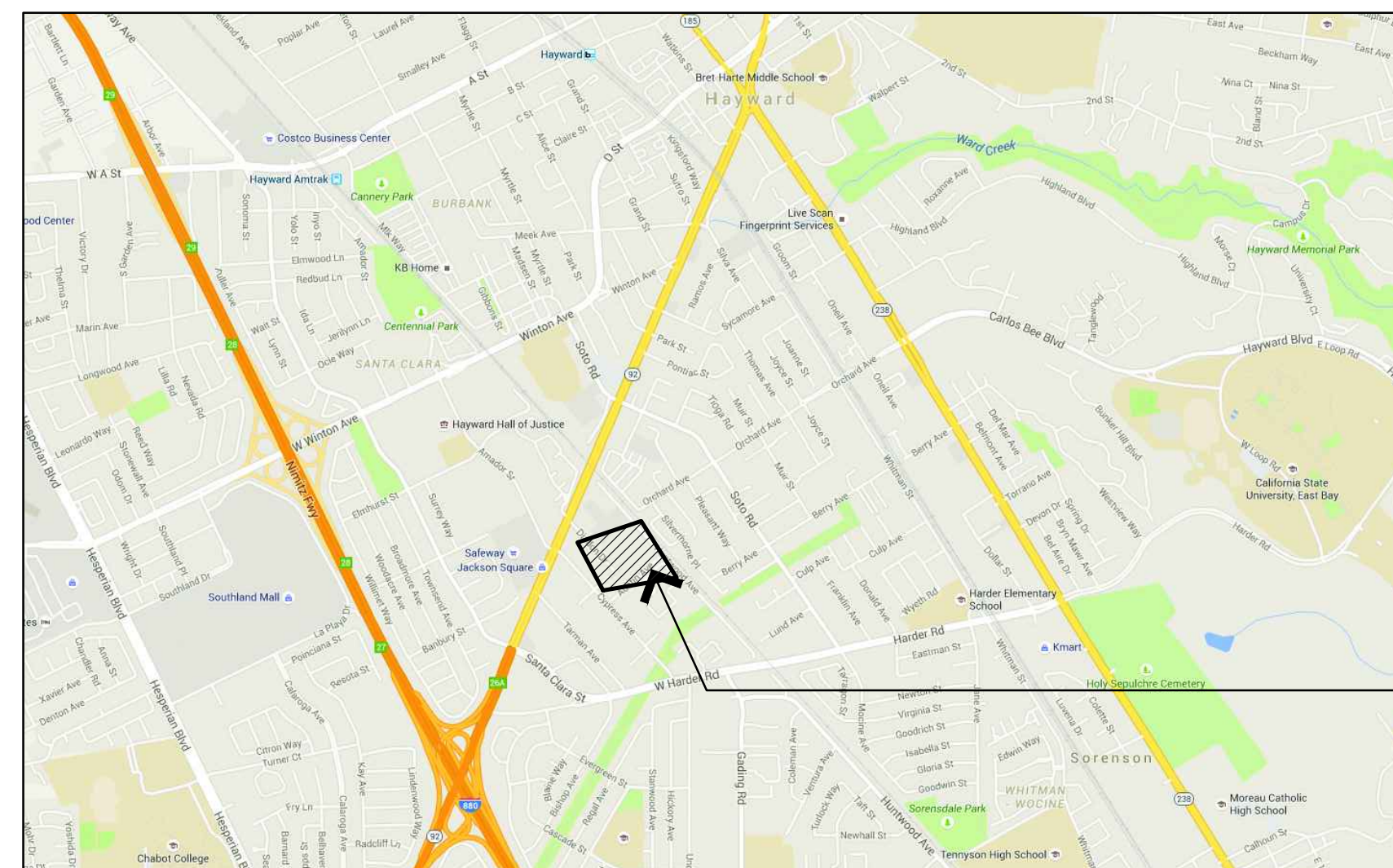
A STATE OF THE ART ET BASED SELF ADJUSTING IRRIGATION CONTROLLER SHALL BE SPECIFIED FOR THIS PROJECT TO AUTOMATICALLY CONTROL THE WATER ALLOCATED TO EACH VALVE GROUPED PER INDIVIDUAL HYDROZONE (BASED ON PLANT TYPE AND EXPOSURE). THIS SHALL INCLUDE RAIN AND FLOW SENSORS AS APPLICABLE FOR A HIGHER LEVEL OF WATER CONSERVATION.

TREE BUBBLERS SHALL BE INCLUDED ON SEPARATE CIRCUITS TO ISOLATE THE IRRIGATION TO THE TREES AND PROVIDE DEEP WATERING TO PROMOTE A DEEPER ROOT STRUCTURE.

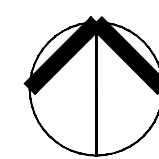
SPRAY IRRIGATION SYSTEMS FOR GROUND COVER AREAS GREATER THAN 8' WIDE IN ANY DIRECTION SHALL BE DESIGNED WITH COMMERCIAL SERIES SPRAY HEADS WITH HIGH EFFICIENCY NOZZLES THAT INCLUDE INTERNAL CHECK VALVES AND PRESSURE COMPENSATION DEVICES. THE HEADS SHALL BE DESIGNED IN A HEAD TO HEAD LAYOUT TO ACHIEVE AN EVEN LEVEL OF PRECIPITATION THROUGHOUT THE IRRIGATION SYSTEM. THE NOZZLES DELIVER WATER AT MINIMUM 70% EFFICIENCY WITH A LOW PRECIPITATION RATE THAT MATCHES THE INFILTRATION RATE OF THE SOIL.

THE DRIP SYSTEM WILL INCORPORATE PRESSURE COMPENSATING DRIP BUBBLERS WITH 1/4" DRIP TUBES TO EACH PLANT WHICH DELIVERS WATER AT 90% EFFICIENCY AT AN APPLICATION RATE THAT MATCHES THE SOIL TYPE.

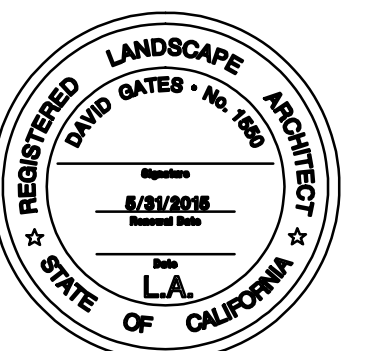
LOCATION MAP



PROJECT SITE



ISSUE:	DESCRIPTION:	DATE:
ISSUE 1	SITE REVIEW	05/27/2015
ISSUE 2	SITE REVIEW	08/06/2015
ISSUE 3	SITE REVIEW	03/07/2016



PROJECT NUMBER:	P4894
DRAWN:	MNO
CHECK:	DG
DATE:	05/27/2014
SCALE:	



COVER SHEET

L-0

LAYOUT LEGEND

PEDESTRIAN CONCRETE PAVING
FINISH: MEDIUM BROOM
COLOR: STANDARD GREY
ALL PEDESTRIAN CONCRETE PAVING AT PATIO SHALL BE STANDARD GREY COLOR WITH SALT FINISH.

INTEGRAL COLOR CONCRETE PAVING
FINISH: SALT
COLOR: TBD

STAMPED ASPHALT PAVING
MFR: STREETPRINT BY IPC (Integrated Paving Concept) (888) 581-2899
PATTERN: TBD
COLOR: TBD

PERVIOUS CONCRETE PAVERS
MFR: BASALITE
MODEL: TBD
COLOR: TBD

DECOMPOSED GRANITE PAVING WITH BINDER
COLOR: CALIFORNIA GOLD

LOOP BIKE RACK
MFR: DUMOR
MODEL: 83
COLOR: BLACK
CONTACT: WWW.DUMOR.COM
INSTALL PER MFG SPECS

MAILBOX CLUSTER
MFR: CUSTOM HOME ACCESSORIES
PH: (916) 987-7787
MODEL: REGENCY KIT CLUSTER BOX UNITS
STYLE: SALSBURY 3300 SERIES (WITHOUT PEDESTAL COVER)
COLOR: BLACK
INSTALL PER MFG SPECS
ACQUIRE APPROVAL FROM POST OFFICE PRIOR TO ORDERING.

TABLE
MFR: LANDSCAPE FORMS
PH: (800) 521-2546
MODEL: CHARLIE - ADA COMPLIANT 67" TABLE WITHOUT UMBRELLA HOLE
COLOR: BLACK
INSTALL PER MFG SPECS

6' ORNAMENTAL IRON FENCE AND GATES

6' LATTICE TOP FENCE

SCORELINE

EXPANSION JOINT

POINT OF BEGINNING

TYPICAL

EQUAL

SEE CIVIL'S DRAWINGS

SEE ARCHITECTS DRAWINGS

SEE ELECTRICALS DRAWINGS

SIMILAR

RADIUS - ALL RADII GIVEN FOR WALLS ARE DIMENSIONED TO OUTSIDE OF WALLS.

ALIGN

CENTER LINE

SPACING

F.O.C. FACE OF CURB

BIO-RETENTION IN PLANTING AREAS, S.C.D.

PLANTING AREA

PLANT LIST

TREE	QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	O.C. SPACING	WATER REQ.	REF.	CA NATIVE/ MED.
		AM	Arbutus 'Marina'	NCN	15 Gal.	As Shown	OCC-INF	EBMUD	Mediterranean
		AR	Acer rubrum 'Red Sunset'	Red Maple	15 Gal.	As Shown	MOD	WUCOLS	
		CR	Ceanothus 'Ray Hartman' (Std.)	Ceanothus	15 Gal.	As Shown	LOW	WUCOLS	CA Native
		ED	Elaeagnus argentea	Japanese Blueberry	15 Gal.	As Shown	MOD	WUCOLS	--
		LM	Lagerstroemia indica 'Muskogee' (Std.)	Crape Myrtle	15 Gal.	As Shown	LOW	WUCOLS	--
		LN	Lagerstroemia indica 'Natchez' (Std.)	Crape Myrtle	15 Gal.	As Shown	LOW	WUCOLS	--
		PC	Pistacia chinensis	Chinese Pistache	15 Gal.	As Shown	LOW	WUCOLS	--
		TC	Tilia cordata	Little Leaf Linden	15 Gal.	As Shown	MOD	WUCOLS	--
		ZE	Zelkova s. 'Musashino'	Sawleaf Zelkova	15 Gal.	As Shown	MOD	WUCOLS	--

SHRUB/ PERENNIALS	QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	O.C. SPACING	WATER REQ.	REF.	CA NATIVE/ MED.
		AT	Achillea tomentosa 'King George'	Woolly Yarrow	1 Gal.	1'-6"	OCC-INF	EBMUD	Mediterranean
		AW	Agapanthus 'Rancho White'	Lily-of-the-Nile	1 Gal.	1'-6"	OCC	EBMUD	Mediterranean
		BU	Buxus sempervirens 'Green Mountain'	Boxwood	1 Gal.	3'-0"	INF-NONE	EBMUD	CA Native
		CO	Coleonema 'Sunset Gold'	Pink Breath of Heaven	1 Gal.	2'-6"	MOD	WUCOLS	--
		CP	Coprosma hybrids 'Tequila Sunrise'	Mirror Plant	1 Gal.	4'-0"	OCC-INF	EBMUD	Mediterranean
		CS	Cistus x. argenteus 'Silver Pink'	Rockrose	1 Gal.	4'-0"	OCC-INF	EBMUD	Mediterranean
		CU	Cuphea hyssopifolia 'Caribbean Sunset'	False Heather	1 Gal.	2'-0"	OCC-INF	EBMUD	Mediterranean
		DG	Dietes grandiflora 'Variegata'	Variegated Fortnight Lily	1 Gal.	3'-0"	LOW	WUCOLS	--
		EG	Euonymus fortunei 'Golden Prince'	NCN	1 Gal.	3'-6"	LOW	WUCOLS	--
		HA	Hebe x andersonii	Hebe	1 Gal.	5'-0"	MOD	WUCOLS	--
		HO	Hebe odora	Boxleaf Hebe	1 Gal.	5'-0"	MOD	WUCOLS	--
		HR	Hemerocallis 'Terra Cotta Baby'	Evergreen Daylily	1 Gal.	2'-0"	LOW	WUCOLS	--
		HY	Hemerocallis hybrids 'Yellow'	Evergreen Daylily	1 Gal.	2'-0"	MOD	WUCOLS	--
		HS	Helictotrichon sempervirens	Blue Oat Grass	1 Gal.	2'-6"	MOD-OCC	EBMUD	CA Native
		LI	Liriope gigantea	Giant Lily Turf	1 Gal.	2'-6"	LOW	WUCOLS	--
		LA	Lavatera assurgentifolia	Tree Mallow	5 Gal.	6'-0"	LOW	WUCOLS	Mediterranean
		LT	Lavatera thuringiaca 'Red Rum'	Tree Mallow	1 Gal.	4'-0"	LOW	WUCOLS	Mediterranean
		MC	Myrtus communis	Myrtle	1 Gal.	2'-0"	LOW	WUCOLS	CA Native
		MC	Myrtus communis 'Compacta'	Dwarf Myrtle	1 Gal.	4'-0"	LOW	WUCOLS	CA Native
		ND	Nandina domestica 'Plum Passion'	Heavenly Bamboo	1 Gal.	4'-0"	LOW	WUCOLS	--
		PJ	Phormium 'Jester'	New Zealand Flax	1 Gal.	1'-6"	LOW	WUCOLS	--
		PY	Phormium 'Yellow Wave'	New Zealand Flax	1 Gal.	4'-0"	LOW	WUCOLS	--
		SL	Salvia leucantha 'Santa Barbara'	Mexican Bush Sage	1 Gal.	4'-0"	OCC	EBMUD	--
		SV	Salvia leucophylla 'Figuroa'	Purple Sage	5 Gal.	6'-0"	OCC	EBMUD	CA Native
		TF	Teucrium fruticans 'Compactum'	Bush Germander	1 Gal.	2'-6"	OCC	EBMUD	Mediterranean

GROUNDCOVERS	QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	O.C. SPACING	WATER REQ.	REF.	CA NATIVE/ MED.
		EK	Erigeron karvinskianus	Santa Barbara Daisy	1 Gal.	3'-0"	OCC-INF	EBMUD	CA Native
		FC	Festuca californica	California Fescue	1 Gal.	1'-6"	LOW	WUCOLS	CA Native
		GZ	Gazania	Gazania	1 Gal.	12"	OCC	EBMUD	--
		HM	Heuchera micrantha 'Painted Lady'	Coral Bells	1 Gal.	2'-0"	MOD-OCC	EBMUD	CA Native
		RR	Rosa 'Carpet Rose Red'	Red Carpet Rose	1 Gal.	3'-0"	LOW	WUCOLS	--
		RW	Rosa 'Carpet Rose White'	White Carpet Rose	1 Gal.	3'-0"	LOW	WUCOLS	--
		RY	Rosa 'Carpet Rose Yellow'	Yellow Carpet Rose	1 Gal.	3'-0"	LOW	WUCOLS	--
		TL	Teucrium lucidrys 'Prostratum'	Germander	1 Gal.	3'-6"	OCC-INF	EBMUD	Mediterranean

GRASS	QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	O.C. SPACING	WATER REQ.	REF.	CA NATIVE/ MED.
		CH	Chondropetalum tectorum	Cape Rush	1 Gal.	3'-6"	MOD	EBMUD	--
		CT	Carex tumulicola	Berkeley Sedge	1 Gal.	2'-0"	OCC	EBMUD	CA Native
		JP	Juncus patens	California Gray Rush	1 Gal.	2'-0"	OCC	EBMUD	CA Native
		ST	Stipa tenuissima	Mexican Feather Grass	1 Gal.	2'-6"	MOD-OCC	EBMUD	--

VINES	QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	O.C. SPACING	WATER REQ.	REF.	CA NATIVE/ MED.
		GS	Gelsemium sempervirens	Carolina Jessamine	5 Gal.	as shown	MOD	WUCOLS	--
		ML	Mandevilla laxa	Chilean Jasmine	5 Gal.	as shown	MOD	WUCOLS	--
		SJ	Solanum jasminoides	Potato Vine	5 Gal.	as shown	MOD	WUCOLS	--
		PT	Parthenocissus tricuspidata	Boston Ivy	1 Gal.	as shown	MOD	WUCOLS	--

NOTE: "*" ARE PLANTS APPROPRIATE FOR SHADE LOCATIONS.

SOD:	SYMBOL	DESCRIPTION
	BIOFILTRATION SOD AVAILABLE FROM DELTA BLUE GRASS (800) 637-8873 OR APPROVED EQUAL	

WATER USE RATING LEGEND

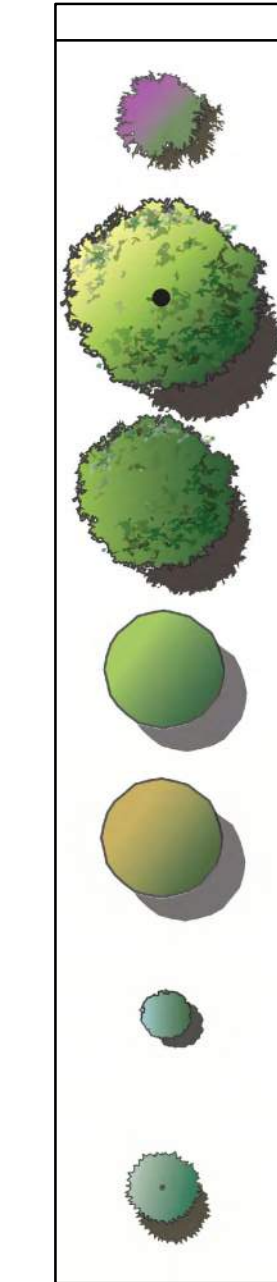
EBMUD CATEGORIES OF WATER NEEDS FROM: PLANTS & LANDSCAPES FOR SUMMER DRY CLIMATES OF THE SAN FRANCISCO BAY REGION BY THE EAST BAY MUNICIPAL UTILITY DISTRICT, 2004	WUCOLS III CATEGORIES OF WATER NEEDS FROM: UNIVERSITY OF CALIFORNIA COOPRATIVE EXTENSION, CALIFORNIA DEPARTMENT OF WATER RESOURCES, UNITED STATES BUREAU OF RECLAMATION	CALIFORNIA NATIVE PLANTS (CNP) FOR THE GARDEN, 2005 BY CAROL BORNSTEIN, DAVID FROSS, BART O'BRIEN
MOD MODERATE WATER	HIGH	MOD MODERATE WATER
OCC OCCASIONAL WATER	MODERATE	OCC OCCASIONAL WATER
INF INFREQUENT WATER	LOW	INF INFREQUENT WATER
NONE NO ADDITIONAL WATER	VERY LOW	

ON-SITE	TOTAL PLANTS	SUBTOTAL PLANTS WITH OCC/INF/NONE /LOW/VERY LOW WATER REQUIREMENTS
	x	x
PERCENTAGE OF PLANTS MEETING LOW WATER REQUIREMENTS: 94.7% MORE THAN 75% REQUIRED.		

PLANTING LEGEND

	TREE NAME QUANTITY
	SHRUB NAME QUANTITY
	GROUNDCOVER QUANTITY
	VINE QUANTITY

TREE LEGEND



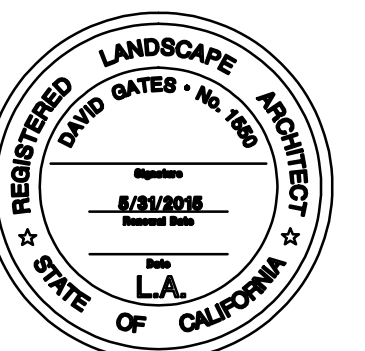
Botanical Name	Common Name
Lagerstroemia i. 'Natchez'	Crape Myrtle
Tilia cordata	Little Leaf Linden
Pistacia chinensis	Chinese Pistache
Elaeagnus argentea	Japanese Blueberry
Acer rubrum 'Red Sunset'	Red Maple
Ceanothus 'Ray Hartman Std.	California Wild Lilac
Arbutus 'Marina'	NCN

GATES + ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING • URBAN DESIGN
2671 CROW CANYON RD., SAN RAMON, CA 94583
T 925.736.8176 www.gates.com

AMARAL PROPERTY

HAYWARD, CA

ISSUE:	DESCRIPTION:	DATE:
ISSUE 1	SITE REVIEW	05/27/2015
ISSUE 2	SITE REVIEW	08/06/2015
ISSUE 3	SITE REVIEW	03/07/2016



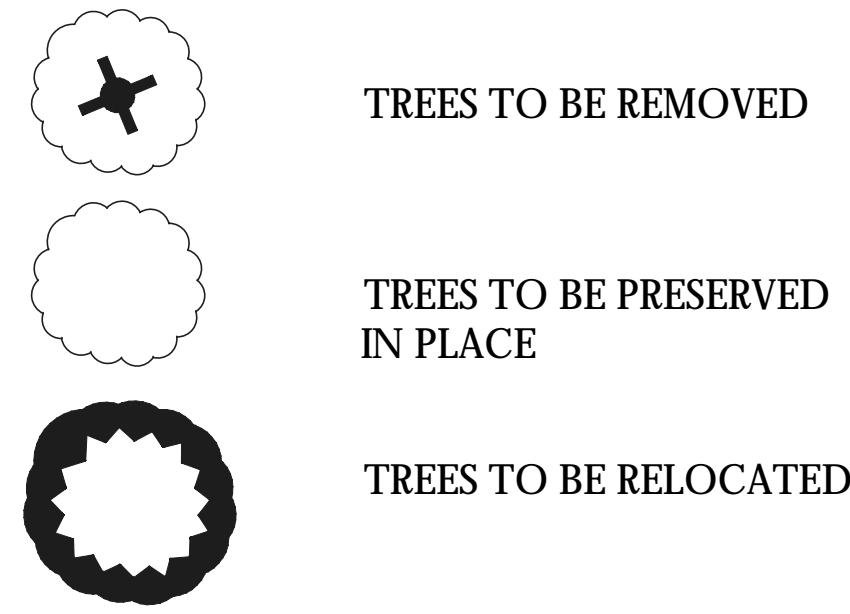
PROJECT NUMBER: P4894
DRAWN: MNO
CHECK: DG
DATE: 05/27/2014
SCALE:



LAYOUT AND PLANTING LEGEND

L-1

LEGEND



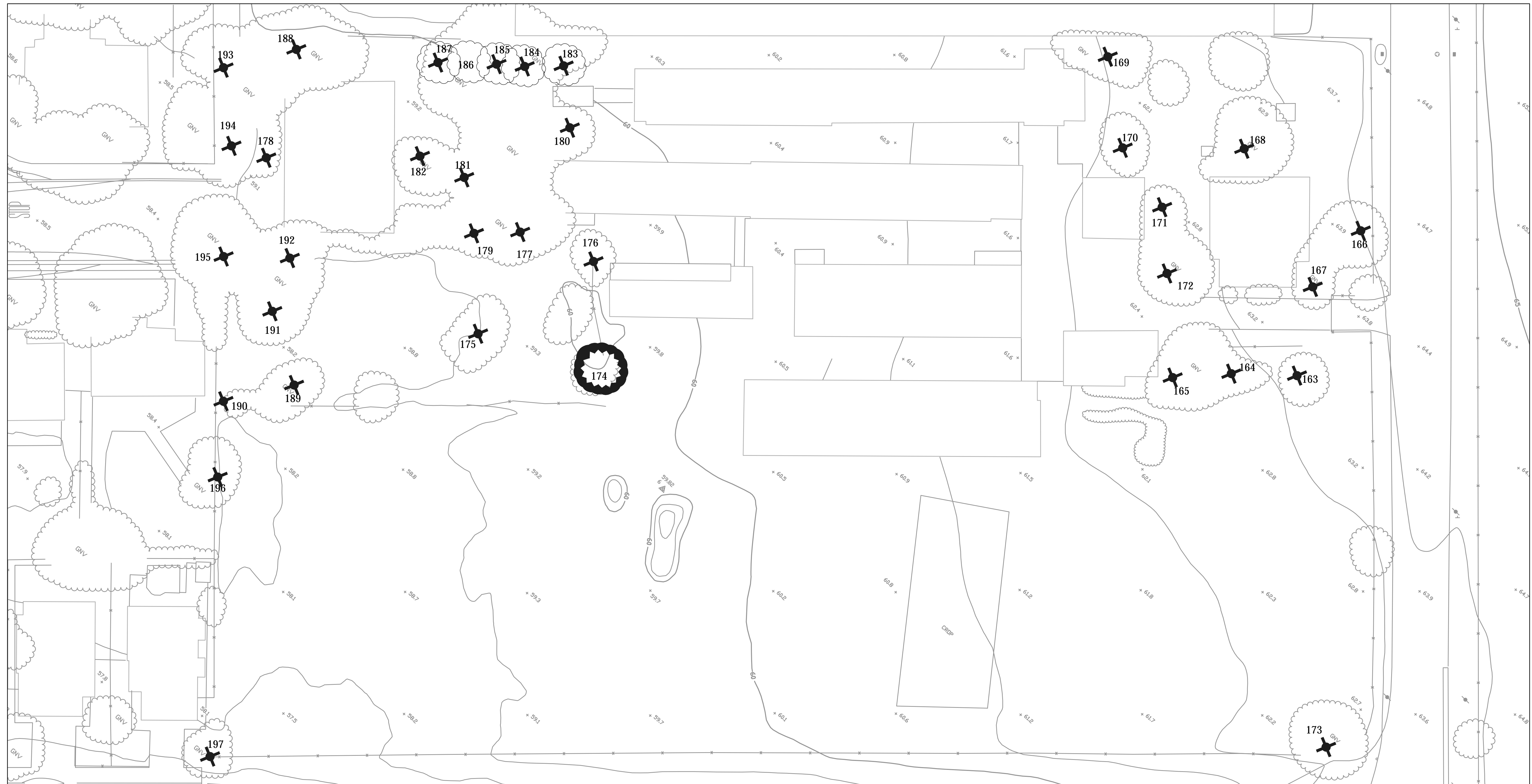
EXISTING STREET TREE ASSESSMENT CHART

Tree No.	Species	Trunk Diameter (in)	Protected	Condition	Suitability for Preservation	Comments	Dripelines (ft)				
							North	South	East	West	Height (ft)
163	Fig	12,11,10,9,8,8	yes	4	Moderate	Multiple attachments at 4; topped; trunk wounds	8	10	12	9	10
164	Fig	15,13,10,10	yes	4	Moderate	Multiple attachments at 4; topped; trunk wounds	15	15	12	17	15
165	Plum	6	no	3	Moderate	Upright form; low branch E	10	10	12	5	18
166	Mulberry	18	yes	3	Moderate	Multiple attachments at 5; topped; crown formed by epicormics	10	15	12	15	18
167	Australian Brush Cherry	8	yes	3	Moderate	Large Hedge	5	5	5	5	15
168	Creole Bay	6,5,4,3,2	yes	4	Moderate	Stump sprouts; many small stems	15	15	15	15	22
169	Callery Pear	7,5,5	yes	3	Low	Multiple attachments at 5; moderate dieback	10	15	10	8	15
170	Persimmon	6,5,5	yes	4	High	Multiple attachments at 4; good form and structure	10	15	15	12	15
171	Plum	16	yes	3	Moderate	Multiple attachments at 6; growing against garage; topped	15	5	10	12	18
172	Orange	14,12,11,4	yes	5	High	Multiple attachments at 3; good form and structure	15	15	15	15	18
173	Box Elder	13,12	yes	2	Low	Codominant trunks at base; dead top	12	15	10	18	18
174	Coast Live Oak	7	yes	5	High	Good young tree	12	10	10	12	5
175	Apple	8,7,7	yes	2	Low	Multiple attachments at 3; dead top; epicormics	18	10	15	10	12
176	Coast Live Oak	6,4	yes	5	High	Good young tree	10	10	10	12	15
177	Blue Oak	12,9,6,4	yes	4	Moderate	Multiple attachments at 4; one sided E; dieback	18	18	20	8	18
178	Japanese Maple	8,7,5,4	yes	4	Moderate	Multiple attachments at 4; growing in atrium; leans N; high crown	15	10	15	15	22
179	Coast Redwood	22	yes	4	High	Good form and structure; canopy a little thin.	10	10	10	10	50
180	Sweetgum	12	yes	3	Low	Lost top; poor form and structure	10	10	10	12	25
181	Deodar Cedar	15	yes	3	Moderate	Multiple attachments at 7; poor structure	12	8	125	15	25
182	Coast Redwood	27	yes	4	High	Good form and structure; canopy a little thin.	10	10	10	10	65
183	Coast Redwood	31	yes	4	Moderate	Codominant trunks at base; upright form	10	10	10	10	75
184	Coast Redwood	24	yes	4	Moderate	Crowded; narrow form	10	10	5	5	70
185	Coast Redwood	27	yes	4	Moderate	Crowded; narrow form	10	10	5	5	70
186	Coast Redwood	28	yes	4	Moderate	Crowded; narrow form	10	10	5	5	70
187	Coast Redwood	31	yes	4	High	Good form and structure; one sided S	5	13	10	10	75
188	Buckeye	15,12,10,10,9,9,8,7	yes	4	Moderate	Multiple attachments at base; spreading form; 16" stem losing bark	25	20	20	15	22
189	Valley Oak	9	yes	5	High	Good young tree	13	13	12	12	22
190	White Fir	8	yes	4	Moderate	Sweeps E. from base; low branching	5	5	5	10	12
191	Coast Redwood	26	yes	4	Moderate	Good form and structure; thin upper canopy	12	10	12	10	45
192	Australian Brush Cherry	10,9	yes	3	Moderate	Codominant trunks at base; dieback in upper canopy	10	10	10	5	35
193	Coast Redwood	19	yes	3	Moderate	Very thin canopy; engulfed in ivy	10	10	10	10	40
194	Ginkgo	9	yes	4	High	Slight lean SE; low branching	13	10	15	10	40
195	Blue Gum	57	yes	4	High	Multiple attachments at 5; good form and structure; trumpet vine in canopy	15	15	15	15	55
196	Privet	5,5	yes	3	Moderate	Off-site, no tag; codominant trunks at base; extends 10' N over fence	8	8	8	8	15
197	Chinese Pistache	7	no	4	Moderate	Off-site, no tag; multiple attachments at 5; extends 5' N over fence	8	8	8	8	10

STREET TREE MITIGATION SUMMARY CHART:

	QUANTITY	APPRAISED VALUE	MITIGATION MEASURE
POOR CONDITION/ LOW SUITABILITY TREES/TREE TO BE REMOVED	3	NOT APPRAISED BY ARBORIST	MITIGATION PER CITY
HERITAGE TREES TO BE REMOVED	30	\$133,350 (Total APPRAISED VALUE)	MITIGATION PER CITY
RELOCATED TREES	1	N/A	N/A
TREES TO BE PRESERVED IN PLACE	1	\$8,800	N/A
TOTAL MITIGATION TREES	35		

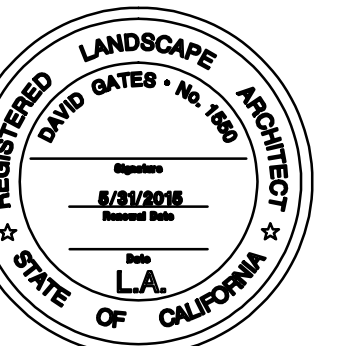
NOTE: REFER TO ARBORIST TREE ASSESSMENT AND APPRAISAL REPORT DATED MAY 2015 PREPARED BY HORT SCIENCE FOR DETAILED INFORMATION ON TREE ASSESSMENT CHART, TREE APPRAISAL AND TREE PROTECTION PLAN.



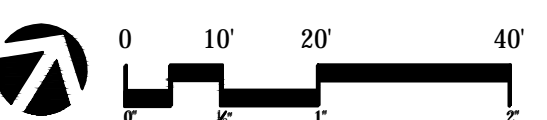
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ISSUE 1	SITE REVIEW	05/27/2015
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 CHECK: DG
 DATE: 05/27/2014
 SCALE:



TREE REMOVAL PLAN

L-2

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HUNTWOOD AVENUE

AUSTIN AVENUE



Existing Trees to Remain
If Feasible

Pedestrian Paseos Between
Units

6' Lattice Top Fence, Typ.

Removable Bollards

Fagundes Ct

6' Good Neighbor Fence

6' Ornamental Iron Fence

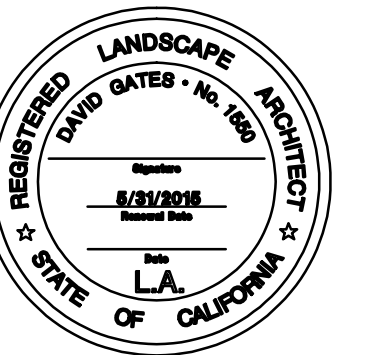
Screen Shrubs at Soundwall

Precast Soundwall

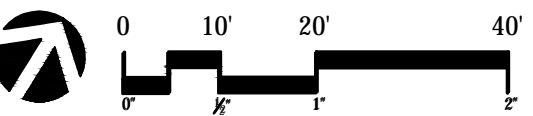
Accent Planting
at Corner

See Enlargement Sheet L-4 for
Central Area

ISSUE:	DESCRIPTION:	DATE:
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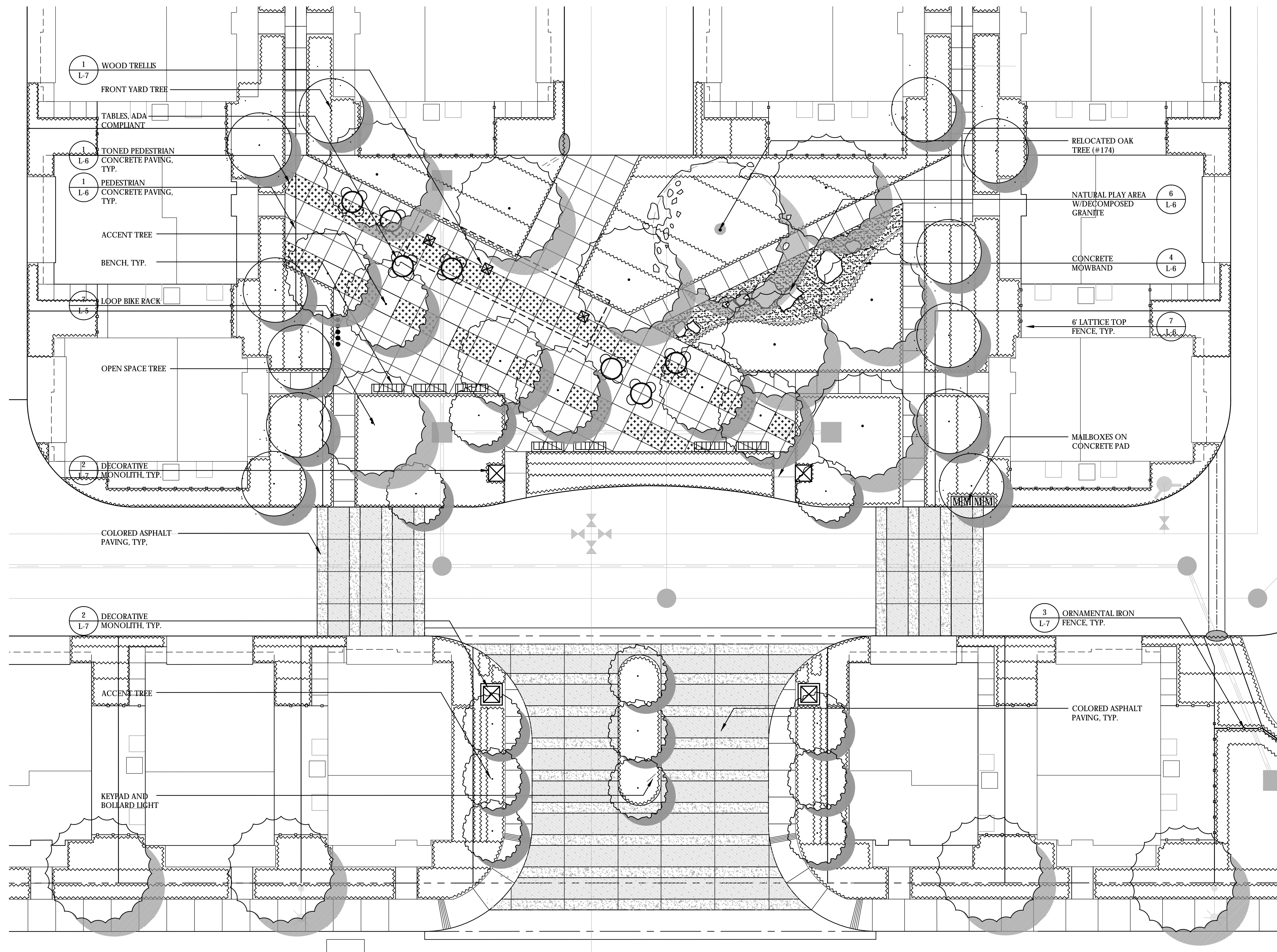
PROJECT NUMBER: P4894
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 CHECK: DG
 DATE: 05/27/2014
 SCALE: 1" = 20'-0"



LANDSCAPE CONCEPT

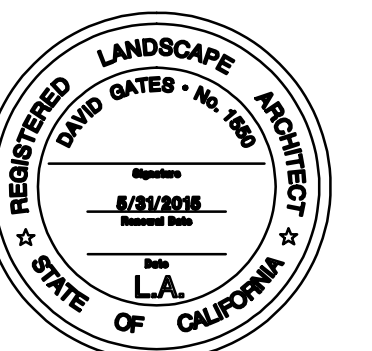
L-3

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ENTRY AND CENTRAL OPEN SPACE ENLARGEMENT
SCALE : 1" = 10'

ISSUE	DESCRIPTION	DATE
ISSUE 1	SITE REVIEW	05/27/2015
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ISSUE 3	SITE REVIEW	03/07/2016

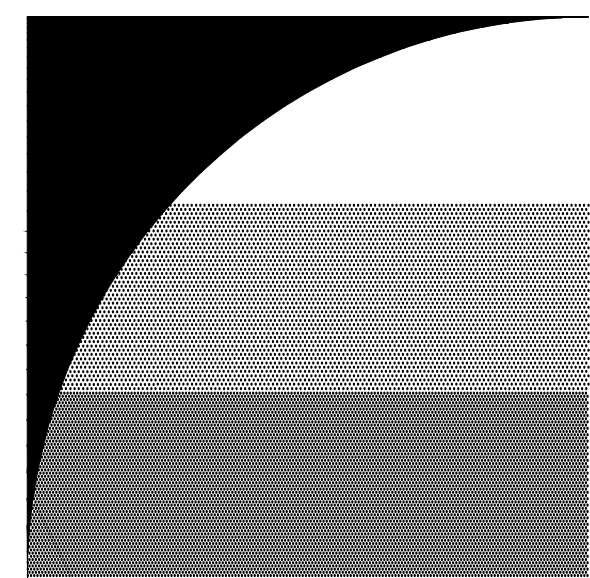


PROJECT NUMBER: P4894
DRAWN: MNO
CHECK: DG
DATE: 05/27/2014
SCALE:



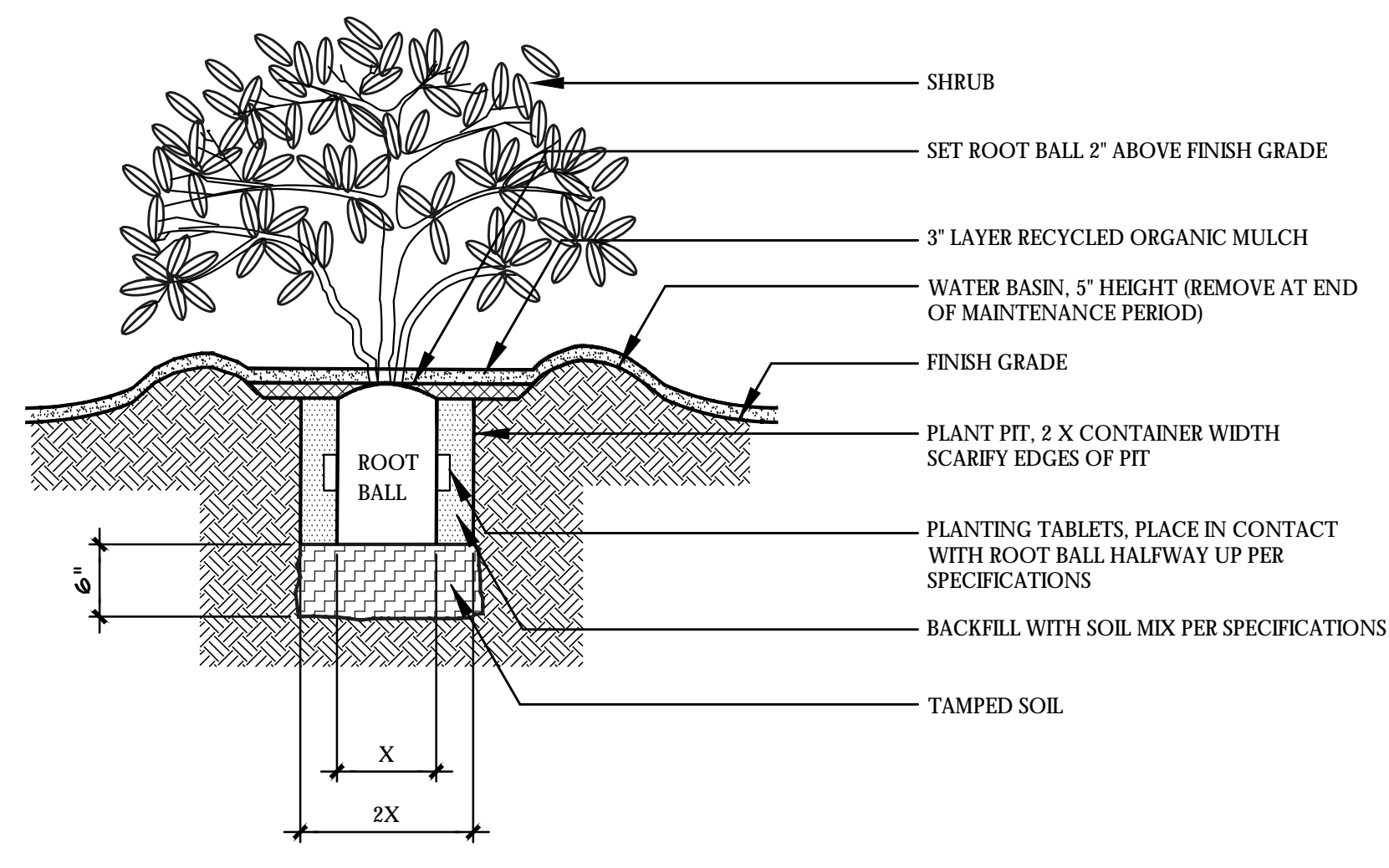
CONCEPTUAL
ENLARGEMENT PLAN

L-4

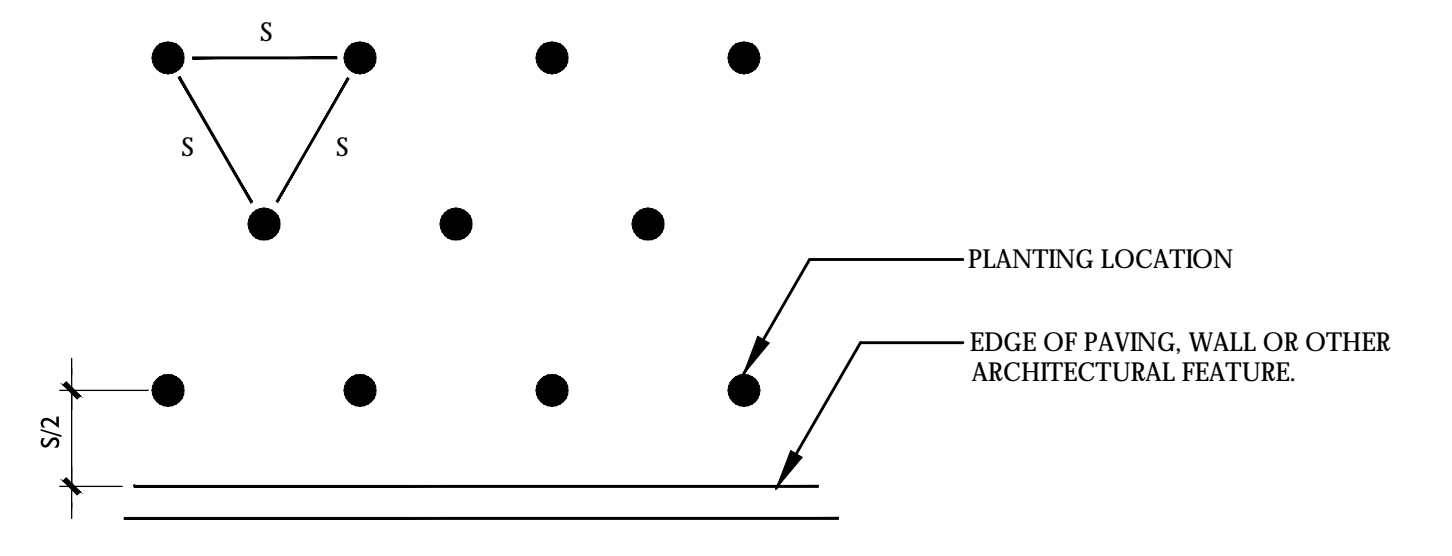


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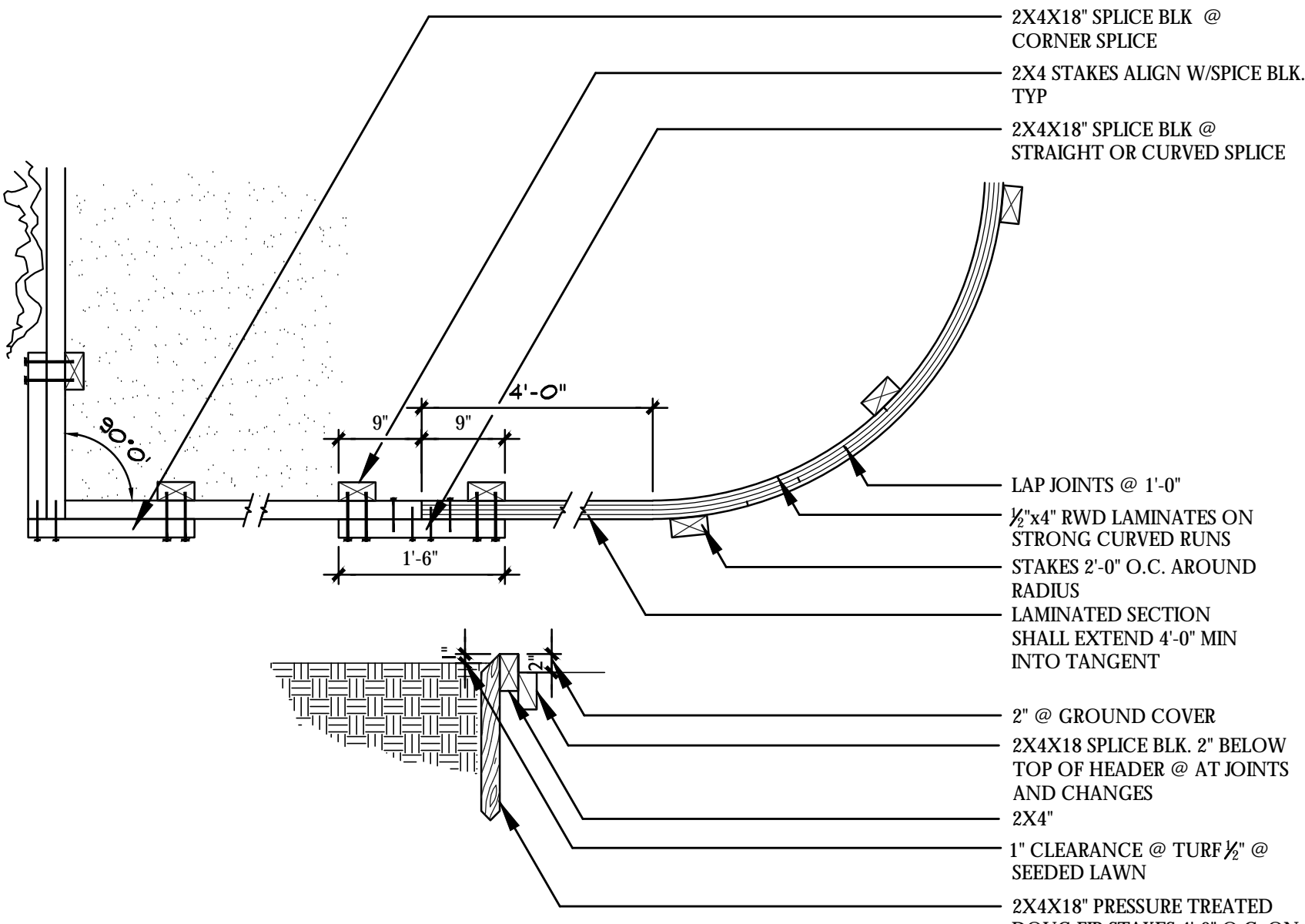
1 SHRUB PLANTING
 SCALE: N.T.S.



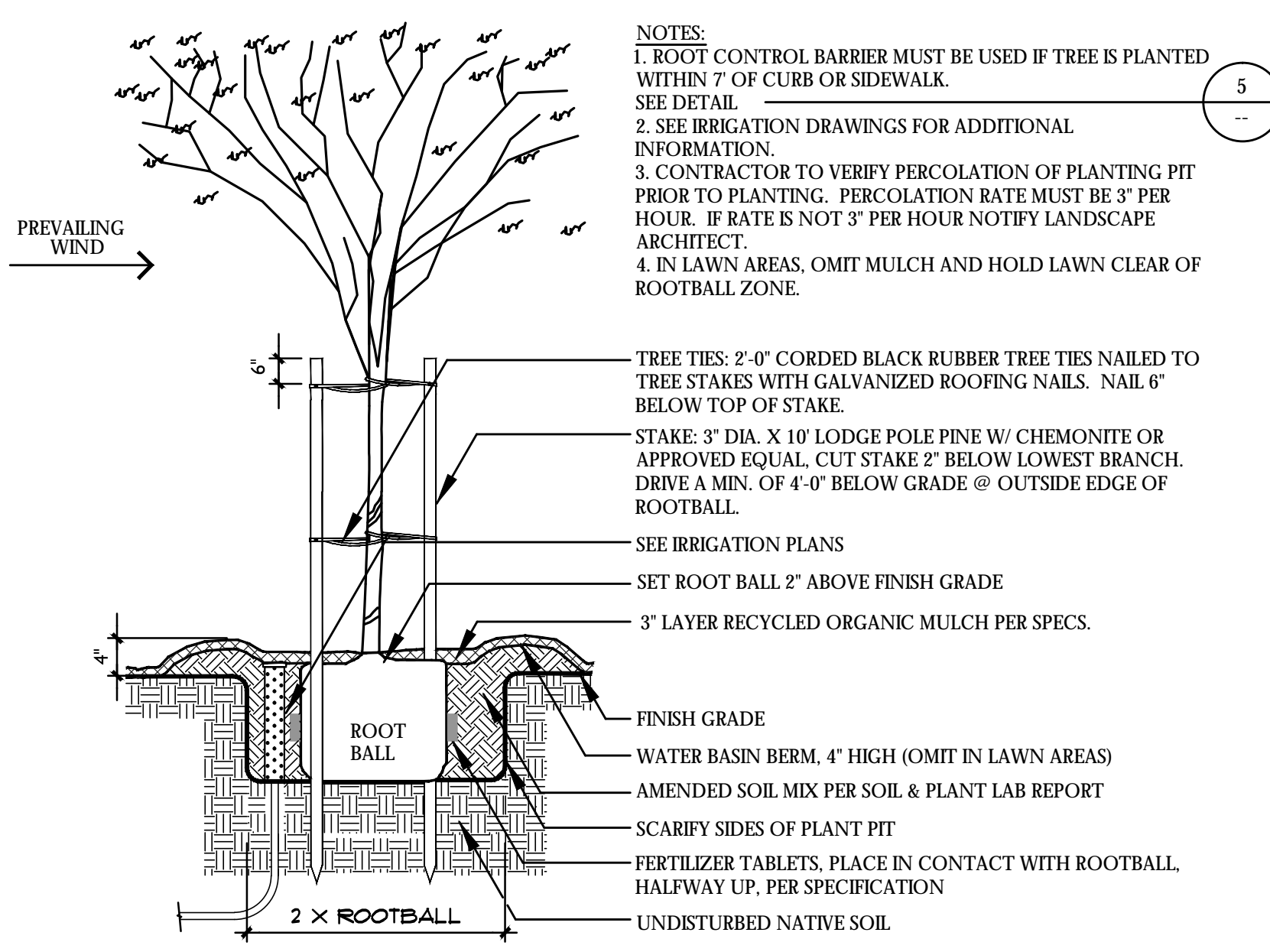
NOTES:
 A. S = PLANT SPACING DISTANCE ON CENTER, SEE CHART
 B. FOR USE AS A GUIDE FOR SHRUBS AND GROUND COVER WHEN PLANTS ARE SPACED EQUIDISTANT FROM EACH OTHER.

Spacing	# of Plants/S.F.
6" o.c.	4.60
8" o.c.	2.60
12" o.c.	1.15
18" o.c.	.512
24" o.c.	.290
30" o.c.	.185
36" o.c.	.128
42" o.c.	.087
48" o.c.	.063

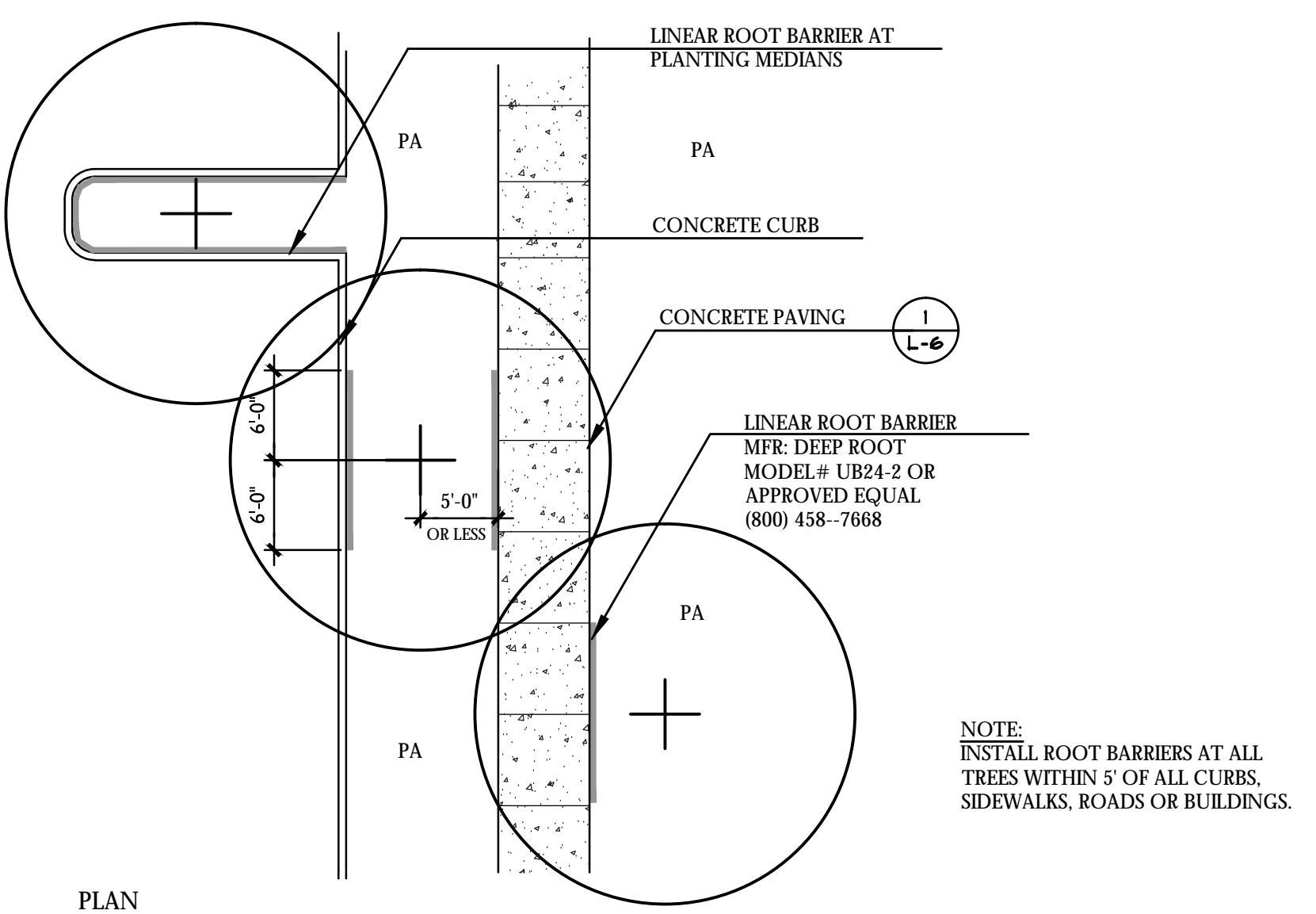
2 PLANT SPACING
 SCALE: N.T.S.



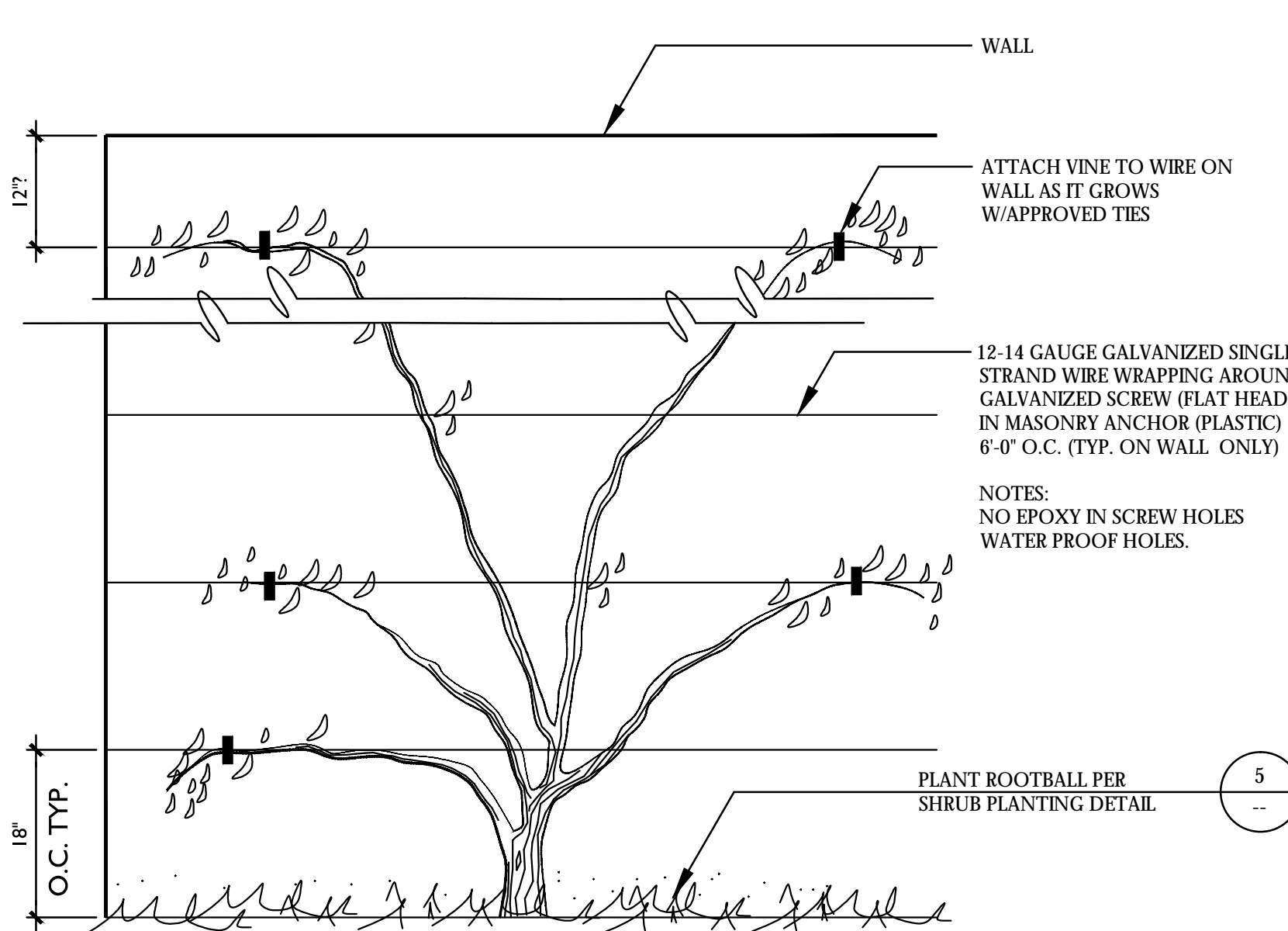
3 REDWOOD HEADER
 SCALE: 3/4" = 1'-0"



4 TREE STAKING DETAIL - ON SITE
 SCALE: 3/8" = 1'-0"

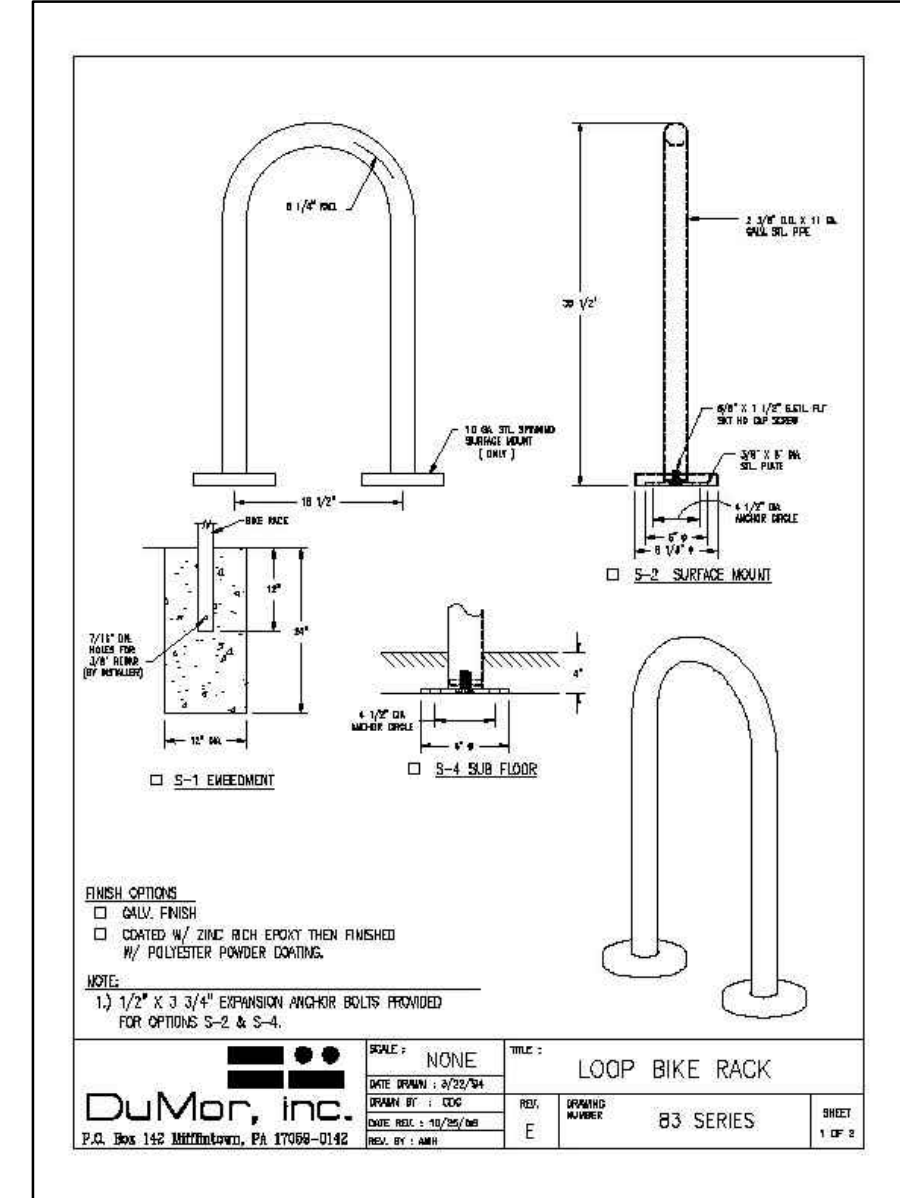


5 LINEAR ROOT BARRIER
 SCALE: 1" = 10'-0"



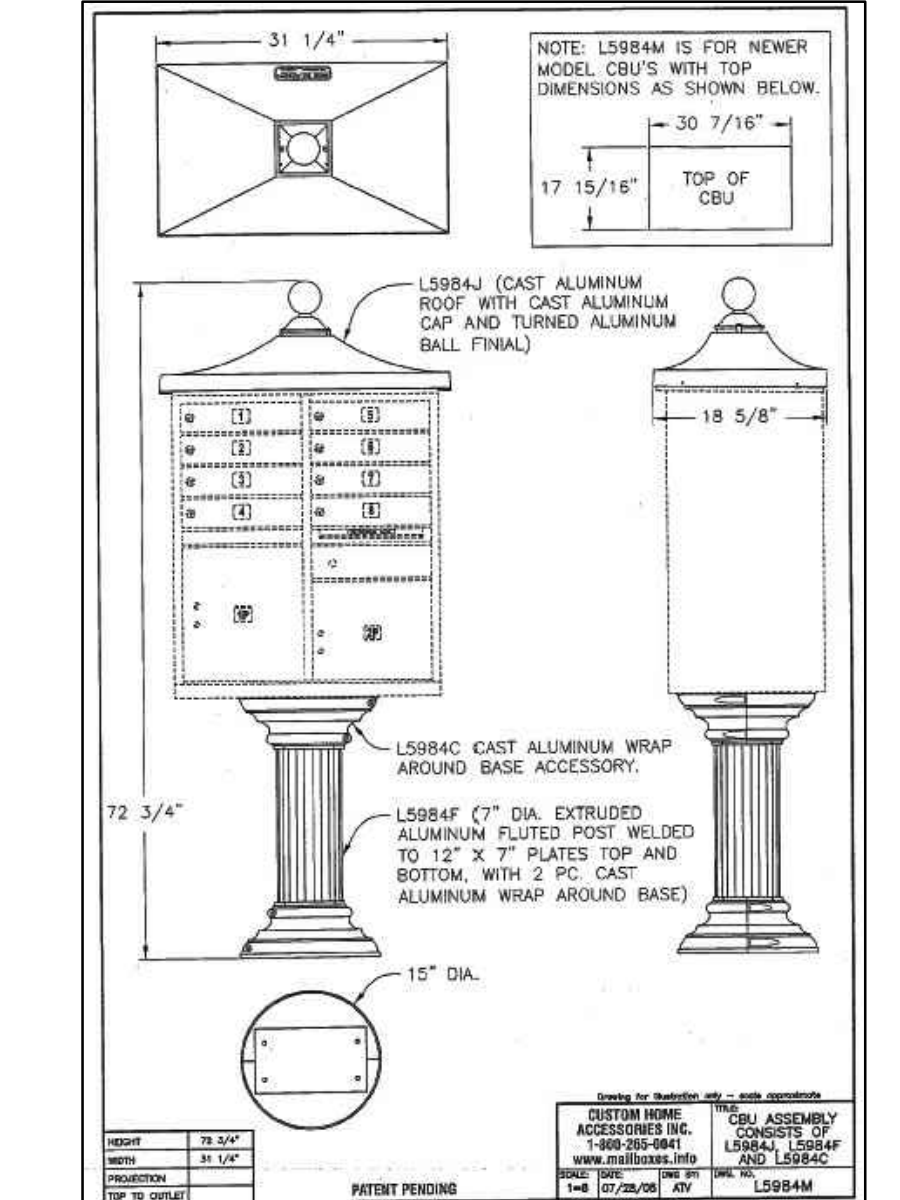
6 VINE PLANTING
 SCALE: NTS

NOTES:
 COLOR: BLACK
 SEE SHEET L-X FOR MFR. INFORMATION

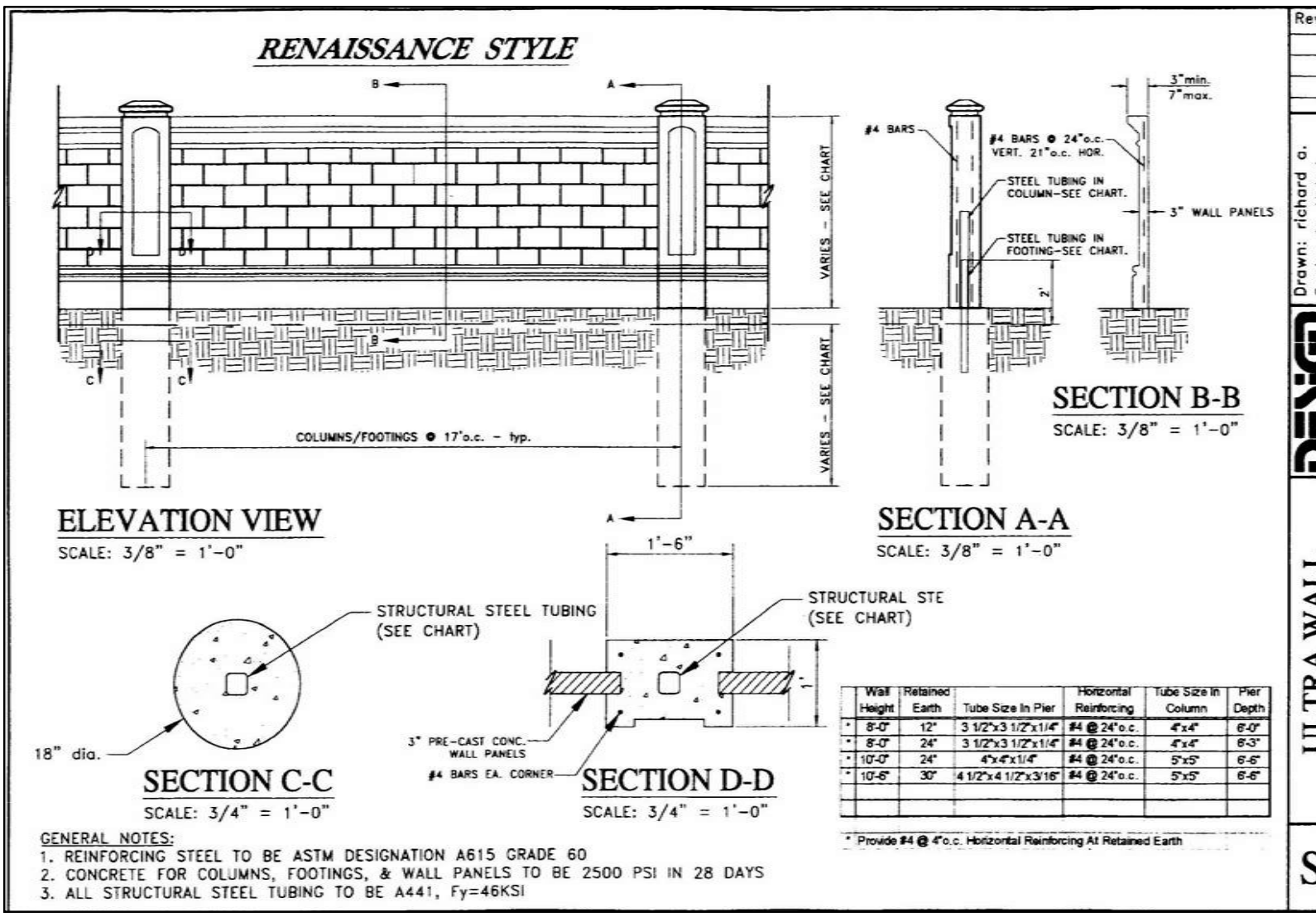


7 LOOP BIKE RACK
 SCALE: N.T.S.

SEE SHEET LL0.2 FOR MFR. INFORMATION
 COLOR: BLACK

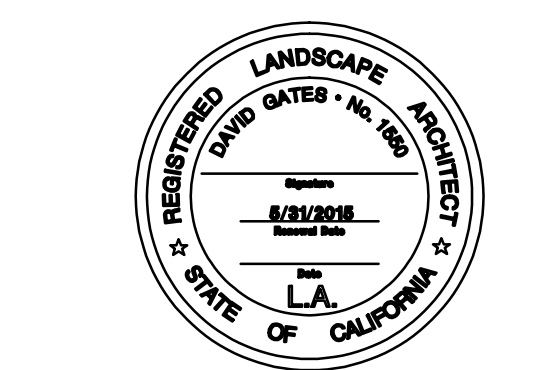


8 CLUSTER MAILBOX
 SCALE: N.T.S.

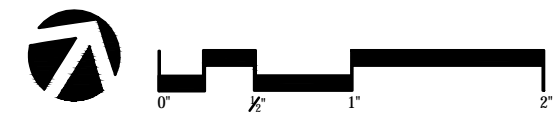


9 PRECAST WALL
 SCALE: N.T.S.

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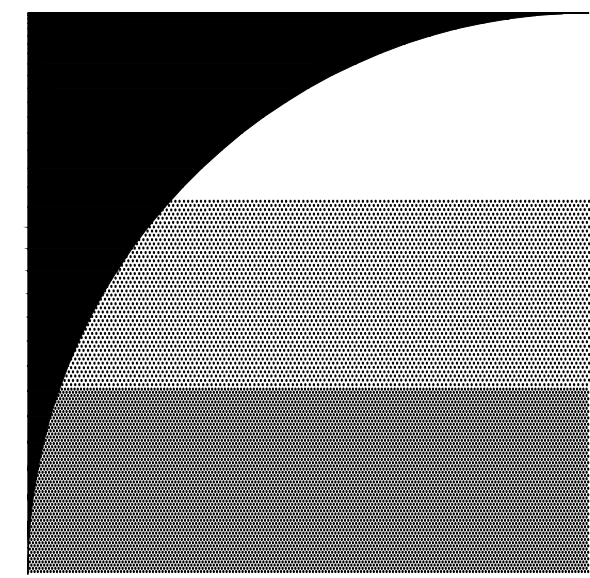


PROJECT NUMBER: P4884
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 SCALE:



LANDSCAPE DETAILS

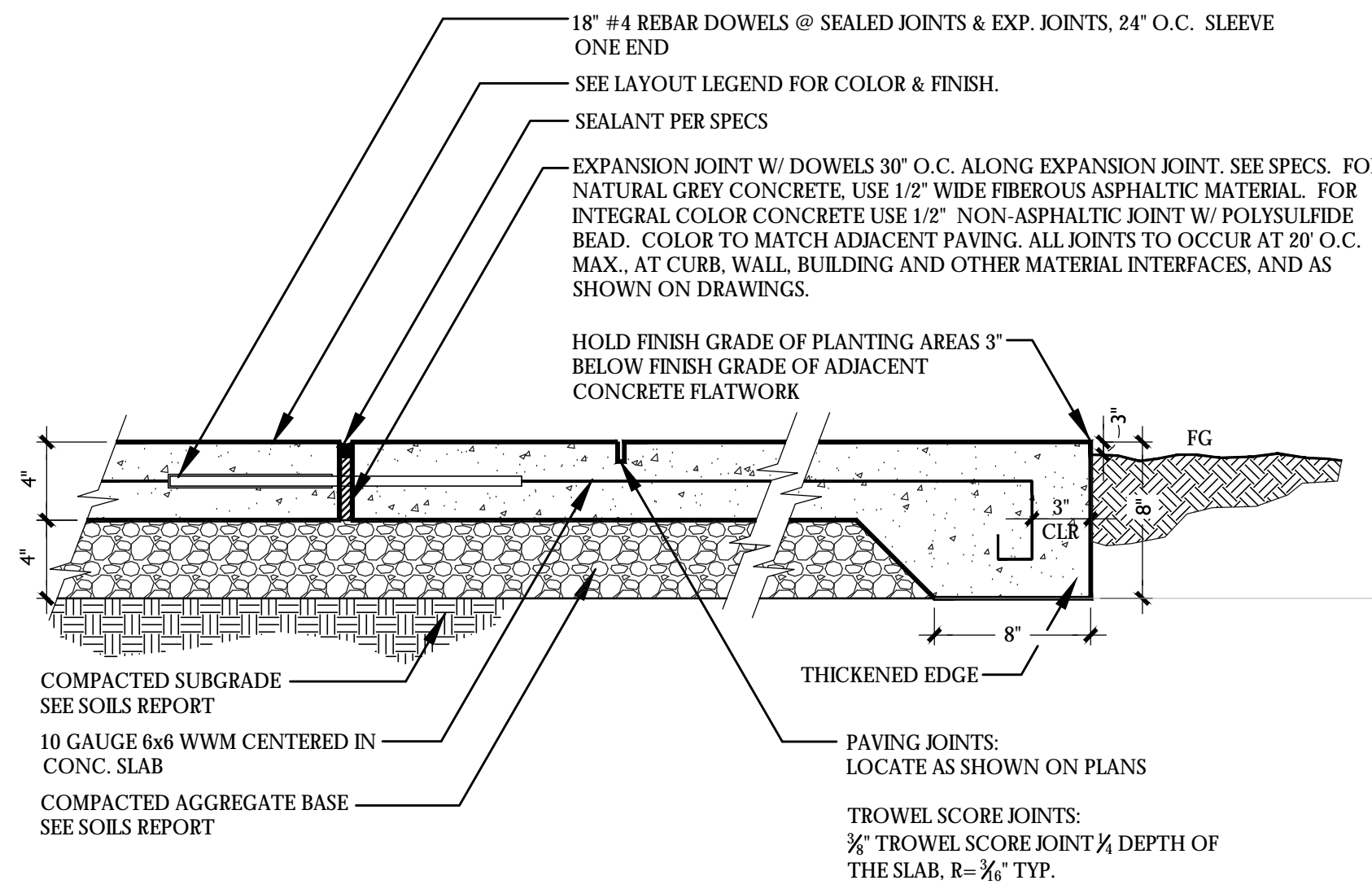
L-5



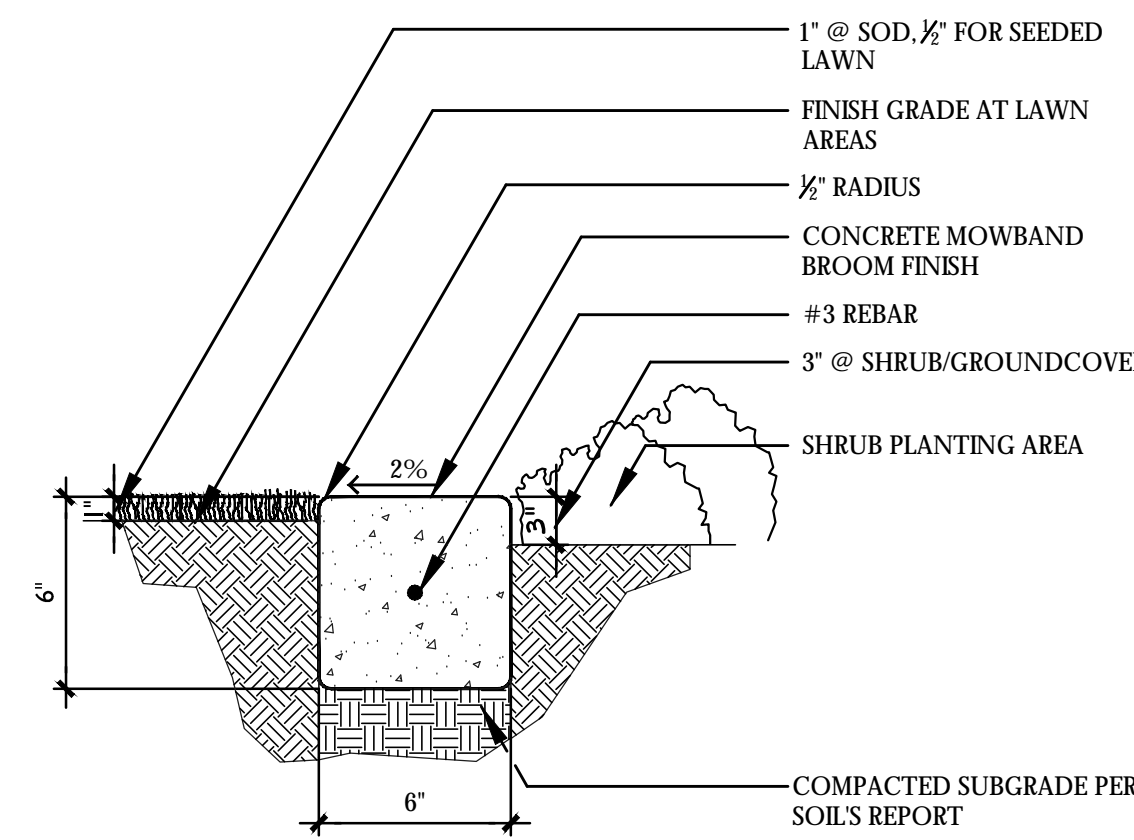
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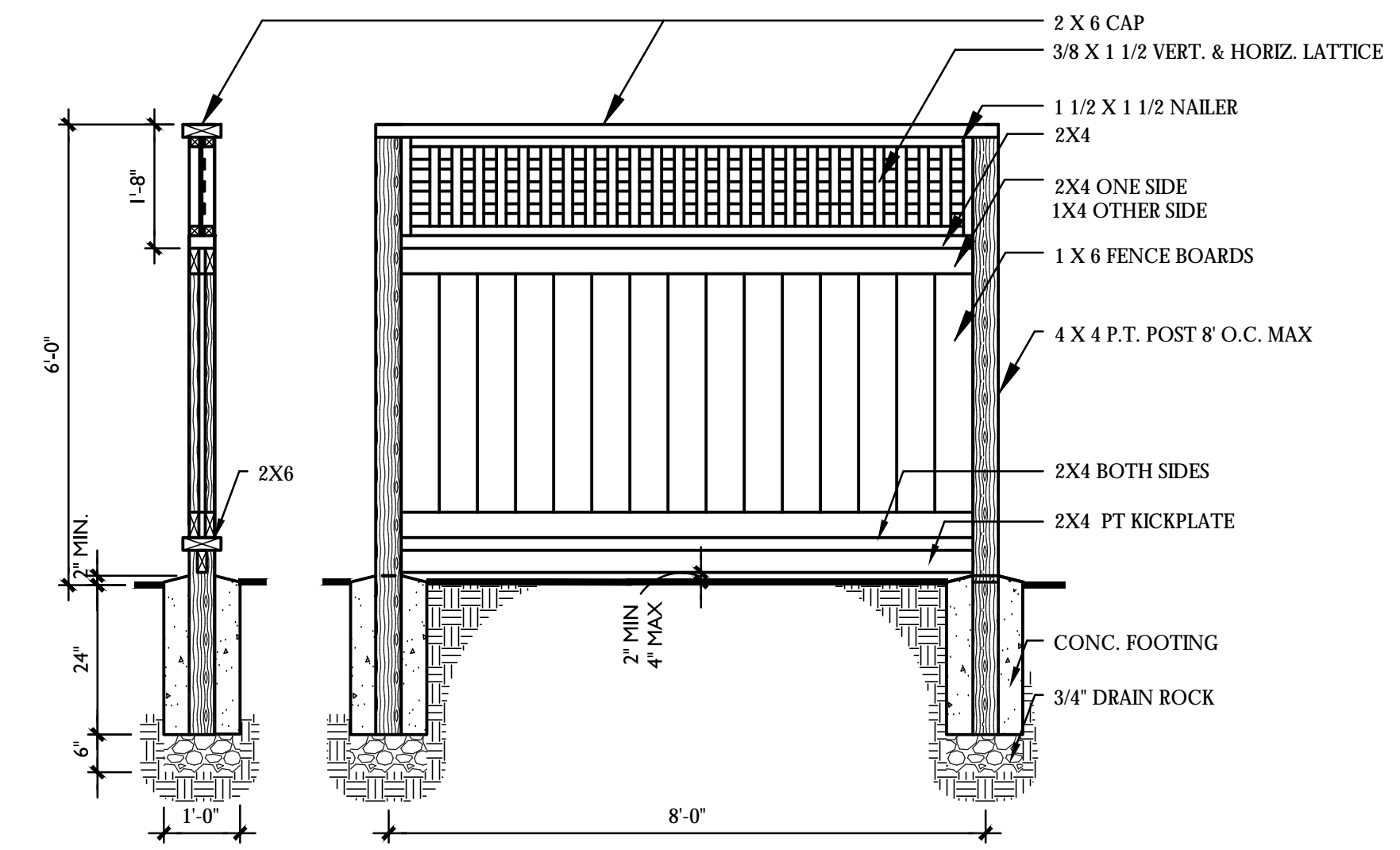
HAYWARD, CA



1 PEDESTRIAN CONCRETE PAVING
 SCALE: 1 1/2" = 1'-0"

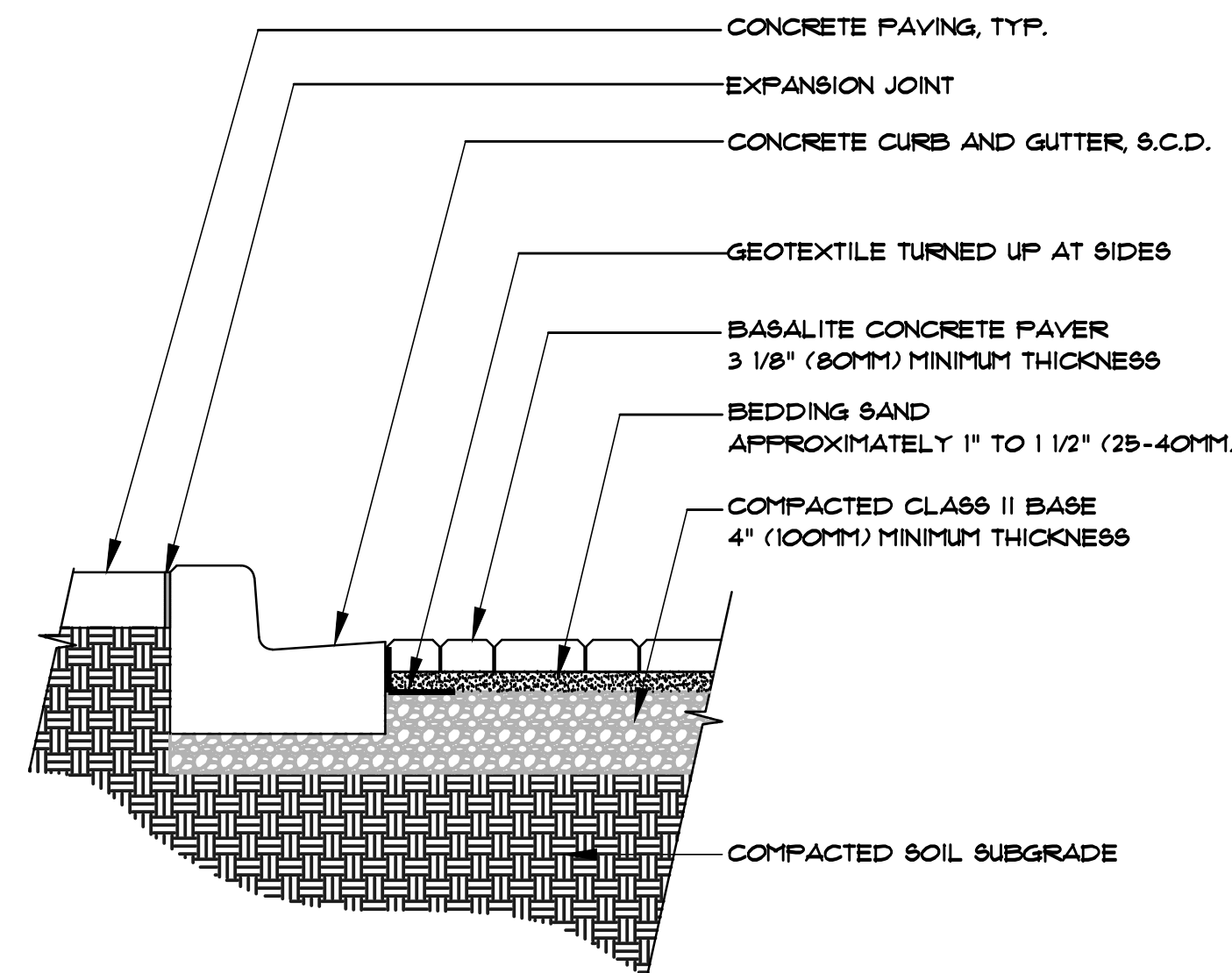


4 6\"/>

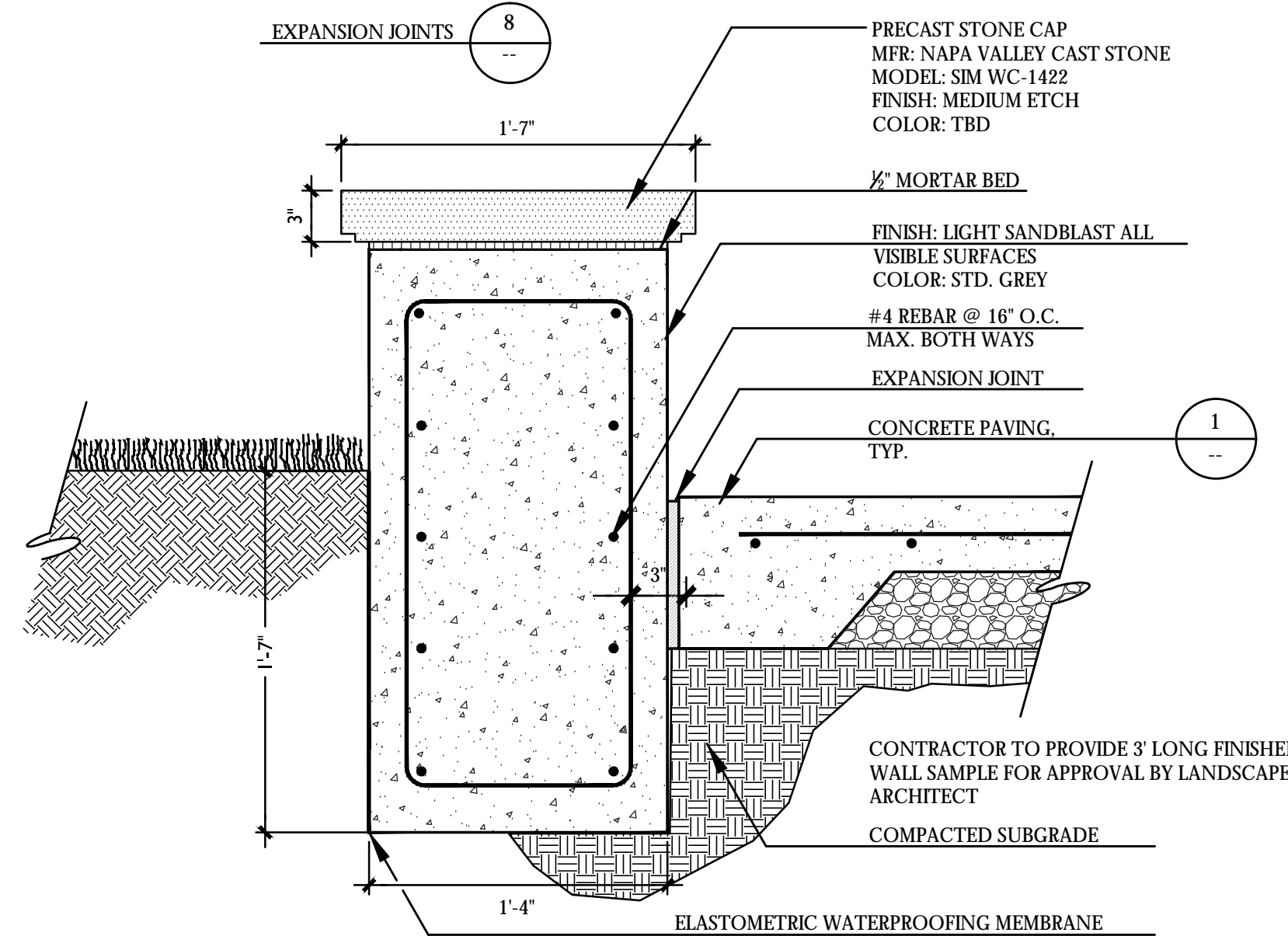


7 WOOD PRIVACY FENCE W/ LATTICE
 SCALE: N.T.S.

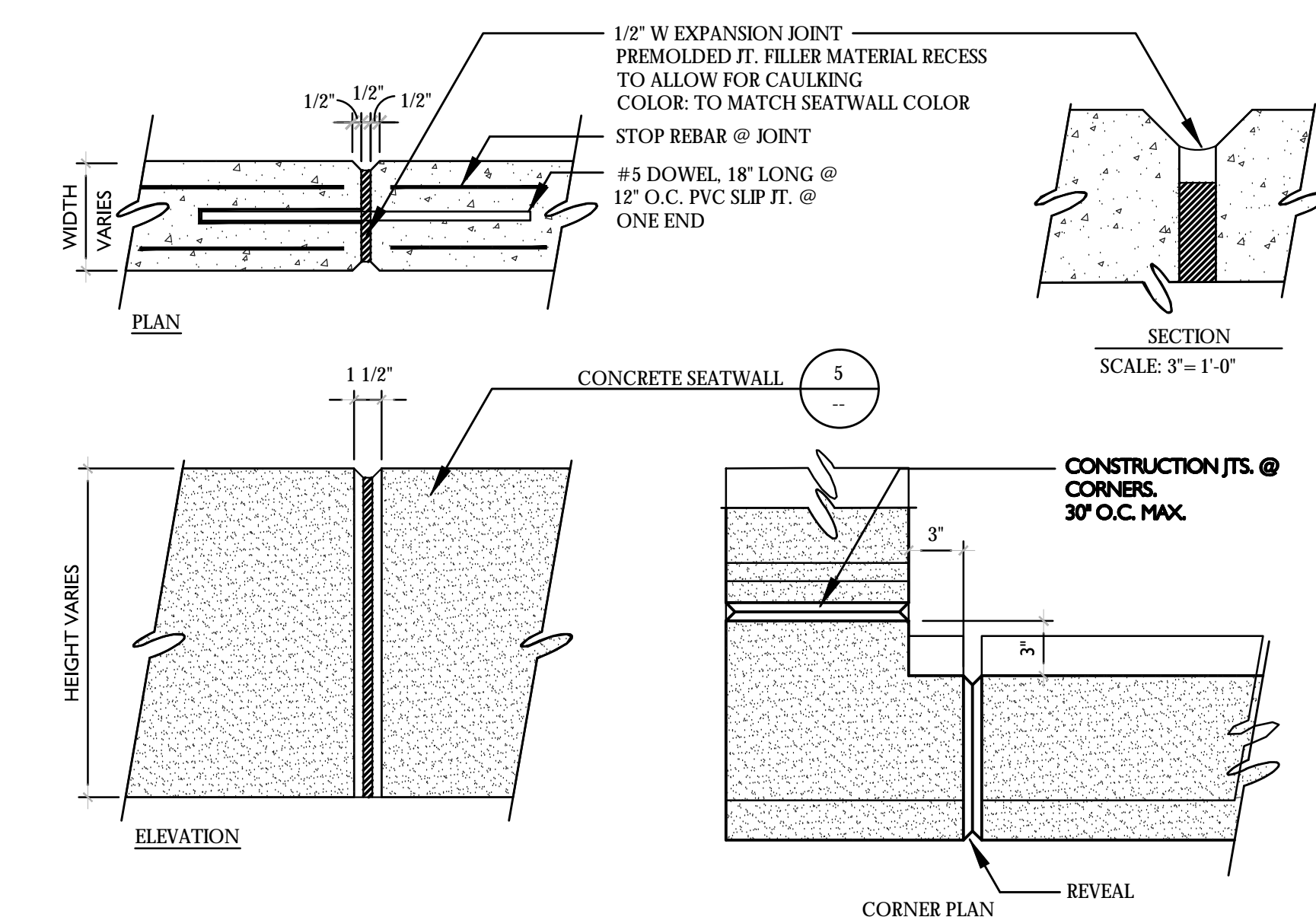
NOTES: 1. ALL WOOD TO BE CLR HEART REDWOOD
 2. STAIN OR PAINT TO MATCH ARCHITECTURE.
 3. ALL FASTENERS TO BE GALVANIZED



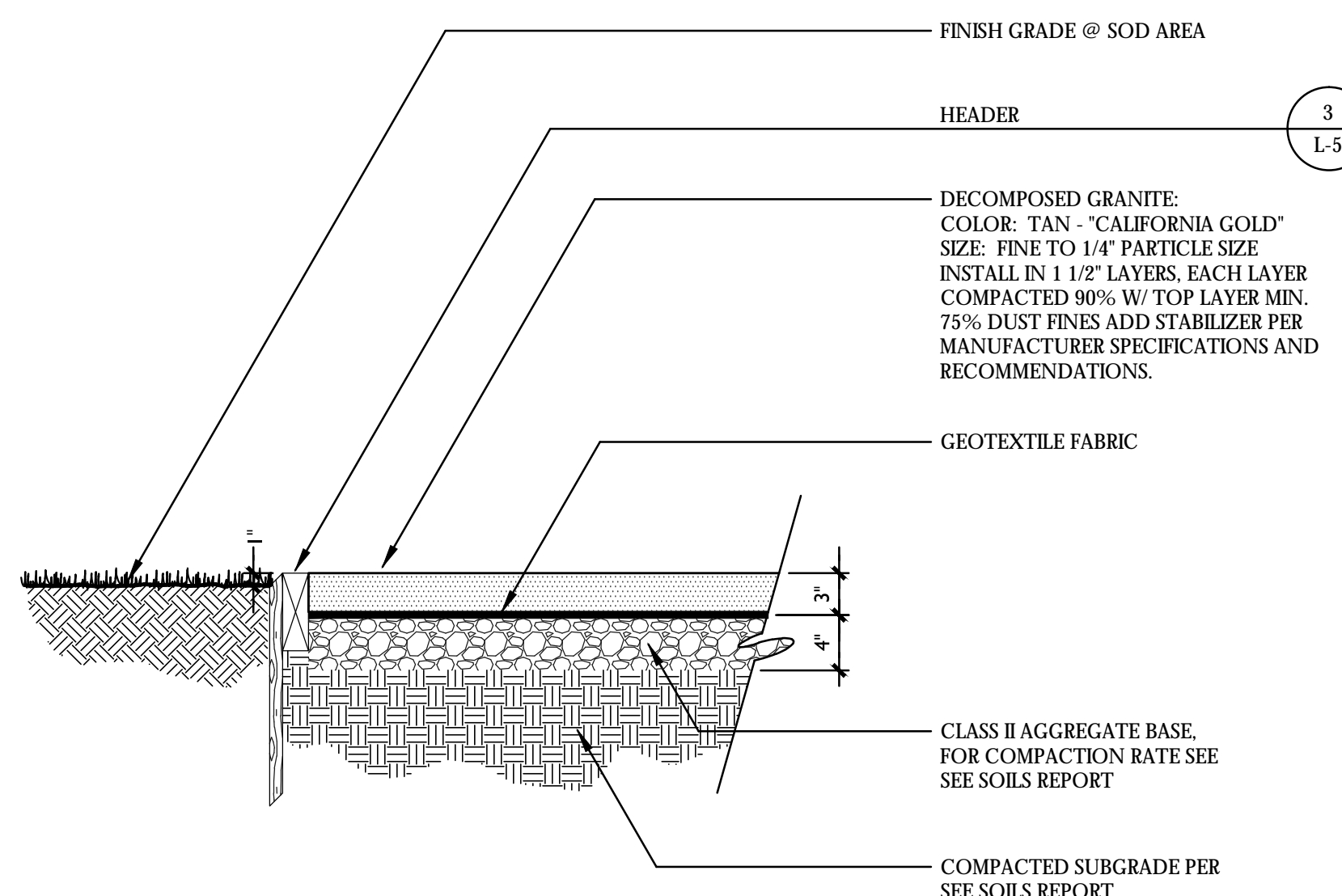
2 VEHICULAR CONCRETE PAVERS
 SCALE: 1" = 1'-0"



5 CONCRETE SEATWALL
 SCALE: 1 1/2" = 1'-0"



8 EXPANSION JOINT AT SEAT WALL
 SCALE: 1 1/2" = 1'-0"

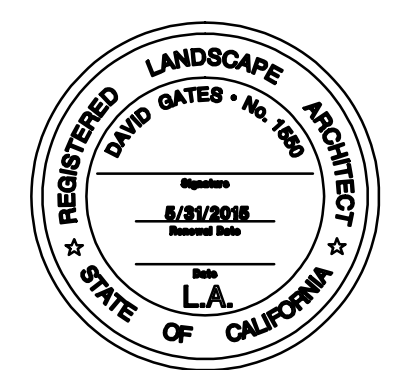


3 DECOMPOSED GRANITE PAVING
 SCALE: 1" = 1'-0"

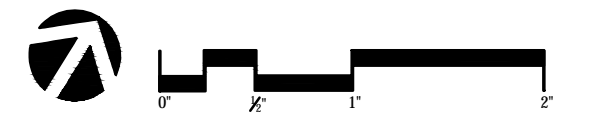


6 NATURAL PLAY AREA
 SCALE: 3/8" = 1'-0"

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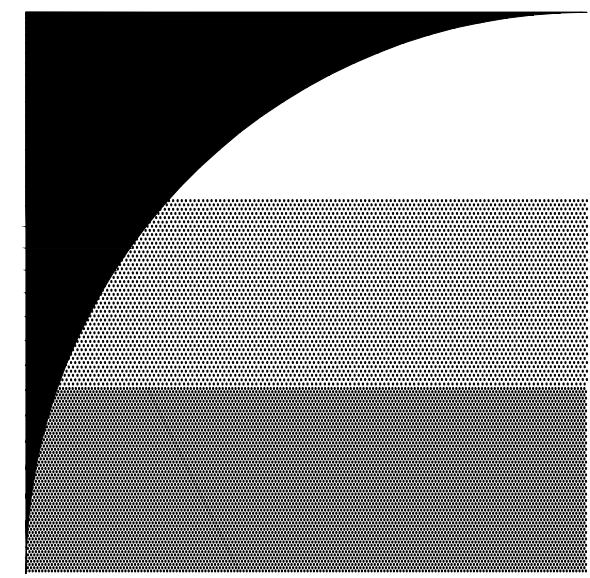


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 SCALE:



LANDSCAPE DETAILS

L-6



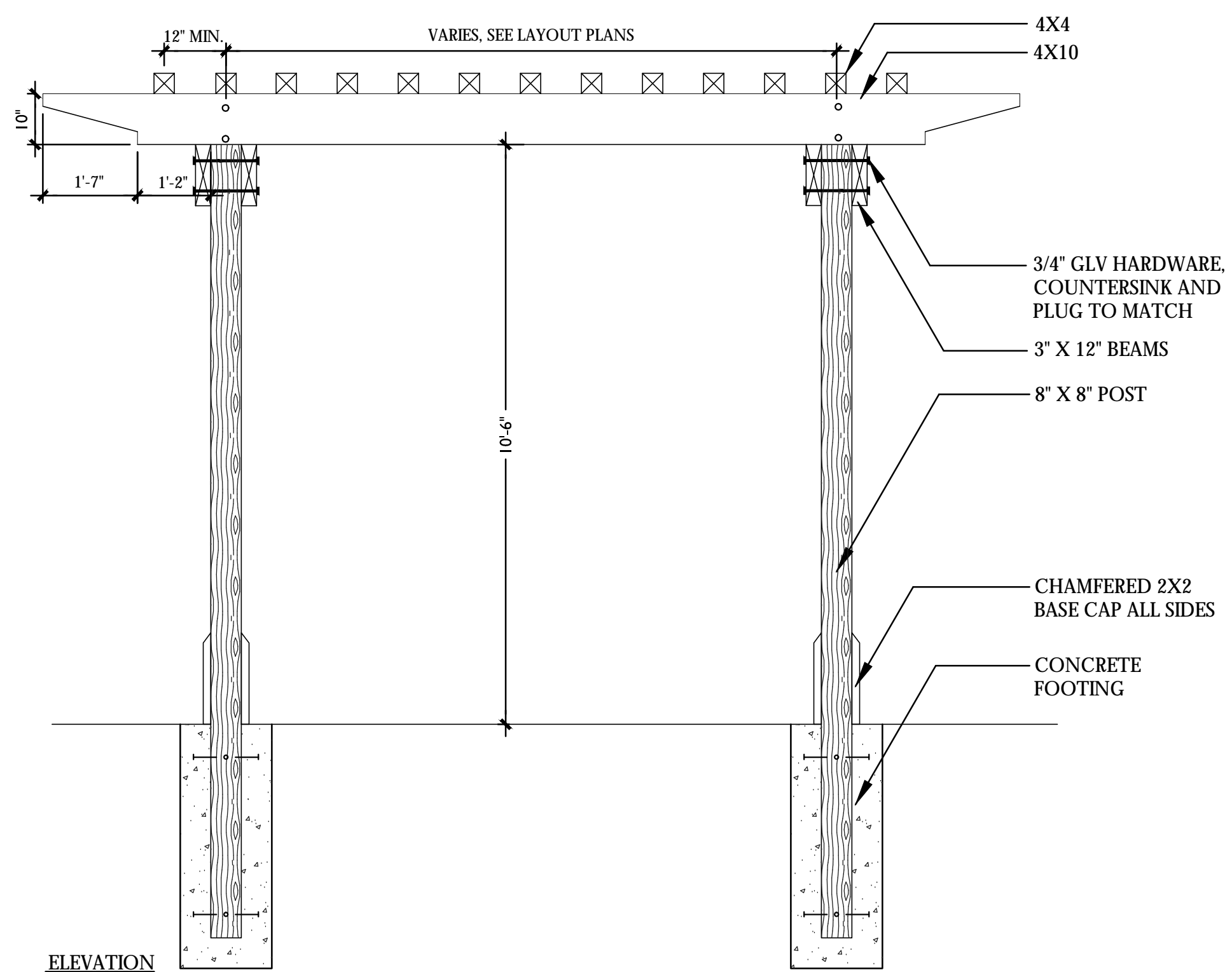
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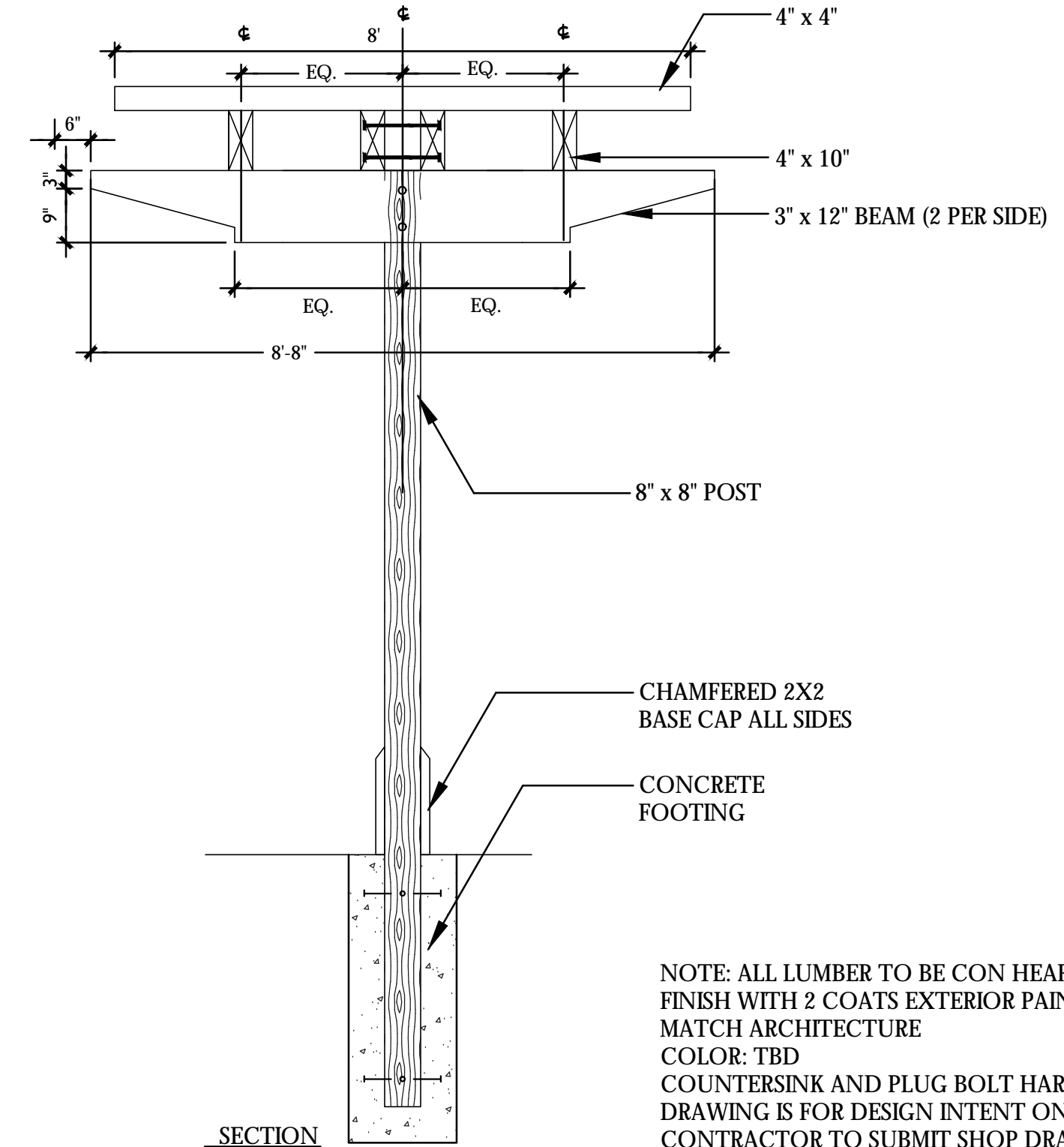
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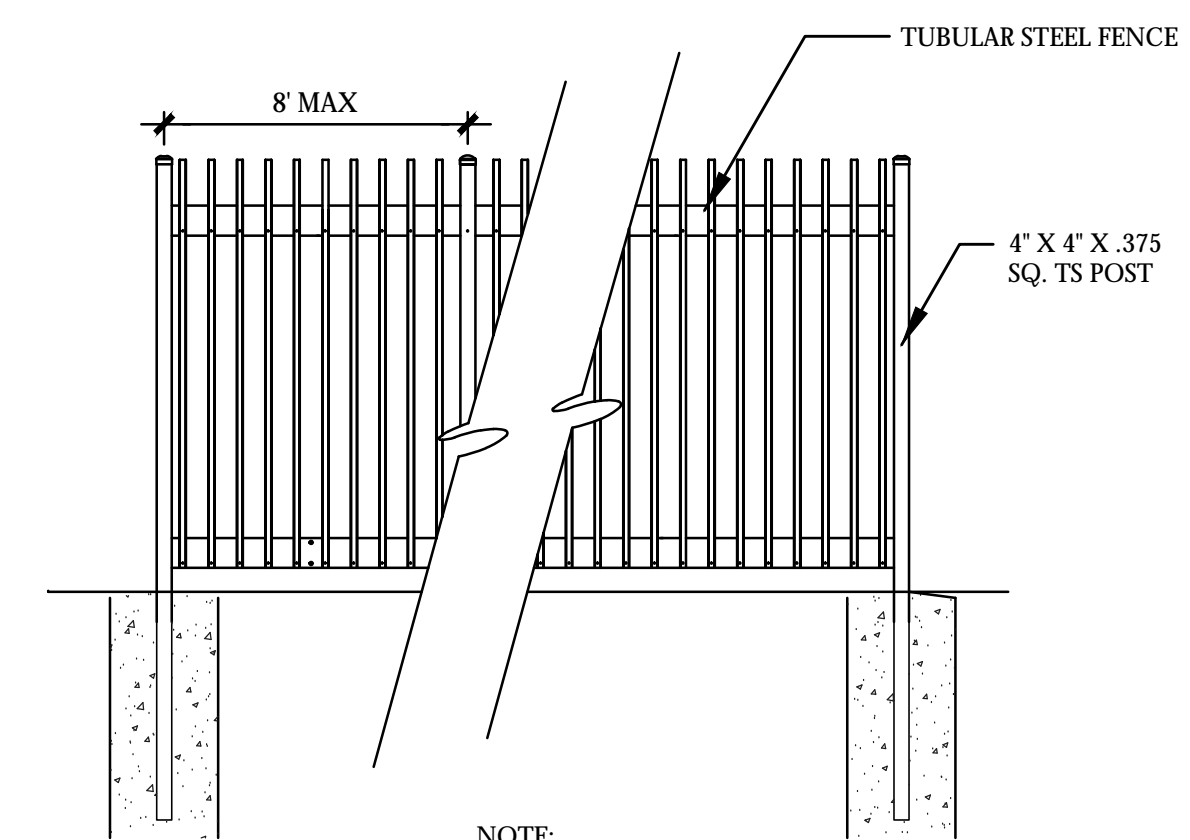
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1 ELEVATION
WOOD TRELLIS
SCALE: 1/2" = 1'-0"

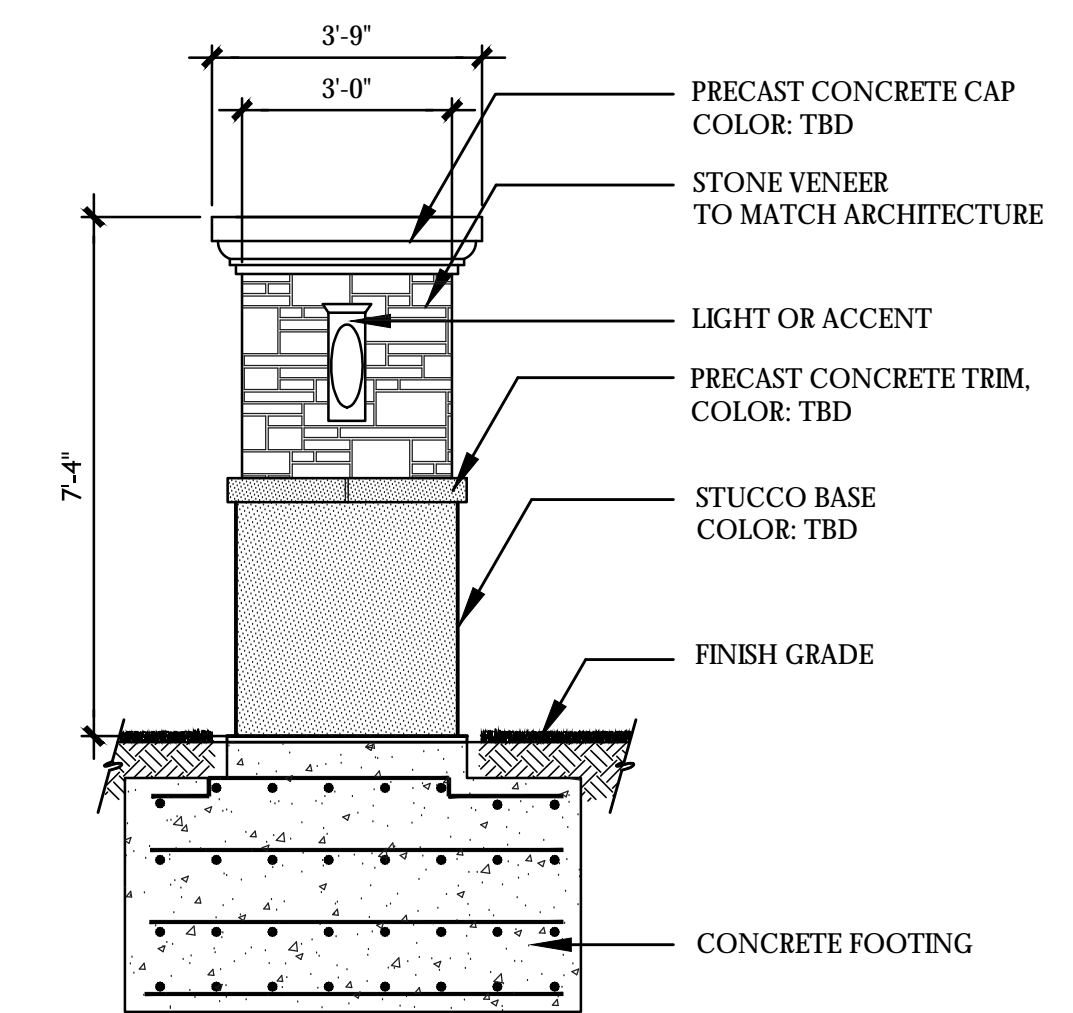


NOTE: ALL LUMBER TO BE CON HEART RWD
FINISH WITH 2 COATS EXTERIOR PAINT TO
MATCH ARCHITECTURE
COLOR: TBD
COUNTERSINK AND PLUG BOLT HARDWARE
DRAWING IS FOR DESIGN INTENT ONLY.
CONTRACTOR TO SUBMIT SHOP DRAWINGS
SHOWING ALL CONNECTIONS



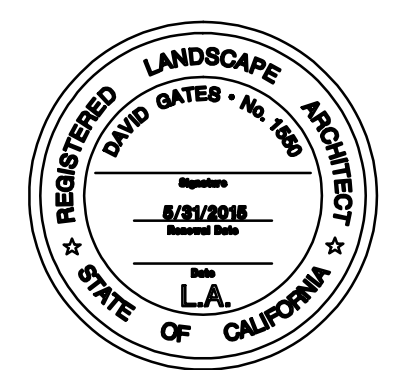
NOTE:
1. FENCING TO BE BLACK
2. GRIND ALL WELDS SMOOTH
3. SUBMIT SHOP DRAWINGS FOR APPROVAL

3 ORNAMENTAL IRON FENCE
SCALE: 3/8" = 1'-0"

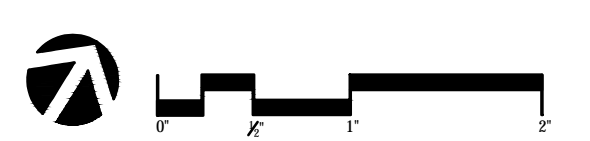


2 DECORATIVE MONOLITH
SCALE: 3/8" = 1'-0"

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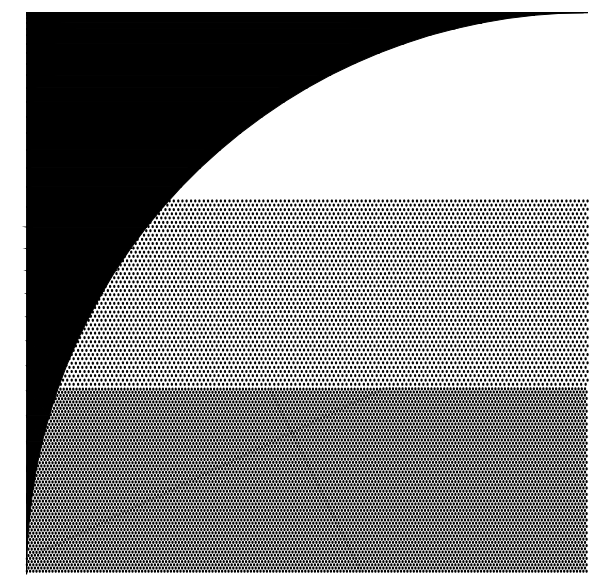


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SCALE:



LANDSCAPE DETAILS

L-7



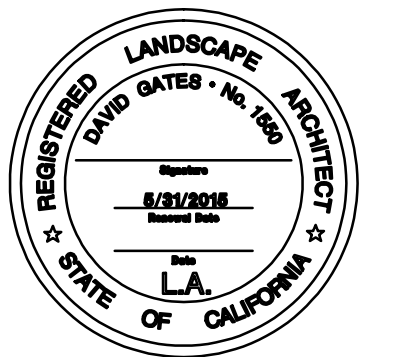
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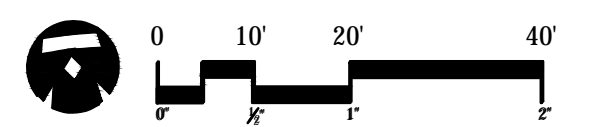
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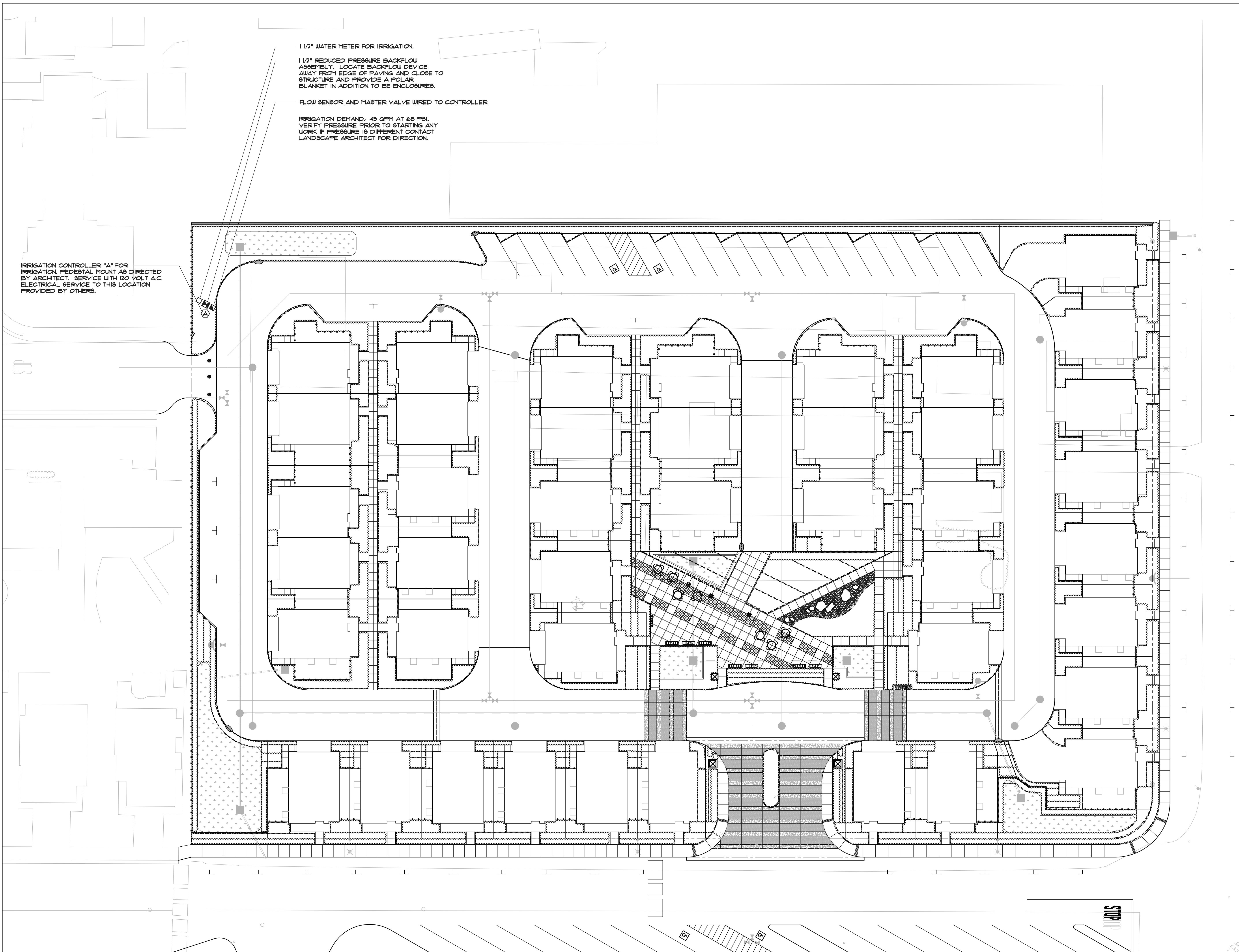


PROJECT NUMBER: P4894
DRAWN: MNO
CHECK: DG
DATE: 05/27/2014
SCALE: 1" = 20'-0"



IRRIGATION CONCEPT

L-8



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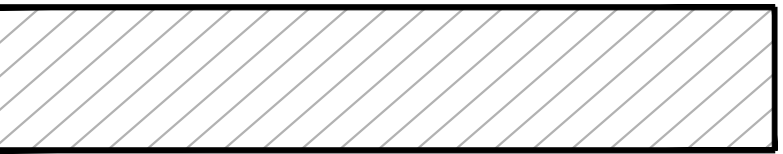
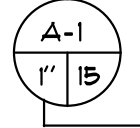
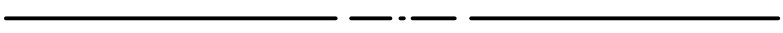


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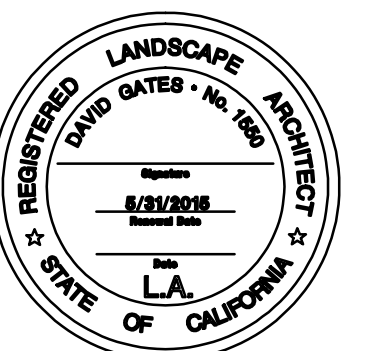
IRRIGATION NOTES

1. THIS DESIGN IS DIAGRAMMATIC. ALL PIPING, VALVES, ETC. SHOWN WITHIN PAVED AREAS IS FOR DESIGN CLARIFICATION ONLY AND SHALL BE INSTALLED IN PLANTING AREAS WHERE POSSIBLE. AVOID ANY CONFLICTS BETWEEN THE SPRINKLER SYSTEM, PLANTING AND ARCHITECTURAL FEATURES.
2. DO NOT WILLFULLY INSTALL THE SPRINKLER SYSTEM AS SHOWN ON THE DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT OBSTRUCTIONS, GRADE DIFFERENCES OR DIFFERENCES IN THE AREA DIMENSIONS EXIST THAT MIGHT NOT HAVE BEEN CONSIDERED IN THE ENGINEERING. SUCH OBSTRUCTIONS OR DIFFERENCES SHOULD BE BROUGHT TO THE ATTENTION OF THE OWNER'S AUTHORIZED REPRESENTATIVE. IN THE EVENT THAT THIS NOTIFICATION IS NOT PERFORMED, THE IRRIGATION CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY REVISIONS NECESSARY.
3. IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO FAMILIARIZE HIMSELF WITH ALL GRADE DIFFERENCES, LOCATION OF WALLS, RETAINING WALLS, ETC. HE SHALL COORDINATE HIS WORK WITH THE GENERAL CONTRACTOR AND OTHER SUBCONTRACTORS FOR THE LOCATION AND THE INSTALLATION OF PIPE SLEEVES THROUGH WALLS, UNDER ROADWAYS, PAVING, STRUCTURES, ETC.
4. DUE TO THE SCALE OF THE DRAWINGS, IT IS NOT POSSIBLE TO INDICATE ALL OFFSETS, FITTINGS, SLEEVES, ETC., WHICH MAY BE REQUIRED. THE CONTRACTOR SHALL CAREFULLY INVESTIGATE THE STRUCTURAL AND FINISHED CONDITIONS AFFECTING ALL OF HIS WORK AND PLAN HIS WORK ACCORDINGLY, FURNISHING SUCH FITTINGS, ETC., AS MAY BE REQUIRED TO MEET SUCH CONDITIONS. DRAWINGS ARE GENERALLY DIAGRAMMATIC AND INDICATIVE OF THE WORK TO BE INSTALLED. THEN WORK SHALL BE INSTALLED IN SUCH A MANNER AS TO AVOID CONFLICTS BETWEEN IRRIGATION SYSTEMS, PLANTING, AND ARCHITECTURAL FEATURES.
5. ELECTRICAL CONTRACTOR TO SUPPLY 120 VOLT A.C. (2.5 AMP) SERVICE TO CONTROLLER LOCATION. IRRIGATION CONTRACTOR TO MAKE FINAL CONNECTION FROM ELECTRICAL STUB-OUT TO CONTROLLER.
6. EACH CONTROLLER SHALL HAVE ITS OWN INDEPENDENT GROUND WIRE.
7. VALVE LOCATIONS SHOWN ARE DIAGRAMMATIC. INSTALL IN GROUND COVER/SHRUB AREAS WHERE POSSIBLE (NOT IN LAWN AREA).
8. SPLICING OF 24 VOLT WIRES WILL NOT BE PERMITTED EXCEPT IN VALVE BOXES. LEAVE A 24" COIL OF EXCESS WIRE AT EACH SPLICE AND 100 FEET ON CENTER ALONG WIRE RUN. TAPE WIRE IN BUNDLES 10 FEET ON CENTER. NO TAPING PERMITTED INSIDE SLEEVES.
9. INSTALL FOUR (4) SPARE CONTROL WIRES ALONG THE ENTIRE MAIN LINE. LOOP 36" EXCESS WIRE INTO EACH SINGLE VALVE BOX AND INTO ONE VALVE BOX IN EACH GROUP OF VALVES. SPARE WIRES SHALL BE YELLOW, COMMON WIRES SHALL BE WHITE AND CONTROL WIRES SHALL BE RED.
10. THE IRRIGATION CONTRACTOR SHALL FLUSH AND ADJUST ALL DRIP TUBES FOR OPTIMUM PERFORMANCE.
11. NOTIFY ARCHITECT OF ANY ASPECTS OF LAYOUT WHICH WILL PROVIDE INCOMPLETE OR INSUFFICIENT WATER COVERAGE OF PLANT MATERIAL AND DO NOT PROCEED UNTIL HIS INSTRUCTIONS ARE OBTAINED.
12. ALL SPRINKLER HEADS SHALL BE SET PERPENDICULAR TO FINISH GRADE OF THE AREA TO BE IRRIGATED UNLESS OTHERWISE DESIGNATED ON THE PLANS.
13. INSTALL A VALCON 5000 SERIES SPRING LOADED CHECK VALVE BELOW DRIP BUBBLERS WHERE LOW HEAD DRAINAGE WILL CAUSE EROSION AND EXCESS WATER.
14. INSTALL VALVE BOXES 12" FROM AND PERPENDICULAR TO WALK, CURB, BUILDING OR LANDSCAPE FEATURE. AT MULTIPLE VALVE BOX GROUPS, EACH BOX SHALL BE AN EQUAL DISTANCE FROM THE WALK, CURB, ETC. AND EACH BOX SHALL BE 12" APART. SHORT SIDE OF VALVE BOX SHALL BE PARALLEL TO WALK, CURB LAWN, ETC.
15. THE SPRINKLER SYSTEM DESIGN IS BASED ON THE MINIMUM OPERATING PRESSURE SHOWN ON THE IRRIGATION DRAWINGS. THE IRRIGATION CONTRACTOR SHALL VERIFY WATER PRESSURE PRIOR TO CONSTRUCTION. REPORT ANY DIFFERENCE BETWEEN THE WATER PRESSURE INDICATED ON THE DRAWINGS AND THE ACTUAL PRESSURE READING AT THE IRRIGATION POINT OF CONNECTION TO THE OWNER'S AUTHORIZED REPRESENTATIVE.
16. OPERATE IRRIGATION CONTROLLER(S) BETWEEN THE HOURS OF 10:00 PM AND 7:00 AM.
17. IRRIGATION CONTRACTOR TO NOTIFY ALL LOCAL JURISDICTIONS FOR INSPECTION AND TESTING OF INSTALLED BACKFLOW PREVENTION DEVICE.
18. PRIOR TO TRENCHING, CALL UNDERGROUND SERVICE ALERT, (1-800) 642-2444 FOR NORTHERN CALIFORNIA
19. WHEN VERTICAL OBSTRUCTIONS (STREET LIGHTS, TREES, FIRE HYDRANTS, ETC.) INTERFERE WITH THE PATTERN OF THE DRIP TUBING LAYOUT SO AS TO PREVENT PROPER COVERAGE, THE IRRIGATION CONTRACTOR SHALL FIELD ADJUST THE DRIP SYSTEM AT THE LOCATION OF THE OBSTRUCTION SO AS TO PROVIDE PROPER COVERAGE. ALL ADJUSTMENTS SHALL BE MADE AT NO ADDITIONAL COST TO THE OWNER.

IRRIGATION LEGEND

SYMBOL	MODEL NUMBER	DESCRIPTION	PSI	GPM	PRECIP	RADIUS
▲	OCT816	PEPCO OCTA BUBBLER-SHRUBS	30	2 GPH	-	-
■	RWS-B-C-1401	TREE BUBBLERS IN TURF- ONE RAINBIRD BUBBLER IN DEEP WATERING TUBE PER TREE	30	.25 EACH	-	-
→	M64/AP100	SPEARS FLUSHING END PLUG - LOCATE AT END OF LONG DRIP LINES				
⊙	P-220-27	TORO REMOTE CONTROL VALVE				
✂	T-113-K	NIBCO GATE VALVE (LINE SIZE) WITH CROSS HANDLE INSIDE ROUND VALVE BOX				
◆	33-DLRC	RAIN BIRD 3/4" QUICK COUPLING VALVE				
☒	825Y-BV-SBBC-30SS	FEBCO BACKFLOW PREVENTOR WITH STRONG BOX ENCLOSURE				
⊞	1-1201-1151-8130 PMR-MF-30-1"	AMIAD 1" FILTER WITH 130 MESH SCREEN WITH SENNINGER 1" IN-LINE PRESSURE REDUCING VALVE (1-22 GPM)				
⊞	RME24EG RS1000	RAINMASTER ET BASED CONTROLLER WALL MOUNTED INSIDE METAL ENCLOSURE WITH IRRITROL SYSTEMS WIRELESS RAIN SENSOR				
		IRRIGATION INSIDE DASHED OUTLINE AREA: TORO DL2000 DRIPLINE DRIP EMITTER TUBING PART NUMBER: RGP-412-10 - 1.0 GPH EMITTERS 12" ON CENTER DRIPLINE PIPE WITH TORO LOC-EZE FITTINGS (OR EQUAL) INSTALLED 4" COVER BELOW SOIL LEVEL AND 8" FROM EDGE OF SIDEWALK OR CURB. INSTALL DRIPLINE PER INSTALLATION DETAILS SHEET L-8				
		STATION NUMBER GALLONS PER MINUTE VALVE SIZE				
		MAINLINE: SCHEDULE 40 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS. 18" COVER.				
		LATERAL LINE: 1120-CLASS 200 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS. 12" COVER.				
		SLEEVE: 1120-200 PSI PVC PLASTIC PIPE W/SCHEDULE 40 PVC PLASTIC FITTINGS. 24" COVER. SIZE NOTED ON PLANS.				

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ISSUE 2	SITE REVIEW	08/06/2015
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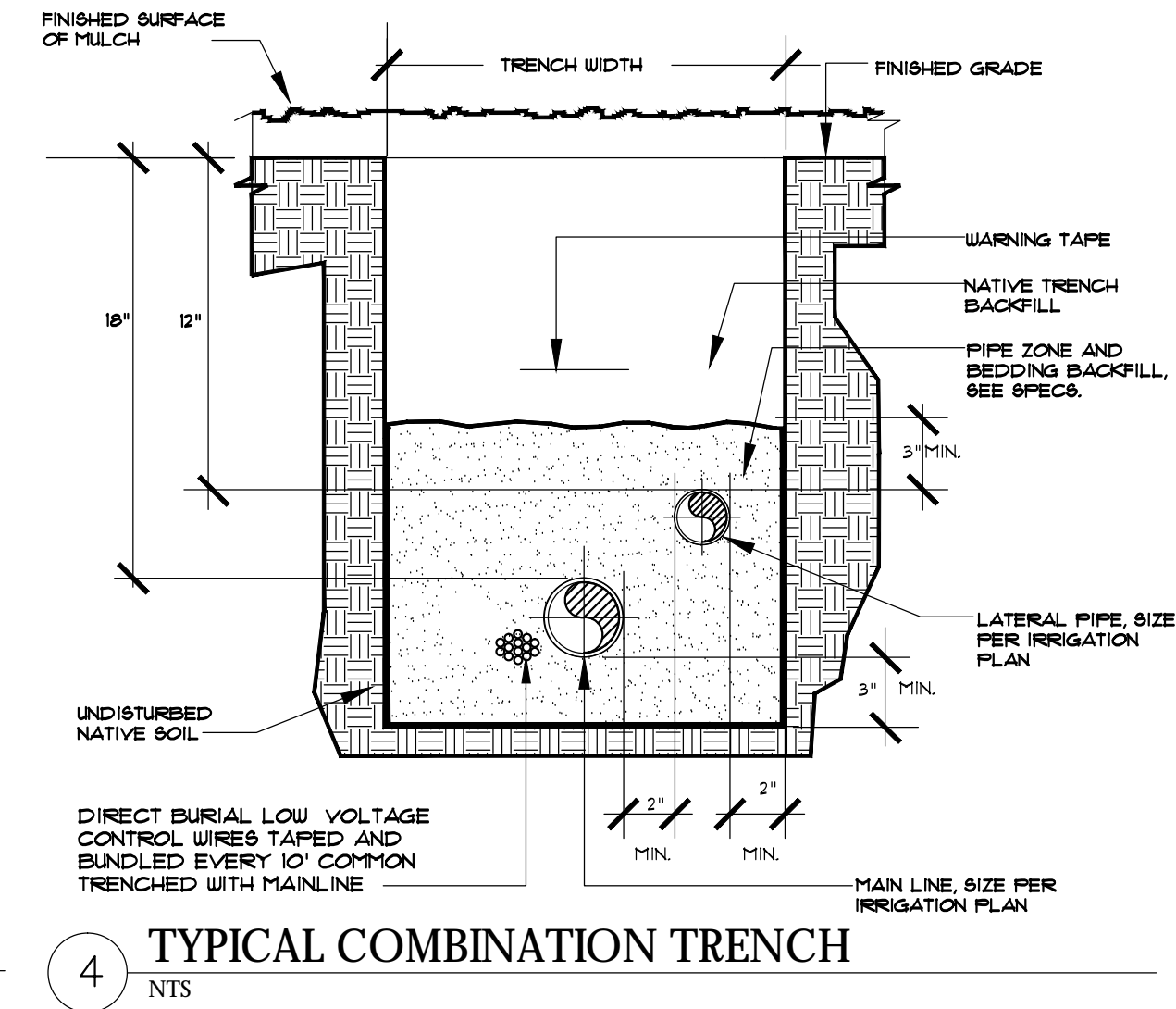
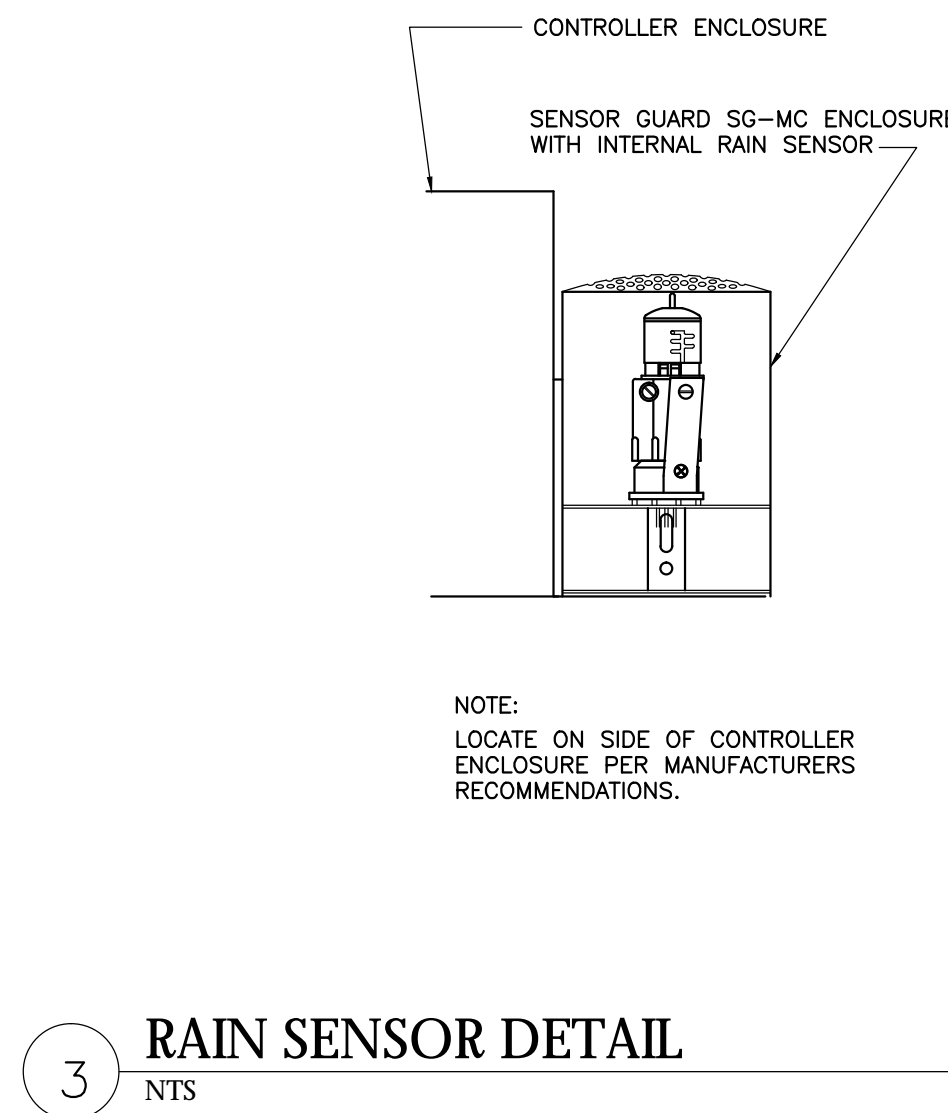
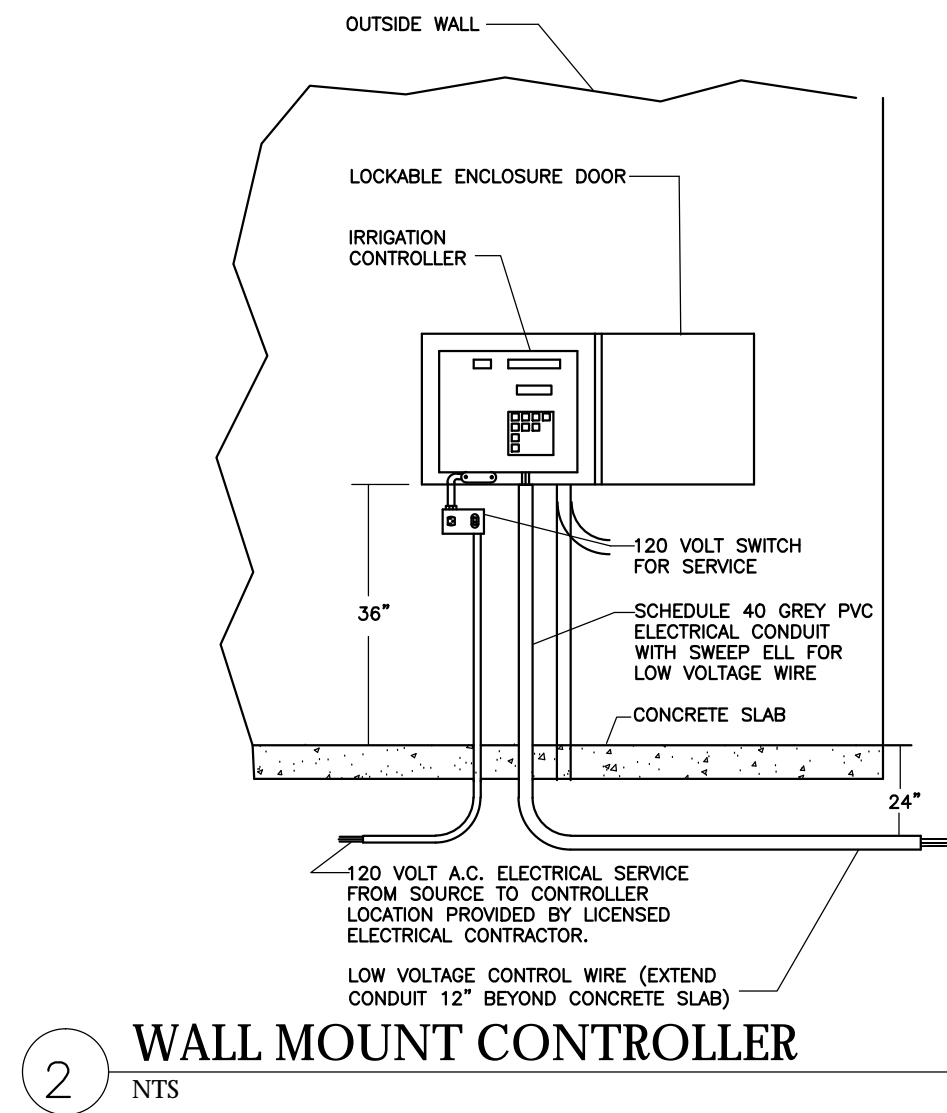
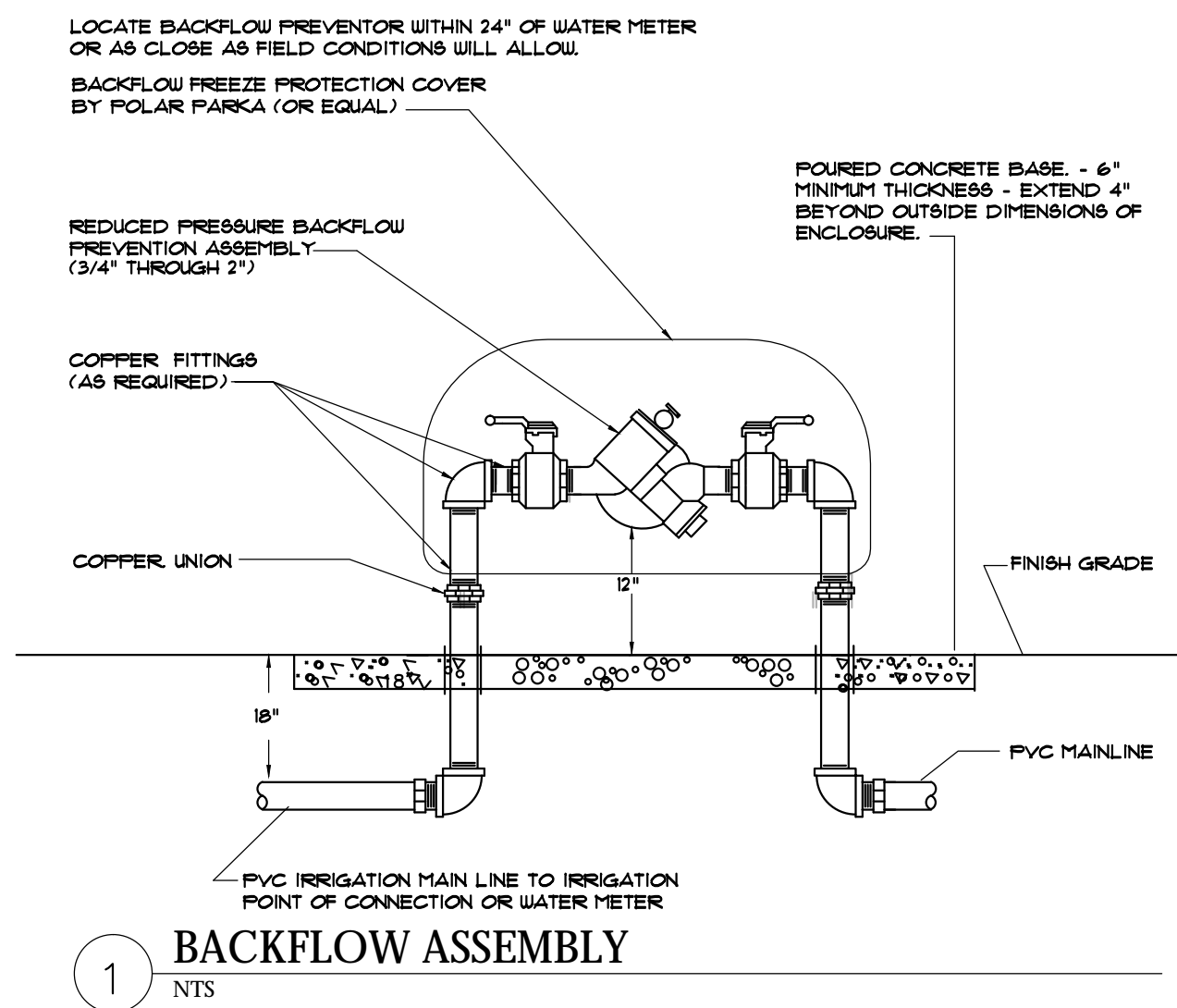


PROJECT NUMBER: P4894
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SCALE:



IRRIGATION NOTES & LEGEND

L-9

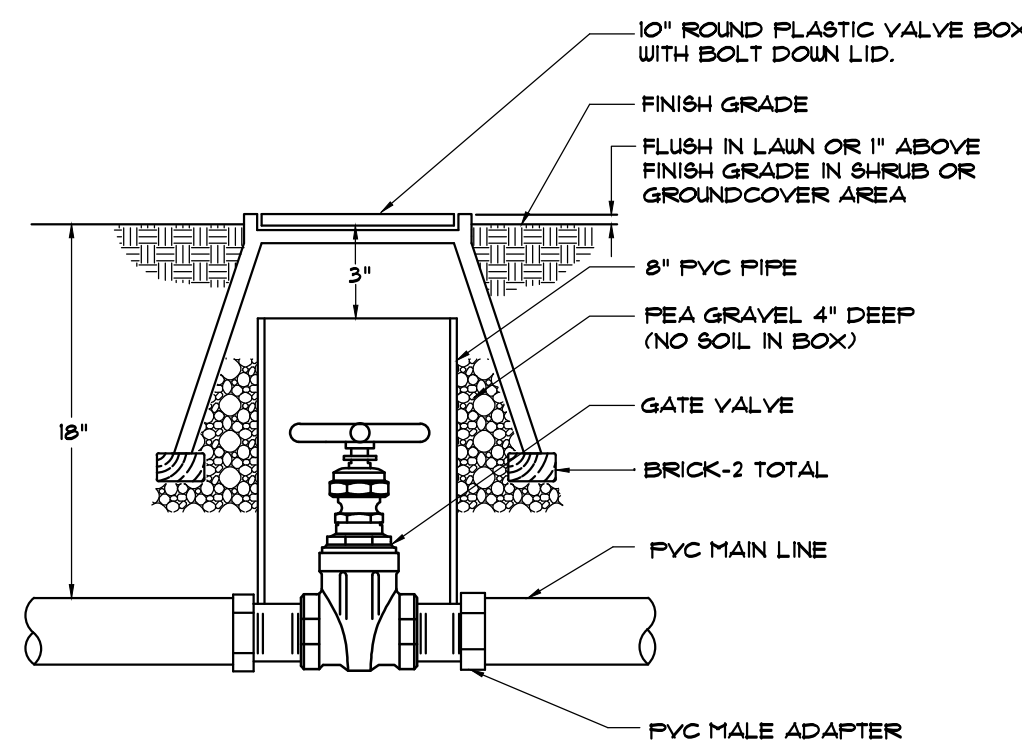


1 BACKFLOW ASSEMBLY
NTS

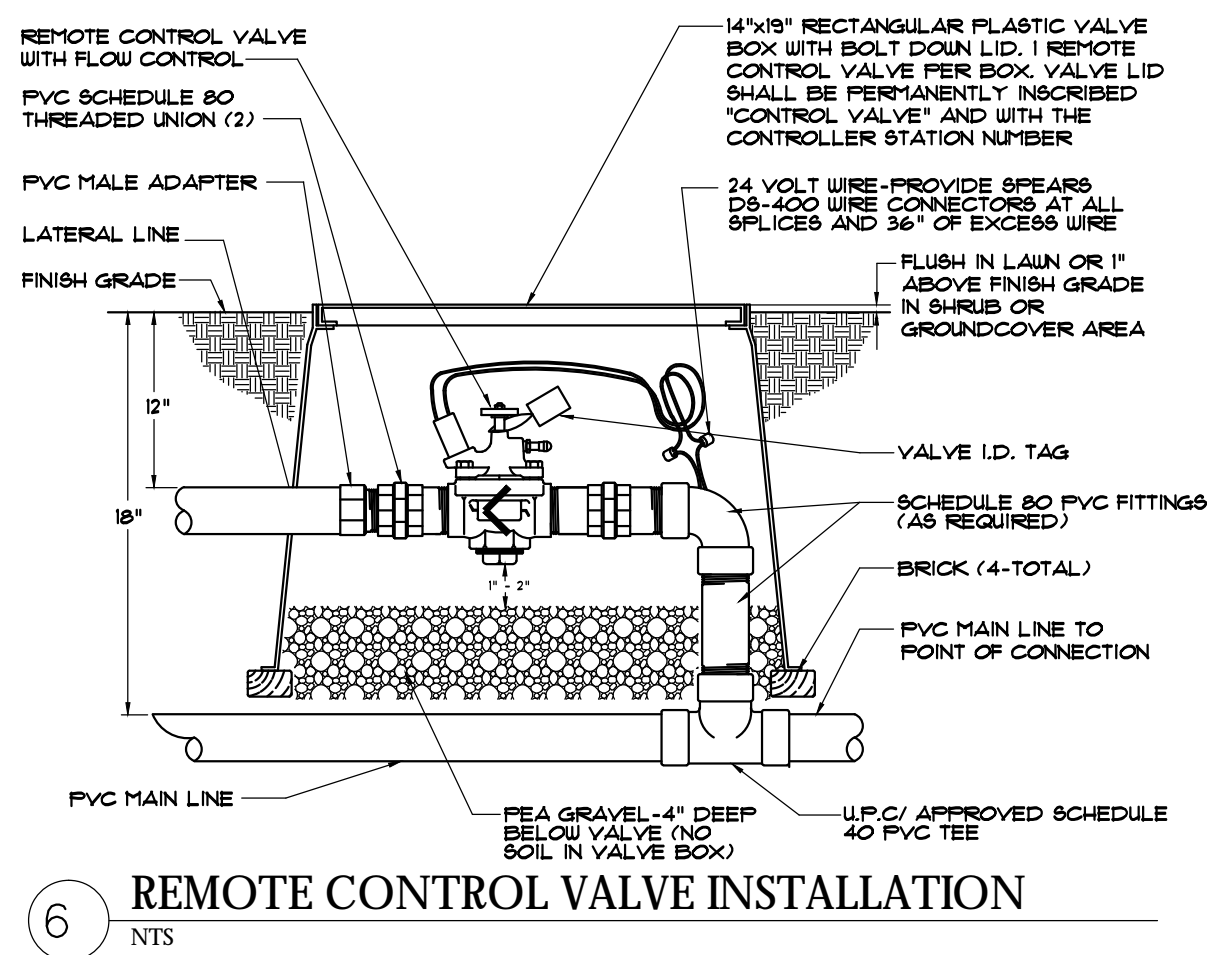
2 WALL MOUNT CONTROLLER
NTS

3 RAIN SENSOR DETAIL
NTS

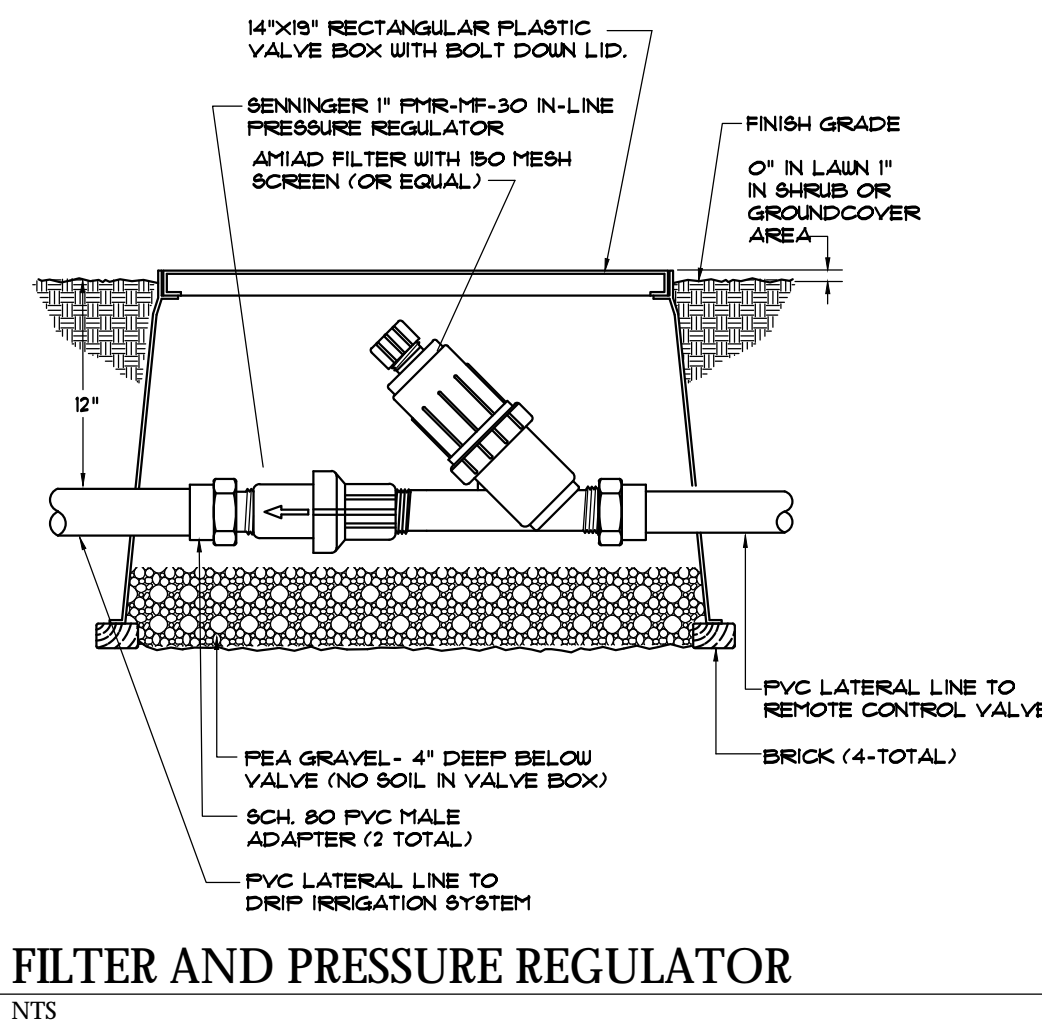
4 TYPICAL COMBINATION TRENCH
NTS



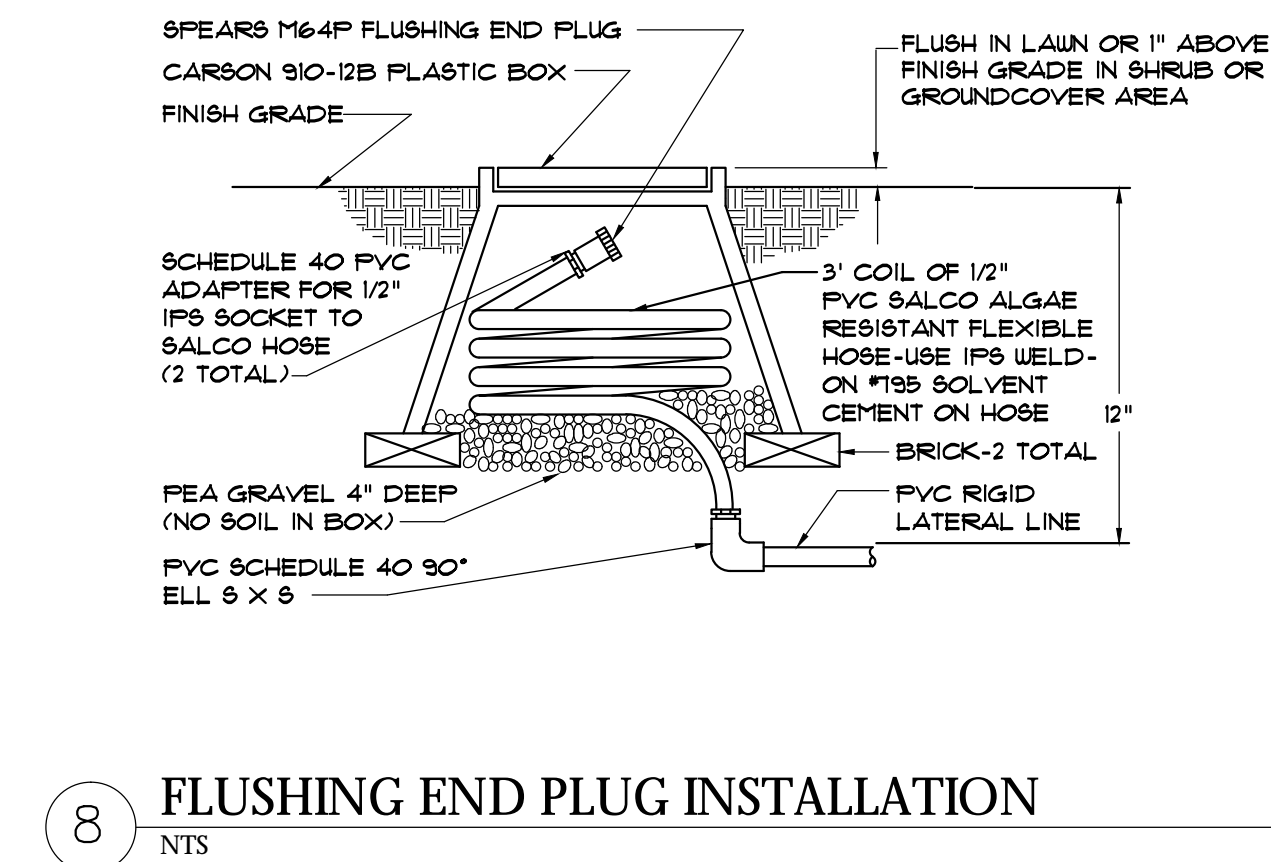
5 GATE VALVE INSTALLATION
NTS



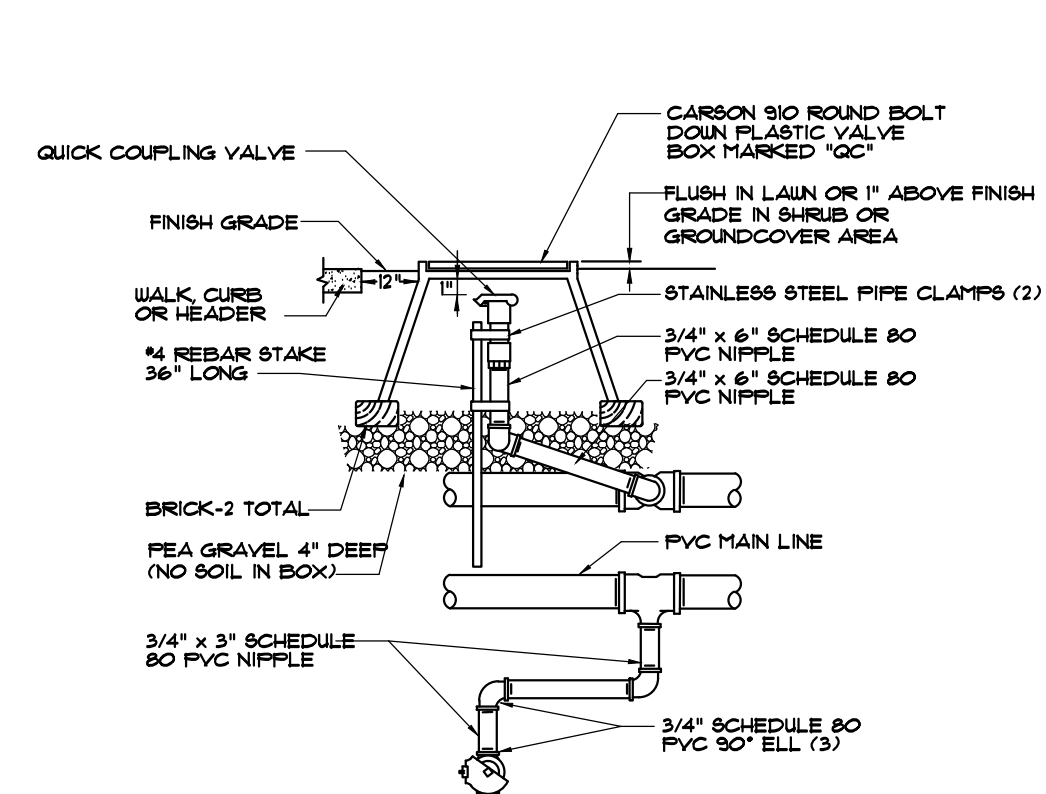
6 REMOTE CONTROL VALVE INSTALLATION
NTS



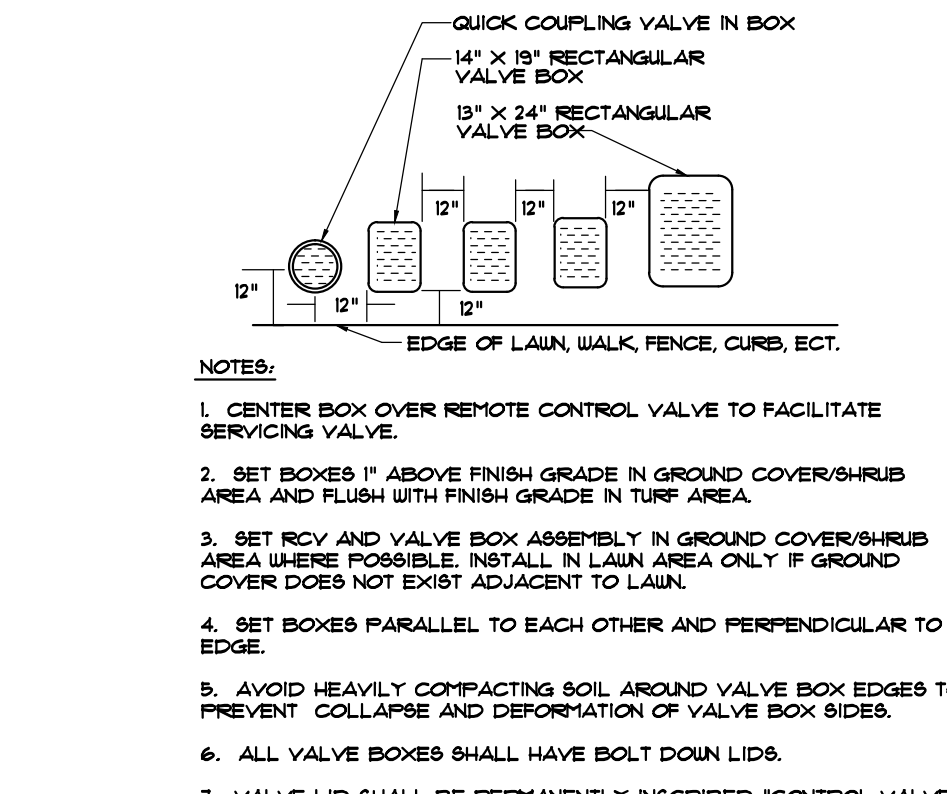
7 FILTER AND PRESSURE REGULATOR
NTS



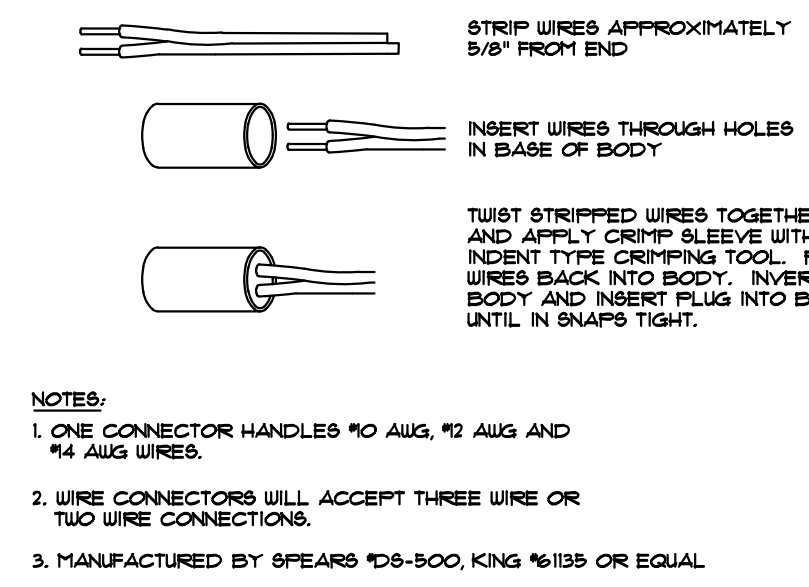
8 FLUSHING END PLUG INSTALLATION
NTS



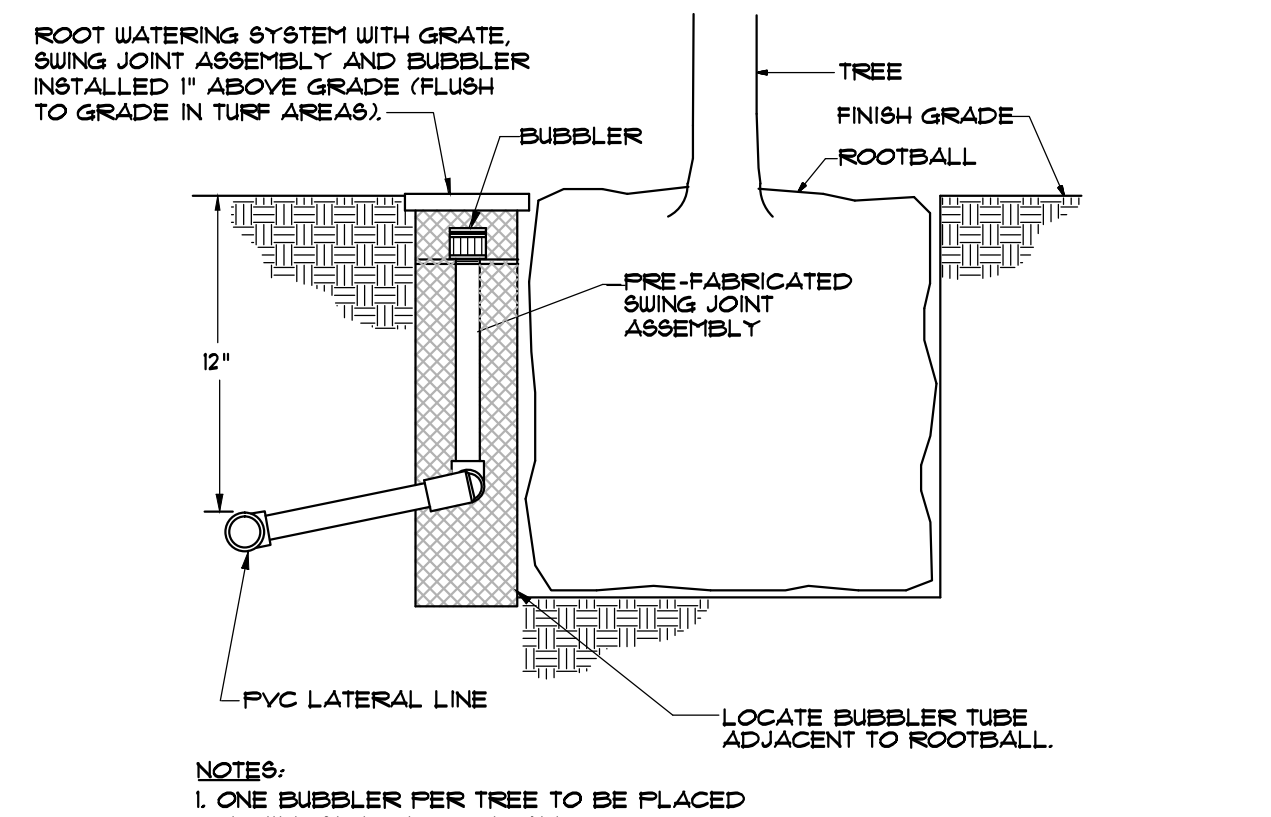
9 3/4\"/>NTS



10 VALVE BOX INSTALLATION
NTS

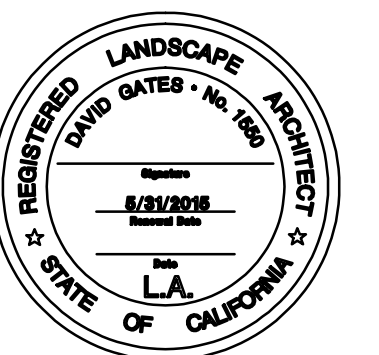


11 WIRE CONNECTION
NTS

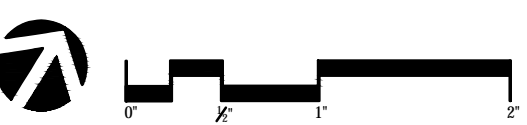


12 TREE BUBBLER INSTALLATION
NTS

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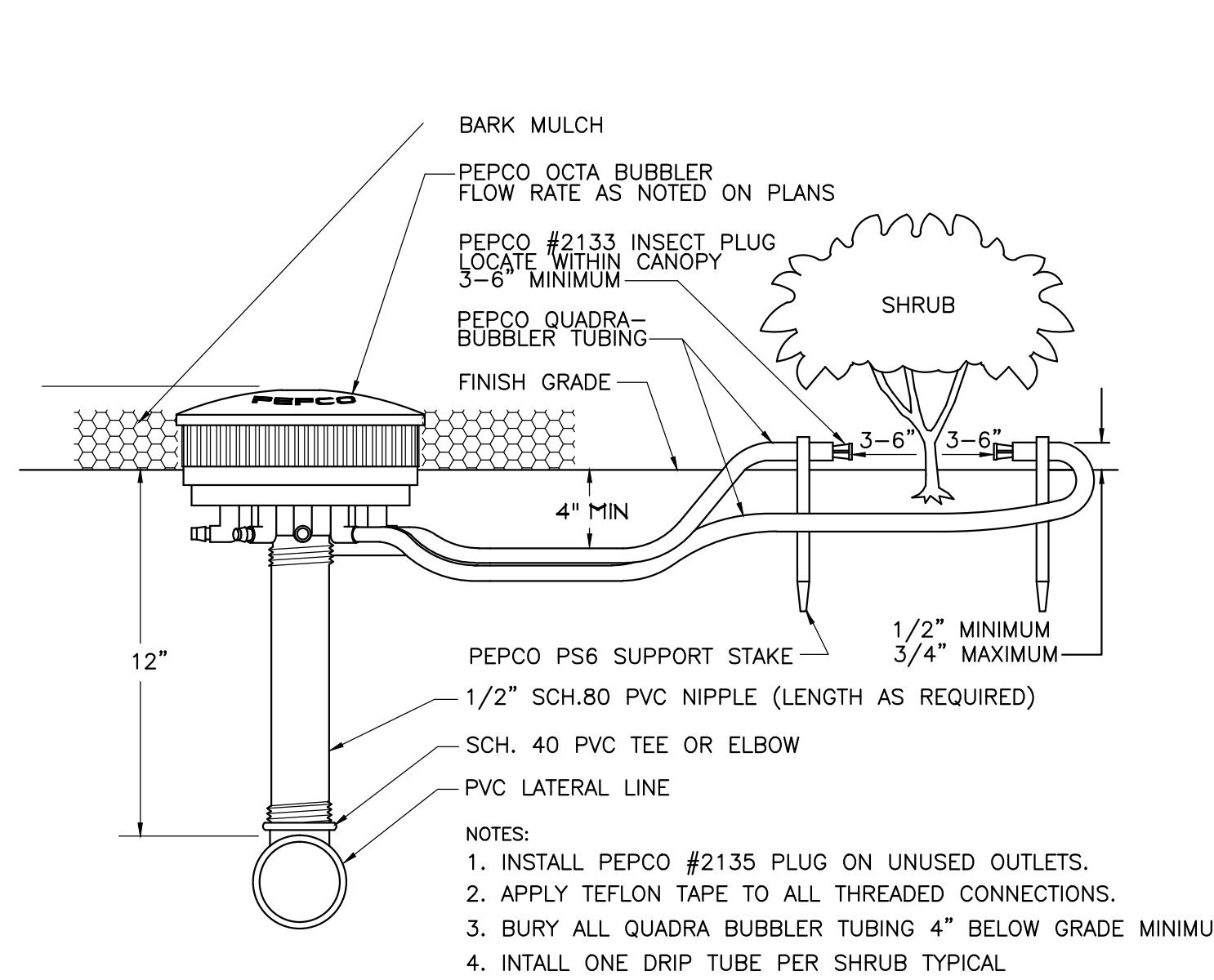


PROJECT NUMBER:	P4894
DRAWN:	MNO
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SCALE:	

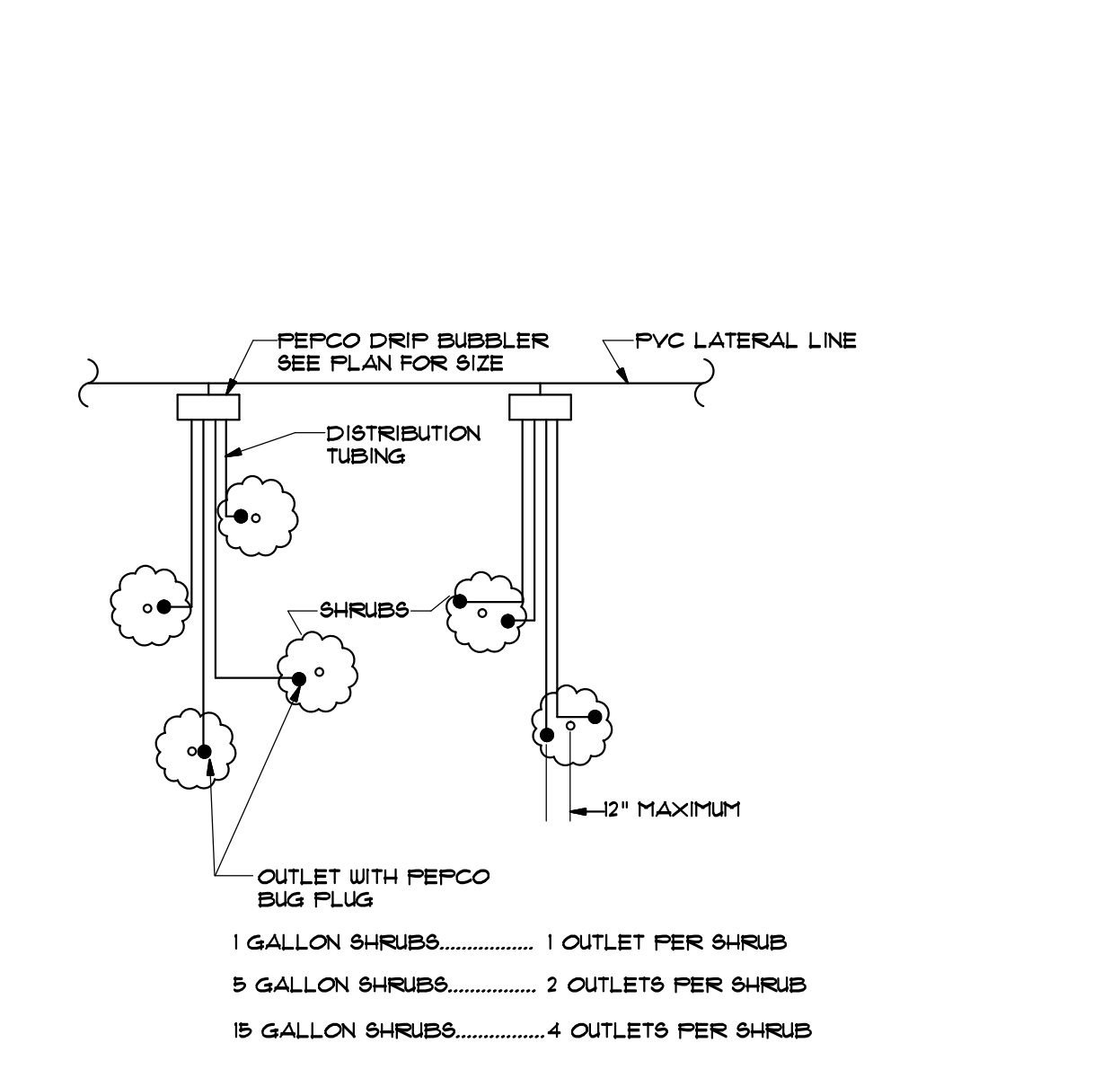


IRRIGATION DETAILS

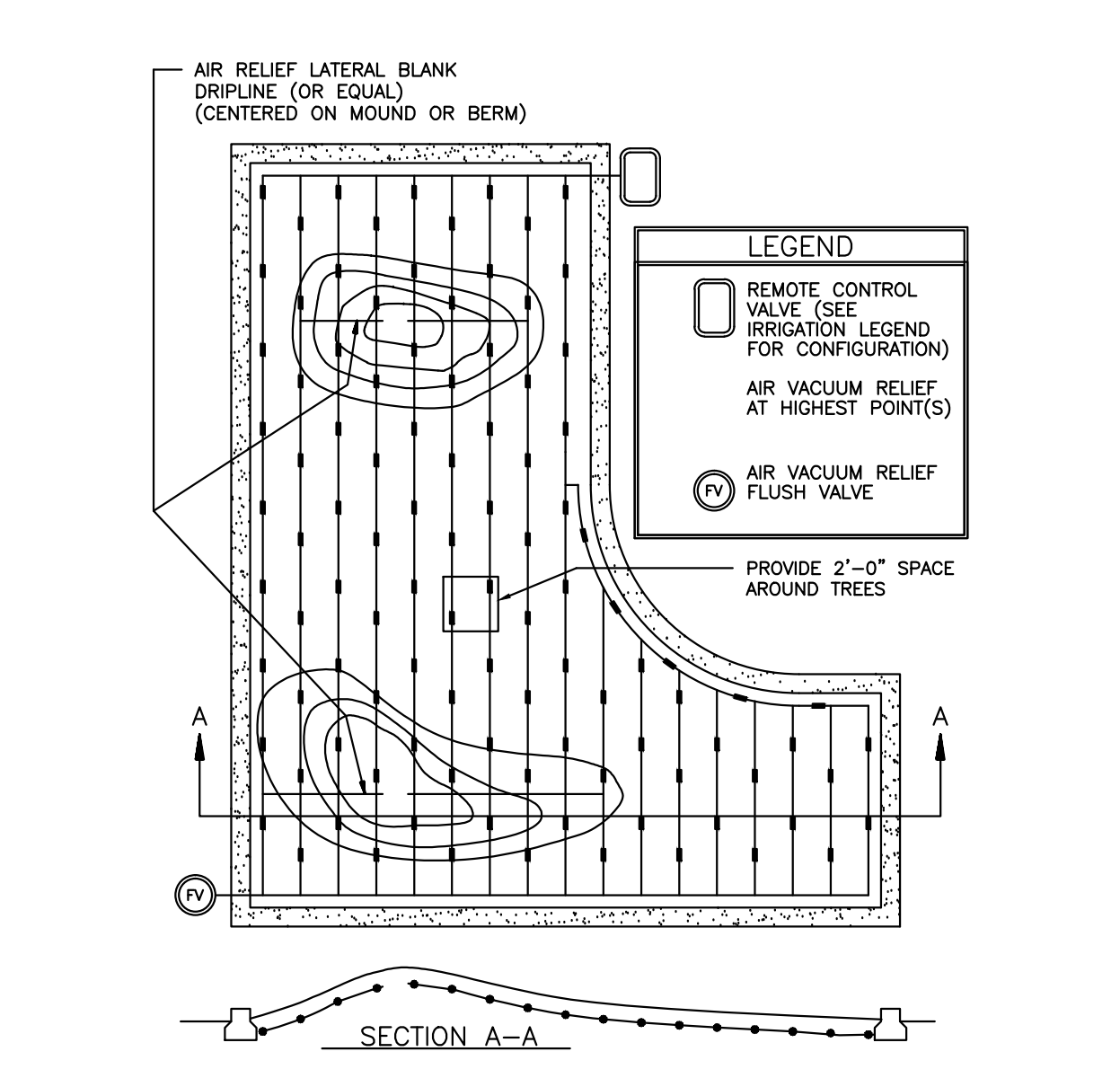
L-10



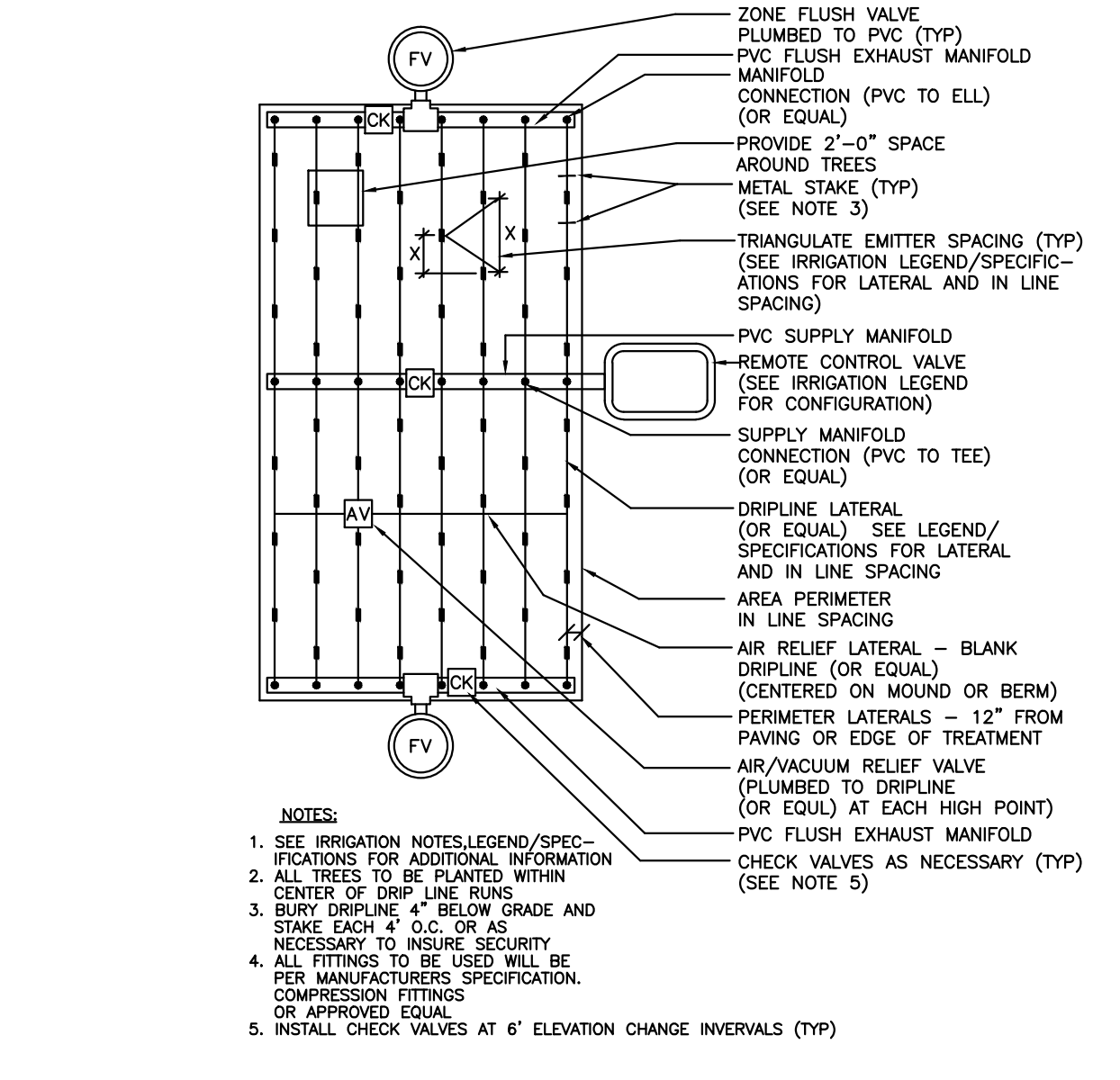
13 OCTA-BUBBLER IN ACCESS BOX DETAIL
 NTS



14 TYPICAL DRIP BUBBLER LAYOUT
 NTS

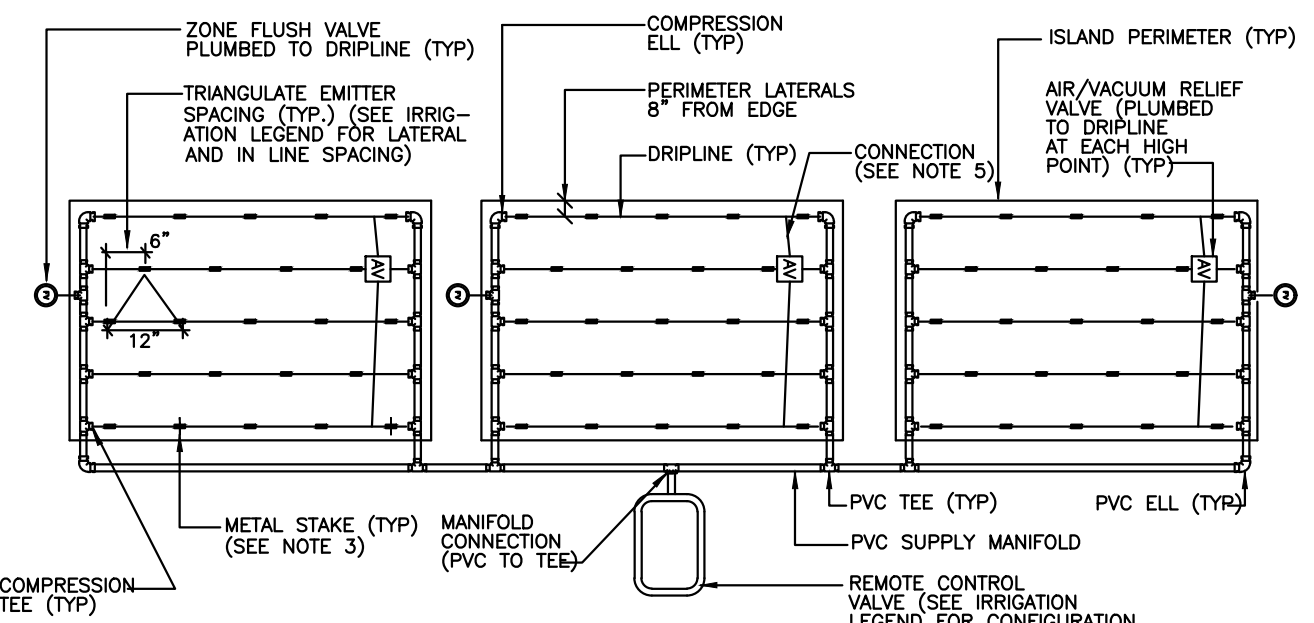


15 TYPICAL DRIP LAYOUT ON MOUNDS
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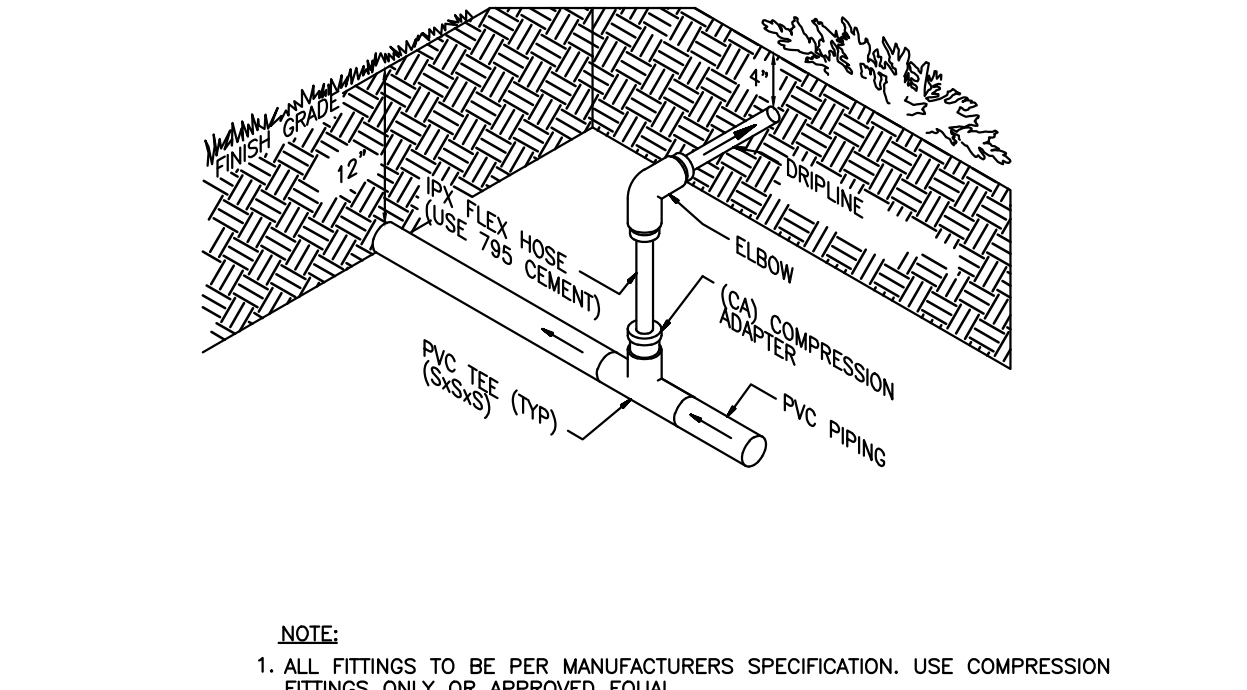


16 TYPICAL CENTER FEED DRIP SYSTEM LAYOUT
 NTS

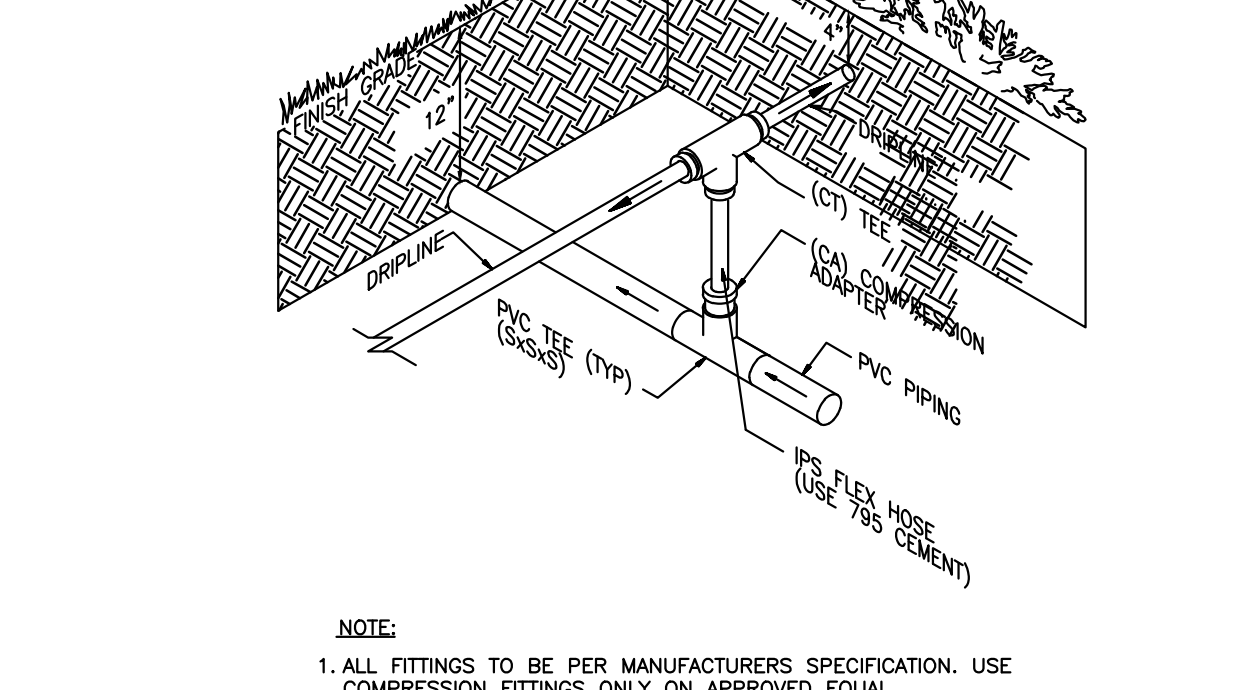
- NOTES:
- SEE IRRIGATION NOTES, LEGEND/SPECIFICATIONS FOR ADDITIONAL INFORMATION.
 - ALL TREES TO BE PLANTED WITHIN CENTER OF DRIP LINE RUNS
 - BURY DRIFLINE 4" BELOW GRADE AND STAKE EACH 36" O.C. LOCATED AT EMITTER AND AS NECESSARY TO INSURE SECURITY.
 - ALL FITTINGS TO BE USED WILL BE PER MANUFACTURERS SPECIFICATION. COMPRESSION FITTINGS OR APPROVED EQUAL.
 - CONNECT WITH BLANK TUBING TO EACH DRIFLINE.



17 MANIFOLD FOR MULTIPLE PLANTERS
 NTS

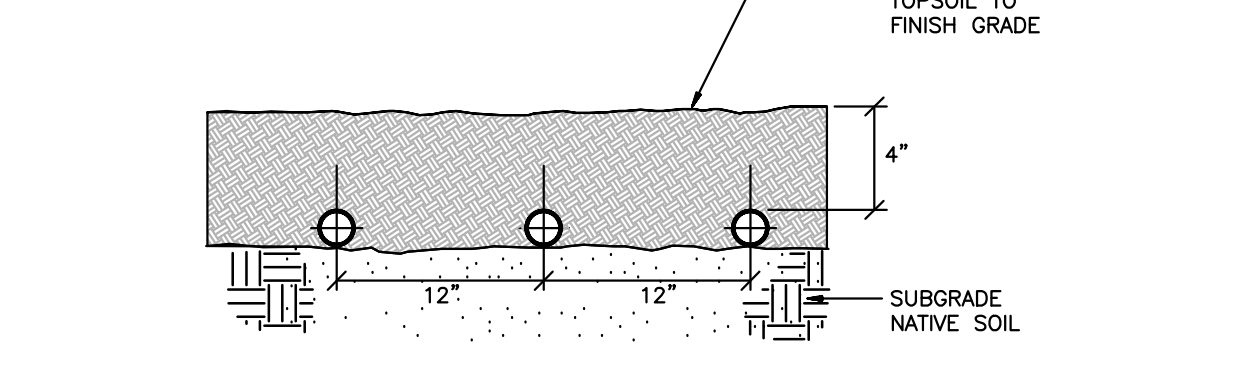


18 DRIFLINE TO PVC INSTALLATION
 NTS

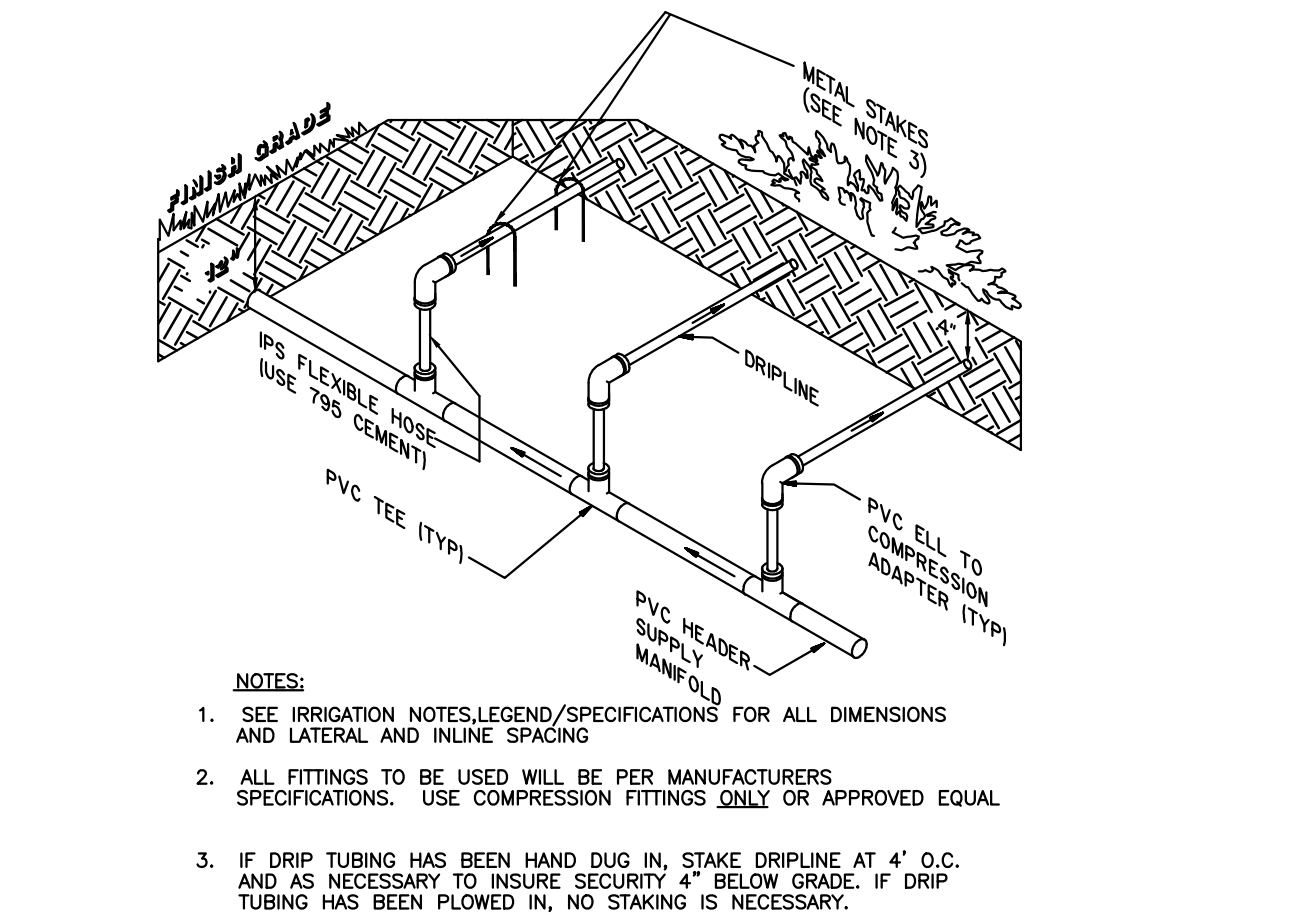


19 DRIFLINE TO PVC INSTALLATION
 NTS

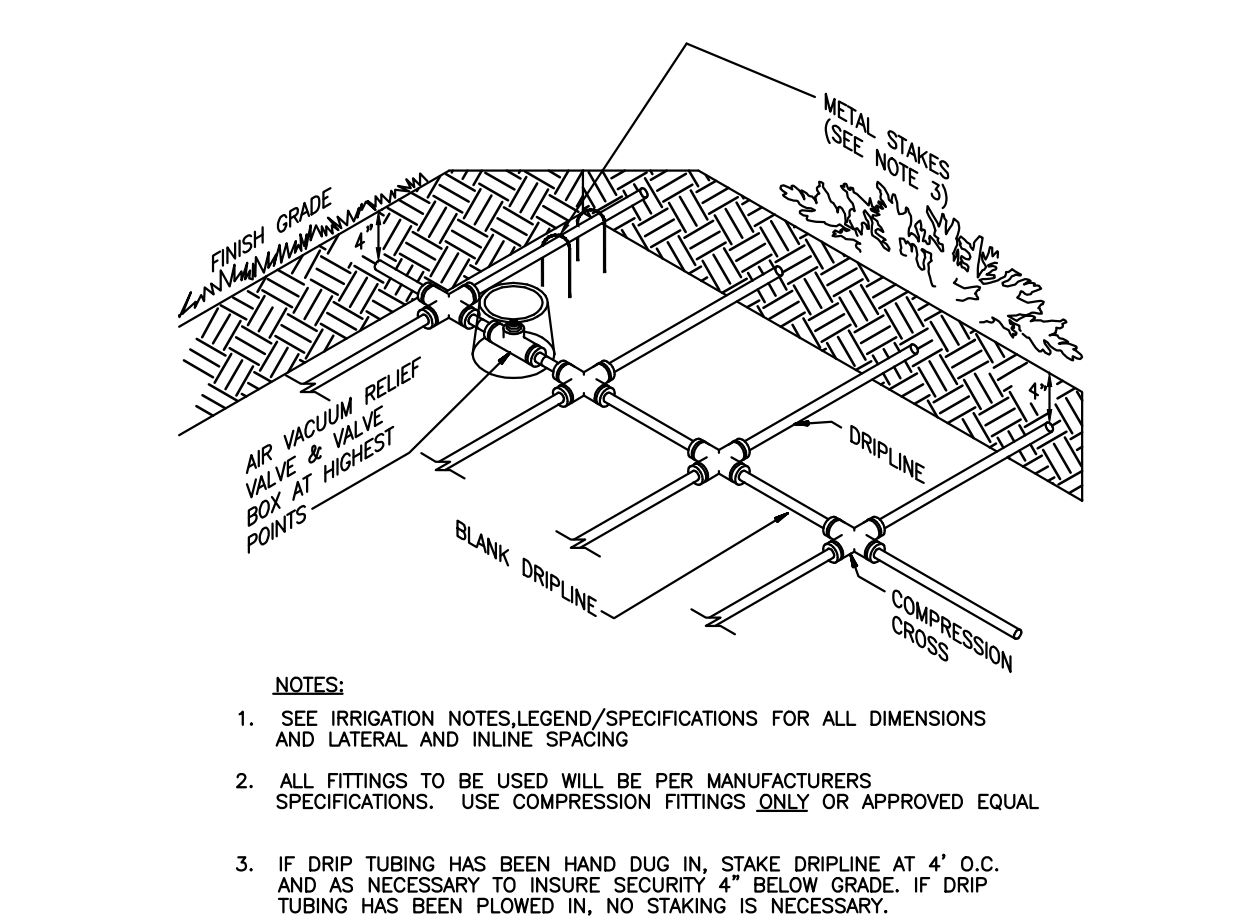
- SUBSURFACE IRRIGATION INSTALLATION NOTES:
- ASSEMBLE AND INSTALL FILTER, REMOTES CONTROL VALVE AND PRESSURE REGULATING VALVE ASSEMBLIES ACCORDING TO DETAILS.
 - ASSEMBLE AND INSTALL SUPPLY HEADERS ACCORDING TO DETAIL. TAPE OR PLUG OPEN CONNECTIONS TO PREVENT DEBRIS CONTAMINATION.
 - ASSEMBLE AND INSTALL EXHAUST HEADERS IN ACCORDANCE WITH DETAILS. TAPE OR PLUG ALL OPEN CONNECTIONS TO PREVENT DEBRIS CONTAMINATION.
 - INSTALL DRIP LATERALS, TAPE OR PLUG OPEN ENDS WHILE INSTALLING TO PREVENT DEBRIS CONTAMINATION.
 - INSTALL AIR VACUUM RELIEF VALVES AT HIGHEST POINTS OF THE IRRIGATION ZONES IN ACCORDANCE WITH DETAILS.
 - THOROUGHLY FLUSH DRIFLINE LATERALS AND CONNECT TO EXHAUST HEADERS OR INTERCONNECTING LATERALS WHILE FLUSHING.
 - THOROUGHLY FLUSH EXHAUST HEADERS AND INSTALL LINE FLUSHING VALVES ACCORDING TO DETAILS.
 - THOROUGH FLUSHING OF EACH INSTALLATION SEGMENT IS NECESSARY TO ENSURE THAT NO DEBRIS CONTAMINATION OCCURS.
 - LOCATE AND INSTALL CHECK VALVE(S) AS NEEDED AND AS SHOWN IN INSTALLATION DETAILS.



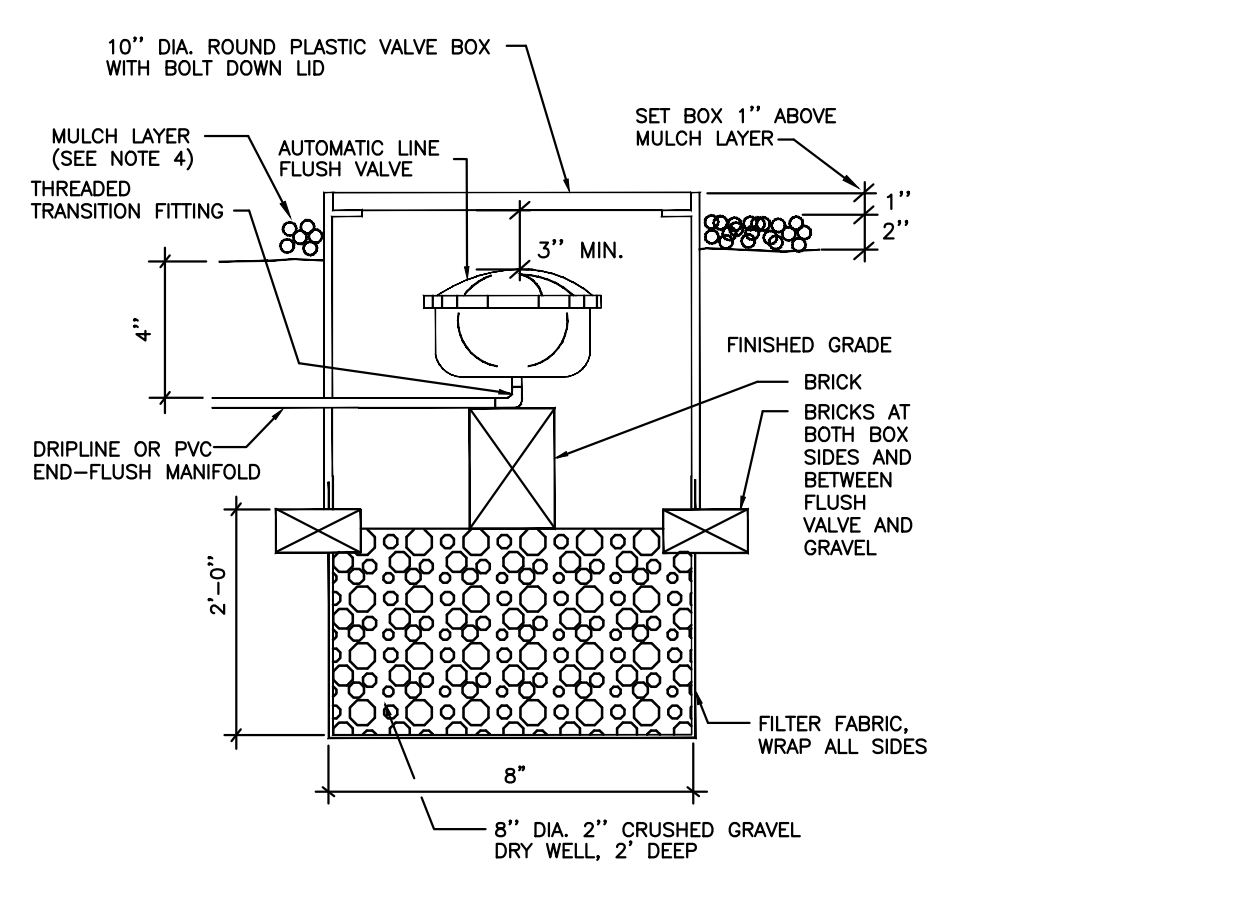
20 TYPICAL DRIFLINE SUBGRADE INSTALLATION
 NTS



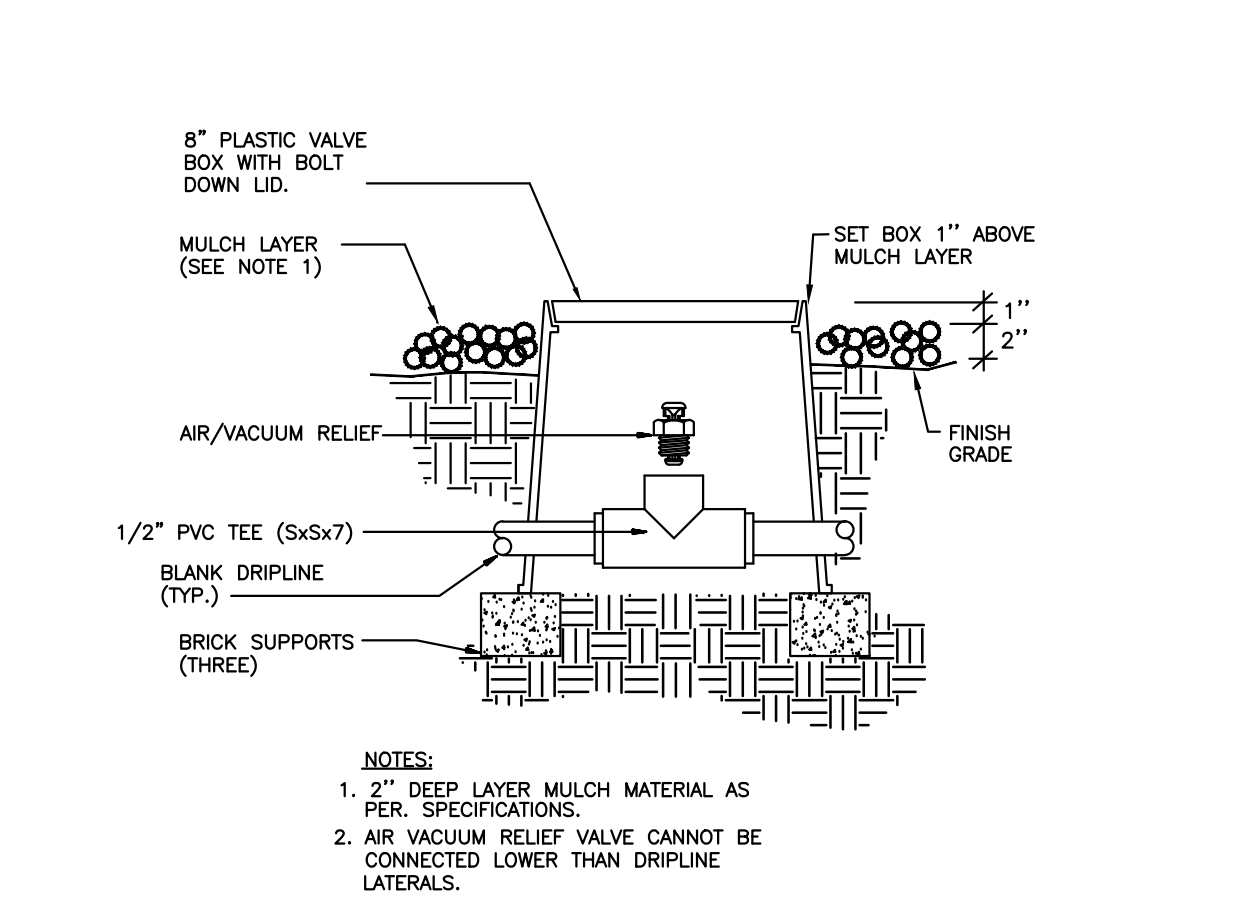
21 DRIFLINE TO PVC HEADER INSTALLATION
 NTS



22 AIR VACUUM RELIEF VALVE LOCATION
 NTS

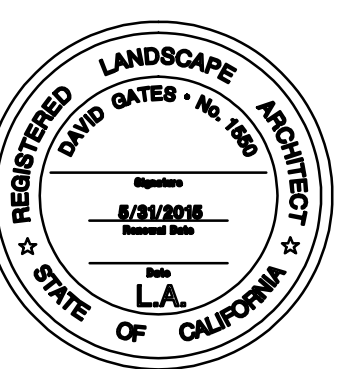


23 FLUSH VALVE FOR SUB SURFACE TUBING
 NTS

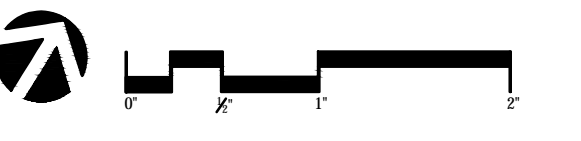


24 AIR/VACUUM RELIEF VALVE
 NTS

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 DRAWN: MNO
 CHECK: DG
 DATE: 05/27/2014
 SCALE:



IRRIGATION DETAILS



PLAN 2
(STANDARD)
CRAFTSMAN
1938 SQ. FT.

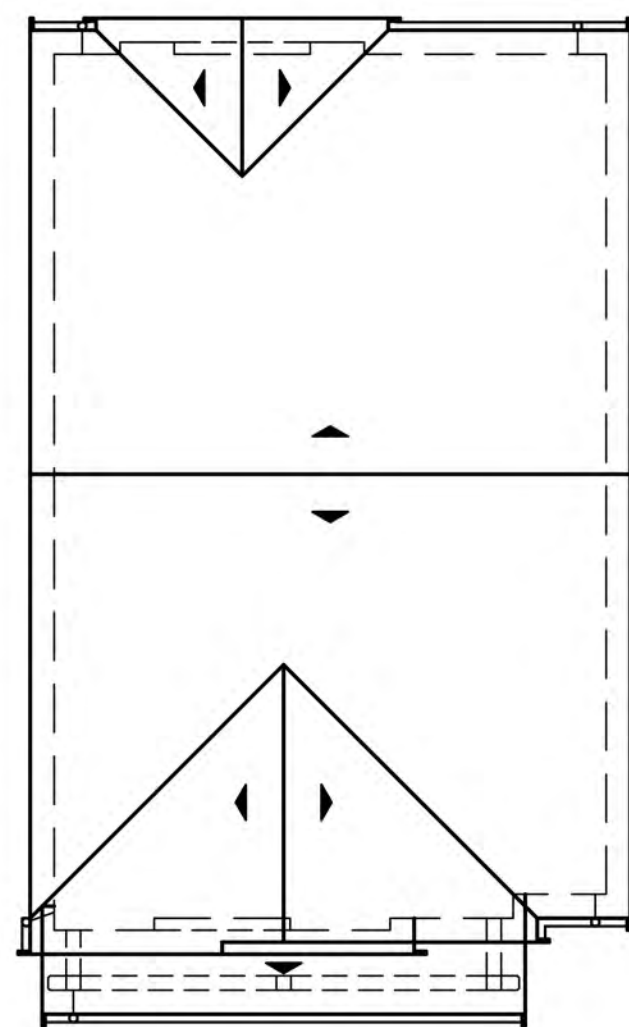
PLAN 1
(REVERSE)
MONTEREY
1891 SQ. FT.

PLAN 3
(STANDARD)
CAPE COD
2043 SQ. FT.

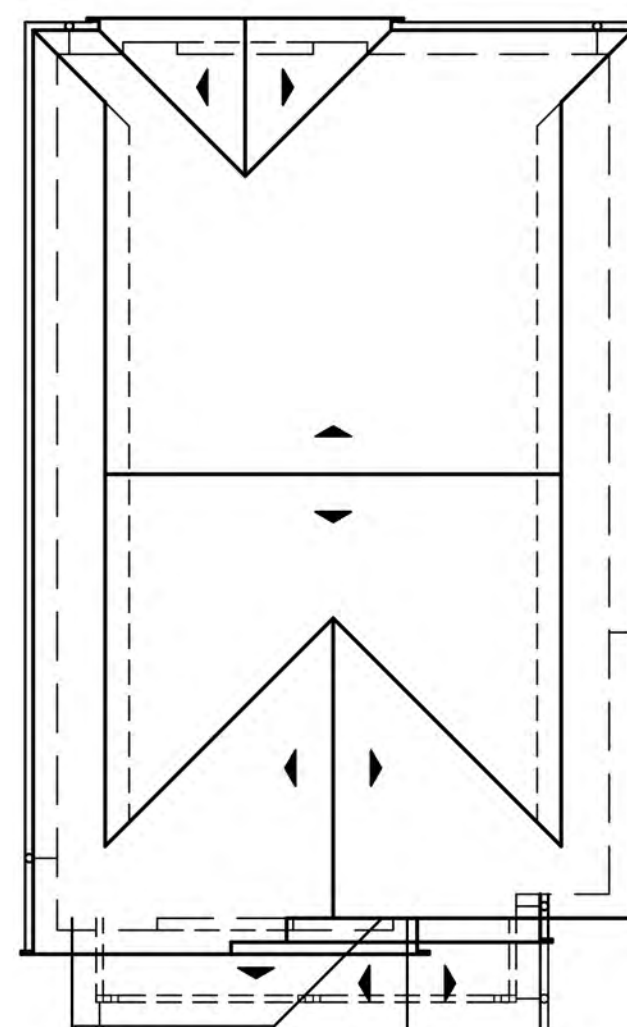
PLAN 2 (MULTI-FAMILY DUET)
(REVERSE)
MONTEREY
1938 SQ. FT.

PLAN 3 (MULTI-FAMILY DUET)
(STANDARD)
MONTEREY
2043 SQ. FT.

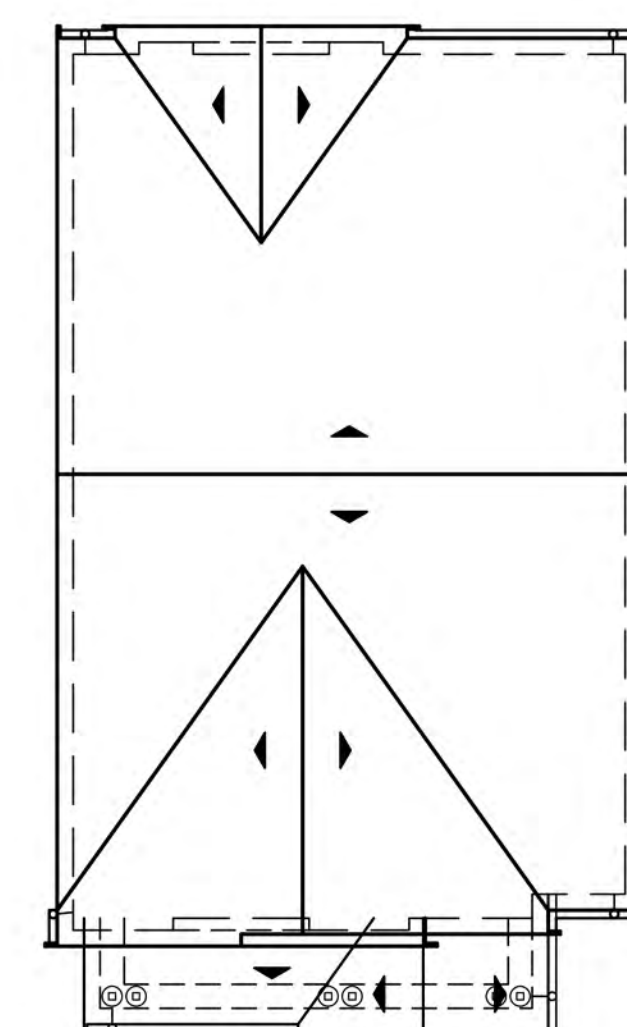
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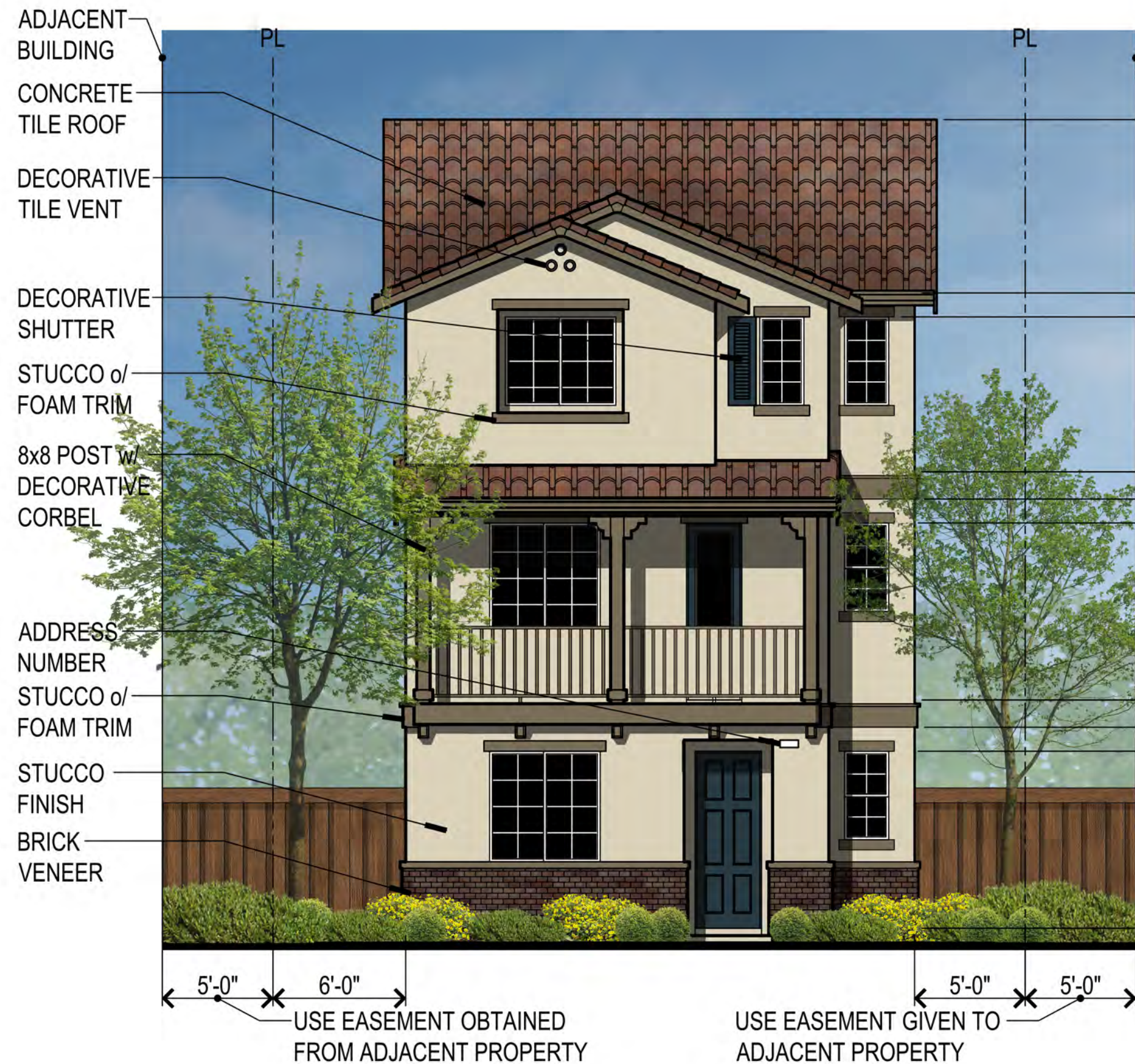
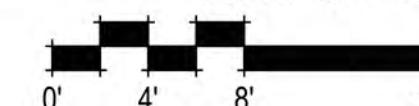
ROOF PLAN 'C'
SCALE: 1/8" = 1'-0"



ROOF PLAN 'B'
SCALE: 1/8" = 1'-0"



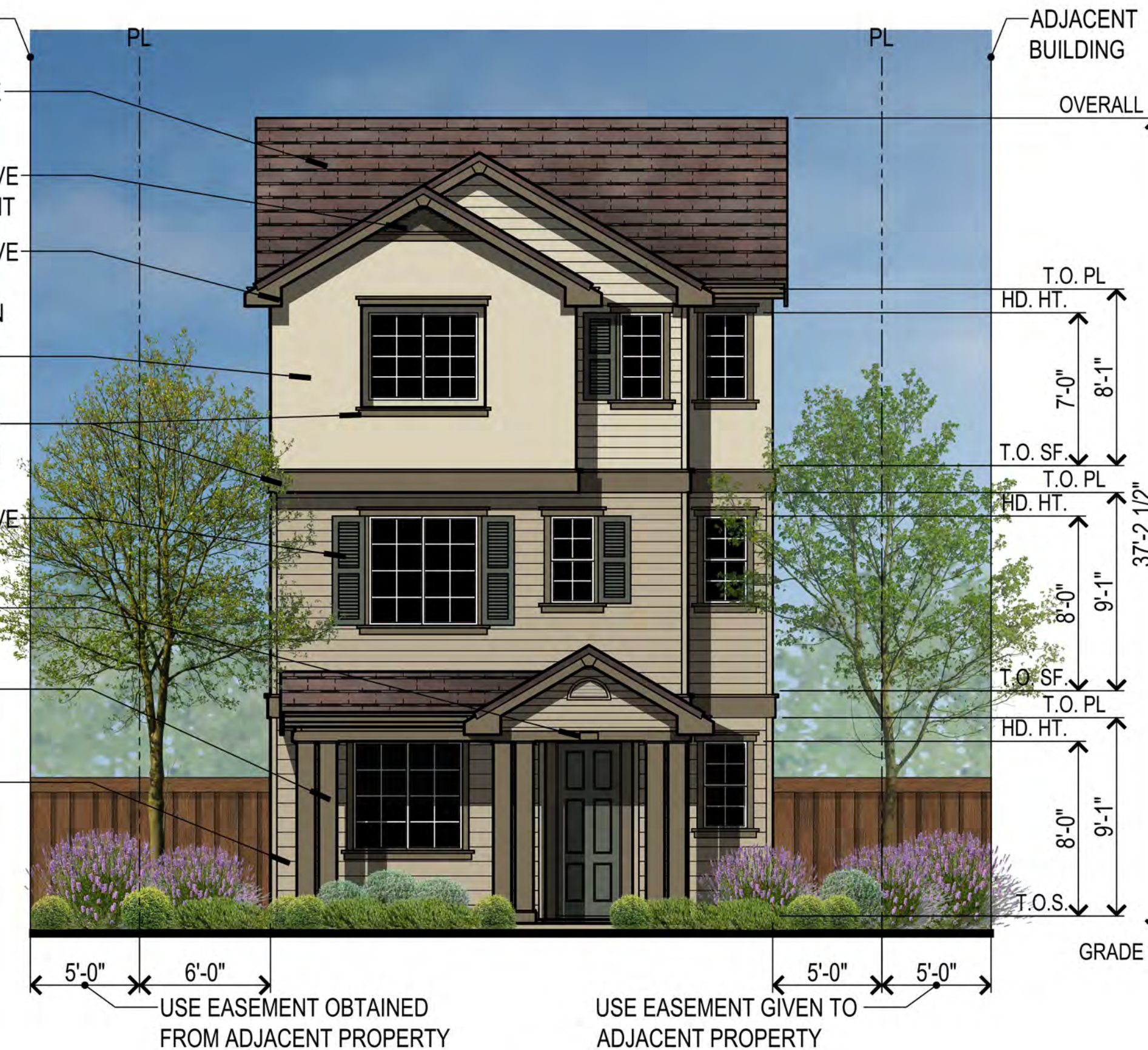
ROOF PLAN 'A'
SCALE: 1/8" = 1'-0"



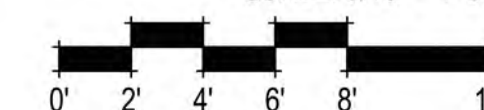
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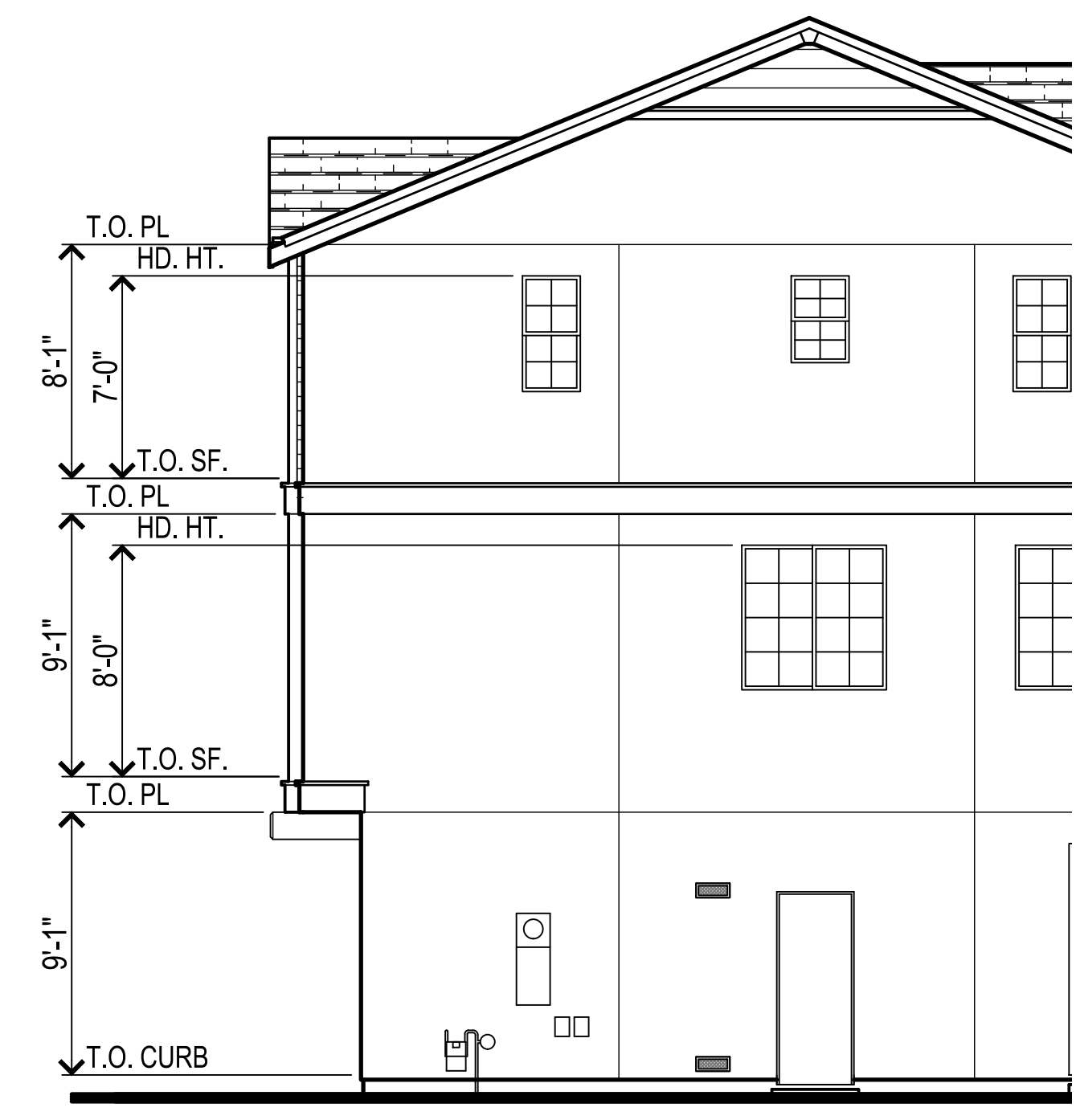


CRAFTSMAN 'B'
SCALE: 3/16" = 1'-0"

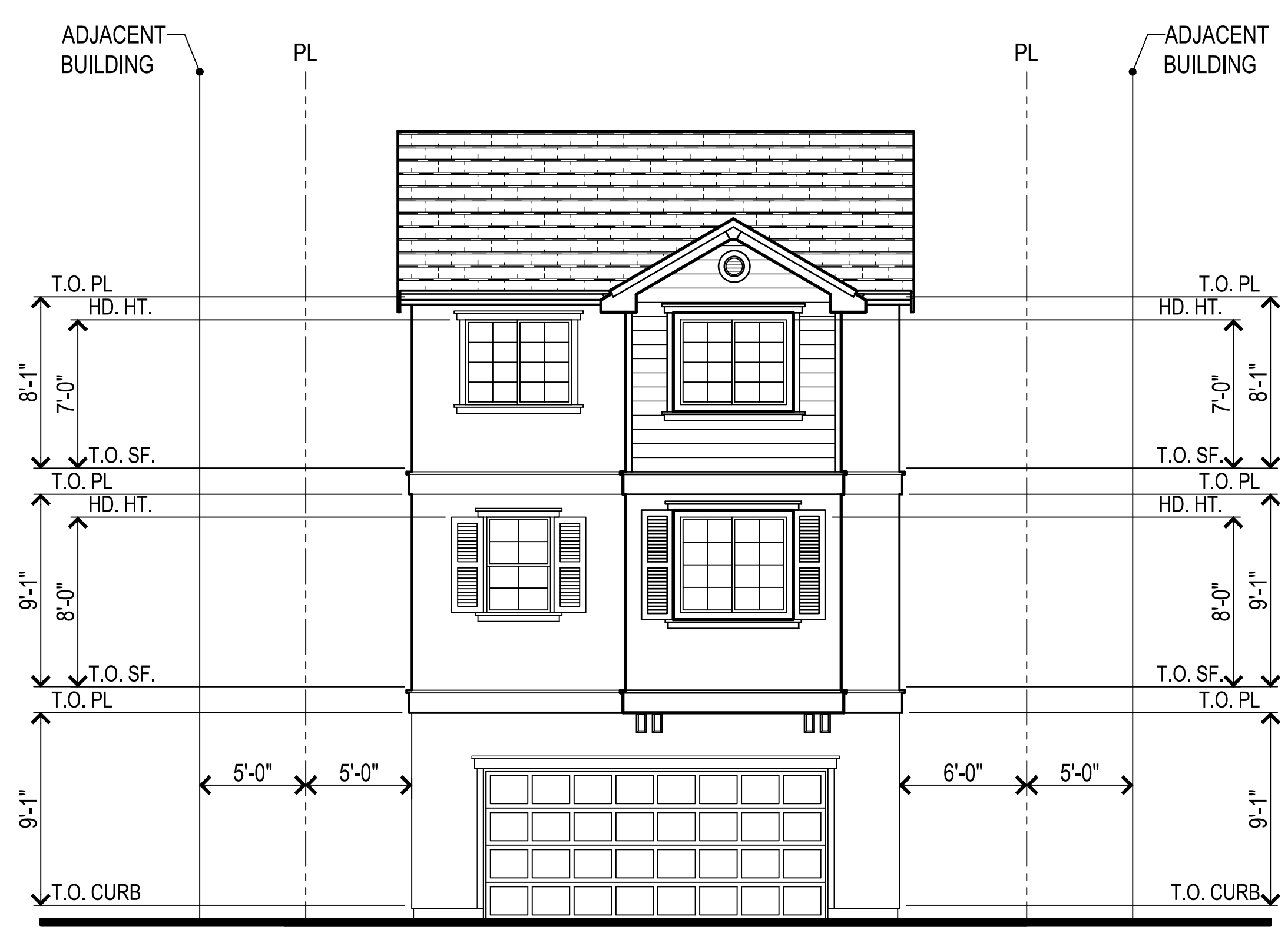


CAPE COD 'A'
SCALE: 3/16" = 1'-0"

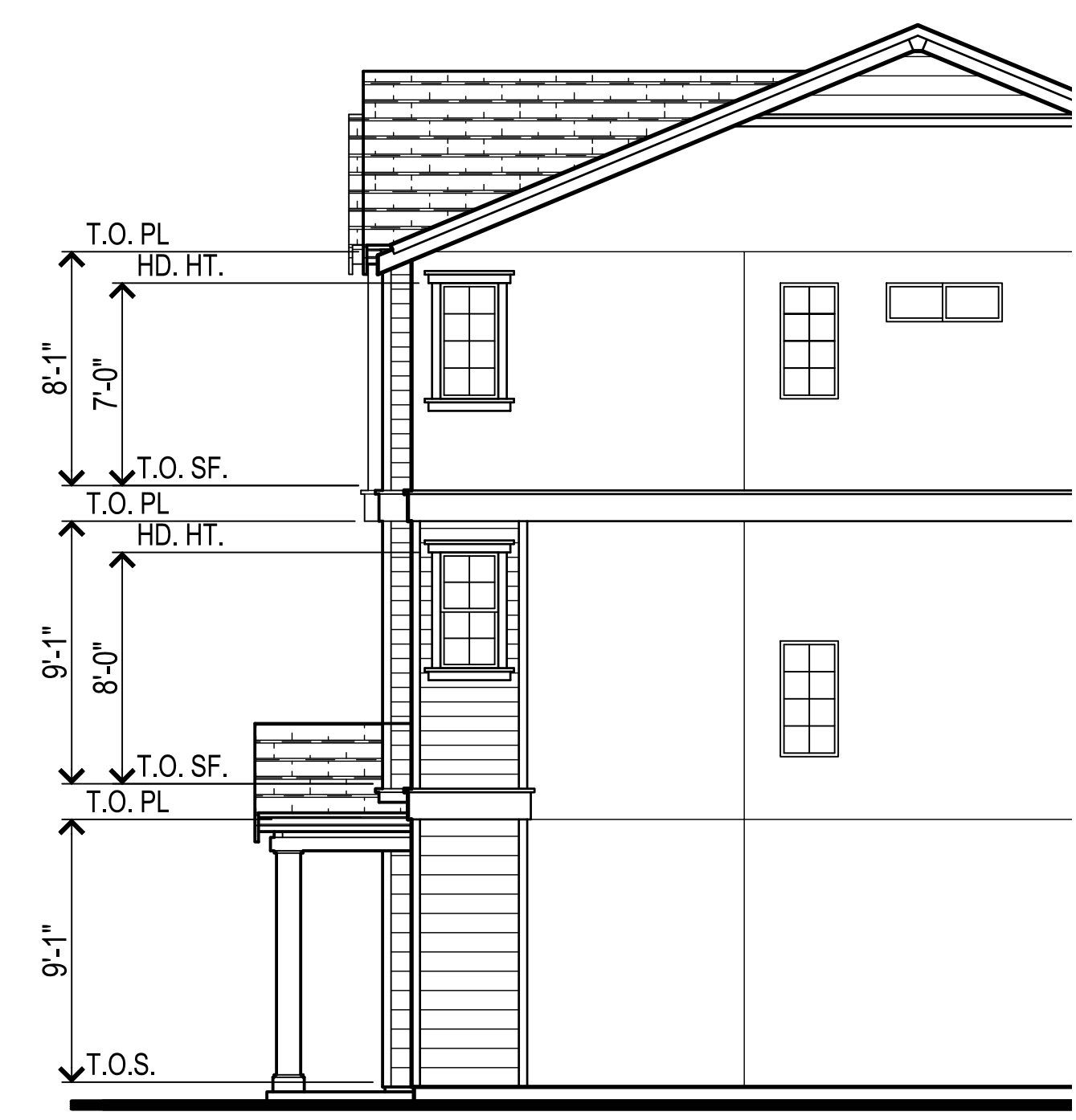




LEF



CAPE COD 'A'
REAR ELEVATION
SCALE: 3/16" = 1'-0"

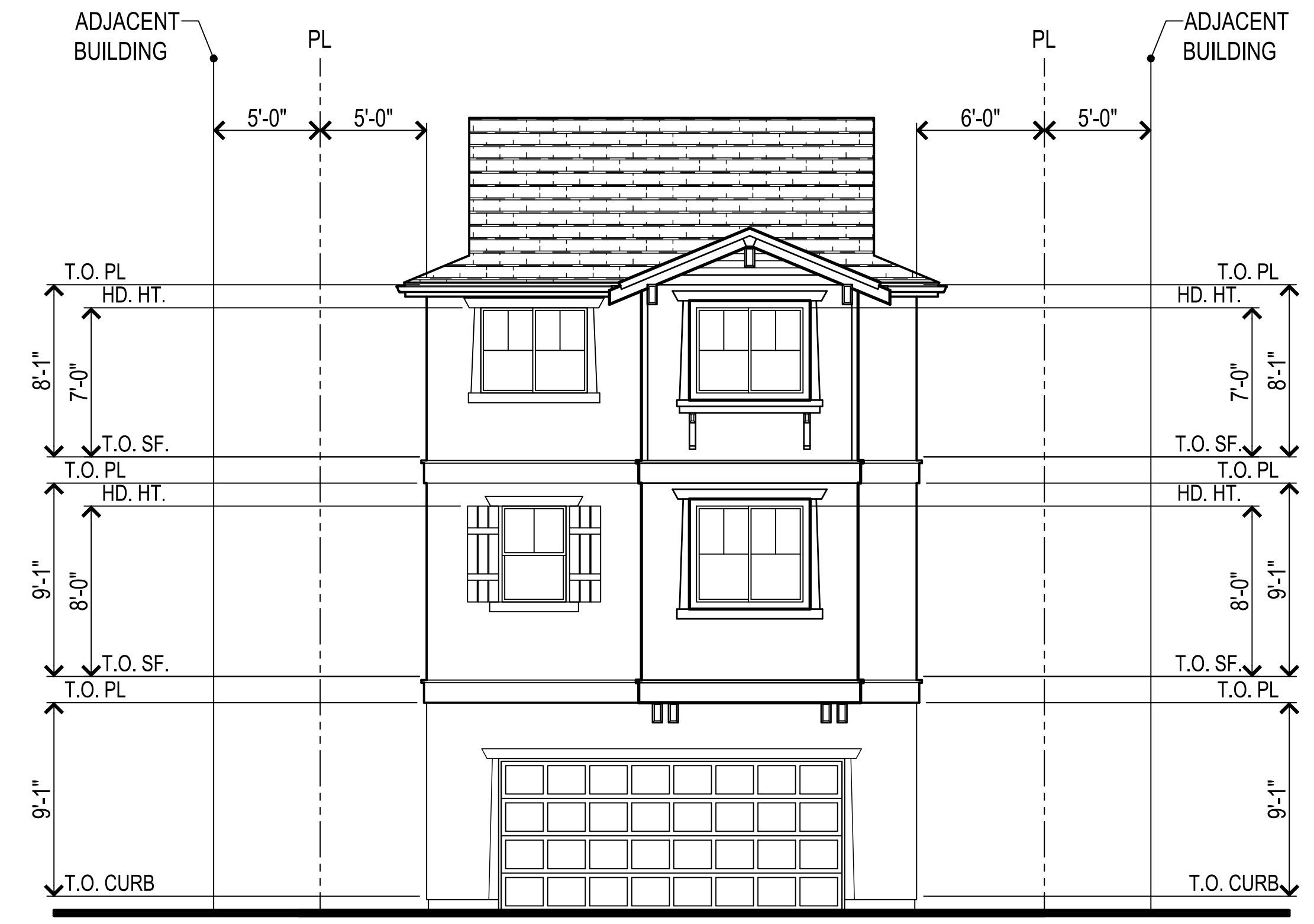


RIGH

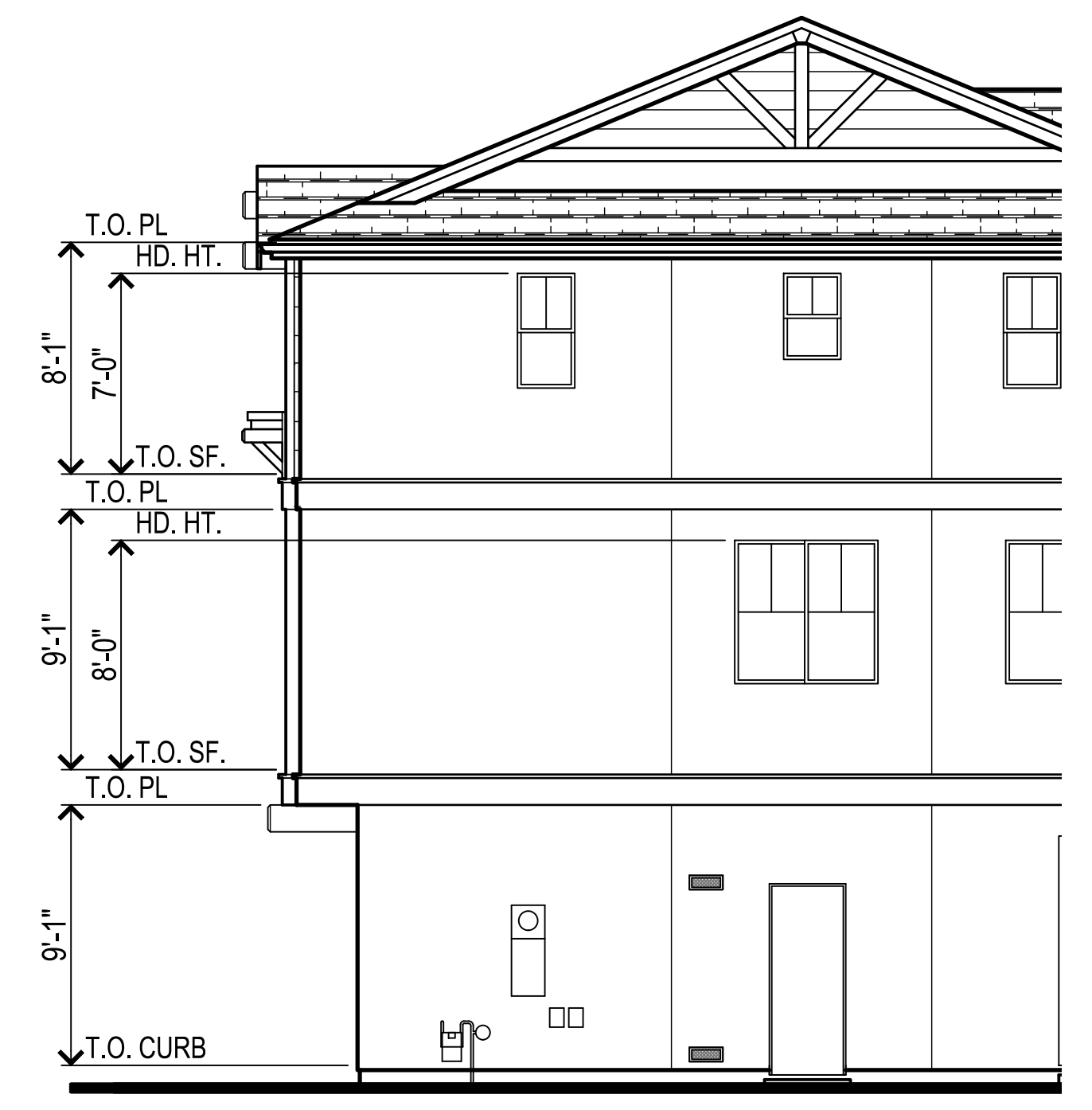
PLAN 1 'A' ELEVATION

Amaral
City of Hayward
Mar 7, 2016

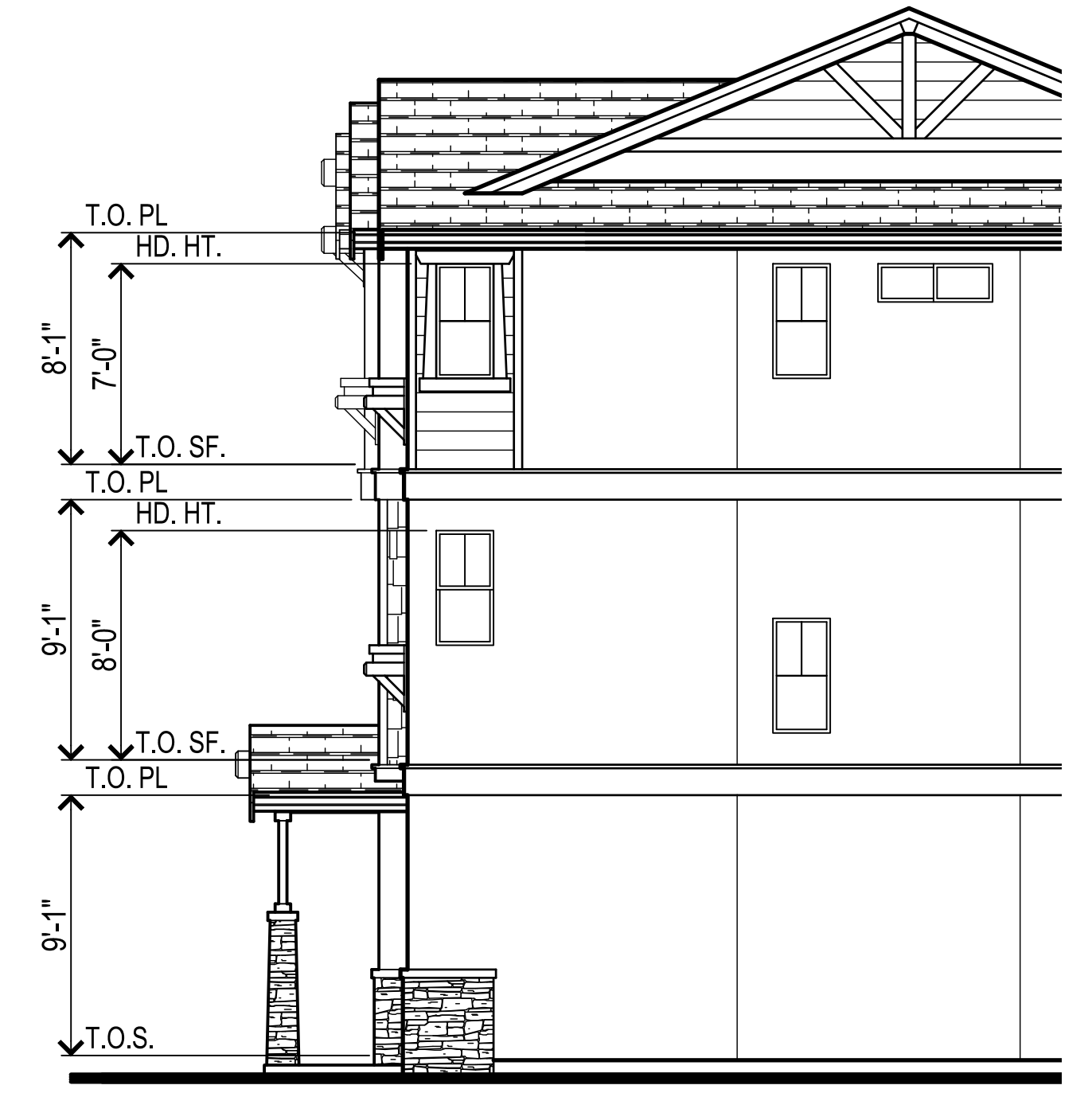
KB Home
5000 Executive Parkway, San Ramon, Ca 94583
925.983.4500



CRAFTSMAN 'B'
REAR ELEVATION
 SCALE: 3/16" = 1'-0"



C
LEF

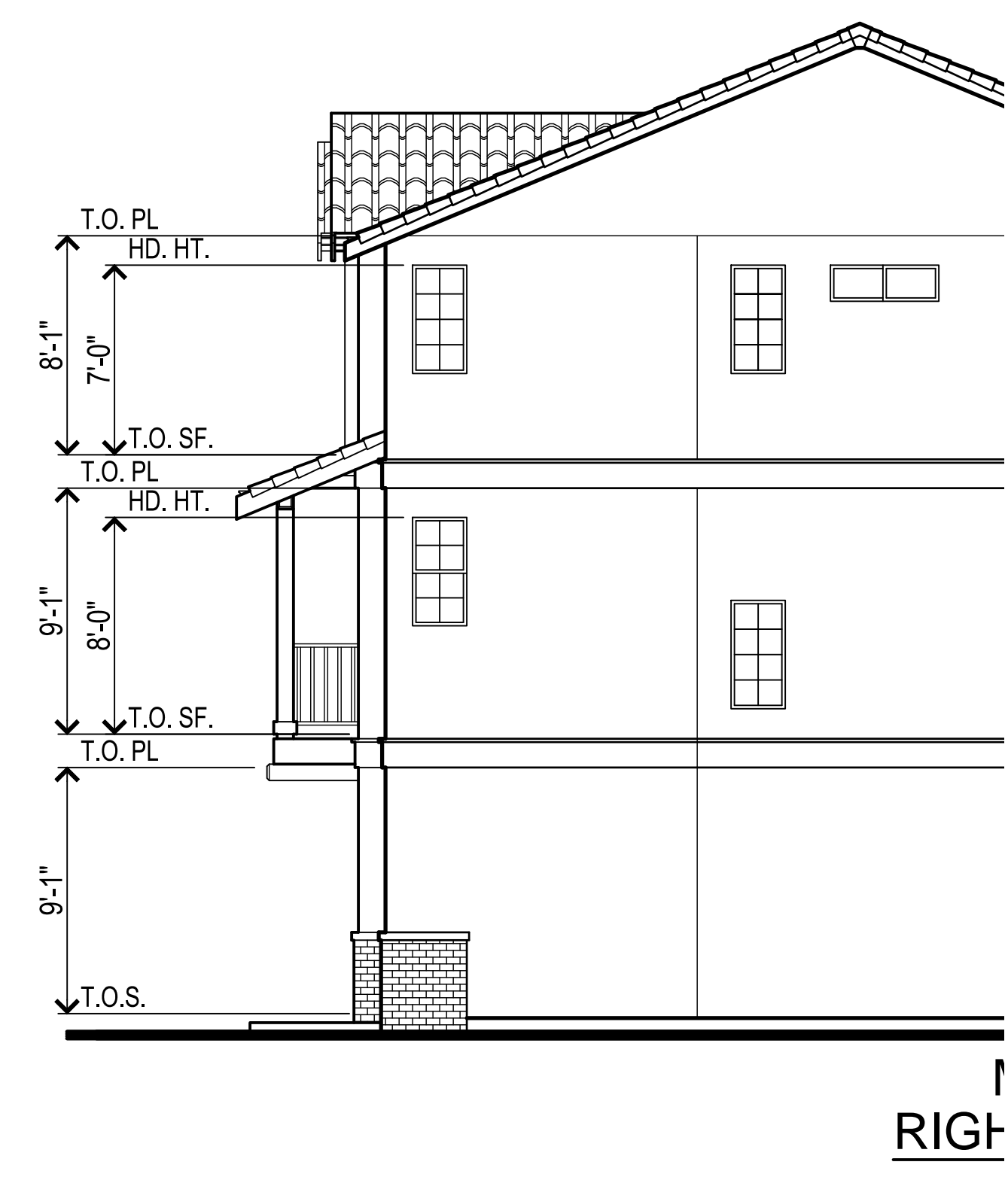
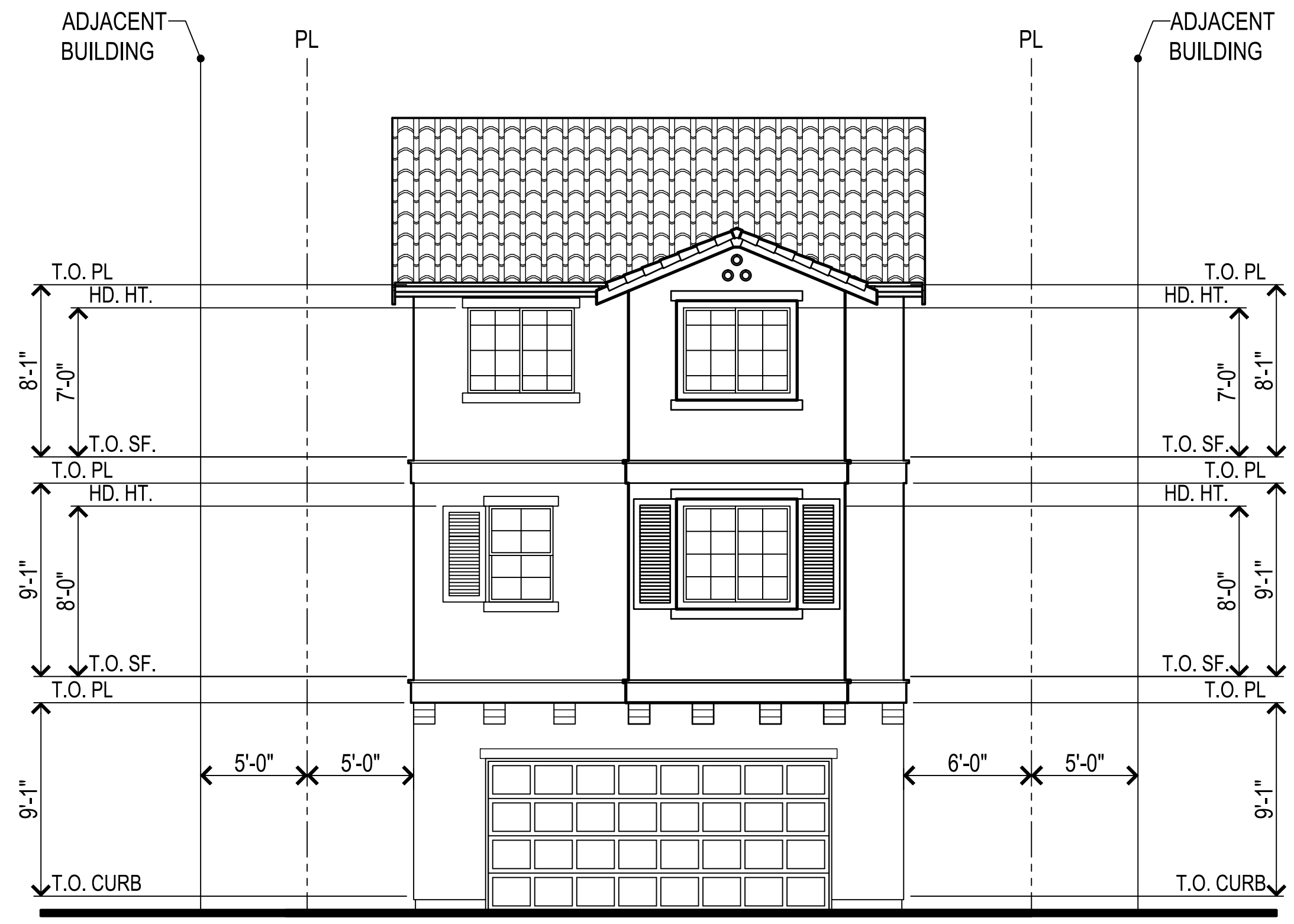
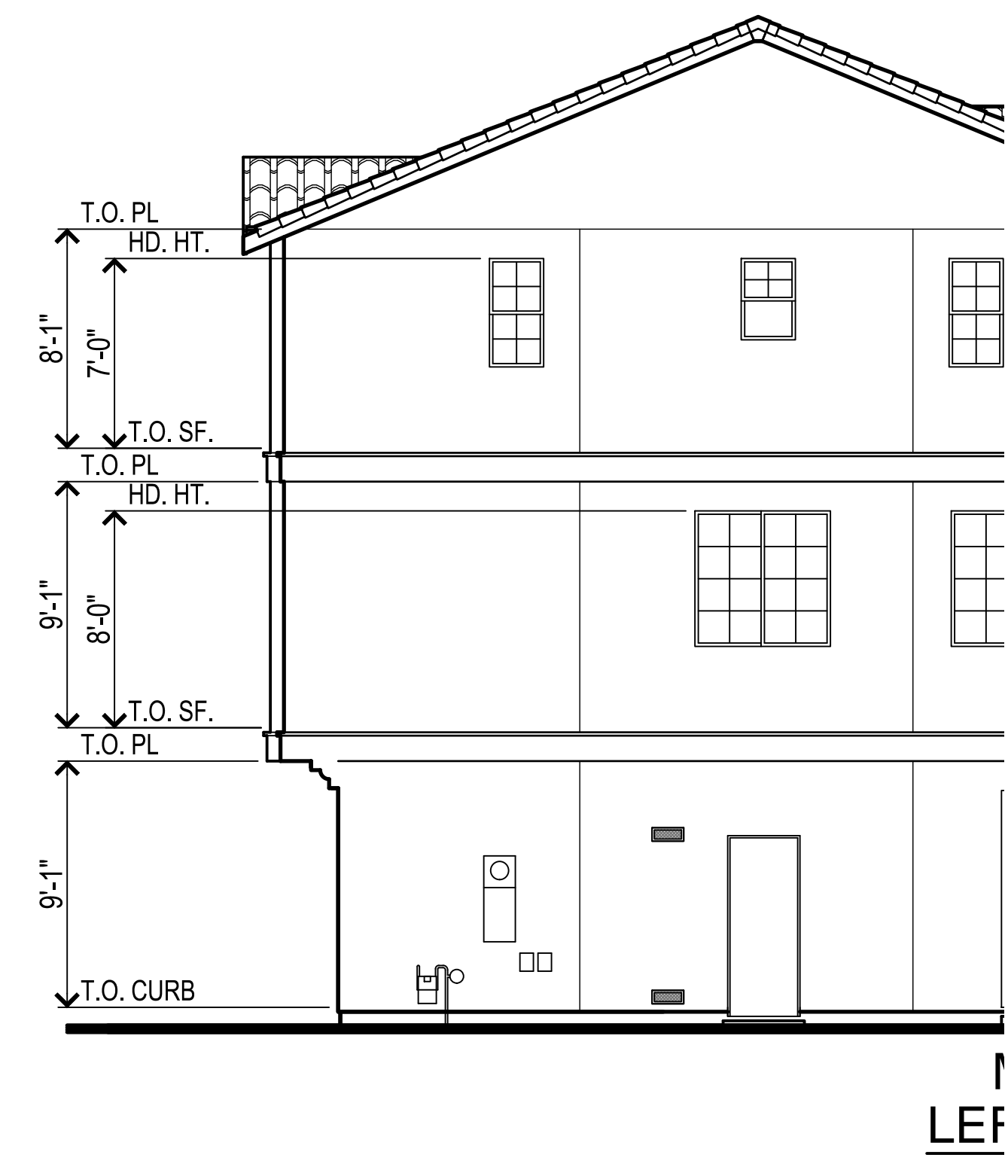


C
RIGH

PLAN 1 'B' ELEVATION

Amaral
 City of Hayward
 Mar 7, 2016

KB Home
 5000 Executive Parkway, San Ramon, Ca 94583
 925.983.4500

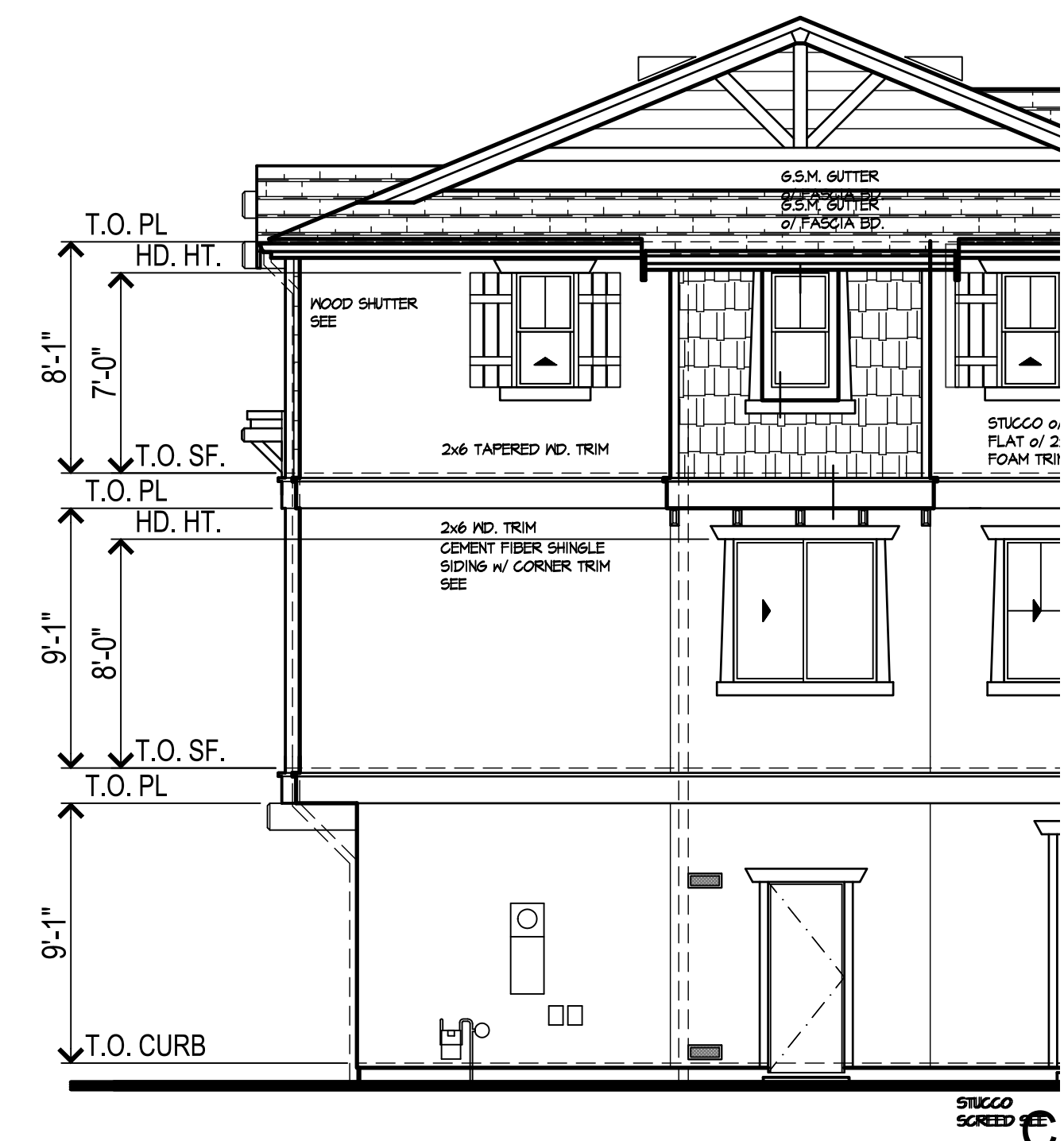


MONTEREY 'C'
REAR ELEVATION
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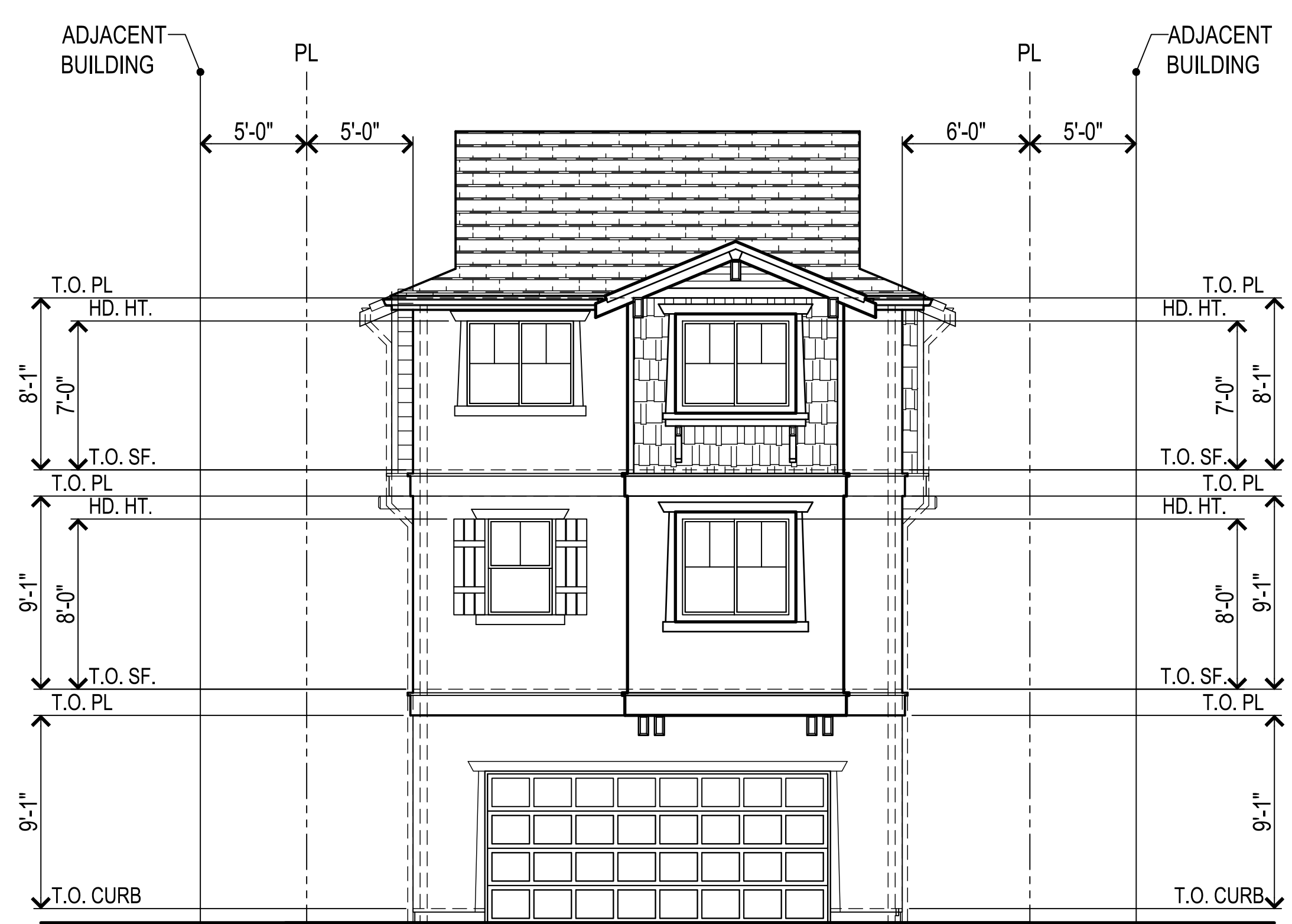
PLAN 1 'C' ELEVATION

Amaral
City of Hayward
Mar 7, 2016

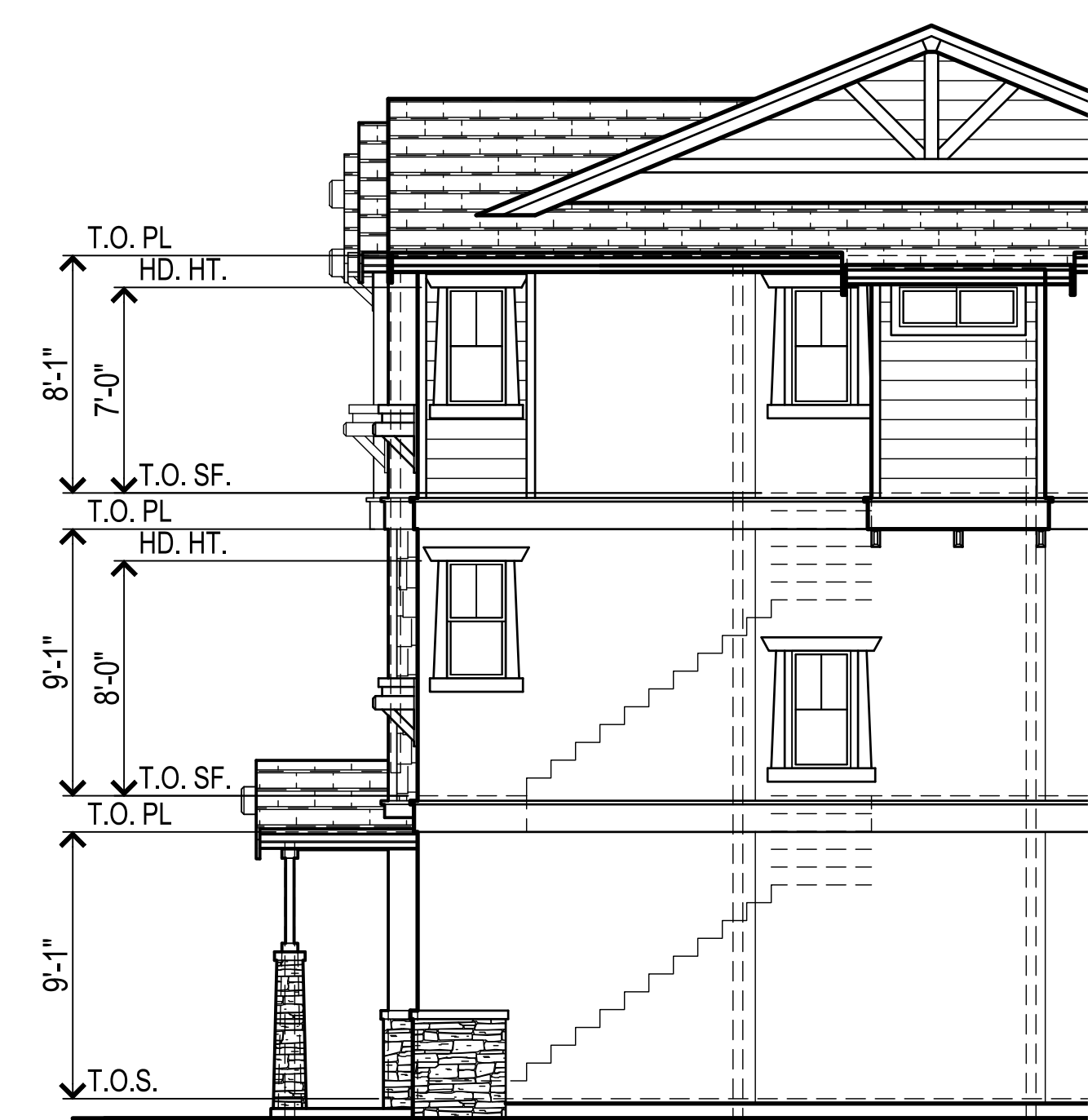
KB Home
5000 Executive Parkway, San Ramon, Ca 94583
925.983.4500



ENHANCED LEFT



CRAFTSMAN 'B'
ENHANCED REAR ELEVATION
SCALE: 3/16" = 1'-0"

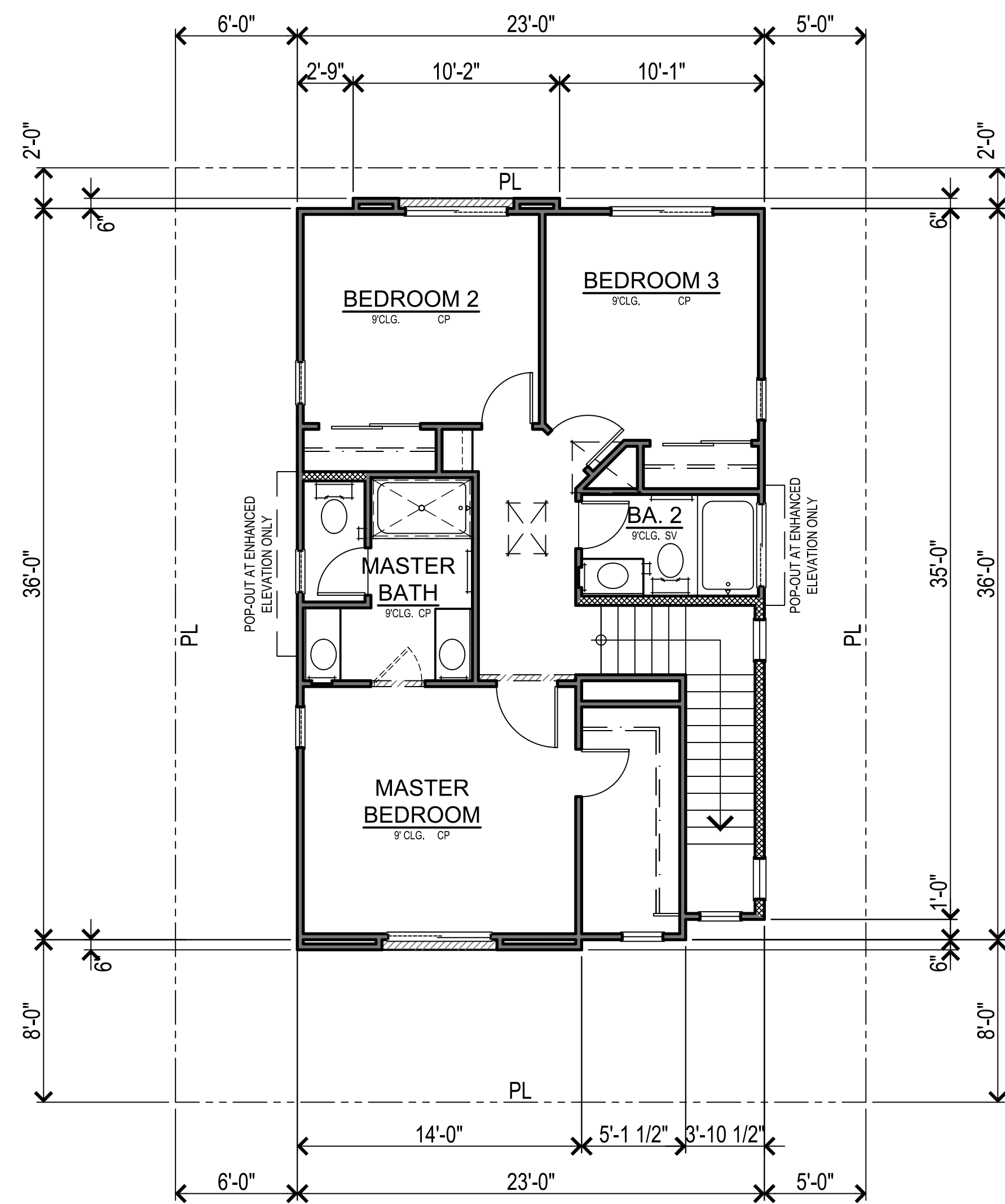


C
ENHANCED RIGHT

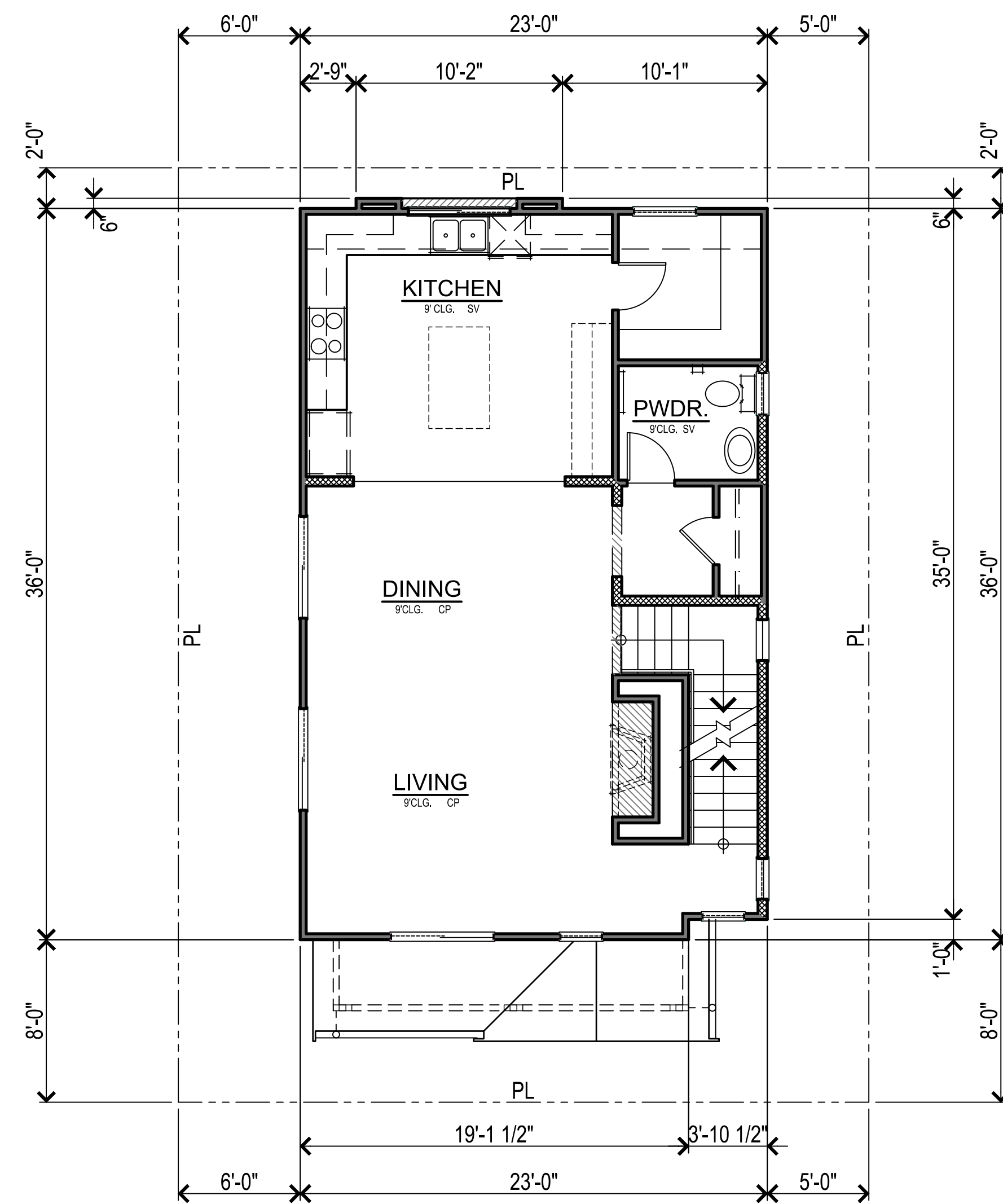
PLAN 1 'B' ENI

Amaral
City of Hayward
Mar 7, 2016

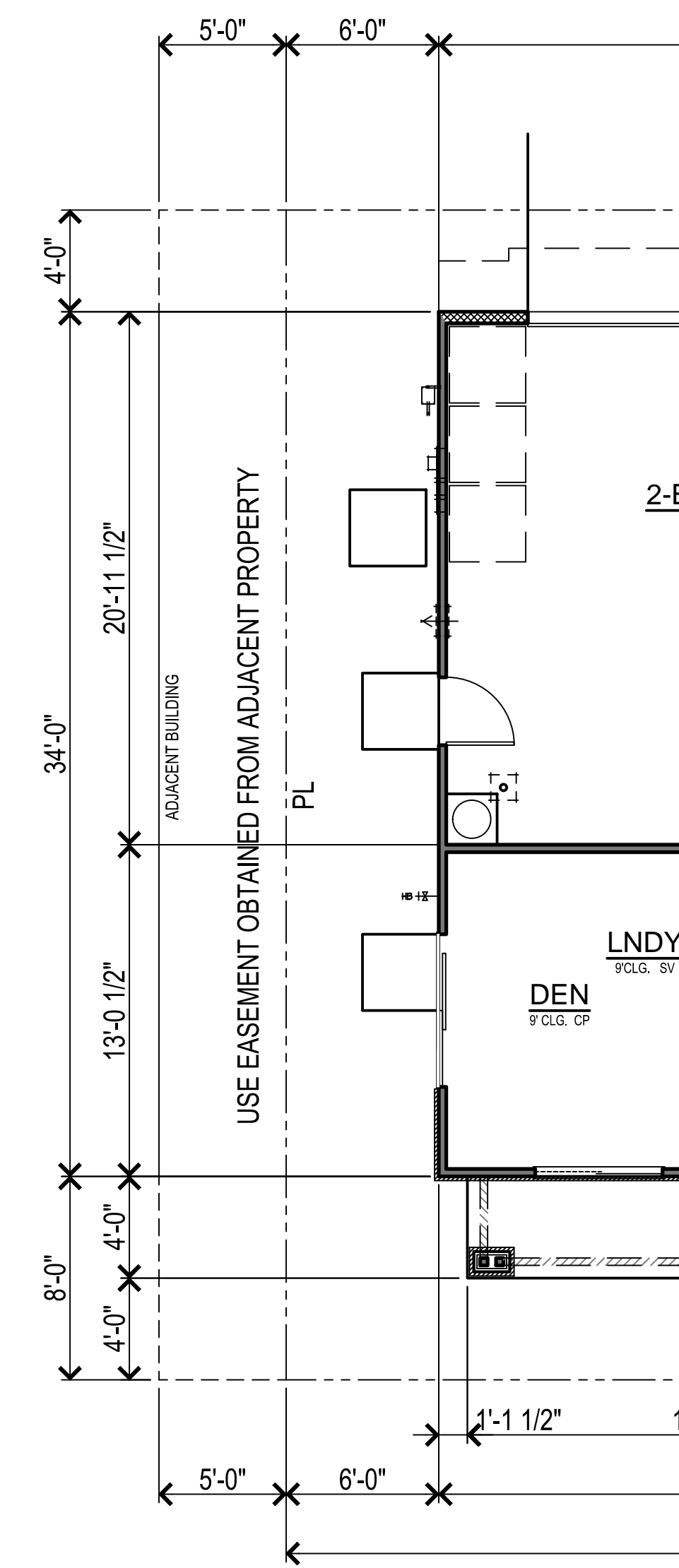
KB Home
5000 Executive Parkway, San Ramon, Ca 94583
925.983.4500



CRAFTSMAN 'B'
THIRD FLOOR PLAN
SCALE: 3/16" = 1'-0"

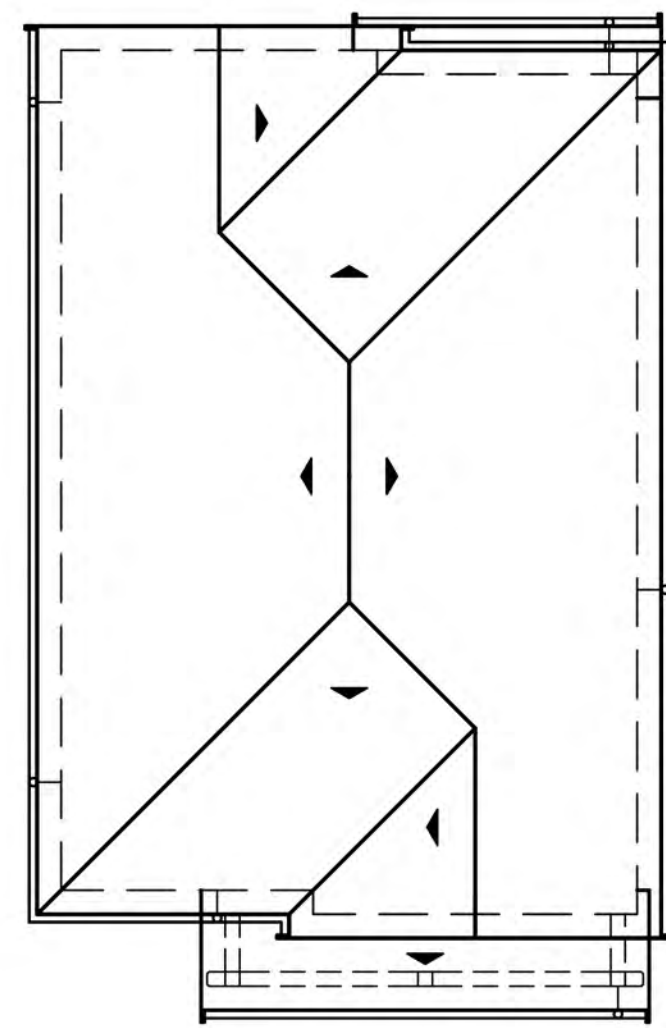


CRAFTSMAN 'B'
SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"

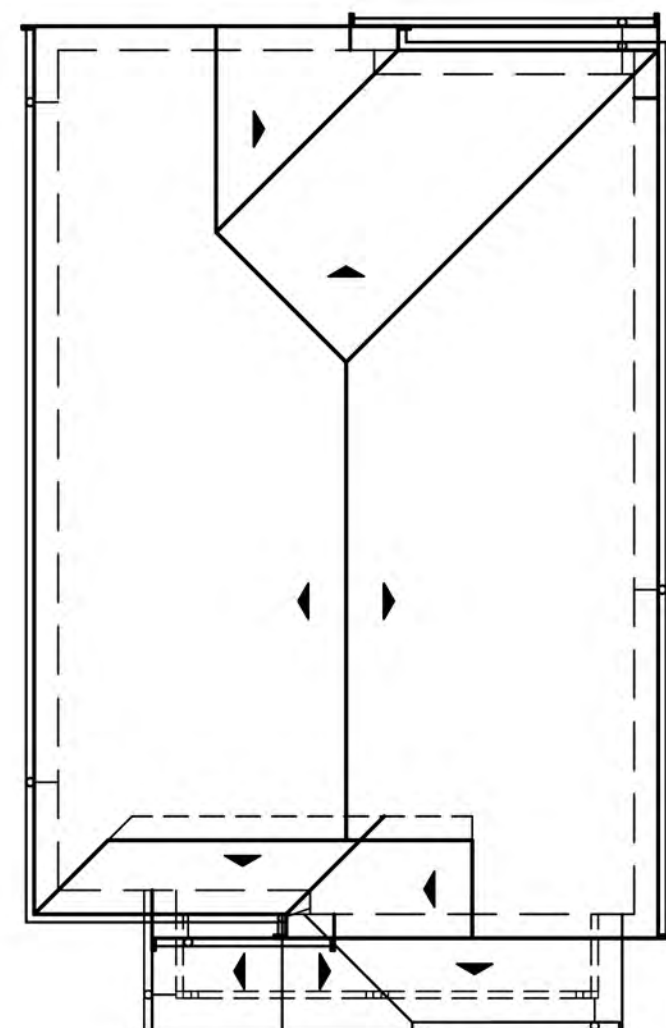


SQUARE FOOTAGES	
FIRST FLOOR	290 SQ. FT.
SECOND FLOOR	824 SQ. FT.
THIRD FLOOR	777 SQ. FT.
TOTAL LIVING	1891 SQ. FT.
2-BAY GARAGE	482 SQ. FT.

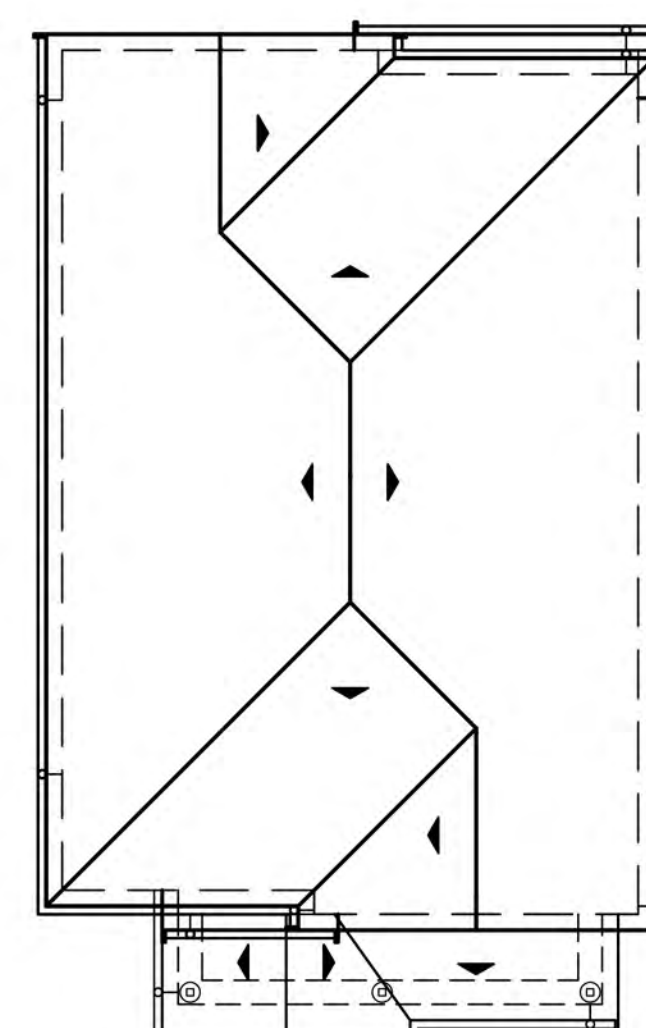
C
FIRS



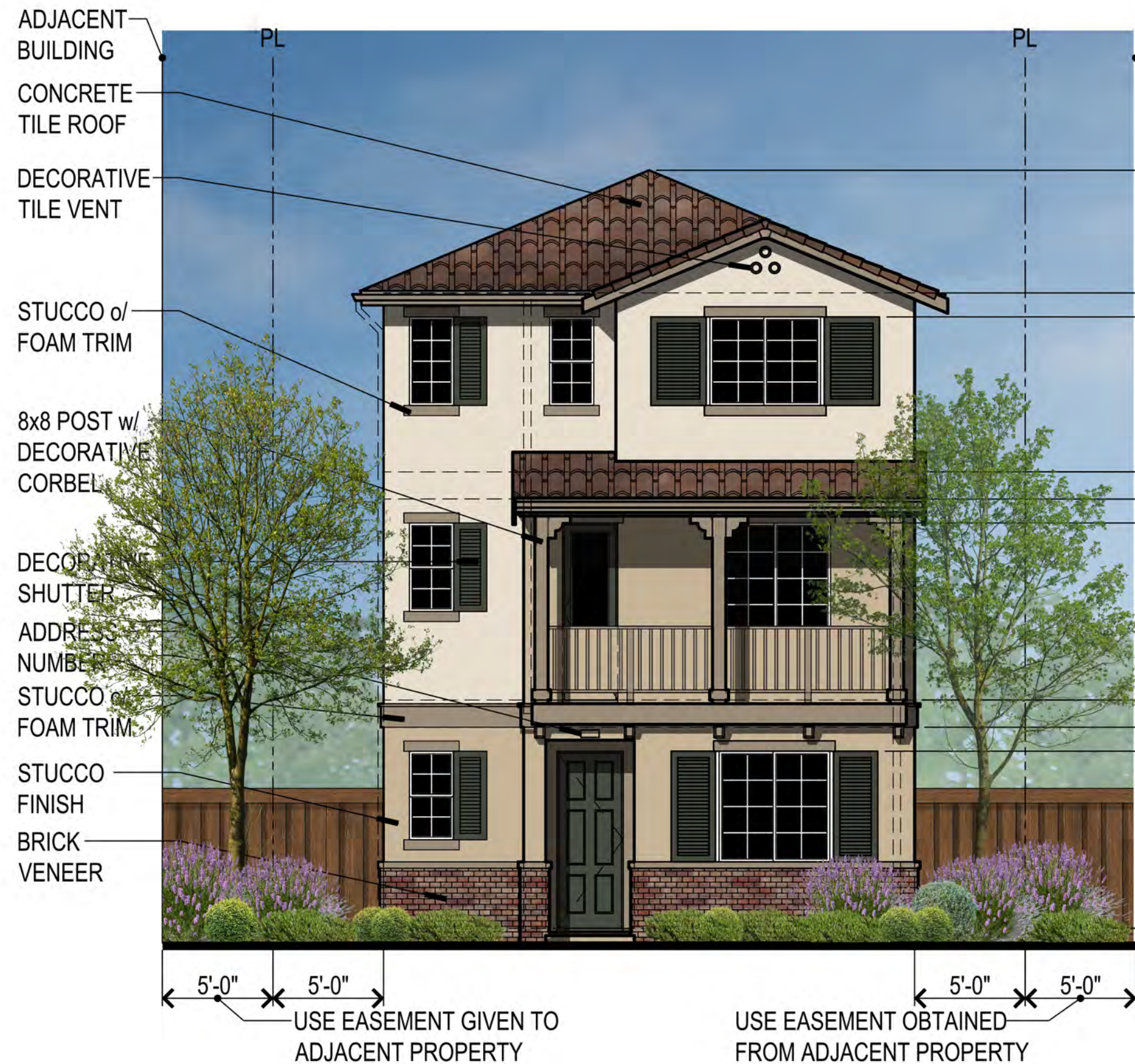
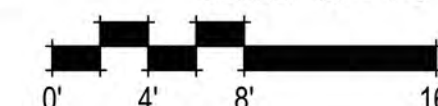
ROOF PLAN 'C'
SCALE: 1/8" = 1'-0"



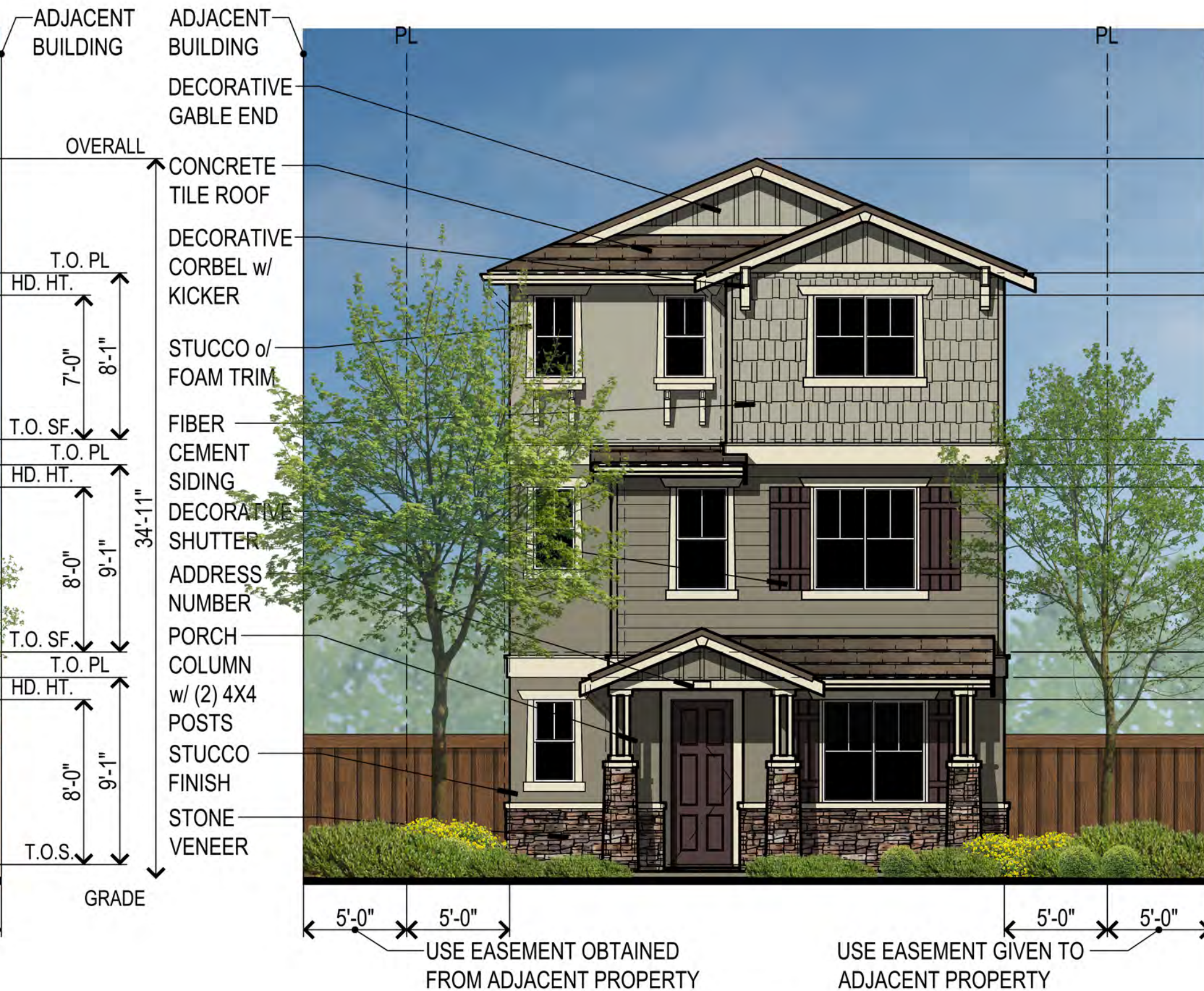
ROOF PLAN 'B'
SCALE: 1/8" = 1'-0"



ROOF PLAN 'A'
SCALE: 1/8" = 1'-0"



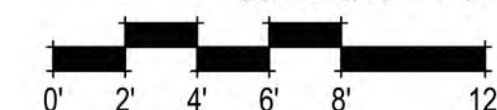
MONTEREY 'C'
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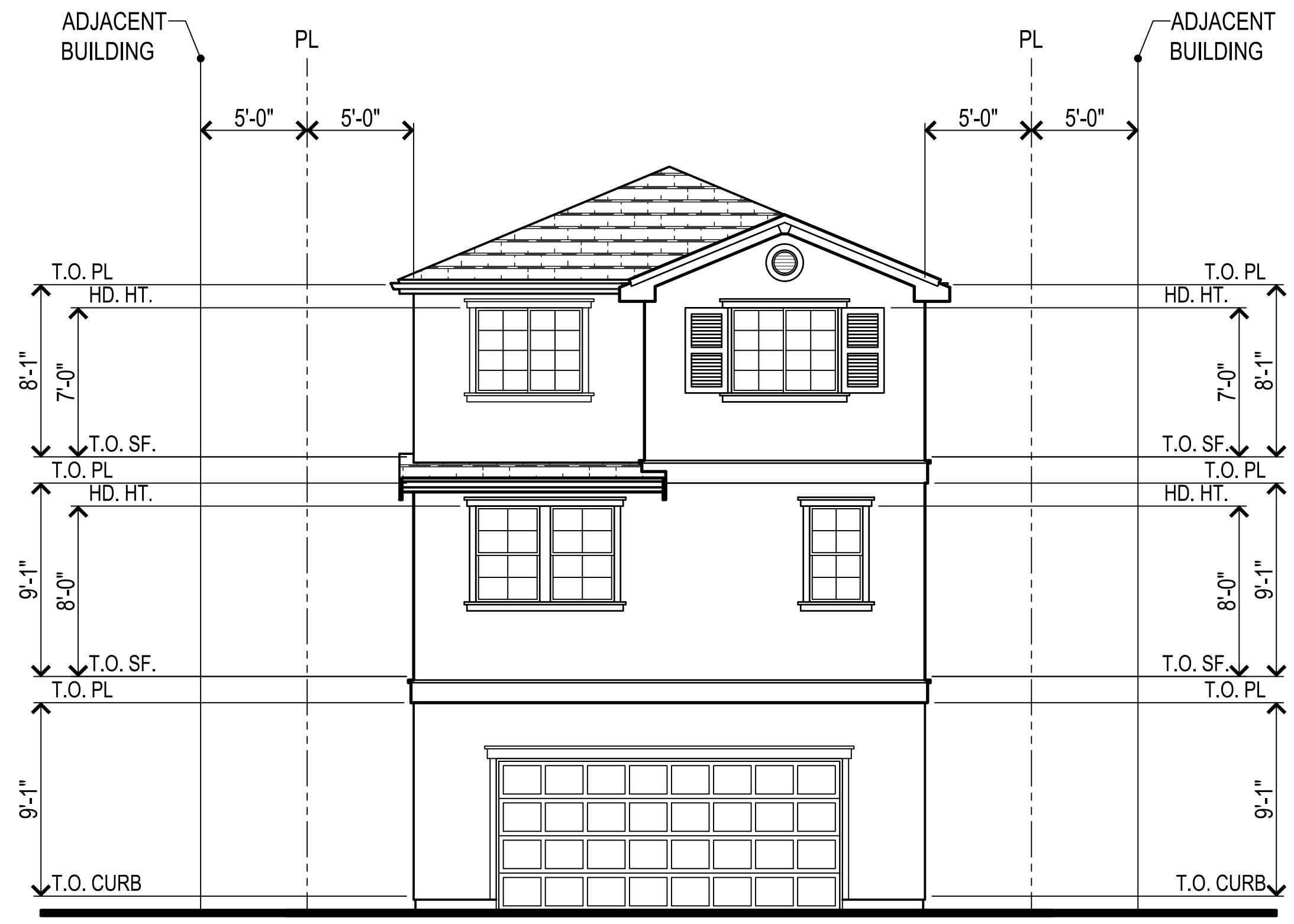


CRAFTSMAN 'B'
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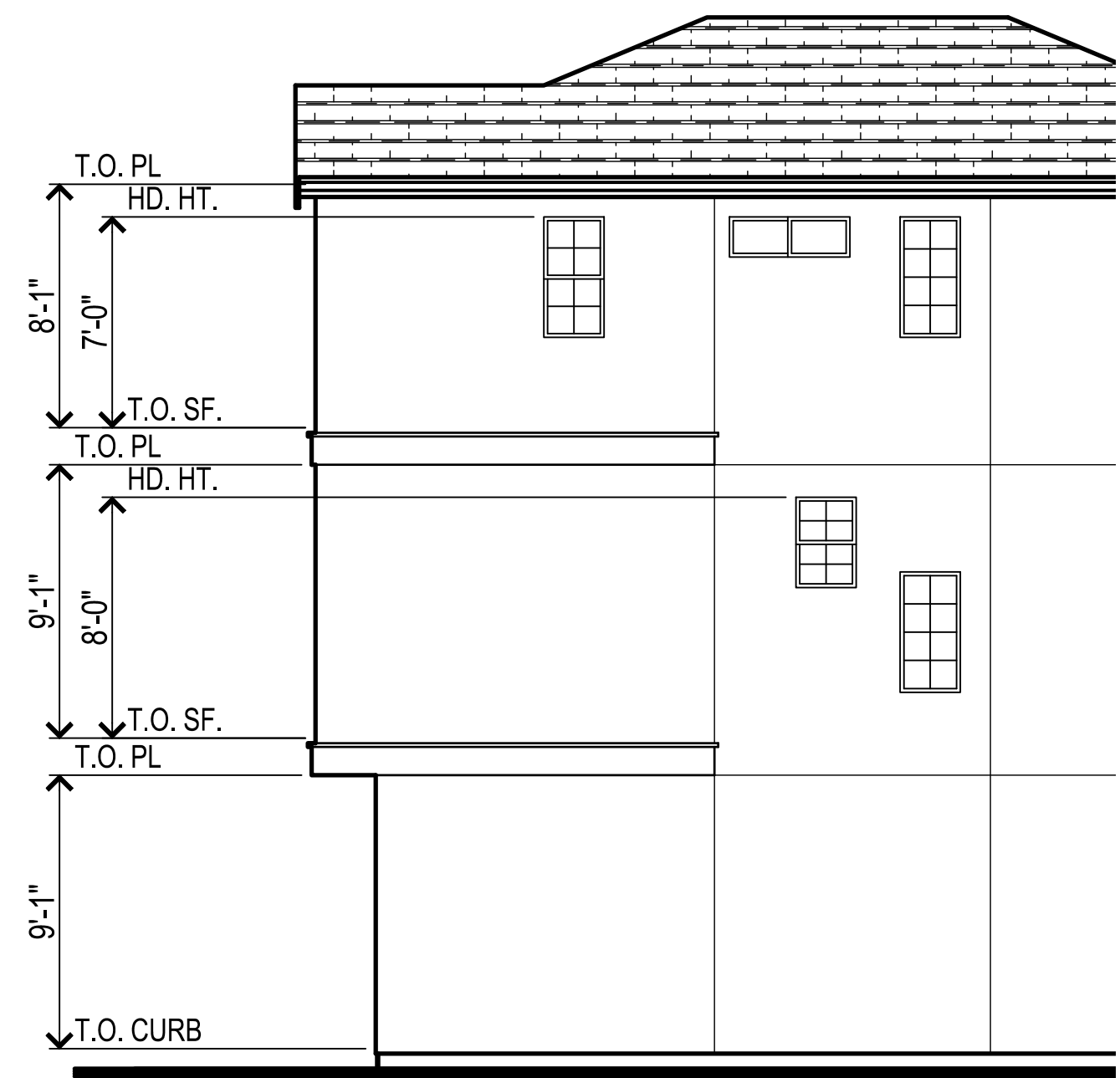


CAPE COD 'A'
SCALE: 3/16" = 1'-0"

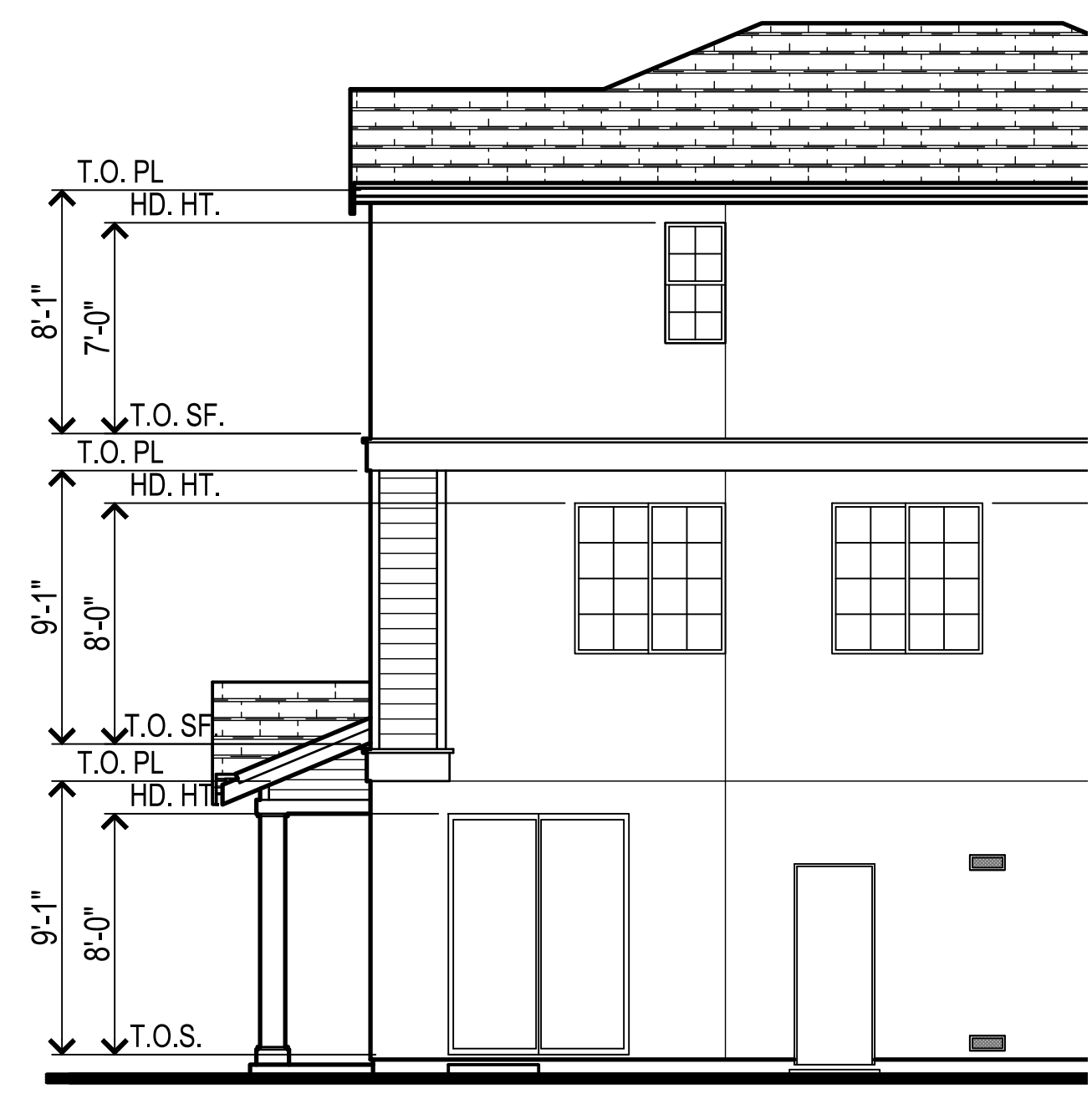




CAPE COD 'A'
REAR ELEVATION
SCALE: 3/16" = 1'-0"



LEFT

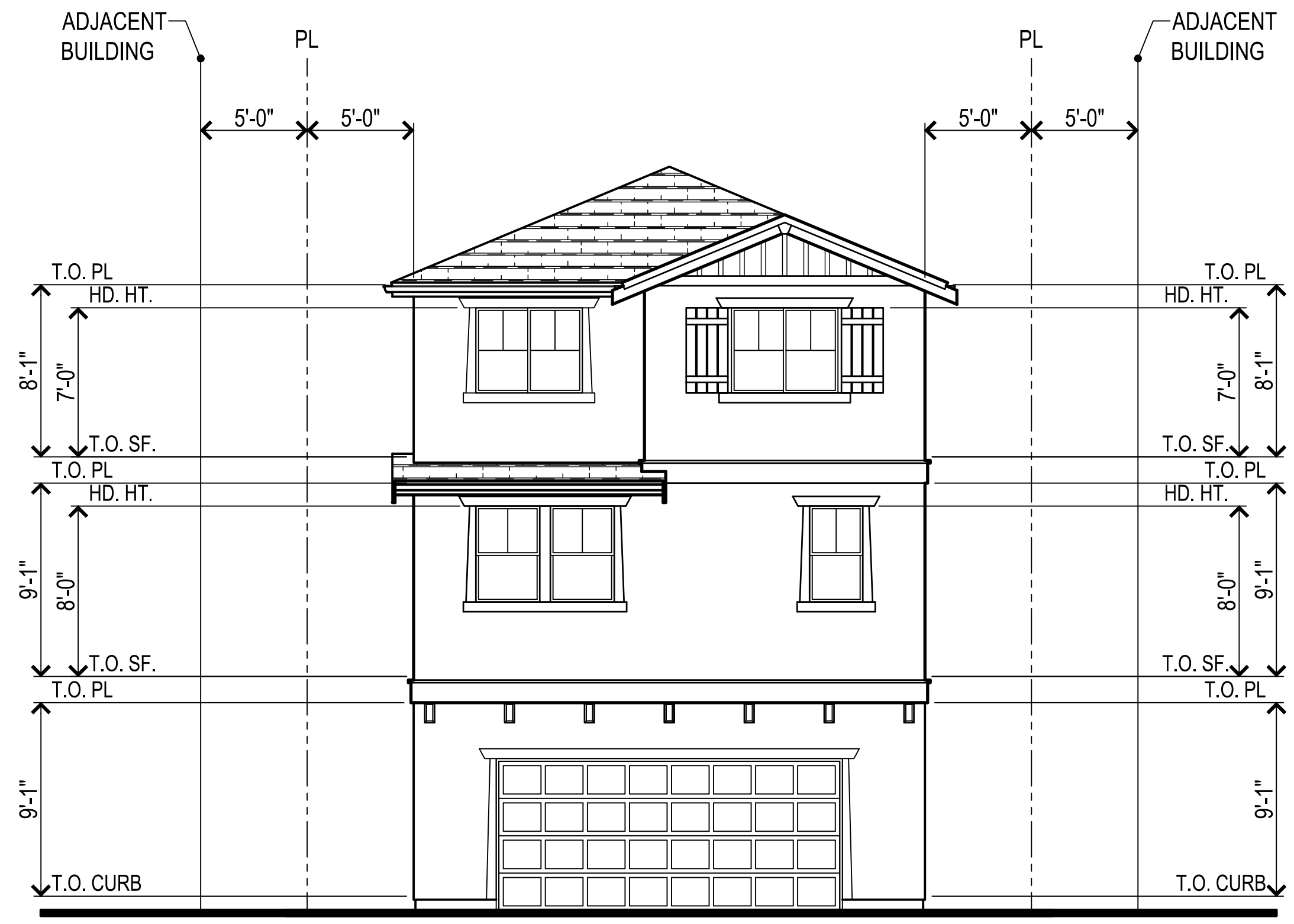


RIGHT

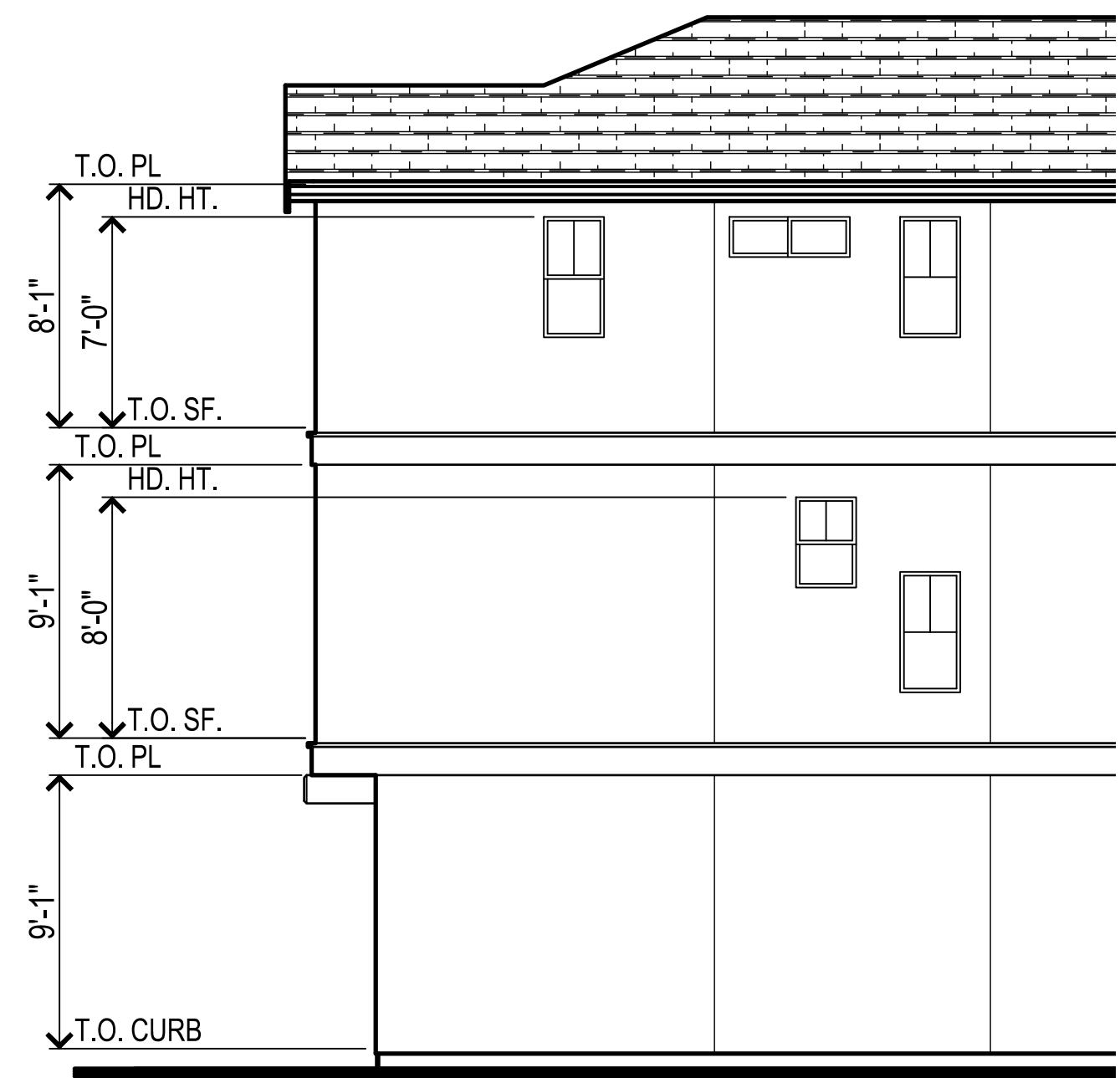
PLAN 2 'A' ELEVATION

Amaral
City of Hayward
Mar 7, 2016

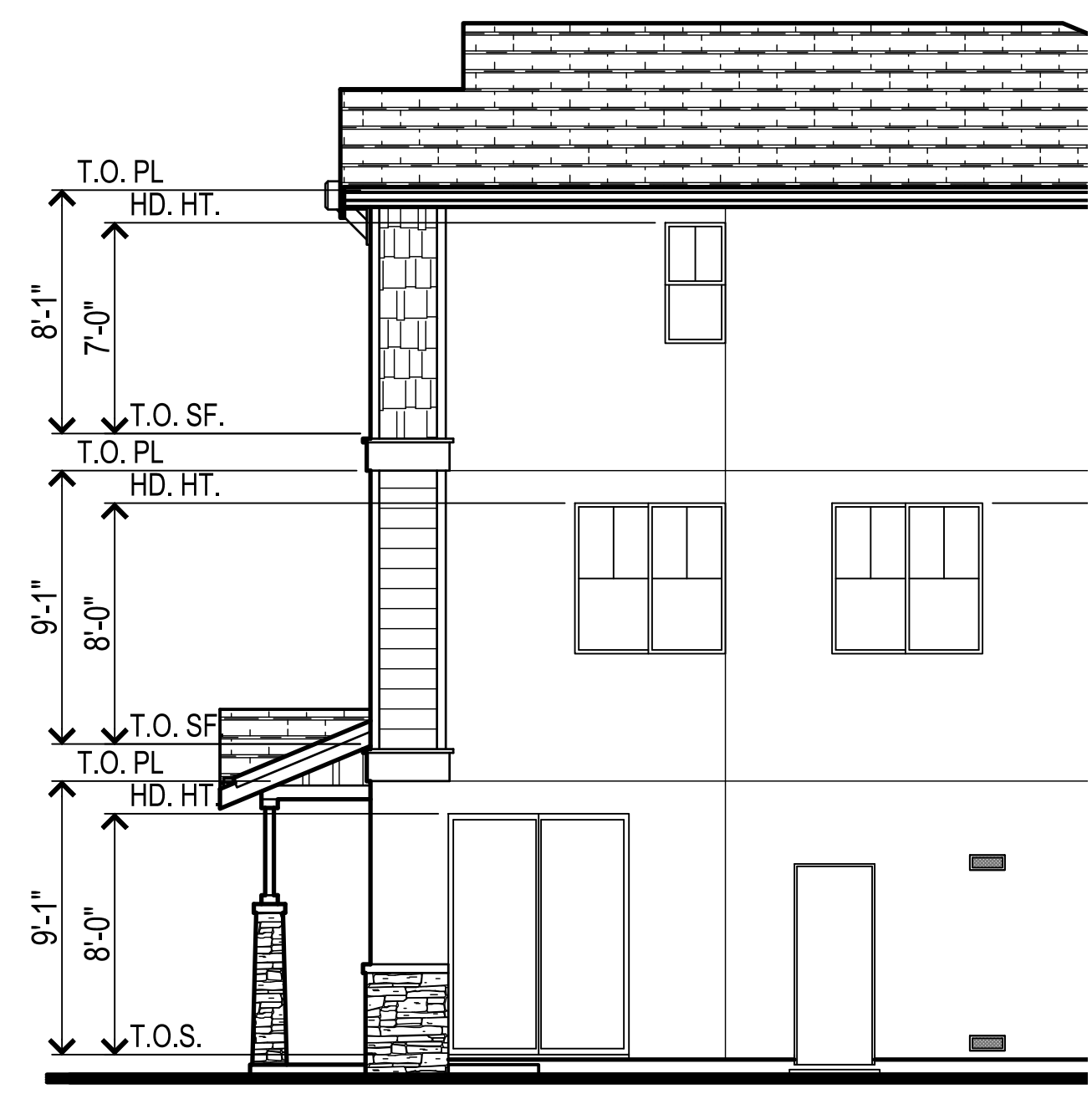
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CRAFTSMAN 'B'
REAR ELEVATION
 SCALE: 3/16" = 1'-0"



CR
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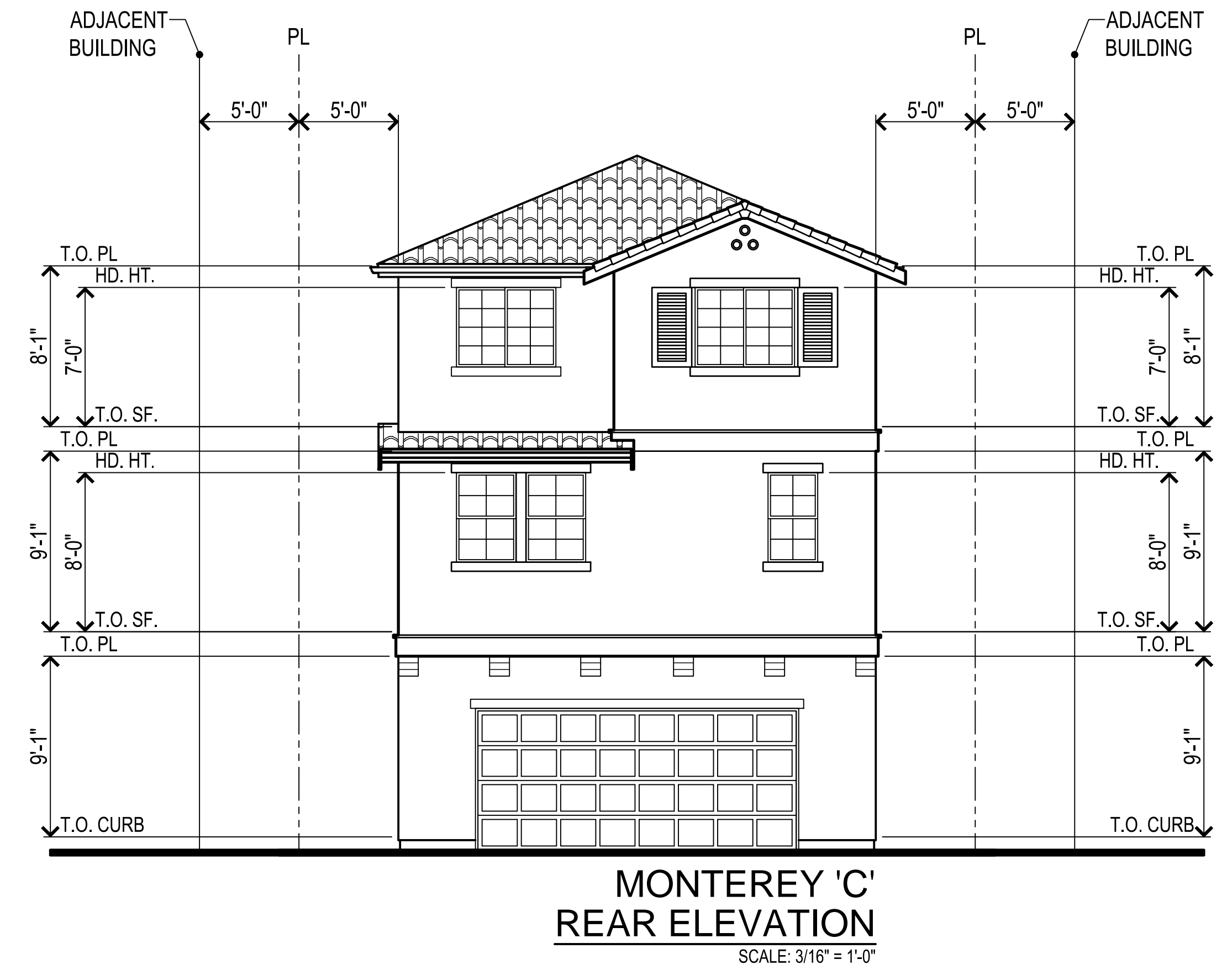


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PLAN 2 'B' ELEVATION

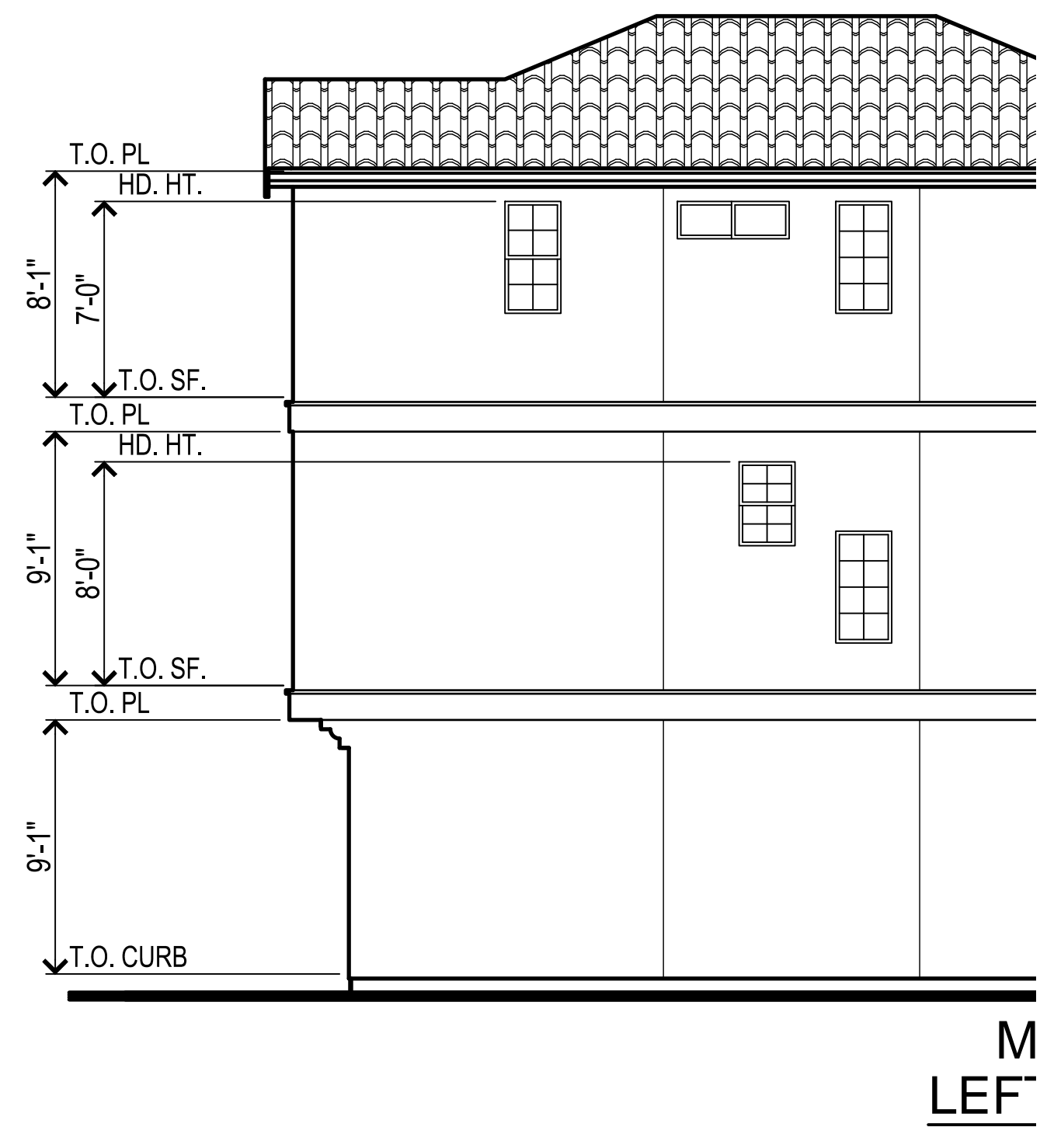
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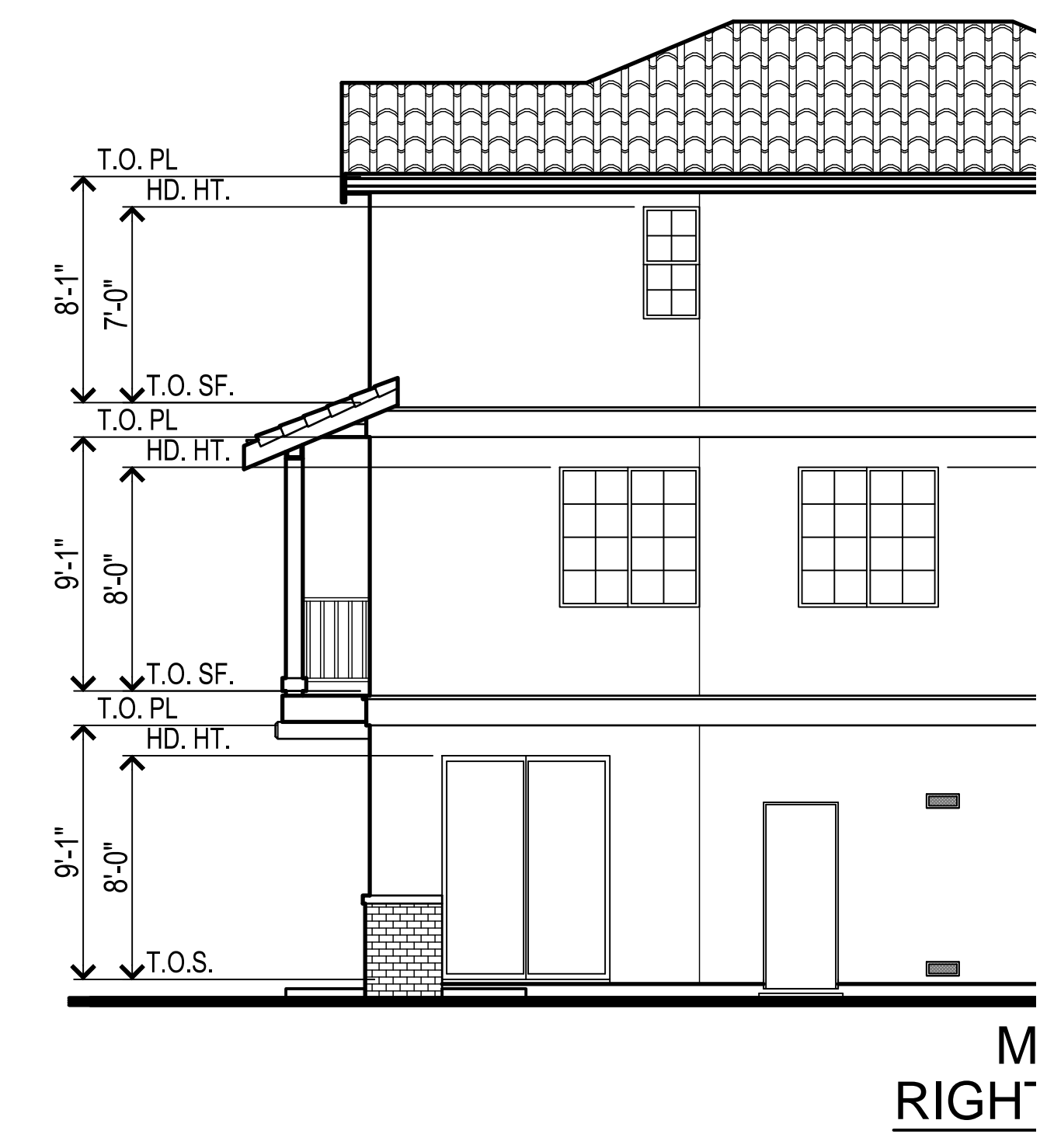


MONTEREY 'C'
REAR ELEVATION

SCALE: 3/16" = 1'-0"



M
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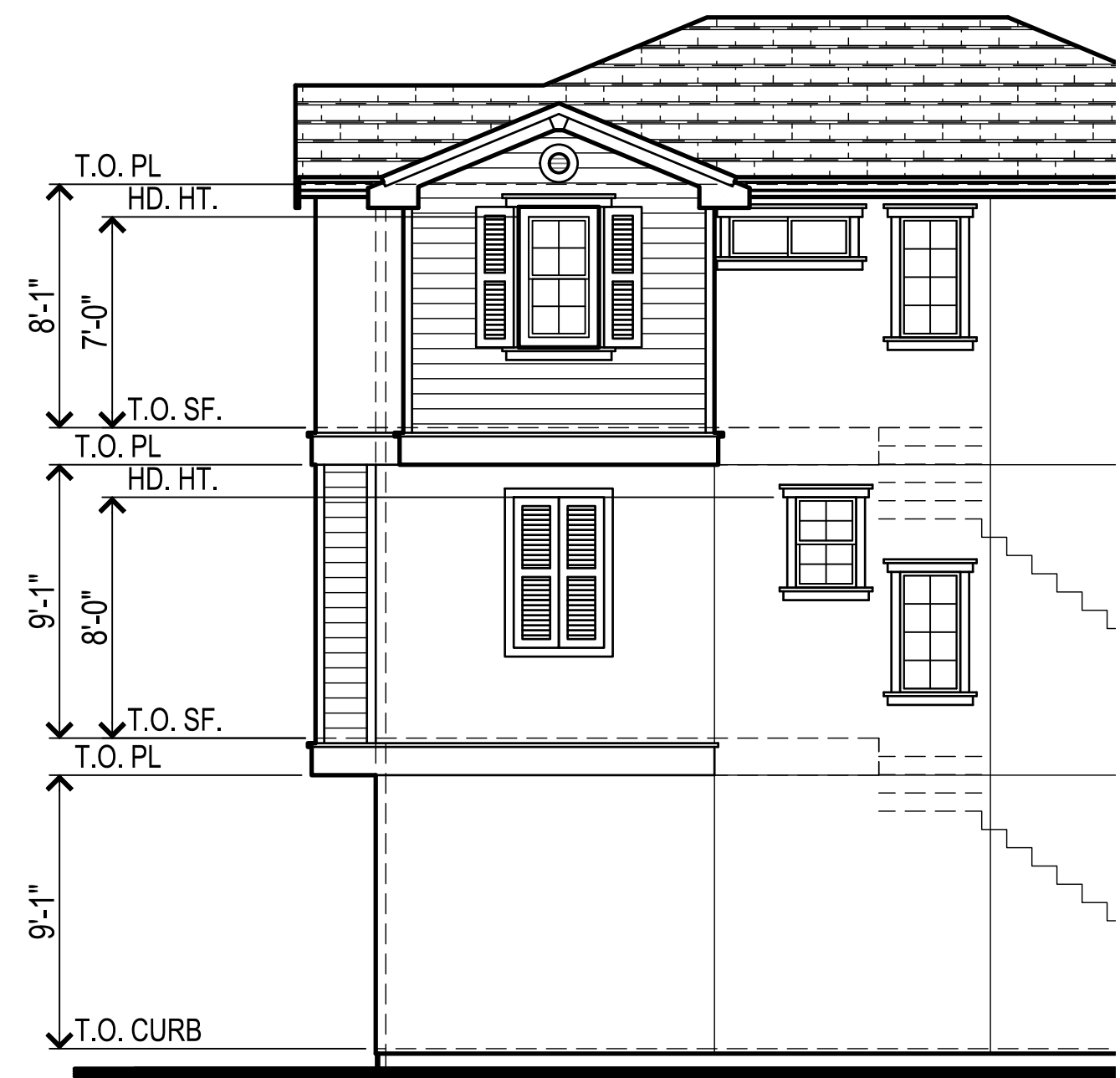


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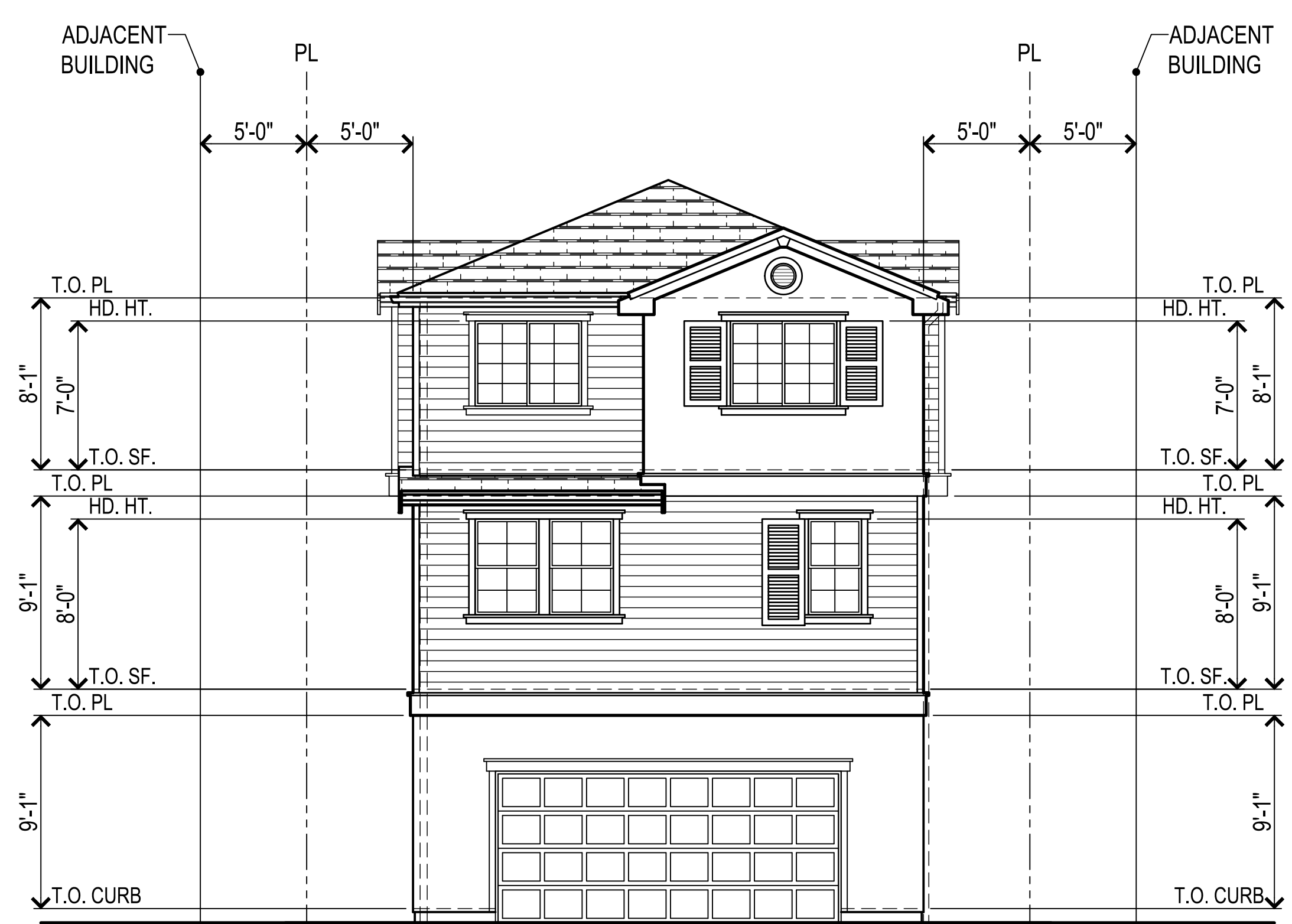
PLAN 2 'C' ELEVATION

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Mar 7, 2016

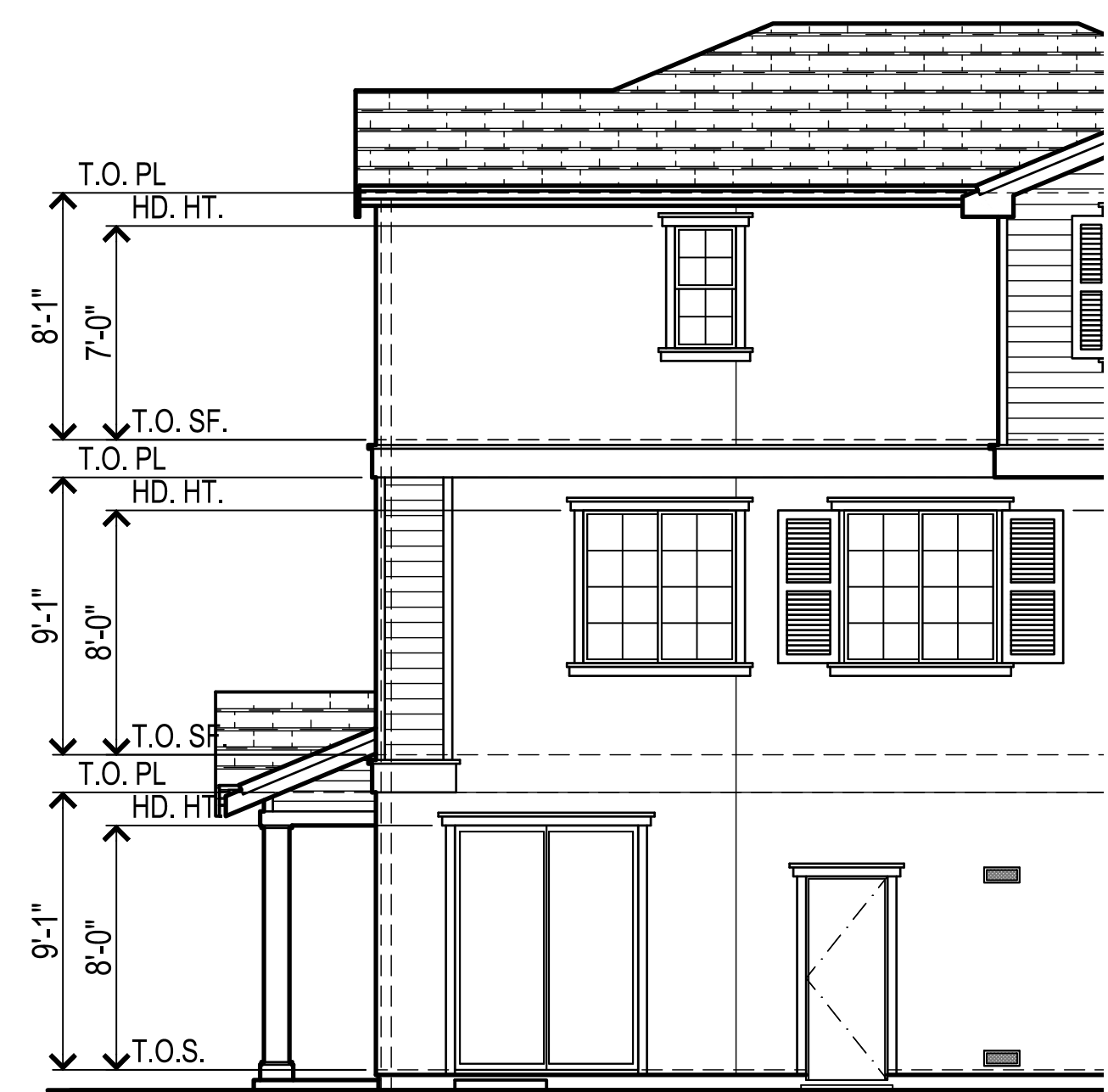
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ENHANCED LEFT

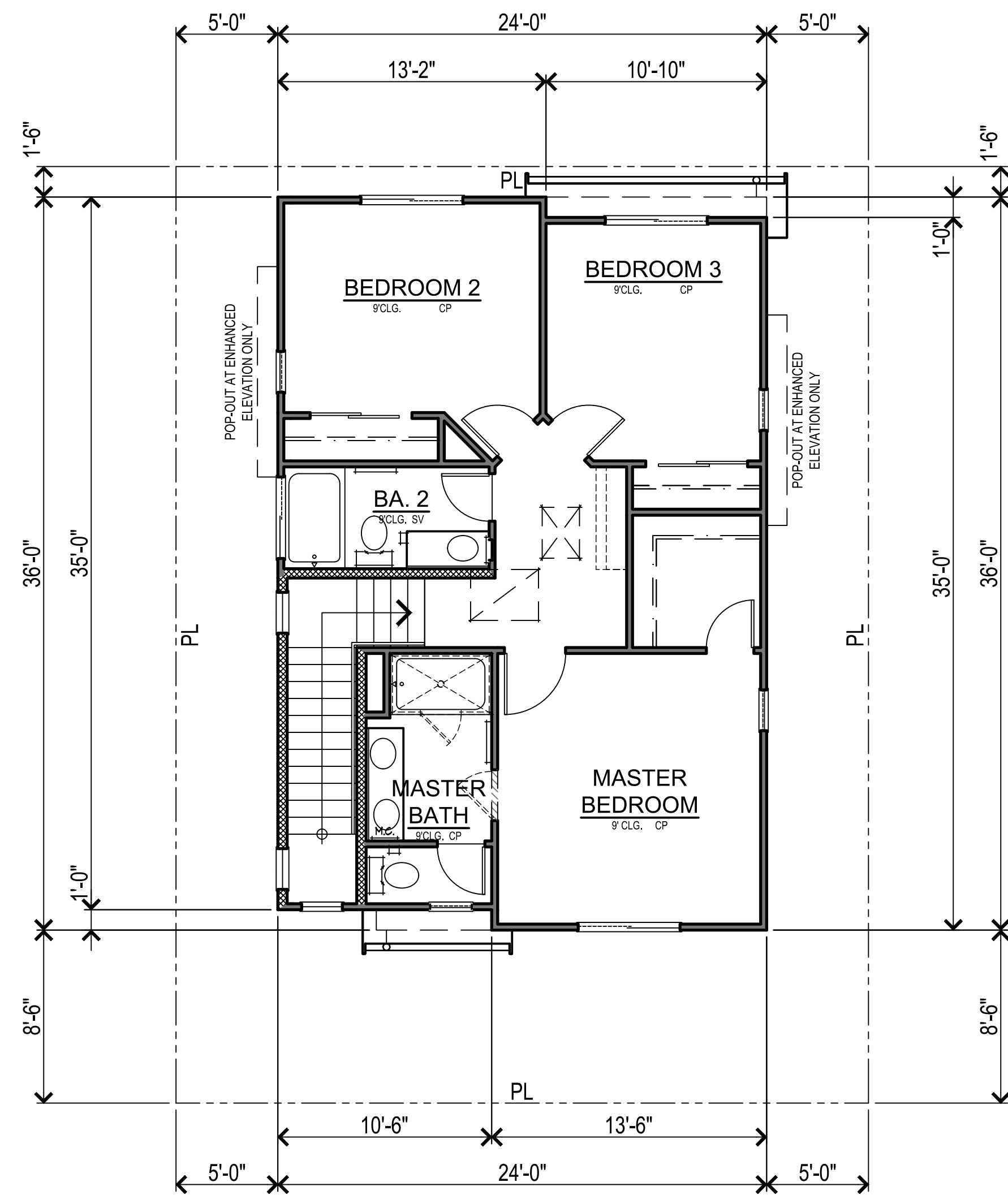


CAPE COD 'A'
ENHANCED REAR ELEVATION
SCALE: 3/16" = 1'-0"

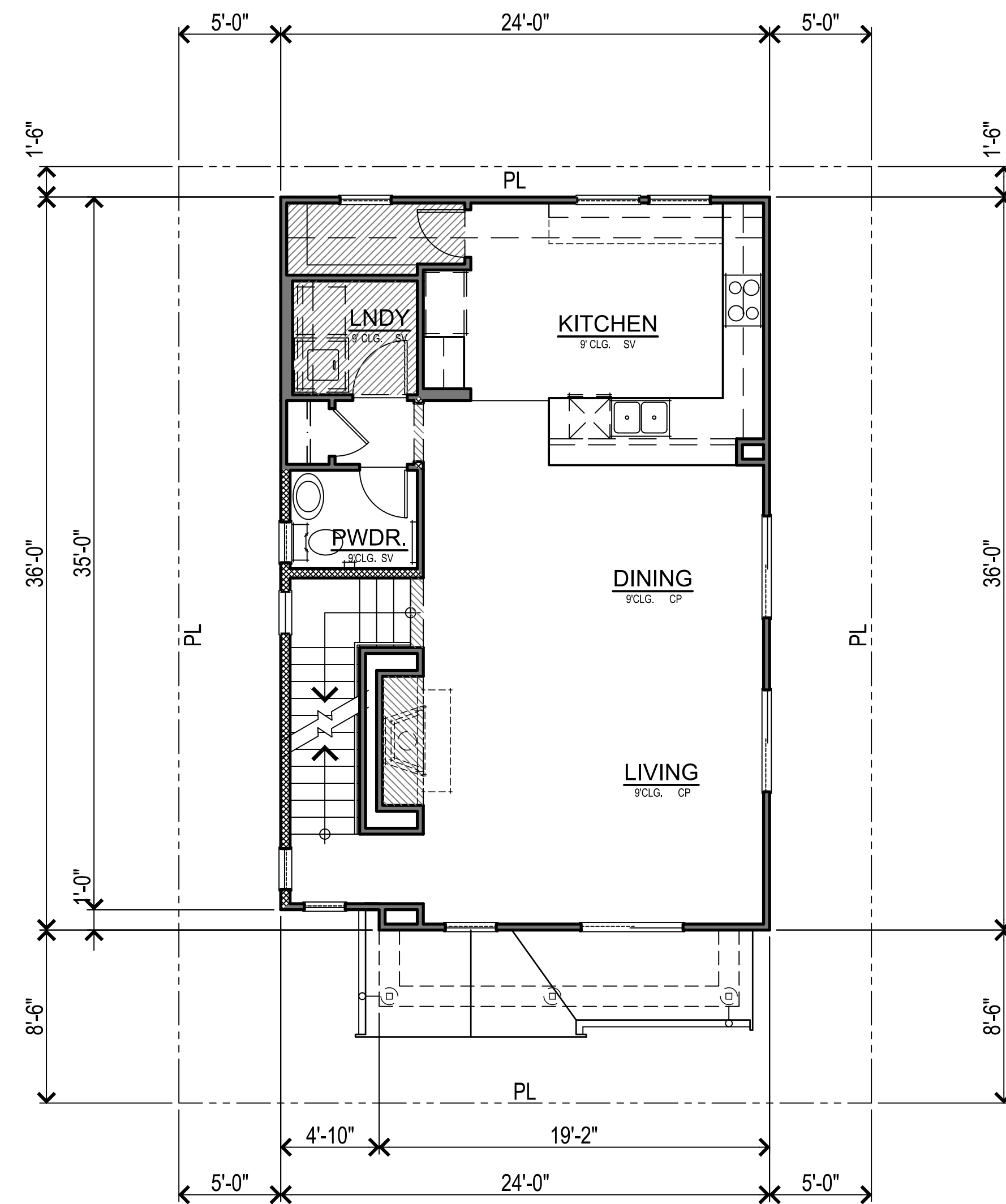


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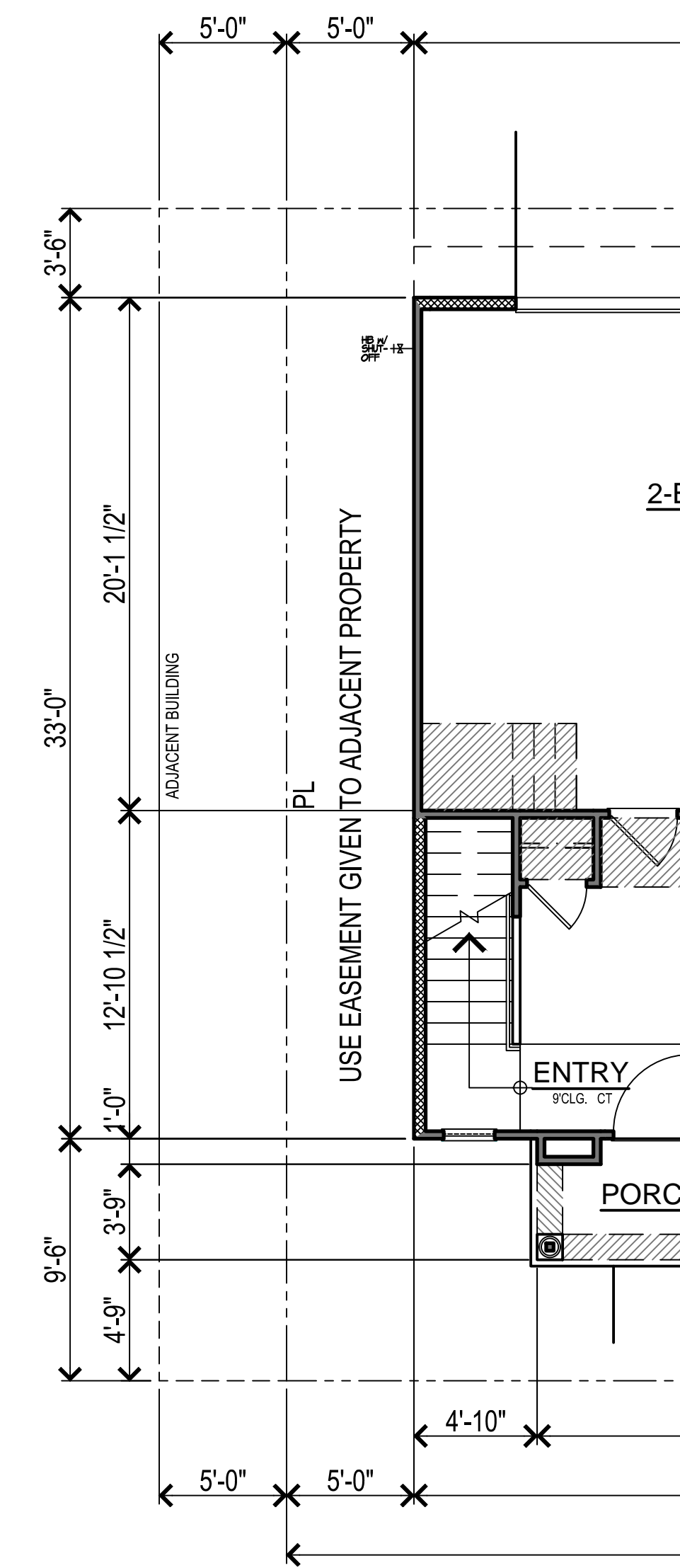
PLAN 2 'A' ENI



CAPE COD 'A'
THIRD FLOOR PLAN
SCALE: 3/16" = 1'-0"

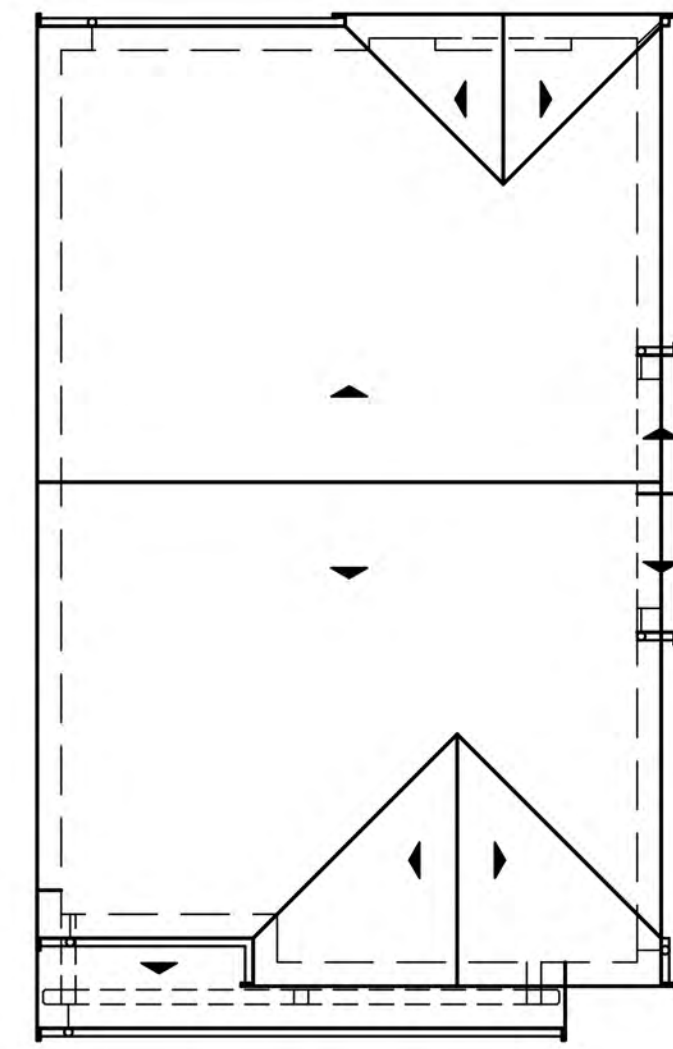


CAPE COD 'A'
SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"

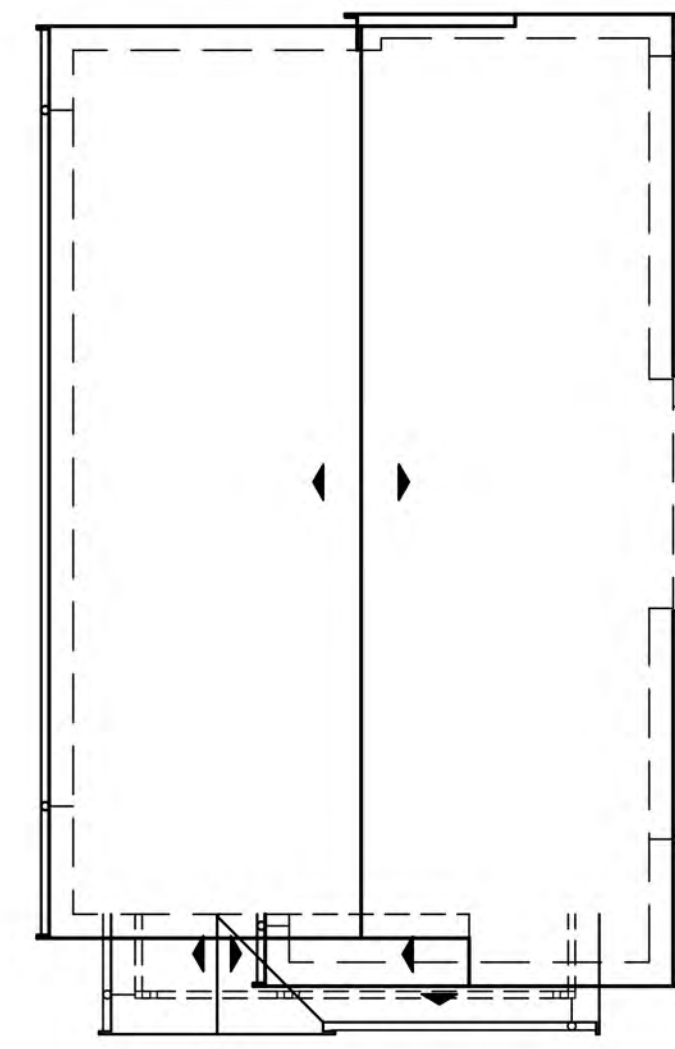


SQUARE FOOTAGES	
FIRST FLOOR	288 SQ. FT.
SECOND FLOOR	857 SQ. FT.
THIRD FLOOR	793 SQ. FT.
TOTAL LIVING	1938 SQ. FT.
2-BAY GARAGE	517 SQ. FT.

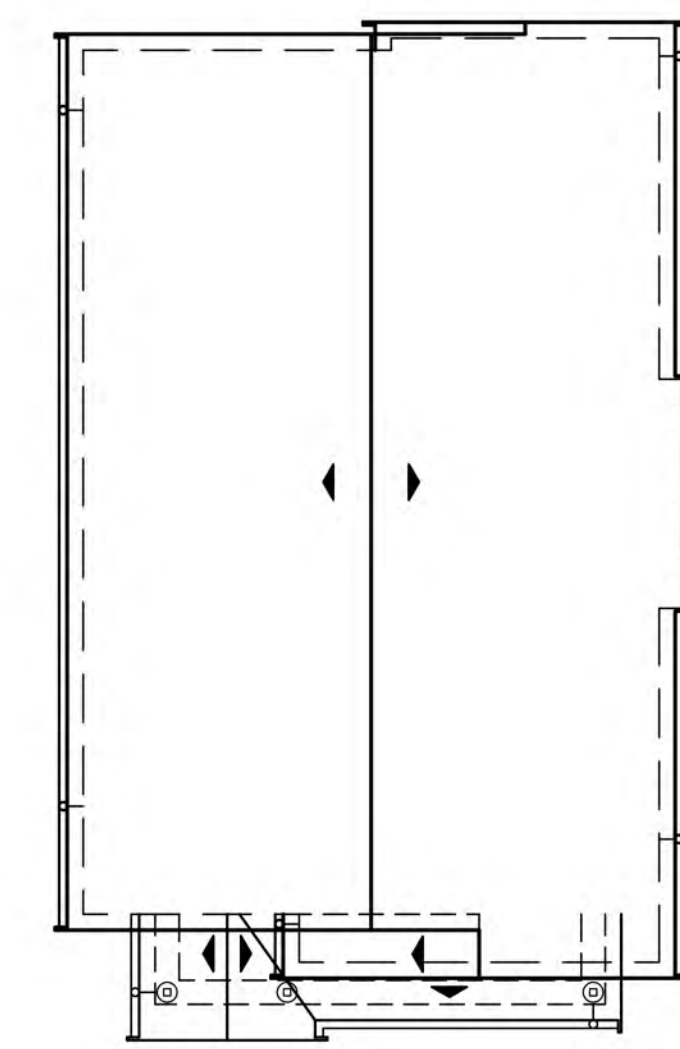
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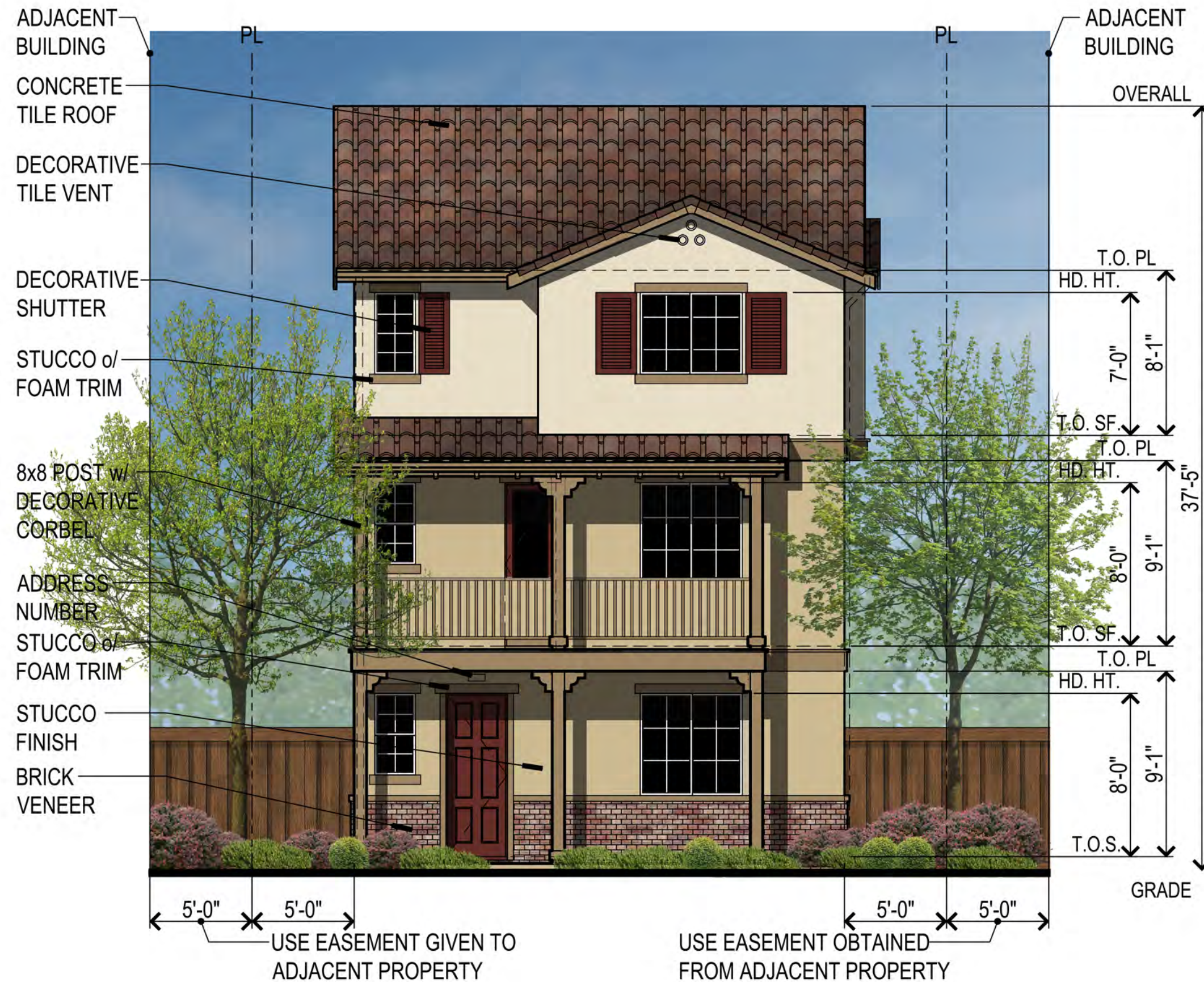
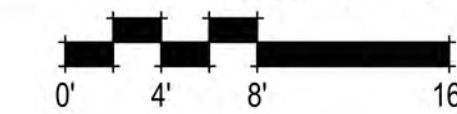
ROOF PLAN 'C'
SCALE: 1/8" = 1'-0"



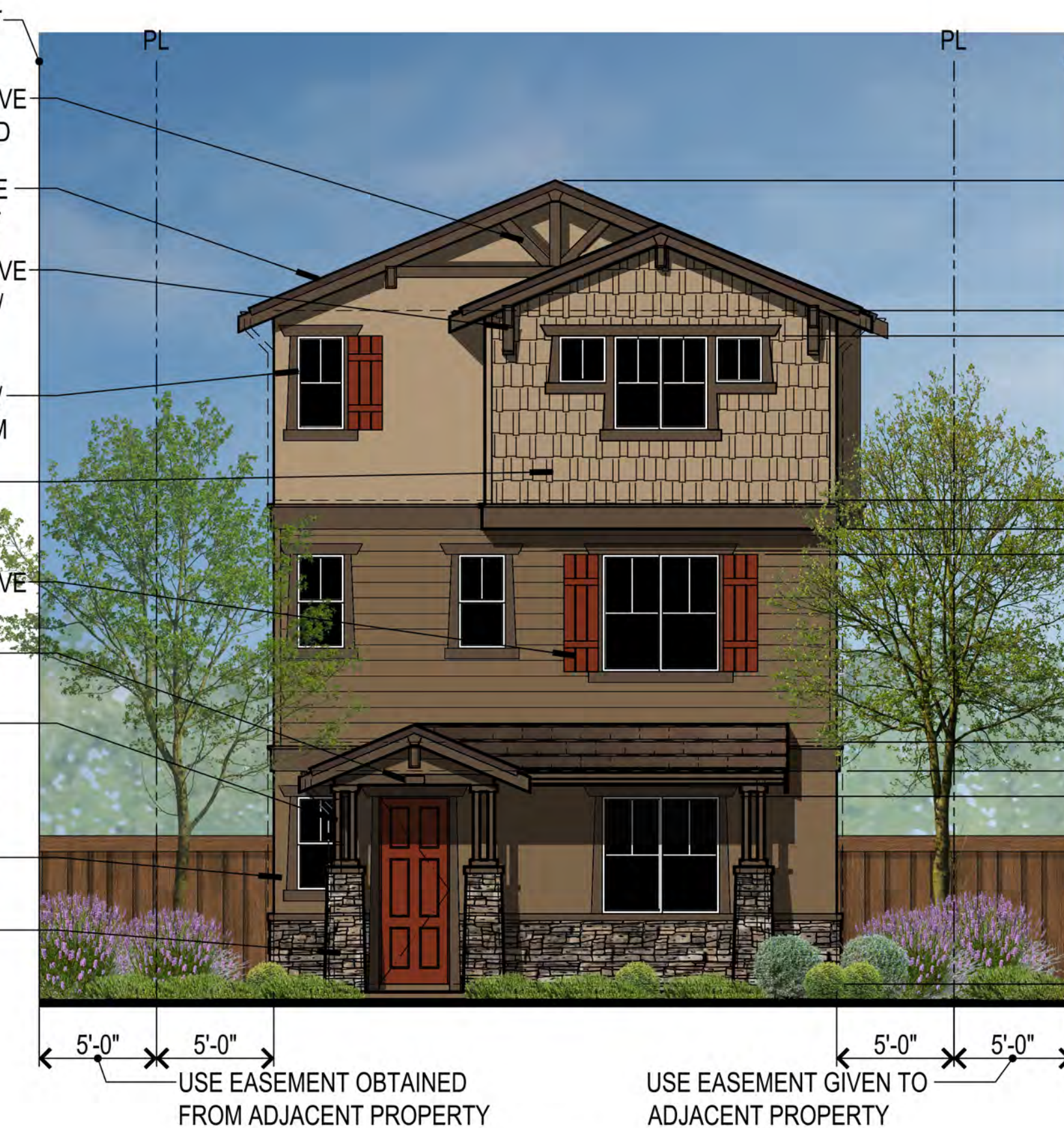
ROOF PLAN 'B'
SCALE: 1/8" = 1'-0"



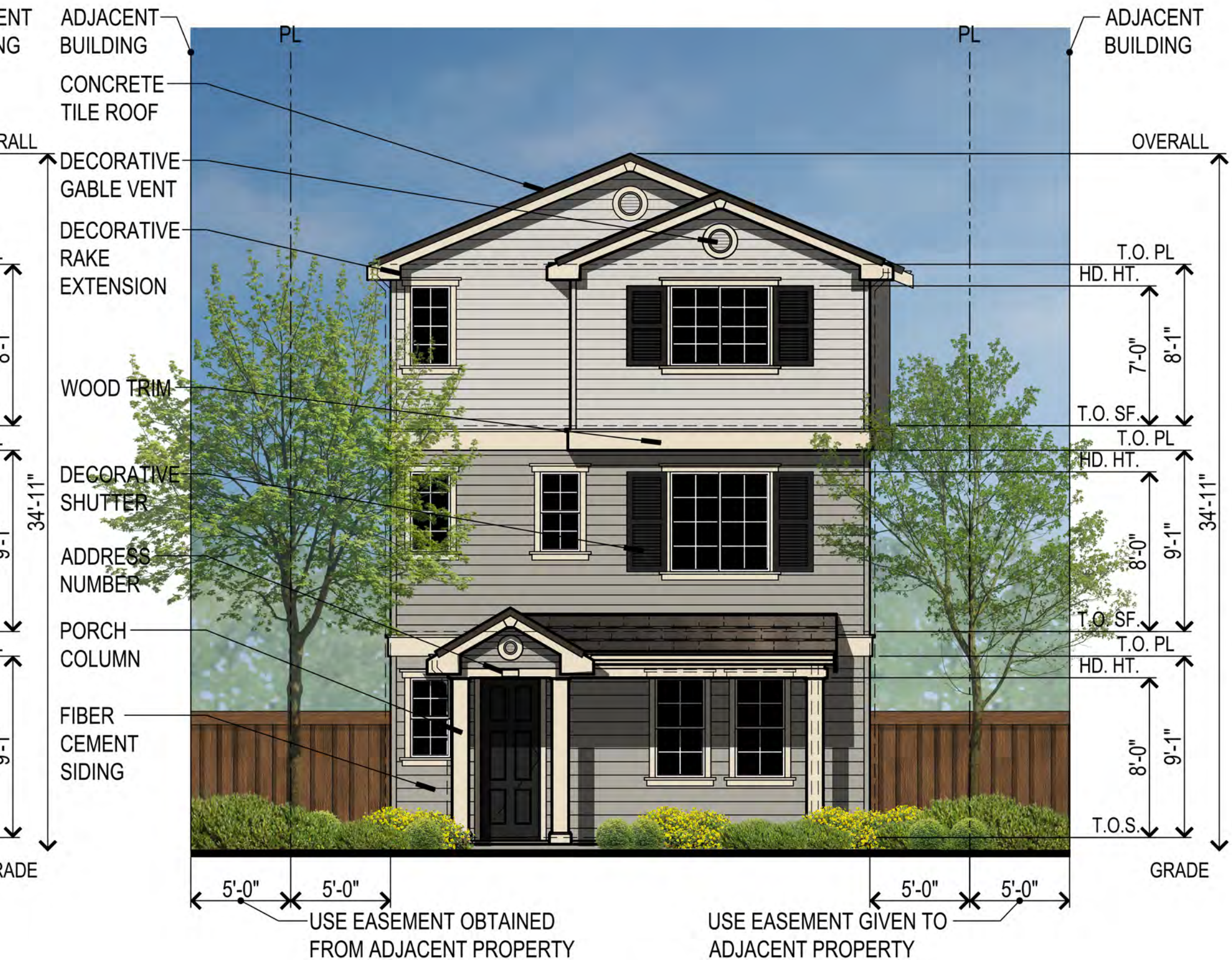
ROOF PLAN 'A'
SCALE: 1/8" = 1'-0"



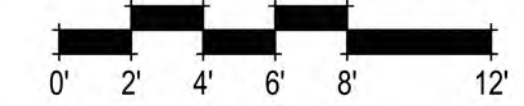
MONTEREY 'C'
SCALE: 3/16" = 1'-0"

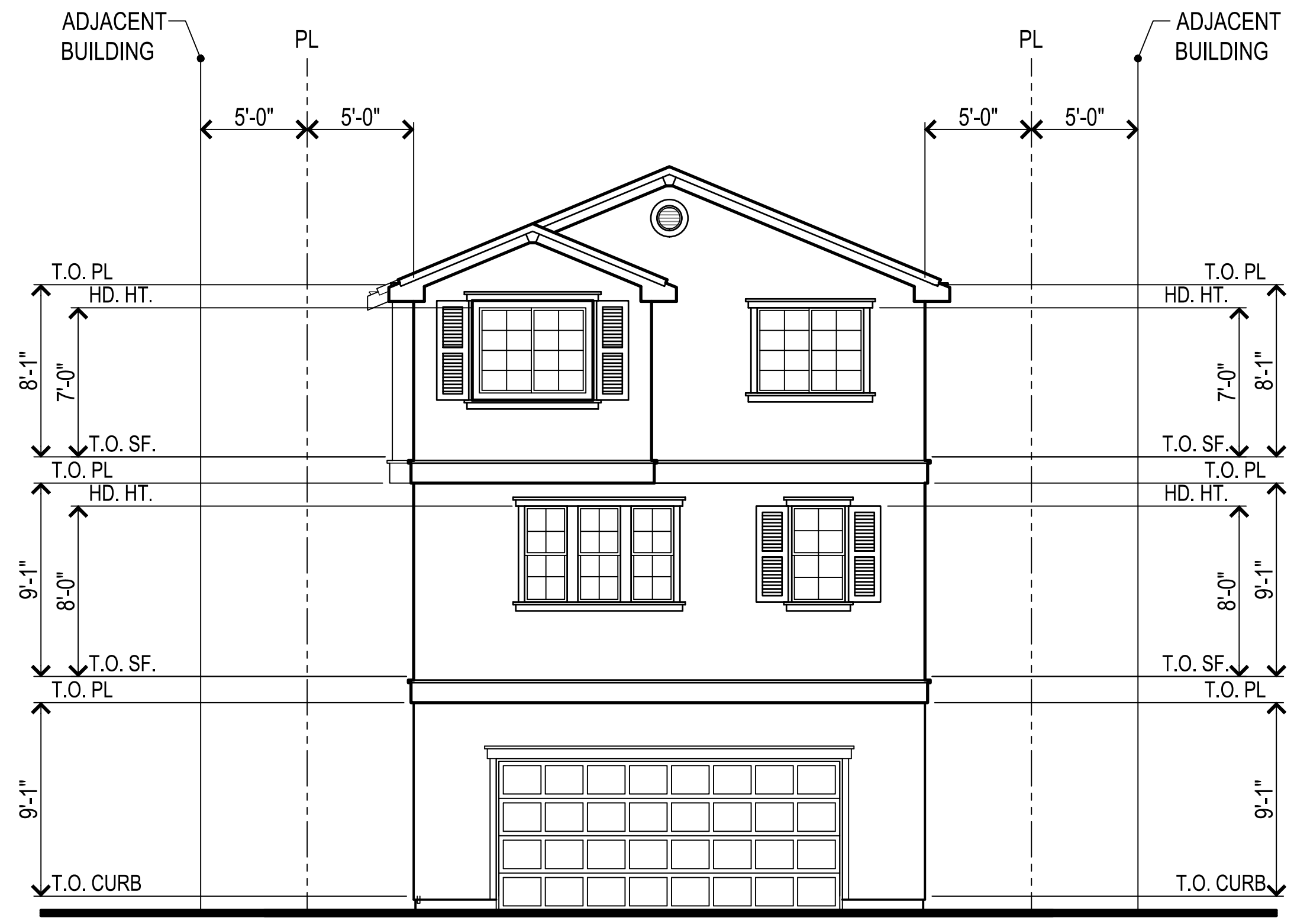


CRAFTSMAN 'B'
SCALE: 3/16" = 1'-0"

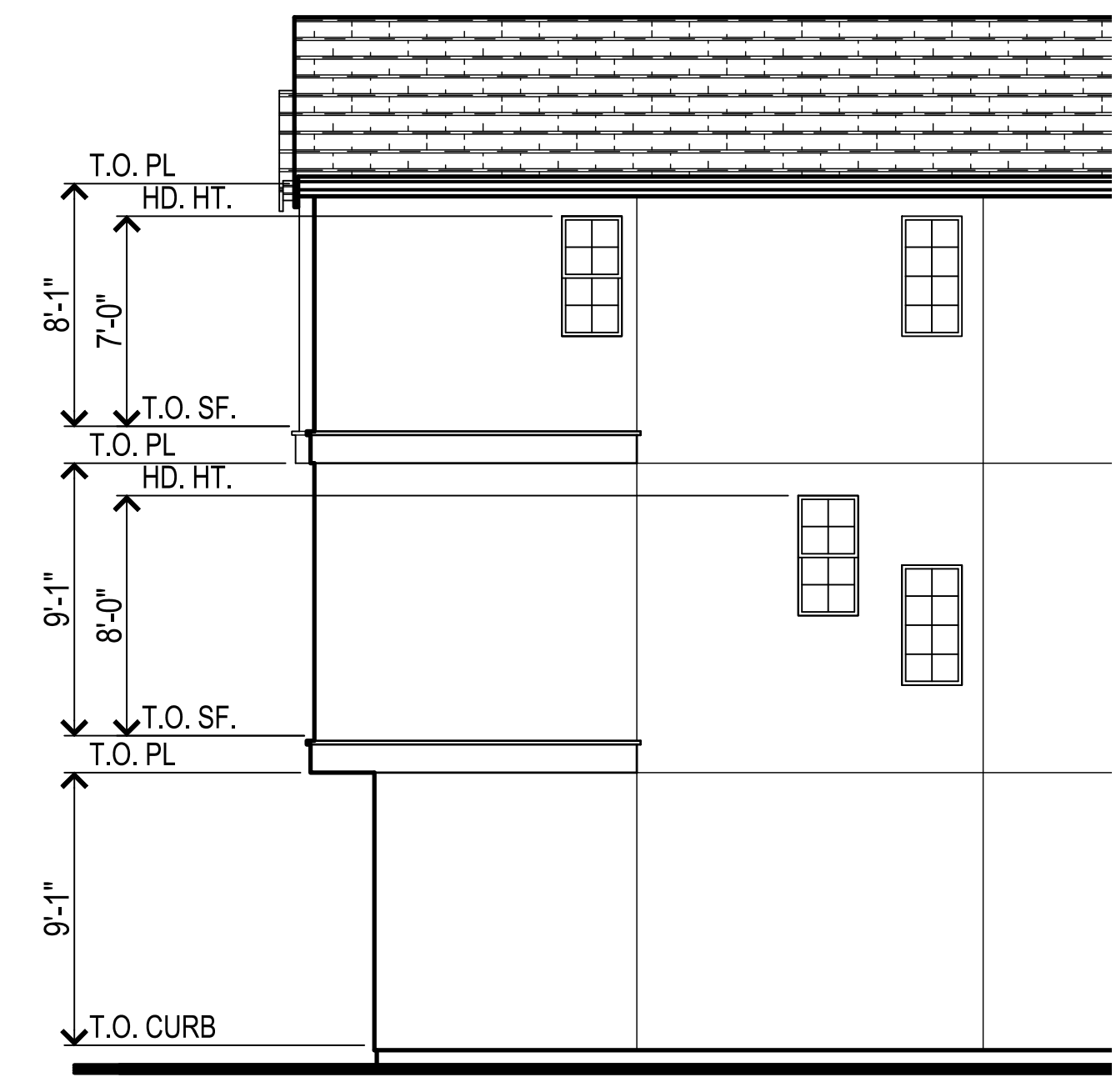


CAPE COD 'A'
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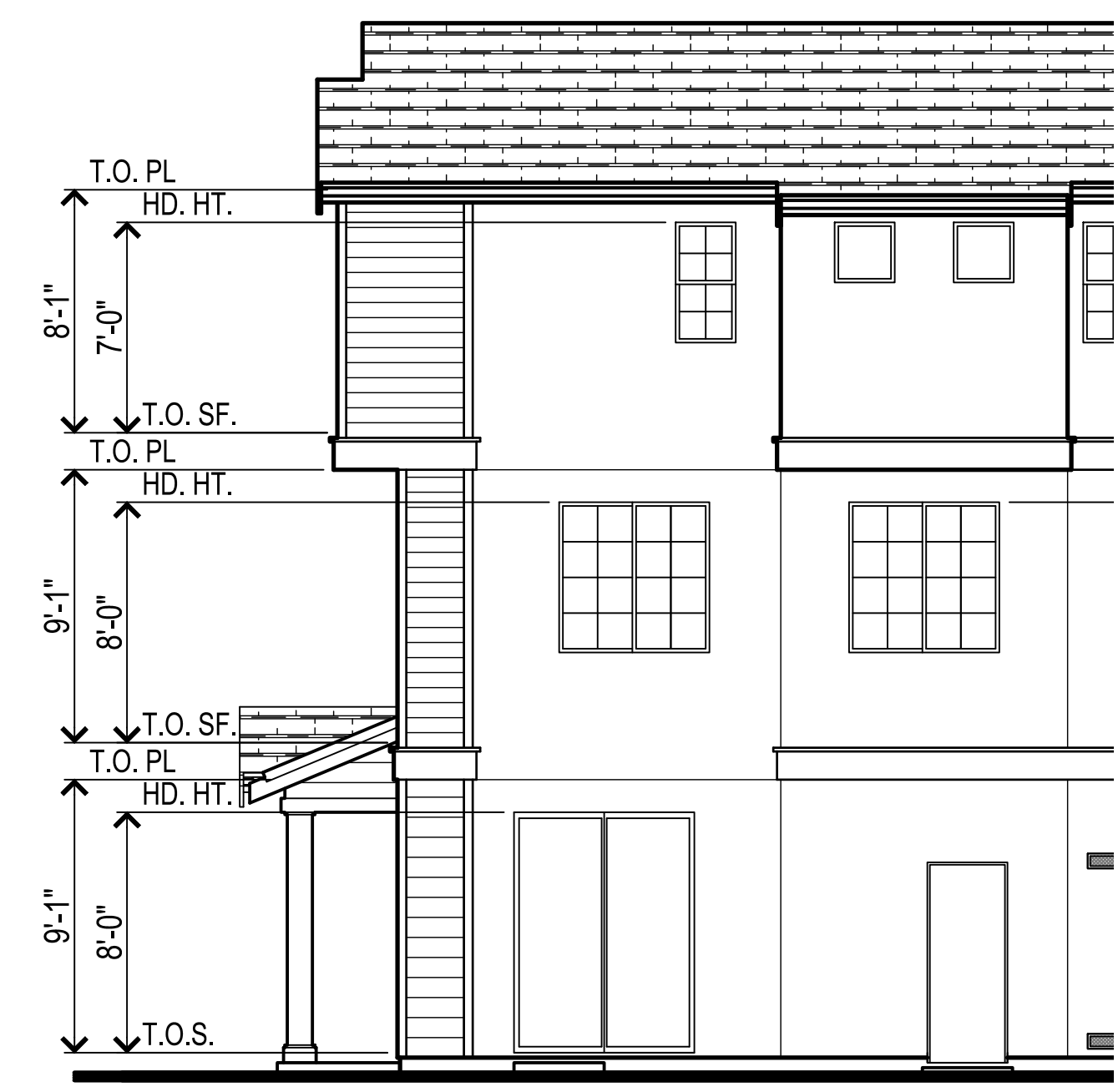




CAPE COD 'A'
REAR ELEVATION
SCALE: 3/16" = 1'-0"



LEF

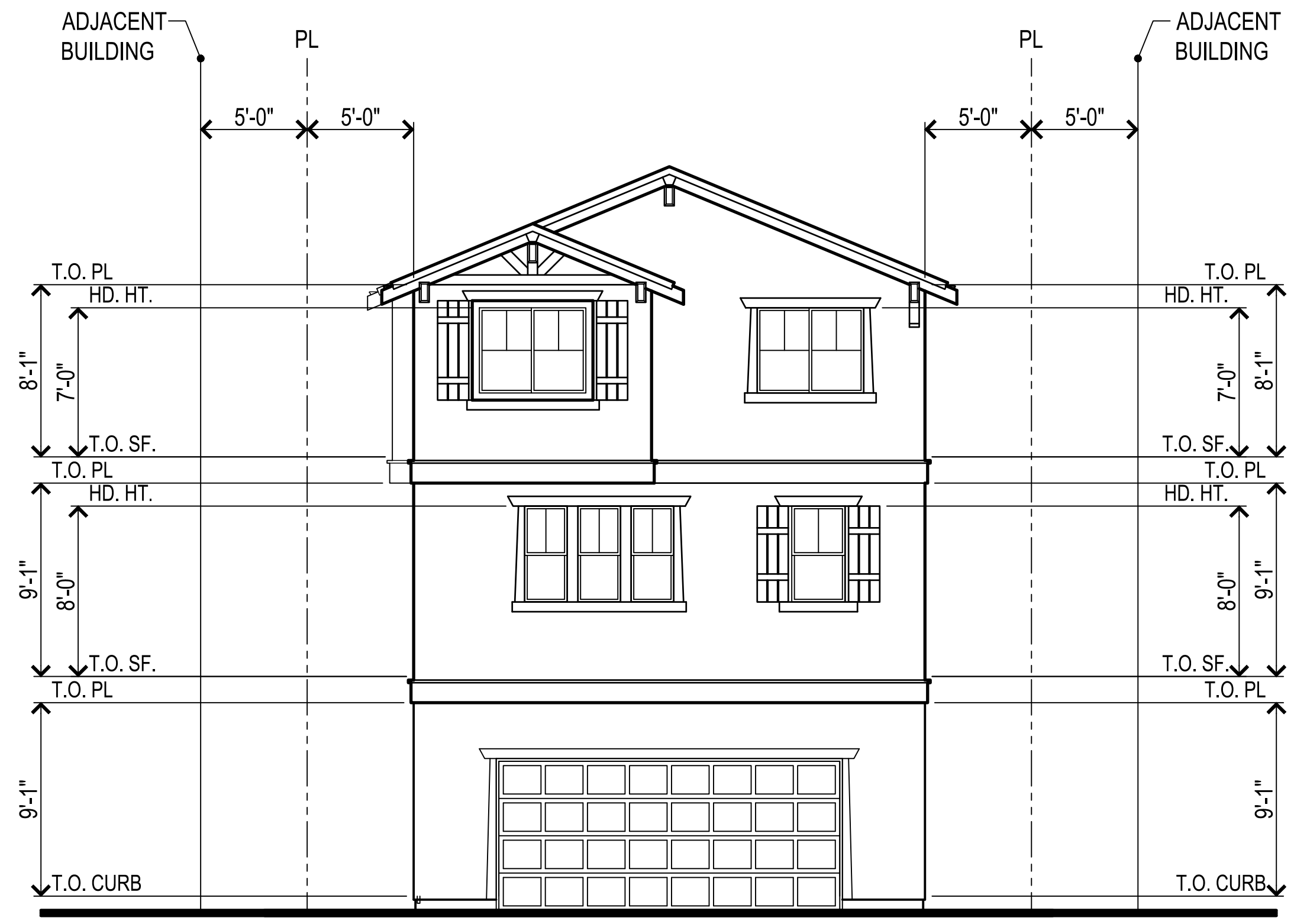


RIGH

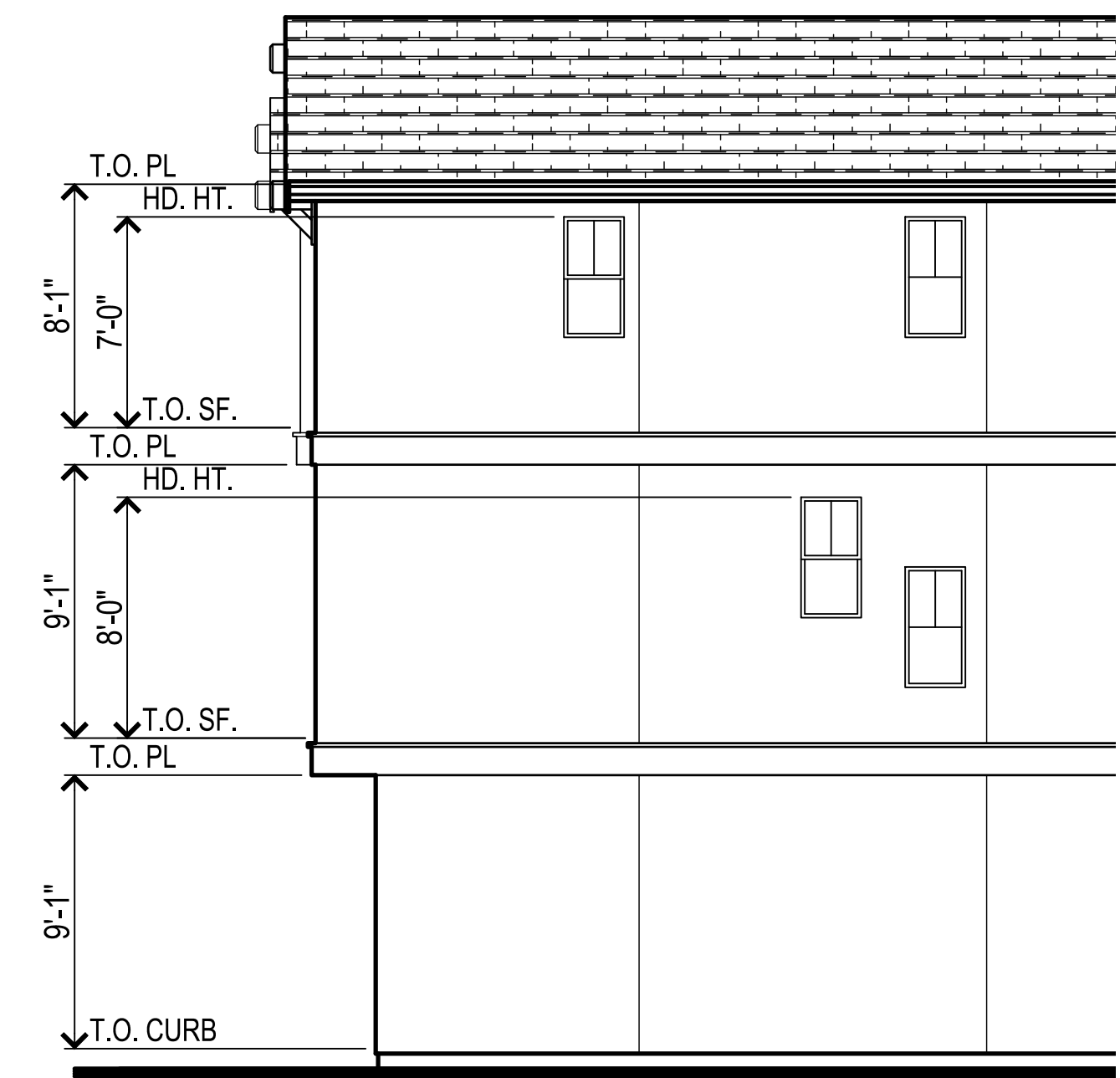
PLAN 3 'A' ELEVATION

Amaral
City of Hayward
Mar 7, 2016

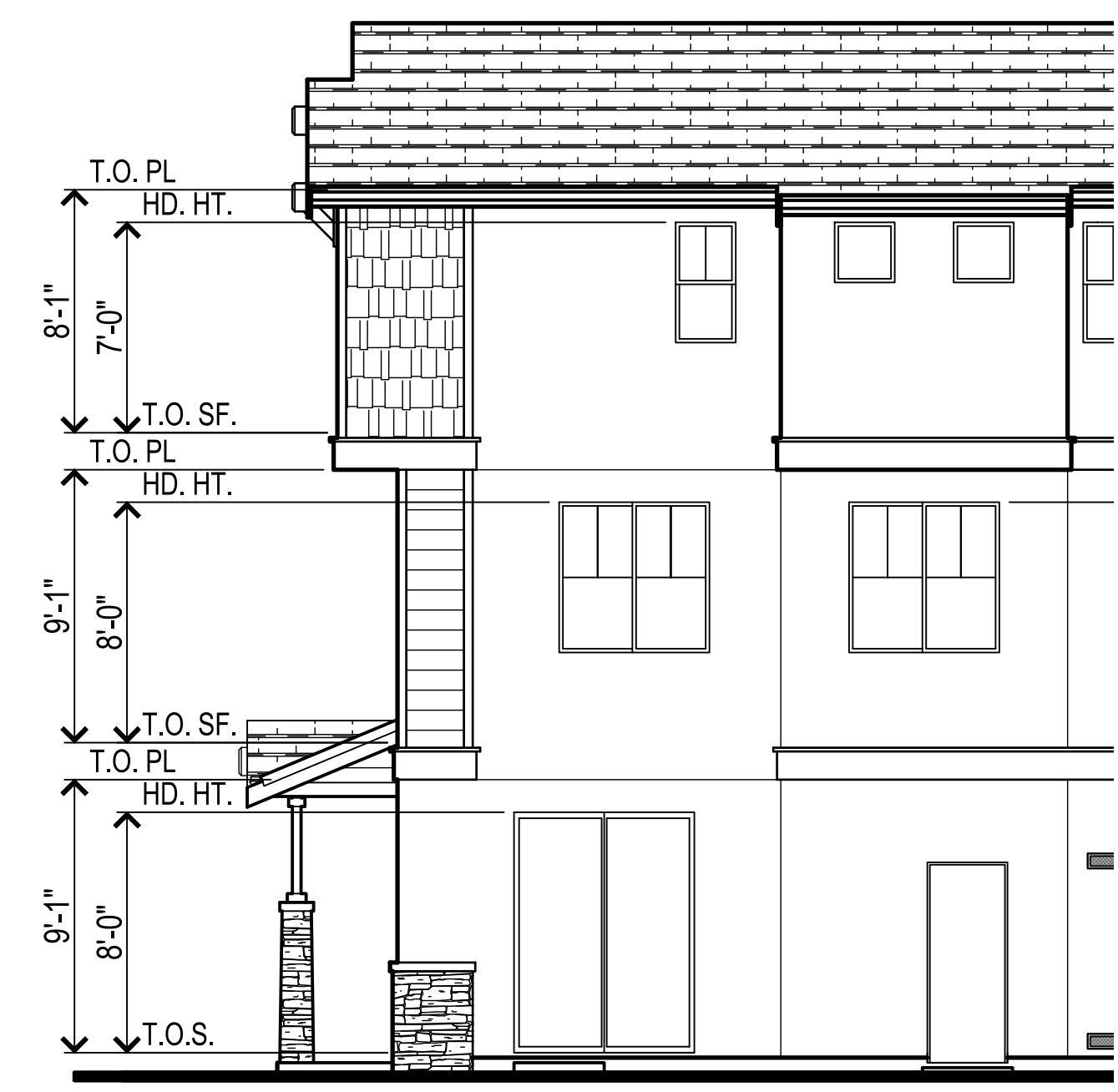
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CRAFTSMAN 'B'
REAR ELEVATION
SCALE: 3/16" = 1'-0"



C
LEF

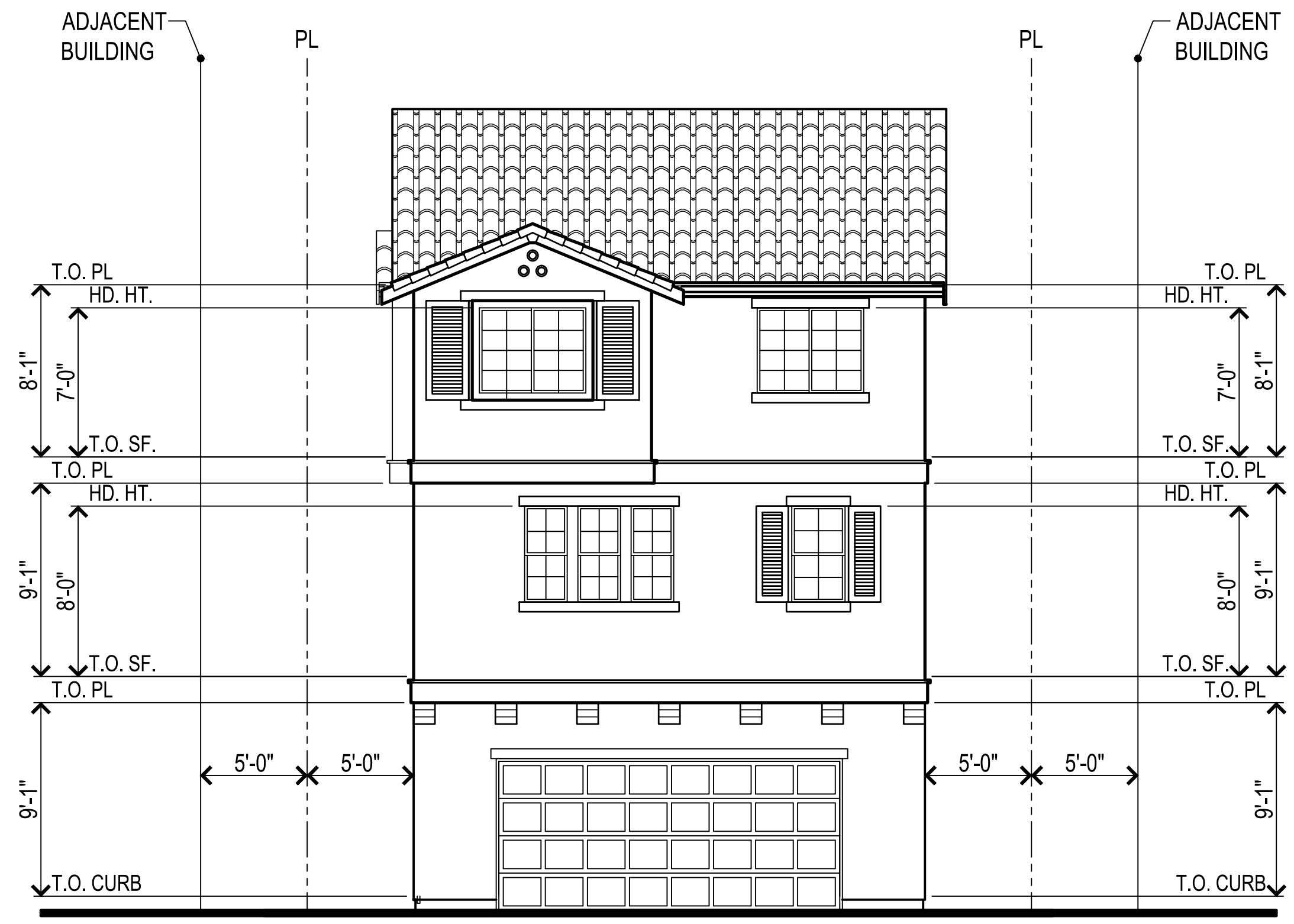
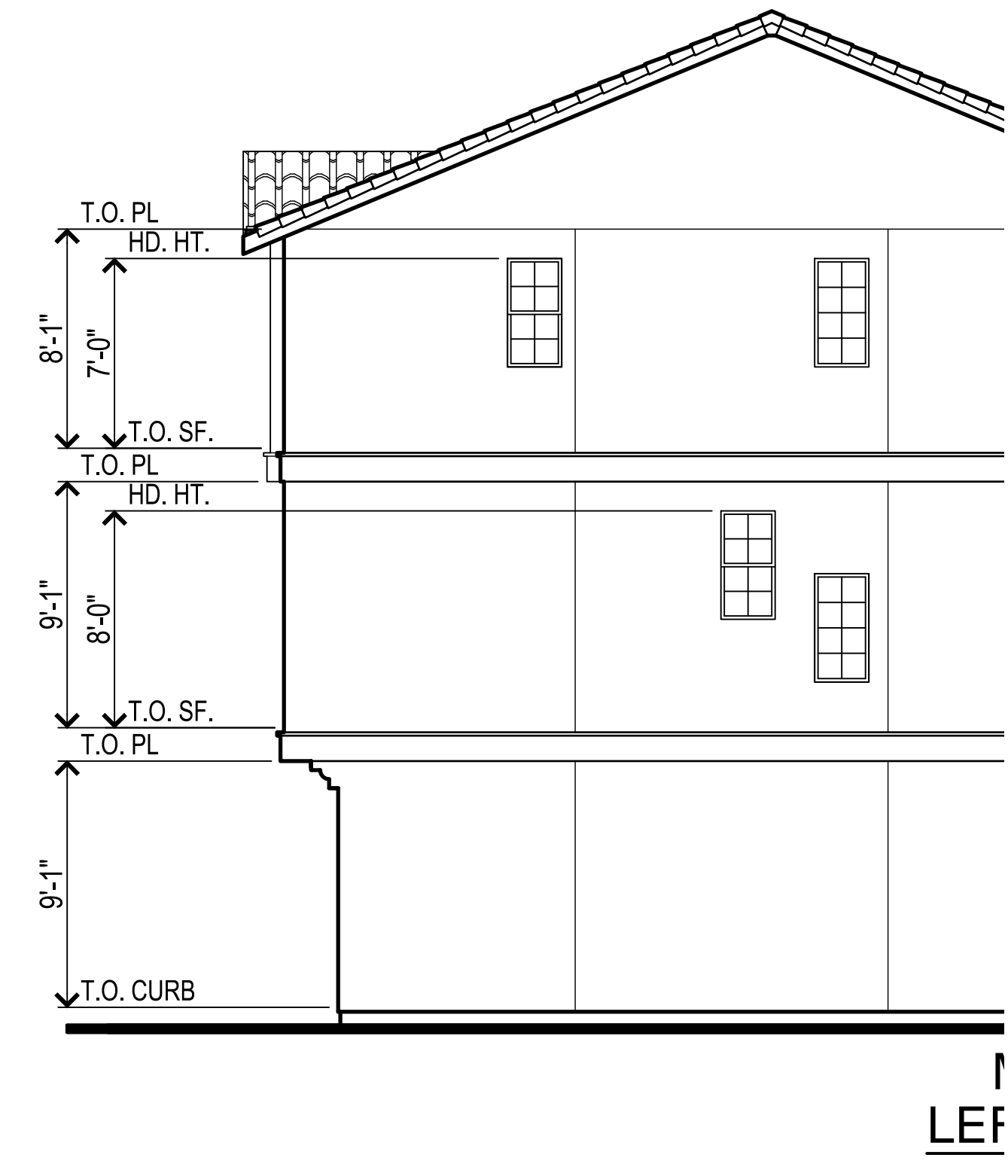


C
RIGH

PLAN 3 'B' ELEVATION

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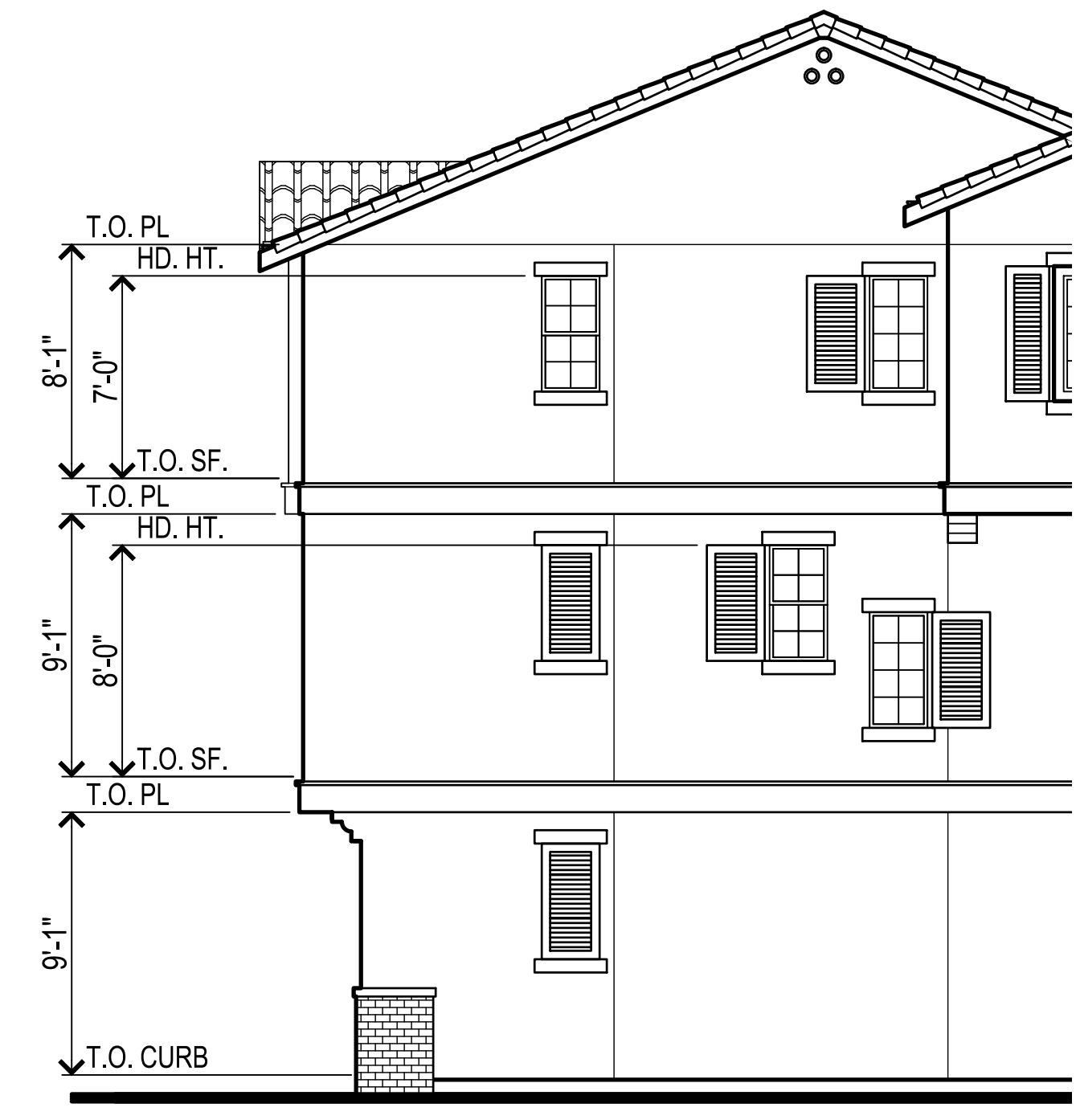
MONTEREY 'C'
REAR ELEVATION
SCALE: 3/16" = 1'-0"



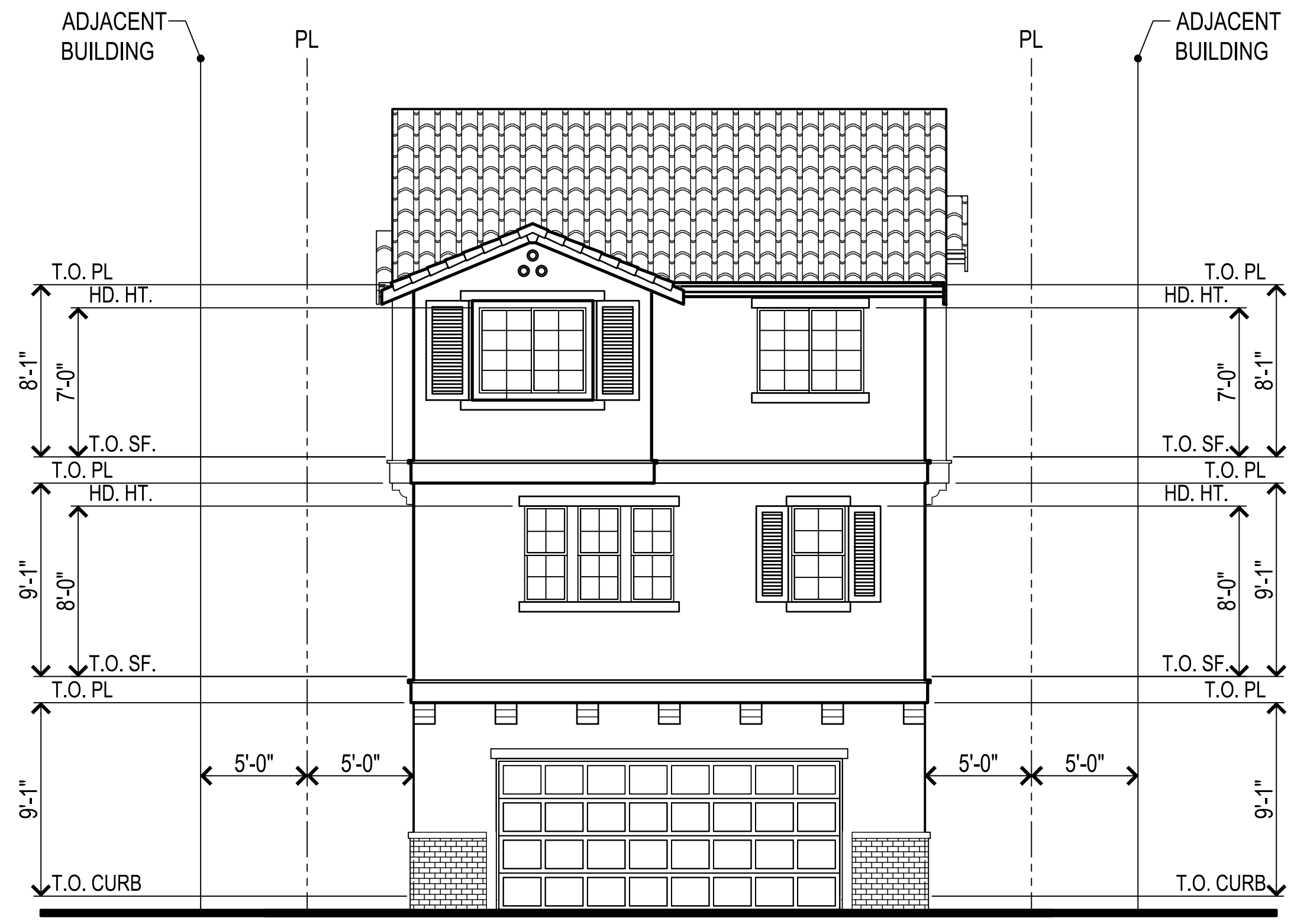
PLAN 3 'C' ELEVATION

Amaral
City of Hayward
Mar 7, 2016

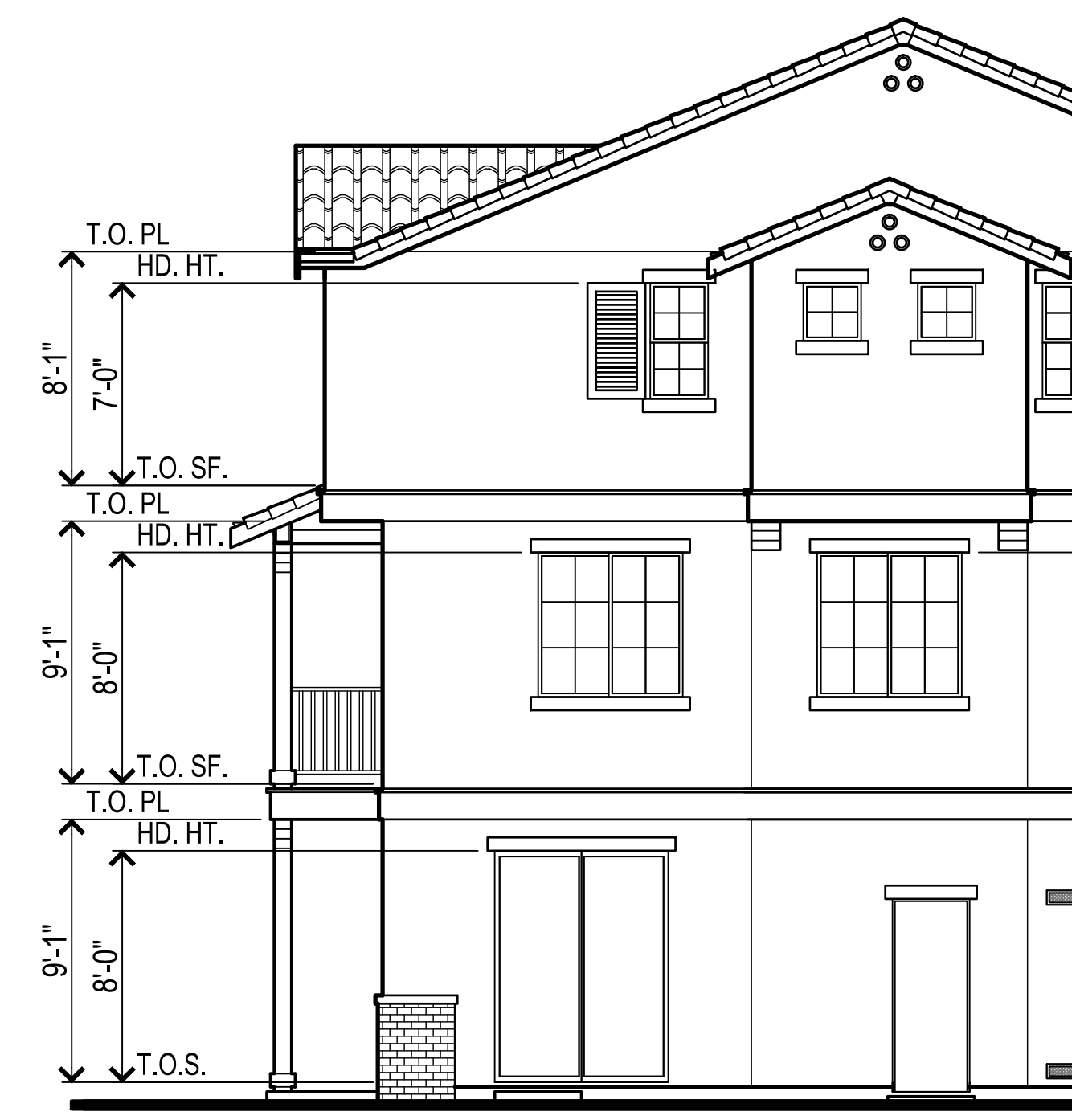
KB Home
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ENHANCED LEFT



MONTEREY 'C'
ENHANCED REAR ELEVATION
SCALE: 3/16" = 1'-0"

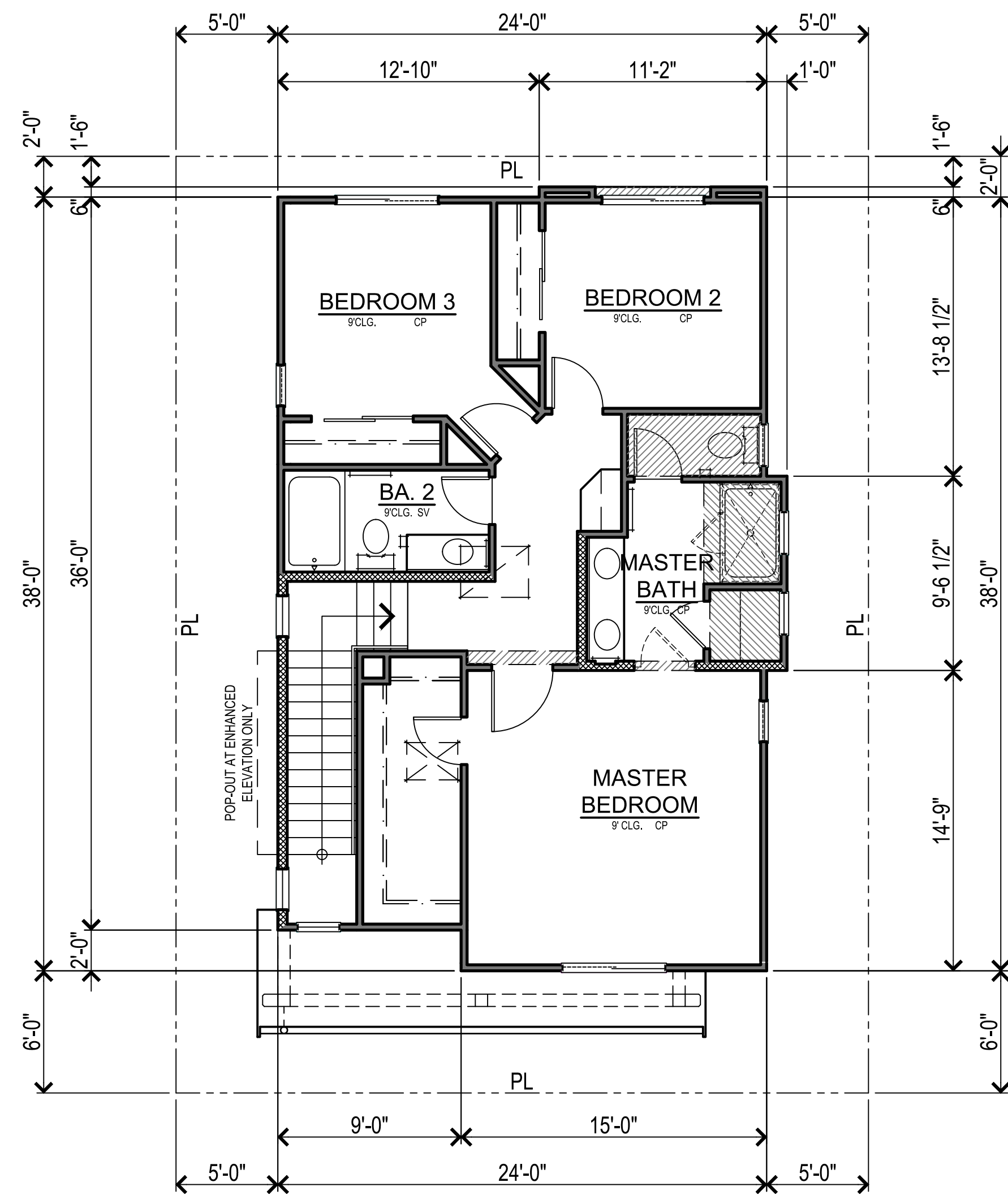


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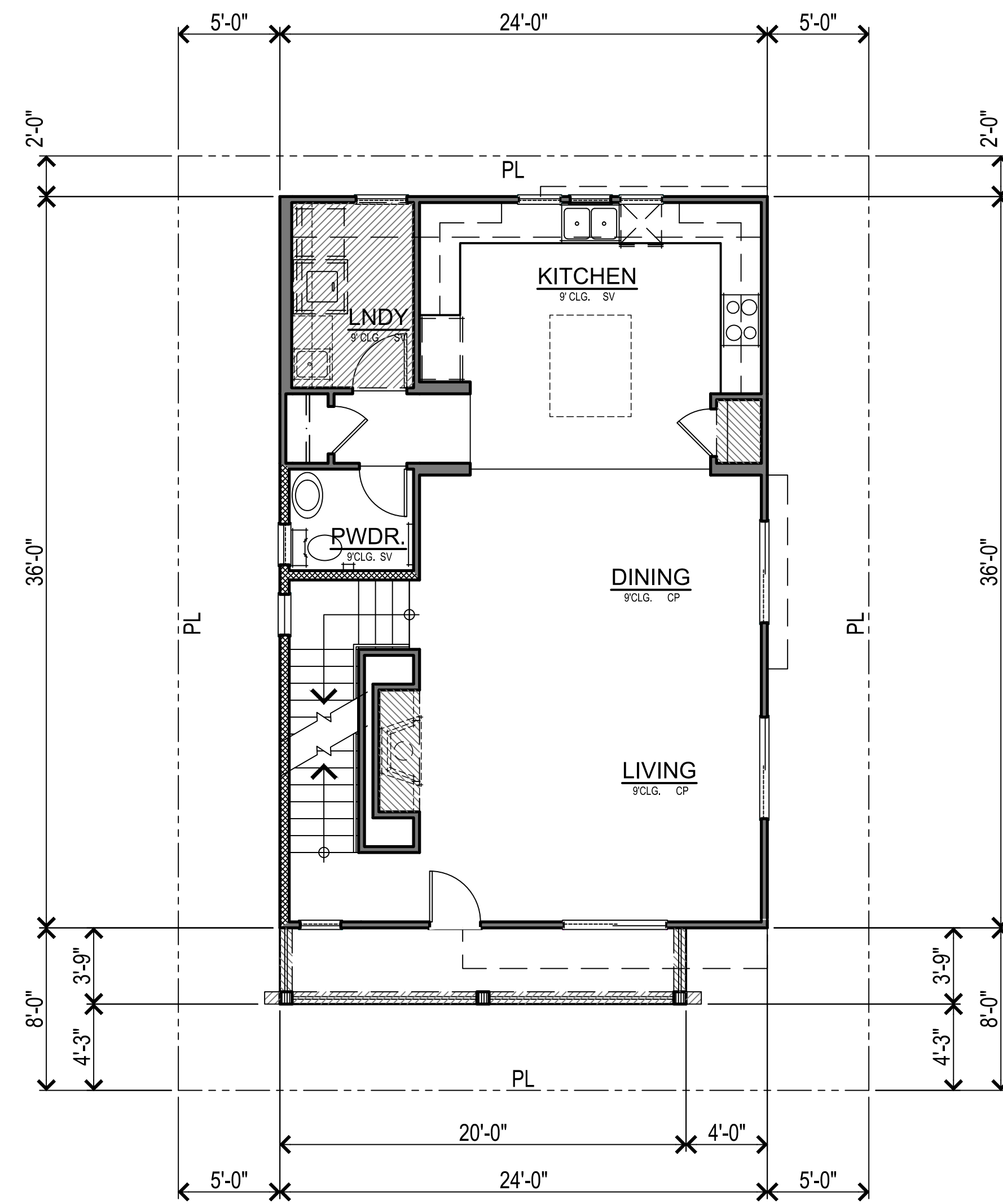
PLAN 3 'C' ENI

Amaral
City of Hayward
Mar 7, 2016

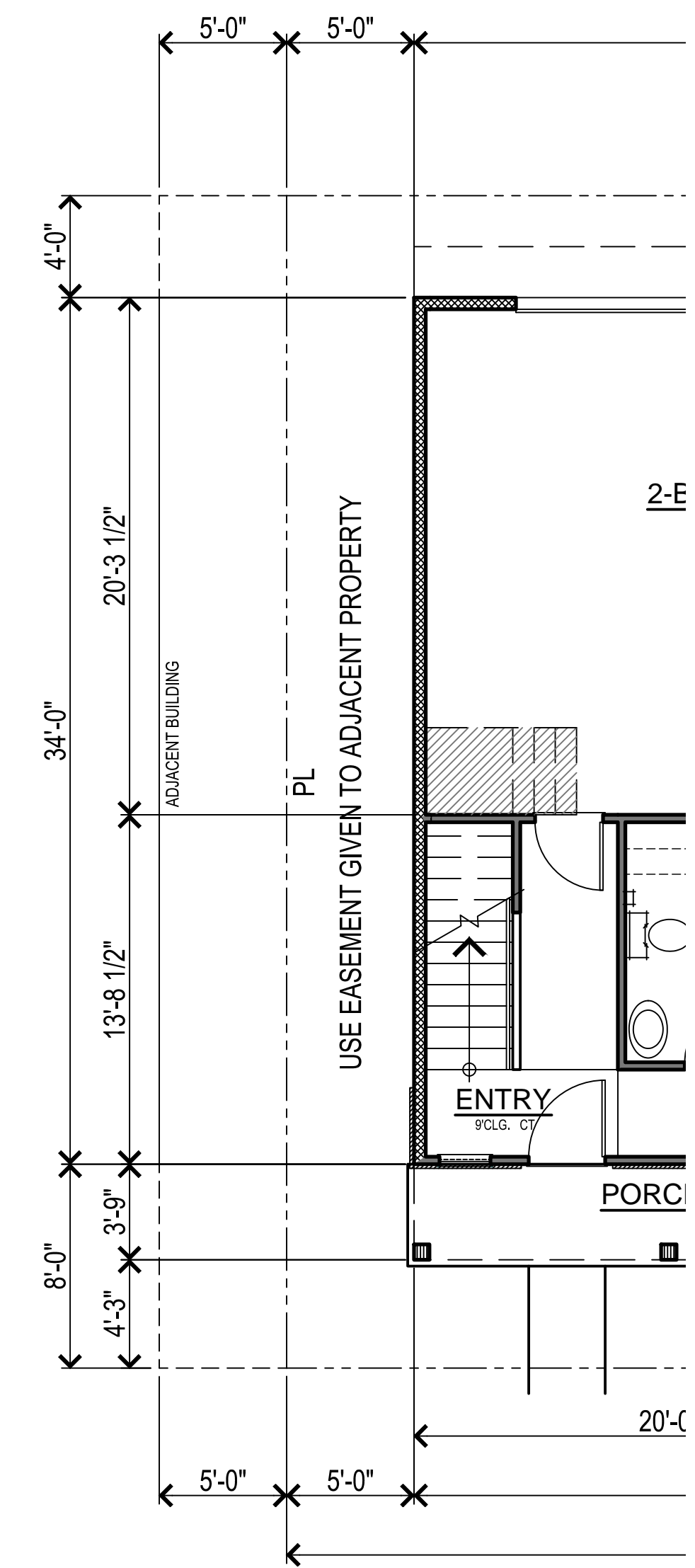
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MONTEREY 'C'
THIRD FLOOR PLAN
SCALE: 3/16" = 1'-0"



MONTEREY 'C'
SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"



SQUARE FOOTAGES	
FIRST FLOOR	329 SQ. FT.
SECOND FLOOR	864 SQ. FT.
THIRD FLOOR	850 SQ. FT.
TOTAL LIVING	2043 SQ. FT.
2-CAR GARAGE	487 SQ. FT.

FIRS

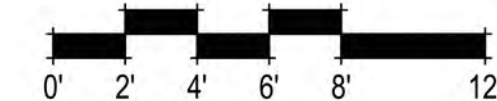


CRAFTSMAN 'B'
SCALE: 3/16" = 1'-0"

CAPE COD 'A'
SCALE: 3/16" = 1'-0"

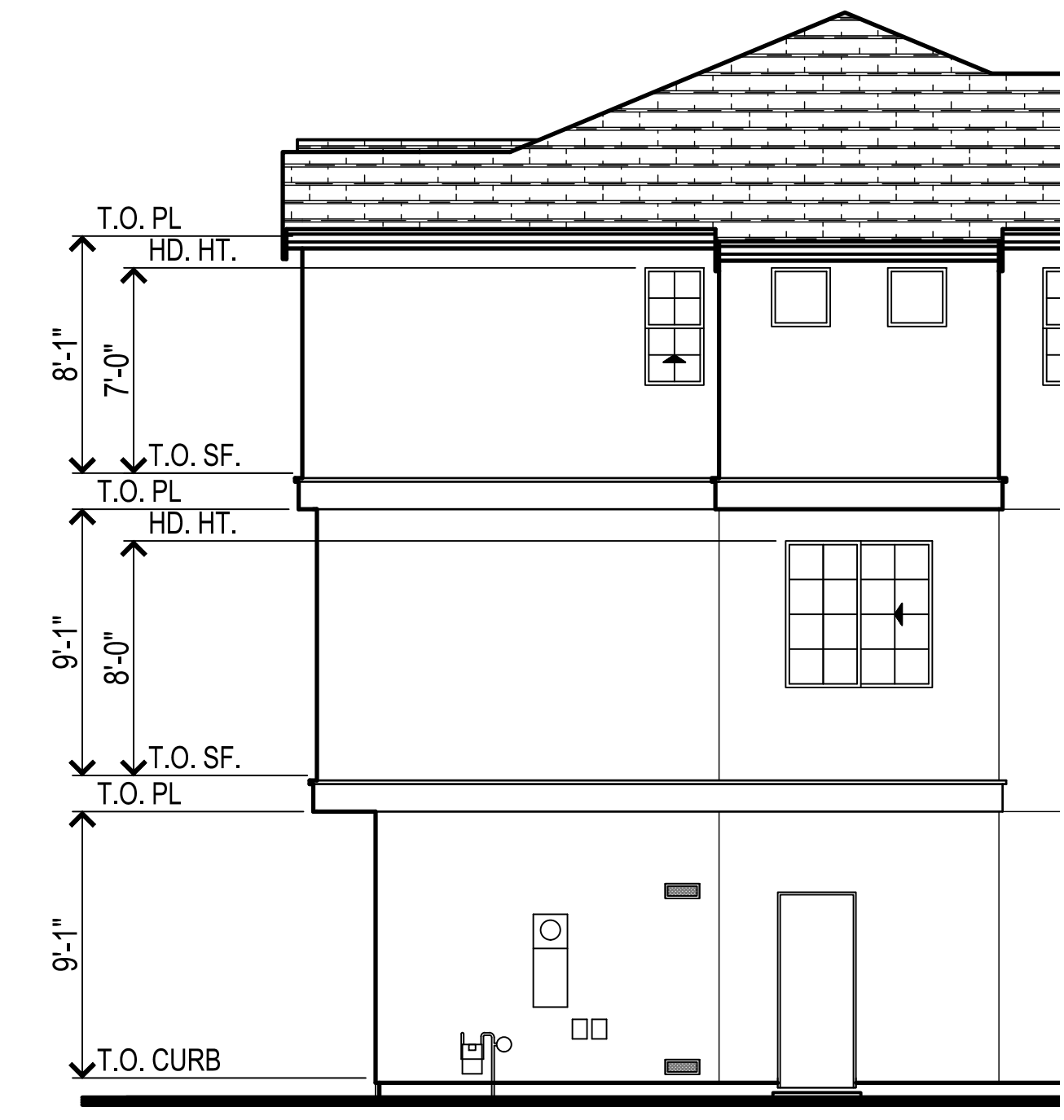


MONTEREY 'C'
SCALE: 3/16" = 1'-0"

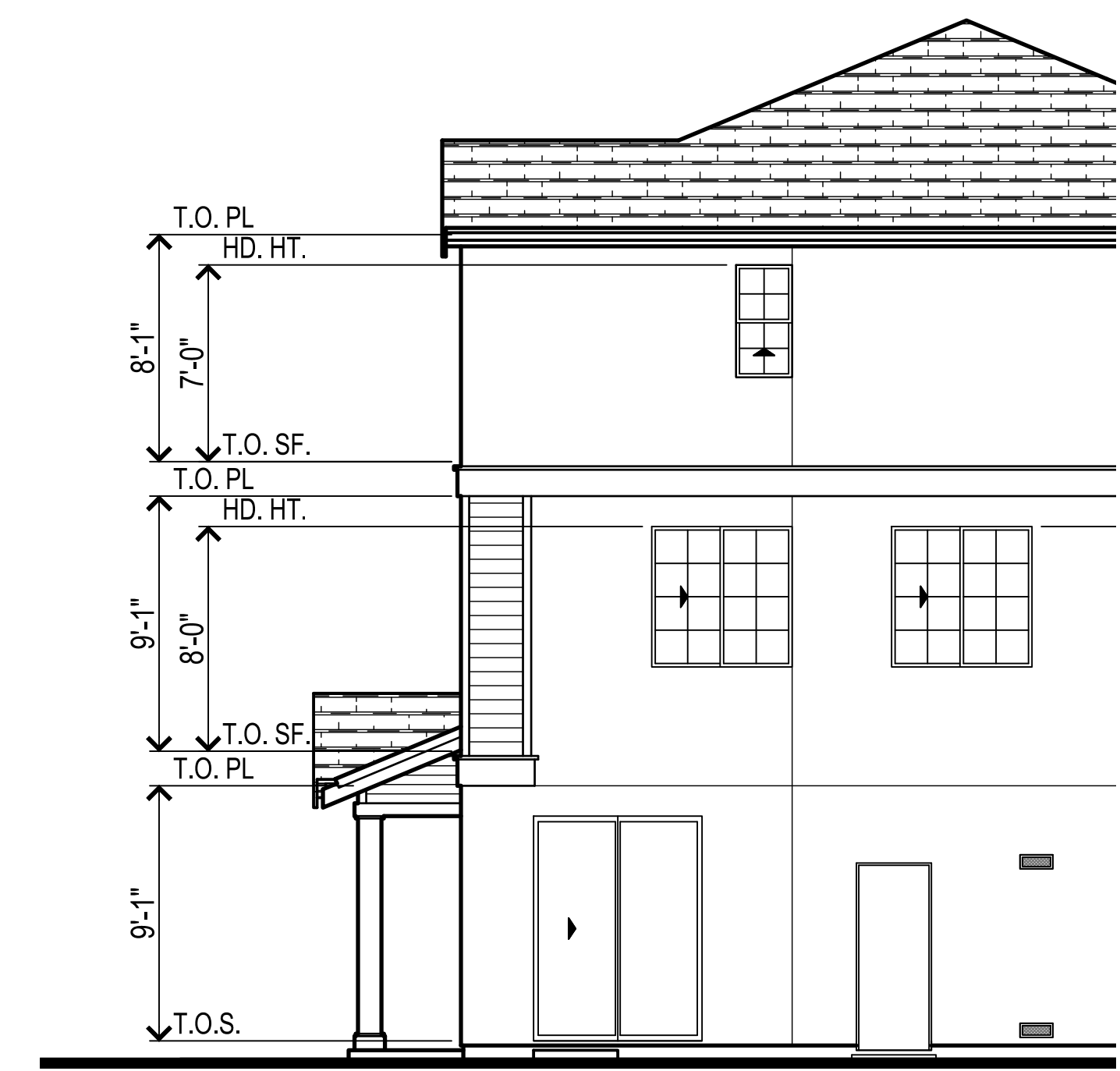




CAPE COD 'A'
 REAR ELEVATION
 SCALE: 3/16" = 1'-0"



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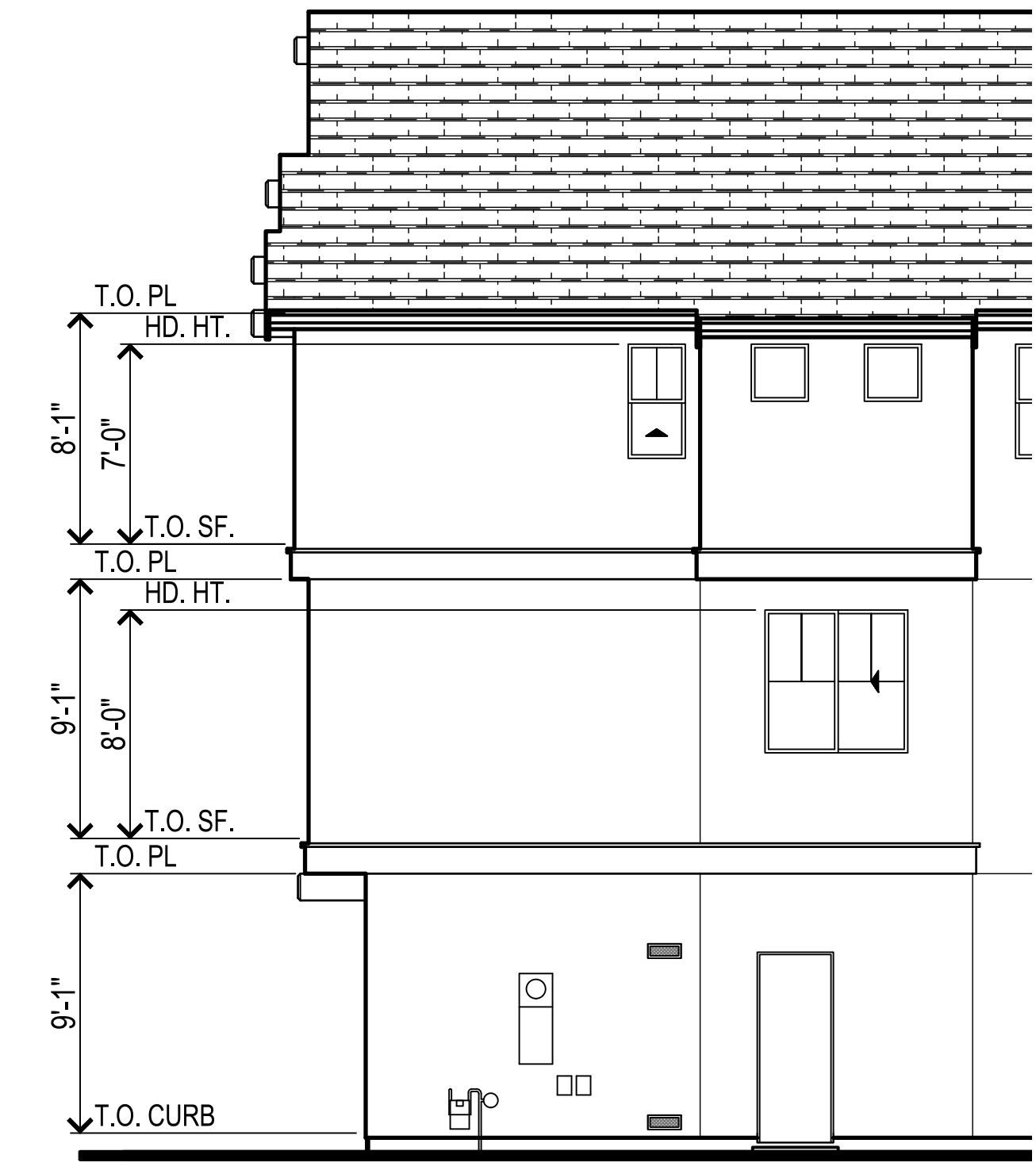
MULTI-FAMILY DUET ELEVATIONS

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 City of Hayward
 Mar 7, 2016

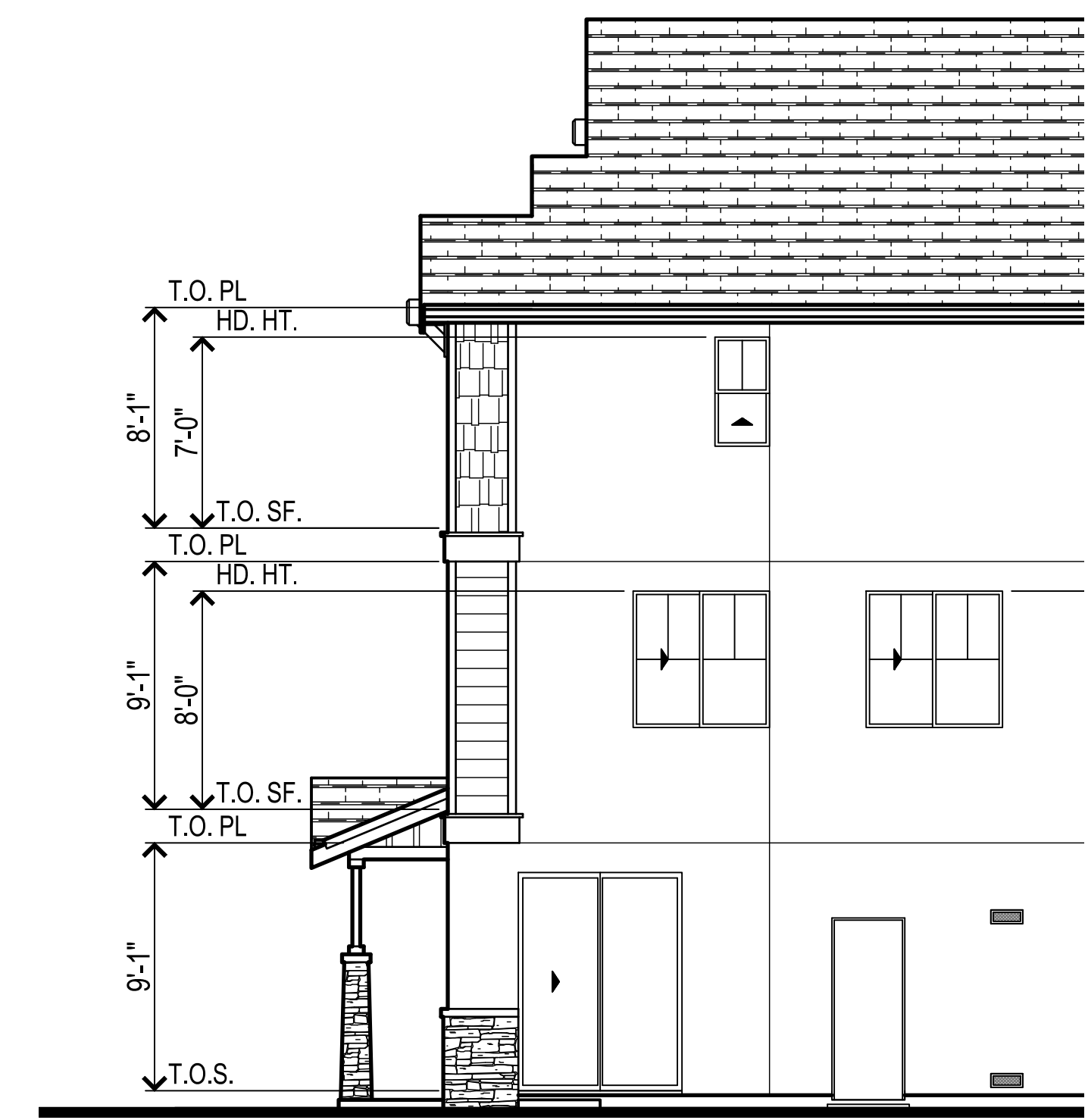
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CRAFTSMAN 'B'
REAR ELEVATION
 SCALE: 3/16" = 1'-0"



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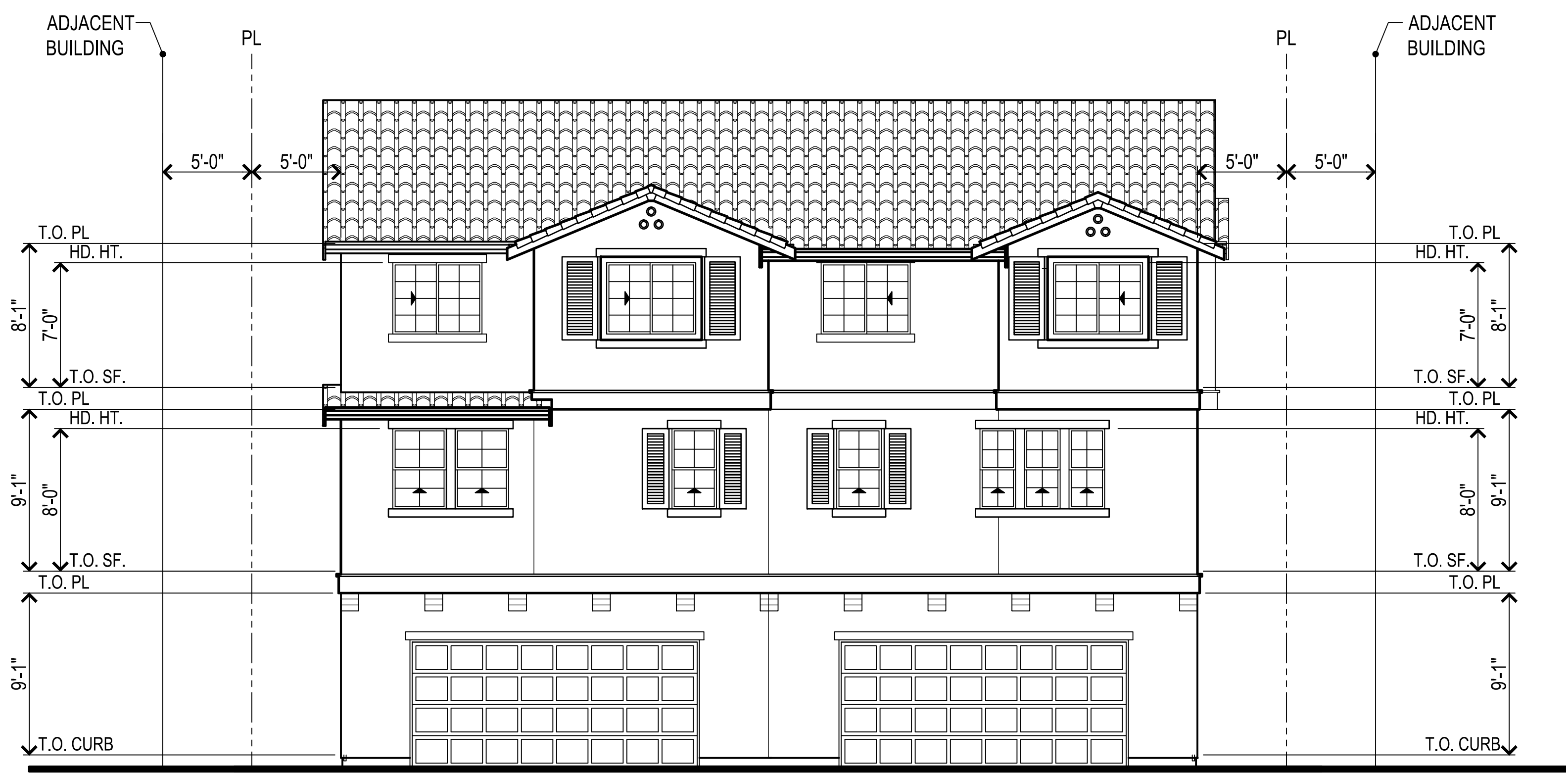


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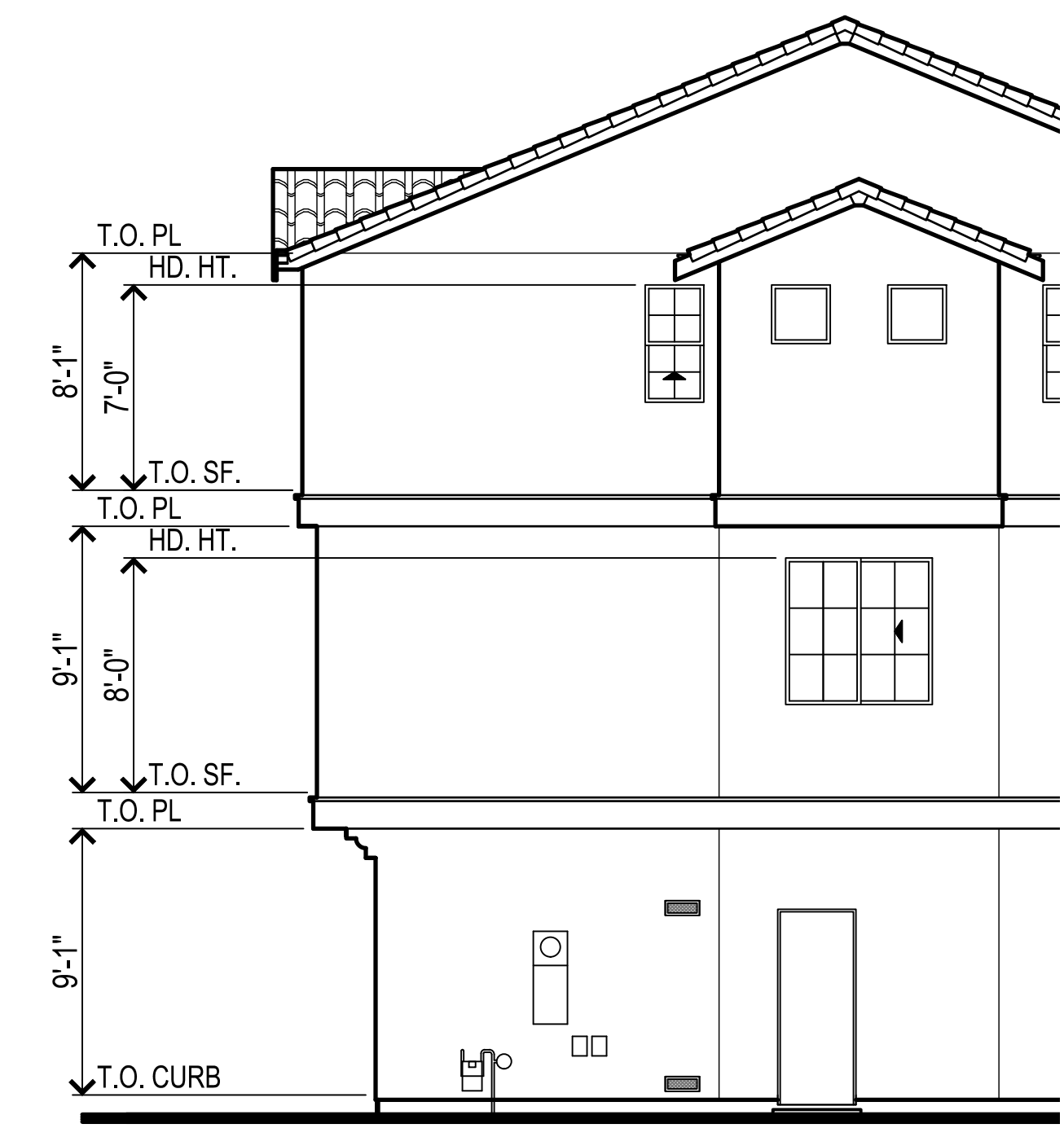
MULTI-FAMILY DUET ELEVATIONS

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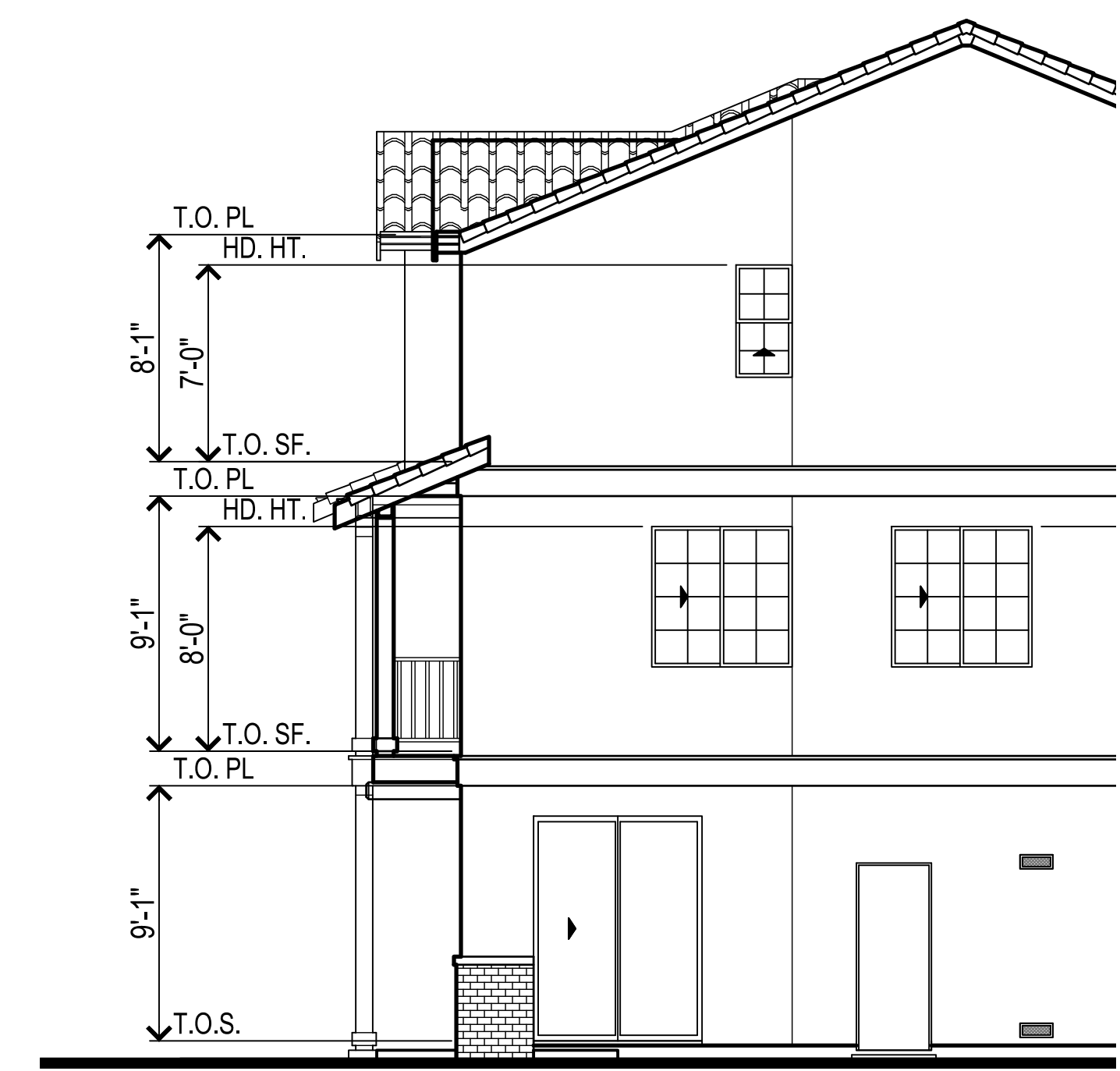
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MONTEREY 'C'
REAR ELEVATION
SCALE: 3/16" = 1'-0"



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MULTI-FAMILY DUET ELEVATIONS

Amaral
City of Hayward
Mar 7, 2016

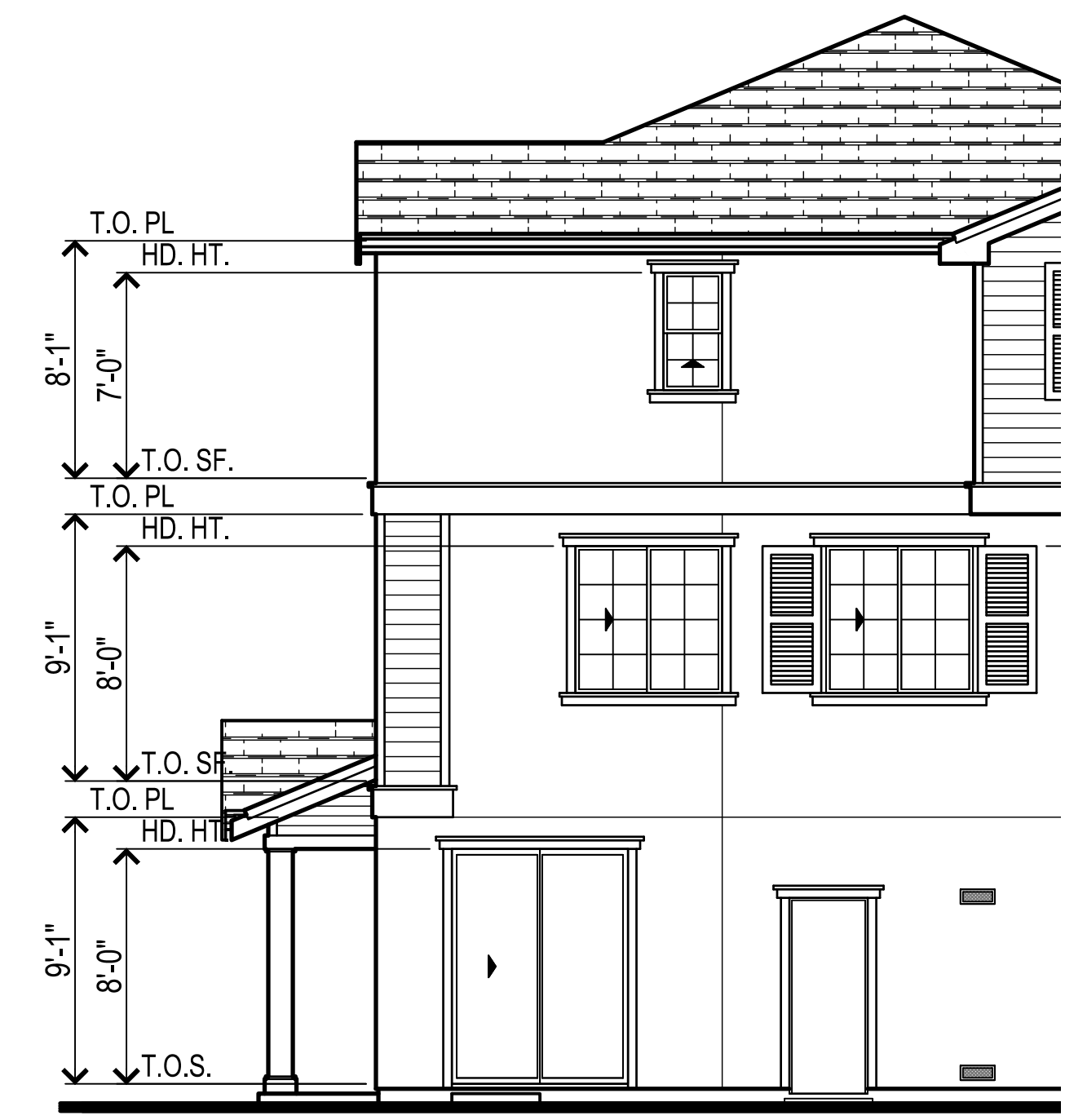
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ENHANCED LEFT



CAPE COD 'A'
ENHANCED REAR ELEVATION
SCALE: 3/16" = 1'-0"



ENHANCED RIGHT

MULTI-FAMILY DUET 'A' ENI

Amaral
City of Hayward
Mar 7, 2016

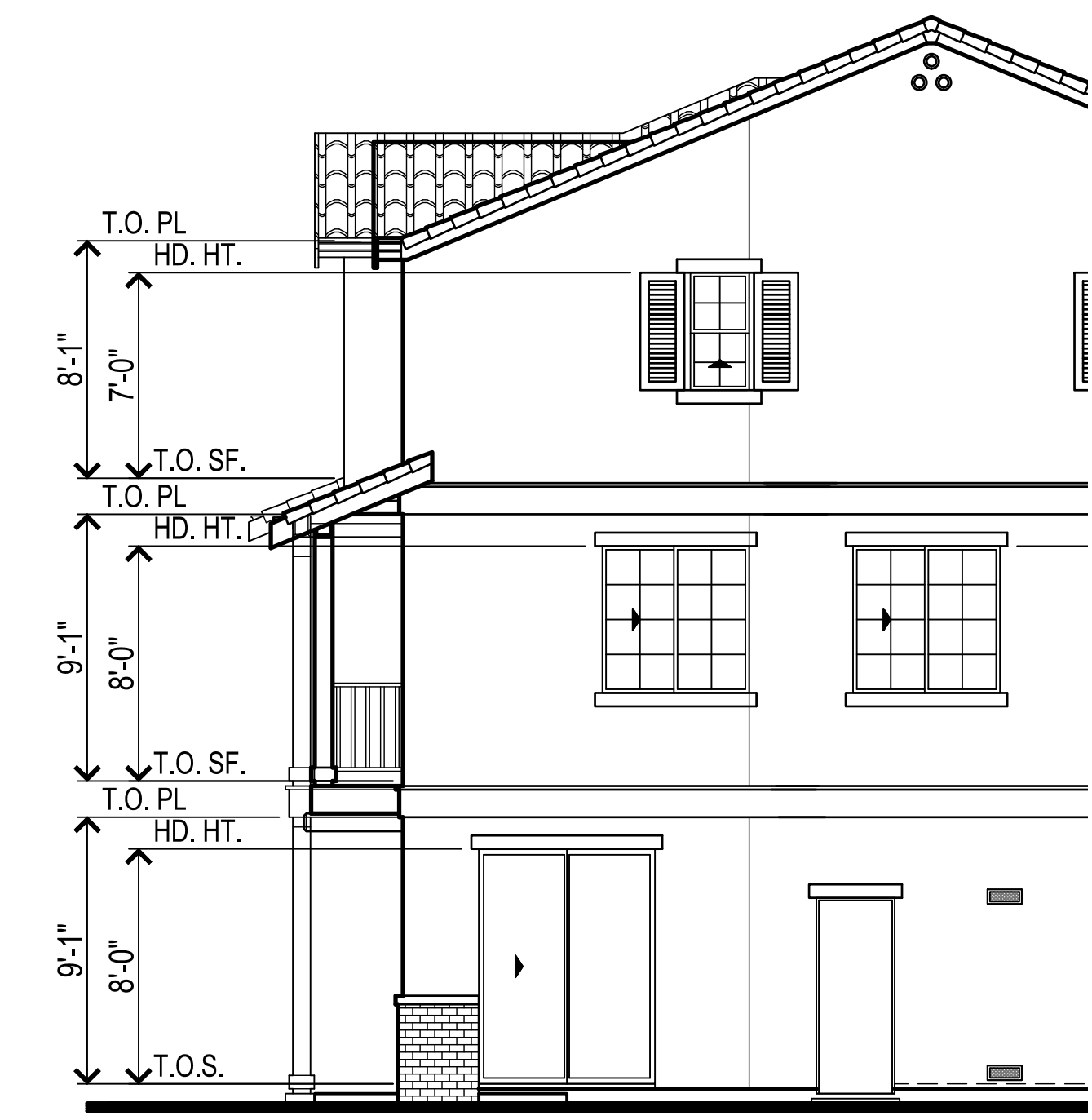
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MONTEREY 'C'
ENHANCED REAR ELEVATION
 SCALE: 3/16" = 1'-0"



ENHANCED LEFT

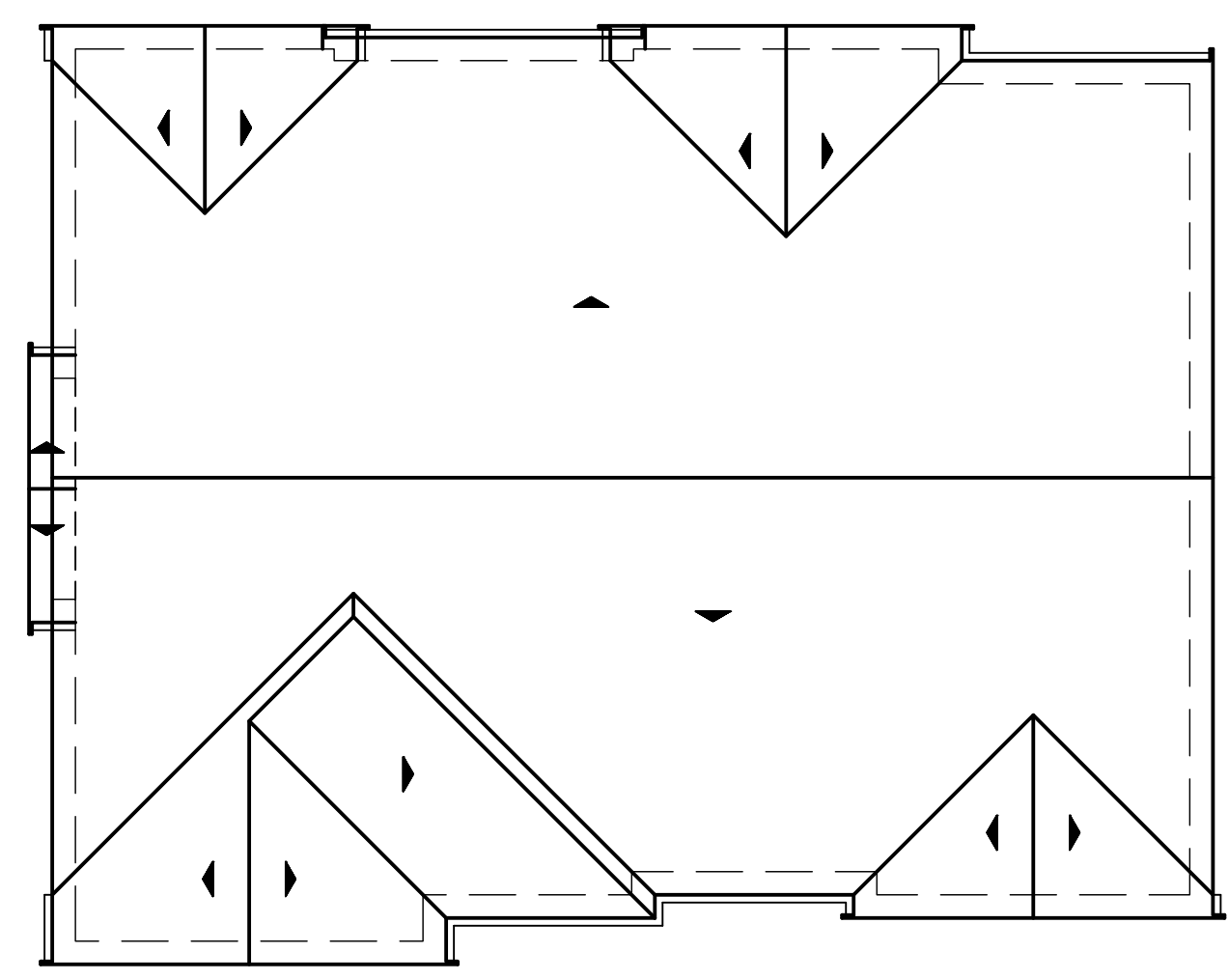


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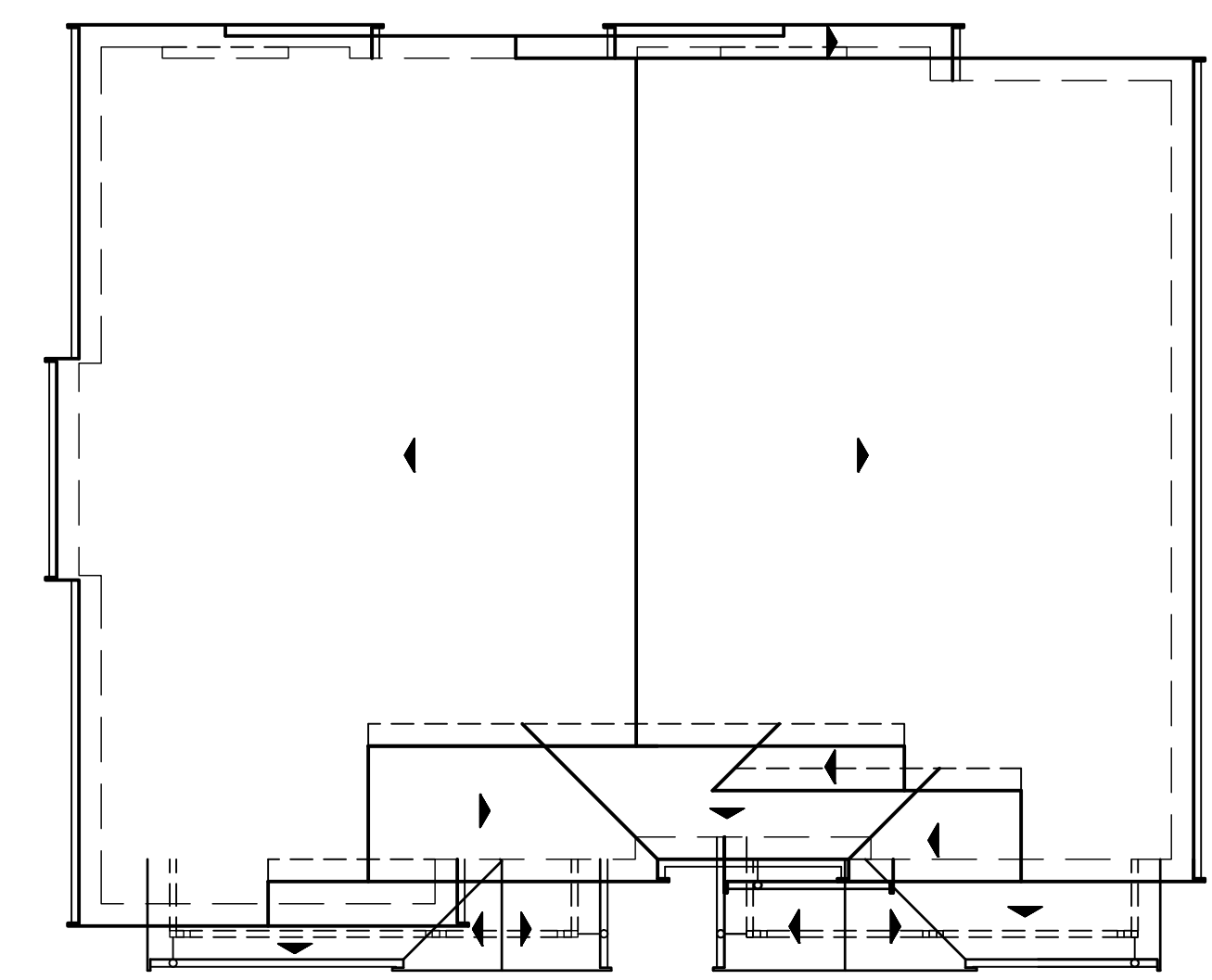
MULTI-FAMILY DUET 'C' ENI

Amaral
 City of Hayward
 Mar 7, 2016

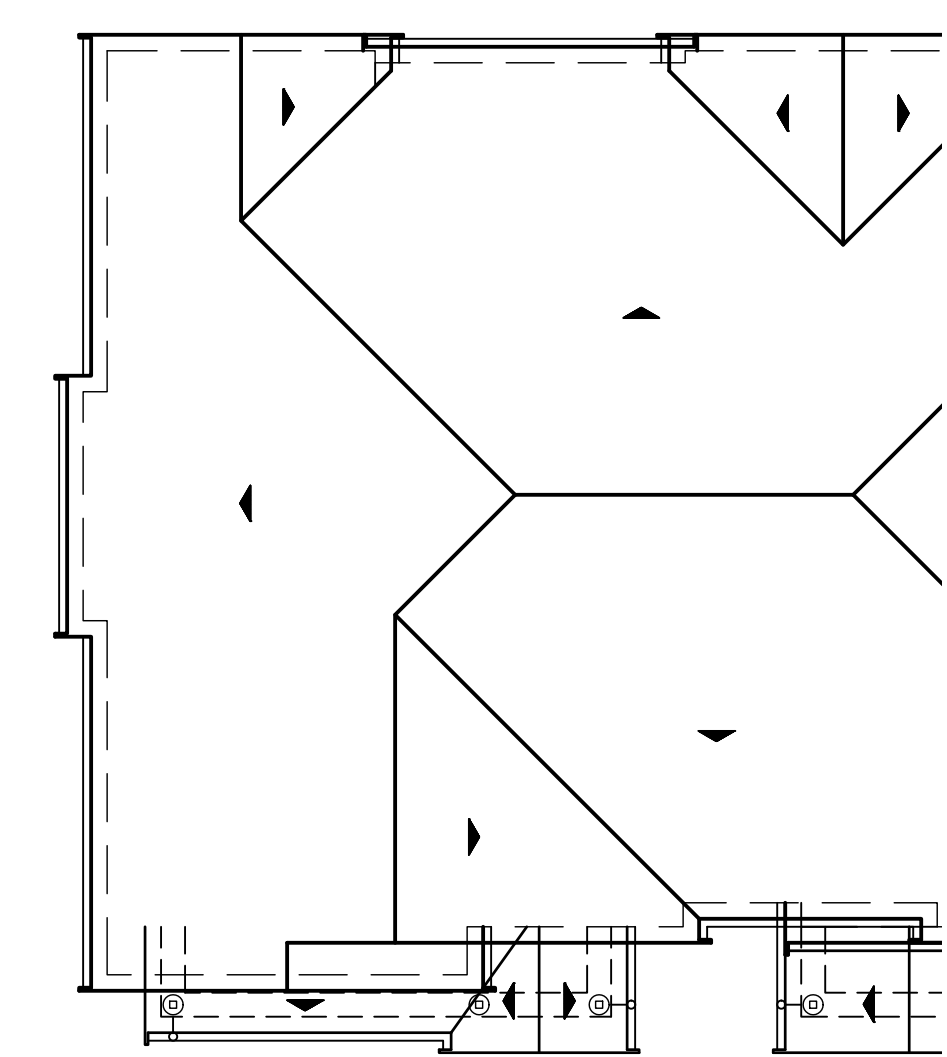
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DUET ROOF PLAN 'C'
SCALE: 1/8" = 1'-0"



DUET ROOF PLAN 'B'
SCALE: 1/8" = 1'-0"

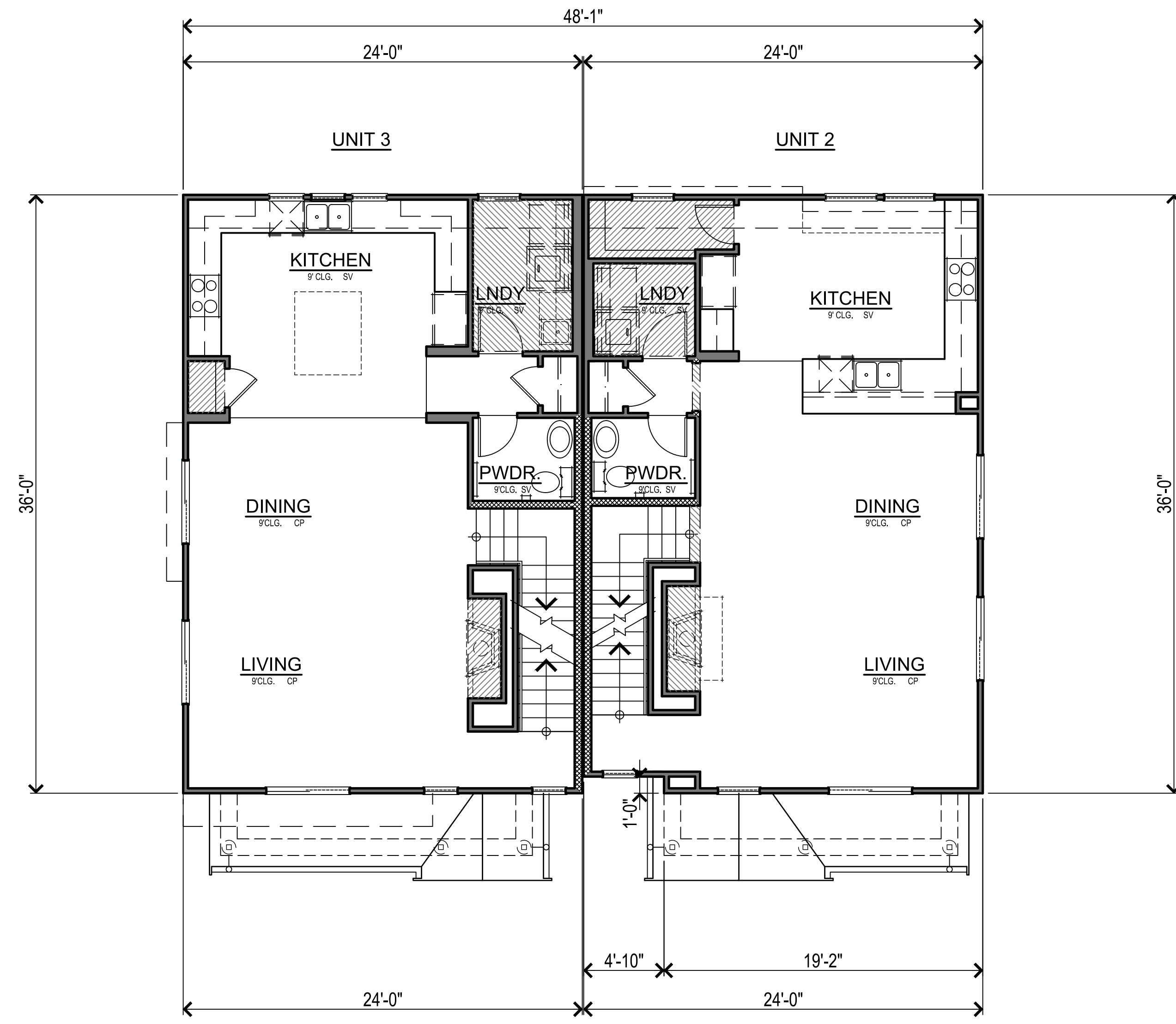


DUET ROO

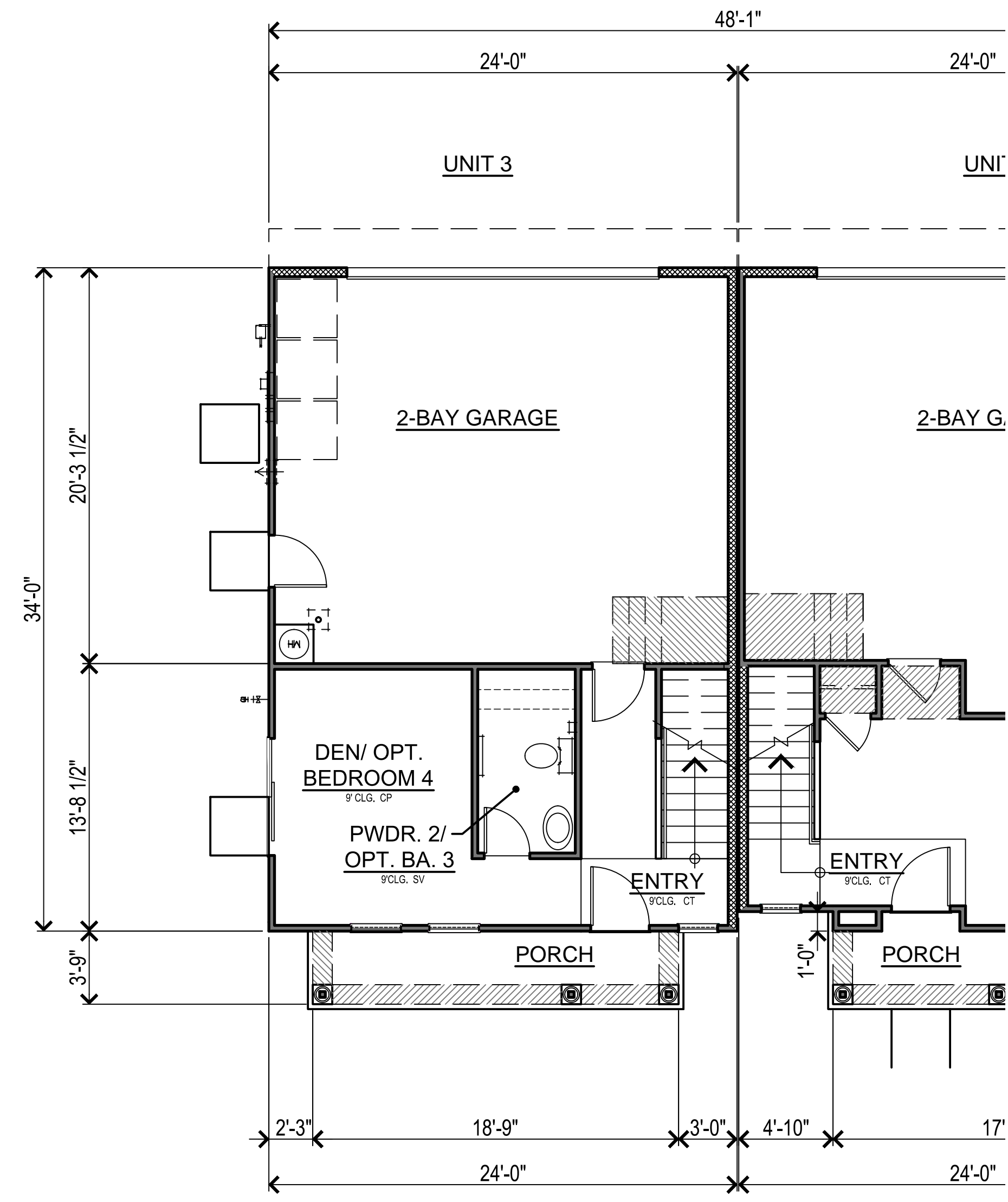
Amaral
City of Hayward
Mar 7, 2016

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MULTI-FAMIL



DUET SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"



DUET FIRST FLOOR PLAN

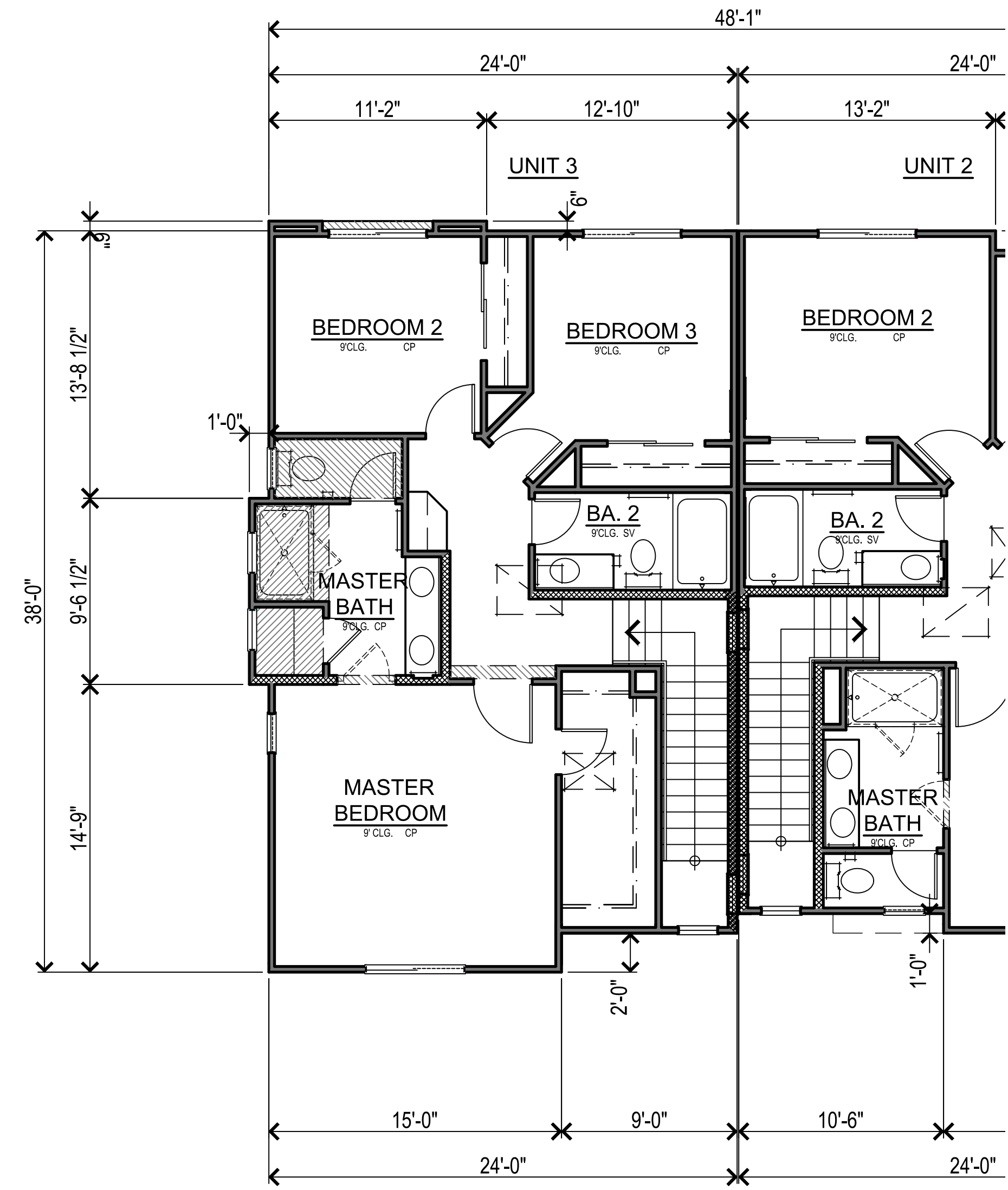
UNIT 3 SQUARE FOOTAGES	
FIRST FLOOR	329 SQ. FT.
SECOND FLOOR	864 SQ. FT.
THIRD FLOOR	850 SQ. FT.
TOTAL LIVING	2043 SQ. FT.
2-CAR GARAGE	487 SQ. FT.

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THIRD FLOOR	793 SQ. FT.
TOTAL LIVING	1938 SQ. FT.
2-BAY GARAGE	517 SQ. FT.

MULTI-FAMILY DUET FIRST AND SECOND FLOOR PLAN

Amaral
City of Hayward
Mar 7, 2016

KB Home
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DUET THIRI



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 28, 2016, 7:00 p.m.
777 B Street, Hayward, CA94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Parso-York.

ROLL CALL

Present: COMMISSIONERS: Willis Jr., Goldstein, Enders, Schott, McDermott, Faria
CHAIRPERSON: Parso-York
Absent: COMMISSIONER: None

SALUTE TO FLAG

Commissioner Enders led in the Pledge of Allegiance.

Staff Members Present: Alvarado Jr., Brick, Bristow, Chan, Christensen, Golubics, Lens, Quach

General Public Present: 4

PUBLIC COMMENT:

Commissioner Enders presented a PowerPoint presentation on 'Encouraging Strong Communities' and spoke about a call to action and proposed five actions for staff and the Planning Commission, which includes considering small lot single family home criteria . Chair Parso-York requested staff place this item on the agenda for the next meeting.

PUBLIC HEARINGS: For agenda item No. 1, the Planning Commission may make a recommendation to the City Council.

1. Proposed subdivision and construction of twenty-eight detached single-family homes and fourteen attached townhomes on a 3.2-acre site at 81 Fagundes Court, requiring adoption of a Resolution and Introduction of an Ordinance for a Zone Change from Medium Density Residential and Single-Family Residential to Planned Development District, Vesting Tentative Tract Map 8266, and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; KB Home Bay Area (Applicant)/Steven Amaral (Owner)

Assistant Planner Christensen provided a synopsis of the staff report. Mr. Christensen asked that Conditional of Approval #138 be added to the Conditions of Approval for the development regarding bollards located at the Fagundes Court entrance. Mr. Christensen



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION**

Council Chambers

Thursday, April 28, 2016, 7:00 p.m.

777 B Street, Hayward, CA94541

said the bollards will be kept locked in place at all times and only removed for emergency vehicle access.

Mr. Ray Panek with KB Home said the staff report reflects all of the changes the applicant has made while working with staff, Public Works Engineering and the Fire Department and noted his team is present to answer any questions.

Assistant Planner Christensen responded to Commissioner Goldstein about the City Council stipulation for a sound wall to mitigate the impact from the railroad noise; the developer has already addressed this issue for the units that would be impacted with insulated windows. Mr. Christensen noted a sound wall would not match an already existing decorative fence. Senior Planner Golubics said the developer worked with staff to mitigate the railroad noise issues, which will be incorporated into the building design addressing Council concerns.

Assistant Planner Christensen responded to Commissioner Faria that the developer has added parking to address the removal of the gate on Diodan Court and also the placement of the parking is to make it more convenient for residents. Mr. Christensen noted the neighborhood has a "parking issue" and the additional parking spaces on Huntwood Avenue should help alleviate some of the parking issues.

Assistant Planner Christensen confirmed for Commissioner Willis Jr. that the development is no longer gated and the eleven parking spaces satisfies the City's requirements. Mr. Willis was concerned about parking and the sound wall. Assistant City Attorney Alvarado pointed out that though the sound wall was part of the City Council comments, it was not part of Council's motion. Mr. Alvarado said Council had directed staff to address the two issues of eliminating the private gates and inclusion of parking mitigation measures. Mr. Willis commented he favored the development as long as there was sufficient resident parking.

Commissioner Schott expressed concern about the item going back and forth between the Planning Commission and City Council. Commissioner Schott also expressed concern that Huntwood Avenue may not be wide enough to accommodate additional parking, as the street does not allow parking in adjacent segments. Assistant Planner Christensen said as part of the development, Huntwood Avenue will be wider on the east side to accommodate additional parking and noted the developer will be giving up additional right-of-way.

Commissioner Enders requested clarity in regards to Council's direction and Assistant Planner Christensen said Council's direction included the removal of the gates to make a more welcoming and connected community and noted, per staff recommendation, the bollards on Fagundes Court will remain and ensure there is sufficient parking. Mr.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
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Christensen added that even though the developer was not required to build an onsite public park, the developer is providing park-in-lieu fees for all forty-two units, which will provide funds for public purpose which can be used for park improvements in the neighborhood. Mr. Christensen added the applicant is proposing a central open space area, which will be about the size of four units and will provide recreational amenities for residents. Mr. Christensen also clarified to the Commission that based on the Quimby Act, the City cannot require the inclusion of a public park within a project of this size; the City is limited to only being able to require payment of in-lieu fees.

Commissioner McDermott was supportive of expanding the parking and the widening of Huntwood Avenue but there will still be a parking issue as the surrounding community has not caught up with the City's efforts to get cars off the public street.

Assistant Planner Christensen responded to Commissioner Willis Jr. that by changing the plan to twenty-eight detached single family units and fourteen townhomes, this has allowed for the ability to create the additional parking per Council's direction while still having the same amount of open space per unit. Each unit will be properly equipped with photovoltaic solar systems and electric charging stations.

Commissioner Schott expressed concern about how the funds will be spent for the betterment of children living in the area and asked how park-in-lieu fees will be dispersed and will the City be able to retain any fees. Mr. Schott added that parks in the area are not very good. Senior Planner Golubics confirmed the park-in-lieu fees are handed over to the Hayward Area Recreational and Park District (HARD) and that the City's Landscape Architect works with HARD on park planning issues. Mr. Schott commented that since the housing structure in the City of Hayward was changing to more infill projects, he wanted to have a better sense of how City codes, regulations and housing requirements will change to accommodate for this shift. Senior Planner Golubics said that staff was working diligently and swiftly to address this housing change and shared that staff was also working on simplifying staff reports and considering future planning code changes.

Chair Parso-York was concerned about increased congestion from infill projects without having additional bus routes near the new developments which would enable residents to get out of their cars and utilize public transportation. Mr. Parso-York expressed concern that there needs to be a public park built prior to adding more housing; noting that currently people have to drive to take their children to a park for activities which was not consistent with Hayward's efforts to get people out of their cars. Mr. Parso-York was pleased that the gate will be open on Fagundes Court for pedestrians but had concerns about insulated thick windows to mitigate the railroad noise issue as residents would not want to open their windows because of the railroad noise. Assistant Planner Christensen described how the developer has addressed the noise issues noting that units with

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION****Council Chambers****Thursday, April 28, 2016, 7:00 p.m.****777 B Street, Hayward, CA94541**

insulated windows will have air conditioning to improve the living quality within each unit exposed to the railroad noise and that eight foot sound walls were not that effective with three story developments. Mr. Parso-York reiterated his concern about the lack of a public park for this neighborhood.

Commissioner Enders noted she made the motion to move the project forward to City Council regarding this infill project when it was before the Planning Commission on November 19, 2015. Ms. Enders said this project will bring energy and life to this parcel of land but noted that the developer and atmosphere of the meeting was uninspiring. Ms. Enders said the issue of congestion needs to be addressed by the City and the Planning Commission specifically about what can be done about the City being used as a cut through to get off the freeway and noted that even though cars in the Loop area may be moving faster, the surrounding areas and neighborhoods have been greatly impacted by increased congestion. Ms. Enders commented the Planning Commission should take Council's direction to heart noting that the gates have been removed and the applicant has done a good job making changes to accommodate eleven more parking spaces to the project but felt this will not truly address the parking issue. Ms. Enders felt that the additional parking on Huntwood Avenue may not help the development unless the spaces were unit specific. Ms. Enders said prior to a motion that there needs to be an agreement to address additional amenities such as a public park and additional parking spaces.

Mr. Ray Panek, with KB Homes, noted as part of the project initial study (California Environmental Quality Act, or CEQA, review) there was a noise review conducted by their acoustical consultant and the applicant met the City's General Plan requirements by addressing the noise issue with building construction, specifically with thicker wall construction and STC window ratings, a mechanical ventilation system along with an air conditioning system to allow the homeowners to keep the windows closed. Mr. Panek said KB Home did their best to follow Council's direction and created six more spaces than what was required by the City's Municipal Code, eliminated the gates, provided an open space for the small infill project, and are paying the park-in-lieu fees. Mr. Panek said the applicant cannot solve existing neighborhood parking problems and they have worked closely with the City's Landscape Architect, Ms. Michelle Koo regarding the design of the private open space.

Commissioner Faria commented the applicant's changes have met the City's requirements and it was unfair to have the applicant correct the neighborhoods parking situation.

Commissioner Enders said she appreciated Commissioner Faria's comments and does not want the applicant to feel they are being picked on; but the issue of parking will come up again and again and it was the Planning Commissioners' responsibility to address issues as the voice of the community. Ms. Enders said developers come to the City to do business but



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at what cost. Residents will suffer from both a lack of parking and a public park for children. The Planning Commission needs to speak up and work for what will be best for the community and needs to be creative to resolve issues. Ms. Enders noted the developer suggested putting in a park in the corner lot.

Commissioner Schott pointed out that the Planning Commission approved a project that was forwarded to Council and Council returned the item with direction. Staff has worked with the developer to meet those directions. Mr. Schott made a motion to move the item per the staff's recommendation.

Commissioner Faria said she appreciated Commissioner Enders comments. Ms. Faria has been very concerned about vertical buildings and the density of the housing units, even though infill projects meet City regulations and General Plan. Ms. Faria felt there were bigger considerations. Ms. Faria said at some point people need space and expressed concern that there will be social issues in the future. Ms. Faria said the Planning Commission needs to look at items from a larger perspective.

Chair Parso-York opened and closed the public hearing at 8:01 p.m.

Commissioner Schott repeated his motion to move the item per the staff recommendation which includes the addition of Condition of Approval #138. Commissioner Willis Jr. seconded the motion.

The motion passed with the following vote:

AYES:	Commissioners Willis Jr., Goldstein, Schott, McDermott, Faria,
NOES:	Commissioner Enders, Chair Parso-York
ABSENT:	None
ABSTAIN:	None

COMMISSION REPORTS

2. Oral Report on Planning and Zoning Matters

Senior Planner Golubics said staff is securing the services of the Lisa Weiss Consulting firm to work on the Downtown Specific Plan. Mr. Golubics said a lot of the issues raised tonight will be looked at, which include parking and Commissioner Enders' topic presented during Public Comments on 'Encouraging Strong Communities'. Staff is also working on a Shoreline Realignment Master Plan, looking at sea level rise and how it will affect the City. Mr. Golubics also spoke to items for the next Planning Commission meeting on May 12th.

3. Commissioners' Announcements, Referrals



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Commissioner McDermott encouraged commissioners and residents to participate in the Hayward Education Foundation, East Bay Gives, on May 3rd, which is a twenty-four hour fundraiser. The Foundation supports Hayward's children and teachers plus Fremont Bank will match every dollar up to \$2,500.

Commissioner Faria invited everyone to participate in the Hayward Area Historical Society Gala on Saturday, April 30, 2016. This event will support and preserve our history and will provide opportunities for Hayward's youth to learn about the City's background and will keep us informed of where we were and how we are evolving.

APPROVAL OF MINUTES

4. There were none.

ADJOURNMENT

Chair Parso-York adjourned the meeting at 8:16 p.m.

APPROVED:

Brian Schott, Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk



CITY OF HAYWARD

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

Staff Report

File #: PH 16-048

DATE: May 24, 2016

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adoption of an Ordinance to Approve An Amendment to the City of Hayward Contract with the California Public Employees Retirement System (PERS) Contract for Miscellaneous Members in HAME, Local 21 and Unrepresented Employees

RECOMMENDATION

That the City Council adopts an Ordinance to execute the amendment of the City of Hayward's contract with PERS to add a provision for cost sharing for the Miscellaneous Members in HAME, Local 21 and the Unrepresented Employee Group.

BACKGROUND

On April 26, 2016, the City Council approved a Resolution of Intent to amend the City of Hayward's CalPERS contract and introduced an Ordinance to amend the contract (PH 16-060). CalPERS regulations require the City Council to adopt an Ordinance by way of a public hearing at least twenty days after the approval of the Resolution of Intention. The twenty day threshold was met on May 16, 2016. In accordance with Administrative Rule 1.21, the proposed Ordinance was published in the Daily Review on May 21, 2016, three days prior to the public hearing.

DISCUSSION

The City contracts with CalPERS for retirement benefits. The existing CalPERS contract for Miscellaneous members (non-safety) requires Classic members (hired prior to January 1, 2013) to pay eight percent of their salaries for the employees' share of retirement costs. Public Employees' Pension Reform Act ("PEPRA") members (hired on or after January 1, 2013 and receiving overall lower retirement benefits than Classic members) are required to contribute fifty percent of the normal cost of PERS benefits, which is currently 12.50%. Therefore, PEPRA employees are required to contribute 6.25% of their salaries for the employees' share of retirement costs. The City currently contributes 24.467% of salaries for FY 2016 for miscellaneous employees, which increases in FY 2017 to 26.388% for the employer share.

Under the terms of the current MOUs and the Unrepresented Salary and Benefits Resolution, all members of HAME, Local 21, and the Unrepresented groups will continue to pay the current employee contribution of eight percent for classic members and 6.25% for PEPRA members in addition to a total of three percent of the employer's share phased in one percent per year beginning in FY 2016, for a total of eleven percent employee contribution by FY 2018 for classic members and a total of 9.25% for PEPRA members. This employee contribution toward the employer rate shall be credited to each member's account as a normal contribution effective the first pay period following thirty days following the adoption of the final Ordinance. This action by the Council to amend the CalPERS agreement will allow the FY 2017 deductions to commence.

Under the terms of their negotiated agreement, SEIU elected to not contribute to medical insurance and make a contribution of 4.5% (in addition to the full 8% employee's share except for PEPRA members as identified above) toward the employer share of PERS, phased in over the contract period, for a total PERS contribution of 12.5% (8% employee share plus the additional 4.5% towards the employer share). SEIU further agreed that the additional contributions toward the employer share would be made pursuant to Government Code Section 20516 (f), which allows the contributions to be effective without a contract amendment.

Under 201516(f), the amount of the City's employer contribution paid by bargaining unit members would not be credited to the members' individual CalPERS accounts. Choosing to not have the additional contribution toward the employer's share credited to the members' individual account only impacts employees who leave PERS service and withdraw their funds or beneficiaries of employees who did not retire prior to death. If an employee or beneficiary withdraws their contributions, they receive what has been credited to their account, which in this case would not include the additional contribution to the employer share. It is estimated that more than 95% of employees retire from PERS service and do not prematurely withdraw their contributions. Under 20516(f), the additional contributions will remain in the employer's fund and offset unfunded liabilities.

Table 1 summarizes the additional share of the employer's contribution the Miscellaneous Employee groups have agreed to contribute beyond their current eight percent employee contribution.

Table 1: Percentage of CalPERS employer share paid by employee.

Bargaining Group	Additional PERS Contribution		
	FY16	FY17	FY18
HAME	1%	2%	3%
Local 21	1%	2%	3%
Unrepresented	1%	2%	3%
SEIU	1.5%	3.0%	4.5%

*All Miscellaneous Employees currently pay their full eight percent Employee Contribution amount. The above table reflects the additional amount employees will contribute toward the Employer Contribution in each fiscal year.

FISCAL IMPACT

The approximate total cost of the negotiated salary and benefit packages for the Miscellaneous Groups is \$5 million dollars. The additional contributions toward the employer share of PERS costs offset the cost of the salary and benefit packages by approximately \$2.7 million during the contract terms, while keeping the current benefit options intact.

The cost sharing contributions with the Miscellaneous Groups are consistent with the City’s philosophical structure of protecting the robust benefits employees receive and asking for greater employee contributions toward the cost of their health and retirement benefits. These contributions are structural in nature and represent significant ongoing and permanent savings. Table 2 summarizes the approximate value of the cost sharing contributions for each employee group.

Table 2: Approximate savings to the City per group, per fiscal year.

Group	Savings from CalPERS Cost Share Per FY			Total
	FY16	FY17	FY18	
HAME	\$ (75,416)	\$ (152,752)	\$ (232,471)	\$ (460,639)
Local 21	\$ -	\$ (176,027)	\$ (334,228)	\$ (510,255)
Unrepresented	\$ (26,867)	\$ (74,776)	\$ (124,643)	\$ (226,286)
SEIU	\$ (251,215)	\$ (529,945)	\$ (795,606)	\$ (1,576,766)
				\$ (2,773,946)

NEXT STEPS

Human Resources staff will work with CalPERS to complete the contract amendment process. The contract amendment will be effective June 27, 2016.

The three percent employee cost-share is phased in at one percent each fiscal year. In accordance with Government Code Section 20516, CalPERS requires a new contract amendment each fiscal year to phase in the additional one percent contribution. Currently, employees are contributing one percent. The proposed contract amendment will increase that amount an additional one percent, for a total of two percent in FY 2017. Staff will return to Council to amend the PERS contract for another one percent, for a total of three percent for FY 2018 for HAME, Local 21 and the Unrepresented groups; and another 1.5% for a total of 4.5% for SEIU. Table 3 is the tentative schedule for the FY 2017 and FY 2018 CalPERS contract amendments.

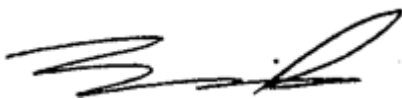
Table 3: Tentative schedule for FY 2017 and FY 2018 amendments.

Action	Approximate Contract Amendment Dates	
	FY17	FY18
Adoption of Resolution	4/26/2016	4/25/2017
Adoption of Ordinance	5/24/2016	5/23/2017
Effective Date of Ordinance	6/23/2016	6/22/2017
Effective Date of Amendment	6/27/2016	6/26/2017

Prepared by: Ali Adams, Human Resources Analyst II

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

Approved by:



Fran David, City Manager

Attachments:

- Attachment I Ordinance Authorizing an Amendment to the Contract between the City and CalPERS
- Attachment II Summary of Ordinance Published on 05/20/2016
- Attachment III Exhibit to the Ordinance - Sample Amendment to CalPERS Contract

ORDINANCE NO. 16-

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

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

Section 1. Provisions.

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

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

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

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

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

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

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

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

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

Introduced at the meeting of the Hayward City Council held April 26, 2016, the above-entitled Ordinance was introduced by Council Member Zermeño.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on May 24, 2016, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: May 20, 2016
Miriam Lens, City Clerk
City of Hayward


**EXHIBIT**

California
Public Employees' Retirement System



AMENDMENT TO CONTRACT

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



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

- A. Paragraphs 1 through 14 are hereby stricken from said contract as executed effective July 27, 2015, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local safety members and age 57 for new local safety members.
 2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1950 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

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3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **PERSONS EMPLOYED AFTER JANUARY 16, 1952 AS CROSSING GUARDS; AND**
 - b. **PERSONS EMPLOYED AFTER JANUARY 30, 1959 AS PART-TIME LIFEGUARDS AND PART-TIME LIBRARY AIDES.**

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6. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment before and not on or after August 26, 2002 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to December 30, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment on or after August 26, 2002 shall be determined in accordance with Section 21354.4 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to December 30, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2.5% at age 55 Full and Modified).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
11. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21573 (Third Level of 1959 Survivor Benefits) for local safety members only.
 - b. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.
 - c. Section 20042 (One-Year Final Compensation) for classic members only.
 - d. Section 21635 (Post-Retirement Survivor Allowance to Continue After Remarriage) for local safety members only.

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- e. Section 21024 (Military Service Credit as Public Service).
- f. Section 21027 (Military Service Credit for Retired Persons).
- g. Section 21551 (Continuation of Pre-Retirement Death Benefits After Remarriage of Survivor).
- h. Section 21022 (Public Service Credit for Periods of Lay-Off) for local miscellaneous members only.
- i. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local miscellaneous members only.
- j. Section 20903 (Two Years Additional Service Credit).
- k. Section 20965 (Credit for Unused Sick Leave) for local fire members only.
- l. Section 21547.7 (Alternate Death Benefit for Local Fire Members Credited with 20 or More Years of Service).
- m. Section 20516 (Employees Sharing Cost of Additional Benefits):

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

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

n. Section 20516 (Employees Sharing Additional Cost):

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

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

From and after the effective date of this amendment to contract, 2% for local miscellaneous members in the Hayward Association of Management Employees Group, International Federation of Professional and Technical Engineers Local 21, Unrepresented Group, and Council Appointed Employee Group.

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

12. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on June 1, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
13. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
14. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
 - b. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.

- c. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - d. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

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

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF HAYWARD

BY _____
RENEE OSTRANDER, CHIEF
EMPLOYER ACCOUNT MANAGEMENT DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

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