

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, March 14, 2017

7:00 PM

Council Chambers

City Council

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

SPECIAL CITY COUNCIL MEETING**CALL TO ORDER Pledge of Allegiance: Council Member Salinas****ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PRESENTATION**

Proclamation: American Red Cross Month

PUBLIC COMMENTS

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

ACTION ITEMS

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

CONSENT

1. [MIN 17-031](#) Minutes of the City Council Meeting on February 28, 2017
Attachments: [Attachment I Draft Minutes of February 28, 2017](#)

2. [CONS 17-094](#) FY16 Sidewalk Rehabilitation and Wheelchair Ramps (Districts 2 and 3) - Award of Contract
Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Project Location Maps - Districts 2 & 3](#)
[Attachment IV Bid Summary](#)
[Attachment V Sidewalk District Map](#)

3. [CONS 17-095](#) I-880/SR-92 Reliever Route: Phase 1 Project - Construction Agreement Amendment
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
4. [CONS 17-123](#) Adoption of Ordinance Adding Article 13 to Chapter 6 of the Hayward Municipal Code Relating to Transportation Permits
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Summary of Ordinance Published on 03/10/17](#)

WORK SESSION

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

5. [WS 17-009](#) Discussion on State Law Regulating Accessory Dwelling Units within the City of Hayward (Report from Development Services Director Rizk)
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Government Code Sec. 65852.150-65852.2](#)

CITY MANAGER'S COMMENTS

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

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

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

ADJOURNMENT

NEXT MEETING, March 21, 2017, 7:00 PM

PUBLIC COMMENT RULES

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

PLEASE TAKE NOTICE

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

PLEASE TAKE FURTHER NOTICE

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

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

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

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



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
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File #: MIN 17-031

DATE: March 14, 2017

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Minutes of the City Council Meeting on February 28, 2017

RECOMMENDATION

That the City Council approves the minutes of the City Council meeting on February 28, 2017.

ATTACHMENTS

Attachment I Draft Minutes of February 28, 2017



MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
Conference Room 2A
777 B Street, Hayward, CA 94541
Tuesday, February 28, 2017, 7:00 p.m.

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

ROLL CALL

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

CLOSED SESSION

City Attorney Lawson announced the Council convened in closed session pursuant to Government Code 54956.9 regarding anticipated litigation, and noted there was no reportable action.

PUBLIC COMMENTS

Mr. John Wichman, Hayward resident, spoke in favor of the City declaring itself a sanctuary city and urged the Council to coordinate efforts with the Hayward Unified School District to protect the most vulnerable residents.

Mr. Steven Dunbar, Hayward resident, made two announcements: 1) the Caltrans bicycle survey for a Bicycle Plan for Bay Area District 4; and 2) the Community Ride event from Hayward to San Leandro on March 26, 2017.

CONSENT

1. Recycled Water Storage and Distribution System Project: Authorization to Execute a Professional Services Agreement for Professional Services for Recycled Water Customer Retrofit Conversions **CONS 17-069**

Staff report submitted by Utility and Environmental Services
Director Ameri, dated February 28, 2017, was filed.

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

Resolution 17-018, "Resolution Authorizing the City Manager to Execute an Agreement with Hydrosience Engineers, Inc., for Professional Services Related to Recycled Water Customer Retrofit Conversions, in an Amount Not to Exceed \$710,000"

WORK SESSION

2. Mission Boulevard Corridor Improvements Phase 2 and 3 Project Update (Report from Public Works Director Fakhrai) **WS 17-008**

Staff report submitted by Public Works Director Fakhrai, dated February 28, 2017, was filed.

Public Works Director Fakhrai announced the report and introduced Senior Civil Engineer Hung who provided a synopsis of the report. Public Works Director Fakhrai noted that the City had recently received word that PG&E might provide cities with additional Rule 20A allocations, which could help offset project costs.

Discussion ensued among Council Members and City staff regarding the Mission Boulevard Corridor Improvements Phase 2 and 3 Project.

The City Council was in general agreement with the proposed improvements to Mission Boulevard as part of Phase 2 and 3 of the Mission Corridor Improvement Project, and congratulated staff on efforts acquiring additional Rule 20A allocations from PG&E.

Council Members offered the following comments/recommendations: there was support for the proposed high metal fence and there was a suggestion for it to be green scheme and durable; continue to incorporate crosswalk elements to reduce traffic speed along Mission Boulevard; some members expressed support for trees to be planted for Phase 3 and to consider signage that is more harmonious with the trees to minimize impact to businesses; continue to improve gateway entries; there was a suggestion to consider canopy trees; have continuity in terms of trees along the Mission Boulevard corridor as much as possible; have consistency with signage in terms of color and branding and review the Signage Ordinance if needed; ensure there are enough bus shelters at frequently used intersections; consider designating the speed limit for Phase 3 at 25 mph; consider recycled water infrastructure for Phases 2 and 3; and reevaluate automobile and pedestrian signage for Phases 2 and 3.

Mayor Halliday opened the public comments section at 8:31 p.m.

Mr. Steven Dunbar, Hayward resident, offered two recommendations: 1) that the PowerPoint presentation be uploaded to the website; and 2) in agreement with Bike East Bay suggestion, narrow proposed bicycle lanes from 12 to 11 feet for arterial streets and designate share center lanes for bicycles.

Mayor Halliday closed the public comments section at 8:35 p.m.

3. Discussion of Council Priority Initiative: Complete Streets/Traffic Safety (Report from Public Works Director Fakhrai) **WS 17-007**



MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
Conference Room 2A
777 B Street, Hayward, CA 94541
Tuesday, February 28, 2017, 7:00 p.m.

Staff report submitted by Public Works Director Fakhrai, dated February 28, 2017, was filed.

City Manager McAdoo provided background related to the Council priority initiatives: Complete Streets and Complete Communities.

Public Works Director Fakhrai announced the report and introduced Senior Transportation Engineer Parikh who provided a synopsis of the report.

There were no requests for public comments.

The City Council was in general agreement with recommendations for the Complete Streets Implementation Project.

Council Members offered the following comments/recommendations: prioritize getting the citywide Bicycle and Pedestrian Master Plan completed; consider an action plan for reducing traffic, emphasizing less use of automobile, and prioritizing pedestrian and bicyclist safety; for Phase 3 of the Mission Boulevard Corridor Project, consider two-lane roads and have bicycle lanes that encourage bicycling; ensure that traffic calming and signal timing measures are in place; evaluate six-way intersections to improve pedestrian access; incorporate elements to increase pedestrian and bicyclist safety around freeway overpasses and railroad crossing; there was concurrence with Bike East Bay for the Complete Streets checklist to be completed and made public; have a mechanism that allows the City to complete sidewalks and requires home/business owners to contribute their part; plan for pedestrian access in the industrial area; consider a requirement for commercial development to have walk paths that connect to adjacent properties; provide the Council with an annual report that summarizes the project's progress; as part of community engagement, also involve the schools; be consistent with freeway overpass fencing and ensure they are safe; encourage transit use; there was interest for prioritizing the Downtown and areas where people walk such as the Tennyson corridor and areas around schools; and encourage having window displays in commercial areas to make it pleasant for people to walk.

4. Discussion of Council Priority Initiative: Complete Communities (Report from Development Services Director Rizk) **WS 17-006**

Staff report submitted by Development Services Director Rizk, dated February 28, 2017, was filed.

Development Services Director Rizk provided a synopsis of the report.

Discussion ensued among Council Members and City staff.

The Council was in general agreement that the General Plan sets out to achieve the concept of complete communities. The Council offered the following comments/suggestions that would help the City achieve complete communities: incentivize the inclusion of affordable housing in developments; require inclusionary housing in developments; there was some reservation about accessory dwelling units for single-family houses; place more emphasis on growth through education opportunities and aging in place; leverage emerging development opportunities that stimulate completing community components; create balanced developments that have housing, recreation use, commercial use, affordable housing, and attractive elements among others; create tools to encourage mixed-use developments; consider increasing the affordable housing in-lieu fee; have a commercial requirement for housing developments and for smaller developments consider an economic development in-lieu fee that could be used to subsidize needed services; require a public art component for housing developments; require contributions toward shuttles in certain areas; require rental properties to have unbundling parking; consider open space requirements; restrict services that are not healthy for the neighborhoods; minimize housing displacement and encourage home ownership; ensure that all neighborhoods are given fair and equal attention; update the Zoning Ordinance and Subdivision Ordinance to help achieve complete communities, and build a sense of completeness in older neighborhoods.

CITY MANAGER'S COMMENTS

City Manager McAdoo made two announcements: 1) the funeral service for the fallen Alameda County Sheriff's deputy at the Concord Pavilion on March 3, 2017; and 2) the completion of I-880/Route 92 Reliever Route Project from Enterprise Avenue to Breakwater Avenue.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Salinas announced a California State University East Bay Town Hall meeting with Provost at Hayward High School on March 4, 2017, to address a new admissions program.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:34 p.m., in memory of Dan Henriquez.

Dan Henriquez was an artist, was recognized by the Keep Hayward Clean and Green Task Force for his efforts picking up litter in downtown and other areas; and made a difference in the community. It was noted that Dan's photograph was added to the new photo exhibit in the City Hall Art Gallery.

Mayor Halliday asked staff to work with Dan's sister, Denise Peters, to find a suitable place to plant a tree in memory of Dan Henriquez.



MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
Conference Room 2A
777 B Street, Hayward, CA 94541
Tuesday, February 28, 2017, 7:00 p.m.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
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File #: CONS 17-094

DATE: March 14, 2017

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

FY16 Sidewalk Rehabilitation and Wheelchair Ramps (Districts 2 and 3) - Award of Contract

RECOMMENDATION

That Council adopts the attached resolution awarding the contract to Sposeto Engineering Inc. in the amount of \$791,278 for FY16 Sidewalk Rehabilitation and Wheelchair Ramps and authorize an additional \$30,000 for contingencies.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Project Location Maps - Districts 2 & 3
Attachment IV	Bid Summary
Attachment V	Sidewalk District Map



DATE: March 14, 2017

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT FY16 Sidewalk Rehabilitation and Wheelchair Ramps (Districts 2 and 3)
Award of Contract

RECOMMENDATION

That Council adopts the attached resolution awarding the contract to Sposeto Engineering Inc. in the amount of \$791,278 for FY2016 Sidewalk Rehabilitation and Wheelchair Ramps and authorize an additional \$30,000 for contingencies.

BACKGROUND

The Sidewalk Rehabilitation Program for the repair of damaged concrete sidewalks consists of two components. The first is the removal of tripping hazards from sidewalk displacements or offsets that are less than 1-3/4 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 separate purchase order contract. Under that contract, the contractor submits a report to the City which identifies the locations of sidewalk offsets that are larger than 1-3/4 inches and cannot be repaired by saw cut or grinding.

The other component of the Sidewalk Rehabilitation Program removes and replaces, with new concrete, all sidewalk displacements exceeding 1-3/4 inches. Pursuant to Division 7, Part 3, Chapter 27 of the Streets and Highways Code, sidewalk repair is the responsibility of the property owners. Property owners may choose to complete the work themselves or to have the repairs completed by the City's contractor, with the payment of a flat fee of \$550 per single family property.

On January 17, 2017, Council approved the plans and specifications for the Sidewalk Rehabilitation and Wheelchair Ramps FY16 – Districts 2 and 3 project and called for bids to be received on February 14, 2017.

DISCUSSION

This year's Sidewalk Rehabilitation Program will repair damaged sidewalks in the Orchard Hayward Hill area (District 2), and Huntwood Tyrell area (District 3). Please refer to Attachments III and IV for project location maps. The project also includes the installation

and upgrading of disability access ramps, repair of offset or raised concrete curbs and gutters, tree trimming, root pruning of existing trees, and planting of new trees. As part of the project, the contractor will retain an arborist to examine conditions of existing trees and inspect the root pruning work. Based on preliminary inspection, staff anticipates removing three trees and planting nine trees in various locations. New trees will be planted where street trees are absent, where an existing tree must be removed because of disease, or where a tree is in imminent danger of falling. Approximately 130 separate locations of damaged sidewalks, comprising a total of 8,000 square feet or 2% of the total City sidewalks, will be repaired with this project. One hundred forty-six new curb ramps will also be installed or upgraded to bring the curb ramps into compliance with current ADA standards.

This project is categorically exempt under the California Environmental Quality Act, Section 15301(c) that covers the operation, repair, maintenance or minor alteration of existing streets, sidewalks, and gutters.

On February 14, 2017, five bids were received for the Sidewalk Rehabilitation project. Sposeto Engineering Inc. of Livermore submitted the low bid in the amount of \$791,278 which is 3.8% higher than the engineer’s estimate of \$762,000. JJR Construction of San Mateo submitted the second lowest bid in the amount of \$798,995.95, which is 4.8% higher than the engineer’s estimate. The bids ranged from \$791.278 to \$1,063,319.

All bid documents and licenses are in order. Staff recommends award of contract to the low bidder, Sposeto Engineering Inc, in the amount of \$791,278.

FISCAL IMPACT

The estimated project costs are as follows:

Construction Contract	\$791,278
Administration Change Order	\$30,000
Trip Hazard Removal (completed under separate contract)	\$150,000
Design and Administration	\$60,000
Construction Survey, Inspection, and Testing	\$50,722
TOTAL	\$1,082,000

The Adopted FY 2017 Capital Improvement Program (CIP) includes \$950,000 for the Sidewalk Rehabilitation Project in the Street System Improvements Fund. The Adopted FY 2017 CIP also includes \$132,000 in the Gas Tax Fund for the Wheelchair Ramps construction. The total appropriation for the two projects is \$1,082,000. Reimbursement from property owners for the sidewalk rehabilitation is estimated to be approximately \$72,000. Transportation Development Act funds will reimburse the full amount (\$132,000) of the Wheelchair Ramps project.

SUSTAINABILITY FEATURES

The project calls for the use of recycled Portland Cement concrete as aggregate base for the sidewalk work. Also, 100% of construction demolition debris accrued from the project is required to be recycled at designated recycling facilities.

COMPLETE STREETS

The project provides for the following improvements in the public right-of-way in compliance with City Council's Complete Street Policy:

1. One hundred forty-six wheelchair ramps will be installed or upgraded to comply with the current ADA standards; and
2. Landscape improvements will be implemented to the sidewalk planters by adding thirty-eight new trees.

PUBLIC CONTACT

Owners of the affected properties have received certified letters regarding the program along with a response form to return to the City, indicating if they want to make the repairs themselves or pay the \$550 fee to have the City complete the work. On the response form, property owners are given two payment choices: a \$550 lump sum payment or an installment plan of twelve monthly payments. The response form also includes a choice of replacement trees. Additional outreach methods, such as phone calls and site visits by staff, are being implemented to ensure that all property owners are clearly aware of the program.

NEXT STEPS

Begin Work	April 17, 2017
Complete Work	July 12, 2017

Prepared by: Yaw Owusu, Assistant City Engineer

Recommended by: Morad Fakhrai, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-

Introduced by Council Member _____

RESOLUTION AWARDDING CONTRACT FOR THE SIDEWALK REHABILITATION AND WHEELCHAIR RAMPS FY16 PROJECT, PROJECT NOS. 5256, AND 5211 TO SPOSETO ENGINEERING INC.

WHEREAS, by resolution on January 17, 2017, the City Council approved the plans and specifications for the Sidewalk Rehabilitation and Wheelchair Ramp FY16, Project No. 05256 and 05211, and called for bids to be received on February 14, 2017; and

WHEREAS, on February 14, 2017, five bids were received ranging from \$791,278 to \$1,063,319; Sposeto Engineering Inc of Livermore, California submitted the lowest bid in the amount of \$791,278, which is 3.8% higher than the Engineer’s Estimate of \$762,000; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Sposeto Engineering Inc is the lowest responsible bidder whose bid complies with the specifications and is hereby awarded the construction contract for the Sidewalk rehabilitation and Wheelchair Ramp FY16, Project No. 05256 and 05211, for the amount of \$791,278, and in accordance with the aforementioned plans and specifications on file in the office of the City Clerk of the City of Hayward. 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 \$1,082,000 for project design, construction, 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 Sposeto Engineering 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 _____, 2017

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

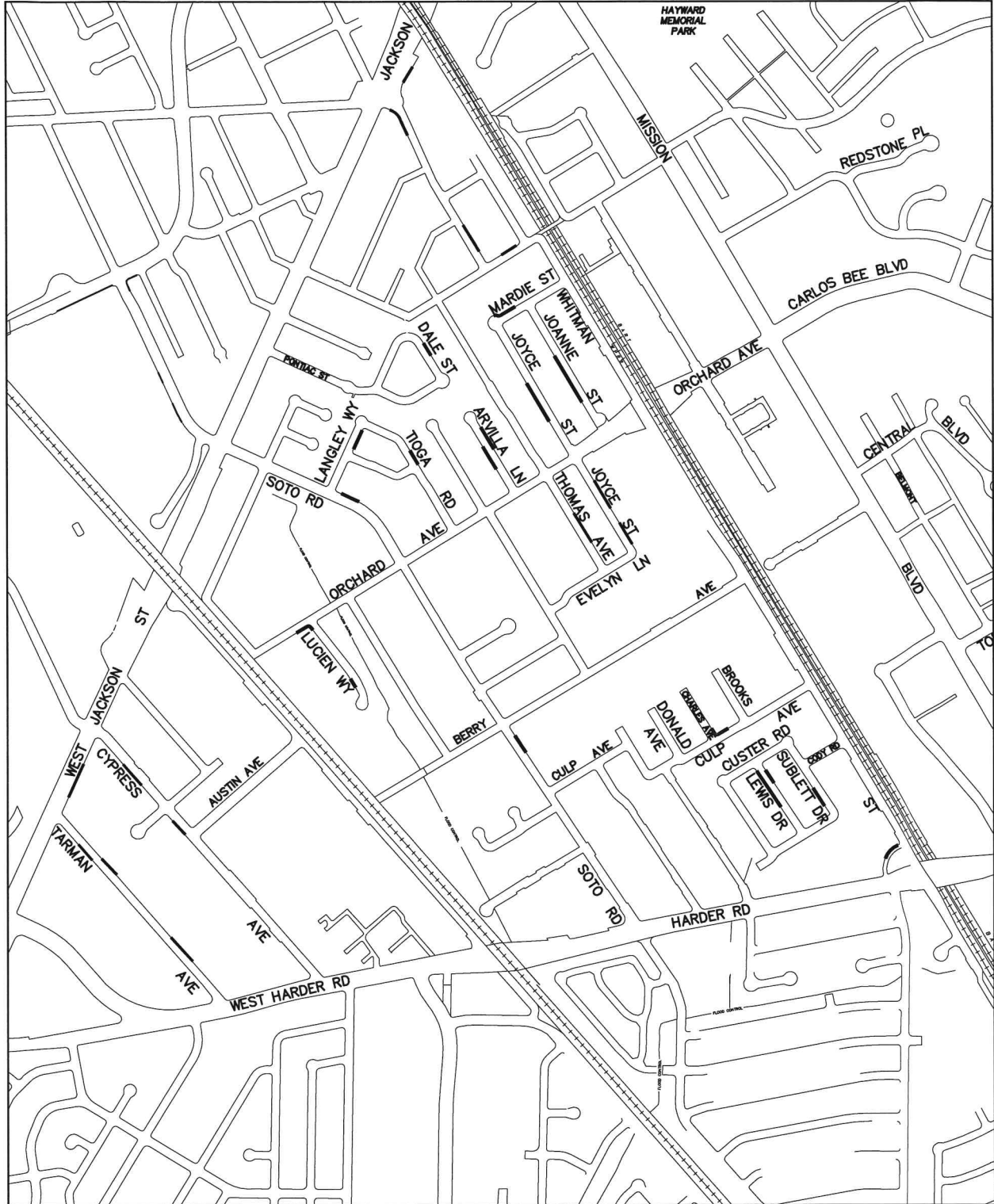
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



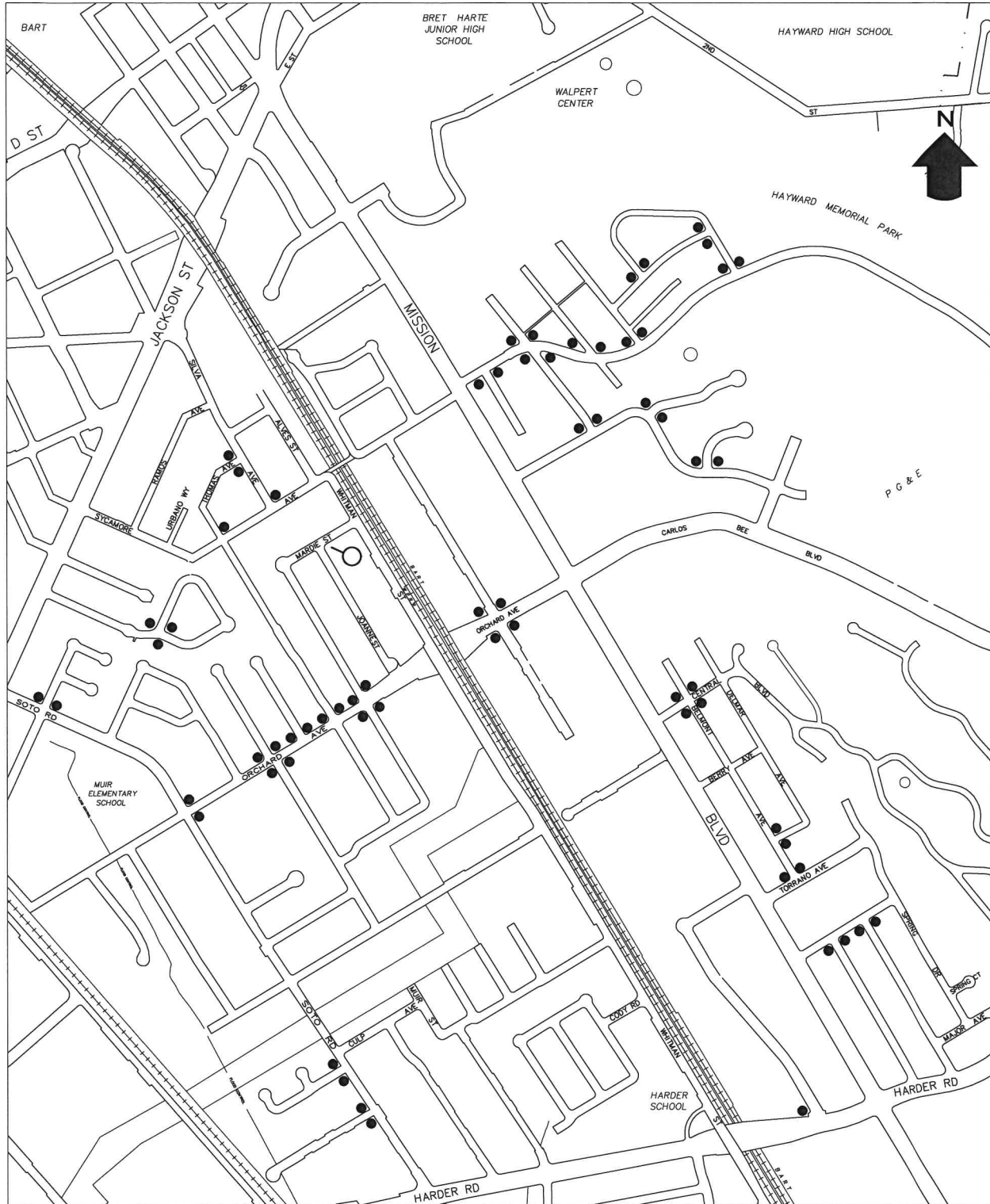
**LOCATION MAP
SIDEWALK REHABILITATION FY16
DISTRICT 2 - PROJECT NO. 05256**



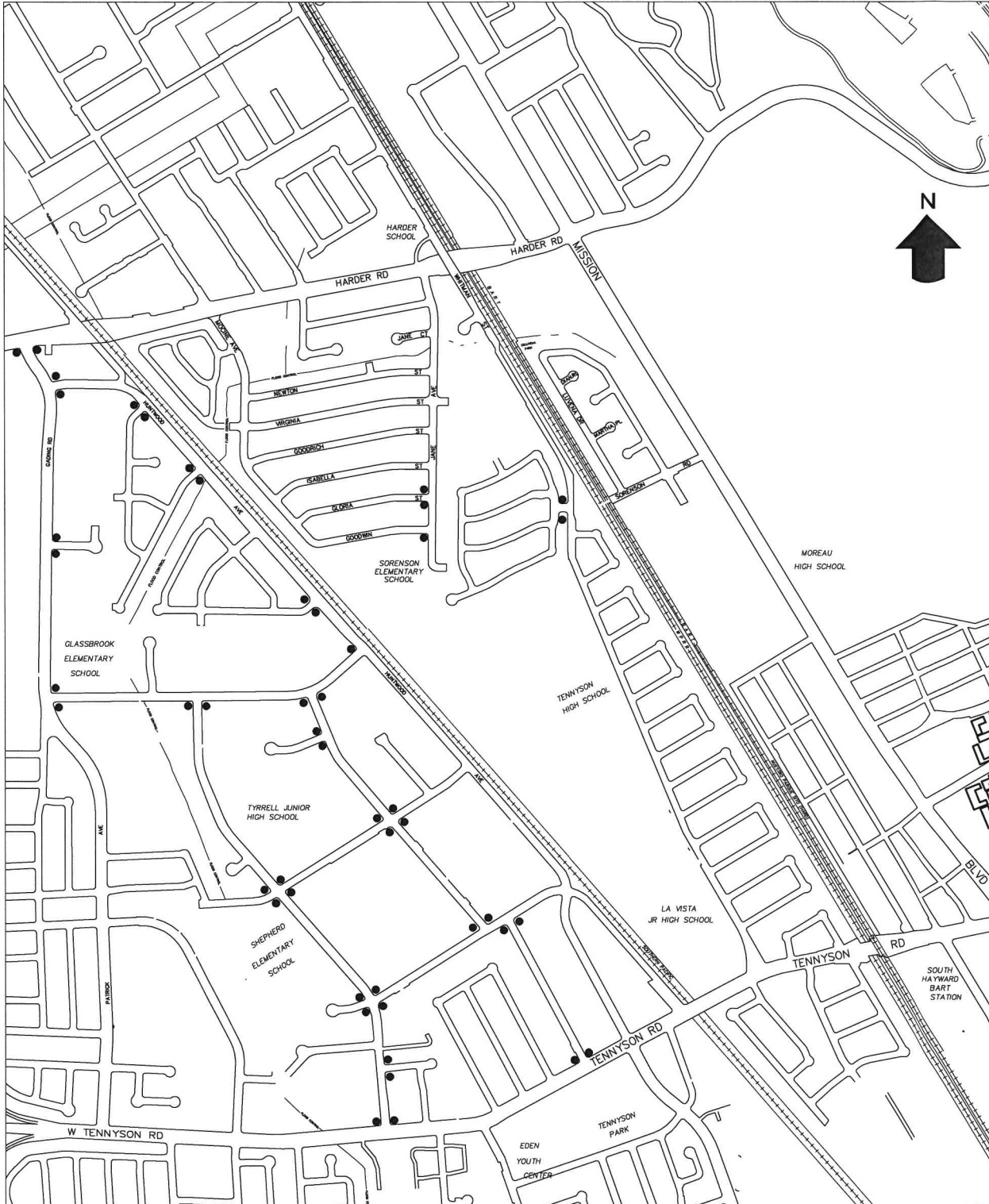
**LOCATION MAP
SIDEWALK HABILITATION FY16
DISTRICT 2 - PROJECT NO. 05256**



**LOCATION MAP
SIDEWALK REHABILITATION FY16
DISTRICT 3 - PROJECT NO. 05256**



**LOCATION MAP
WHEELCHAIR RAMPS FY16
DISTRICT 2 - PROJECT NO. 05211**



**LOCATION MAP
WHEELCHAIR RAMPS FY16
DISTRICT 3 - PROJECT NO. 05211**

PROJECT: Sidewalk Rehabilitation and Wheelchair Ramps

PROJECT NO. 05256 , 05211

BIDS OPENED: FEBRUARY 14, 2014

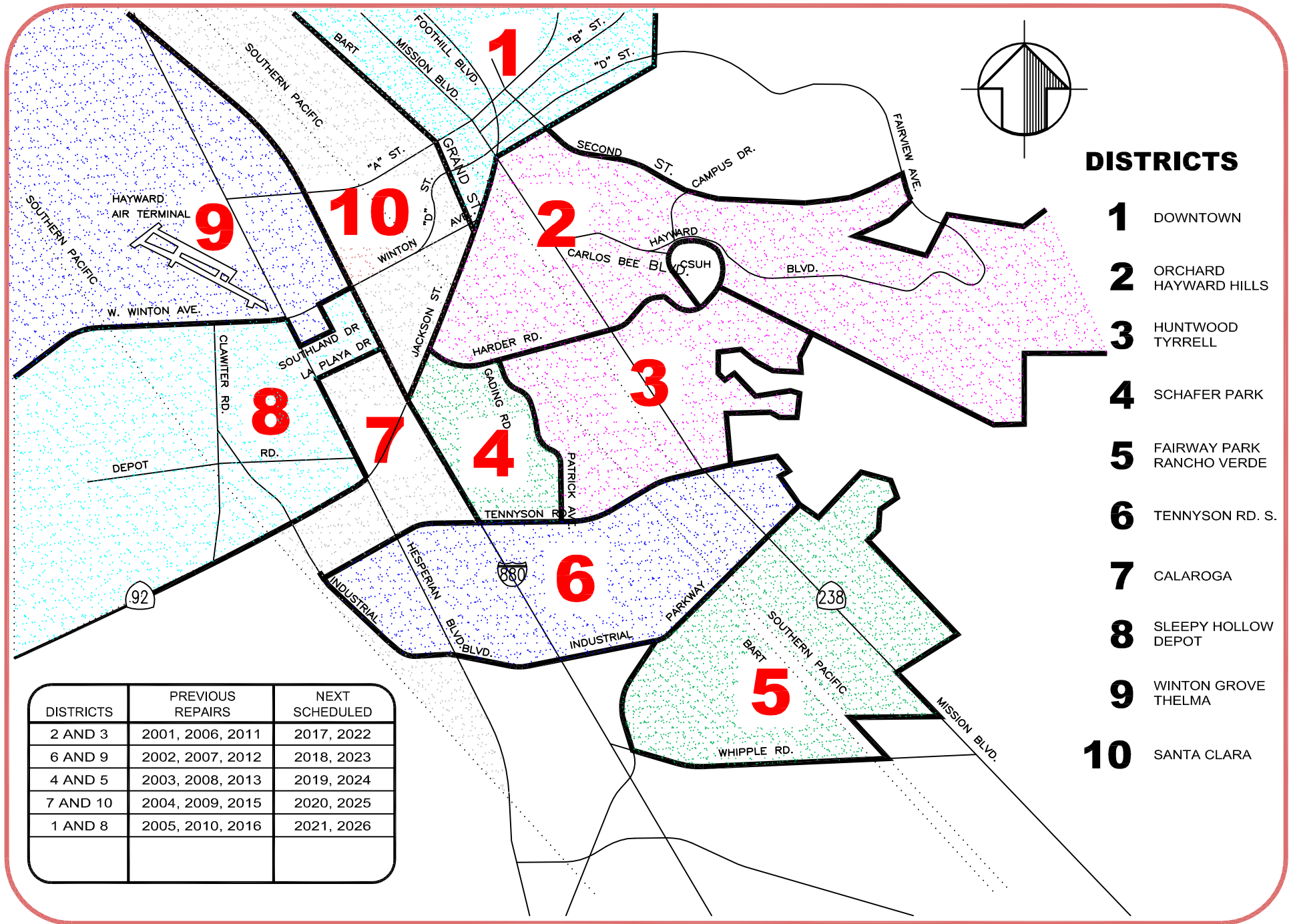
MORAD FAKHARAI, DIRECTOR OF PUBLIC WORKS

DATE

NUMBER OF BIDS 5

AWARDED

BID SUMMARY				Engineer's Estimate		sposeto engineering inc 4558 contractors place livermore, CA 94551 US Bidder Status: Valid		J.J.R. Construction, Inc. 1120 Ninth Avenue San Mateo, CA 94402 US Bidder Status: Valid		FBD Vanguard 651 Enterprise Court Livermore, CA 94550 US Bidder Status: Valid		Nor Cal Concrete PO Box 521 Suisun City, CA 94585 US Bidder Status: Valid		Rosas Brothers 4371 Coliseum Way Oakland, CA 94601 US Bidder Status: Valid	
Item #	Item Description	Quantity	Unit of Measure	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	MINOR CONCRETE (REMOVE AND REPLACE	7487	SF	\$15.00	\$112,305.00	\$16.00	\$119,792.00	\$14.50	\$108,561.50	\$23.20	\$173,698.40	\$15.70	\$117,545.90	\$20.00	\$149,740.00
2	MINOR CONCRETE (REMOVE AND REPLACE	151	SF	\$17.00	\$2,567.00	\$19.00	\$2,869.00	\$25.00	\$3,775.00	\$30.00	\$4,530.00	\$15.70	\$2,370.70	\$27.00	\$4,077.00
3	MINOR CONCRETE (REMOVE AND REPLACE	540	LF	\$60.00	\$32,400.00	\$62.00	\$33,480.00	\$59.00	\$31,860.00	\$90.00	\$48,600.00	\$68.00	\$36,720.00	\$55.00	\$29,700.00
4	MINOR CONCRETE (REMOVE AND REPLACE	128	SF	\$60.00	\$7,680.00	\$62.00	\$7,936.00	\$59.00	\$7,552.00	\$90.00	\$11,520.00	\$60.00	\$7,680.00	\$60.00	\$7,680.00
5	4-INCH DEEP AC CONFORM	1086	SF	\$12.00	\$13,032.00	\$13.00	\$14,118.00	\$24.00	\$26,064.00	\$20.00	\$21,720.00	\$18.00	\$19,548.00	\$11.00	\$11,946.00
6	REMOVE PLAIN OR EXPOSED AGGREGATE	748	SF	\$7.00	\$5,236.00	\$6.00	\$4,488.00	\$5.00	\$3,740.00	\$12.00	\$8,976.00	\$4.00	\$2,992.00	\$8.00	\$5,984.00
7	SALVAGE AND SPREAD DECORATIVE STONES	41	SF	\$7.00	\$287.00	\$6.00	\$246.00	\$20.00	\$820.00	\$16.60	\$680.60	\$5.00	\$205.00	\$20.00	\$820.00
8	24-INCH BOX SIZE TREE	38	EA	\$700.00	\$26,600.00	\$800.00	\$30,400.00	\$715.00	\$27,170.00	\$690.00	\$26,220.00	\$500.00	\$19,000.00	\$900.00	\$34,200.00
9	ROOT BARRIER INSTALLATION	815	LF	\$15.00	\$12,225.00	\$15.00	\$12,225.00	\$13.00	\$10,595.00	\$18.50	\$15,077.50	\$40.00	\$32,600.00	\$14.00	\$11,410.00
10	TURF (SOD)	216	SF	\$5.00	\$1,080.00	\$9.00	\$1,944.00	\$8.00	\$1,728.00	\$11.50	\$2,484.00	\$8.00	\$1,728.00	\$12.00	\$2,592.00
11	IN-PLACE COMPACTED TOPSOIL	5	CY	\$150.00	\$750.00	\$140.00	\$700.00	\$121.00	\$605.00	\$345.00	\$1,725.00	\$100.00	\$500.00	\$150.00	\$750.00
12	TREE REMOVAL	11	EA	\$1,150.00	\$12,650.00	\$2,000.00	\$22,000.00	\$1,760.00	\$19,360.00	\$975.00	\$10,725.00	\$1,500.00	\$16,500.00	\$2,300.00	\$25,300.00
13	ROOT PRUNE EXISTING TREE	54	EA	\$300.00	\$16,200.00	\$300.00	\$16,200.00	\$265.00	\$14,310.00	\$230.00	\$12,420.00	\$450.00	\$24,300.00	\$270.00	\$14,580.00
14	TREE TRIMMING	55	EA	\$500.00	\$27,500.00	\$625.00	\$34,375.00	\$550.00	\$30,250.00	\$282.00	\$15,510.00	\$500.00	\$27,500.00	\$600.00	\$33,000.00
15	IRRIGATION PIPE AND SPRINKLER HEADS	18	LF	\$10.00	\$180.00	\$62.00	\$1,116.00	\$55.00	\$990.00	\$69.00	\$1,242.00	\$10.00	\$180.00	\$20.00	\$360.00
16	MINOR CONCRETE CURB RAMP WITH	23820	SF	\$17.00	\$404,940.00	\$19.75	\$470,445.00	\$20.45	\$487,119.00	\$23.15	\$551,433.00	\$25.50	\$607,410.00	\$30.00	\$714,600.00
17	RETROFIT EXISTING CURB RAMPS WITH	4	EA	\$650.00	\$2,600.00	\$900.00	\$3,600.00	\$1,000.00	\$4,000.00	\$397.00	\$1,588.00	\$1,000.00	\$4,000.00	\$1,000.00	\$4,000.00
18	GRIND AC PAVEMENT	56	SF	\$15.00	\$840.00	\$24.00	\$1,344.00	\$145.00	\$8,120.00	\$17.00	\$952.00	\$5.00	\$280.00	\$30.00	\$1,680.00
19	ARBORIST (SUPERVISION EACH LOCATION)	54	EA	\$250.00	\$13,500.00	\$250.00	\$13,500.00	\$220.00	\$11,880.00	\$230.00	\$12,420.00	\$400.00	\$21,600.00	\$200.00	\$10,800.00
20	RECYCLING IMPLEMENTAITON	1	LS	\$1,848.00	\$1,848.00	\$500.00	\$500.00	\$500.45	\$500.45	\$630.00	\$630.00	\$5,000.00	\$5,000.00	\$100.00	\$100.00
	ACO				\$67,580.00										
Bid					\$762,000.00		\$791,278.00		\$798,999.95		\$922,151.50		\$947,659.60		\$1,063,319.00
Total Bid Amount					\$762,000.00		\$791,278.00		\$798,999.95		\$922,151.50		\$947,659.60		\$1,063,319.00



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

File #: CONS 17-095

DATE: March 14, 2017

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

I-880/SR-92 Reliever Route: Phase 1 Project - Construction Agreement Amendment

RECOMMENDATION

That Council adopts the attached resolution (Attachment II):

1. Increasing the authorized funding for the I-880/SR-92 Reliever Route Phase 1 to \$32,050,000; and
2. Authorizing the City Manager to increase the construction contingency in the contract with O.C. Jones and Sons, Inc. from \$1,952,957 to \$2,350,957 for a total construction contract amount not-to-exceed \$13,400,000.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: March 14, 2017

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT I-880/SR-92 Reliever Route: Phase 1 Project – Construction Agreement Amendment

RECOMMENDATION

That Council adopts the attached resolution (Attachments II):

1. Increasing the authorized funding for the I-880/SR-92 Reliever Route Phase 1 to \$32,050,000; and
2. Authorizing the City Manager to increase the construction contingency in the contract with O.C. Jones and Sons, Inc. from \$ 1,952,957 to \$ 2,350,957 for a total construction contract amount not-to-exceed \$ 13,400,000.

BACKGROUND

Once completed, the I-880/SR-92 Reliever Route Phase 1 project will provide better access to and from the industrial area located north of State Route 92 (SR-92) and west of Interstate 880 (I-880). The project will also help relieve congestion on I-880, SR-92 and several major arterial streets, such as West Winton Avenue, Clawiter Road, Depot Road, Hesperian Boulevard, and Industrial Boulevard. Phase 2, which is a separate future project, will provide a new combined interchange at SR-92 at Whitesell Street and Clawiter Road. Phase 2 design is not scheduled and will not proceed until additional funding is identified.

On February 17, 2015, Council awarded a construction contract to O.C. Jones & Sons, Inc. for \$11,935,000. The total estimated project cost at that time was \$28,280,000. On September 20, 2016, staff informed Council that the overall project estimate had increased to \$31,607,000 and Council increased the construction contract contingency with a total construction contract amount not-to-exceed \$13,002,000.

DISCUSSION

Since the September 20, 2016 Council meeting, staff has identified additional work that was needed to complete the project as planned. This work is needed to provide an auto wrecking yard with set-back landscaping and PG&E utility service and to off-haul and replace top soil that was not suitable for the median island landscaping.

A negotiated eminent domain settlement with the Dorris family requires the City to provide certain improvements to support their southerly remainder property, some of which are based on the property owner’s approved conditional use permit. The landscape improvements were not included in the construction contract because the project bid documents were prepared well before these specific conditional use permit conditions were known. Additional gas and electric utility work is necessary to provide the required service to this property.

The construction project has experienced other various challenges from unknown and/or unforeseen conditions that have caused the project to exceed the approved construction contingency budget. Additional challenges or unforeseen conditions relate to the suitability of the “native” topsoil for landscape purposes. This part of Hayward is near the Bay and has been backfilled over the years with crushed concrete and other debris. Lab testing of the native topsoil indicated that it could not be amended and that it was not suitable for landscape purposes. This material had to be off-hauled and replaced.

FISCAL IMPACT

Staff recognized the need for additional funds while preparing the FY 2017 budget. On June 28, 2016, Council appropriated an additional \$2,400,000 for the project from the Street System Improvement Fund based on a preliminary estimate of funding needs. On September 20, 2016, the overall project cost was estimated at \$31,607,000. The current overall project cost is estimated at \$32,050,000, an increase of \$ 443,000. Adequate funds are available for this increased cost in the fund balance and no additional appropriation is required.

The estimated project costs are as follows:

Description	Estimated Cost (9/20/16)	Estimated Cost Current
Preliminary Engineering & Environmental Review	\$600,000	\$600,000
Right-of-Way Acquisition	\$11,425,000	\$11,425,000
Legal Support Services	\$955,000	\$955,000
Consultant Design, Right-of-Way & Construction Support	\$3,192,000	3,100,000
Construction	\$11,049,043	\$11,049,043
Construction Contingencies	\$1,952,957	\$2,350,957
Staff Support Services (Design, R/W, and Construction Support)	\$1,800,000	\$1,870,000
Specialty, Testing, and Outside Support Services	\$633,000	\$700,000
TOTAL	\$31,607,000	\$32,050,000

Project Revenues

There has been a total of \$27,037,000 of Measure B (County-wide sales tax) funds and \$656,310 from the Water Pollution Control Facility (Fund 612), and \$4,356,690 from the Streets System Improvement fund.

A summation of revenues is noted in the table below:

Description	Revenue
Measure B Funds	\$27,037,000
Non-Potable Water Alternative from Fund 612	\$656,310
Street System Improvement Fund	\$4,356,690
TOTAL	\$32,050,000

SUSTAINABILITY FEATURES

1. Water: Installation of non-potable water utility line.

The project includes the installation of over one mile of non-potable water utility line for reclaimed water usage.

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

This project will provide improved access in and out of industrial areas and help relieve congestion along Winton Avenue and Hesperian Boulevard by redirecting traffic on the new Whitesell Street. The project will provide complete streets including: bike lanes, ADA compliant sidewalks and curb ramps. This project will also improve traffic congestion with intersection improvements and traffic signal modifications at Winton Avenue/Hesperian Boulevard and Southland Drive/Hesperian Boulevard.

3. Environment: Applicant for Bay-Friendly Landscaping Certification & Storm Water Treatment.

This project has implemented Bay-Friendly Landscaping techniques to use native plants and climate appropriate plants for the median islands and sidewalk planters. The project will be reviewed for Bay-Friendly certification after the project is complete.

This project uses bio-swales to treat storm water runoff from the roadway and filters pollution from the storm water before entering the San Francisco Bay.

4. Energy: Installation of LED street lighting.

This project will install eighty-seven street lights with energy efficient LED lighting, providing electricity and maintenance cost savings.

PUBLIC CONTACT

No public contact has occurred associated with this action.

SCHEDULE

The project is estimated to be completed in March, 2017.

Prepared by: Yaw Owusu, Assistant City Engineer

Recommended by: Morad Fakhrai, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-

Introduced by Council Member _____

RESOLUTION INCREASING THE AUTHORIZED FUNDING FOR THE RELIEVER ROUTE PHASE I PROJECT TO \$32,050,000; AND AUTHORIZING THE CITY MANAGER TO INCREASE THE CONTRUCTION CONTRACT WITH O.C. JONES AND SONS, INC. FOR CONSTRUCTION SERVICES OF THE I-880/SR-92 RELIEVER ROUTE - PHASE 1 PROJECT, PROJECT 05197

BE IT RESOLVED by the City Council of the City of Hayward that funding for the Reliever Route Phase I project shall be increased to \$32,050,000.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized on behalf of the City of Hayward, to increase the construction contingency in the contract with O.C. Jones and Sons, Inc. from \$1,952,957 to \$2,350,957 for a total construction contract not-to-exceed \$13,400,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2017

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

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

File #: CONS 17-123

DATE: March 14, 2017

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Adoption of Ordinance Adding Article 13 to Chapter 6 of the Hayward Municipal Code Relating to Transportation Permits

RECOMMENDATION

That the Council adopts the Ordinance introduced on March 7, 2017.

ATTACHMENTS

Attachment I Staff Report

Attachment II Summary of Ordinance Published on 03/10/2017



DATE: March 14, 2017
TO: Mayor and City Council
FROM: City Clerk
SUBJECT Adoption of Ordinance Adding Article 13 to Chapter 6 of the Hayward
Municipal Code Relating to Transportation Permits

RECOMMENDATION

That the Council adopts the Ordinance introduced on March 7, 2017.

BACKGROUND

The Ordinance was introduced by Council Member Zermeño at the March 7, 2017 meeting of the City Council with the following vote:

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

The summary of the Ordinance was published in the Hayward Daily Review on Friday, March 10, 2017. Adoption at this time is therefore appropriate.

FISCAL IMPACT

There is no fiscal impact.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

Kelly McAdoo, City Manager

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

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA ADDING ARTICLE 13
TO CHAPTER 6 OF THE HAYWARD MUNICIPAL CODE RELATING TO
TRANSPORTATION PERMITS

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

Section 1. Article 13 is added to Chapter 6 of the Hayward Municipal Code and the Transportation Permits Ordinance is hereby enacted to read as follows:

CITY OF HAYWARD MUNICIPAL CODE
CHAPTER 6
ARTICLE 13
TRANSPORTATION PERMITS

6-13.00	TITLE
6-13.01	AUTHORITY
6-13.02	DEFINITIONS
6-13.03	PERMITS
6-13.04	FEES
6-13.05	LIABILITY
6-13.06	DAMAGE AND ACCIDENT REPORTING
6-13.07	SPECIAL RESTRICTIONS
6-13.08	POLICE ESCORT
6-13.09	REVOCATION

Section 2. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 3. This Ordinance shall become effective thirty (30) days after adoption by the City Council.

Introduced at the meeting of the Hayward City Council held March 7, 2017, the above-entitled Ordinance was introduced by Council Member Zermeño.

This Ordinance will be considered for adoption at the special meeting of the Hayward City Council, to be held on March 14, 2017, 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: March 10, 2017
Miriam Lens, City Clerk
City of Hayward



CITY OF HAYWARD

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

File #: WS 17-009

DATE: March 14, 2017

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Discussion on State Law Regulating Accessory Dwelling Units within the City of Hayward

RECOMMENDATION

That the City Council reviews the staff report and provides policy direction and feedback to City staff regarding accessory dwelling units (ADUs).

ATTACHMENTS

Attachment I Staff Report

Attachment II CA Govt Code Sections 65852.150 through 65852.2



DATE: March 14, 2017

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Discussion on State Law Regulating Accessory Dwelling Units within the City of Hayward

RECOMMENDATION

That the City Council reviews the staff report and provides policy direction and feedback to City staff regarding accessory dwelling units (ADUs).

BACKGROUND

The State of California, especially the San Francisco Bay Area, is currently in a severe housing crisis with a substantially higher demand for housing than exists. This directly impacts housing affordability, including homeowners and renters. Accessory dwelling units, or ADUs (also known as “second dwelling units”, “granny units”, and “in-law units”), provide housing opportunities in a flexible manner to address the unmet demand for affordable housing for the community including, but not limited to, students, young professionals, small families, disabled individuals, senior citizens, etc., while also simultaneously assisting homeowners to offset the cost of homeownership and maintenance by renting out accessory units as an additional source of revenue.

On September 27, 2016, Governor Brown signed Assembly Bill 2299 (Bloom) and Senate Bill 1069 (Wieckowski) into law (Attachment II), requiring local agencies to revise and ease their restrictions on ADUs. This new set of legislation changed development standards and regulations to provide greater flexibility associated with the construction of ADUs, including, but not limited to, location criteria, dwelling unit sizes, setbacks, parking requirements, garage conversions, fire sprinkler requirements, utility fees, etc.

On January 1, 2017, new State regulations related to ADUs became effective requiring cities, counties, and utility agencies to relax restrictions placed on the construction of ADUs. State law mandates that any existing local ordinance that fails to fully meet the requirements of State law shall be deemed null and void, unless and until the local agency adopts an ordinance

that complies with the provisions identified within the above-referenced laws. Given that the City’s local ordinance is not in compliance with the provisions of State law, it is null and void. Therefore, until Hayward develops a State law-compliant local ordinance, ADUs are subject to the standards of the State.

DISCUSSION

Currently, Planning Division staff is receiving a high volume of inquiries regarding the conversion, legalization, and construction of ADUs on single-family residential properties by homeowners, residents, architects, contractors, and developers. However, as of the writing of this staff report, no applications have been formally submitted for ADUs. Per State law, local agencies are required to review the ADU applications ministerially, without discretionary review or hearing, within 120 days after receiving the application. Staff plans to take feedback and direction from Council and develop a new set of regulations and present those recommendations via a new ordinance to the Planning Commission sometime in late spring/early summer. The Commission’s recommendations will then be forwarded to Council soon after.

Table 1 identifies some of the conflicts between the Hayward Municipal Code and recent State law requirements regarding Accessory Dwelling Units.

Table 1: COMPARISON BETWEEN THE HAYWARD MUNICIPAL CODE AND STATE LAW

	HAYWARD MUNICIPAL CODE (NULL AND VOID)	STATE LAW
REVIEW PROCESS:	Ministerial	Ministerial
SIZE:		
ATTACHED	Minimum: 400 Square-Feet Maximum: 640 Square-Feet	Shall not Exceed 50% of Existing Floor Area, with Maximum Floor Area of 1,200 Square-Feet
DETACHED	Not Allowed	Shall Not Exceed 1,200 Square-Feet
SETBACK REQUIREMENTS:	Previous City provisions only allowed attached ADUs, which were subject to the same setbacks for the primary residential structure.	No setback shall be required for an existing garage that is converted to an ADU, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

	HAYWARD MUNICIPAL CODE (NULL AND VOID)	STATE LAW
PARKING STANDARDS:	Additional parking not required for ADU; however, minimum requirement shall be provided for main residence.	Maximum one parking space per unit or bedroom may be required for ADU. Local jurisdictions shall be flexible in parking accommodations and configurations, such as tandem parking on an existing driveway. Parking shall be permitted in setback areas, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. When a garage and the local agency requires that those parking spaces be replaced, the replacement spaces may be in any configuration, including but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or using mechanical automobile parking lifts.
OWNER OCCUPANCY RESTRICTIONS:	Owner Shall Reside in Primary Dwelling at Time of Building Permit Application	Local Agencies <u>May</u> Require Owner Occupancy in Primary Dwelling or in the ADU
UTILITY AND IMPACT FEES:	Requires Sewer Connection, Utility Fee, and Parkland Dedication In-Lieu Fee	For ADUs that are not contained in existing structures, local agencies may require new or separate utility connections, with fees related to costs for such service. ADUs within existing structures shall not be required to install new connections.
HEIGHT RESTRICTIONS:	Main Structures Shall Be Limited to 30'-0" in Height; Detached ADUs were not Permitted	Local Agencies May Determine Height Restriction for Detached and Attached ADUs.
FIRE SPRINKLERS:	Fire Sprinklers Required	Fire sprinklers shall not be required if sprinklers are not required for the main residence.

Policy Direction

While State law limits local agencies from enacting restrictions that are excessively burdensome on the construction of ADUs, cities do, however, maintain discretion over several development standards and provisions, which include:

- owner occupancy requirements;
- location criteria for ADUs;
- replacement parking configuration;
- number of bedrooms;
- quantity of ADUs per lot;
- maximum unit sizes, and
- design standards.

Below is an analysis, policy considerations and staff recommendations for Council discussion. Staff requests direction and feedback from Council to determine which of these standards should reflect the utmost flexibility and which provisions should require stricter regulations prior to developing a revised ordinance for Council consideration.

- Owner Occupancy Requirement: As identified in Table 1 above, State law continues to allow local jurisdictions to determine whether the legal owner of a property shall be required to reside in either the primary residence or the ADU during the occupation of the ADU.
 - Recommendation: Staff recommends requiring the legal owner of the property to occupy either the main residential unit or ADU to help ensure properties are properly maintained and managed, to assist homeowners in affording their properties, and to ensure that neither unit is being utilized for short-term rentals less than 30 days as permitted by State law.
- Location Criteria: State law allows local jurisdictions discretion to establish criteria as to where ADUs may be permitted in the City based on adequacy of water and sewer systems, and the impact on traffic flow and public safety.
 - Recommendation: Staff recommends allowing ADUs in any single-family or multi-family zone, provided there is an existing lawfully-constructed single-family residence located on the property consistent with State law.
- Replacement Parking for Primary Residence: State law requires that if the required off-street parking facility (garage, carport, or other parking structure) for the primary residence is converted into an ADU, that local agencies allow for replacement parking to be in any configuration on the same lot as the ADU including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or using mechanical automobile parking lifts. This provision would allow replacement parking to be located within the required front, side, street-side, or rear setback areas inconsistent with the parking standards within the Hayward Municipal Code.

- Recommendation: Staff recommends allowing replacement parking as covered, uncovered, or in a tandem parking configuration on the property, but shall be limited to improved paved surfaces, prohibiting parking on landscaped areas. However, per the Hayward Municipal Code, the combined driveway and paving surface area in the front yard shall not exceed a maximum of 50-percent of the required front yard area, unless otherwise approved by the Planning Director. The remaining 50-percent shall be landscaped.
- Parking Requirement for ADU: As identified above, State law states that parking requirements for ADUs shall not exceed one parking space per unit or per bedroom. However, local agencies cannot require any ADU parking in the following instances: (a) the ADU is located within one-half mile of public transit; (b) the ADU is located within an architecturally and historically significant historic district; (c) the ADU is part of the existing primary residence or an existing accessory structure; (d) when on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; and (e) when there is a car share vehicle located within one block of the accessory dwelling unit.
 - Recommendation: Staff recommends that ADUs not meeting criteria above be required to have one parking space per bedroom, which may be uncovered, covered, or in a tandem configuration on same lot the ADU is located and on an improved paved surface. Alternatively, Council may wish to not require parking for ADUs consisting of one bedroom or less, which would allow more opportunities for ADUs.
- Limit on Number of Bedrooms: Past City provisions limited the number of bedrooms to a maximum of one. Currently, State law still allows the City to maintain discretion over the maximum number of bedrooms in an ADU, but limits required parking spaces to one space per unit or bedroom.
 - Recommendation: Staff recommends that the maximum number of bedrooms in an ADU be limited to two bedrooms.
- Limit on Quantity of ADUs per Lot: Staff recommends that on any one parcel of land, there shall not be more than one ADU, attached or detached, permitted on a property.
- Maximum Unit Sizes: As identified in Table 1 above, State law mandates that detached ADUs shall not exceed 1,200 square-feet of floor space and attached ADUs shall not exceed 50 percent of the existing living area of the main residence, with a maximum increase in floor area of 1,200 square-feet.
 - Recommendation: Staff recommends that ADUs, attached or detached, not exceed 50 percent of the existing habitable floor area of the main residential structure or 1,200 square-feet, whichever is less, to maintain that all ADUs are physically and aesthetically accessory to the primary residence.

- Height Restrictions: State law allows ADUs to be constructed on top of existing garages, provided the ADU observes a minimum five-foot setback from the side and rear property lines and all applicable Building and Fire codes are met.
 - Recommendation: Staff recommends the following with respect to height and ADUs, in compliance with State law requirements:
 - Attached to Primary Residence: ADUs attached to the primary residential structure, including atop of existing attached garages, shall be subject to the development standards including height, setbacks, lot coverage, and design standards for the underlying zoning district.
 - Detached ADUs: ADUs detached from the main residential structure shall be subject to the development standards and provisions identified in Chapter 10, Article 1, Zoning Ordinance of the Hayward Municipal Code regarding detached accessory structures, which limits the height to maximum of 14 feet or one story.
 - ADUs Atop of Existing Detached Garages: As identified above, State law allows ADUs to be constructed on top of existing garages (attached and detached) provided they maintain a minimum five-foot setback from the rear and side property lines. Given the difficulty in complying with a 14-foot height limit and adding an ADU atop a garage, staff will further study this standard to ensure that proper provisions are developed to comply with the law and mitigate as much as possible issues of privacy associated with a second-story component on an existing detached garage.

Proposed Additional State Legislation

In February of 2017, [Assembly Bill 494 \(Bloom\)](#) and [Senate Bill 229 \(Wieckowski\)](#) were introduced with the intent to amend Section 65852.2 of the Government Code to provide clarification on recent State laws, AB 2299 and SB 1069, regarding ADU parking requirements, definitions, utility connection fees, and maximum unit sizes. Assembly Bill 494 defines tandem parking, and further clarifies that when garages, carports, and other similar parking structures are converted into ADUs that provided off-street parking for the main residence, the replacement parking may be located on the lot in any configuration. Additionally, AB 494 makes clear that accessory structures shall include studios, pool houses, or similar structures with respect to the conversion of such structures into ADUs, provided that the structure is located within a single-family zone with an existing single-family residence on the lot. Senate Bill 229 prohibits a special district from considering an ADU a new residential use for the purposes of calculating connection fees or capacity charges for utilities, and clarifies that local agencies including cities, counties, and utility districts, may allow a more permissive maximum floor area for attached and detached ADUs.

ECONOMIC AND FISCAL IMPACT

This discussion of ADUs will not have an economic or fiscal impact on the City.

PUBLIC NOTICE

On Friday, March 3, 2017, a Notice of Public Hearing legal ad was published in *The Daily Review* newspaper regarding the Accessory Dwelling Unit(s) agenda item. Additionally, a notice was sent to interested parties via electronic mail.

NEXT STEPS

Following feedback received from the City Council regarding ADUs, staff will undertake a study and analysis of the State laws, effective and upcoming, to determine which provisions and development standards are compatible and consistent with Council direction, community interests, concerns, applicable neighborhood plans, and the Hayward 2040 General Plan. Outreach will allow staff to obtain sufficient data and interest to draft an ADU Ordinance that is consistent with the aforementioned policies and documents, while remaining in compliance with established statutes. The Hayward Empathy Action Response Team (HEART) will be responsible for communicating with the public, creating surveys, gathering data, and generating reports to determine stakeholder concerns and feedback that can be used to develop an ordinance for Planning Commission and City Council review prior to the end of the fiscal year.

Prepared by: Marcus Martinez, Assistant Planner
 Sara Buizer, Planning Manager

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Kelly McAdoo, City Manager

State Law - Accessory Dwelling Units

65852.150.

- (a) The Legislature finds and declares all the following:
- (1) Accessory dwelling units are a valuable form of housing in California.
 - (2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.
 - (3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.
 - (4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.
 - (5) California faces a severe housing crisis.
 - (6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.
 - (7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.
 - (8) Accessory dwelling units are, therefore, an essential component of California's housing supply.
- (b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.
(Amended by Stats. 2016, Ch. 720, Sec. 4. Effective January 1, 2017.)

65852.2.

- (a)
- (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:
 - (A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.
 - (B)
 - (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

State Law - Accessory Dwelling Units

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x)

(I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

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- (xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).
- (2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- (3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.
- (4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.
- (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.
- (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.
- (7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

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- (8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- (b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.
- (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
- (d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:
- (1) The accessory dwelling unit is located within one-half mile of public transit.
 - (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - (3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (5) When there is a car share vehicle located within one block of the accessory dwelling unit.
- (e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
- (f)
- (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
 - (2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

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(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Amended by Stats. 2016, Ch. 735, Sec. 1.5. Effective January 1, 2017)