

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, September 12, 2023

7:00 PM

Council Chamber and Virtual Platform (Zoom)

City Council

**SPECIAL JOINT MEETING OF THE CITY COUNCIL AND
HAYWARD PUBLIC FINANCE AUTHORITY BOARD**

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

PUBLIC PARTICIPATION

How to observe the Meeting:

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

How to submit written Public Comment:

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

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

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

Participate in the Council Chambers or click link below to join the meeting:

<https://hayward.zoom.us/j/86058256852?pwd=dm5UZUllQ0JrQjJMenJtQnl1M3dsZz09>

Meeting ID: 860 5825 6852

Password: Cc9/12@7pm

or

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

Meeting ID: 860 5825 6852

Password: 5052613139

**SPECIAL JOINT MEETING OF THE CITY COUNCIL AND
HAYWARD PUBLIC FINANCE AUTHORITY BOARD**

CALL TO ORDER: Mayor/HPFA Chair Salinas

Pledge of Allegiance: Council/HPFA Board Member Andrews

AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION

ROLL CALL**CLOSED SESSION ANNOUNCEMENT**

August 15, 2023

September 12, 2023

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

CITY MANAGER'S COMMENTS

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

ACTION ITEMS

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

HAYWARD COMMISSIONS AND KEEP HAYWARD CLEAN AND GREEN TASK FORCE

1. [APPT 23-003](#) City Commissions and Keep Hayward Clean and Green Task Force: Adopt a Resolution Confirming the Appointment and Reappointment of Members of the Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Personnel Commission and Planning Commission (Report from City Clerk Lens)

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

CONSENT

2. [MIN 23-090](#) Approve the Minutes of the Special City Council Work Session Meeting on August 15, 2023

Attachments: [Attachment I Draft Work Session Minutes of 8/15/2023](#)

3. [MIN 23-092](#) Approve the Minutes of the Special City Council Meeting on August 15, 2023

Attachments: [Attachment I Draft Minutes of 8/15/2023](#)

4. [MIN 23-093](#) Approve the Minutes of the Special City Council Meeting on August 22, 2023

Attachments: [Attachment I Draft Minutes of 8/22/2023](#)

5. [CONS 23-476](#) Adopt a Resolution Reducing the Keep Hayward Clean and Green Task Force Membership Size from Thirty Members to Twenty Members and Creating a Waitlist to Account for Vacancies Throughout the Year

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

6. [CONS 23-461](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$3,000 in Awarded Grant Funding from the Best Friends Animal Society in Connection with its GoodPup Scholarship Grant for the Hayward Police Department's Animal Services Bureau

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

7. [CONS 23-467](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Site License Agreement with East Bay Community Energy for Electric Vehicle Charging at Multiple Locations and Finding the Action is Exempt from CEQA Review

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

8. [CONS 23-475](#) Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Schaaf & Wheeler for Engineering Design Services in the Amount of \$120,000 for a Not-to-Exceed Amount of \$320,000, to Complete the Arf Avenue Trash Capture Project No. 07746

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

9. [CONS 23-483](#) Adopt a Resolution Authorizing the City Manager to Award a Construction Contract to Spencon Construction, Inc., in the Amount of \$982,564.75 and Approving \$150,000 in Administrative Construction Contingency for the FY23 Sidewalk Rehabilitation and Wheelchair Ramps Project No. 05303

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Districts Map](#)
 [Attachment IV District 6 & 9 Site Map](#)
 [Attachment V Wheelchair Ramp Site Map](#)

10. [CONS 23-491](#) Adopt a Resolution Authorizing the City Manager to Execute a 10-Year Agreement with Axon Enterprises, Inc. for the Purchase of the Axon Officer Safety Plan 10 Premium Bundle in an Amount Not-to-Exceed \$11.5 Million, Appropriating \$300,000 into CIP Project 07418 from Fund 405 Fund Balance, and Transferring \$190,927.49 from Fund 730 to Fund 405

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

WORK SESSION

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

11. [WS 23-036](#) Residential Design Standards: Draft Regulations for the
Hayward Residential Design Study (Report from Director of
Development Services Buizer)

Attachments: [Attachment I Staff Report](#)
[Attachment II Proposed Section 10-1.200, Residential Districts](#)
[Attachment III Ch 10, Art 1, Zoning Ord. \(redline\)](#)
[Attachment IV Ch 10, Art 2, Off-Street Parking Reg. \(redline\)](#)
[Attachment V List of Properties Proposed to be Rezoned](#)
[Attachment VI Map of Properties to be Rezoned](#)

12. [WS 23-037](#) I-880/Whipple Road Industrial Parkway Interchange
Improvement Project Work Session: Review and Discuss
Aesthetic Features (Report from Director of Public Works
Ameri)

Attachments: [Attachment I Staff Report](#)

LEGISLATIVE BUSINESS

13. [LB 23-036](#) Russell City Energy Center: Adopt a Resolution Approving the
Expenditure Plan for the Calpine Clean Energy Fund (Report
from Public Works Director Ameri)

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

14. [LB 23-037](#) Lease Obligation Refinancing: Adopt Resolutions of the City Council and the Hayward Public Financing Authority Regarding Amended Savings Requirements Related to the Refinancing of Prior Lease Payment Obligations, Approval of the Preliminary Official Statement and Bond Purchase Contract for Refunding Certificates of Participation (Report by Finance Director Gonzales)

Attachments: [Attachment I Staff Report](#)
[Attachment II Hayward Refunding Council POS Resolution](#)
[Attachment III Hayward Refunding Authority POS Resolution](#)
[Attachment IV Draft Agenda POS](#)
[Attachment V Draft Purchase Agreement](#)

INFORMATIONAL ITEM

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

15. [RPT 23-086](#) Informational Report on Cal Cities 2023 Annual Conference Scheduled for September 20-22, 2023

Attachments: [Attachment I Staff Report](#)

COUNCIL REPORTS AND ANNOUNCEMENTS

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

COUNCIL REFERRAL

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

16. [RPT 23-091](#) City Council Referral: Adopting a Resolution to Enter into a Sister City Agreement with the City of Arandas, Jalisco, México, as Requested by the Hayward-Arandas Sister City Committee (Report from Council Members Zermeño and Syrop)

Attachments: [Attachment I Referral Memorandum](#)

ADJOURNMENT

NEXT MEETING, September 19, 2023, 7:00 PM**PUBLIC COMMENT RULES**

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

PLEASE TAKE NOTICE

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

PLEASE TAKE FURTHER NOTICE

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

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

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

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



CITY OF HAYWARD

Hayward City Hall
777 B Street
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File #: APPT 23-003

DATE: September 12, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

City Commissions and Keep Hayward Clean and Green Task Force: Adopt a Resolution Confirming the Appointment and Reappointment of Members of the Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Personnel Commission and Planning Commission

RECOMMENDATION

That the Council adopts a resolution (Attachment II) confirming eighteen (18) appointments and fourteen (14) reappointments to the City's Commissions and Task Force as follows: Community Services Commission (9); Keep Hayward Clean and Green Task Force (13); Library Commission (3); Personnel Commission (3); and Planning Commission (4). The resolution also identifies one selected alternate for each City commission. Table 1 provides information by meeting body.

SUMMARY

The annual recruitment for City Commissions and the Keep Hayward Clean and Green Task Force (KHCG TF) was conducted from May 4, 2023, through August 4, 2023. There were thirteen vacancies at the beginning of the recruitment and by the end, there were twenty-three due to the resignation of additional members. Seventy (70) applications were received by the submission deadline and fifty-nine (59) applicants qualified to be considered for appointment. Following a process for evaluating requests for reappointment, reviewing attendance records and overall performance of eligible members of the City's Commissions and KHCG TF, the Council approved fourteen requests for reappointment as presented in Table 1. Following a pre-screening process and twenty-five interviews, on August 22, 2023, the Council selected twelve applicants for service on the Community Services Commission, Library Commission, Personnel Commission, and Planning Commission. The Council also accepted six recommendations from the KHCG TF Subcommittee for service on the KHCG TF. The resolution confirming the appointment and reappointment of members (Attachment II) contains the names by meeting body.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: September 12, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: City Commissions and Keep Hayward Clean and Green Task Force: Adopt a Resolution Confirming the Appointment and Reappointment of Members of the Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Personnel Commission and Planning Commission

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SUMMARY

The annual recruitment for City Commissions and the Keep Hayward Clean and Green Task Force (KHCG TF) was conducted from May 4, 2023, through August 4, 2023. There were thirteen vacancies at the beginning of the recruitment and by the end, there were twenty-three due to the resignation of additional members. Seventy (70) applications were received by the submission deadline and fifty-nine (59) applicants qualified to be considered for appointment. Following a process for evaluating requests for reappointment, reviewing attendance records and overall performance of eligible members of the City's Commissions and KHCG TF, the Council approved fourteen requests for reappointment as presented in Table 1. Following a pre-screening process and twenty-five interviews, on August 22, 2023, the Council selected twelve applicants for service on the Community Services Commission, Library Commission, Personnel Commission, and Planning Commission. The Council also accepted six recommendations from the KHCG TF Subcommittee for service on the KHCG TF. The resolution confirming the appointment and reappointment of members (Attachment II) contains the names by meeting body.

BACKGROUND AND DISCUSSION

During the special Council meeting on August 15, 2023¹, and as provided for in the Council Member Handbook, the Council reviewed fourteen reappointment requests and the annual report of Council's appointed bodies comprising members' attendance records and completion of mandatory trainings. During the same meeting, staff identified ten members who were invited to meet with Council due to their attendance at meetings being below the seventy-five percent requirement of total meetings attended from September 2022 to June 2023. Following the August 15, 2023 meeting, seven members submitted letters to clarify their attendance record. Based on attendance records, three members were dismissed and vacated their seats. One vacated seat belongs to Community Services Commissioner Cerna and two vacated seats belong to Keep Hayward Clean and Green Task Force members Adom and Prasad. Keep Hayward Clean and Green Task Force member Cooper also resigned due to personal reasons.

On August 18, 2023, the KHCG TF Subcommittee, comprised of KHCG TF Members Jeffrey Haman, Chuck Horner, Tom Ferreira, Leah Martinez, and Jean-Yee Yu, interviewed thirteen applicants who had indicated KHCG TF as a preference for service on the KHCG TF. Five applicants (Celia Ching W Chung, Sandra Frost, Yoshiko Kimura, Sergey Melnikov, and George M Villamil), selected by the Subcommittee, were recommended to the Council. The Subcommittee also recommended a waitlist consisting of two individuals (Vikram Gautham and Gwenda Dossey) who would be considered as unexpected vacancies occur during the year.

Members of the Council reviewed and pre-screened all applications and individually communicated their selections to the City Clerk as provided in the August 15, 2023 staff report. There were twenty-six applicants who received at least three points and were invited to interview with the Council on August 22, 2023. In an effort to create a good ratio and pool of applicants for service on the Community Services Commission and Personnel Commission, four applicants who received three points across all commissions were added to the list of selected individuals. The August 22, 2023², staff report provides information of pre-selected applicants and all the particulars related to the selection/interview process. On August 22, 2023, the City Council selected twelve applicants for service on City commissions and accepted six recommendations of the KHCG TF Subcommittee for service on the KHCG TF. The City Council selected Ms. Yoshiko Kimura for service on the Community Services Commission. The Council selected individuals for service as outlined in Attachment II.

As the Council found more qualified candidates than available seats to appoint, the Council established a list of alternates for the Community Services Commission, Library Commission, Personnel Commission, and Planning Commission as shown in Attachment II.

¹ 8/15/23 Staff Report: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6315721&GUID=4367DF63-C9FC-4B91-95BA-8D1A26D6EB7A&Options=&Search=>

² 8/22/23 Staff Report: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6320732&GUID=9069A5E5-53A0-464E-8E3F-25F7CBFEE7CB&Options=&Search=>

The Alternate List will be valid for one year and will expire when Council appoints new members during the annual appointment process. The City Clerk will follow the process for appointing from the Alternate List, which will involve two separate actions on the same Council agenda: 1) resolution accepting the resignation of a member; and 2) resolution recommending an alternate from the alternate list to fill the vacated position for the remainder of the unexpired term. The City Clerk will ensure the alternate continues to be interested in serving and would confirm the alternate's eligibility status prior to recommending them for service.

Following Council's action on August 22, 2023, staff and the chair of the KHCG TF Subcommittee collaborated to recommend filling two unexpected vacancies with the two waitlisted individuals who were recommended to Council. The recommendation related to the KHCG TF seeks to fill enough vacancies to reach a membership of twenty members. A separate staff report (File ID: CONS 23-476) highlights staff's recommendation seeking to reduce the KHCG TF membership size from thirty to twenty members based on feedback received at the August 15, 2023 Special City Council meeting and conversations with KHCG TF members and City staff.

Table 1 summarizes all filled seats and approved requests for reappointment by meeting body. Tables 2 through 6 summarize information by meeting body.

TABLE 1: SUMMARY OF FILLED VACANCIES AND APPROVED REAPPOINTMENTS

Body	Filled Seats	Approved Reappointment(s)	Total
CSC ³	8	1	9
KHCGTF ⁴	6	7	13
LC ⁵	2	1	3
Pers C ⁶	1	2	3
PC ⁷	1	3	4
18	14	32	

³ [Community Services Commission](#)

⁴ [Keep Hayward Clean and Green Task Force](#)

⁵ [Library Commission](#)

⁶ [Personnel Commission](#)

⁷ [Planning Commission](#)

TABLE 2: COMMUNITY SERVICES COMMISSION (CSC):

#	Name	Date Appointed	Term Expires	Seeking Reappointment	Declared Vacant	Resigned
1	Austin Bruckner Carrillo	9/21/21	9/30/23	x		
2	Magdalena Cerna	9/15/20	9/30/24		8/22/23	
3	Emily Chow	9/10/19	9/30/23		8/15/23	
4	Crystal Arrizon	9/15/20	9/30/25			7/27/23
5	Pascal Garcia	9/21/21	9/30/25			8/22/23
6	Arti Garg	9/18/18	9/30/26			12/6/22
7	Elena Lepe	9/27/22	9/30/26			11/15/22
8	Stanley Long	9/21/21	9/30/25			3/28/23
9	George Syrop	12/14/21	9/30/23			3/28/23

TABLE 3: KEEP HAYWARD CLEAN AND GREEN TASK FORCE (KHCG TF):

#	Name	Date Appointed	Term Expires	Seeking Reappointment	Not Seeking Reappointment	Resigned
1.	Lucas C. Bank	9/20/22	9/30/23	x		
2	Jeffrey Haman	9/19/17	9/30/23	x		
3	Chuck Horner	2/06/07	9/30/23	x		
4	Leah Martinez	9/21/21	9/30/23	x		
5	Melissa Milleman	9/15/20	9/30/23	x		
6	Shingo Nagae	9/21/21	9/30/23	x		
7	Jessica Stanley	9/10/19	9/30/23	x		
8	Rodney Hankins	9/10/19	9/30/23		x	
9	Shalin Patel	9/20/22	9/30/23		x	
10	Jean-Yee Yu	9/15/20	9/30/23		x	
11	Suyog Zambre	9/20/22	9/30/23		x	
12	Terence Candell	9/20/22	9/30/24			7/25/23
13	Caleb Davis	9/21/21	9/30/24			7/12/22

PLEASE NOTE: The ten seats vacated by the following individuals will not be filled due to the KHCG TF membership size being recommended for reduction from thirty to twenty members. Canice Adom, Tammy Cooper, Pekon Gupta, Esther Lopez, Ron Maldonado, Regneel Prasad, Kaitlin Turner, Gordean Lum-Villiados, Linda Xu, Jason Yeates.

TABLE 4: LIBRARY COMMISSION (LC):

#	Name	Date Appointed	Term Expires	Seeking Reappointment	Not Seeking Reappointment	Resigned
1	Kelly Sullivan	9/21/21	9/30/23	x		
2	Andrea Wong	9/10/19	9/30/23		x	
3	Anika Patterson	9/10/19	9/30/23			1/24/23

TABLE 5: PERSONNEL COMMISSION (PERC):

#	Name	Date Appointed	Term Expires	Seeking Reappointment	Not Seeking Reappointment
1	Erika Cortez	9/18/18	9/30/23	x	
2	Randy Wright	9/10/19	9/30/23	x	
3	Robert Gaumer	9/10/19	9/30/23		x

TABLE 6: PLANNING COMMISSION (PC):

#	Name	Date Appointed	Term Expires	Seeking Reappointment	Resigned
1	Karla Goodbody	1/24/23	9/30/23	x	
2	Anika Patterson	1/24/23	9/30/23	x	
3	Robert Stevens	9/10/19	9/30/23	x	
4	Ray Bonilla Jr.	9/19/17	9/30/26		4/11/23

FISCAL IMPACT

There is no fiscal impact associated with this report.

STRATEGIC ROADMAP

This agenda item relates to a project outlined in the Council's Strategic Roadmap. Staff analyzed data pertaining to the composition of members of Council's appointed bodies. These efforts sought to eliminate racial inequities, mitigate unintended consequences, and advance the goals of the Commitment for an Inclusive, Equitable and Compassionate Community and the 2020 Racial Equity Action Plan. The City made great progress with the passage of Measure 00 in November of 2018 which made it possible for Hayward residents to be civically engaged regardless of whether they are registered or eligible to be registered to vote. During this recruitment, staff continued recruitment efforts with an equity lens in mind and focused efforts in areas lacking representation in current meeting bodies. It is staff's goal to have

Council's appointed bodies from diverse backgrounds reflecting a diverse, equitable and inclusive community.

PUBLIC CONTACT

Information about the annual recruitment was disseminated via various channels. Table 8 below provides a summary of the outreach efforts related to the recruitment. All related agendas were posted in accordance with the Brown Act.

TABLE 7: OUTREACH SUMMARY:

2023 Outreach Efforts	Date (s)	Attendance/Reach
Juneteenth Celebration	6/15/23	7,000 attendees
Cinco De Mayo	4/29/23	9,000 attendees
Skate Fest Roller Skating	7/1/23	150 + attendees
All America Festival	7/1/23	500 + attendees
Stack Fest	7/8/23	150-200 attendees
Downtown Hayward Street Parties	7/20/23	7,000 attendees
The Daily Review, Hayward Newspaper	7/14/23	4,000 (Subscribers to hard copy newspaper)
Water Bill Mailer	3/28/23-6/1/23	30,000 recipients 16,000 residents (excise tax billing units)
Social Media: Facebook	14 times posted	8,557 followers
Social Media: Twitter	16 times posted	6,428 followers
Social Media: NextDoor	2 times posted	40,336 followers
Social Media: Instagram	2 times posted	5,909 followers
City Newsletter - The Stack	2 times posted	56,194 followers
Community Partners/Distribution of Packets	7/14/23	79 Organizations

NEXT STEPS

Following Council's actions, oaths of affirmation will be administered to newly and reappointed members.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

A handwritten signature in black ink, appearing to read 'McAadoo', with a long horizontal stroke extending to the right.

Kelly McAadoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION CONFIRMING THE APPOINTMENT AND REAPPOINTMENT OF
MEMBERS OF THE COMMUNITY SERVICES COMMISSION, KEEP HAYWARD
CLEAN AND GREEN TASK FORCE, LIBRARY COMMISSION, PERSONNEL
COMMISSION AND PLANNING COMMISSION

WHEREAS, the City conducted its annual recruitment for the Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Personnel Commission, and Planning Commission; and

WHEREAS, the City Council reviewed fifty-nine applications, accepted six recommendations from the Keep Hayward Clean and Green Task Force Subcommittee and interviewed twenty-five eligible applicants on August 22, 2023; and

WHEREAS, the City Council selected a total of twelve members.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby confirm the appointment of the following as members of the commissions and task force, for the terms as designated.

APPOINTMENTS

Community Services Commission

Yoshiko Kimura	(Succeeds Emily Chow)	September 2027
Mariana Triviso	(Succeeds George Syrop)	September 2027
Guadalupe Angulo	(Succeeds Elena Lepe)	September 2026
Jesse Gunn	(Succeeds Arti Garg)	September 2026
Amardeep Brar	(Succeeds Crystal Arrizon)	September 2025
Daisy Maxion	(Succeeds Pascal Garcia)	September 2025
Calvin Wong	(Succeeds Stanley Long)	September 2025
Tyne Johnson	(Succeeds Magdalena Cerna)	September 2024

Keep Hayward Clean and Green Task Force

Celia Ching Chung	(Succeeds Rodney Hankins)	September 2027
Gwenda Dossey	(Succeeds Terence Candell)	September 2024
Sandra Frost	(Succeeds Shalin Patel)	September 2027
Vikram Gautham	(Succeeds Caleb Davis)	September 2024
Sergey Melnikov	(Succeeds Jean-Yee Yu)	September 2027
George Villamil	(Succeeds Suyog Zambre)	September 2027

Library Commission

Dominique Dozier	(Succeeds Anika Patterson)	September 2027
Crystal Porter	(Succeeds Andrea Wong)	September 2027

Personnel Commission

Megan Sediqui	(Succeeds Robert Gaumer)	September 2027
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Planning Commission

Shanta Franco-Clausen	(Ray Bonilla Jr.)	September 2026
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BE IT FURTHER RESOLVED that the City Council of the City of Hayward does hereby confirm the reappointment of the below-named persons as members of the Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Personnel Commission and Planning Commission, for terms as designated.

REAPPOINTMENTS**Community Services Commission**

Austin Bruckner Carrillo	September 2027
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Keep Hayward Clean and Green Task Force

Lucas Banks	September 2027
Jeffrey Haman	September 2027
Chuck Horner	September 2027
Leah Martinez	September 2027
Melissa Milleman	September 2027
Shingo Nagai	September 2027
Jessica Stanley	September 2027

Library Commission

Kelly Sullivan	September 2027
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Personnel Commission

Erika Cortez	September 2027
Randy Wright	September 2027

Planning Commission

Karla Goodbody	September 2027
Anika Patterson	September 2027
Robert Stevens	September 2027

BE IT FURTHER RESOLVED that the City Council of the City of Hayward does hereby confirm the selection of the below-named individuals as alternates to fill unexpired vacancies until June 2024.

ALTERNATES

<u>Name</u>	<u>Meeting Body</u>
Hoang Dao	Community Services Commission
Marhya Kelsch	Library Commission
Maximilian Orlando	Personnel Commission
Ron Meyers	Planning Commission

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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

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Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 23-090

DATE: September 12, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve the Minutes of the Special City Council Work Session Meeting on August 15, 2023

RECOMMENDATION

That the Council approves the minutes of the Special City Council Work Session meeting on August 15, 2023.

SUMMARY

The City Council held a special work session meeting on August 15, 2023.

ATTACHMENTS

Attachment I Draft Minutes of August 15, 2023



SPECIAL CITY COUNCIL WORK SESSION MEETING

777 B Street, Hayward, CA 94541

Conference Room 2A and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/87958007886?pwd=amVWWDZSUk5ja2JkRVdmNm1IRkRDQT09>

Tuesday, August 15, 2023, 5:30 p.m.

The Special City Council Work Session meeting was called to order by Mayor Salinas at 5:36 p.m. The City Council held a hybrid meeting in Conference Room 2A and virtually via Zoom.

Present: COUNCIL MEMBERS Andrews, Bonilla Jr., Roche, Syrop, Zermeño
MAYOR Salinas

Absent: COUNCIL MEMBER Goldstein

Council Member Goldstein joined the meeting at approximately 5:40 p.m.

PUBLIC COMMENTS

There were none.

SPECIAL WORK SESSION

1. City Commissions and Keep Hayward Clean and Green Task Force: Review of Fourteen Reappointment Requests and Approval of Interview Process for August 22, 2023 **WS 23-032**

Staff report submitted by City Clerk Lens dated August 15, 2023, was filed.

City Clerk Lens provided a synopsis of the staff report.

There being no public comments, Mayor Salinas opened and closed the public comment period at 5:44 p.m. and a second time at 5:52 p.m.

Discussion ensued among members of the City Council and City staff regarding: concern about attendance issues of members who were not meeting the 75% attendance policy; Personnel Commission members who missed one of two regular meetings but had attended special meetings and had demonstrated a high level of participation and engagement such as Commissioner Cortez; the policy of inviting non-compliant members to interview with Council; staff confirmed that dismissed members due to attendance issues would create vacancies for the remainder of vacated terms; there was concern expressed about the KHCG TF membership size which was impacting reaching quorum of meetings and the ability to organize cleanup events; it was noted the KHCG TF has committed members attending cleanup events and their attendance might not be a reflection of their engagement such as the case of KHCG TF Member Patton; and the requests for remote participation at Community Services Commission meetings would be discussed by the Council Ad Hoc Committee formed to review the Council Member Handbook in coordination with City staff.

Council Member Zermeño supported reducing the size of the KHCG TF to twenty members; and suggested that members with attendance or training deficiencies be interviewed by the Mayor and have an exit interview with the City Clerk rather than having to be interviewed by the entire Council.

Council Member Syrop offered adjusting the KHCG TF membership to ten voting members and twenty members serving on a volunteer basis in order to preserve a large workforce, and setting the quorum based on voting members; suggested conducting a recruitment for the KHCG TF twice a year to fill unexpected vacancies; and suggested that members not meeting attendance requirements reapply and join the application pool to test their commitment.

Council Member Goldstein supported reducing the KHCG TF voting membership; agreed with the approach of having members, who have challenges attending meetings and completing trainings, reapply to demonstrate commitment; and noted that having members go through an interview process with the Council would not be beneficial.

Council Member Roche concurred with the recommendation to have members with attendance issues reapply as this would encourage them to do the work and show up to meetings; agreed to reduce the KHCG TF membership size; and supported setting a standard going forward that City commission and KHCG TF meetings were back to in-person meetings.

Council Member Bonilla Jr. agreed that the size of the KHCG TF was large and favored approaches of reducing it to create an impactful meeting body; noted the two requirements for commission/task force members was attendance and trainings and was interested in understanding what prevented them from meeting these requirements and what they planned to do differently if selected to remain; and supported having non-compliant members submit an application to be interviewed by the Council.

Council Member Andrews urged the Council to consider the number of applicants who are considered to serve on the KHCG TF; and stressed the importance of attending Planning Commission meetings due to the review of development projects some of which are recommended to Council.

Council Member Goldstein suggested a performance improvement plan for members with attendance and trainings deficiencies; and suggested having members submit a statement/letter explaining what they would do to correct their deficiencies as a preferable option, and if the responses were not adequate, then the Council could consider dismissing them.

Mayor Salinas agreed that while it was understood that members may have complex lives/careers, the Planning Commission was responsible for decisions on development projects and the Community Services Commission was responsible for funding decisions; did not agree with reinterviewing members or having a performance improvement plan; underscored there should be a different standard in place for the Planning Commission as



SPECIAL CITY COUNCIL WORK SESSION MEETING

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Tuesday, August 15, 2023, 5:30 p.m.

its membership could lead to opportunities on the City Council; urged Council to take a firm stand on attendance requirements as these have been reoccurring issues for many years; favored the KHCG TF having a core membership of seven members and ten volunteer members; and noted the KHCG TF was a great opportunity for residents to get involved and demonstrate their commitment.

Council Member Andrews supported a minimum of thirteen members for the KHCG TF; was amenable to having members submit reasons for poor attendance or non-compliance of training requirements to the City Clerk and having that communicated to the City Council in lieu of reinterviewing members; requested that future recruitments include reasons for instances when a former member reapplies for the same or different meeting body to gauge previous attendance issues.

Council Member Syrop agreed with Council Member Andrews' recommendation to have the KHCG TF membership size reduced to thirteen, as she was the Council liaison to the KHCG TF.

City Clerk Lens stated the ideas offered by the Council would be taken into consideration by the Council Ad Hoc Committee and City staff via Council Member Handbook amendments; and added that staff reports addressing items raised would return to Council for action in September 2023. It was also noted that non-compliant members would be invited to meet with Council on August 22, 2023.

ADJOURNMENT

Mayor Salinas adjourned the City Council meeting at 6:17 p.m.

APPROVED

Mark Salinas
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

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

File #: MIN 23-092

DATE: September 12, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve the Minutes of the Special City Council Meeting on August 15, 2023

RECOMMENDATION

That the Council approves the minutes of the Special City Council meeting on August 15, 2023.

SUMMARY

The City Council held a special meeting on August 15, 2023.

ATTACHMENTS

Attachment I Draft Minutes of August 15, 2023



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Conference Room 2A and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVJoVXJBckdmQT09>

Tuesday, August 15, 2023, 7:00 p.m.

The City Council meeting was called to order by Mayor Salinas at 7:00 p.m. The City Council held a hybrid meeting in Conference Room 2A and virtually via Zoom.

Pledge of Allegiance: Council Member Syrop

Present: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas

Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session on July 13, 2023, at 5:30 p.m., with all members present and no public speakers, regarding four items: 1) conference with legal counsel pursuant to Government Code Section 54957(a) regarding matters posing threat to the public's right of access to public services or public facilities; 2) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding Garcia v. City of Hayward, et al. Alameda County Superior Court, No. RG19009457; 3) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding City of Hayward, et al. v. County of Alameda, et al., Alameda County Superior Court, No. 23-cv-036712; and 4) conference with labor negotiators pursuant to Government Code section 54957.6 regarding all labor groups. City Attorney Lawson indicated the Council discussed Items 1 and 4 and took no reportable action; regarding Item 2, the Council discussed the item and unanimously approved settlement of the lawsuit with the City contributing \$700,000; and regarding Item 3, the Council discussed the item and gave direction to staff but otherwise took no reportable action. The closed session adjourned at 9:00 p.m.

The City Council convened in closed session on July 24, 2023, at 5:30 p.m., with all members present and no public speakers, pursuant to Government Code Section 54957(a) regarding matters posing threat to the public's right of access to public services or public facilities. City Attorney Lawson indicated the Council unanimously added two additional matters to the closed session agenda because information about such matters came to the City's attention after the agenda was posted. Consequently, the Council discussed three matters with no public speakers: 1) conference with legal counsel pursuant to Government Code Section 54957(a) regarding matters posing threat to public's right of access to public services or public facilities, and the Council took no reportable action; however, the Council convened in public at 7:00 p.m., and adopted a resolution declaring and confirming the emergency proclamation of the City Manager, acting as the City's Director of Emergency Services, on July 9, 2023; 2) the Council reconvened in closed session and discussed pending litigation, Roane v. City of Hayward, Alameda County Superior Court No. 22CV005151, pursuant to Government Code section 54956.9, and gave direction to staff but otherwise took no reportable action; and 3) the Council met with its labor negotiations team to discuss all employee groups, pursuant to

Government Code section 54957.6 and gave direction to staff but otherwise took no reportable action. The meeting adjourned at 10:00 p.m.

The City Council convened in closed session on August 15, 2023, at 6:15 p.m., with all members present and no public speakers, regarding two items: 1) conference with labor negotiators pursuant to Government Code section 54957.6 regarding all labor groups; and 2) conference with legal counsel pursuant to Government Code section 54956.9(d)(1) regarding City of Hayward, et al. v. Pacific Gas & Electric Company, et al. Alameda County Superior Court, No. 21CV00464. City Attorney Lawson indicated the Council met but did not complete its closed session and would reconvene at the conclusion of the 7:00 p.m., Council meeting.

Mayor Salinas shared he had joined the Bloomberg Harvard City Leadership program in New York where mayors and senior municipal leaders participate in a professional management training program, nominated the City Manager and Acting Police Chief to join the program and that was the reason why City Manager McAdoo was joining the Council meeting remotely.

PRESENTATIONS

Mayor Salinas noted the City of Hayward's Economic Development Team earned two awards from the California Association for Local Economic Development (CALED): 1) an Award of Excellence in the Economic Resiliency and Recovery Category; and 2) an Award of Merit in the Community Partnerships Category for the Hayward Open for Business Video Series with CSU East Bay College of Business & Economics. Chief Economic Development Officer Nguyen introduced Mr. Stephen Baiter, CALED Board Member and Executive Director of the East Bay Economic Development Alliance and Professor Nancy Mangold from California State University East Bay to say a few words about the awards from CALED. Chief Economic Development Officer Nguyen was commended for his work and dedication to economic development.

Mayor Salinas read a certificate of commendation recognizing Ms. Marjorie Rocha for her service as Executive Director of Eden Council for Hope and Opportunity Housing (ECHO Housing) and her work in fostering equal access to housing, and congratulated her upon her retirement from ECHO Housing. Ms. Marjorie Rocha accepted the commendation, spoke about the service through ECHO Housing and thanked the City for such recognition.

PUBLIC COMMENTS

Ms. TJ, with Hayward Concerned Citizens, expressed there was greater awareness about fireworks and the process for reporting them, and suggested it would be helpful to provide, via social media platforms, statistics on citation issued and areas with most frequent activity.

Mr. John Ostarello spoke about water consumption during past droughts, favored the solution in the early 70's when the county allocated a fixed number of gallons of water per day per individual, and urged the Council to establish policies and encourage water conservation.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Conference Room 2A and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVJoVXJBckdmQT09>

Tuesday, August 15, 2023, 7:00 p.m.

Ms. Lisa Lorenz, President of Bay Philharmonic, announced the Bay Philharmonic's new location would be at Chabot College, and shared that talent was being attracted from the East Coast including the Broadway Show Hamilton.

Mr. Jung-Ho Pak, Artistic Director of Bay Philharmonic, shared there would be four dramatic and theatrical programs starting on October 1, 2023, expressed it was the Bay Philharmonic's mission to showcase diversity and represent the East Bay, had a goal to present the world's best entertainment, invited all to attend the symphony, and noted free tickets would be offered to Chabot College and Las Positas students.

CITY MANAGER'S COMMENTS

City Manager McAdoo noted she was attending the Bloomberg Harvard City Leadership program in New York sponsored by the Bloomberg Foundation, and that was the reason for her remote participation at the meeting.

CONSENT

Consent Items 6, 7, and 10 were removed from the Consent Calendar for comment.

1. Approve the Minutes of the Special City Council Meeting on June 27, 2023 **MIN 23-083**
It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the City Council Meeting on June 27, 2023.
2. Approve the Minutes of the Special City Council Meeting on July 13, 2023 **MIN 23-084**
It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the City Council Meeting on July 13, 2023.
3. Approve the Minutes of the Special City Council Meeting on August 7, 2023 **MINS 23-085**
It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the City Council Meeting on August 7, 2023.
4. Adopt a Resolution Authorizing the City Manager to Amend the Vegetation Management Contract for Specific City-Owned and Maintained Properties with Joe's Landscape and Concrete by Increasing the Contract by an Additional \$300,727.83, For A Total Not-to-Exceed Amount of \$615,727.83, and Extend the Contract Through FY2026 **CONS 23-432**

Staff report submitted by Maintenance Services Director Rullman, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 23-208, “Resolution Authorizing the City Manager to Amend the Vegetation Management Contract for Specific-Owned and Maintained Properties with Joe’s Landscape and Concrete by Increasing the Contract by an Additional \$300,727.83, for a Total Not-to-Exceed Amount of \$615,727.83, and Extend the Contract Through FY2026”

5. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Memorandum of Understanding with the Hayward Area Recreation and Park District for Operations and Maintenance of Certain Landscape and Lighting Assessment District (LLAD) Parks **CONS 23-433**

Staff report submitted by Maintenance Services Director Rullman, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 23-209, “Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Memorandum of Understanding with the Hayward Area Recreation and Park District for Operations and Maintenance of Certain Landscape and Lighting Assessment District (LLAD) Parks”



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Conference Room 2A and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVJoVXJBckdmQT09>

Tuesday, August 15, 2023, 7:00 p.m.

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6. Adopt a Resolution Authorizing the City Manager to Appropriate the Necessary Funds and Execute Agreements for a Business Assistance Package to Cervceria LLC, (DBA Buffalo Bill's Brewery) Including a \$75,000 Grant, a \$50,000 Small Business Loan, a \$295,000 Economic Development Loan, and a \$230,000 CDBG Revolving Loan Fund Small Business Loan to Assist in the Refurbishment and Reopening of the Full-Service Restaurant and Outdoor Dining at 1082 B Street **CONS 23-440**

Staff report submitted by Chief Economic Development Officer
Nguyen, dated August 15, 2023, was filed.

In response to Council Member Bonilla Jr.'s request for clarification about the three loans and the grant, Chief Economic Development Officer Nguyen confirmed the loans will have payment deferrals for one year and interest payments at 1% interest per terms as established, except for the financial assistance in the form of a grant in the amount of \$75,000. Council Member Bonilla Jr. wanted to ensure this was clear to the public.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeño
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-210, "Resolution 1) Authorizing the City Manager to Execute an Agreement for \$75,000 to be Dispersed as an Economic Development Grant, a \$50,000 Small Business Loan, a \$295,000 Economic Development Loan, and a \$230,000 CDBG Revolving Loan Fund Small Business Loan with Cervceria LLC (DBA Buffalo Bills) to Assist in the Re-Opening of the Buffalo Bill's Brewery and Restaurant, and 2) Appropriating Dollars from the Appropriate Fund Accounts for the Implementation of This Business Assistance Package"

7. Adopt a Resolution Authorizing the Transfer and Appropriation of \$100,000 from the General Fund to the Community Development Block Grant Fund (Fund 225) for Repayment of the Russell City Distillery Loan to the Department of Housing and Urban Development **CONS 23-442**

Staff report submitted by Assistant City Manager Youngblood, dated August 15, 2023, was filed.

Council Member Bonilla Jr. received confirmation that the transfer of \$100,000 from the General Fund to the CDBG Fund 225 to repay the Department of Housing and Urban Development (HUD) for the repayment of the Russel City Distillery loan would be recovered because there was a lien that would be placed on the property and asked if there were penalty or interest that will be charged on the \$100,000 in case the loan is not paid according to stipulated terms. Chief Economic Development Officer Nguyen responded that while he did not have the agreement details available, it was typical that when there was a default on the loan, additional interest can be collected.

It was moved by Council Member Goldstein, seconded by Council Member Zermelo, and carried by the following roll call vote, to adopt the resolutions.

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

Resolution 23-211, "Resolution Authorizing the Transfer and Appropriation of \$100,000 from the General Fund to the Community Development Block Grant Fund (Fund 225) for Repayment of the Russell City Distillery Loan to the Department of Housing and Urban Development"

8. Adopt a Resolution Authorizing the City Manager to Amend the Professional Services Agreement with First Presbyterian Church of Hayward to Increase the Winter Warming Shelter at South Hayward Parish Contract Amount by \$405,686 for a Total Not-To-Exceed Amount of \$2,050,000 **CONS 23-445**

Staff report submitted by Assistant City Manager Claussen, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermelo, and carried by the following roll call vote, to adopt the resolutions.

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



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Conference Room 2A and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVJoVXJBckdmQT09>

Tuesday, August 15, 2023, 7:00 p.m.

Resolution 23-212, "Resolution Authorizing the City Manager to Amend the Professional Services Agreement with First Presbyterian Church of Hayward to Increase the Winter Warming Shelter at South Hayward Parish Contract Amount by \$405,686 for a Total Not to Exceed Amount of \$2,050,000 and Extend Emergency Shelter Services Through July 31, 2024"

9. Adopt a Resolution Authorizing the City Manager to Extend and Amend an Agreement with the Alameda County Probation Department to Provide Services at the Delinquency Prevention Network Youth Service Center and to Accept and Appropriate \$250,000 From Alameda County to Fund the Extension **CONS 23-446**

Staff report submitted by Acting Chief of Police Matthews, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolutions.

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

Resolution 23-213, "Resolution Authorizing the City Manager to Extend and Amend an Agreement with the Alameda County Probation Department to Provide Services at the Delinquency Prevention Network Youth Service Center and to Accept and Appropriate \$250,000 from Alameda County to Fund the Extension"

10. Adopt a Resolution Authorizing the Purchase of Ammunition from Dooley Enterprises, Inc. for Hayward Police Department Training and Operations, in an Amount Not-to-Exceed \$200,000 **CONS 23-448**

Staff report submitted by Acting Chief of Police Matthews, dated August 15, 2023, was filed.

In response to Council Member Syrop's inquiry as to how ammunitions would be purchased in the absence of salary savings, City Manager McAdoo responded such purchase requests would be allocated through the CIP Fund via transfer from the General Fund. It was noted the

request was not budgeted in the CIP budget because the department did not anticipate the number of recruits and training needs.

In response to Council Member Bonilla Jr.'s inquiry as to the drivers for the increase in cost for ammunition and whether the City was spending the amount in increments but with different vendors, Captain Deplitch stated that Dooley Enterprises was the sole source vendor for ammunition during the last few years, added the request was for training, operations and HPOA obligations, and noted that in the previous year the amount of money used for recruitment and training was through personnel and training funds which had been depleted.

In response to Council Member Bonilla Jr.'s inquiry if there were guidelines for the use of salary savings, City Manager McAdoo responded that the policy is to generally avoid use of salary savings and prioritize one-time expenditures, and salary savings could be reallocated to other departments via Council's action for reappropriation of funds for other uses.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 23-214, "Resolution Authorizing the Purchase of Ammunition from Dooley Enterprises, Inc. for Hayward Police Department Training and Operations, in an Amount Not-to-Exceed \$200,000"

11. Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$113,797.39 in Awarded Officer Wellness and Mental Health Grant Funding from the State of California Board of State and Community Corrections **CONS 23-449**

Staff report submitted by Acting Chief of Police Matthews, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution.

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



CITY COUNCIL MEETING

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<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVJoVXJBckdmQT09>

Tuesday, August 15, 2023, 7:00 p.m.

Resolution 23-215, "Resolution Authorizing the City Manager to Accept and Appropriate \$113,797.39 in Awarded Officer Wellness and Mental Health Grant Funding from the State of California Board of State and Community Corrections"

12. Adopt a Resolution Awarding a Contract to The Garland Company for the Hayward Executive Airport - Hangars J, K, L, and M Roof Repair Project, Project No. 06826, in an Amount Not-to-Exceed \$807,000 and Appropriate an Additional \$107,000 from the Airport Capital Fund (Fund 621) to Project 06826 **CONS 23-451**

Staff report submitted by Public Works Director Ameri, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 23-216, "Resolution Authorizing the City Manager to Negotiate and Execute a Contract with the Garland Company for the Hayward Executive Airport – Hangars J, K, L, And M Roof Repair Project, Project No. 06826, in an Amount Not-to-Exceed \$807,000"

Resolution 23-217, "Resolution Authorizing the Appropriation of \$107,000 from the Airport Capital Fund (Fund 621) to the Hayward Executive Airport – Hangars J, K, L, and M Roof Repair Project, Project No. 06826"

13. Adopt a Resolution Approving Plans and Specifications, and Calling for Bids for the Municipal Parking Lot No. 11 Improvement Project No. 05741 **CONS 23-454**

Staff report submitted by Public Works Director Ameri, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 23-218, "Resolution Approving Plans and Specifications and Call for Bids for Municipal Parking Lot No. 11 Improvement Project, Project No. 05741"

14. Adopt a Resolution to Authorize the Mayor to Enter into a Sister City Agreement with the City of Faro, Algarve, Portugal **CONS 23-455**

Staff report submitted by Assistant City Manager Youngblood, dated August 15, 2023, was filed.

It was moved by Council Member Goldstein, seconded by Council Member Zermeño, and carried by the following roll call vote, to adopt the resolution.

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

Resolution 23-219, "Resolution Approving the Attached Sister City Agreement Between the City of Hayward, California, USA, and Faro, Algarve, Portugal"

LEGISLATIVE BUSINESS

15. FY 2024 Salary Plan Amendment: Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2024 **LB 23-032**

Staff report submitted by Human Resources Director Frye, dated August 15, 2023, was filed.

Human Resources Director Frye provided a synopsis of the staff report.

There being no public comments, Mayor Salinas opened and closed the public hearing at 8:11 p.m.



CITY COUNCIL MEETING

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Conference Room 2A and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVJoVXJBckdmQT09>

Tuesday, August 15, 2023, 7:00 p.m.

It was moved by Council Member Roche, seconded by Council Member Bonilla Jr., and carried by the following roll call vote, to approve the resolutions.

AYES: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche,
Syrop, Zermeno
MAYOR Salinas

NOES: None

ABSENT: None

ABSTAIN: None

Resolution 23-220, "Resolution Approving the Amended Fiscal Year 2024 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 23-173 and all Amendments Thereto"

16. Cal Cities 2023 Annual Conference: Adopt a Resolution Designating Voting Delegates and Alternates for the Annual Conference Scheduled for September 20-22, 2023 (Report from City Clerk Lens) **LB 23-030**

Staff report submitted by City Clerk Lens, dated August 15, 2023, was filed.

City Clerk Lens provided a synopsis of the staff report.

Council Member Syrop expressed that he would be interested in being a delegate depending on policy proposals and wondered if there could be multiple alternates. City Clerk Lens confirmed there could be up to two alternates.

Council Member Zermeno spoke favorably of Cal Cities conferences and indicated he would be attending Thursday's session.

There being no public comment, Mayor Salinas opened and closed the public hearing at 8:15 p.m.

Council Member Andrews favored having two alternates and shared she was interested in serving as an alternate if no one else was interested.

Council Member Bonilla Jr. indicated that he would be attending the conference as well, made a motion to approve the resolution designating Mayor Salinas as the delegate, and Council Members Goldstein and Syrop as alternates.

It was moved by Council Member Bonilla Jr., seconded by Council Member Zermeno and Roche, and carried by the following roll call vote, to approve the resolutions.

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

Resolution 23-221, "A Resolution Designating a Voting Delegate and an Alternate Voting Delegate as Hayward's Representatives to the Cal Cities 2023 Annual Conference"

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Andrews commended Mayor Salinas for his announcement in the news about the lawsuit to protect children at the Assessment Center in Hayward and hoped for a prompt resolution.

Council Member Zermeno encouraged all to attend the Hayward Street Party on August 17, 2023, in downtown Hayward.

Council Member Syrop thanked all attendees of the grand opening of the Makerspace and Art Studio on August 12, 2023, at the Sun Gallery, and thanked those who voted to fund it through the Hayward People's Budget.

Mayor Salinas highlighted events over the summer to activate economic corridors in the city and the downtown, including the opening of businesses and street parties; appreciated the efforts of the Economic Development team; and shared that as a member of the East Bay Economic Alliance, he was pleased that crime and safety around economic and transit hubs was prioritized.

Council Member Bonilla Jr. shared the Together for Hayward E-Gift Card Program to support City businesses had launched highlighting that participants would receive bonus cards and noted there were over 122 businesses participating.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Salinas adjourned the City Council meeting back to closed session at 8:25 p.m.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Conference Room 2A and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVJoVXJBckdmQT09>

Tuesday, August 15, 2023, 7:00 p.m.

APPROVED

Mark Salinas
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

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

File #: MIN 23-093

DATE: September 12, 2023

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve the Minutes of the Special City Council Meeting on August 22, 2023

RECOMMENDATION

That the Council approves the minutes of the Special City Council meeting held on August 22, 2023.

SUMMARY

The City Council held a special meeting on August 22, 2023.

ATTACHMENTS

Attachment I Draft Minutes of August 22, 2023



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Conference Room 2A and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVJoVXJBckdmQT09>

Tuesday, August 22, 2023, 4:00 p.m.

The City Council meeting was called to order by Mayor Salinas at 4:09 p.m. The City Council held a hybrid meeting in Conference Room 2A and virtually via Zoom.

Pledge of Allegiance: Council Member Zermeño

Present: COUNCIL MEMBERS Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño
MAYOR Salinas

Absent: None

PUBLIC COMMENTS

Mr. Mauricio Chavez, Hayward resident and Nor Cal Carpenters Union member, spoke about labor standards and his experience as a union member.

CITY COMMISSIONS INTERVIEWS

1. Annual City Commissions Interviews: Interview Applicants for Community Services Commission, Library Commission, Personnel Commission and Planning Commission; and Consider Keep Hayward Clean and Green Task Force (KHCG TF) Applicants Selected by the KHCG TF Subcommittee (Report from City Clerk Lens) **RPT 23-082**

The City Council interviewed twenty-five applicants; one applicant did not show.

SELECTION

2. Selection of Members for Service on the Community Services Commission, Library Commission, Personnel Commission, Planning Commission and Confirmation of Members for the Keep Hayward Clean and Green Task Force **ACT 23-065**

The City Council nominated individuals as listed below pending formal action at the September 12, 2023, Council meeting.

Library Commission:

ZERMEÑO motioned and GOLDSTEIN seconded to select Dominique Dozier and Crystal Porter as members of the Library Commission for terms of four-years each; APPROVED, 7:0:0 (AYES: Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño, Salinas)

SYROP motioned and GOLDSTEIN seconded to select Marhya Kelsh as the alternate of the Library Commission; APPROVED, 7:0:0 (AYES: Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeño, Salinas)

Personnel Commission:

GOLDSTEIN motioned and ROCHE seconded to select Megan Sediqui as member of the Personnel Commission for a four-year term; APPROVED, 7:0:0 (AYES: Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeno, Salinas)

ANDREWS motioned and SYROP seconded to select Maximilian Orlando as the alternate of the Personnel Commission; APPROVED, 7:0:0 (AYES: Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeno, Salinas)

Community Services Commission:

SALINAS motioned and ANDREWS seconded to dismiss Magdalena Cerna from the Community Services Commission; APPROVED, 7:0:0 (AYES: Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeno, Salinas)

SYROP motioned and GOLDSTEIN seconded to select Mariana Triviso and Yoshiko Kimura for four-year terms each; Guadalupe Angulo and Jesse Gunn for three-year terms each; Amardeep Brar, Calvin Wong, and Daisy Maxion for two-year terms each; and Tyne Johnson for a one-year term as members of the Community Services Commission; APPROVED, 7:0:0 (AYES: Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeno, Salinas)

ZERMEÑO motioned and GOLDSTEIN seconded to select Hoang Dao as the alternate of the Community Services Commission; APPROVED, 5:2:0 (AYES: Andrews, Bonilla Jr., Goldstein, Roche, Zermeno; NOES: Syrop, Salinas)

Planning Commission:

BONILLA JR., motioned and SYROP seconded to select Shanta Franco-Clausen as member of the Planning Commission for a three-year term; APPROVED, 6:1:0 (AYES: Andrews, Bonilla Jr., Roche, Syrop, Zermeno, Salinas; NOES: Goldstein)

ZERMEÑO motioned and BONILLA JR. seconded to select Ron Meyers as the alternate of the Planning Commission; APPROVED, 7:0:0 (AYES: Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeno, Salinas)

Keep Hayward Clean and Green Task Force:

SYROP motioned and ZERMEÑO seconded to accept the Keep Hayward Clean and Green Task Force (KHCG TF) Subcommittee recommendation to select Celia Ching Chung, Sandra Frost, Sergey Melnikov, and George Villamil, as KHCG TF members for four-year terms each; and accepted selecting Gwenda Dossey and Vikram Gautham as alternates of the KHCG TF; APPROVED, 7:0:0 (AYES: Andrews, Bonilla Jr., Goldstein, Roche, Syrop, Zermeno, Salinas). The KHCG TF Subcommittee also recommended to dismiss Canice Adom and Regneel Prasad.



CITY COUNCIL MEETING

777 B Street, Hayward, CA 94541

Conference Room 2A and Virtual Platform (Zoom)

<https://hayward.zoom.us/j/83639328548?pwd=ZUdDZE5lM2R1dHNFbVJoVXJBckdmQT09>

Tuesday, August 22, 2023, 4:00 p.m.

It was noted the Council Ad Hoc Committee would address requests from Community Services Commission members for remote participation at their meetings during the review of the Council Member Handbook.

ADJOURNMENT

Mayor Salinas adjourned the special City Council meeting at 11:45 p.m.

APPROVED

Mark Salinas
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

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

File #: CONS 23-476

DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT

Adopt a Resolution Reducing the Keep Hayward Clean and Green Task Force Membership Size from Thirty Members to Twenty Members and Creating a Waitlist to Account for Vacancies Throughout the Year

RECOMMENDATION

That Council adopts a resolution (Attachment II) reducing the Keep Hayward Clean and Green Task Force (KHCGTF) membership size from thirty (30) members to twenty (20) members and creating a waitlist to account for vacancies throughout the year.

SUMMARY

The KHCGTF was formed in November 2006 by the City Council to help address issues impacting community appearance. Its mission is to preserve the environment and enhance the visual appearance of the City through joint efforts of individuals, volunteer groups, businesses, and municipal resources. Unfortunately, the TF's ongoing vacancies have made it difficult to conduct business due to the lack of quorum at monthly meetings. The KHCGTF and staff recommend a reduction in membership from 30 members to 20 members to improve the operational abilities of this body. Additionally, it's recommended that a waitlist be created for the TF to consider drawing from as vacancies occur during the year.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Exhibit I	KHCGTF Bylaws



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT: Adopt a Resolution Reducing the Keep Hayward Clean and Green Task Force Membership Size from Thirty Members to Twenty Members and Creating a Waitlist to Account for Vacancies Throughout the Year

RECOMMENDATION

That Council adopts a resolution (Attachment II) reducing the Keep Hayward Clean and Green Task Force (KHCGTF) membership size from thirty (30) members to twenty (20) members and creating a waitlist to account for vacancies throughout the year.

SUMMARY

The KHCGTF was formed in November 2006 by the City Council to help address issues impacting community appearance. Its mission is to preserve the environment and enhance the visual appearance of the City through joint efforts of individuals, volunteer groups, businesses, and municipal resources. Unfortunately, the TF's ongoing vacancies have made it difficult to conduct business due to the lack of quorum at monthly meetings. The KHCGTF and staff recommend a reduction in membership from 30 members to 20 members to improve the operational abilities of this body. Additionally, it's recommended that a waitlist be created for the TF to consider drawing from as vacancies occur during the year.

BACKGROUND AND DISCUSSION

The KHCGTF's core mission surrounds quarterly beautification events supported by monthly planning meetings. In addition to their events and monthly meetings, TF members volunteer to provide educational information that supports environmentally friendly topics at various community events throughout the year. While staff believes the KHCGTF's mission and work product adds a direct value to the community, the lack of consistent participation is impacting the TF's efficiency, contributions, and ability to conduct business. The TF currently has fifteen (15) vacancies which has resulted in quorum often not being met at monthly meetings. Through the first decade of their work, the TF regularly held monthly clean-up events. In 2020, City staff and the TF reviewed the historical attendance of volunteers at events, and it was determined that TF participation and city resources would be better served by reducing the number of annual events from monthly to quarterly. While Maintenance Services staff and

the TF acknowledge there will always be a need for litter reduction, the City and TF have made substantial programming improvements to directly address this issue. To help offset the reduction in TF events, KHCG created the Adopt-a-Block Program. Currently, the program has 172 groups who are actively working within the community picking up and removing litter and reducing blight. Additionally, over the course of the last five years, the addition of Measure C-funded Maintenance Services staff dedicated to litter, graffiti, and illegal dumping abatement has fully off-set the reduction in events. City staff and TF leadership believe a reduction in force to 20 members and the creation of a waitlist to account for vacancies will improve the TF's ability to regularly conduct business and support their community events.

FISCAL AND ECONOMIC IMPACT

There is no fiscal impact associated with this report.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the projects outlined in the Council's Strategic Roadmap.

PUBLIC CONTACT

No public contact is required for this item.

NEXT STEPS

If Council approves this request, staff will work with the KHCGTF to update its bylaws to reflect a 20-member size, update the frequency of events from monthly to quarterly, and create a waitlist to account for vacancies.

Prepared by: Colleen Kamai, Administrative Supervisor
Manny Grewal, Management Analyst

Recommended by: Todd Rullman, Director of Maintenance Services

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-____

Introduced by Council Member _____

RESOLUTION REDUCING THE KEEP HAYWARD CLEAN AND GREEN TASK FORCE MEMBERSHIP SIZE FROM THIRTY MEMBERS TO TWENTY MEMBERS AND CREATING A WAITLIST TO ACCOUNT FOR VACANCIES THROUGHOUT THE YEAR

WHEREAS, the City Council formed the Keep Hayward Clean and Green Task Force (KHCGTF) in November 2006 to help address issues impacting community appearance; and

WHEREAS, the KHCGTF's mission is to preserve the environment and enhance the visual appearance of the City through joint efforts of individuals, volunteer groups, and businesses, and municipal resources, and holds monthly meetings and several events throughout the year; and

WHEREAS, the KHCGTF currently has thirty (30) members but has continuously had vacancies which is impacting its operational abilities of this body; and

WHEREAS, Maintenance Services staff and the KHCGTF believe reducing the member size will improve the KHCGTF's ability to regularly conduct its business and support community events.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Keep Hayward Clean and Green Task Force membership is hereby reduced to twenty members and a waitlist is hereby created to account for vacancies throughout the year.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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
KEEP HAYWARD CLEAN AND GREEN TASK FORCE
BYLAWS

ARTICLE I
PURPOSE

SECTION 100. The purpose of the Keep Hayward Clean and Green Task Force is to assist City Staff in their efforts to address issues that impact community appearance by:

- A. Providing advice and assistance to the Hayward City Council Suggesting, influencing, and promoting City Ordinances and processes that support a clean and green environment;
- B. Supporting community improvement goals, and to help solve community appearance;
- C. Utilize education and outreach to ensure individuals, volunteer groups, businesses, and municipal resources are involved and participate in keeping our City clean and green;
- D. Creating and sustaining programs which will preserve the environment and enhance the visual appearance of the City of Hayward through the joint efforts of individuals, volunteer groups, businesses, and municipal resources;
- E. Improve the quality of life in the many diverse neighborhoods in the City through various clean-up activities and efforts.

ARTICLE II
DUTIES, ROLES, AND RESPONSIBILITIES OF THE TASK FORCE

SECTION 200. The duty of the Task Force is to implement throughout the City of Hayward the public policy stated herein. To this end the Task Force shall, among other things:

- 1. Review and study problems and applicable needs of the community.
- 2. Conduct 10 community clean-up events a year to support residents on how to keep clean and green by:
 - a. Accessing City run programs for rebates, assistance, and incentives.
 - b. Utilization of Access Hayward and other blight and graffiti reporting techniques.
- 3. Collect data from monthly clean-ups using measurements (i.e. cubic yards) which is consistent with City Standards and turn data into City Staff for processing no later than the Friday following the monthly clean-up.

ARTICLE III
MEMBERSHIP

SECTION 300. The membership of the Task Force shall consist of thirty (30) members as appointed by the City Council.

SECTION 301. As in accordance with City Charter Section 900, in order to be eligible for appointment to the Task Force a person shall be a qualified elector of the incorporated area of the City of Hayward.

SECTION 302. Task Force members shall serve in accordance with Article III, but not in the event of any vacancy by reason of resignation, the Chairperson shall immediately notify the appointing authority to make a reappointment in accordance with the aforementioned policy to fill vacancy.

SECTION 303. As in accordance with City Charter Section 905, members shall serve without compensation, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Task Force and the overarching budget for such, annually approved by Council.

SECTION 304. Before members can participate as voting members of their respective bodies, they must take the Oath of Office as required by law. The City Clerk or her designee administers the Oath of Office to appointed members.

ARTICLE IV TERM

SECTION 400. The Charter of the City of Hayward does not apply to the term of office for members of the Keep Hayward Clean and Green Task Force because the Task Force is not a board, commission, or committee as contemplated by the Charter.

SECTION 401. Members shall be required to attend no less than seventy-five percent of all regular activities, including meetings and clean-ups, held by the Task Force. If a member cannot attend a clean-up activity, they must submit a request for an excused absence to the Task Force Chair and the Staff Liaison. If the absence has been deemed excusable as outlined in section 402, item 4, then that member will be able to make up the absence by attending another Hayward public agency (City of Hayward, H.A.R.D. or H.U.S.D) sponsored clean-up activity or an Adopt-a-Block clean-up. The Task Force will provide a list of acceptable make-up clean-up activities every calendar year.

SECTION 402. The mention of “regular activities” in City Resolution 87-323 C. S. shall include “Monthly Clean-Up Events and regular meetings” for KHCG Task Force members.

1. Members of boards or commissions shall be required to attend not less than 75% of all regular meetings held;
2. Attendance records will be reviewed by the City Council in June of each year based on the previous 12-month period (June 1 through May 31), except for appointments effective July 1st or thereafter;
3. The City Council will remove or not reappoint any Task Force member who has failed to attend at least 75% of all regular meetings held during the 12-month period noted in paragraph (4) above, unless, upon the appeal of a Task Force member that is filed within seven (7) days of notification that such attendance requirement has not been met, the City Council determines that a lesser attendance record is the result of unusual and excusable circumstances.

Examples of unusual and excusable circumstances that may, but need not, result in retention of a board or commission member include a comparatively infrequent meeting schedule of the board or commission upon which the member serves over the 12-month period; absences that result from the member’s attendance at other City-sponsored or City-endorsed functions that conflict with a board or commission meeting time; and the illness or injury of a family member that required the absence of the board or commission member from the City. In all cases in which the City Council considers the appeal of a board or commission member under this paragraph, the Council shall take into account the attendance of the board and commission member for the entire period that the member has served on City boards and

commissions and the likelihood that the member's current year attendance will meet the 75% attendance standard in the future.

ARTICLE V ATTENDANCE

SECTION 500. KHCG Attendance Policy Process:

1. Attendance records will be maintained by KHCG Task Force City Staff.
2. Members requesting to be excused from Task Force Meetings or monthly clean-up events must notify the Task Force Chair AND Task Force City Staff prior to the meeting or event.
3. Attendance standards imply members will be on time for all activities including but not limited to: meetings (currently 7PM) and clean-up events (currently 8AM).
4. The Task Force Staff will excuse members based on the "unusual and excusable circumstances" noted in City Resolution 87-323 C. S.
5. Task Force attendance will be reviewed every four months of the fiscal year; October 30th, February 29th (28th), June 30th. (See example, Attachment 1)
6. Members below 75% attendance (regular meetings and monthly clean-up events combined) or members that have missed two or three consecutive meetings will be sent a letter from the City Clerk's Office reaffirming the attendance policy.
7. Failure to maintain attendance standards by the next review will result the member's position being declared vacant by the City Council.

ARTICLE VI OFFICERS – ELECTIONS & TERMS

SECTION 600. The officers of the Keep Hayward Clean and Green Task Force shall be a Chairperson and Two (2) Vice-Chairpersons.

SECTION 601. All elected officers shall serve a term of two (2) years beginning January 1 and continuing until their successors have been elected. Officers are eligible to succeed themselves only for one additional term of office, totaling four years.

SECTION 602. Officers shall be nominated by a nominating ad-hoc committee selected by the Chairperson. Additional nominations will be permitted from the floor after the nominating ad-hoc committee has reported.



CITY OF HAYWARD

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

File #: CONS 23-461

DATE: September 12, 2023

TO: Mayor and City Council

FROM: Acting Chief of Police

SUBJECT: Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$3,000 in Awarded Grant Funding from the Best Friends Animal Society in Connection with its GoodPup Scholarship Grant for the Hayward Police Department's Animal Services Bureau

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate \$3,000 from the Best Friends Animal Society for the Hayward Police Department's Animal Services Bureau.

SUMMARY

A Best Friends Animal Society representative recently toured the Hayward Police Department's Animal Services Bureau. The Hayward Animal Services Bureau was then selected to receive a \$3,000 grant as part of the Best Friends Animal Society's GoodPup Scholarship Grant. Through this grant, adopters of long-stay dogs and dogs with some behavioral challenges will be provided with scholarships for 6-weeks of free online behavior training through GoodPup as an incentive to adopt these more challenging dogs who are often overlooked. Funding will provide scholarships for twenty (20) dogs and their adopter with the goal of decreasing the length of time these dogs stay in the shelter and increasing their chances for success in their new home.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Acting Chief of Police

SUBJECT: Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$3,000 in Awarded Grant Funding from the Best Friends Animal Society in Connection with its GoodPup Scholarship Grant for the Hayward Police Department's Animal Services Bureau

RECOMMENDATION

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SUMMARY

A Best Friends Animal Society representative recently toured the Hayward Police Department's Animal Services Bureau. The Hayward Animal Services Bureau was then selected to receive a \$3,000 grant as part of the Best Friends Animal Society's GoodPup Scholarship Grant. Through this grant, adopters of long-stay dogs and dogs with some behavioral challenges will be provided with scholarships for 6-weeks of free online behavior training through GoodPup as an incentive to adopt these more challenging dogs who are often overlooked. Funding will provide scholarships for twenty (20) dogs and their adopter with the goal of decreasing the length of time these dogs stay in the shelter and increasing their chances for success in their new home.

BACKGROUND AND DISCUSSION

On July 10, 2023, a Best Friends Animal Society representative toured the Hayward Police Department's Animal Services Bureau. Hayward Animal Services Bureau's challenges and programs were discussed. One such challenge is the number of dogs entering the shelter and how long they sit in the shelter's adoption wards before being adopted, fostered, rescued, or eventually euthanized due to their declining mental health. This is a challenge shelters nationwide are facing due to the unprecedented number of dogs entering shelter systems post-pandemic.

Hayward Animal Services Bureau recently partnered with GoodPup, an online behavior and training platform offering lifetime discounted subscriptions to owners who adopt a dog or redeem their dog from participating shelters. GoodPup offers 1:1 training using only humane, reward-based training methods. Six- or eight-week training scholarships can be purchased by shelters to give to adopters, or owners considering surrendering their dog for behavior reasons.

Best Friends Animal Society selected Hayward Animal Services Bureau to receive \$3,000 in regional discretionary funding as a grant specifically to fund Good Pup scholarships. Funding will provide free 6-week scholarships for training services through GoodPup to adopters of twenty (20) dogs that have the longest length of stay in the shelter, and/or dogs that have been identified as more behaviorally challenged. The intent of these scholarships is to encourage adopters to select these harder-to-adopt dogs by providing a free training resource to help these dogs transition successfully into their new homes and become well-mannered canine members of the community.

FISCAL IMPACT

Acceptance of the Best Friends Animal Society's GoodPup Scholarship grant will have no impact on the General Fund.

STRATEGIC ROADMAP

The Best Friends Animal Society's GoodPup Scholarship supports the Enhance Community Safety & Quality of Life priority outlined in the Council's Strategic Roadmap although it does not fit into a specific project.

NEXT STEPS

If Council adopts the attached resolution, staff will accept the grant via the Best Friends Animal Society's online grant platform. Once funding is received, staff will appropriate the funding into the Police Department's budget and administer the grant per the terms and conditions of the Best Friends Animal Society's GoodPup Scholarship grant agreement.

Prepared by: Jennie Comstock, Animal Services Administrator

Recommended by: Bryan Matthews, Acting Chief of Police

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE \$3,000 IN AWARDED GRANT FUNDING FROM THE BEST FRIENDS ANIMAL SOCIETY IN CONNECTION WITH ITS GOODPUP SCHOLARSHIP GRANT FOR USE BY THE HAYWARD POLICE DEPARTMENT'S ANIMAL SERVICES BUREAU

WHEREAS, the Best Friends Animal Society has made funds available to organizations for specific projects with the goal of increasing life-saving efforts; and

WHEREAS, the Best Friends Animal Society has selected the Hayward Police Department's Animal Services Bureau to receive \$3,000 in funding as part of their GoodPup Scholarship Grant; and

WHEREAS, funds received from the Best Friends Animal Society will be used to provide free 6-week scholarships for training services through GoodPup to adopters of twenty (20) dogs that have the longest length of stay in shelter, and/or dogs that have been identified as more behaviorally challenged.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to accept and appropriate \$3,000 in awarded funding from the Best Friends Animal Society as part of their GoodPup Scholarship Grant for use by the Hayward Police Department's Animal Services Bureau.

FURTHER BE IT RESOLVED, that the City Council of the City of Hayward hereby approves the amendment to the FY 2024 Operating Budget Resolution by appropriating \$3,000 in grant funding from the Best Friends Animal Society.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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 23-467

DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Site License Agreement with East Bay Community Energy for Electric Vehicle Charging at Multiple Locations and Finding the Action is Exempt from CEQA Review

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a site license agreement with East Bay Community Energy (EBCE) for electric vehicle charging at multiple locations, including the addition of The Stack Center, and finding the action is exempt from CEQA review.

SUMMARY

In November last year, Council authorized an agreement with EBCE to develop and operate publicly available electric vehicle (EV) fast charging hubs at up to seven City-owned municipal parking lots and garages. Staff is seeking Council authorization to add The Stack Center as the location of an additional EV charging hub. Staff is also seeking Council authorization to add properties to or remove properties from the agreement as appropriate.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Site Map



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Site License Agreement with East Bay Community Energy for Electric Vehicle Charging at Multiple Locations and Finding the Action is Exempt from CEQA Review

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a site license agreement with East Bay Community Energy (EBCE) for electric vehicle charging at multiple locations, including the addition of The Stack Center, and finding the action is exempt from CEQA review.

SUMMARY

In November last year, Council authorized an agreement with EBCE to develop and operate publicly available electric vehicle (EV) fast charging hubs at up to seven City-owned municipal parking lots and garages. Staff is seeking Council authorization to add The Stack Center as the location of an additional EV charging hub. Staff is also seeking Council authorization to add properties to or remove properties from the agreement as appropriate.

BACKGROUND

In 2018, the EBCE Board of Directors adopted a Local Development Business Plan. One of the key strategies included in the Plan is to develop and implement projects that support electrification of transportation in its service territory. EBCE is also working to align its initiatives with California's EV goals including:

- By 2025, 1.5 million Zero-Emission Vehicles (ZEVs) on the road and 250,000 public and shared EV chargers in operation.
- By 2030, approximately 1.2 million public and shared chargers to meet the fueling demands of the 7.5 million ZEVs anticipated to be on California roads¹.

¹ <https://www.energy.ca.gov/news/2021-06/report-shows-california-needs-12-million-electric-vehicle-chargers-2030#:~:text=In%20addition%20to%20the%201.2,trucks%20and%20buses%20also%20anticipated.&text=These%20numbers%20fall%20short%20of,250%2C000%20chargers%20by%2054%2C000%20installations.>

In support of the above goals, on August 25, 2022, the California Air Resources Board (CARB) approved a rule requiring 100 percent of new car sales in California to be ZEVs by 2035. The rule also includes ZEV targets for 2026 (35 percent) and 2030 (68 percent).

In light of the anticipated demands for EV charging, EBCE seeks to develop, own, and operate a network of publicly available EV fast charging hubs throughout its service territory. EBCE aims to deploy forty to fifty fast charging hubs throughout its service area over the next several years, including two or three hubs in Hayward within the next few years. Each hub is planned to have a minimum of ten dual-port Direct Current Fast Chargers (DCFCs)². A charging hub with ten dual port DCFCs can charge up to twenty vehicles simultaneously. Due to the loading areas needed for van-accessible parking spaces, each hub may occupy up to twenty-two existing parking spaces.

On November 1, 2022³, Council adopted a resolution authorizing the City Manager to negotiate and execute a Multi-Site License Agreement (MSLA) with EBCE to allow the development of charging hubs on City properties. The resolution specifically identifies the following sites as potential locations:

1. Cinema Garage – 22695 Foothill Boulevard
2. Municipal Lot 1 – 919 A Street
3. Municipal Lot 2 – 1042 B Street
4. Municipal Lot 4 – 1147 B Street
5. Municipal Lot 5 – 22456 Maple Court
6. Municipal Lot 6 – 1164 A Street
7. Northeast Corner of Mission Blvd. and Fairway Street

These initial locations were selected because they are under City ownership, large enough to accommodate the twenty-two parking spaces needed, and in proximity of high-density multi-family residences.

Cinema Place Parking Structure – The first hub to be developed will be the Cinema Place parking structure because grant funding has been secured for that project. Approximately \$1.2 million in grant funds from the California Energy Commission (CEC) has been secured to fund a fast-charging hub in the Cinema Place parking structure. EBCE's grant agreement with the CEC requires that the hub be operational by September 1, 2024. EBCE is currently conducting engineering analysis and coordinating with PG&E to design the hub.

DISCUSSION

When the publicly accessible charging hubs were considered by the Council Sustainability Committee (CSC) on October 6, 2022⁴, the CSC unanimously recommended that Council

² There are generally three types of EV chargers:

- *Level 1* – 15-20 Amps, providing a driving distance of 3-4 miles/hour of charge
- *Level 2* – 40 Amps, providing a driving distance of 25-30 miles/hour of charge
- *Direct Current Fast Charger (DCFC)* – 80 – 400 Amps, providing a driving distance of 125-1,000 miles/hour of charge

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5901795&GUID=27FCE637-B869-4CDB-949D-691ACC60E606&Options=&Search=>

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5860959&GUID=18C2C23E-0277-446D-9523-5C71105382D5&Options=&Search=>

authorize the agreement and requested that the charging hubs be extended to other areas of Hayward. Staff has continued to explore additional potential sites and identified an opportunity for an additional charging hub at The Stack Center, to be developed at Tennyson and Ruus Road. Phase 1 of the Stack Center will include remodeling of the existing Matt Jimenez Community Center and construction of a parking lot, shown as P2 on Attachment III.

Phase 1 plans have been revised to incorporate the conduit needed for 10 dual-port chargers in the parking lot. On June 20, 2023⁵, Council adopted a resolution approving the plans and specifications for Phase 1 of The Stack Center and the bid opening is currently scheduled for October 31, 2023. Phase 2 of The Stack Center development will include construction of a new community center building. During Phase 2, the transformer, switchgear, and EV chargers would be installed.

As with the other charging hubs to be developed by EBCE, and as noted in the key terms of the agreement below, EBCE will cover: the cost of the conduit and installation; the chargers and installation; the cost of operation and maintenance of the chargers; and the cost of the electricity for the chargers. The operators of The Stack Center have expressed concerns about the number of parking spaces that will be dedicated to EV charging and that this could potentially limit the parking available for non-EV drivers. EBCE has indicated flexibility and is open to phasing the installation of the chargers. While the electrical infrastructure will be installed during the parking lot construction, the chargers can be installed as demand is observed. Staff is considering the installation of five dual-port chargers during the Phase 2 construction.

Key Terms of Site License Agreement – The key terms of the draft agreement are:

1. The term of the agreement would be for fifteen years.
2. The agreement would allow charging hubs to be developed on multiple sites owned by the City.
3. EBCE will pay for construction, operation, and maintenance of the chargers.
4. EBCE will pay for electricity used by the chargers.
5. The City will provide the land and access to the parking spaces.
6. EBCE may place signage related to the charging facilities.
7. Rates for charging will be set by EBCE and may change from time to time at EBCE's sole discretion.
8. After the City and EBCE agree on design details, construction schedule, etc., for each site, the City would issue a "Notice to Proceed" before EBCE can develop each hub.

Staff and EBCE will continue to explore additional potential sites in Hayward including other areas of the City. Staff is also seeking Council's authorization to allow the City Manager to add or remove sites to the agreement in the future as appropriate.

FISCAL IMPACT

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=6264038&GUID=FCB77542-6C81-473E-A003-C676B8186C9C&Options=&Search=>

The recommended agreement and the siting of charging hubs in Hayward will have no costs to the City's General Fund or other City Funds. EBCE will fully fund the construction and operation of the charging hubs. The City's contribution for each charging hub will be the dedication of the parking spaces and areas needed for transformers and electrical equipment. The City will receive a small increase in revenues from the utility user tax (UUT) associated with the electricity used for the chargers.

Upon the bid opening for construction of Phase 1 of The Stack Center, the costs of the conduit needed for the charging hub will be known. Staff intends to enter into an MOU to document EBCE's commitment to cover all costs associated with development of the charging hub.

ECONOMIC IMPACT

EBCE has assured staff that discounted rates will be offered for low-income customers, but details of the program are not yet available. Given that the City has representation on EBCE's Board of Directors, the City will be able to weigh in on rate setting.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of *Confront Climate Crisis & Champion Environmental Justice*. This item specifically relates to the following Project:

Reduce Greenhouse Gases and Dependency on Fossil Fuels

Project C2: Continue to collaborate with EBCE to provide public EV charging facilities

SUSTAINABILITY FEATURES

Electrification of vehicles throughout the community is necessary to meet the City's long-term greenhouse gas (GHG) emissions reduction goals. In June 2020, Council adopted ambitious goals to reduce GHG emissions 55% below 2005 levels by 2030 and to work with the community to develop a plan that may result in the reduction of community-based GHG emissions to achieve carbon neutrality by 2045. Of Hayward's total GHG emissions, the transportation sector accounts for close to 65%. While active transportation (walking, biking, etc.), ridesharing, and other strategies will be important to achieving needed reductions in Hayward's transportation emissions, the electrification of cars and trucks will also be necessary.

Hayward's 2040 General Plan includes the following policy related to EVs.

NR-2.10 – Zero-Emission and Low-Emission Vehicle Use: The City shall encourage the use of zero-emission vehicles, low-emission vehicles, bicycles and other non-motorized vehicles, and car-sharing programs by requiring sufficient and convenient infrastructure and parking facilities throughout the City.

ENVIRONMENTAL REVIEW

The proposed agreement is statutorily exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) pursuant to Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines. Charging hubs developed on existing parking lots will likely be categorically exempt from environmental review in accordance with CEQA pursuant to Section 15301, Class 1 (Minor Alteration of Existing Facilities) of the CEQA Guidelines.

PUBLIC CONTACT

No public contact has been made regarding the addition of The Stack Center to the multi-site license agreement (MSLA). Before Council approved the MSLA in November 2022, staff did solicit public comments. On September 7, 2022, staff mailed letters to approximately 600 downtown business owners and property owners to solicit comments on the installation of new charging facilities. Public meetings were held on September 20 (on Zoom) and September 22 (in person) to allow community members to ask questions and provide feedback. One person attended the September 20 meeting; no attendees were present for September 22 meeting. On October 11, 2022, staff received a letter from a downtown business owner in support of downtown EV charging and offering thoughts on the locations under consideration.

NEXT STEPS

If Council approves, staff will continue to negotiate and execute the Multi-Site License Agreement with EBCE. Additionally, staff will continue to work with EBCE to design the charging hub at the Cinema Place parking structure and for The Stack Center. Additional next steps include:

- Execute MSLA.
- Stack Center Phase 1 Bid Opening on October 31, 2023.
- Stack Center Award of Contract – late Fall 2023.
- Execute MOU with EBCE outlining the costs EBCE will cover and acknowledging the timing of the phasing of the Stack Center construction.
- Phase 1 is scheduled to be completed by June 2024

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SITE LICENSE AGREEMENT WITH EAST BAY COMMUNITY ENERGY FOR ELECTRIC VEHICLE CHARGING AT MULTIPLE LOCATIONS INCLUDING THE STACK CENTER AND FINDING THE ACTION IS EXEMPT FROM CEQA REVIEW

WHEREAS, the State of California has a goal of 7.5 million zero emission vehicles (ZEVs) on California roads and approximately 1.2 million public and shared chargers to meet the fueling demands of those vehicles by 2030; and

WHEREAS, on August 25, 2022, the California Air Resources Board approved a rule requiring 100 percent of new car sales in California to be ZEVs by 2035; and

WHEREAS, East Bay Community Energy (EBCE) aims to deploy forty to fifty fast charging hubs throughout its service area over the next several years including two or three hubs in Hayward in the next few years; and

WHEREAS, on November 1, 2022, the City Council of the City of Hayward adopted a resolution authorizing a Site License Agreement with EBCE to develop charging hubs at the following potential locations:

1. Cinema Garage – 22695 Foothill Boulevard
2. Municipal Lot 1 – 919 A Street
3. Municipal Lot 2 – 1042 B Street
4. Municipal Lot 4 – 1147 B Street
5. Municipal Lot 5 – 22456 Maple Court
6. Municipal Lot 6 – 1164 A Street
7. Northeast Corner of Mission Blvd. and Fairway Street

WHEREAS, the agreement supports the Strategic Priority of *Confront Climate Crisis & Champion Environmental Justice* as included in the Strategic Roadmap adopted by Council on June 6, 2023. Specifically, this project is related to implementation of “Project C2: Continue to collaborate with EBCE to provide public EV charging facilities”; and

WHEREAS, an opportunity to develop a charging hub at The Stack Center has been identified.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute on behalf of the City of Hayward a Master Site License Agreement with EBCE.

BE IT FURTHER RESOLVED, by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to add The Stack Center as a potential site to be listed in the Master Site License Agreement with EBCE.

BE IT FURTHER RESOLVED, by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to add properties to or remove properties from the Master Site License Agreement as appropriate.

BE IT FURTHER RESOLVED, that the City Council finds the agreement statutorily exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) pursuant to Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

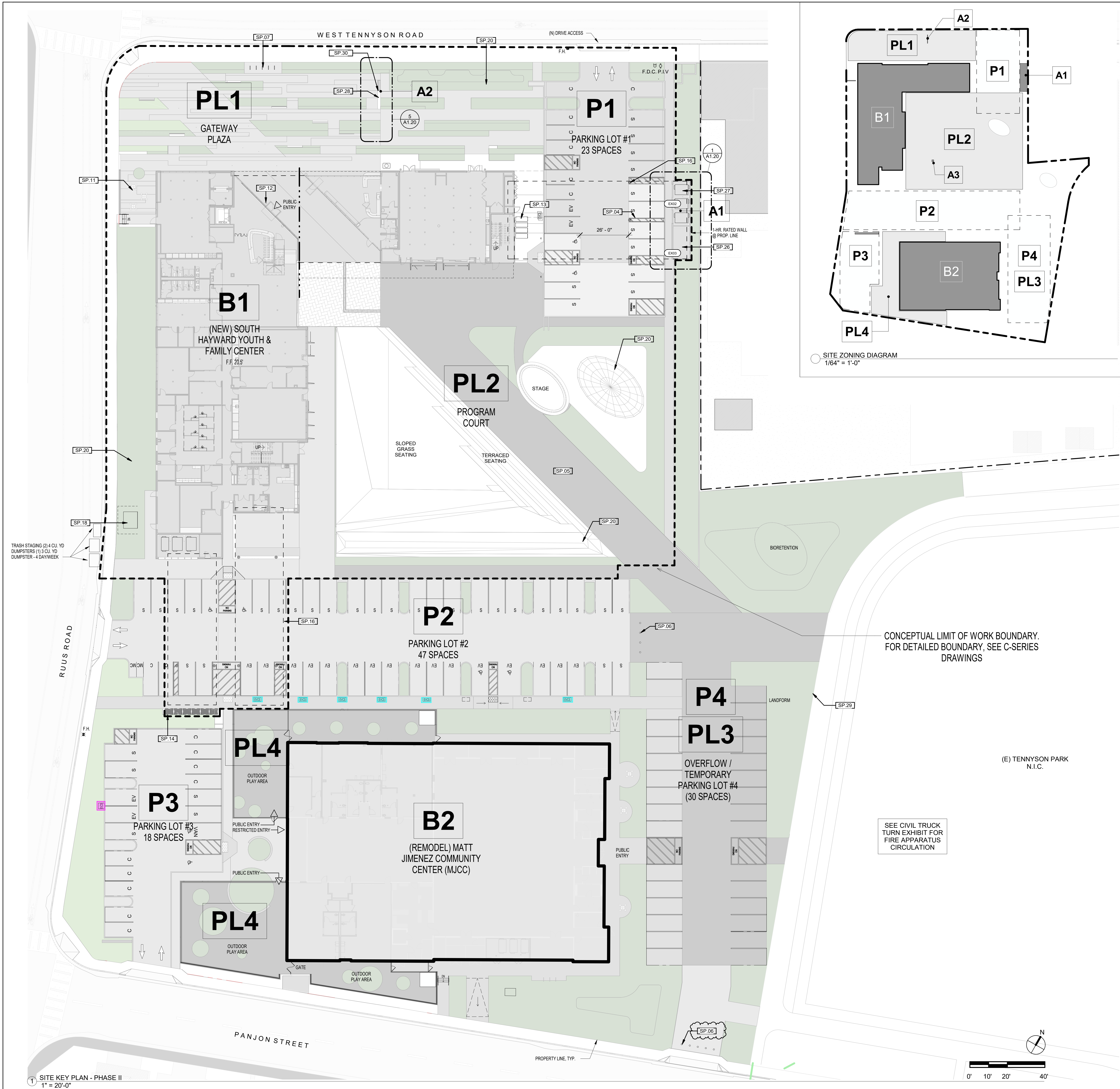
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



LEGEND ATTACHMENT III

- BUILDINGS**
- B1** (NEW) SOUTH HAYWARD YOUTH & FAMILY CENTER
- B2** (REMODEL) MATT JIMENEZ COMMUNITY CENTER (MJCC)

- PARKING LOTS**
- P1** PARKING LOT #1 (@NE)
- P2** PARKING LOT #2 (BETWEEN B1 & B2)
- P3** PARKING LOT #3 (@SW)
- P4** OVERFLOW/TEMPORARY PARKING LOT #4 (@SE)

- OUTDOOR PLAZA**
- PL1** GATEWAY PLAZA (NW)
- PL2** PROGRAM COURT PLAZA
- PL3** OVERFLOW/TEMPORARY PARKING LOT #4 (@SE)
- PL4** B2 PLAY AREA

- SITE ACCESSORY**
- A1** WASTE ENCLOSURE (@NE)
- A2** ARCHITECTURAL SITE WALL (@NORTH)
- A3** MOVIE PROJECTING DEVICE STANCHION

SHEET NOTES

WASTE COLLECTION PER HAYWARD UTILITIES & ENVIRONMENTAL SERVICES:
CONTAINER CAPACITY CALCULATIONS
OF EMPLOYEES x LBS. TRASH GENERATED PER EMPLOYEE / WEEK + 150 = CUBIC YARDS / WEEK

NORTH BUILDING - BUILDING ONE	POUNDS PER EMPLOYEE / WEEK
RETAIL - FOOD STORE	112
(3 x 112) + 150 = 224	
SERVICES - BUSINESS SERVICES	65
(36 x 65) + 150 = 15.6	
SERVICES - EDUCATION	31
(14 x 31) + 150 = 2.89	
SERVICES - MEDICAL / HEALTH	58
(19 x 58) + 150 = 7.35	

B1 TOTAL CUBIC YARDS / WEEK = 28.08
(2) 4CU YD. BINS W/ 4 DAY PICK-UP

SOUTH BUILDING - BUILDING TWO	POUNDS PER EMPLOYEE / WEEK
MANUFACTURING - FOOD	62
(17 x 65) + 150 = 8.43	
*1 EMPLOYEE ASSUMED FOR SPORADIC USE OF (E) KITCHEN	
SERVICES - BUSINESS SERVICES	65
(6 x 65) + 150 = 2.6	
SERVICES - EDUCATION	31
(10 x 31) + 150 = 2.07	

B2 TOTAL CUBIC YARDS / WEEK = 5.1
(3) 36 GALLON CARTS W/ 4 DAY PICK-UP

KEYNOTES

- SP 04 | PAINTED STRIPES, TYP. S.C.D.
- SP 06 | SPRING LOADED, ADJUSTABLE BOLLARDS FOR ACCESS CONTROL
- SP 07 | BICYCLE RACKS, S.L.D.
- SP 11 | SITE FURNITURE, S.L.D.
- SP 12 | ENTRY DEVICE STANCHION
- SP 13 | BICYCLE LOCKERS, S.L.D.
- SP 14 | PV BATTERY STORAGE BANK - BASIS OF DESIGN - (5) TESLA POWER PACKS + INVERTER - 1.15 MW
- SP 16 | PV STRUCTURAL SUPPORT STEEL AND CANOPY ABOVE, TYP.
- SP 18 | POLE TRANSFORMER PAD 80'X100', 30" CLEAR 3 SIDES
- SP 20 | (N) BIORETENTION, S.C.D. & S.L.D.
- SP 26 | SITE/GROUNDS MAINTENANCE STORAGE
- SP 27 | WASTE ENCLOSURE
- SP 28 | SEE LANDSCAPE DRAWING FOR DIMENSIONS & LAYOUT
- SP 29 | PROPERTY LINE, S.C.D. FOR MORE DETAIL
- SP 30 | RELOCATE EXISTING TRANSIT STOP SIGNAGE ADJACENT MONUMENT SIGN. SEATING AT MONUMENT SIGN TO BE USED FOR ADDITIONAL BUS STOP PARKING.

RossDrulisCusenbery

18294
Sonoma Highway
Sonoma
CA 95476

TEL 707 996 8448
FAX 707 996 8542

ARCHITECTURE

THE STACK CENTER

680 WEST TENNYSON ROAD &
28200 RUUS ROAD
HAYWARD, CA

No.	Description	Date
1	PERMIT SET 2	March 3, 2023

PERMIT SET

Sheet Title

OVERALL
ARCHITECTURAL SITE
PLAN PHASE I+II

Drawn By GG

Scale:
As indicated

Date:
January 11, 2023

Project No. 2018071

Checked By MC



A1.11
Drawing No.

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Preliminary Design. Not For Construction Purposes.



CITY OF HAYWARD

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

File #: CONS 23-475

DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Schaaf & Wheeler for Engineering Design Services in the Amount of \$120,000 for a Not-to-Exceed Amount of \$320,000 to Complete the Arf Avenue Trash Capture Project No. 07746

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to amend the Professional Services Agreement with Schaaf & Wheeler for engineering services related to the installation of a Trash Capture Device on Arf Avenue not to exceed \$120,000 to be funded by Caltrans.

SUMMARY

To comply with the trash reduction requirements of the Municipal Regional Stormwater Permit (MRP), the City is collaborating with Caltrans to fund, design, and construct a large trash capture device within the City's storm drain system to capture trash before the waters flow to the San Francisco Bay. The device will be located at Arf Avenue near Hesperian Boulevard and will be funded by Caltrans. The project mutually benefits the City and Caltrans as the area treated by the large trash capture device includes city and Caltrans right of way (ROW). The Arf Avenue project will be the second of two trash capture projects funded by Caltrans. The first was installed on Tennyson Road earlier this summer. The Arf Avenue project requires additional time and funds from Caltrans to meet the approval requirements by the Alameda County Flood Control and Water Conservation District.

On November 15, 2016, Council passed a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. Because the construction cost estimate for the Arf Avenue Trash Capture Project is more than \$1,000,000, the CWA agreement will apply to this project.

File #: CONS 23-475

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Schaaf & Wheeler for Engineering Design Services in the Amount of \$120,000 for a Not-to-Exceed Amount of \$320,000 to Complete the Arf Avenue Trash Capture Project No. 07746

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BACKGROUND

The National Pollution Discharge Elimination System (NPDES) program was established in 1972 by the Federal Clean Water Act (CWA). The NPDES program was amended in 1986 to regulate stormwater runoff and established a permitting structure for municipal discharge to the waters of the state. From 1990 to 2009 each municipality in the Bay Area was regulated under countywide stormwater permits with individual requirements specific to each county. On October 14, 2009, the first regional stormwater permit, the Municipal Regional Permit (MRP), was adopted by the San Francisco Bay Regional Water Quality Control Board. The MRP regulated municipalities within the counties of Alameda, Contra Costa, Santa Clara, San Mateo as well as the cities of Fairfield, Suisun, and Vallejo and the Vallejo Sanitation and Flood Control District. Municipalities and local agencies included in the MRP are referred to as 'Permittees'. The MRP is renewed about every five years and is currently on its third cycle (MRP 3.0).

Provision C.10 of the MRP includes the trash reduction requirements for Permittees to reduce all trash from stormwater systems to waters of the state by 90% by July 2023, and by 100% by July 2025.

On April 20, 2021¹, Council authorized a cooperative agreement with Caltrans to design and implement mutually beneficial trash reduction opportunities. The cooperative agreement allowed Caltrans to fund the design and installation of full trash capture devices. The first device, located within the Tennyson Road/880 freeway interchange, was installed in July 2023.

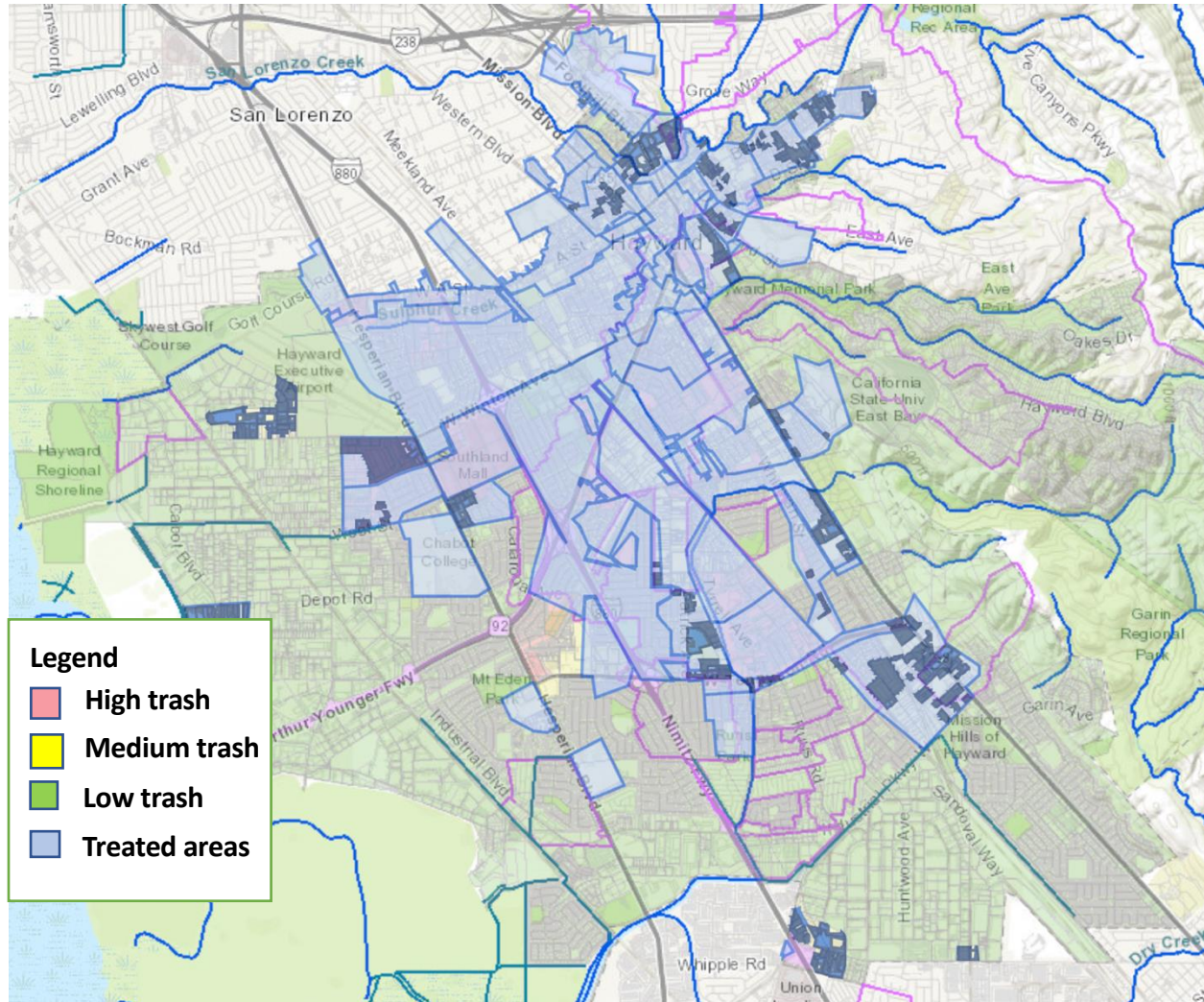
In addition to the Tennyson Road project, the City currently has 629 small trash capture devices installed in storm drain catch basins and five large underground trash capture devices installed in storm drainpipes located at Tyrrell and Tennyson, Patrick Avenue and Cotter Way.

Altogether, the City currently has 90% credit for trash reduction, which meets the MRP deadline of July 2023.

Areas currently treated areas for trash using trash capture devices are highlighted in blue in Figure 1 below.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4916428&GUID=5A8A9657-693A-48B0-9D7F-7E207950AC98&Options=&Search=>

Figure 1. Areas of Trash Generation and Current Treatment



The yellow and pink highlighted areas are the remaining areas to treat for trash (yellow is medium generating trash areas and pink are high generating trash areas).

The MRP currently allows for trash reduction credits for product bans such as the City's plastic bag and polystyrene bans. The MRP 3.0 removes the credits for product bans effective in 2025. The remaining credits for compliance will be achieved with the Arf Avenue trash capture device and addressing private landowners with direct connections to the City's storm sewer where City-owned devices cannot treat the stormwater. On April 11, 2023², Council adopted amendments to the stormwater ordinance allowing staff to work with property owners to further reduce trash. Table 1 below shows staff's plan to meet the mandate by 2025.

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=6124946&GUID=265D462B-7AAA-4BFA-87FD-AF3B6BA89FD1&Options=&Search=>

Table 1. Plan to Meet 100% Trash Reduction Requirement by 2025.

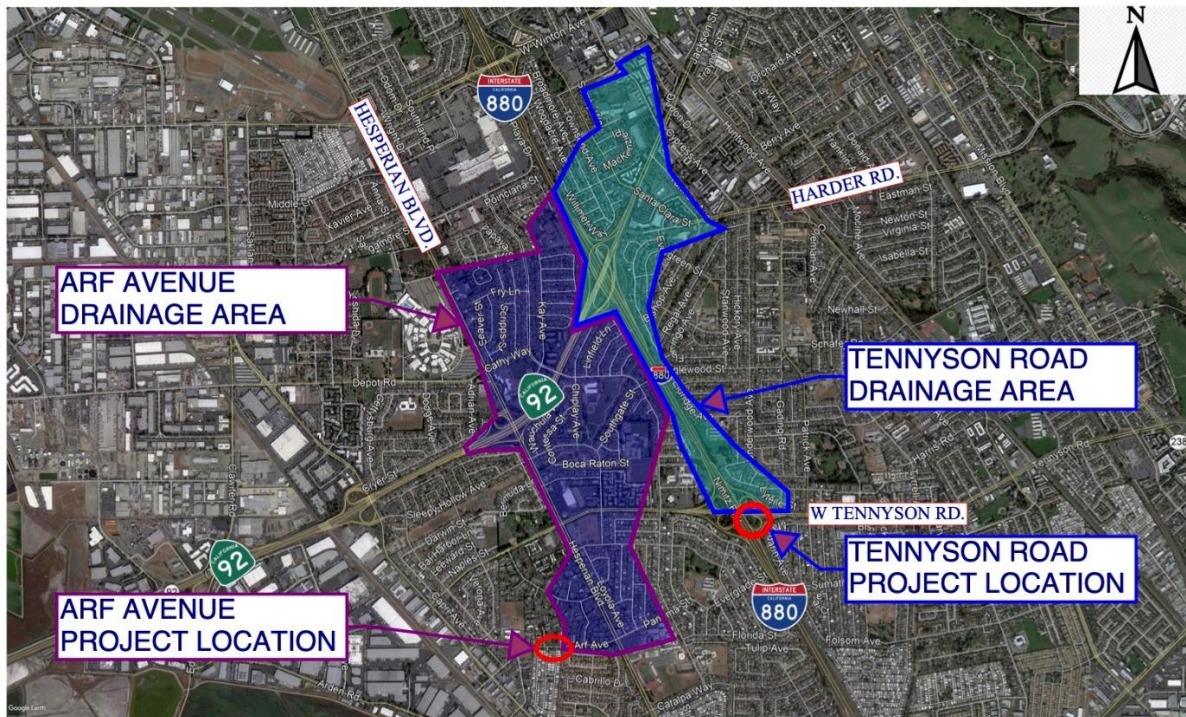
Year	Compliance Action	Credit
2011-2013	City enacted bans on polystyrene and plastic bags	10%
2015-2020	200 small devices in catch basins, 2 large trash capture devices (Tyrrell and Tennyson and Patrick Avenue), 4 large screens in creeks	54%
2020-2022	429 small trash capture devices installed throughout the City and large device installed on Cotter Way	20%
2023	Large Trash Capture Project at Tennyson Road (Collaboration with Caltrans)	6%
	Total Reduction as of July 1, 2023	90%
2023-2025	Inspection program with increased enforcement for private landowners who have direct stormwater pipe connections that bypass City treatment	16%
2024	Large Trash Capture Project at Arf Avenue (Collaboration with Caltrans)	4%
2025	Credit for product bans discontinued per MRP 3.0	-10%
	Total	100%

DISCUSSION

Like the City, Caltrans also has a mandate to eliminate trash from stormwater from rights-of-way. Similar to the City, Caltrans has a trash reduction plan, which includes installing trash capture devices to remove trash from stormwater flowing on their ROW. Throughout Caltrans ROW there are very few opportunities to install large trash capture devices due to space needed for installation and the direction of stormwater flow along freeways. Caltrans and several cities have looked to collaborative projects to install trash capture devices downstream of Caltrans ROW, within city jurisdictions to capture trash in areas required to be treated for trash. A collaborative trash capture project between Hayward and Caltrans would help achieve stormwater compliance for both agencies and would include funding from Caltrans to help carry out Hayward's plan for compliance.

After review of Hayward's remaining areas to treat for trash and Caltrans ROW that overlaps with those areas, staff proposed, and Caltrans agreed to fund two projects that will benefit both agencies. Figure 2 below shows the two project areas.

Figure 2. Arf Avenue and Tennyson Road Trash Capture Project Areas with Caltrans



The Tennyson project was installed in July 2023. The remaining large trash capture device is proposed for Arf Avenue near Hesperian Boulevard. The City will receive approximately 10% trash reduction credit with these two projects. The Arf Avenue project needs additional engineering work to meet the Alameda County Flood Control's requirements, which are intended to prevent flooding in the storm drainpipe. The engineering design services for Arf Avenue, to be provided by Schaaf & Wheeler.

Environmental Review

The proposed project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Minor Alteration of Existing Facilities) and Section 15302, Class 2 (Replacement or Reconstruction of Existing Facilities) of the CEQA Guidelines.

ECONOMIC IMPACT

There will be some benefit to the local economy as installation of the Arf Avenue project will create short-duration construction jobs. Because the project exceeds \$1 million, staff will complete a project labor agreement per City policy.

FISCAL IMPACT

The approximate areas treated and the original budget for each project is provided in Table 2 below.

Table 2. Budget and Area Treated for Arf Avenue and Tennyson Road Projects

Project	Total Area (acres)	Total Caltrans Area (acres)	Credit for MRP Trash Reduction	Estimated Cost for device and installation
Arf Avenue	446	35	5%	\$1,400,000
Tennyson Road	436	84	5%	\$1,400,000
Consultant Services				\$200,000
Total Cost (as of 2021)				\$3,000,000
Proposed Additional Consultant Services				\$120,000
Proposed New Total Cost				\$3,120,000

The budget and contract with Schaaf & Wheeler were approved by Council in summer of 2021. The additional design to meet Flood Control requirements placed the Arf Avenue project on hold while Tennyson Road was being constructed. The additional time, design, and cost for Arf Avenue has been incorporated into an amended implementation agreement, which has been approved by Caltrans. The engineering design services for Arf Avenue, to be provided by Schaaf & Wheeler, are estimated to not exceed \$120,000. Council adoption of the attached resolution (Attachment II) would authorize the City Manager to amend the current agreement with Schaaf & Wheeler to incorporate the additional cost.

The City will be responsible for maintaining the Arf Avenue device including cleaning the device periodically as with the other trash capture devices the City owns. The annual cost to maintain each device is approximately \$2,000. Maintenance of the devices will be paid for from the Stormwater Fund and will not impact the General Fund. The cooperative agreement with Caltrans states that Caltrans will fund the design and construction of the project including the cost of engineering services to be provided by Schaaf & Wheeler. Since Caltrans will fund the project and the consulting services, the cost of the project will not impact the City's funds. In addition to the maintenance, the City's financial contribution includes staff time associated with management of the design and installation of the devices.

STRATEGIC ROADMAP

This agenda item does not relate to a specific project identified in the Council-adopted Strategic Roadmap, but it supports the priority of *Invest in Infrastructure*.

SUSTAINABILITY FEATURES

Preventing pollution including trash from entering the waters of the state will benefit aquatic ecosystems and the health of the San Francisco Bay.

PUBLIC CONTACT

No public contact has been made regarding this agenda item. Public notices will be released prior to construction for the neighboring communities and businesses surrounding the project areas. Public notices will address any transportation or other modifications needed during construction to assist to public services.

NEXT STEPS

If Council approves, staff will amend the agreement with Schaaf & Wheeler and complete the design of the Arf Avenue trash capture device. Staff will work with the consultant to finalize the device design, acquire all permits and approvals for the project, and install the device on Arf Avenue by July 2024.

Prepared by: Elisa Wilfong, Water Pollution Control Administrator
Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH SCHAAF & WHEELER FOR ENGINEERING DESIGN SERVICES INCREASING THE AGREEMENT BY \$120,000 FOR A NOT-TO-EXCEED AMOUNT OF \$320,000 FOR THE ARF AVENUE TRASH CAPTURE PROJECT NO. 07746

WHEREAS, the Municipal Regional Permit (MRP), adopted by the San Francisco Bay Regional Water Quality Control Board (Water Board) on May 11, 2022, requires 100% removal of trash from the stormwater system by the year 2025; and

WHEREAS, the City has achieved 90% removal of trash and submitted to the Water Board a plan for compliance with the current MRP trash mandate; and

WHEREAS, the Project will result in the installation of a large trash capture device on Arf Avenue to filter trash and debris from the upstream watershed; and

WHEREAS, a watershed is defined as an area of land that drains all the streams and rainfall to a common outlet such as the outflow of a reservoir, mouth of a bay, or any point along a stream channel; and

WHEREAS, the Project is consistent with the City's plan for compliance with the current MRP trash mandate; and

WHEREAS, the State of California Department of Transportation (Caltrans) owns property that is in the watershed and storm water from it will flow into the Project; and

WHEREAS, Caltrans and the City, pursuant to California Streets and Highways Code (SHC) Sections 114 and 130, have entered into a Cooperative Implementation Agreement for improvements to the State Highway System (SHS) as a watershed stakeholder within the City's jurisdiction; and

WHEREAS, Caltrans has a willingness to contribute an amount not to exceed \$750,000 to the City to construct the Arf Avenue project under the cooperative agreement between Caltrans and the City, within the regional area under the jurisdiction of the City to comply with their trash reduction mandate; and

WHEREAS, Schaaf & Wheeler and the City will amend the existing Professional Services Agreement for engineering services to design and manage the installation of the Arf Avenue Project with an additional cost not to exceed \$120,000; and

WHEREAS, the Project will be completed by July 1, 2024, to satisfy the Caltrans Cooperative Implementation Agreement funding schedule.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to negotiate and execute an amendment with Schaaf & Wheeler in the amount of \$120,000, for engineering services for a total not-to-exceed amount of \$320,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA September 12, 2023

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 23-483

DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Award a Construction Contract to Spencon Construction, Inc., in the Amount of \$982,564.75 and Approving \$150,000 in Administrative Construction Contingency for the FY23 Sidewalk Rehabilitation and Wheelchair Ramps Project No. 05303

RECOMMENDATION

That Council adopts the resolution (Attachment II) Authorizing the City Manager to award a construction contract to the low bidder Spencon Construction, Inc., (Spencon Construction) in the amount of \$982,564.75 for the FY23 Sidewalk Rehabilitation and Wheelchair Ramps Project in Districts 6 and 9, Project No. 05303 and approve \$150,000 in Administrative Construction Contingency (ACC).

SUMMARY

On June 20, 2023, the City received seven (7) bids for the project ranging from \$982,564.75 to \$1,711,364. Spencon Construction of San Ramon submitted the lowest bid of \$982,564.75, which is 32% lower than the Engineer's Estimate \$1,450,000. Rosas Construction, Inc., of Oakland submitted the second lowest bid in the amount of \$1,218,563 which is 16% lower than the Engineer's Estimate. Staff is recommending that a construction contract be awarded to Spencon Construction in the amount of \$982,564.75.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Districts Map
Attachment IV	District 6 & 9 Site Map
Attachment V	Wheelchair Ramp Site Map



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Award a Construction Contract to Spencon Construction, Inc., in the Amount of \$982,564.75 and Approving \$150,000 in Administrative Construction Contingency for the FY23 Sidewalk Rehabilitation and Wheelchair Ramps Project No. 05303

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to award a construction contract to the low bidder Spencon Construction, Inc., (Spencon Construction) in the amount of \$982,564.75 for the FY23 Sidewalk Rehabilitation and Wheelchair Ramps Project in Districts 6 and 9, Project No. 05303 and approving \$150,000 in administrative construction contingency (ACC).

SUMMARY

On June 20, 2023, the City received seven (7) bids for the project ranging from \$982,564.75 to \$1,711,364. Spencon Construction of San Ramon submitted the lowest bid of \$982,564.75, which is 32% lower than the Engineer's Estimate \$1,450,000. Rosas Construction, Inc., of Oakland submitted the second lowest bid in the amount of \$1,218,563 which is 16% lower than the Engineer's Estimate. Staff is recommending that a construction contract be awarded to Spencon Construction in the amount of \$982,564.75.

On November 15, 2016, Council passed a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applied to City projects with construction costs of \$1,000,000 or more. This agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. Because the construction cost estimate for the FY23 Sidewalk Rehabilitation Project is less than \$1,000,000, the CWA agreement does not apply to this project.

BACKGROUND

When the Program was initiated, the City was divided into ten districts (Attachment III) to facilitate the selection of sidewalk areas for repairs during each year of a ten-year cycle.

Although significant progress was made during that first cycle, funding was inadequate to complete all the necessary sidewalk repairs in all of the ten districts. Because there has been significant progress in addressing repair backlogs, recent projects have included two districts. This year, the work will be performed in Districts 6 and 9.

The Sidewalk Rehabilitation Program consists of two components, each performed under a separate construction contract. The first contract, which was started in May, removed tripping hazards from sidewalk displacements or offsets up to 1¾ inches. These hazards were removed by saw cutting or grinding each uplifted sidewalk panel across the width of the sidewalk to produce a smooth and uniform surface that meets Americans with Disabilities Act (ADA) slope requirements. Grinding or saw cutting up to 1¾ inches from a short segment of the typical 4" thick sidewalk section is less expensive and more cost effective than the removal and replacement of an entire sidewalk section.

The second component of the Sidewalk Rehabilitation Program, which is the subject of this report, removes and replaces, with new concrete, all sidewalk displacements exceeding 1¾ inches. Removal and replacement are necessary as grinding more than 1¾ inches would compromise the concrete. In addition, it includes the repair of offset or raised concrete curb and gutter, tree trimming, root pruning of existing trees, and planting of new trees. In order to minimize damage to City Street trees and evaluate the health of any trees that may be impacted by the project, the contractor is required to retain an arborist to examine each street tree adjacent to the work and inspect any root pruning that is part of the project.

DISCUSSION

This year's Project will repair damaged sidewalks in the Tennyson Road South Area (District 6) and the Winton Grove Thelma Area (District 9) (Attachment IV). The project includes repair of approximately 12,000 square feet of damaged sidewalk, and curb and gutters, plus the installation of thirty new or upgraded wheelchair ramps in various locations, 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 the condition of existing trees and inspect all root-pruning work. Based on the preliminary inspection, staff anticipates removing twenty-eight trees and planting ninety-one new 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 it is in danger of falling, where a need for extensive root pruning may kill the tree, or where a more suitable tree species will minimize future maintenance efforts. Thirty new wheelchair ramps will also be installed or upgraded to bring wheelchair ramps into compliance with current ADA standards (Attachment V).

On June 20, 2023, seven (7) bids were received. The bids ranged from \$982,564.75 to \$1,711,364. The low bid was from Spencon Construction of San Ramon in the amount of \$982,564.75 which is 32% lower than the Engineer's Estimate \$1,450,000. Rosas Brother Construction, Inc., submitted the second lowest bid of \$1,218,563, which is 16% lower than the Engineer's Estimate.

ACO funds and the low bid will allow staff to mark and repair more damaged sidewalks in both districts.

All bid documents and licenses are in order. Staff recommends award of a construction contract to the lowest responsive bidder, Spencon Construction in the amount of \$982,564.75.

On November 15, 2016, Council passed a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applied to City projects with construction costs of \$1,000,000 or more. This agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. Because the construction cost estimate for the FY23 Sidewalk Rehabilitation Project is less than \$1,000,000, the CWA agreement does not apply to this project.

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

ECONOMIC IMPACT

The project will have a positive impact on the community as it provides safer and more accessible sidewalks and ramps for pedestrians. Dividing the City into ten districts allows staff to select and recommend districts to ensure equitable distribution of this service to all City residents and businesses.

FISCAL IMPACT

The FY23 Capital Improvement Program (CIP) includes \$1,800,000 for the Sidewalk Rehabilitation Project where \$1,000,000 is from Street System Improvements Fund (Fund 450) and \$800,000 in Measure BB Local Transportation (Fund 216). Reimbursement from property owners for the sidewalk rehabilitation is estimated to be approximately \$150,000.

The estimated project costs are as follows:

Contract Construction	\$982,564
Trip Hazard Removal (under a separate contract)	\$60,000
Design and Administration	\$150,000
Construction Survey, Inspection, and Testing	\$150,000
Administrative Change Orders	\$150,000
TOTAL	\$1,492,564

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the six priorities outlined in the Council's Strategic Roadmap.

SUSTAINABILITY FEATURES

This project requires that all material generated during construction and demolition be sent to designated facilities for recycling. Recycled Portland Cement Concrete will be required for use as aggregate base for the concrete curb, gutter, and sidewalk. The improvements made to the sidewalks will encourage the public to walk more as opposed to driving their vehicles. This reduces both carbon emissions and carbon footprints, which is beneficial for the environment.

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 their choice to complete the repairs themselves, pay the \$550 fee for single-family homes or cover the cost of actual repair costs for commercial and investment properties that the City contractor will complete. Property owners have the option of paying the fee in one lump sum or in twelve monthly payments. The response form also includes a list of trees that an owner can choose from for a replacement tree. Before construction commences, a second notice will be sent to all property owners who did not respond to the first notice to assure they are aware of the program.

NEXT STEPS

The estimated schedule for this project is as follows:

Begin Construction	October 16, 2023
Complete Construction	February 06, 2023

Prepared by: Mir Ali, Assistant Civil Engineer
Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION AWARDING THE FY23 SIDEWALK REHABILITATION AND
WHEELCHAIR RAMPS PROJECT NO. 05303, CONSTRUCTION CONTRACT TO
SPENCON CONSRUCTION

WHEREAS, by resolution on May 16, 2023, the City Council approved the plans and specifications for the FY23 Sidewalk Rehabilitation Project No. 05303 and called for bids to be received on June 20, 2023; and

WHEREAS, on June 20, 2023, (7) seven bids were received ranging from \$982,564.75 to \$1,711,364: Spencon Construction, Inc., of San Ramon, California, submitted the lowest bid in the amount of \$982,564.75, which is 32% lower than the Engineer's Estimate of \$1,450,000; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Spencon Construction, Inc., is the lowest responsible bidder whose bid complies with the specifications and is hereby awarded the construction contract for the FY23 Sidewalk Rehabilitation Project No. 05303, in the amount of \$982,564.75 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 \$1,800,000 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 Spencon Construction, 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 _____, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

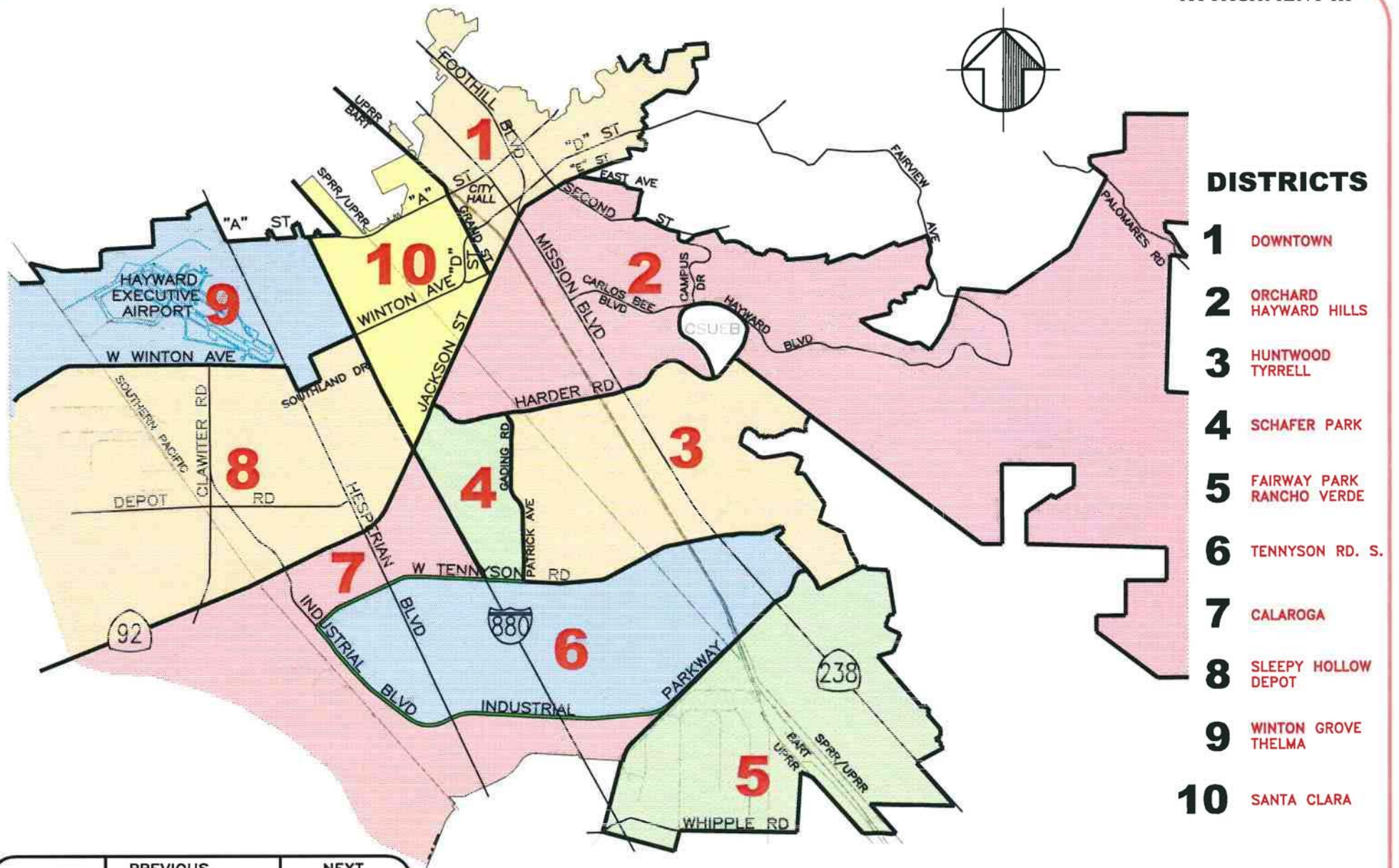
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

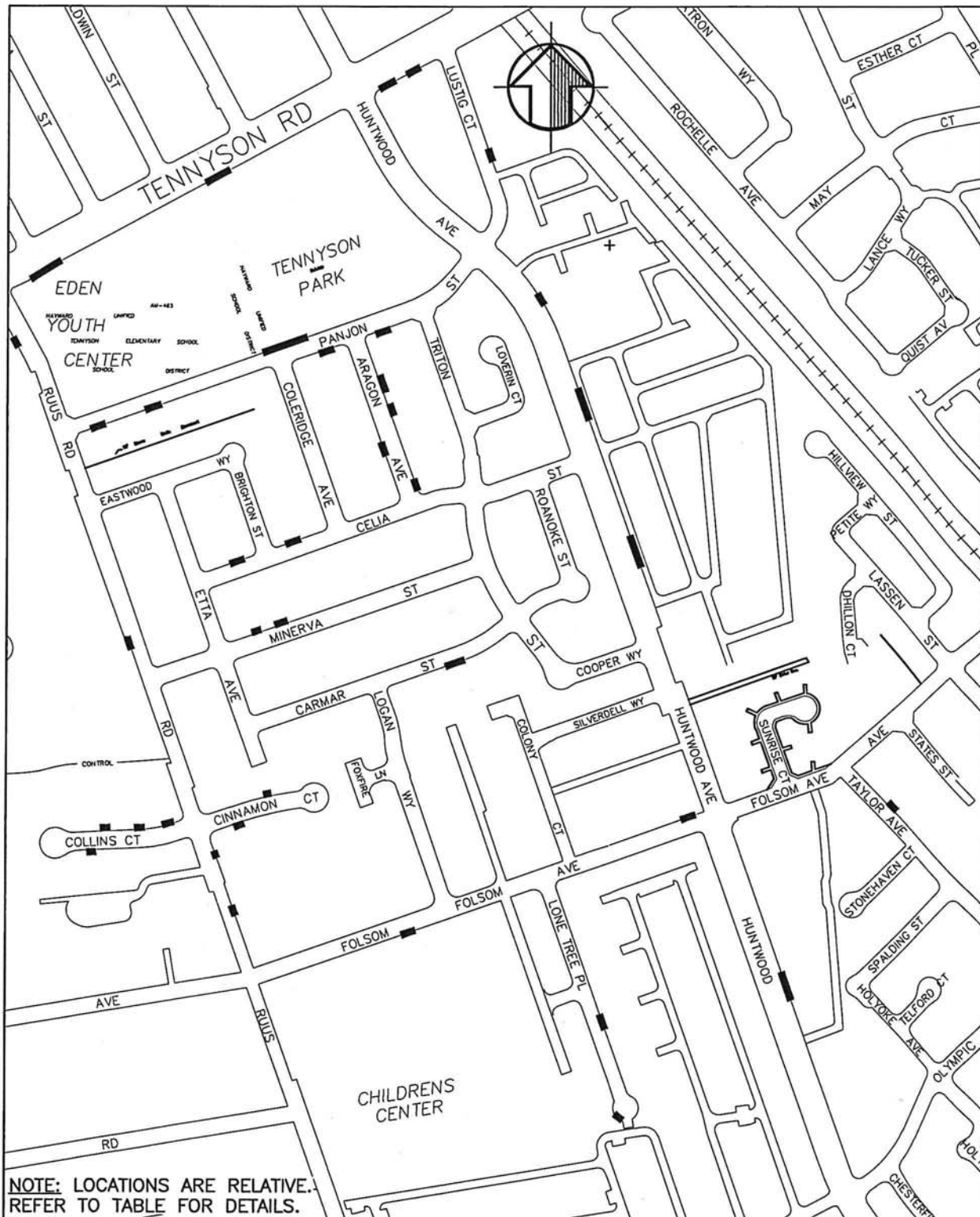
ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

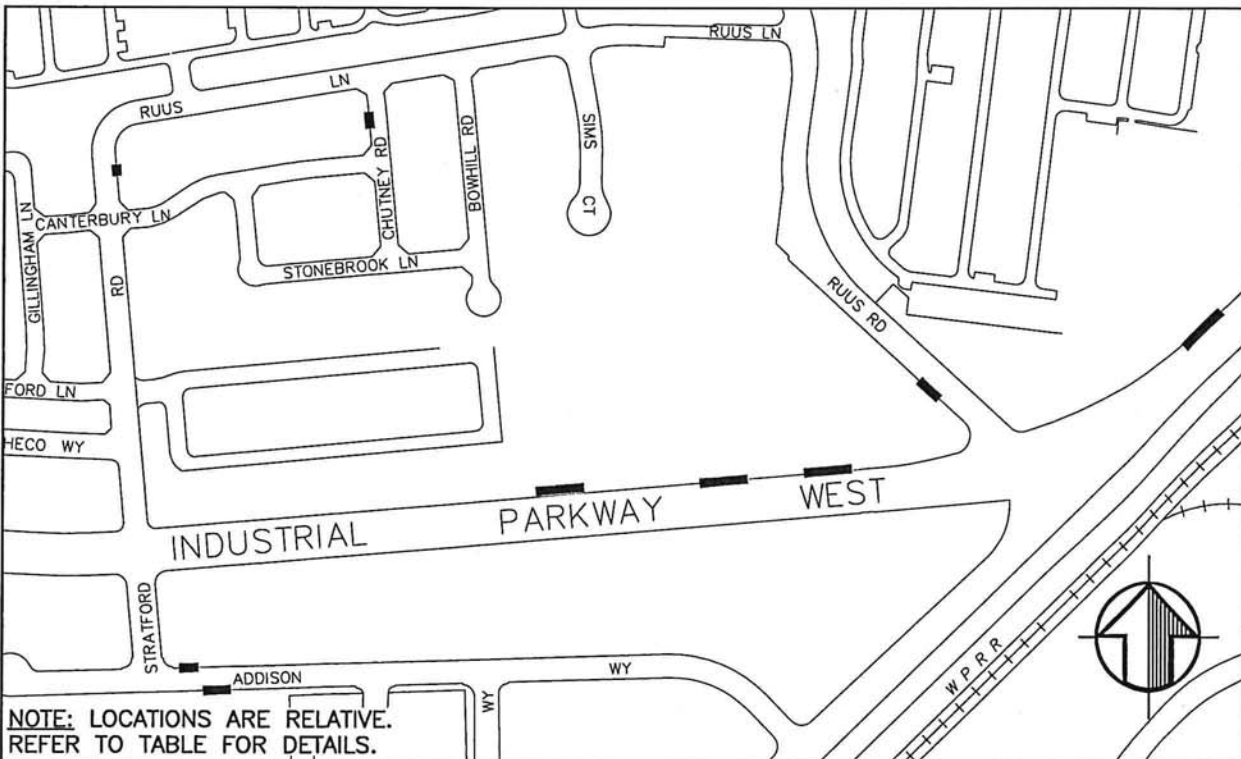
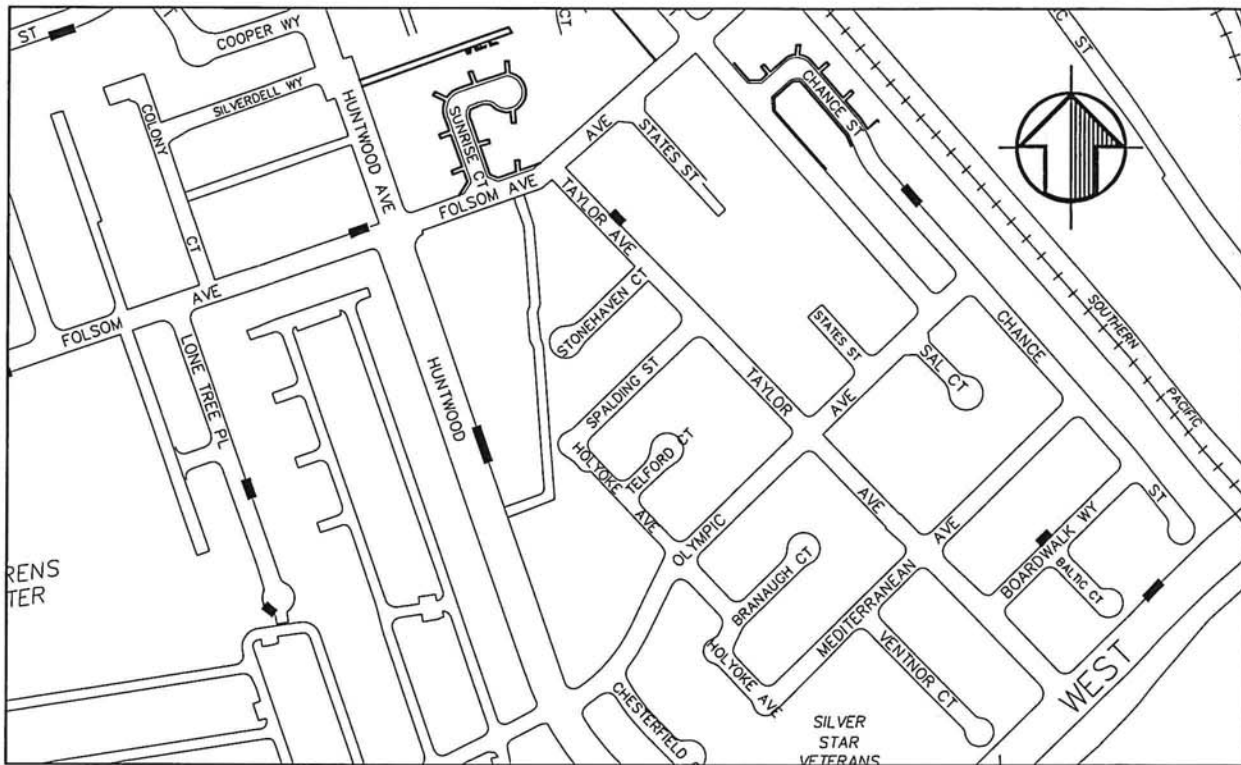
City Attorney of the City of Hayward



DISTRICTS	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

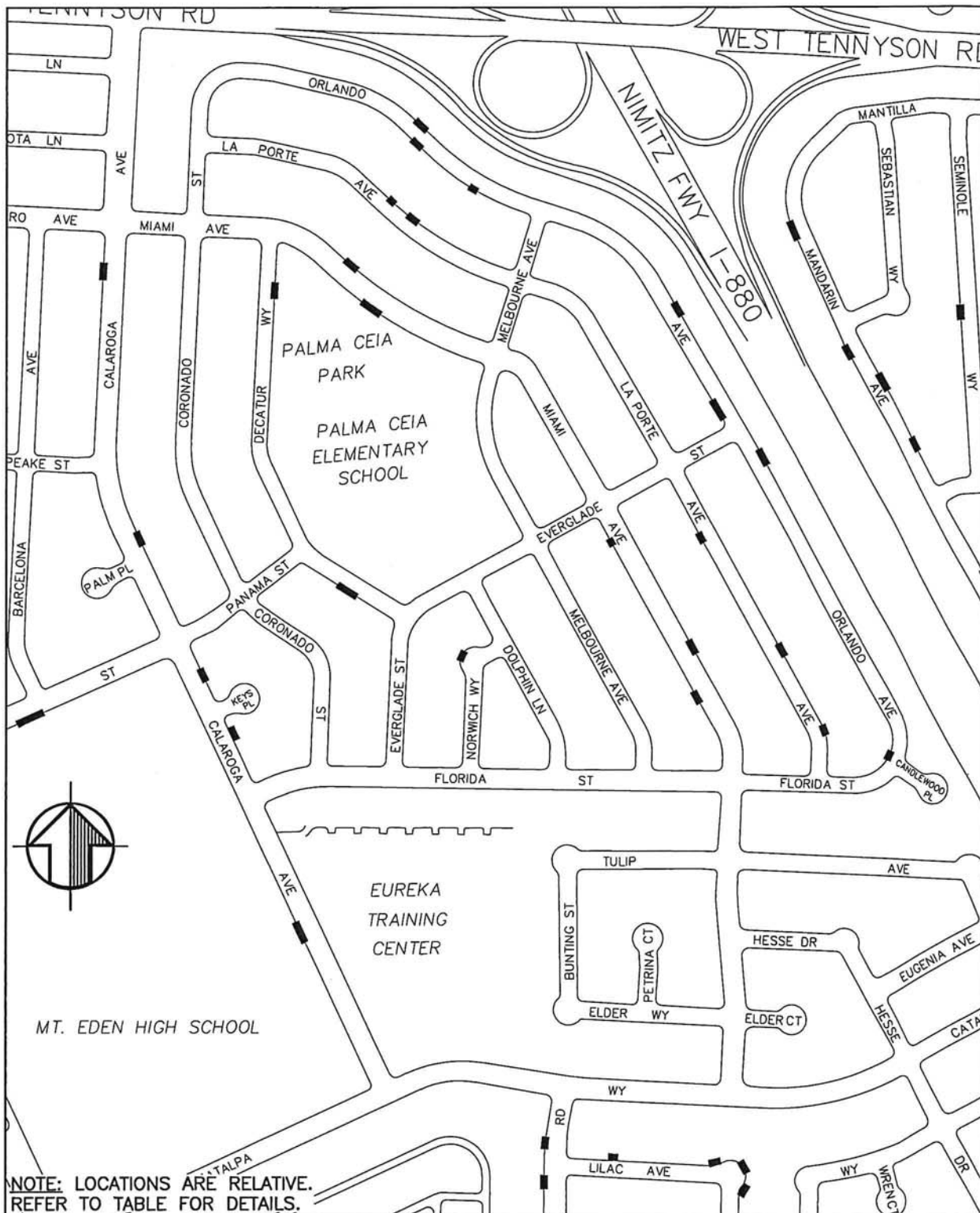


LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 6
PROJECT NO. 05303

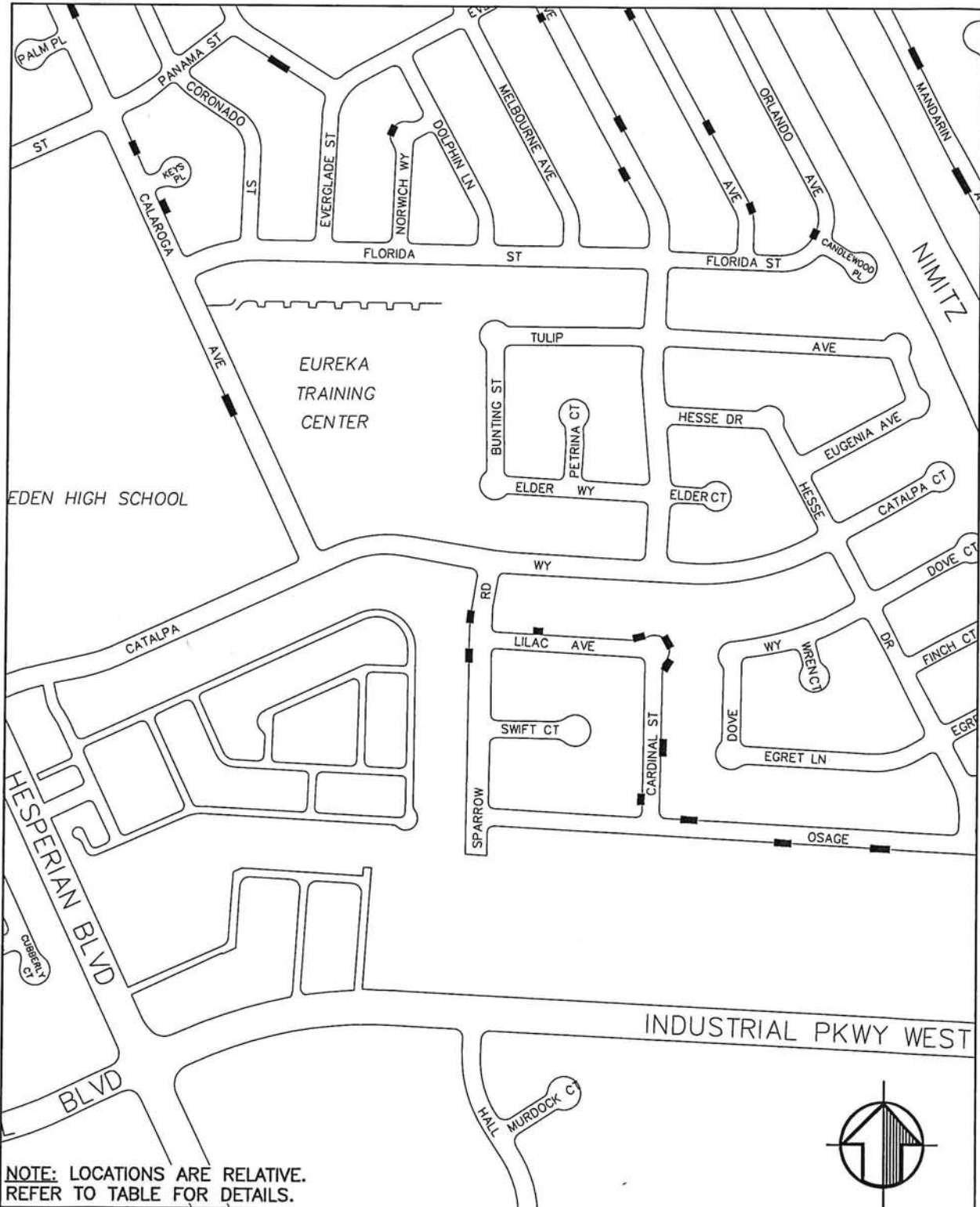


NOTE: LOCATIONS ARE RELATIVE.
REFER TO TABLE FOR DETAILS.

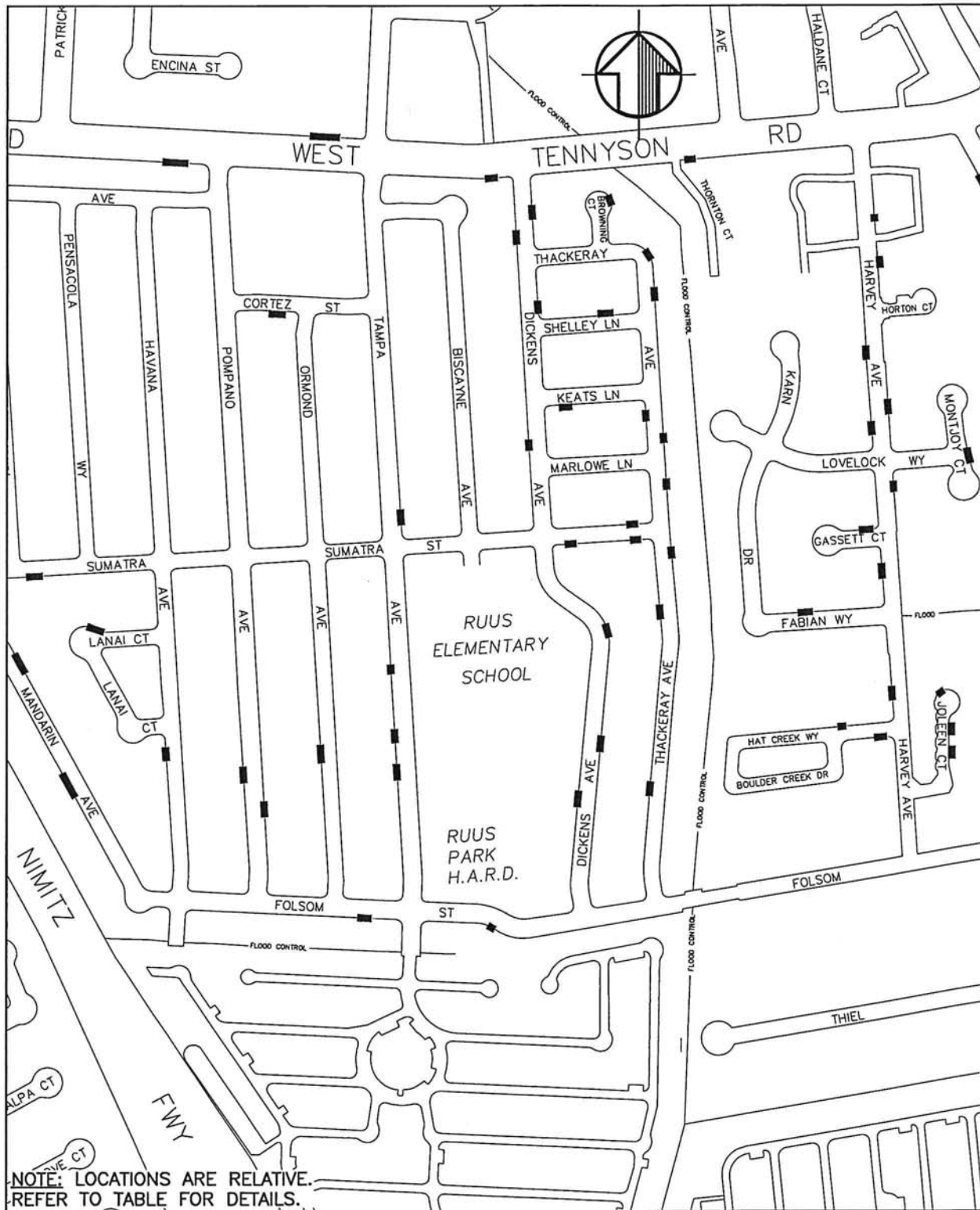
LOCATION MAP **SIDEWALK REHABILITATION DISTRICT NO. 6** **PROJECT NO. 05303**



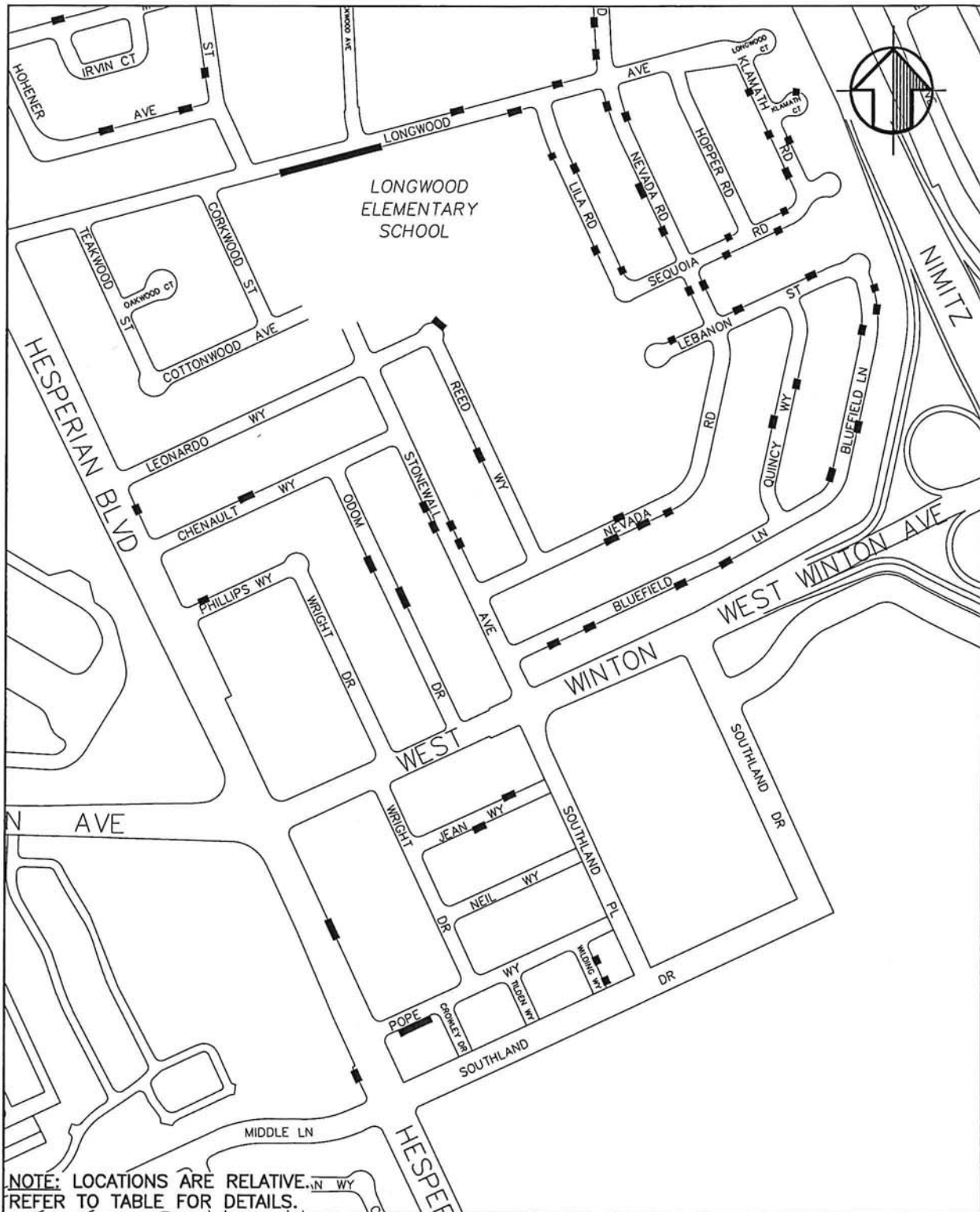
LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 6
PROJECT NO. 05303



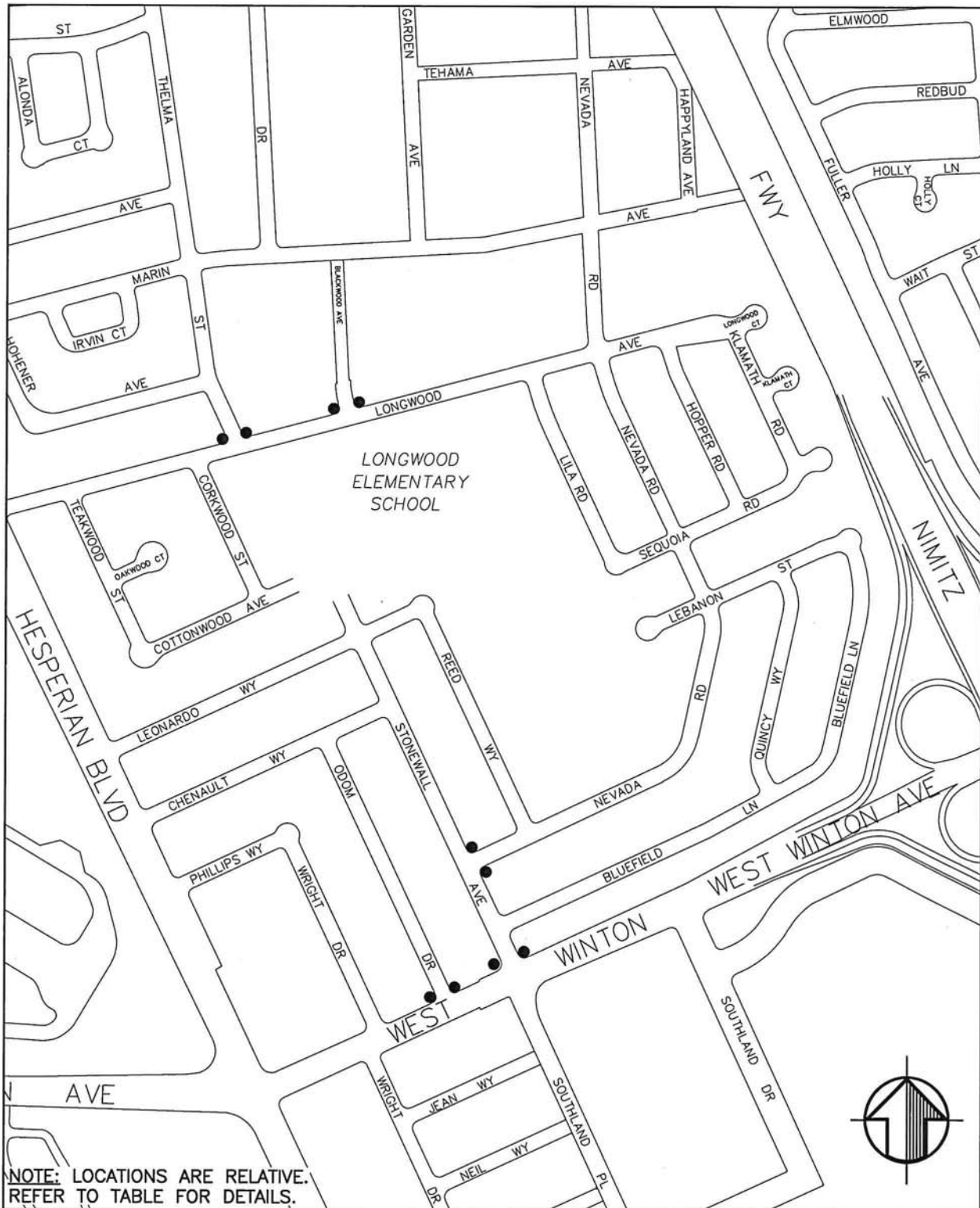
LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 6
PROJECT NO. 05303



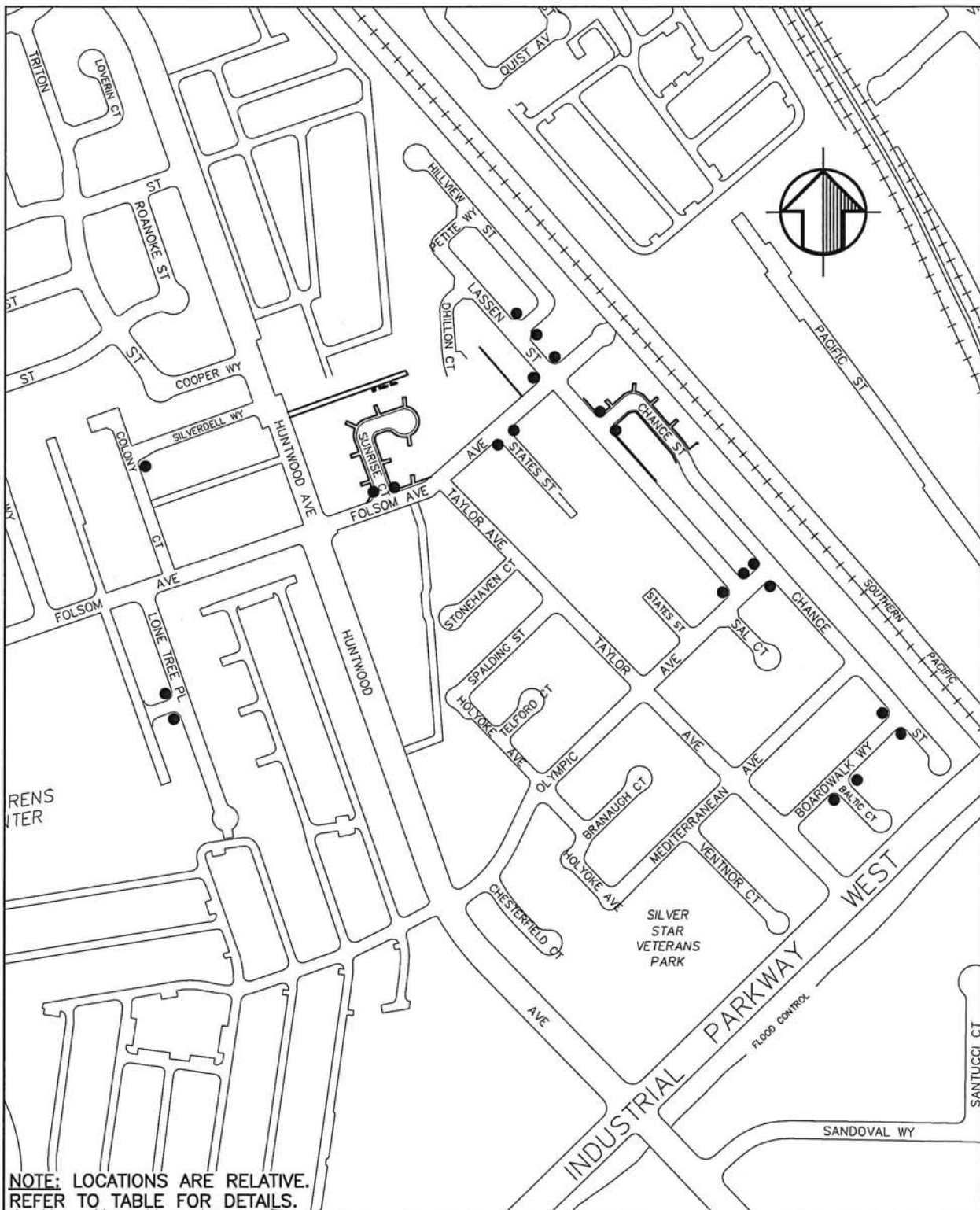
LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 6
PROJECT NO. 05303



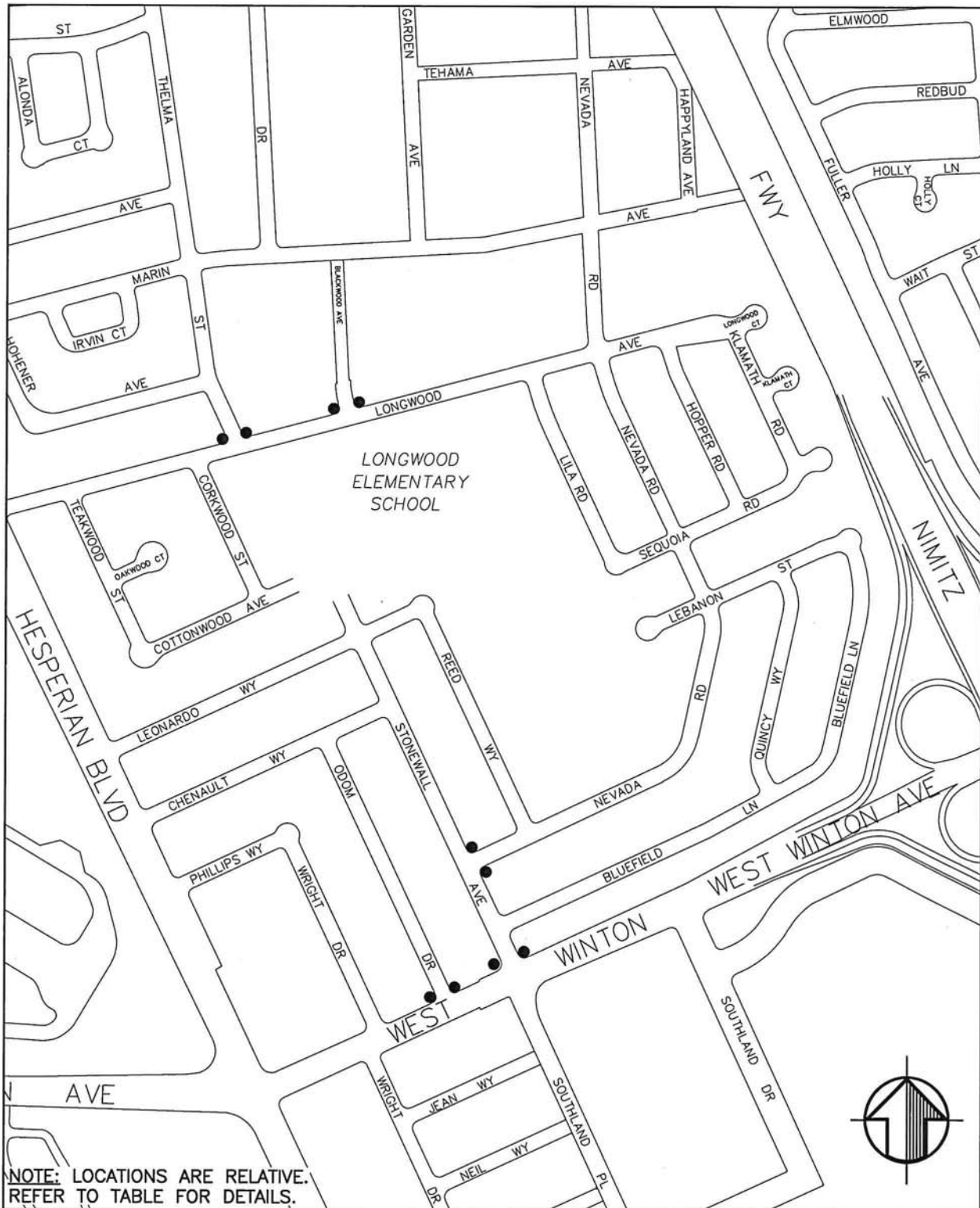
LOCATION MAP
SIDEWALK REHABILITATION DISTRICT NO. 9
PROJECT NO. 05303



LOCATION MAP
WHEELCHAIR RAMPS DISTRICT NO. 9
PROJECT NO. 05303



LOCATION MAP
WHEELCHAIR RAMPS DISTRICT NO. 6
PROJECT NO. 05303



NOTE: LOCATIONS ARE RELATIVE.
REFER TO TABLE FOR DETAILS.

LOCATION MAP
WHEELCHAIR RAMPS DISTRICT NO. 9
PROJECT NO. 05303



CITY OF HAYWARD

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

File #: CONS 23-491

DATE: September 12, 2023

TO: Mayor and City Council

FROM: City Manager
Acting Chief of Police

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute a 10-Year Agreement With Axon Enterprises, Inc. for the Purchase of the Axon Officer Safety Plan 10 Premium Bundle in an Amount Not-to-Exceed \$11.5 Million, Appropriating \$300,000 into CIP Project 07418 from Fund 405 Fund Balance, and Transferring \$190,927.49 from Fund 730 to Fund 405

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to execute a 10-year agreement with Axon Enterprises, Inc for the purchase of the Axon Officer Safety Plan 10 Premium Bundle in an amount not-to-exceed \$11.5 million.

The attached resolution would also appropriate \$300,000 into Capital Improvement Project 07418 - Integrated Cameras and Equipment from Fund 405 Fund Balance, and transfer \$190,927.49 from the Information Technology Operating Budget (Fund 730) into Capital Improvement Project 07418 (Fund 405).

SUMMARY

The Hayward Police Department currently contracts with Axon for the use of several Axon products, including Body Worn Cameras, Evidence.com, and TASER products, all of which are essential to operations within the police department.

In a continuing effort to broaden transparency, mitigate liability, advance investigative capabilities, and improve crime solvability, the Hayward Police Department is recommending entering into a new agreement with Axon, to not only keep staff equipped with the latest Body Worn Cameras and TASERs, but to include other features that come with the Axon Officer Safety Plan 10 bundle, which include auto transcribing functions, redaction assistant, AXON Performance, virtual reality training aids and other accountability tools.

In late 2022, Axon notified the HPD that they would be transitioning towards an all-inclusive subscription-based business model under one agreement, as opposed to having separate agreements for each piece of Axon equipment purchased. It is more cost-effective to keep the Fleet 3, jail van, and interview room

agreements with Axon in place until their expiration so the bundling of HPD's current products into one agreement will occur when previously executed agreements end. The HPD recommends entering into the bundled, subscription-based agreement, as more fully described in this staff report.

Notably, Axon is the sole source vendor for products included with this agreement.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: September 12, 2023

TO: Mayor and City Council

FROM: City Manager
Acting Chief of Police

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute a 10-Year Agreement With Axon Enterprises, Inc. For the Purchase of the Axon Officer Safety Plan 10 Premium Bundle in an Amount Not-To-Exceed \$11.5 Million, Appropriating \$300,000 into CIP Project 07418 from Fund 405 Fund Balance, and Transferring \$190,927.49 from Fund 730 to Fund 405

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to execute a 10-year agreement with Axon Enterprises, Inc for the purchase of the Axon Officer Safety Plan 10 Premium Bundle in an amount not-to-exceed \$11.5 million.

The attached resolution would also appropriate \$300,000 into Capital Improvement Project 07418 – Integrated Cameras and Equipment from Fund 405 Fund Balance, and transfer \$190,927.49 from the Information Technology Operating Budget (Fund 730) into Capital Improvement Project 07418 (Fund 405).

SUMMARY

The Hayward Police Department currently contracts with Axon for the use of several Axon products, including Body Worn Cameras, Evidence.com, and TASER products, all of which are essential to operations within the police department.

In a continuing effort to broaden transparency, mitigate liability, advance investigative capabilities, and improve crime solvability, the Hayward Police Department is recommending entering into a new agreement with Axon, to not only keep staff equipped with the latest Body Worn Cameras and TASERs, but to include other features that come with the Axon Officer Safety Plan 10 bundle, which include auto transcribing functions, redaction assistant, AXON Performance, virtual reality training aids, and other accountability tools.

In late 2022, Axon notified the HPD that they would be transitioning their newest and future TASER distributions towards an all-inclusive subscription-based business model. Starting

with their TASER 10, these upgraded devices will only be available under one of their Officer Safety Plans, which could effectively umbrella all Axon products and services under one agreement, as opposed to having separate agreements for each service or piece of Axon equipment purchase. It is more cost-effective to keep the Fleet 3, jail van, and interview room agreements with Axon in place until their expiration so the bundling of HPD's current products into one agreement will occur when previously executed agreements end. The HPD recommends entering into the bundled, subscription-based agreement, as more fully described in this staff report.

Notably, Axon is the sole source vendor for products included with this agreement.

BACKGROUND AND DISCUSSION

The City of Hayward currently contracts with Axon Enterprise, Inc. to provide the Hayward Police Department's body-worn cameras (BWCs), Fleet 3 in-car vehicle camera systems, and interview room cameras. The City currently maintains four (4) separate agreements with Axon Enterprise, Inc. for these services. Additionally, the Hayward Police Department also utilizes Axon's TASER products which, until recently, were only available through a third-party distributor. In late 2022, Axon notified the Hayward Police Department that they would be transitioning away from third-party vendors and moving towards an all-inclusive subscription-based business model. There are no other products like Axon's on the market therefore Axon Enterprises, Inc. is a sole source vendor for products included in these agreements.

This new agreement with Axon Enterprise, Inc. will bundle the existing agreement for Body-Worn Cameras and Evidence.com into the Officer Safety Plan (which will include TASER related purchases) into one ten-year (10-year) subscription-based agreement (OSP10) and will eventually combine all Axon agreements into one starting in fiscal year 2029 when the Fleet 3 Jail Van and Interview Room contracts expire. It would also allow the Hayward Police Department to plan for and upgrade all Axon equipment and software as new technologies emerge, replace outdated equipment, and add significant functionality over current systems. Bundling these agreements into a subscription-based business model allows the Department to better manage the services provided by Axon Enterprise, Inc., update the City's existing equipment, extend the service terms, and consolidate and better project costs.

An important aspect of the proposed contract is the included evidentiary hardware and software upgrades, and accountability tools that record and store data from the TASERs and video from all three camera systems (BWC, Fleet 3, and Interview). This software has built-in auditing and accountability tools. These tools ensure that supervisors routinely audit in an objective manner how and when their officers record video, use their TASERs, or even draw their weapons. Additionally, it transcribes audio from the video feeds that is critical both in routine police investigations and when there are allegations of employee misconduct. The transcription software allows investigators to instantly perform keyword searches to find the specific use of a word in the video. As it is now, such an investigation would involve hours of work to manually review footage. The included software streamlines work and acts as a service multiplier.

The payment schedule below reflects both the individual and consolidated costs for all current and proposed agreements with Axon Enterprises, Inc.:

Fiscal Year	OSP10	Fleet 3 Patrol	Fleet 3 Jail Van	Interview Room	10% Contingency	Total
2024	\$1,279,141.39	\$157,103.51	\$3,180.29	\$10,567.54	\$144,999.27	\$1,594,992
2025	\$693,633.45	\$157,103.51	\$3,180.34	\$10,567.54	\$86,448.48	\$950,933.32
2026	\$721,378.77	\$157,103.51	\$3,180.34	\$10,567.54	\$89,223.02	\$981,453.18
2027	\$750,233.96	\$157,103.51	\$3,180.34	\$10,567.54	\$92,108.54	\$1,013,193.89
2028	\$780,243.30	\$157,103.51	\$3,180.34	\$10,567.54	\$95,109.47	\$1,046,204.16
2029	\$811,453.00	\$127,099.54	\$2,227.35	\$7,822.79	\$94,860.27	\$1,043,462.95
2030*	\$843,911.18	\$132,183.52	\$0.00	\$0.00	\$97,609.47	\$1,073,704.17
2031	\$877,667.60	\$137,470.86	\$2,316.43	\$8,135.70	\$102,559.06	\$1,128,149.65
2032	\$912,774.30	\$142,969.70	\$2,409.09	\$8,461.13	\$106,661.42	\$1,173,275.64
2033	\$949,285.37	\$148,688.48	\$2,505.45	\$8,799.58	\$110,927.89	\$1,220,206.77
Total	\$8,619,722.32	\$1,473,929.65	\$25,359.97	\$86,056.90	\$1,020,506.88	\$11,225,575.72

*There are no payments due for the jail van or interview room in FY 2030 due to the timeline on the payment schedule

The FY 2024 cost of the Axon OSP10 contract is higher than the remaining years in the agreement due to the one-time cost of the hardware. Due to the one-time expense, staff is requesting an additional appropriation of \$300,000 into the General Capital Fund (Fund 405) CIP budget for project 07418 – Integrated Cameras and Equipment. This additional appropriation will fund the payments for all current and proposed agreements with Axon Enterprises, Inc in FY 2024.

Community Engagement Efforts

As part of HPD's ongoing efforts to be transparent, provide information, and engage community dialogue, the planned proposal was presented to the Community Advisory Panel (CAP) on January 30, 2023. At that time, we discussed the benefits of the accountability tools that are included in the subscription-based model, and there were no objections or concerns expressed by any of the CAP members.

STRATEGIC ROADMAP

While this agenda item does not directly support one of the 27 enumerated projects in the Strategic Roadmap, the implementation of the Axon OSP10 Body Worn Camera contract would further the Strategic Priority of Enhancing Community Safety and Quality of Life through its enhanced investigative abilities as well as the transparency and accountability tools included in the package.

FISCAL IMPACT

Staff recommends funding the agreement with Axon through the Capital Improvement Project (CIP) 07418 – Integrated Cameras and Equipment (Fund 405 – General Capital Fund). In FY 2024, the available budget for CIP project 07418 is \$1.11 million. In addition to the available budget for the CIP Integrated Cameras and Equipment (07418) project, funding for Body-Worn Cameras and Evidence.com is included in the Information Technology Operating Budget (Fund 730) annually in the amount of \$190,927.49. The Axon OSP10 agreement includes Body-Worn Cameras and digital evidence storage. Since the Information Technology Department would no longer be required to fund this equipment and software, staff recommends that the appropriated budget of \$190,927.49 be reallocated and transferred from the Information Technology (Fund 730) operating budget to project 07418 (Fund 405 – General Capital Fund) to offset the annual cost of the agreement with Axon.

To ensure adequate funding for FY 2024, an increase of \$300,000 in budget appropriation to CIP Project 07418 from the General Capital Fund Balance (Fund 405) will be required to fully fund the first year of the agreement with Axon.

10-Year Fiscal Impact of Agreement with Axon:

The Hayward Police Department submitted a 10-year CIP budget for project 07418 (Fund 405 – General Capital Fund) and the total funding requested over the 10-year period is \$8,930,000. Combining all current and proposed agreements with Axon Enterprises, Inc., the total funding requested over a 10-year period plus a 10% contingency will be \$11,225,575.72.

If the 10-year funding request for CIP project 07418 is considered, the remaining funding required over a 10-year period for all Axon agreements is \$2,295,575.72. With the offset of the current body-worn cameras and digital evidence storage system agreement currently funded in the Information Technology operating budget (Fund 730), the remaining additional funding required over a 10-year period is \$386,305.72. Rounding up for Police Department CIP appropriation consistency, the estimated additional appropriation requests over a 10-year period will be \$390,000.

Therefore, the additional fiscal impact on the General Fund for all current and proposed Axon agreements would be an average of \$39,000 per fiscal year, funded by the Police Department's CIP project 07418 budget (Fund 405 – General Capital Fund). The increased funding will be requested during the annual CIP budget process based on the needs for the upcoming fiscal year, and should not exceed \$390,000 over a 10-year period.

While there is a small additional fiscal impact to the General Fund, these agreements broaden transparency, mitigate liability, advance investigative capabilities, and improve crime solvability thereby enhancing community safety and quality of life.

The table below provides a summary of the annual fiscal impact of the agreement with Axon. To meet the annual cost of the agreement with Axon, staff will request the following additional appropriations for FY 2025-2033 in CIP project 07418 (Fund 405 – General Capital Fund) during the annual CIP budget process:

Fiscal Year	Additional Appropriation Needed (Fund 405)	Funding from IT Operating Budget (Fund 730)	Actual Net Fiscal Impact	Estimated Additional CIP Appropriation
2024	\$484,992	\$190,927	\$294,065	\$300,000
2025	\$150,934	\$190,927	-\$39,993	\$0
2026	\$176,454	\$190,927	-\$14,473	\$0
2027	\$188,194	\$190,927	-\$2,733	\$0
2028	\$201,205	\$190,927	\$10,278	\$0
2029	\$178,463	\$190,927	-\$12,464	\$0
2030	\$188,705	\$190,927	-\$2,222	\$0
2031	\$218,150	\$190,927	\$27,223	\$0
2032	\$243,276	\$190,927	\$52,349	\$15,000
2033	\$265,207	\$190,927	\$74,280	\$75,000
Total	\$2,295,580	\$1,909,270	\$386,310	\$390,000

NEXT STEPS

If Council adopts this resolution, staff will enter into a ten-year purchase/service agreement with Axon Enterprises, Inc. for the purchase of the Axon Officer Safety Plan 10 Premium (OSP10) with Auto Transcribe, Redaction Assistant, AXON Performance, Virtual Reality Training Aids, and more in an amount not-to-exceed \$9.7 Million.

Staff will also continue to contract with Axon Enterprises, Inc. for the Fleet 3 cameras in patrol vehicles and the jail van, and the cameras in the interview room.

The total for all Axon Enterprises, Inc. agreements will be in a not-to-exceed amount of \$11.5 million over a 10-year period.

Prepared by: Dan Olsen, Police Captain
Laura Gomez, Senior Management Analyst

Recommended by: Bryan Matthews, Acting Chief of Police

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A 10-YEAR AGREEMENT WITH AXON ENTERPRISES, INC. FOR THE PURCHASE OF THE AXON OFFICER SAFETY PLAN 10 PREMIUM BUNDLE IN AN AMOUNT NOT-TO-EXCEED \$11.5 MILLION APPROPRIATE \$300,000 INTO CIP PROJECT 07418, AND TRANSFER \$190,927.49 FROM FUND 730 TO FUND 405

WHEREAS, the City of Hayward contracts with Axon Enterprises, Inc. for body-worn cameras, digital evidence storage, Fleet 3 cameras in patrol vehicles and the jail van, and interview room cameras; and

WHEREAS, the City of Hayward intends to contract with Axon Enterprises, Inc. for the purchase of Axon Officer Safety Plan 10 Premium (OSP10); and

WHEREAS, the OSP10 broadens transparency, mitigates liability, advances investigative capabilities, and improves crime solvability; and

WHEREAS, Axon Enterprises, Inc. is a sole source vendor; and

WHEREAS, the Hayward Police Department's intends to fund this purchase through the Capital Improvement Project 07418 – Integrated Cameras and Equipment; and

WHEREAS, year one of the OSP10 agreement includes a one-time hardware cost requiring an additional appropriation of \$300,000 into the General Capital Fund (Fund 405) for CIP project 07418; and

WHEREAS, the City of Hayward's Information Technology Operating Budget currently funds the body-worn camera and digital evidence storage contract; and

WHEREAS, the OSP 10 includes body-worn cameras and digital evidence storage so staff requests a transfer of \$190,927.49 from the Information Technology Operating Budget (Fund 730) into General Capital Fund (Fund 405) CIP project 07418; and

WHEREAS, the OSP10 agreement is not-to-exceed \$9.7 million and all agreements with Axon Enterprises, Inc. are not to exceed \$11.5 million over a 10-year period.

ATTACHMENT II

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 Axon Enterprises, Inc. for the purchase of the Axon Officer Safety Plan 10 Premium (OSP10) in an amount not-to-exceed \$9.7 million and not-to-exceed \$11.5 million for all agreements with Axon Enterprises, Inc.

FURTHER BE IS RESOLVED, that by the City Council of the City of Hayward hereby approves and amends the FY 2024 Operating and Capital Budget resolutions to appropriate \$300,000 into the General Capital Fund (Fund 405) for Capital Improvement Project 07418 – Integrated Cameras and Equipment, and authorize the transfer \$190,927.49 from the Information Technology Operating Budget (Fund 730) into the General Capital Fund for Capital Improvement Project 07418.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



File #: WS 23-036

DATE: September 12, 2023

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Residential Design Standards: Draft Regulations for the Hayward Residential Design Study

RECOMMENDATION

That the Council provides feedback on the draft regulations for the Hayward Residential Design Study.

SUMMARY

The Hayward Residential Design Study is a long-range planning project that will result in the development of objective residential design standards as well as zoning amendments that ensure General Plan and Zoning Ordinance consistency. At this work session, staff is requesting Council's feedback on the following proposed revisions to the Hayward Municipal Code:

- **Consolidated Residential District Section.** Sections 10-1.200 through 10-1.500 of the Municipal Code have been consolidated into a single section governing the four residential zoning districts: Residential Natural Preservation (RNP); Low Density Residential (RL, previously referred to as "RS" or "Single Family Residential"); Medium Density Residential (RM); and High Density Residential (RH). Within this section are new standards and revisions related to building types, setbacks, heights, lot coverage, design standards, and open space. The revised standards are aimed at facilitating new development up to the maximum allowed densities set forth in the *Hayward 2040 General Plan* while promoting visually attractive development that is aligned with community priorities. The new consolidated Residential District is included in its entirety as Attachment II.
- **Additional changes to Chapter 10, Article 1, Zoning Ordinance.** In addition to the consolidated Residential District section, further updates were made to Chapter 10, Article 1 of the Hayward Municipal Code to remove subjective standards related to residential development, align with recent State housing legislation, and complete simple "clean up" updates required by the City's Housing Element. Revisions to the Zoning Ordinance are provided in redline in Attachment III.
- **Chapter 10, Article 2, Parking Regulations.** The proposed updates include changes to the Off-Street Parking Regulations which are aimed at addressing community concerns, introducing new

Transportation Demand Management and unbundled parking policies, and ensuring that standards align with State Law. There are also “clean up” revisions to correct terminology for consistency, remove redundancies, and consolidate all residential parking standards in this Article. Revisions to the Off-Street Parking Regulations are provided in redline in Attachment IV.

- **Zoning Map Amendments.** The *Hayward 2040 General Plan* and Zoning Ordinance shape and regulate development throughout the City. Under California State law, the Zoning Ordinance shall be internally consistent and compatible with the City’s adopted General Plan. Furthermore, if inconsistencies exist, residential development is required to fully comply with the General Plan. Of the 20,791 RL zoned parcels in the city, 857 of those parcels have General Plan land use designations that require a greater density than is currently allowed by the RL District. To remedy these inconsistencies, two changes are proposed. First, all residentially zoned parcels will default to their underlying General Plan land use designations to determine the applicable density range. Second, as identified in Attachment V, 49 parcels are proposed to be rezoned where defaulting to the density allowed by the underlying General Plan land use designation is not sufficient to address the inconsistency.

At the August 24 Planning Commission work session, staff received the following specific feedback on the draft standards:

- The Commission generally supported the updated development standards as proposed. However, they suggested the façade design standards use a point system rather than a menu of options to allow for the options to be weighted differently. They also suggested staff consider further reducing the front yard setback for RH zoned properties.
- The Commission supported adding some of the design standards for the Residential Districts to the Mission Boulevard Code, including a point system for façade design.
- The Commission applauded the point system for open space amenities but recommended minor adjustments, including reducing point values for pools and amphitheaters, increasing the number of lower point options, and re-weighting options based on frequency of use (i.e. basketball courts are more likely to be used daily than amphitheaters).
- The Commission unanimously recommended that staff develop standards to streamline the development review process for small lot detached residential subdivisions.
- The Commission supported the idea of Transportation Demand Management measures, but recommended expanding the measures to incentivize ride-share services, shuttle services, services aimed at larger households, and other alternative modes of transportation. Additionally, they wanted staff to explore converting the proposed TDM table into a point system and/or restricting eligibility for the TDM reductions to certain transit-rich areas of the city.
- The Commission supported establishing reduced parking ratios for senior and special needs housing, understanding these populations have less parking demand than other types of housing.

At this work session, staff is requesting specific feedback from the Council on the following questions:

- Does the Council support the updated development standards being proposed?
- Does the Council support the recommendations proposed by the Planning Commission at the

August 24 Work Session?

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Proposed HMC Section 10-1.200, Residential Districts
Attachment III	Additional Revisions to HMC Chapter 10, Article 1, Zoning Ordinance (redline)
Attachment IV	Revisions to HMC Chapter 10, Article 2, Off-Street Parking Regulations (redline)
Attachment V	List of Parcels Proposed to be Rezoned
Attachment VI	Map of Parcels Proposed to be Rezoned



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Residential Design Standards: Draft Regulations for the Hayward Residential Design Study

RECOMMENDATION

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SUMMARY

The Hayward Residential Design Study is a long-range planning project that will result in the development of objective residential design standards as well as zoning amendments that ensure General Plan and Zoning Ordinance consistency. At this work session, staff is requesting Council's feedback on the following proposed revisions to the Hayward Municipal Code:

- **Consolidated Residential District Section.** Sections 10-1.200 through 10-1.500¹ of the Municipal Code have been consolidated into a single section governing the four residential zoning districts: Residential Natural Preservation (RNP), Low Density Residential (RL, previously referred to as "RS" or "Single Family Residential"), Medium Density Residential (RM), and High Density Residential (RH). Within this section are new standards and revisions related to building types, setbacks, heights, lot coverage, design standards, and open space. The revised standards are aimed at facilitating new development up to the maximum allowed densities set in the *Hayward 2040 General*

¹ HMC Section 10-1.200, Single-Family Residential District (RS):

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.200SIMIREDIRS

HMC Section 10-1.300, Residential Natural Preserve District (RNP):

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.300RENAPDIRN

HMC Section 10-1.400, Medium Density Residential District (RM):

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.400MEDEREDIRM

HMC Section 10-1.500, High Density Residential District (RH):

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.500HIDEREDIRH

Plan while promoting visually attractive development that is aligned with community priorities. The new consolidated Residential District is included in its entirety as Attachment II.

- **Additional changes to Chapter 10, Article 1, Zoning Ordinance.** In addition to the consolidated Residential District section, further updates were made to Chapter 10, Article 1 of the Hayward Municipal Code to remove subjective standards related to residential development, align with recent State housing legislation, and complete simple “clean up” updates required by the City’s Housing Element. Revisions to the Zoning Ordinance are provided in redline in Attachment III.
- **Chapter 10, Article 2, Parking Regulations.** The proposed updates include changes to the Off-Street Parking Regulations² which are aimed at addressing community concerns, introducing new Transportation Demand Management and unbundled parking policies, and ensuring that standards align with State Law. There are also “clean up” revisions to correct terminology for consistency, remove redundancies and consolidate all residential parking standards in this Article. Revisions to the Off-Street Parking Regulations are provided in redline in Attachment IV.
- **Zoning Map Amendments.** The *Hayward 2040 General Plan* and Zoning Ordinance shape and regulate development throughout the City. Under California State law, the Zoning Ordinance shall be internally consistent and compatible with the City’s adopted General Plan. Furthermore, if inconsistencies exist, residential development is required to fully comply with the General Plan. Of the 20,791 RL zoned parcels in the city, 857 of those parcels have General Plan land use designations that require a greater density than is currently allowed by the RL District. To remedy these inconsistencies, two changes are proposed. First, all residentially zoned parcels will default to their underlying General Plan land use designations to determine the applicable density range. Second, as identified in Attachment V, 49 parcels are proposed to be rezoned where defaulting to the density allowed by the underlying General Plan land use designation is not sufficient to address the inconsistency.

At the August 24th Planning Commission work session, staff received the following specific feedback on the draft standards:

- The Commission generally supported the updated development standards as proposed. However, they suggested the façade design standards use a point system rather than a menu of options to allow for the options to be weighted differently. They also suggested staff consider further reducing the front yard setback for RH zoned properties.
- The Commission supported adding some of the design standards for the Residential Districts to the Mission Boulevard Code, including a point system for façade design.
- The Commission applauded the point system for open space amenities but recommended minor adjustments, including reducing point values for pools and

² HMC Chapter 10, Article 2, Off-Street Parking Regulations:
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART2OREPARE

amphitheaters, increasing the number of lower point options, and re-weighting options based on frequency of use (i.e. basketball courts are more likely to be used daily than amphitheaters).

- The Commission unanimously recommended that staff develop standards to streamline the development review process for small lot detached residential subdivisions.
- The Commission supported the idea of Transportation Demand Management measures, but recommended expanding the measures to incentivize ride-share services, shuttle services, services aimed at larger households, and other alternative modes of transportation. Additionally, they wanted staff to explore converting the proposed TDM table into a point system and/or restricting eligibility for the TDM reductions to certain transit-rich areas of the city.
- The Commission supported establishing reduced parking ratios for senior and special needs housing, understanding these populations have less parking demand than other types of housing.

At this work session, staff is requesting specific feedback from the Council on the following questions:

- Does the Council support the updated development standards being proposed?
- Does the Council support the recommendations proposed by the Planning Commission at the August 24th Work Session?

BACKGROUND

Summary of State Legislation. In response to California’s housing crisis, the State legislature has passed several laws removing barriers for residential development, protecting existing housing inventory, and expediting permit processing. These laws include Senate Bill 9 (SB 9), Senate Bill 35 (SB 35), and Senate Bill 330 (SB 330).

Under these State laws, residential development must be approved if the project meets all objective development and design standards and is consistent with the City’s Zoning Ordinance and General Plan. Objective standards are defined as standards that “involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available to and knowable by both the development applicant or proponent and the public official before submittal.” In other words, an objective standard must be written in such a way that anyone reading it would have the same understanding as to what the standard requires. The draft regulations described later in the report were crafted to ensure their objectivity and align with State law.

Project Overview. In 2019, the City of Hayward was awarded an SB 2 Planning Grant by the California Department of Housing and Community Development (HCD) for various housing projects, including the Hayward Residential Design Study. The Hayward Residential Design Study is an update to the City’s zoning regulations to support the development of quality housing while ensuring that the City’s residential standards are “objective” by including measurable, enforceable, and understandable parameters. In addition, the Study aims to

resolve inconsistencies between the General Plan, Zoning Ordinance, and other portions of the Municipal Code to eliminate ambiguity that may pose as a barrier to residential development.

Kickoff Meeting Joint Session. On February 1, 2022,³ the Council and Planning Commission held a joint work session to provide initial guidance and feedback on the Hayward Residential Design Study. The Council and Commission provided significant feedback during this session, including that new standards should address building massing, height and setback standards, frontage treatments including landscaping, aesthetics, relationship to existing development, and the development of “missing middle” housing.⁴

Initial Public Outreach. To date, outreach efforts for the Hayward Residential Design Study have included an online community survey, an online interactive mapping tool, in-person “walkshops” (walking workshops) and various in-person community events. These efforts were promoted through the City’s e-newsletter, social media platforms, Permit Center, libraries, and community-based organizations. The community survey and promotional materials were provided in Spanish, Mandarin, and English.

Through these efforts, staff has gathered both quantitative and qualitative data that has been used to inform the development of the draft standards and zoning amendments attached to this staff report. Key findings from the outreach include a range of community priorities, including allowing for a variety of architectural styles, avoiding “bulky” buildings, creating a relationship between buildings and the street, ensuring well designed landscaping and open space areas, consideration of an existing neighborhood’s design characteristics, and development of strategies to reduce on-street parking demand. A full summary and analysis of public outreach conducted to date is available on the City’s website.⁵

Informational Reports. On October 11, 2022⁶ and October 27, 2022,⁷ the City Council and Planning Commission respectively, received Informational Reports from staff providing a status update on the Hayward Residential Design Study. The Reports and their attachments provided a detailed overview of community outreach conducted to date, a project vision statement and objectives, and background information related to relevant State legislation, including a summary of the City’s current regulations for residential development and best practices from surrounding communities. As these items were informational only, no discussions were held, or actions taken.

³ Joint Session of City Council and Planning Commission, February 1, 2022:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5397460&GUID=B175606F-4591-4D2E-B41A-328BD292B038>

⁴ The term “Missing Middle Housing” was originally coined by Daniel Parolek of Opticos Design to refer to small scale multi-unit residential development that is naturally more walkable and affordable than traditional detached residential subdivisions. More information about Missing Middle Housing can be found here: <https://missingmiddlehousing.com/about/>.

⁵ Project Webpage on City of Hayward Website:

<https://www.hayward-ca.gov/your-government/departments/planning-division/residential-design-study>

⁶ Informational Report to the City Council, October 11, 2022:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5866918&GUID=894C7C53-DC5C-4221-B088-0EBF8B2AEA96>

⁷ Informational Report to the Planning Commission, October 27, 2022:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=5892998&GUID=7857C30F-1A87-4B4B-9E5E-A8B0339C69FF>

Parking Analysis. On January 24, 2023⁸ and February 9, 2023⁹, the City Council and Planning Commission respectively, held work sessions to provide feedback on the proposed Parking Analysis and Recommendations Report associated with the Hayward Residential Design Study. The Council and Commission provided clear guidance during these sessions, including to maintain parking requirements along Mission Boulevard and further consider Transportation Demand Management (TDM) strategies and the unbundling of parking.

Options and Recommendations Report. On April 13, 2023¹⁰ and April 18, 2023¹¹, the Planning Commission and City Council respectively, held work sessions to provide feedback on the Options and Recommendations Report associated with the Hayward Residential Design Study. Comments and recommendations from the Council and Planning Commissions are summarized below:

- Increased building heights are acceptable if necessary to allow for the maximum densities permitted by the General Plan;
- Employ a menu of options or a points system for design features rather than being overly prescriptive and use specific numbers and percentages for these design features where possible;
- Minimize “boxy” building styles;
- Consider specific standards that distinguish the ground floor, middle, and top of buildings;
- Require stepped back upper floors, including for detached residential units;
- Allow for a diversity of design styles;
- Ensure high quality open spaces that are located outside of required setback areas;
- Incentivize pet relief areas, dog parks, and dog runs in multi-unit development;
- Incentivize or require, where possible, pedestrian and bicycle connections; and
- Consider standards regarding mailbox design, building entrances, and lighting to enhance security.

Stakeholder Interviews. During spring of this year, the project team held interviews with various stakeholders to gather feedback on the recommendations outlined within the Options and Recommendations Report. The stakeholders included market-rate and affordable housing developers, architects, community and housing advocates, neighborhood group representatives and other “walkshop” attendees. The stakeholders expressed support for building height increases, upper story massing requirements, a variety of facade treatments

⁸ Work Session of the City Council, January 24, 2023: <https://hayward.legistar.com/MeetingDetail.aspx?ID=1067802&GUID=1C292A3B-F528-43B6-BE57-6258FAD071AF&Options=info&Search=>

⁹ Work Session of the Planning Commission, February 9, 2023:

<https://hayward.legistar.com/MeetingDetail.aspx?ID=1079506&GUID=73806132-61F2-40A7-ABB7-FE0E8074DF34&Options=info&Search=>

¹⁰ Work Session of the Planning Commission, April 13, 2023:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=6124459&GUID=9247590B-5A20-47F4-9149-33DE135F8263&Options=&Search=>

¹¹ Work Session of the City Council, April 18, 2023:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=6171585&GUID=D0718FF2-DDC8-4949-9F0C-6FD5FA838B2F&Options=&Search=>

and open space amenity requirements. A comprehensive summary of all stakeholder feedback is available on the project website¹².

Planning Commission Work Session on Draft Regulations. On August 24, 2023,¹³ staff presented the draft regulations and amendments contained in Attachments II through VI of this agenda item at a work session of the Planning Commission. A summary of the Commission’s feedback on the draft regulations is provided in the Discussion section below.

DISCUSSION

The proposed revisions to the Hayward Municipal Code consist of changes to Chapter 10, Article 1, Zoning Ordinance,¹⁴ including a new, consolidated section for the residential zoning districts, and revisions to Chapter 10, Article 2, Off-Street Parking Regulations. In addition, changes to the Zoning Map are proposed to ensure consistency between the *Hayward 2040 General Plan* and the Zoning Ordinance. The proposed revisions are discussed in detail below.

Consolidated Residential District Section. For the purposes of clarity and easier navigation, Sections 10-1.200 through 10-1.500 of the Municipal Code are proposed to be consolidated into a single section governing the four residential zoning districts: Residential Natural Preservation (RNP), Low Density Residential (RL, previously referred to as “RS” and “Single Family Residential”), Medium Density Residential (RM), and High Density Residential (RH). This consolidation is consistent with other recent updates adopted by the city, including the Industrial District. Within the new Residential District section, some of the proposed development standards, such as building setbacks, are established by zoning district while other proposed standards, such as façade design, are set by building type. This ensures that development within each zoning district maintains a similar scale, while allowing for different design requirements for different building types.

- **Building Types.** In the current Zoning Ordinance, residential uses are classified as single-family dwellings, second single family dwellings, condominiums, townhouses, and multi-family dwellings. The proposed Residential District re-classifies residential uses within three categories, based on number of residential units per building: detached residential units, duplexes/triplexes, and multi-unit residential developments with four or more units. Not only does this provide clearer, more neutral descriptions of residential building types, but it sets the stage for different development standards for different scales of housing.
- **Setbacks.** As shown in Table 1 below, front yard setbacks are proposed to be reduced from 20 feet to 15 feet in the RL District (excluding garages, which must continue to be setback 20 feet to accommodate driveway parking) and 10 feet in the RM and RH Districts. Additionally, side yard setbacks for the RL, RM, and RH Districts have been

¹² Hayward Residential Design Study Website:

<https://www.hayward-ca.gov/your-government/departments/planning-division/residential-design-study>

¹³ Planning Commission Work Session, August 24, 2023: <https://hayward.legistar.com/LegislationDetail.aspx?ID=6319713&GUID=12261BD6-8DE2-48A3-8665-1A03BF3D8E68&Options=&Search=>

¹⁴ HMC Chapter 10, Article 1, Zoning Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR

reduced from 5 to 10 feet, depending on lot width, to 5 feet for all lots. Much of the existing housing stock in Hayward was constructed with 5-foot side setbacks, so this update brings a significant portion of existing development into code compliance. Rear yards in the RM and RH Districts have been reduced from 20 feet to 10 feet. As proposed, these reduced setbacks will allow greater flexibility for site layouts, which the Options and Recommendations Report identifies as critical for development feasibility. However, the proposed setbacks will still allow for ample landscape buffers, which were identified as a priority by the Council, Commission, and community members.

TABLE 1: EXISTING AND PROPOSED YARD SETBACKS					
Standard	Existing	Proposed			
	All Residential Districts	RNP	RL	RM	RH
Front Yard	20	20	15 (primary structure) 20 (attached garage)	10	10
Side Yard	5, or 10% of lot width up to 10' max, whichever is greater	10	5	5	5
Side Street Yard	10	10	10	10	10
Rear Yard	20	30	20	10	10

- **Building Heights.** In the existing Zoning Ordinance, building heights are set by zoning district with a 30- foot maximum height allowed in the RL and RNP Districts and a 40-foot maximum height permitted in the RM and RH Districts. The analysis in the Options and Recommendations Report found that these height limits are generally appropriate for detached homes but present a significant constraint for multi-unit development.

To address this, as shown in Table 2, height limits are now proposed to be set based on building type. Detached residential units will continue to be limited to 30 feet or 2-stories in height, regardless of which zoning district they are located in. Duplexes and triplexes in the RL District would also be limited to 30 feet and 2-stories, in order to maintain a consistent massing to existing development. However, duplexes and triplexes located in the higher density RM and RH Districts would be permitted to be built up to 40 feet or 3-stories in height. Further, multi-unit developments would be allowed to build up to 50 feet or 4 stories in the RM District and up to 60 feet or 5 stories in the RH District. While this additional height is necessary to allow buildings in the RM and RH Districts to be built to the maximum allowed densities, the height limits are still generally lower than what is permitted in the higher density areas of the city, which are concentrated along the Mission Boulevard corridor and in downtown.

TABLE 2: EXISTING AND PROPOSED MAXIMUM BUILDING HEIGHTS					
Standard	Existing	Proposed			
	All Residential Districts	RNP	RL	RM	RH
Detached Residential Unit(s)	30 ¹	30 (2-stories)	30 (2-stories)	30 (2-stories)	30 (2-stories) ⁴
Duplex/Triplex	30 - 40 ²	-	30 (2-stories)	40 (3-stories)	40 (3-stories)
Multi-Unit Residential (4+ Units)	40 ³	-	-	50 (4-stories)	60 (5-stories)

Notes:

1. Existing height limit in RL and RNP Districts
2. Existing height limit in RL District is 30 feet and in RM and RH Districts is 40 feet.
3. Existing height limit in RM and RH Districts.
4. Only applicable to existing detached residential unit(s)

- **Lot Coverage.** The Options and Recommendations Report identified lot coverage as a constraint to residential development, particularly in the RM and RH Districts. To address this, maximum lot coverage limitations are proposed to be removed from all residential zoning districts and instead, setbacks will define the developable area of each parcel, with height limits tied to the building massing and façade design, which will control the size and massing of structures.
- **Design Standards.** The existing Zoning Ordinance does not include any design requirements for development in the residential zoning districts. Community members, the Council and the Commission expressed support for the adoption of design standards to help ensure that future housing is attractive and consistent with community priorities. As proposed in Sections 10-1.204 to 10-1.206 of Attachment II, the proposed residential design standards are organized into the following three categories:
 - Standards Applicable to All Residential Development. Many of the standards in this section are carried over from the existing Zoning Ordinance. However, some new standards have been introduced requiring building entrances to be visible from streets or walkways, retaining walls to be architecturally treated, and required landscaped areas to be largely covered by plants. In addition, this section specifies that density shall be determined by the General Plan (more on this below) and that hillside developments on slopes exceeding 15 percent shall be “stepped down” the hillside to preserve the natural slope. As proposed, new development would also be required to install landscape buffers with evergreen trees if the new buildings are 15 feet or taller than existing buildings on abutting properties. Finally, there are also significant changes proposed to the open space

requirements for developments with four or more units, which are discussed further below.

- Standards Applicable to Detached Residential Units, Duplexes, and Triplexes (1-3 Units). There are two new standards proposed for Detached Residential Units, Duplexes, and Triplexes, which tend to be smaller in mass and scale than most multi-family residential buildings. First, to control building massing, the floor area of the highest story is restricted to a maximum of 75 percent of the gross floor area of the first floor. This will ensure that two- and three-story buildings have upper floor stepbacks that provide architectural variation and reduce the overall massing of the structure. To ensure further architectural interest, detached residential units, duplexes, and triplexes are also required to use at least two design elements from a menu of options which includes dormer windows, balconies, front porches, building material variety, window detailing, and use of projections or recesses.
- Standards Applicable to Multi-Unit Residential Development (4+ Units). The proposed standards for multi-unit residential development build upon the requirements for smaller structures with some additional standards that are more appropriate to larger buildings. As currently proposed, fourth and fifth stories of buildings are limited to 85 percent of the gross floor area of the first floor to reduce the overall massing of the largest buildings. In addition, facades that exceed 75 feet in length are required to be broken up using recesses or projections. Three design elements are also required from a menu of options, which includes building material variety, roof and façade variation, window detailing, balconies, elevated ground floor units, and additional architectural features. Moreover, in direct response to Council and Commission feedback, four and five story buildings are further required to have a clearly defined base and top that is visually distinct from the middle of the building.
- **Open Space.** Significant revisions are proposed to the open space requirements for residential developments with four or more units in order to provide developers more flexibility and ensure that open space areas are designed to be desirable areas with high quality amenities. Each development will be required to include a combination of common use or private open space equal to at least 150 square feet per dwelling unit. Common use open space can be indoors or outdoors and must be available to all residents. For developments with 21 or more units, at least half of the required open space must be located outdoors. Additionally, as shown in Table 3 below, depending on the number of dwelling units in a development, the project will be required to achieve between 50 and 200 points worth of open space amenities. Proposed open space amenities and their associated points values are listed in Table 4. These points have

been assigned based on perceived level of impact and community interest but can be adjusted if needed.

TABLE 3: RESIDENTIAL OPEN SPACE AMENITIES BY PROJECT SIZE	
<i>Size of Project (number of dwelling units)</i>	<i>Points Value</i>
4 – 10	50
11 – 20	100
21 – 50	150
51 and up	200

TABLE 4: RESIDENTIAL OPEN SPACE AMENITIES AND ASSOCIATED POINTS VALUES	
<i>Amenity Type</i>	<i>Points Value</i>
Courtyard/Garden	
<i>With seating and/or tables for at least 4 people</i>	25
<i>With seating and/or tables for at least 10 people</i>	35
<i>With seating and/or tables for at least 20 people</i>	50
Pergola, shade, trellis or arbor structure	15
Playground with at least 3 pieces of play equipment including slides, swings, monkey bars, climbing walls, etc.	40
Community Garden with at least 5 garden beds	40
Permanent affixed barbecue	15
Outdoor kitchen with a countertop, sink, an appliance and seating and tables for at least 10 people	50
Sports Court	
<i>Bocceball</i>	20
<i>Table Tennis</i>	20
<i>Badminton</i>	30
<i>Tennis</i>	30
<i>Pickleball</i>	30
<i>Basketball</i>	50
Splash Pad or Fountain	25
Swimming Pool or Hot Tub	75
Open Lawn Areas with no dimension less than 10 feet	15
Walking/running path at least 1000 linear feet in length with lighting and signage (i.e. mile markers, information boards, etc.)	25
Amphitheater with seating for at least 25 people	75
Community Room	
<i>Library Room with bookshelves and seating for at least 5 people</i>	25
<i>Media Room with television and seating for at least 10 people</i>	35
<i>Game Room with a least two game tables or consoles</i>	30
<i>Gathering Room with countertop, cabinets, and sink</i>	50
<i>Gym/Fitness Room with at least 5 pieces of gym equipment</i>	50
<i>Co-working space with wi-fi, tables and seating for at least 8 people, and a bathroom</i>	75
Fenced Dog Park with trash can	
<i>Measuring at least 50 feet by 20 feet</i>	25
<i>Measuring at least 100 feet by 20 feet with a dog waste bag dispenser and dog water fountain.</i>	50

- **Additional Changes.** Additional changes have been made to the Residential District section of the code to eliminate subjective standards and reduce redundancy. To allow

for a detailed comparison, the proposed Residential District is included as Attachment II while the existing residential code sections are found in Sections 10-1.200 to 10-1.500 of the Municipal Code.¹⁵

Additional Revisions to Chapter 10, Article 1, Zoning Ordinance. In addition to the updated Residential District section, updates are also proposed to Chapter 10, Article 1 of the HMC to remove any subjective standards related to residential development, to align with recently adopted State legislation, and to “clean up” some discrepancies following the adoption of the City’s 6th Cycle Housing Element. This includes updating the City’s ADU Ordinance to align with State law, adding references to SB 9, AB 2011 and SB 6, and complying with SB 234 to allow home-based daycares, by right, in all districts where residential uses are permitted. Further, a new section has been added about the demolition and replacement of existing housing, consistent with the provisions of SB 330. In addition, the findings within the Reasonable Accommodations section¹⁶ have been updated and the Special Design District sections have been updated to revise and/or remove subjective standards. All additional revisions to Chapter 10, Article 1, Zoning Ordinance are provided in redline in Attachment III.

Revisions to Article 2, Off-Street Parking Regulations. The proposed updates include changes to the Off-Street Parking Regulations, which are aimed at addressing community concerns and ensuring standards align with State Law and involves some “clean up” revisions to correct terminology for consistency and remove redundancies. The most significant revisions to this Article are discussed below. All additional revisions to Chapter 10, Article 2, Off-Street Parking Regulations are provided in redline in Attachment IV.

- **Unbundled Parking.** The *Hayward 2040 General Plan* states the City should encourage multi-unit developments to separate (i.e., “unbundle”) the cost of parking from lease or rent payments, which is currently explicitly not permitted by the Municipal Code. Aligned with the General Plan, this ban has been removed and replaced with a new regulation which allows developers the option to unbundle parking. When developments opt to offer unbundled parking, the proposed policy requires that a notice be posted in common area(s) that highlights the cost difference in rent for units that

¹⁵ HMC Section 10-1.200, Single-Family Residential District (RS):

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.200SIMIREDIRS

HMC Section 10-1.300, Residential Natural Preserve District (RNP):

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.300RENAPRDIRN

HMC Section 10-1.400, Medium Density Residential District (RM):

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.400MEDEREDIRM

HMC Section 10-1.500, High Density Residential District (RH):

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.500HIDEREDIRH

¹⁶ HMC Section 10-1.145, Reasonable Accommodation:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.100GEPR_S10-1.145REAC

forgo a parking spot. The regulation is modeled after the City of Oakland's Unbundled Parking Policy.¹⁷

- **Transit Demand Management (TDM).** Currently, the Municipal Code allows for a reduction in the number of required off-street parking spaces for non-residential developments that implement a TDM plan; however, there is no similar option available for residential developments. Aligned with the Parking Analysis and Council and Commission feedback, the proposed updates include a reduction for residential developments of at least 50 units that provide specific TDM measures. Please note only one reduction would be allowed for each project. Table 5 contains a summary of the proposed reductions that would be permitted in exchange for specific TDM measures.

TABLE 5: RESIDENTIAL TRANSPORTATION SYSTEMS MANAGEMENT PROGRAM	
Reduction Allowed (%)	TDM Measures
10	On-site transit route maps and schedules, a car sharing space AND car sharing membership for all residents
15	A bicycle facility OR a bus shelter
20	A financial contribution for capital improvements OR monthly bus passes made available to all units based on bedroom count

- **Senior and Special Needs Housing¹⁸ Parking.** The Municipal Code allows for a 25 percent reduction in parking spaces for senior and special needs housing if certain findings can be made. Based upon TransForm's parking database,¹⁹ an average of 49 percent of parking spaces are unused in the surveyed senior, special needs and affordable housing development projects. Furthermore, the demand for parking in senior and special needs housing developments is typically significantly lower than other residential developments. Instead of allowing a reduction, a new, lower parking ratio (parking spaces per dwelling unit) of 0.5 for senior housing and 0.3 for special needs housing is proposed.
- **Driveways and Tandem Parking.** Currently, the Municipal Code requires detached residential units, where there is no street parking, to provide two covered and two uncovered parking spaces per dwelling unit. It is also stated that the driveway area cannot satisfy the uncovered parking space requirement.. The proposed update includes a provision that would allow driveways to satisfy the uncovered parking requirement, as long as they meet the parking space dimensions in the Code. The Code also currently only allows tandem parking for multi-unit dwellings in limited scenarios but the proposed updates would allow tandem parking for multi-unit dwellings, as long as the tandem spaces are assigned to the same unit. Both changes are intended to create additional flexibility for developments needing to meet their parking requirements.

¹⁷ City of Oakland Unbundled Parking Policy:

https://library.municode.com/ca/oakland/codes/planning_code?nodeId=TIT17PL_CH17.116OREPALORE_ARTVSTREPALOFA_17.116.310UNPA

¹⁸ This terminology is used to be consistent with terminology in Health and Safety Code Section 15312.

¹⁹ TransForm's Parking Database: <http://database.greentrip.org/>

Consistency with Hayward 2040 General Plan. The *Hayward 2040 General Plan* and Zoning Ordinance shape and regulate development throughout the city. The General Plan serves as a city’s “blueprint” for future decisions concerning a variety of issues. The land use designations within the General Plan determine what densities and general land uses are allowed in various parts of the city. The Zoning Ordinance contains regulations that determine the form and design of development and the specific uses are allowed. Under California State law, the Zoning Ordinance is required to be internally consistent and compatible with the General Plan²⁰. Furthermore, if inconsistencies between the General Plan and Zoning Ordinance exist, State law requires that development is comply with the requirements of the General Plan.²¹

The City currently has several land use designations and zoning districts that allow for residential development. However, this project focuses on bringing parcels that are zoned Low-Density Residential (RL, previously referred to as “RS” or “Single Family Residential”) into conformance with the densities permitted by the Hayward 2040 General Plan. Of the over 20,000 RL zoned parcels in the city, as shown in Table 6, 857 of these parcels are inconsistent with their underlying residential General Plan land use designations, in that the General Plan requires a higher density than is currently allowed by the Zoning Ordinance.²² Because of this inconsistency, these parcels would require rezonings and be subject to environmental analysis in order to redevelop, which would not otherwise be required if their General Plan and zoning designations were in alignment.

TABLE 6: GENERAL PLAN RESIDENTIAL LAND USE DESIGNATION INCONSISTENCIES WITH RL ZONING DISTRICT			
General Plan Land Use Designation	Allowed density (dwelling units per acre)	Allowed Residential Uses	Parcels with an Inconsistent RL (RS) Zoning
Limited Medium Density Residential (LMDR)	8.7-12	Detached & attached single-family homes, multi-family homes, second units	85
Medium Density Residential (MDR)	8.7-17.4	Detached & attached single-family homes, multi-family homes, second units	723
High Density Residential (HDR)	17.4-34.8	Attached single-family homes, multi-family homes	7
Commercial High Density Residential (C/HDR)	Up to 34.8	Attached single-family homes, mixed use with multi-family homes on upper floor; multifamily homes, live-work units	42
Total			857

The following Zoning Ordinance text and map amendments are proposed to address the inconsistencies shown in Table 6:

- **LMDR & MDR Inconsistencies:** A series of Zoning Ordinance text and map amendments is proposed to address the inconsistencies of parcels with Limited Medium

²⁰ Government Code Section 65300.5:

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65300.5.

²¹ Government Code Section 65589.5 (j)(4):

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65589.5.

²² Currently, the RL District does not have an explicit density standard, but rather, allowable density is determined through allowed uses (typically one primary detached dwelling unit, or two if a lot exceeds 10,000 square feet) and minimum lot size requirements.

Density Residential (LMDR) or Medium Density Residential (MDR) General Plan land use designations, but which are zoned as Low Density Residential (RL). As shown in Table 6, LMDR parcels are required to have a density of 8.7 to 12 dwelling units per acre, while MDR parcels must have a density between 8.7 and 17.4 dwelling units per acre. The RL District does not currently have an explicit density standard, but rather, allowable density is determined through allowed uses (typically one primary detached dwelling unit, or two if a lot exceeds 10,000 square feet) and minimum lot size requirements. In some cases, this creates an inconsistency. For example, for lots that are between 5,001 and 9,999 square feet, only one unit would be allowed per the RL District requirements, while at least two would be required by the LMDR and MDR General Plan land use designations. For lots over 15,000 square feet, a maximum of two units would be permitted by the RL District, while at least three would be required by the General Plan designations.

These inconsistencies are proposed to be remedied by amending the Zoning Ordinance to remove references to the number of dwelling units allowed per lot, and instead specify that residential development is allowed at the density set by the applicable General Plan land use designation. However, the form of residential development within the RL District will be limited to two-story detached residential units, duplexes, and triplexes to ensure the new development reflects the size and height of the existing neighborhoods.

- **HDR Inconsistencies:** The majority of RL zoned parcels with a General Plan land use designation of High Density Residential (HDR) are currently developed with religious institutions or multi-unit residential buildings. Based on the existing surrounding development and zoning, five parcels are proposed to be rezoned to High Density Residential (RH) and one rezoned to Medium Density Residential with a minimum lot size of 4,000 square feet (RMB4). The final parcel is a mapping error and should be rezoned to Planned Development in accordance with Ordinance 85-013²³.
- **CHDR Inconsistencies:** The final group of inconsistencies are parcels zoned as RL with an underlying General Plan land use designation of Commercial High Density Residential (CHDR). Most of the parcels with this inconsistency are located along 12th and 13th Streets where the existing development is predominately detached residential units. This area is proposed to be rezoned to RM to provide a transition between the higher density residential uses along Mission Boulevard Corridor to the east and the lower density residential areas to the west. There are four parcels which are proposed to be rezoned to High Density Residential (RH), consistent with neighboring parcels and development. The last parcel with this type of inconsistency is County owned, along with the adjacent parcel which is zoned Neighborhood Commercial (CN). The parcel is proposed to be rezoned CN to be consistent with the adjacent parcel under the same ownership.

²³ City Council Ordinance 85-013: <https://portal.laserfiche.com/Portal/DocView.aspx?id=53935&repo=r-b6d2994c>

A comprehensive list and map of all 49 parcels proposed to be rezoned can be found in Attachment V and VI.

Other Topics for Consideration. In addition to the revisions described above and detailed in the attachments to this staff report, staff would like the Council to consider two additional potential updates to the Municipal Code.

- **Mission Boulevard and Downtown Development Codes.** Two other sections of the Municipal Code that regulate residential development are the Mission Boulevard Code (Chapter 10, Article 24)²⁴ and the Downtown Development Code (Chapter 10, Article 28).²⁵ Both of these code sections were updated within the past five years and contain design and development standards that are largely objective already, with one notable exception – the Architectural Standards section of the Mission Boulevard Code (Section 10-24.3.2.010).²⁶ As currently written, the seven standards within this section covering façade articulation, materials, openings, and roofs would be considered subjective per State law. For ease of understanding and simplicity of implementation, staff recommends that the Mission Boulevard Code adopt the same or similar design standards as are proposed for the Residential Districts (summarized on pages 7 and 8 of this staff report and shown in Attachment II).
- **Small Lot Subdivisions.** Over the past several years, “small lot subdivisions” or detached residential subdivisions with reduced minimum lot sizes of 3,500 to 4,500 square feet and reduced side and rear yard setbacks, have been a popular development typology within Hayward and beyond. Currently, small lot subdivisions are inconsistent with the development standards of the RL District, meaning that properties must be rezoned and environmental review must be conducted in order to allow this type of development, adding significant time and expense to the entitlement process. Staff recommends that the Council consider amending the RL District to allow reduced lot sizes and setbacks through an administrative review process, possibly with additional design requirements.

Planning Commission Recommendations. At the August 24th Planning Commission work session, staff received the following specific feedback on the draft standards:

- The Commission generally supported the updated development standards as proposed. However, they suggested the façade design standards use a point system rather than a menu of options to allow for the options to be weighted differently. They also suggested staff consider further reducing the front yard setback for RH zoned properties.

²⁴ HMC Chapter 10, Article 24, Mission Boulevard Code:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART24MIBOCO

²⁵ HMC Chapter 10, Article 28, Downtown Development Code:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART28DECO

²⁶ HMC Section 10-24.3.2.010, Architectural Standards:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART24MIBOCO_SUB_ARTICLE_10-24.3SUZO_DIV10-24.3.2GEST_10-24.3.2.010ARST

- The Commission supported adding some of the design standards for the Residential Districts to the Mission Boulevard Code, including a point system for façade design.
- The Commission applauded the point system for open space amenities but recommended minor adjustments, including reducing point values for pools and amphitheaters, increasing the number of lower point options, and re-weighting options based on frequency of use (i.e. basketball courts are more likely to be used daily than amphitheaters).
- The Commission unanimously recommended that staff develop standards to streamline the development review process for small lot detached residential subdivisions.
- The Commission supported the idea of Transportation Demand Management measures, but recommended expanding the measures to incentivize ride-share services, shuttle services, services aimed at larger households, and other alternative modes of transportation. Additionally, they wanted staff to explore converting the proposed TDM table into a point system and/or restricting eligibility for the TDM reductions to certain transit-rich areas of the city.
- The Commission supported establishing reduced parking ratios for senior and special needs housing, understanding these populations have less parking demand than other types of housing.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Preserve, Protect and Produce Housing for All. Specifically, this item relates to the implementation of the following project (s):

Project 4, Part 4d: Implement housing incentives and production work plan in accordance to state housing limits; Develop an Overlay Zoning District to allow RS zoned properties (single family residential) to develop into a variety of housing types at densities permitted under the applicable General Plan designation.

FISCAL IMPACT

Consultant Mintier Harnish's approved contract and associated budget, including contingency, is \$234,910. There is sufficient funding to cover the cost of the contract through the use of the HCD SB2 Planning Grant that was originally awarded in 2019. There is no additional fiscal impact associated with the draft regulations for the Hayward Residential Design Study.

NEXT STEPS

Using the feedback received from this work session and the input from all project meetings and community outreach events held to date, the final draft of the objective standards and zoning amendments will be brought back to the Planning Commission and City Council for final consideration and adoption later this Fall.

Prepared by: Taylor Richard, Associate Planner
Elizabeth Blanton, AICP, Senior Planner

Recommended by: Sara Buizer, AICP, Development Services Director

Approved by:

A handwritten signature in black ink, appearing to read 'McAdoo', with a long horizontal stroke extending to the right.

Kelly McAdoo, City Manager

Sec. 10-1.200 Residential Districts

Sec. 10-1.201 Purpose

- a. **Low Density Residential District (RL).** The RL District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable environment for households of all types and sizes. The RL District is to suitable for detached residential units, duplexes, triplexes, and the community services appurtenant thereto as permitted by this Zoning Ordinance.
- b. **Residential Natural Preservation District (RNP).** The purpose of the Residential Natural Preservation (RNP) District is to allow for the development of area where topographic configuration is a major consideration in determining the most appropriate physical development of the land, and to allow such development only where it is subservient to and compatible with the preservation of major natural features of the land such as preserving the tree line in this zoning district. It is the intention of the regulations for this district that such district be served by limited circulation facilities, and that it be utilized where large open spaces, individual privacy, and semi-agricultural pursuits are suited to the land.
- c. **Medium Density Residential District (RM).** The RM District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable environment for households of all types and sizes through a compatible mingling of different housing types and densities and compatible community services.
- d. **High Density Residential District (RH).** The RH District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable high density residential environment through the development of multiunit buildings and compatible community services.

Sec. 10-1.202 Use Regulations—Residential Districts

Table 10-1.202, Land Use Regulations—Residential Districts, sets the land use regulations for Residential Districts by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Section, other requirements of the Hayward Municipal Code, or other applicable regulations:

"P" designates permitted uses.

"A" designates uses that are permitted after review and approval of an Administrative Use Permit.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"-" designates uses that are not allowed.

A project which includes two or more categories of land use in the same building or on the same site is subject to the highest permit level required for any individual use or single component of the project.

Section numbers in the right-hand column refer to other sections of the Zoning Ordinance or other limitations as well as subsections following the Table.

Land uses are defined in Article 1, Section 10-1.3500, Definitions. In cases where a specific land use or activity is not defined, the Planning Director or other approving authority shall assign the land use or activity

to a classification that is substantially similar in character. Land uses defined in the Hayward Municipal Code and not listed in the table or not found to be substantially similar to the uses below are prohibited. Unless otherwise explicitly stated, all uses shall be conducted indoor.

TABLE 10-1.202: USE REGULATIONS—RESIDENTIAL DISTRICTS

“P” Permitted Use; “A” Administrative Use Permit Required; “C” Conditional Use Permit Required; “-” Use Not Allowed

Use	District				Additional Regulations
	RNP	RL	RM	RH	
Residential Uses					
Detached residential unit(s)	P	P	P	-	Subject to density limitations in the General Plan; See Section 10-1.204 (e) Additions to detached residential units existing before Effective Date are permitted.
Duplex/Triplex	-	P	P	P	Subject to density limitations in the General Plan; See Section 10-1.204 (e)
Multi-unit residential (4+ attached units)	-	-	P	P	Subject to density limitations in the General Plan; See Section 10-1.204 (e)
Accessory dwelling unit(s)	P	P	P	P	Where primary use is residential. See Section 10-1.2740 for criteria and standards.
Two-Unit Development	-	P	-	-	As provided in Government Code Sections 66411.7 and 65852.21, as amended from time to time
Group home (6 or fewer residents, excluding staff)	P	P	P	P	See definitions
Large group home (7 or more residents, excluding staff)	C	C	C	C	
Boarding home	-	-	C	C	
Dormitory	-	-	C	C	
Other Uses					
Ambulance service	-	A	A	A	
Cultural facility	A	A	A	A	
Day care, home (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff)	P	P	P	P	See definitions
Day care center (State-licensed, less than 24-hour care for children or	A	A	A	A	See definitions

TABLE 10-1.202: USE REGULATIONS—RESIDENTIAL DISTRICTS

“P” Permitted Use; “A” Administrative Use Permit Required; “C” Conditional Use Permit Required; “-” Use Not Allowed

Use	District				Additional Regulations
	RNP	RL	RM	RH	
adults, 15 or more persons, excluding staff)					
Educational facility	A	A	A	A	
Hospital, convalescent home	-	A	A	A	
Livestock	A	A	-	-	
Parking lot	-	A	A	A	
Recreational facility	A	A	A	A	
Religious facility	A	A	A	A	
Wind energy conversion system	A	A	A	A	Allowed by right if accessory to a primary use
Golf course	-	C	C	C	
Country club	-	C	C	C	
Public agency facilities	P	P	P	P	See definitions
Accessory buildings and uses	P	P	P	P	See Section 10-1.205a.
Garage sales	P	P	P	P	4 per year per dwelling. See General Regulations Section 10-1.2735.e.
Home Occupation	P	P	P	P	See definitions
Home Occupation, expanded	A	A	A	A	See definitions
Household pets	P	P	P	P	See definitions and Section 10-1.2735
Apiaries	P	P	-	-	See definitions and Section 10-1.2735

Sec. 10-1.203 Development Standards

Table 10-1.203, Development Standards-Residential Districts, prescribes the development standards for Residential Districts.

TABLE 10-1.203: DEVELOPMENT STANDARDS—RESIDENTIAL DISTRICTS

Standard	RNP	RL	RM	RH
<i>Lot Requirements. See also combining B District (Section 10-1.2400)</i>				

TABLE 10-1.203: DEVELOPMENT STANDARDS—RESIDENTIAL DISTRICTS

<i>Standard</i>	<i>RNP</i>	<i>RL</i>	<i>RM</i>	<i>RH</i>
Minimum Lot Size (sf)	See also Section 10-1.2720 for Special Lot Requirements			
	20,000	5,000	5,000	7,500
<i>Townhomes</i>	-	Consistent with building footprint and associated private outdoor areas	Consistent with building footprint and associated private outdoor areas	Consistent with building footprint and associated private outdoor areas
Minimum Lot Frontage (ft)	35	35	35	35
	See also Section 10-1.2720 for Special Lot Requirements			
Minimum Flag Lot Frontage (ft)	See City Standard Detail SD-109 for additional flag lot criteria.			
<i>One-Flag Lot</i>	22	22	-	-
<i>Two-Flag Lots</i>	28	28	-	-
Minimum Average Lot Width (ft)	See also Section 10-1.2720 for Special Lot Requirements			
	100	50	60	60
Maximum Rear Yard Coverage	40%	40%	-	-
Minimum Average Lot Depth (ft)	100	80	80	80
<i>Yard Requirements. See also combining B District (Section 10-1.2400)</i>				
Minimum Yards (ft)	See also Section 10-1.2725 for Special Yard Requirements and Exceptions. For townhome-style subdivisions, yard requirements apply to the perimeter of the common ownership property, not individual townhome lots.			
<i>Front Yard</i>	20	15 (street-facing structures) 20 (attached garage)	10	10
<i>Side Yard</i>	10	5	5	5
<i>Side Street Yard</i>	10	10	10	10
<i>Rear Yard</i>	30 from the tree line	20 Exception: Reduction of the required rear yard to 10 feet is permitted for one-story portions of the primary structure(s), provided the required rear yard	10	10

TABLE 10-1.203: DEVELOPMENT STANDARDS—RESIDENTIAL DISTRICTS

<i>Standard</i>	<i>RNP</i>	<i>RL</i>	<i>RM</i>	<i>RH</i>
		area is not reduced by more than 20 percent		
<i>Height Limit</i>				
Maximum Height (ft)	See also Section 10-1.2730 for Special Height Requirements and Exceptions			
<i>Building Height</i>				
<i>Detached Residential Unit(s)</i>	30 (2-stories)	30 (2-stories)	30 (2-stories)	30 (2-stories) Only applicable to units existing before Effective Date
<i>Duplex/Triplex</i>	-	30 (2-stories)	40 (3-stories)	40 (3-stories)
<i>Multifamily Residential (4+ Units)</i>	-	-	50' (4-stories)	60' (5-stories)
<i>Accessory Building Height (excluding ADUs)</i>	14 (1-story)	14 (1-story)	14 (1-story)	14 (1-story)
<i>Fences/hedges/walls</i>	See Section 10-1.205(e) for additional standards			
<i>Front and Side Street Yard</i>	4	4	4	4
<i>Side and Rear Yard</i>	7	7	7	7

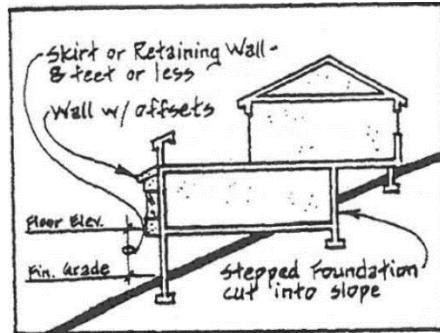
Sec. 10-1.204 Minimum Design Standards Applicable to All Districts

- a. Accessory Buildings, Detached. Detached accessory buildings, including but not limited to carports, garages, greenhouses, freestanding patio covers, and sheds shall meet the following criteria. Does not include Accessory Dwelling Unit(s) - see Section 10-1.2740.
- (1) Shall not be left unfinished with metal or plywood.
 - (2) Shall not be located in a required front yard or side street yard.
 - (3) Shall not be located in front of the primary building, with the exception of detached carports or garages.
 - (4) Accessory buildings less than or equal to 120 square feet in area may be setback a minimum of 3 feet from a side and rear property line.
 - (5) Accessory buildings exceeding 120 square feet in area shall be setback a minimum of 5 feet from a side and rear property line.
 - (6) Shall be setback a minimum of 5 feet from any structure.
 - (7) The total area of all accessory buildings shall not exceed 50 percent of the ground floor area of the primary building(s).

- (8) Accessory buildings may include a bathroom but may not include a kitchen or bedroom.
- b. Additions to Primary Building(s).
 - (1) At the time that cumulative additions to a residence increase the original building floor area by more than 50 percent or increase the number of bedrooms, the residence shall be required to provide all required off-street parking (per Section 10-2.200 of the Off-Street Parking Regulations).
- c. Building Entrances.
 - (1) At least one residential building shall have a primary entrance facing and visible from a street. The entrances of other residential buildings on site shall face and be visible from either a street, driveway, or a pedestrian walkway.
- d. Decks and Ramps.
 - (1) Decks and ramps 12 inches or less in height (excluding railings) may be located in any required yard area.
 - (2) Ramps required for persons with physical disabilities may be located in any required yard area.
 - (3) Decks and ramps between 12 to 30 inches in height (excluding railings) may be located in any rear or side yard but no closer than 3 feet to the rear or side property line.
 - (4) Decks 30 inches or more in height (excluding railings) shall conform to the minimum yard setback requirements of the primary building.
- e. Density.
 - (1) Allowable density shall be determined by the parcels General Plan land use designation and net acreage.
 - (2) Net acreage excludes land required for public and private streets, parks, and other public facilities.
- f. Fences, Hedges and Walls. (See also Section 10-1.2725(g).)
 - (1) Barbed wire, razor, or electrified fences are prohibited.
 - (2) Retaining Walls.
 - Retaining walls which are not a part of building walls shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.
 - A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between centerline of the walls.
 - Any additional successive walls shall require a minimum of 15 feet separation.
 - The sides of exposed exterior retaining walls that are visible from the public right-of-way, private streets and driveways, and private and public common open space shall be architecturally treated with colored concrete, plaster, stone veneer, brick, tile, natural stone, cultured stone, the same material as the primary residential building or acceptable alternative as approved by the Planning Director. Alternatively, the exposed exterior retaining wall shall be screened by landscaping that blocks 50 percent of the visible wall area at maturity.
- g. Hillside Standards. Applicable to parcels located in the Hayward Hills, defined as east of Mission Boulevard and south of "D" Street. See Section 10-1.3500 for slope calculation formula. See Section 10-8.23 for additional requirements that exceed 20%.

- (1) Setbacks Abutting Permanent Open Space. All structures, including decks that exceed 12 inches in height, shall be setback a minimum of 30 feet from any rear property line and 10 feet from any side property line that abuts permanent open space, defined as land identified within a Habitat Conservation Plan or Natural Community Conservation Plan, land with a conservation easement, and/or regional park land.
- (2) Slopes Equal to or Exceeding 15 Percent: Where the existing slope is equal to or exceeds 15 percent, dwellings shall exhibit a stepped design that preserves the natural slope by adhering to the following standards:

- At each point, the lowest floor of the structure shall not exceed eight feet above the adjacent exterior finished grade.



- Grading of areas to the side and rear of the building to create flat open spaces is not permitted on lots with an existing slope exceeding 25 percent.

h. Landscaping.

(1) Applicable to All Districts

- Landscape Buffers. New development with building facades that are at least 15 feet taller than the tallest existing buildings on the abutting parcels, shall include a landscape buffer at least 12 feet wide between the new and existing buildings.
- The landscape buffer shall include 15-gallon evergreen trees that create a continuous tree canopy at maturity as defined by the Sunset Western Garden Book.
- Landscaping Near BART or Railroad Track.
 - Parcels abutting and in direct view from the BART or railroad track right-of-way shall include a minimum 10-foot wide landscape strip along the property line(s) abutting or in view from the BART or railroad track right-of-way.
 - A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line.

(2) Applicable to RL and RNP Districts

- Required front and street side yards shall be landscaped except for permitted driveways and walkways. At least 75% of the designated landscape areas shall be covered with live plants at maturity as defined by the Sunset Western Garden Book.
- Ground covering mulch shall not include gravel, decorative rock, decomposed granite and non-biodegradable materials.
- A minimum of one 15-gallon-size tree shall be planted within the required front yard and side street yard of each lot.

- Edible fruit bearing or invasive root-system trees as defined by the Invasive Plant Council are prohibited in front or street side yards.
 - For a lot with more than 50 feet of street frontage, one tree shall be planted for every 50 feet or fraction thereof of frontage.
- (3) Applicable to RM and RH Districts
- All required yards shall be landscaped except for permitted driveways and walkways. At least 75% of the designated landscape areas shall be covered with live plants at maturity as defined by ____.
 - Ground covering mulch shall not include gravel, decorative rock, decomposed granite and non-biodegradable materials.
 - Edible fruit bearing or invasive root-system trees as defined by the Invasive Plant Council are prohibited in all front and street side yards.
 - Street Trees. Street trees shall be planted along all street frontages at a minimum of one 24-inch box tree per 30 lineal feet of frontage or fraction thereof unless otherwise approved by the City Landscape Architect.
- i. Lighting, Exterior. Exterior lighting shall be provided so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way.
- j. Mechanical Equipment. All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from public rights-of-way. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners and related equipment, emergency generators, utility meters, cable equipment, backflow preventers, irrigation control valves, electrical transformers, pull boxes, and ducting. Screening materials shall be consistent with the exterior colors and materials of the building. The Planning Director or other approving authority may waive this requirement where screening is infeasible due to existing development or health and safety or utility requirements.
- k. Open Space. For developments with four or more residential units, a minimum of 150 square feet of open space is required per dwelling unit. Common use and/or private open space can be used to satisfy this requirement.
- (1) For a development with 21 or more units, 50 percent of the required open space shall be outside.
 - (2) Required open space shall not include the required front or side street yard or exceed 5 percent slope.
 - (3) Common use open space shall be available to all residents.
 - (4) Private open space which is directly available to individual units shall adhere to the following requirements.
 - Private open space areas shall be at least 50 square feet in size and shall have no dimension less than 5 feet.
 - Grade-level open space shall be screened from view by fencing or landscaping.
 - (5) All new developments shall achieve the following point values for residential amenities, based on the total number of dwelling units in the project. For amenities not listed, the Planning Director may assign point values based on similarities to listed amenities. The residential amenities may be used to satisfy the open space requirement specified above.

TABLE 10-1.204.1: RESIDENTIAL OPEN SPACE AMENITIES BY PROJECT SIZE

<i>Size of Project (number of dwelling units)</i>	<i>Points Value</i>
4 – 10	50
11 – 20	100
21 – 50	150
51 and up	200

TABLE 10-1.204.2: RESIDENTIAL AMENITIES AND ASSOCIATED POINTS VALUE

<i>Amenity Type</i>	<i>Points Value</i>
Courtyard/Garden	
<i>With seating and/or tables for at least 4 people</i>	25
<i>With seating and/or tables for at least 10 people</i>	35
<i>With seating and/or tables for at least 20 people</i>	50
Pergola, shade, trellis or arbor structure	15
Playground with at least 3 pieces of play equipment including slides, swings, monkey bars, climbing walls, etc.	40
Community Garden with at least 5 garden beds	40
Permanent affixed barbecue	15
Outdoor kitchen with a countertop, sink, an appliance and seating and tables for at least 10 people	50
Sports Court	
<i>Bocceball</i>	20
<i>Table Tennis</i>	20
<i>Badminton</i>	30
<i>Tennis</i>	30
<i>Pickleball</i>	30
<i>Basketball</i>	50
Splash Pad or Fountain	25
Swimming Pool or Hot Tub	75
Open Lawn Areas with no dimension less than 10 feet	15
Walking/running path at least 1000 linear feet in length with lighting and signage (i.e. mile markers, information boards, etc.)	25
Amphitheater with seating for at least 25 people	75
Community Room	-
<i>Library Room with bookshelves and seating for at least 5 people</i>	25
<i>Media Room with television and seating for at least 10 people</i>	35
<i>Game Room with a least two game tables or consoles</i>	30
<i>Gathering Room with countertop, cabinets, and sink</i>	50
<i>Gym/Fitness Room with at least 5 pieces of gym equipment</i>	50
<i>Co-working space with wi-fi, tables and seating for at least 8 people, and a bathroom</i>	75

TABLE 10-1.204.2: RESIDENTIAL AMENITIES AND ASSOCIATED POINTS VALUE

<i>Amenity Type</i>	<i>Points Value</i>
Fenced Dog Park with trash can <i>Measuring at least 50 feet by 20 feet</i>	25
<i>Measuring at least 100 feet by 20 feet with a dog waste bag dispenser and dog water fountain.</i>	50

I. Projections into Yards.

- (1) Architectural features such as bay windows, chimneys, cornices, eaves, open or covered porches and entries, may extend 2 feet into any required side yard and 5 feet into any required front or rear yard.
- (2) Uncovered first floor landing places and outside open stairways may project 3 feet into any required yard, provided they do not exceed 6 feet in height (excluding railings) above ground level.
- (3) Uncovered second or third floor landing places and outside open stairways may project 3 feet into a required rear yard, but no closer than 5 feet to a side property line.
- (4) Balconies may extend 5 feet into any required front or rear yard.

m. Separation Between Residential Units. If there are multiple detached residential units located on the same property, each unit shall be setback at least 10 feet from each other. The separation for ADUs may be reduced to 5 feet.

n. Swimming Pools or Hot Tubs. May not be located in the required front or street side yard. All wall lines of a swimming pool or hot tub shall setback 5 feet from any structure and the side and rear property lines.

o. Trash and Recycling Facilities.

- (1) Outdoor trash and recycling facilities shall be screened from view, utilizing a wood, metal, masonry or landscape screening unless where not visible to other residential units or from the street.
- (2) Shall be a maximum of 300 feet away from any residential building entrance, as measured by path of travel.
- (3) Trash and recycling facilities shall have covered roofs.

Sec. 10-1.205 Detached Residential, Duplex, and Triplex Minimum Design Standards

a. Building Massing. If multistory, floor area of the highest story shall not exceed 75 percent of the gross floor area of the first floor.

b. Façade Design. All buildings shall include at least two of the following design elements:

- (1) At least two dormer windows that project from the roof by at least 18 inches along the front facade.
- (2) At least 4 inches of window recess on all windows located on street facing facades.
- (3) Window moldings at least four inches wide on all windows.

- (4) Use of shutters on at least 50 percent of street facing windows.
- (5) At least one variation in the facade plane in the form of projections or recesses at least 18 inches deep along the front facade.
- (6) Use of at least two distinct building materials that each make up at least 25 percent of the total building facade.
- (7) A street facing balcony with no dimensions less than 5 feet.
- (8) A street facing porch with no dimensions less than 5 feet.

Sec. 10-1.206 Multi-unit Residential (4+ units) Minimum Design Standards

a. Building Massing.

- (1) Floor area of the fourth and fifth stories each shall not exceed 85 percent of the gross floor area of the first floor.
- (2) Facades between 75 and 125 feet long shall have vertical breaks using recesses or projections of the facade plane that are at least 8 feet wide and 2 feet deep at least once every 75 feet.
- (3) Facades that equal to or greater than 125 feet long shall have vertical breaks using recesses or projections that are at least 15 feet wide and 10 feet deep at least once every 125 feet.

b. Façade Design.

- (1) All multi-unit residential buildings shall include at least three of the following design elements:
 - i. Use of at least two distinct building materials that each make up at least 25 percent of the total building facades.
 - ii. Variation in roof height by utilizing sloped roofs of at least 15 percent or varying the parapet height by at least 2 feet on a flat roof.
 - iii. Use of at least three arches, columns, beams/lintels, and/or other features determined to be similar by the Planning Director along all street facing facades.
 - iv. At least 4 inches of window recess on all windows located on street facing facades.
 - v. Window moldings at least four inches wide on all windows.
 - vi. Use of shutters on at least 50 percent of street facing windows.
 - vii. Ground floor units elevated above the sidewalk by at least 3 feet.
 - viii. Balconies on at least 50 percent of street facing units with no dimensions less than 5 feet.
- (2) Four and five story buildings shall have clearly a defined base and top.
 - o The building base shall be defined as the ground floor. The base shall be differentiated from the middle of the building using at least one of the following design features:
 - Using a siding or cladding material on the base that is different from the middle of the building facade.
 - Horizontal decorative bands that separate the building base from the middle of the building. Bands shall be of a distinct building material that measures at least 12 inches wide and 2 inches deep along the length of all building facades.

- Awnings above the ground floor that are at least 2 feet deep and line at least 30 percent of street facing facades.
- Incorporating windows along the building base that make up at least 40 percent of street facing facades.
- The building top shall be defined as the area above the top floor. The top shall be differentiated using at least one of the following features:
 - Cornices or horizontal decorative bands along the top of all building facades. Bands shall be of a distinct building material that measures at least 18 inches wide and 4 inches deep along the length of all building facades visible from the street.
 - Roof overhang of at least 2 feet.
 - Upper story step back of at least 6 feet along at least 75 percent of street facing facades.
 - Roof open space with trees and or landscaping that is visible from the street for at least 25 percent of the street facing facades.

Sec. 10-1.207 Non-residential Development Minimum Design and Performance Standards

For non-residential development refer to standards contained in the Neighborhood Commercial District, Section 10-1.845, Minimum Design and Performance Standards. All non-residential development shall comply with the Hillside Design Guidelines.

Sec. 10-1.208 Performance Standards Applicable to All Districts

- a. Entrance Lighting. All building entrances shall be lit from dawn to dusk for high visibility of the building entrance and safety.
- b. Landscaping Maintenance.
 - (1) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary, as determined by the Planning Director.
 - (2) Required parking lot, buffer, front and street side trees shall not severely pruned, topped, pollarded, disfigured or removed without issuance of a Tree Permit as defined in the Tree Preservation Ordinance.

Sec. 10-1.209 Site Plan Review Required

Site Plan Review approval shall be required before issuance of any building or construction permit only if the Planning Director determines that a project materially alters the appearance and character of the property or area, or may be incompatible with City policies, standards, and guidelines.

SEC. 10-1.100 GENERAL PROVISIONS

*SEC. 10-1.100 GENERAL PROVISIONS¹***SEC. 10-1.125 ESTABLISHMENT OF ZONING DISTRICTS.**

Zoning districts are designated as follows:

RESIDENTIAL	
RLS	Single-Family Low Density Residential District
RNP	Residential Natural Preservation District
RM	Medium Density Residential District
RH	High Density Residential District
RO	Residential-Office District
MH	Mobile Home Park District
COMMERCIAL	
-CN	Neighborhood Commercial District
CN-R	Neighborhood Commercial—Residential District
CG	General Commercial District
CO	Commercial Office District
CL	Limited Access Commercial District
CB	Central Business District
CR	Regional Commercial- Retail District
SMU	Sustainable Mixed Use District
<u>DOWNTOWN/CENTRAL CITY</u>	
-CC-C	Central City—Commercial District
CC-P	Central City—Plaza District
CC-R	Central City—Residential District
NE	Neighborhood Edge District
NG	Neighborhood General District
UN	Urban Neighborhood District
UNL	Urban Neighborhood Limited District
DM	Downtown Main Street District
UC	Urban Center
<u>MISSION BOULEVARD</u>	
MB-NN	Mission Boulevard Neighborhood Node District
MB-CC	Mission Boulevard Corridor Center District
MB-CN	Mission Boulevard Corridor Center District
MB-CS	Mission Boulevard Civic Space District
INDUSTRIAL	
I	Industrial District
BP	Business Park District
LM	Light Manufacturing, Planning/Research and Development District

¹Section 10-1.120(c) and Section 10-1.160(c) amended by Ordinance 10-06, adopted March 2, 2010.

Section 10-1.145 amended by Ordinance 14-08 , adopted February 4, 2014.

<u>IL</u>	<u>Light Industrial District</u>
<u>IG</u>	<u>General Industrial District</u>
<u>IP</u>	<u>Industrial Park District</u>
AIR TERMINAL	
-AT-AC	Air Terminal—Aviation Commercial District
AT-C	Air Terminal—Commercial District
AT-IP	Air Terminal—Industrial Park District
AT-O	Air Terminal—Operations District
AT-R	Air Terminal—Recreational District
AT-RM	Air Terminal—Medium Density Residential District
OPEN SPACE	
-A	Agricultural District
FP	Flood Plain District
OS	Open Space District
PUBLIC FACILITIES	
-PF	Public Facilities District
SPECIAL DISTRICTS	
-B	Special Lot Standards Combining Districts
PD	Planned Development District
SD-1	"B" Street Special Design Streetcar District
SD-2	Mission Corridor Special Design District
SD-3	Cottage Special Design District
SD-4	Cannery Area Special Design District
SD-5	Mission Garin Area Special Design District
SD-7	Hayward Foothill Trail Special Design District

SEC. 10-1.145 REASONABLE ACCOMMODATION.

- A. Purpose. The purpose of this Section is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the federal Fair Housing Act and the California Fair Employment and Housing Act (hereafter "Acts") in the application of zoning laws and other land use regulations, policies, and procedures.
- B. Applicability.
1. A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this zoning code or other City requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this section, a "person with a disability" is any person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has record of such impairment. This section is intended to apply to those persons who are defined as disabled under the Acts.
 2. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

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3. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.
 4. A reasonable accommodation may be granted in compliance with this Section without the need for the approval of a variance.
- C. Procedure.
1. A request for reasonable accommodation shall be submitted on an application form provided by the Development Services Department or in the form of a letter to the Director of Development Services, and shall contain the following information:
 - a) The applicant's name, address, and telephone number;
 - b) Address of the property for which the request is being made;
 - c) The current use of the property;
 - ~~d) The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;~~
 - ed) The zoning code provision, regulations, or policy from which reasonable accommodation is being requested; and
 - fe) Without disclosing a medical diagnosis, explain how why the reasonable accommodation is necessary to make the specific property accessible to the individual based on their disability-related limitations.
 2. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by Subsection C1 of this Section for concurrent review with the application for discretionary approval.
 3. A request for reasonable accommodation shall be reviewed by the Director of Development Services or his/her designee, if no approval is sought other than the request for reasonable accommodation. The Director or his/her designee shall make a written determination within 30~~45~~ days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.
 4. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the applicable deciding body~~Planning Commission~~. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the deciding body~~Planning Commission~~ in compliance with the applicable review procedure for the discretionary review.
- D. Approval Findings. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the Application materials. ~~following factors:~~
- ~~1. Whether the housing in the request will be used by a person with a disability under the Acts;~~
 - ~~2. Whether the request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;~~
 - ~~3. Whether the requested reasonable accommodation would impose an undue financial administrative or enforcement burden on the City;~~
 - ~~4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to, land use and zoning;~~
 - ~~5. Potential impact on surrounding uses;~~

~~6. Physical attributes of the property and structures; and~~

~~7. Other reasonable accommodations that may provide an equivalent level of benefit.~~

E. Conditions of Approval. In granting a request for reasonable accommodation, the Director of Development Services or his/her designee, or the Planning Commission as the case might be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation addresses the purpose of this Ordinance~~would comply with the findings~~. The condition shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

F. Appeals.

1. Any person dissatisfied with any action of the Director of Development Services pertaining to this Section may appeal to the Planning Commission within 10 days after written notice of the Director's decision is sent to the applicant. The appeal is taken by filing a written notice of appeal with the Director of Development Services and shall specify the reasons for the appeal and the grounds asserted for relief.
2. Any person dissatisfied with any action of the Planning Commission pertaining to this Section may appeal to the City Council within 10 days after the rendition of the decision of the Planning Commission. The appeal is taken by filing a written notice of appeal with the Director of Development Services and shall specify the reasons for the appeal and the grounds asserted for relief.
3. The City Council shall, by resolution, adopt and from time to time amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid.
4. If an appeal is not filed within the time or in the manner prescribed in this subsection, the right to review of the action against which the complaint is made shall be deemed to have been waived.
5. After filing an appeal, the appropriate hearing body shall conduct a public hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date, and place of hearing shall be given to the appellant, and to any other persons who have filed a written request for notice. Such notices shall be mailed to the appellant and the applicant at least ten days prior to the hearing.
6. The Planning Commission or City Council shall review de novo the entire proceeding or proceedings relating to the decision, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.

SEC. 10-1.600 RESIDENTIAL-OFFICE DISTRICT (RO)²

SEC. 10-1.615 USES PERMITTED IN THE RO DISTRICT.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the RO District.

²Section 10-1.600 amended by Ordinance 13-12 , adopted November 19, 2013.

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- (1) Residential Uses.
 - (a) Boarding Home.
 - (b) Group home (6 or fewer residents, excluding staff. See definitions)
 - (c) Multiple-family dwelling.
 - (d) Single-family dwelling.
 - (2) Other Uses.
 - (a) Day care home. (State-Licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (b) Public agency facilities. (See definitions)
 - b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the RO District:
 - (1) Residential Uses.
 - (a) Accessory dwelling unit(s). ~~(Where primary use is residential. (Also referred to as "Granny flat, in-law unit, second dwelling unit.")~~ See Section 10-1.2740 for criteria and standards.)
 - (b) Second single-family dwelling. (Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc.) can be met for each dwelling)
 - (2) Other Uses.
 - (a) Accessory buildings and uses. (See Section 10-1.245.a & b)
 - (b) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (c) Home Occupation. (See definitions)
 - (d) Household pets.

(Amended by Ordinance 17-16, adopted Nov. 7, 2017)

SEC. 10-1.645 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to the construction of residential and commercial buildings and certain commercial uses in the RO District, including but not limited to cultural, educational, religious or recreational facilities.

~~Single family dwelling~~Residential Uses.

For ~~single family dwellings, additions, accessory buildings and~~residential uses refer to the development criteria and standards contained in ~~the RS District~~Residential Districts, Section 10-1.200.

~~Multiple family dwelling.~~

~~For multiple family dwellings, additions, accessory buildings and uses refer to the development criteria and standards contained in the RM or RH Districts, Sections 10-1.400 and 10-1.500, whichever is most consistent with the General Policies Plan and Neighborhood Plan.~~

SEC. 10-1.700 MOBILE HOME PARK DISTRICT (MH)³

SEC. 10-1.715 USES PERMITTED.

- a. Primary uses.
Mobile home(s).
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the MH District:
 - (1) Accessory buildings and uses.
 - (2) Garage sale. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (3) Home occupation. (See definitions)
 - (4) Household pets.
 - (5) Sales and display of mobile homes.
 - (6) [Day care home. \(State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions\)](#)

SEC. 10-1.750 SUSTAINABLE MIXED USE DISTRICT (SMU)⁴

SEC. 10-1.765 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the SMU District as primary uses:
 - (1) Residential Uses.
Multiple-family dwelling units. (at 25.0 to 55.0 units per net acre.)
 - (2) Retail.
 - (a) Bakery
 - (b) Bookstore
 - (c) Card shop
 - (d) Coffee/espresso shop
 - (e) Delicatessen
 - (f) Floral shop

³Note(s)—Amended by Ordinance 13-06 , adopted May 21, 2013.

Section 10-1.700 amended by Ordinance 13-12 , adopted November 19, 2013.

⁴Section 10-1.750 added by Ordinance 09-08, adopted July 7, 2009.

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- (g) Gift shop
 - (h) Jewelry store
 - (i) Supermarket
 - (3) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices
 - (b) Law offices
 - (c) Medical and dental offices
 - (4) Personal Services.
 - (a) Barber or beauty shop
 - (b) Dry cleaner/laundry
 - (c) Nail salon
 - (d) Tailor/seamstress shop
 - b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the SMU District:
 - (1) Residential Uses.
 - (a) Accessory Dwelling Unit (s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)
 - (2) Other Uses.
 - (a) Home Occupation. (See definitions)
 - ~~(2) (b)~~ Household pets.
 - (3) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)

SEC. 10-1.800 NEIGHBORHOOD COMMERCIAL DISTRICT (CN)⁵

SEC. 10-1.815 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CN District as primary uses.
 - (1) Administrative and Professional Offices/Services.

⁵Note(s)—Section 10-1.815a.(5) amended by Ordinance 04-19, adopted December 21, 2004.

Section 10-1.820a. amended by Ordinance 01-01, adopted January 16, 2001.

Section 10-1.820b. amended by Ordinance 99-18, adopted October 12, 1999; Ordinance 04-19, adopted December 21, 2004; Section 10-1.845w. added by Ordinance 01-08, adopted July 17, 2001; Section 10-1.845 amended by Ordinance 07-16, adopted November 6, 2007.

Section 10-1.800 amended by Ordinance 13-12, adopted November 19, 2013.

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- (a) Accounting and financial offices (not including check-cashing business).
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
- (2) Automobile Related Uses.
- Automobile parts store.
- (3) Personal Services.
- (a) Barber or beauty shop.
 - (b) Dance studio.
 - (c) Dry cleaner/laundry.
 - (d) Martial arts studio.
 - (e) Music studio.
 - (f) Nail salon.
 - (g) Palm reading service.
 - (h) Photography studio.
 - (i) Physical fitness studio.
 - (j) Shoe repair shop.
 - (k) Tailor/seamstress shop.
- (4) Residential Uses.
- (a) Residential dwelling unit(s). (Above first floor commercial uses only)
- (b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
- (5) Retail Commercial Uses.
- (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bakery.
 - (e) Bicycle shop.
 - (f) Bookstore.
 - (g) Camera store.

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- (h) Card shop.
 - (i) Carpet/drapery store.
 - (j) Clothing store.
 - (k) Consignment store.
 - (l) Coffee/espresso shop.
 - (m) Delicatessen.
 - (n) Fabric store.
 - (o) Floral shop.
 - (p) Furniture store.
 - (q) Garden supplies store.
 - (r) Gift shop.
 - (s) Hardware store.
 - (t) Jewelry store.
 - (u) Locksmith shop.
 - (v) Music store.
 - (w) Nursery (plant).
 - (x) Paint/wallpaper store.
 - (y) Pet grooming shop.
 - (z) Pet store.
 - (aa) Plumbing and heating store.
 - (bb) Restaurant. (Where not abutting a residential district or property and no bar)
 - (cc) Sporting goods store.
 - (dd) Stationary store.
 - (ee) Supermarket.
 - (ff) Theater. (Small Motion Picture or Live Performance only.)
 - (gg) Thrift store.
 - (hh) Toy store.
 - (ii) Variety store.
 - (jj) Video sales and rental store.
 - (6) Service Commercial Uses.
 - (a) Copying or reproduction facility.
 - (b) Mailing or facsimile service.
 - (c) Reverse vending machine(s). (When located within a convenience zone)
 - (7) Other Uses.

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- (a) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
 - (b) Catering facility.
 - (c) Christmas tree or pumpkin patch lot. (See Section 10-1.2735c. for standards)
 - (d) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions.
 - (e) Educational facility. Small, generally less than 2,000 square feet, designed to augment the learning process of elementary and secondary students.
 - (f) Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CN District:
- (1) Accessory buildings and uses. (See Section 10.1.845)
 - (2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735d.)
 - (3) Home Occupation. (See definitions)
 - (4) Household pets.
 - (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

SEC. 10-1.900 NEIGHBORHOOD COMMERCIAL-RESIDENTIAL DISTRICT (CN-R)⁶

SEC. 10-1.915 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CN-R District as primary uses:
- (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices. (Excluding check cashing store.)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic or acupuncture office.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
 - (2) Automobile Related Uses.

⁶Note(s)—Repealed and replaced by Ordinance 06-14, adopted July 11, 2006.
Section 10-1.900 amended by Ordinance 13-12 , adopted November 19, 2013.

None.

(3) Personal Services.

- (a) Barber or beauty shop.
- (b) Dance studio.
- (c) Dry cleaner/laundry.
- (d) Martial arts studio.
- (e) Music studio.
- (f) Nail salon.
- (g) Palm reading service.
- (h) Photography studio.
- (i) Physical fitness studio.
- (j) Shoe repair shop.
- (k) Tailor/seamstress shop.

(4) Residential Uses.

(a) Residential dwelling unit(s). (Above first floor non-residential uses only; required at 27.0 to 55.0 units per net acre above ground-floor commercial uses in the SD6 Special Design District)

(b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.

(5) Retail Commercial Uses.

- (a) Antique store.
- (b) Appliance store.
- (c) Art and art supplies store.
- (d) Bakery.
- (e) Bicycle shop.
- (f) Bookstore.
- (g) Camera store.
- (h) Card shop.
- (i) Carpet/drapery store.
- (j) Clothing store.
- (k) Coffee/espresso shop.
- (l) Delicatessen.
- (m) Fabric store.
- (n) Floral shop.
- (o) Furniture store.
- (p) Garden supplies store.

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- (q) Gift shop.
 - (r) Hardware store.
 - (s) Jewelry store.
 - (t) Locksmith shop.
 - (u) Music store.
 - (v) Nursery (plant).
 - (w) Paint/wallpaper store.
 - (x) Pet grooming shop.
 - (y) Pet store.
 - (z) Plumbing and heating store.
 - (aa) Restaurant. (Where not abutting a residential district or property and no bar)
 - (bb) Sporting goods store.
 - (cc) Stationary store.
 - (dd) Supermarket.
 - (ee) Theater (Small Motion Picture or Live Performance only.)
 - (ff) Thrift store.
 - (gg) Toy store.
 - (hh) Variety store.
 - (ii) Video sales and rental store.
 - (6) Service Commercial Uses.
 - (a) Copying or reproduction facility.
 - (b) Mailing or facsimile service.
 - (c) Reverse vending machine(s). (When located within a convenience zone)
 - (7) Other Uses.
 - (a) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
 - (b) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735c. for standards)
 - (c) Day Care Center. (Less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)
 - (d) Educational facility. (Small, generally less than 2,000 sq. ft. design to augment the education)
 - (e) Public agency facilities.
 - b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CN-R District:
 - (1) Accessory buildings and uses (See Section 10.1.845a.—d.).
 - (2) Garage sales (4 per year per dwelling. See Section 10-1.2735d.).

(3) Home Occupation (See definitions).

(4) Household pets.

(5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

SEC. 10-1.920 CONDITIONALLY PERMITTED USES.

a. Administrative Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CN-R District, subject to the approval of an administrative use permit:

(1) Administrative and Professional Offices/Services.

Medical/Dental laboratory.

(2) Automobile Related Uses.

Parking lot.

(3) Personal Services.

Massage parlor. (When located within an established beauty or tanning salon)

(4) Residential Uses.

Multiple-family dwellings with ground level units. (Not allowed in the SD6 Special Design District.)

(5) Retail Commercial Uses.

None.

(6) Service Commercial Uses.

Restaurants. (When abutting residential district or use or containing a bar.)

(7) Other Uses.

(a) Animal grooming service.

(b) Animal hospital.

(c) Convalescent hospital.

(d) Cultural facility.

(e) Educational facility.

(f) Home occupation - expanded.

(g) Recreational facility.

(h) Religious facility.

(i) Temporary use.

(j) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff).

b. Conditional Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CN-R District subject to approval of a conditional use permit:

(1) Administrative and Professional Offices/Services.

(a) Check cashing store.

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- (b) Payday loan facilities.
 - (2) Automobile Related Uses.
 - None.
 - (3) Personal Services.
 - (a) Massage parlor. (When not located within an established beauty or tanning salon)
 - (b) Tattoo parlor.
 - (4) Residential Uses.
 - None.
 - (5) Retail Commercial Uses. (See General Regulations Sections 10-1.2750
 - (a) Bar, Cocktail lounge. et seq. for regulations of alcohol.)
 - (b) Dance or night club.
 - (c) Liquor store.
 - (d) Theater, Large Motion Picture (See Section 10-1.1045 for special requirements; not allowed in the SD6 Special Design District.)
 - (6) Service Commercial Uses.
 - None.
 - (7) Other Uses.
 - None.

SEC. 10-1.945 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

The City recognizes that high-quality design of commercial and residential structures can contribute to a positive appearance of commercial districts and neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to the construction of residential and commercial buildings and certain commercial uses in the CN-R District, including but not limited to cultural, educational, religious or recreational facilities.

Multiple-family dwelling Residential Uses.

For ~~multiple-family dwellings~~residential uses, refer to the criteria and standards contained in ~~the RM or RH Residential~~ Districts, Sections 10-1.400-200and 10-1.500 respectively, ~~whichever is most consistent with the General Plan and associated Neighborhood Plan.~~

Non-Residential Uses.

For commercial buildings and uses, including but not limited to cultural, educational, religious or recreational facilities, refer to the criteria and standards contained in the CN District, Section 10-1.800.

All non-residential uses are subject to the following requirements; provided, however, that exceptions from these requirements may be authorized by approval of a conditional use permit:

- (1) Offices shall be no larger than 2,000 square feet and no more than 2,000 square feet of office space may be contained in any building or group of buildings on a parcel or building site.
- (2) Operating hours shall not begin before 7:00 a.m. nor end after 10:00 p.m.

Mixed-Use Development.

~~Mixed-use development, which entails residential uses over ground floor non-residential uses, shall be subject to the following requirements:~~

- ~~(1) Shall provide separate entrances, isolation of noise and smell-generating activities, and other compatibility features shall be addressed.~~
- ~~(2) Special attention shall be given to architectural and landscape continuity, vehicular access and attractive pedestrian orientation. Where at all possible, parking in front of the building shall be avoided.~~
- ~~(3) A minimum of 150 square feet of usable open space per residential dwelling unit shall be provided.~~

~~In the SD6 Special Design District:~~

- ~~(a) For at least 40% of the units in each development, a minimum of one hundred (100) square feet of usable private open space, consisting of a private yard, patio, porch, deck balcony or a combination of the above, shall be provided for each unit.~~
- ~~(b) All developments shall provide a minimum fifteen percent (15%) of the lot area plus 100 square feet per unit for each unit that is not provided private open space as usable common open space for passive and active recreational uses. Usable open space areas shall not include public or private rights of way; vehicular parking area; areas adjacent to or between structures less than fifteen (15) feet apart; required building setback areas; private patios or yards; or areas having a slope greater than 3:1. Usable open space can include roof decks (including roof deck above structured or podium parking) or interior group open space accessible to all residents in the development.~~
- ~~(c) All common opens space associated with developments shall have, at a minimum, a landscaped area of six hundred (600) square feet complete with two (2) benches. Additional amenities may include, but are not limited to, a swimming pool, spa, tot lot with play equipment, picnic shelter with barbecue area, court game facilities and indoor exercise facilities. The types of amenities shall be dependent upon the nature of development and shall be approved by the reviewing authority.~~
- ~~(4) Studio apartments shall be required to have only one covered off-street parking space per dwelling unit.~~

~~In the SD6 Special Design District, residential units are allowed a maximum of 1.5 spaces per studio or one-bedroom unit and 2.0 spaces for units with two or more bedrooms; non-residential uses are required to provide 1.0 space for each 315 square feet of non-residential gross floor area.~~
- ~~(5) For properties located along Mission Boulevard between Harder Road and Industrial Parkway, compliance with provisions in the SD6 Special Design District.~~

SEC. 10-1.1000 GENERAL COMMERCIAL DISTRICT (CG)⁷

SEC. 10-1.1015 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CG District as primary uses.
 - (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices. (Excluding check cashing stores)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
 - (2) Automobile Related Uses.
 - (a) Automobile parts store.
 - (b) Automobile dealership. (Dealership selling primarily new vehicles, when all minimum design standards are met and when located along Mission Blvd. between Highland/Sycamore and 700 feet south of Harder Road.)
 - (3) Personal Services.
 - (a) Barber or beauty shop.
 - (b) Dance studio.
 - (c) Dry cleaner/laundry.

⁷Section 10-1.1015 a.(5)(ee) added by Ordinance 04-19, adopted December 21, 2004.

Section 10-1.1020 a.(3) amended by Ordinance 03-08, adopted May 27, 2003.

Section 10-1.1020 b.(1)(b) amended by Ordinance 99-18, adopted Oct. 12, 1999.

Section 10-1.1020 b.(5) amended by Ordinance 04-19, adopted December 21, 2004.

Section 10-1.1045 g. amended by Ordinance 03-08, adopted May 27, 2003.

Section 10-1.1045 h. added by Ordinance 03-08, adopted May 27, 2003.

Section 10-1.1045 v. added by Ordinance 01-08, adopted July 17, 2001.

Section 10-1.1045 w. added by Ordinance 04-19, adopted December 21, 2004.

Section 10-1.1015 a., 10-1.1020 a., 10-1.1045, and 10-1.1045 h. amended by Ordinance 06-11, adopted July 11, 2006.

Section 10-1.1005 through 10-1.1020 amended by Ordinance 13-14, adopted November 19, 2013.

Section 10-1.1000 amended by Ordinance 13-12, adopted November 19, 2013.

Section 10-1.1000 amended by Ordinance 14-17, adopted July 1, 2014.

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- (d) Health club.
 - (e) Martial arts studio.
 - (f) Music studio.
 - (g) Nail salon.
 - (h) Palm reading service.
 - (i) Photography studio.
 - (j) Physical fitness studio.
 - (k) Shoe repair shop.
 - (l) Tailor/seamstress shop.
- (4) Residential Uses.
- (a) Residential dwelling unit(s). (Above first floor commercial uses only)
 - (b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
- (5) Retail Commercial Uses.
- (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bakery.
 - (e) Bicycle store.
 - (f) Bookstore.
 - (g) Camera store.
 - (h) Card shop.
 - (i) Carpet/drapery store.
 - (j) Clothing store.
 - (k) Consignment store.
 - (l) Coffee/Esspresso shop.
 - (m) Delicatessen.
 - (n) Fabric store.
 - (o) Floral shop.
 - (p) Furniture store.
 - (q) Gift shop.
 - (r) Hardware store.
 - (s) Jewelry store.
 - (t) Locksmith shop.

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- (u) Music store.
 - (v) Nursery (plant).
 - (w) Paint/wallpaper store.
 - (x) Pet grooming shop.
 - (y) Pet store.
 - (z) Plumbing and heating store.
 - (aa) Restaurant. (Where not abutting a residential district or property and with no bar)
 - (bb) Sporting goods store.
 - (cc) Stationary store.
 - (dd) Supermarket.
 - (ee) Theater (Small Motion Picture or Live Performance only.)
 - (ff) Thrift shop.
 - (gg) Toy store.
 - (hh) Variety store.
 - (ii) Video sales and rental store.
- (6) Service Commercial Uses.
- (a) Appliance service and repair shop. (Not ancillary to a primary use.)
 - (b) Copying or reproduction facility.
 - (c) Equipment rental.
 - (d) Hotel or motel.
 - (e) Mailing or facsimile service.
 - (f) Not Used
 - (g) Reverse vending machine(s). (When located within a convenience zone.)
 - (h) Upholstery shop (furniture).
- (7) Other Uses.
- (a) Broadcasting studio.
 - (b) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served.)
 - (c) Catering facility. (Where not abutting a residential district or property.)
 - (d) Christmas tree or pumpkin patch lot. (See Section 10-12750 et seq. for standards)
 - (e) Day Care Home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (f) Educational facility. (Small, generally less than 2,000 square feet, designed to augment the learning process of elementary and secondary school students.)
 - (g) Public agency facilities.

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- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CG District:
- (1) Accessory buildings and uses. (See section 10-1.1045)
 - (2) Garage sales. (4 per year per dwelling. See Section 10-1.2735d)
 - (3) Home Occupation. (See definitions)
 - (4) Household pets.
 - (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

SEC. 10-1.1100 COMMERCIAL OFFICE DISTRICT (CO)⁸

SEC. 10-1.1115 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CO District.
- (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices. (excluding check cashing stores)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
 - (2) Automobile Related Uses.

None.
 - (3) Personal Services.
 - (a) Barber or beauty shop.
 - (b) Dance Studio.
 - (c) Dry cleaner/laundry.
 - (d) Martial arts studio.

⁸Section 10-1.1115 a.(4) amended by Ordinance 03-08, adopted May 27, 2003.

Section 10-1.1120 b.(1)(c) amended by Ordinance 99-18, adopted October 12, 1999.

Section 10-1.1125 b. amended by Ordinance 03-08, adopted May 27, 2003.

Section 10-1.1100 amended by Ordinance 13-12 , adopted November 19, 2013.

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- (e) Music studio.
 - (f) Nail salon.
 - (g) Palm reading service.
 - (h) Photography studio.
 - (i) Physical fitness studio.
 - (j) Shoe repair shop.
 - (k) Tailor/seamstress shop.
 - (4) Residential Uses.
 - (a) Multiple-family dwellings.
 - (b) Small group homes associated with single-family dwellings.
 - (c) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
 - (5) Retail Commercial Uses.
 - None.
 - (6) Service Commercial Uses.
 - (a) Copying or reproduction facility.
 - (b) Mailing or facsimile service.
 - (c) Reverse vending machine(s). (When located within a convenience zone)
 - (7) Other Uses.
 - (a) Day Care Home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (b) Public agency facilities.
 - b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CO District:
 - (1) Accessory buildings and uses. (See Section 10-1.845)
 - (2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (3) Home Occupation. (See definitions)
 - (4) Household pets.
 - (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

SEC. 10-1.1145 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to the construction of residential and commercial buildings and certain commercial uses in the CO District, including but not limited to cultural, educational, religious or recreational facilities.

~~Single-family dwelling~~Residential Uses.

For ~~single-family dwellings~~residential uses refer to the applicable criteria and standards contained in the ~~RS Residential~~ Districts, Section 10-1.200.

~~Multiple-family dwelling.~~

For ~~multiple-family dwellings~~ refer to the criteria and standards contained in the ~~RM or RH Districts, Sections 10-1.400 and 10-1.500 respectively, whichever is most consistent with the General Policies Plan Map and Neighborhood Plan.~~

SEC. 10-1.1200 LIMITED ACCESS COMMERCIAL DISTRICT (CL)⁹

SEC. 10-1.1215 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CL District.
 - (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices. (excluding check cashing stores.)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
 - (2) Automobile Related Uses.

None.
 - (3) Personal Services.
 - (a) Barber or beauty shop.
 - (b) Dry cleaner/laundry.
 - (c) Martial arts studio.
 - (d) Music studio.
 - (e) Nail salon.
 - (f) Palm reading service.
 - (g) Physical fitness studio.
 - (h) Shoe repair shop.

⁹Section 10-1.1200 amended by Ordinance 13-12 , adopted November 19, 2013.

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- (i) Tailor/seamstress shop.
 - (4) Residential Uses.
 - (a) Residential dwelling unit(s). (Above first floor commercial uses only)
 - (b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
 - (5) Retail Commercial Uses.
 - (a) Coffee/espresso shop.
 - (b) Delicatessen.
 - (c) Restaurant. (Where not abutting a residential district or property and no bar)
 - (6) Service Commercial Uses.
 - (a) Copying or reproduction facility.
 - (b) Hotel or motel.
 - (c) Mailing or facsimile service.
 - (d) Reverse vending machines. (When located within a convenience zone)
 - (7) Other Uses.
 - (a) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
 - (b) Day Care Home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (c) Public agency facilities.
 - b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CL District:
 - (1) Accessory buildings and uses. (See Section 10.1.1045)
 - (2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (3) Home Occupation. (See definitions)
 - (4) Household pets.
 - (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

SEC. 10-1.1220 CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CL District subject to approval of an administrative use permit:
 - (1) Administrative and Professional Offices/Services.
 - None.
 - (2) Automobile Related Uses.
 - Parking lot.

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- (3) Personal Services.
 - (a) Suntan parlor.
 - (b) Massage parlor. (When ancillary to a primary and related use such as a beauty salon)
 - (4) Residential Uses.
 - None.
 - (5) Retail Commercial Uses.
 - Restaurant. (Where abutting a residential district or property)
 - (6) Service Commercial Uses.
 - Recycling collection area. (When located within a convenience zone.)
 - (7) Other Uses.
 - (a) Hospital, convalescent home.
 - (b) Kennel.
 - (c) Temporary use.
 - (d) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff).

b. Conditional Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CL District subject to approval of a conditional use permit:

- (1) Administrative and Professional Offices/Services.
 - None.
- (2) Automobile Related Uses.
 - Drive-in establishments.
- (3) Personal Services.
 - Massage parlor.
- (4) Residential Uses.
 - None.
- (5) Retail Commercial Uses.
 - Bar, cocktail lounge. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol)
- (6) Service Commercial Uses.
 - None.
- (7) Other Uses.
 - None.

SEC. 10-1.1300 CENTRAL BUSINESS DISTRICT (CB)¹⁰

SEC. 10-1.1315 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District.
- (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices. (excluding check cashing stores)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
 - (2) Automobile Related Uses.
 - Automobile parts store.
 - (3) Personal Services.
 - (a) Barber or beauty shop.
 - (b) Dance studio.
 - (c) Dry cleaner/laundry.
 - (d) Health Club.
 - (e) Martial arts studio.
 - (f) Music studio.
 - (g) Nail salon.
 - (h) Palm reading.
 - (i) Photography studio.
 - (j) Physical fitness studio.

¹⁰Note(s)—Section 10-1.1315a.(5) amended by Ordinance 04-19, adopted December 21, 2004.
Section 10-1.1320b.(1)(b) amended by Ordinance 99-18, adopted October 12, 1999.
Section 10-1.1320b.(5) amended by Ordinance 04-19, adopted December 21, 2004.
Section 10-1.1300 amended by Ordinance 13-12 , adopted November 19, 2013.
Section 10-1.1315(a) amended by Ordinance 13-16 , adopted December 3, 2013.
Section 10-1.1320(a) amended by Ordinance 13-16 , adopted December 3, 2013.

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- (k) Shoe repair shop.
 - (l) Tailor/seamstress shop.
 - (4) Residential Uses.
 - (a) Residential dwelling unit(s). (Above first floor commercial uses only)
 - (b) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
 - (5) Retail Commercial Uses.
 - (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bakery.
 - (e) Bicycle shop.
 - (f) Bookstore.
 - (g) Camera store.
 - (h) Card shop.
 - (i) Carpet/drapery store.
 - (j) Clothing store.
 - (k) Coffee/espresso shop.
 - (l) Delicatessen.
 - (m) Fabric store.
 - (n) Floral shop.
 - (o) Furniture store.
 - (p) Garden supplies store.
 - (q) Gift shop.
 - (r) Hardware store.
 - (s) Jewelry store.
 - (t) Locksmith shop.
 - (u) Music store.
 - (v) Nursery (plant).
 - (w) Paint/wallpaper store.
 - (x) Pet grooming shop.
 - (y) Pet store. (Kennel-When ancillary to Pet Store)
 - (z) Plumbing and heating store.
 - (aa) Restaurant. (Where not abutting a residential district or property and no bar)

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- (bb) Sporting goods store.
 - (cc) Stationary store.
 - (dd) Supermarket.
 - (ee) Theater. (Small Motion Picture or Live Performance only.)
 - (ff) Toy store.
 - (gg) Variety store.
 - (hh) Video sales and rental store.
 - (6) Service Commercial Uses.
 - (a) Copying or reproduction facility.
 - (b) Mailing or facsimile service.
 - (c) Reverse vending machine(s). (When located within a convenience zone)
 - (7) Other Uses.
 - (a) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
 - (b) Broadcasting studio.
 - (c) Catering facility.
 - (d) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
 - (e) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (f) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)
 - (g) Public agency facilities.
 - b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CB District:
 - (1) Accessory buildings and uses. (See Section 10.1.845d.)
 - (2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (3) Home Occupation. (See definitions.)
 - (4) Household pets.
 - (5) Accessory Dwelling Unit(s). (Where primary use is residential. See Section 10-1.2740 for criteria and standards.)

SEC. 10-1.1320 CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District subject to approval of an administrative use permit:
 - (1) Administrative and Professional Offices/Services.
None.

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- (2) Automobile Related Uses. (See Section 10-1.1045.h. for special requirements)
 - (a) Automobile repair (minor and major).
 - (b) Automobile service station.
 - (c) Car wash.
 - (d) Parking lot.
 - (3) Personal Services.
 - Suntan parlor.
 - (4) Residential Uses.
 - None.
 - (5) Retail Commercial Uses.
 - (a) Convenience market. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol)
 - (b) Kennel. (Pet Boarding and Pet Day Care only)
 - (c) Restaurant. (Where abutting a residential district or property and no bar)
 - (6) Service Commercial Uses.
 - (a) Appliance repair shop. (Not ancillary to primary use)
 - (b) Hotel or motel. (Where not abutting a residential district or property)
 - (c) Recycling Collection Area. (When located within a convenience zone)
 - (7) Other Uses.
 - (a) Ambulance service.
 - (b) Auction.
 - (c) Banquet hall. (Where not abutting a residential district or property)
 - (d) Carnival.
 - (e) Catering facility. (Where not abutting a residential district or property)
 - (f) Commercial Amusement.
 - (g) Cultural facility.
 - (h) Educational facility.
 - (i) Home occupation - expanded.
 - (j) Hospital, convalescent home.
 - (k) Outdoor gathering. (See General Regulations Section 10-1.2735.g.)
 - (l) Passenger transportation terminal.
 - (m) Recreational facility.
 - (n) Religious facility.
 - (o) Temporary use.

(p) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff).

- b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District subject to approval of a conditional use permit:
- (1) Administrative and Professional Offices/Services.
 - (a) Check cashing store.
 - (b) Payday loan facilities.
 - (2) Automobile Related Uses.

Drive-in establishment.
 - (3) Personal Services.

Massage parlor.
 - (4) Residential Uses.

Multiple-family dwelling.
 - (5) Retail Commercial Uses. (See General Regulations Section 10-1.2750 et seq. for regulations of alcohol.)
 - (a) Bar, cocktail lounge.
 - (b) Commercial Cannabis Retail Dispensary (See Section 10-1.3600).
 - (c) Dance or night club.
 - (d) Liquor store.
 - (e) Theater, Large Motion Picture. (See Section 10-1.1045 for special requirements.)
 - (6) Service Commercial Uses.

Hotel or motel. (Where abutting a residential district or property.)
 - (7) Other Uses.
 - (a) Banquet hall. (Where abutting a residential district or property.)
 - (b) Catering facility. (Where abutting a residential district or property.)

(Amended by Ordinance 17-15 , adopted Nov. 28, 2017)

SEC. 10-1.1400 REGIONAL COMMERCIAL DISTRICT (CR)¹¹

SEC. 10-1.1415 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CR District, as primary uses.

¹¹Note(s)—Section 10-1.1445d. added by Ordinance 01-08, adopted July 17, 2001.
Entire Section Repealed and Replaced by Ordinance 07-16, adopted November 6, 2007.

(1) Retail Commercial Uses

- (a) Major retail anchor (Minimum 100,000 square feet required)

(2) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.

b. Secondary Uses. The following uses, or uses determined to be similar by the Planning Director, are only permitted as ancillary uses to the primary uses permitted in the CR District:

(1) Retail Commercial Uses. (No minimum square footage required)

- (a) Office supply, furniture and business machine stores.
(b) Electronics store.
(c) Restaurant. (Full service only)
(d) Sporting goods store.
(e) Supermarket.

(2) Automobile Related Uses.

- (a) Service station.

(3) Other Uses.

- (a) Public agency facilities.

(4) Accessory buildings and uses. (See Section 10.1.845)

SEC. 10-1.1520 CENTRAL CITY—COMMERCIAL SUBDISTRICT (CC-C)¹²

SEC. 10-1.1522 CC-C PERMITTED USES.

a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-C District as primary uses.

(1) Administrative and Professional Offices/Services.

- (a) Accounting and financial offices. (Excluding check cashing stores)
(b) Architectural and engineering offices.
(c) Banks and financial institutions.
(d) Chiropractic and acupuncture offices.
(e) Insurance and real estate offices.
(f) Law offices.

¹²Note(s)—Section 10-1.1522a.(5) amended by Ordinance 04-19, adopted December 21, 2004.

Section 10-1.1523b.(5) amended by Ordinance 04-19, adopted December 21, 2004.

Maps in Section 10-1.1524, 10-1.1525 and 10-1.1526 amended August 2006.

Sections 10-1.1520 through 10-1.1523 amended by Ordinance 13-14 , adopted November 19, 2013.

Sections 10-1.1520 amended by Ordinance 13-12 , adopted November 19, 2013.

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- (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
 - (2) Automobile Related Uses.
 - Automobile parts store.
 - (3) Personal Services.
 - (a) Barber or beauty shop. (Excluding college)
 - (b) Dance studio.
 - (c) Dry cleaner/laundry.
 - (d) Health club.
 - (e) Martial arts studio.
 - (f) Music studio.
 - (g) Nail salon.
 - (h) Palm reading.
 - (i) Photography studio.
 - (j) Physical fitness studio.
 - (k) Shoe repair shop.
 - (l) Tailor/seamstress shop.
 - (4) Residential Uses.
 - (a) Residential dwelling unit(s). (Above first floor commercial uses only)
 - (b) Single-family dwelling. (Existing as of May 4, 1993, including accessory structures and uses)
 - (c) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
 - (5) Retail Commercial Uses.
 - (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bicycle store.
 - (e) Bookstore.
 - (f) Camera store.
 - (g) Card shop.
 - (h) Carpet/drapery store.
 - (i) Clothing store.
 - (j) Consignment store.
 - (k) Fabric store.

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- (l) Floral shop.
 - (m) Furniture store.
 - (n) Garden supplies store.
 - (o) Gift shop.
 - (p) Grocer.
 - (q) Hardware store.
 - (r) Jewelry store.
 - (s) Locksmith shop.
 - (t) Music store.
 - (u) Paint/wallpaper store.
 - (v) Pet grooming shop.
 - (w) Pet store.
 - (x) Plumbing and heating store.
 - (y) Restaurant. (No bar)
 - (z) Sporting goods store.
 - (aa) Stationary store.
 - (bb) Supermarket.
 - (cc) Theater. (Small Motion Picture or Live Performance. Large Motion Picture Theater located between A and D Streets and Grand and Second Streets.)
 - (dd) Toy store.
 - (ee) Variety store.
 - (ff) Video sales and rental.
- (6) Service Commercial Uses.
- (a) Appliance repair shop.
 - (b) Copying or reproduction facility.
 - (c) Mailing or facsimile service.
 - (d) Reverse vending machines. (When located within a convenience zone.)
- (7) Other Uses.
- (a) Broadcasting studio.
 - (b) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
 - (c) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions.)
 - (d) Educational facilities. Small, generally less than 2,000 square feet and designed to augment the learning process of elementary and secondary students.

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- (e) Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the primary uses permitted in the CC-C District:
- (1) Accessory buildings and uses. (See Section 10-1.1555.)
 - (2) Accessory dwelling unit (s). ~~(Also referred to as "Granny flat, in-law unit, second dwelling unit.")~~ Where primary use is residential. See Section 10-1.2740 for criteria and standards.]
 - (3) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (4) Home occupation. (See definitions)
 - (5) Household pets.
 - (6) Indoor storage. (Clearly subordinate to a primary or conditional use that is open to the public and which conforms to the policies and goals of the Redevelopment Agency and the Central City-Commercial Subdistrict.)
- (Amended by Ordinance 17-16 , adopted Nov. 7, 2017)

SEC. 10-1.1530 CENTRAL CITY—RESIDENTIAL SUBDISTRICT (CC-R)¹³

SEC. 10-1.1532 CC-R PERMITTED USES.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-R District as primary uses.
- (1) Administrative and Professional Offices/Services.
None.
 - (2) Automobile Related Uses.
None.
 - (3) Personal Services.
None.
 - (4) Residential Uses.
 - (a) Artist's loft. (Live above place of business)
 - (b) Boarding home.
 - (c) Group home. Within existing single-family dwellings. (6 or fewer residents, excluding staff).
 - (d) Multiple-family dwellings. (Density per Downtown Hayward Design Plan)
 - (e) [Reserved.]

¹³Note(s)—Maps in Section 10-1.1534, 10-1.1535 and 10-1.1536 amended August 2006.
Section 10-1.1530 amended by Ordinance 13-12 , adopted November 19, 2013.

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- (f) Single-family dwelling. (Existing as of May 4, 1993, including their accessory structures and uses)
 - (5) Retail Commercial Uses.
 - None.
 - (6) Service Commercial Uses.
 - Reverse vending machines. (When located within a convenience zone.)
 - (7) Other Uses.
 - (a) Ambulance service.
 - (b) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
 - (c) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (d) Public agency facilities.
 - b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the permitted uses in the CC-R Subdistrict:
 - (1) Accessory buildings and uses. (See Section 10.1.1555.)
 - (2) Accessory dwelling unit (s). (Also referred to as "Granny flat, in-law unit, second dwelling unit.") Where primary use is residential. See Section 10-1.2740 for criteria and standards.)
 - (3) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (4) Home occupation. (See definitions)
 - (5) Household pets.
 - (6) Indoor storage. (Clearly subordinate to a primary or conditional use that is open to the public and which conforms to the policies and goals of the Redevelopment Agency and the Central City-Residential Subdistrict.

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017)

SEC. 10-1.1540 CENTRAL CITY—PLAZA SUBDISTRICT (CC-P)¹⁴

SEC. 10-1.1542 CC-P PERMITTED USES.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-P District as primary uses.
 - (1) Administrative and Professional Offices/Services. (Above first floor only)

¹⁴Note(s)—Section 1542a.(5) amended by Ordinance 04-19, adopted December 21, 2004.
Maps in Section 10-1.1544, 10-1.1545 and 10-1.1546 amended August 2006.
Section 10-1.1540 amended by Ordinance 13-12 , adopted November 19, 2013.

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- (a) Accounting and financial offices. (Excluding check cashing stores)
 - (b) Architectural and engineering offices.
 - (c) Banks. (Excluding check cashing stores)
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
- (2) Automobile Related Uses.
- Automobile parts store.
- (3) Personal Services.
- (a) Barber/beauty shop. (Excluding beauty college)
 - (b) Dry cleaning/laundry.
 - (c) Nail salon.
 - (d) Photography studio.
 - (e) Shoe repair.
 - (f) Tailor/seamstress shop.
- (4) Residential Uses.
- (a) Artist's loft. (Live above place of business; non-first floor only)
 - (b) Residential dwelling unit(s).
 - (c) Single-family dwelling(s). (Existing as of May 4, 1993, including their accessory structures and uses, any floor)
 - (d) Residential development as provided in Government Code Sections 65852.24, 65913.4 and 65912.100, as amended from time to time.
- (5) Retail Commercial Uses.
- (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bicycle store.
 - (e) Bookstore.
 - (f) Camera store.
 - (g) Card shop.
 - (h) Carpet/drapery store.
 - (i) Clothing store.
 - (j) Consignment store.

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- (k) Fabric store.
 - (l) Floral shop.
 - (m) Furniture store.
 - (n) Garden supplies store.
 - (o) Gift shop.
 - (p) Hardware store.
 - (q) Jewelry store.
 - (r) Locksmith shop.
 - (s) Music store.
 - (t) Paint/wallpaper store.
 - (u) Pet grooming shop.
 - (v) Pet store.
 - (w) Plumbing and heating store.
 - (x) Restaurant. (No bar)
 - (y) Sporting goods store.
 - (z) Stationary store.
 - (aa) Supermarket.
 - (bb) Theater. (Small Motion Picture, Large Motion Picture or Live Performance.)
 - (cc) Toy store.
 - (dd) Variety store.
 - (ee) Video sales and rental.
 - (6) Service Commercial Uses.
 - (a) Appliance repair shop. (Ancillary to appliance sales)
 - (b) Copying or reproduction facility.
 - (c) Mailing or facsimile service.
 - (d) Reverse vending machines. (When located within a convenience zone)
 - (7) Other Uses.
 - (a) Broadcasting studio.
 - (b) Public agency facilities
 - (c) Parks.
 - (d) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)

b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the permitted uses in the CC-P Subdistrict:

- (1) Accessory buildings and uses. (See Section 10.1.845a.—d.)

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- (2) Accessory dwelling unit(s). ~~(Also referred to as "Granny flat, in-law unit, second dwelling unit.")~~ Where primary use is residential. See Section 10-1.2740 for criteria and standards.)
 - (3) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (4) Home Occupation. (See definitions)
 - (5) Household pets.
 - (6) Indoor storage. (Clearly subordinate to a primary or conditional use that is open to the public and which conforms to the policies and goals of the Redevelopment Agency and the Central City-Plaza Subdistrict.

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017)

SEC. 10-1.1555 MINIMUM DESIGN AND PERFORMANCE STANDARDS FOR CC-C, CC-R, AND CC-P SUBDISTRICTS¹⁵

The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to residential and commercial development allowed in the CC districts, including but not limited to cultural, educational, religious or recreational facilities. ~~The following documents shall be referred to and applied were applicable for development in the CC districts:~~

~~City of Hayward Design Guidelines, November 9, 1993.~~

~~Downtown Hayward Design Plan, July 7, 1992.~~

~~Design Requirements and Guidelines of Downtown Hayward, July 7, 1992.~~

~~Hayward Downtown Historic Rehabilitation District Commercial Design Manual, November 9, 1993.~~

~~The Core Area Plan—Recentering, July 28, 1992.~~

~~Downtown Hayward Redevelopment Plan, July 28, 1992.~~

Single Family Dwelling.

~~For single-family dwellings existing as of May 4, 1993, any addition, accessory building and use shall conform to the Single Family Residential District Minimum Design and Performance Standards, Section 10-1.245, and the following applicable criteria and standards.~~

Multiple Family Dwelling Residential Uses.

For ~~multiple family dwelling(s)~~ residential uses refer to the design criteria contained in ~~the above documents,~~ the Minimum Design and Performance Standards contained ~~in RH Residential Districts, Section 10-1.200, and the~~ following applicable criteria and standards relating to multiple family dwellings.

¹⁵Note(s)—Section 10-1.1555z. added by Ordinance 01-08, adopted July 17, 2001.
Section 10-1.1555 amended by Ordinance 13-12 , adopted November 19, 2013.

SEC. 10-1.1900 AIR TERMINAL DISTRICT (AT)¹⁶

SEC. 10-1.1972 AT-RM USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-RM District, when not specified as an administrative or conditional use.
 - (1) Residential Uses.
 - (a) Multiple-family dwelling.
 - (b) Single-family dwelling.
 - (c) Group home. (See definitions)
 - (2) Other Uses.
 - (a) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (b) Public agency facilities. (See definitions)
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-RM District:
 - (1) Residential Uses.
 - (a) Accessory dwelling unit (s). (Also referred to as "Granny flat, in-law unit, second dwelling unit.") Where primary use is residential. See Section 10-1.2740 for criteria and standards.)
 - (2) Other Uses.
 - (a) Accessory buildings and uses. (See Section 10.1.1985)
 - (b) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
 - (c) Home occupation. (See definitions)
 - (d) Household pets.
 - (e) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff).

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017)

SEC. 10-1.1985 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

This Section establishes design and performance standards that shall apply to the construction of aviation, industrial and commercial buildings and uses in the AT District.

¹⁶Note(s)—Section 10-1.1985dd. added by Ordinance 01-08, adopted July 17, 2001.
Section 10-1-1900 amended by Ordinance 13-12 , adopted November 19, 2013.

Residential Buildings and Uses.

For ~~single-family and multi-family~~ residential buildings and uses, refer to the Minimum Design and Performance Standards contained in the ~~RS and RM Residential~~ Districts, [Section 10-1.200](#).

*SEC. 10-1.2000 AGRICULTURAL DISTRICT (A)*¹⁷

SEC. 10-1.2015 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the A District as primary uses.
 - (1) Agricultural Uses.
 - (a) Crop and tree farming. (Including truck gardening, nurseries, greenhouses, apiaries, hatcheries, aviaries, flower or vegetable gardens and similar uses)
 - (b) Farm or ranch. (For the grazing or breeding of livestock, provided livestock is not kept within a distance of 40 feet from any dwelling, or the boundary of any district other than A or FP Districts.)
 - (c) Sale of fruits, vegetables, and flowers grown on premises. (Provided sales or displays are not conducted from a motor vehicle, or a structure or stand exceeding 300 square feet in area.)
 - (2) Residential Uses.
 - (a) Single-family dwelling.
 - (b) Group home for 6 or fewer residents, excluding staff. (See definitions)
 - (3) Other Uses.
 - (a) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735.c. for standards)
 - (b) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (c) Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the primary uses permitted in the A District:
 - (1) Residential Uses.
 - (a) Accessory dwelling unit(s). (~~Also referred to as "Granny flat, in-law unit, second dwelling unit."~~) Where primary use is residential, -See Section 10-1.2740 for criteria and standards.
 - (b) Second single-family dwelling. (Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc.) can be met for each dwelling).

¹⁷Section 10-1.2020(b)(3) amended by Ordinance 04-13, adopted September 28, 2004.
Section 10-1.2000 amended by Ordinance 13-12, adopted November 19, 2013.

(2) Other Uses.

- (a) Accessory buildings and uses. (Including green houses, stables, barns, corrals, pens, coops, and structures used for parking or processing of products raised upon the premises, and similar uses and structures customarily incidental to agricultural uses. Also see Section 10-1.2735.e.)
- (b) Garage sales. (4 per year per dwelling. See Section 10-1.2735.d.)
- (c) Home occupation. (See definitions)
- (d) Livestock, large and small. (See Section 10-1.2735.e. and definitions.)

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017)

SEC. 10-1.2045 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

This Section establishes design and performance standards that shall apply to the construction of agricultural, commercial, and residential buildings and uses in the A District.

Single-family Dwelling Residential Uses.

For ~~single-family dwellings, additions, accessory buildings and residential~~ uses refer to the applicable criteria and standards contained in the ~~Residential~~ Districts, Section 10-1.20045.

SEC. 10-1.2400 SPECIAL LOT STANDARDS COMBINING DISTRICT (B)

SEC. 10-1.2445 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

Shall be the same as the primary district combined with:

TABLE 2 B DISTRICT LOT REQUIREMENTS						
B Districts	Minimum Lot Size (Sq. Ft.)	Minimum Lot Area Per Primary Use (Sq. Ft.)**	Minimum Lot Frontage (Feet)	Minimum Average Lot Width (Feet)	Maximum Lot Coverage (Percent)	Minimum Average Lot Depth (Feet)
B3.5	6,000	3,500	*	60	*	*
(R)S B4	4,000	4,000	*	50**	*	*
(RM)B4	8,000	4,000	*	60	*	*
B6	6,000	6,000	*	60	*	*
B7	7,500	*	*	70	*	*
B8	8,000	8,000	*	70	*	*
B10	10,000	10,000	*	80	*	*
B20	20,000	20,000**	*	100	*	*
(AT)B25	25,000	25,000**	*	*	*	*
B40	40,000	40,000	*	120	*	*
B2.5A	2.5 acres	2.5 acres**	*	200	*	*
B5A	5 acres	5 acres**	*	250	*	*
B10A	10 acres	10 acres**	*	400	*	*

B100A	100 acres	100 acres**	*	400	*	*
B160A	160 acres	160 acres**	*	400	*	*

Notes:

* Same as primary district combined with.

** ~~Corner lots shall be a minimum of 55 feet in width. Only applies to non-residential primary uses.~~
The number of residential units shall be determined by the allowable density within the underlying General Plan land use designation.

TABLE 3 B DISTRICT YARD REQUIREMENTS				
B Districts	Minimum Front Yard (Feet)	Minimum Side Yard (Feet)	Minimum Side Street Yard (Feet)	Minimum Rear Yard (Feet)
B3.5	*	*	*	*
(R LS)B4	*	*	*	*
(RM)B4	*	*	*	*
B6	*	*	*	*
B7	*	*	*	***
B8	*	*	*	*
B10	*	*	*	*
B20	*	*	*	20
(AT)B25	*	*	*	*
B40	20	**	20	20
B2.5A	30	**	20	30
B5A	30	**	20	30
B10A	30	**	20	30
B100A	30	**	20	30
B160A	30	**	20	30

Notes:

* Same as primary district combined with.

** 40 feet combined, with one side yard not less than 10 feet.

*** Within new subdivisions of ten or more dwellings, one-story dwellings may be as close as ten feet to front and rear property lines as long as there is at least 1,000 square feet of usable open space in the rear yard and garages are at least 20 feet from front property lines.

SEC. 10-1.2600 SPECIAL DESIGN OVERLAY DISTRICT (SD)¹⁸

SEC. 10-1.2610 "B" STREET SPECIAL DESIGN STREETCAR DISTRICT (SD-1).

The following specific design requirements shall apply to the "B" Street Special Streetcar Design District (SD-1).

a. Landscape.

- (1) Sycamore street trees shall be maintained and replaced if missing or deemed unhealthy by the City's Landscape Architect or a certified Arborist.
- (2) Required ~~f~~Front yard setback, except for access driveway, shall be landscaped.
- (3) Solid fencing or other fencing higher than 3 feet shall not be permitted in front yard. Fencing within the required front yard shall be permeable (maximum 75% solid) and a maximum height of 3 feet.

b. Siting.

- ~~(1) Depth of the front yard shall generally conform with adjacent yards of original houses except for commercial uses abutting the railroad and at the corners of "B" and Meekland and "B" and Watkins.~~
- ~~(21) New buildings shall maintain the rhythm of houses at 50-foot intervals, such as, no continuous front wall planes shall span an original lot line elevations may exceed 40 feet, except for commercial non-residential uses abutting the railroad and at the corners of "B" and Meekland and "B" and Watkins.~~
- ~~(32) Primary entrances shall be oriented toward "B" Street.~~
- ~~(43) Parking shall be located to the rear of the front building.~~

c. Architecture.

- (1) Except for possible flat roofs on commercial buildings abutting railroad ~~and at the corners of "B" and Meekland and "B" and Watkins~~, primary roofs shall be hip, gambrel, or gable design.
- (2) ~~Front building entrance shall be featured; r~~Residential entrances shall incorporate a porch, elevated at least 12 inches above the finished grade porch and at least 5 feet deep and 10 feet wide.
- ~~(3) Substantial window areas shall overlook street.~~
- ~~(4) Architecture and materials shall be sympathetic to original Victorian, Colonial Revival, or Craftsman styles; for example, untrimmed openings, garish colors, and plywood siding generally not acceptable.~~

¹⁸Section 10-1.2630 added by Ordinance 03-11, adopted July 22, 2003.

Section 10-1.2630 amended by Ordinance 05-04, adopted July 26, 2005 and became effective May 31, 2006.

Section 10-1.2635 added by Ordinance 06-13, adopted July 11, 2006.

Section 10-1.2640 added by Ordinance 09-07, adopted July 7, 2009.

Section 10-1.2635 repealed by Ordinance 11-12, adopted October 11, 2011.

Section 10-1.2615 repealed by Ordinance 12-02, adopted January 10, 2012.

SEC. 10-1.2615 MISSION CORRIDOR SPECIAL DESIGN DISTRICT (SD-2)

Note(s) — (Repealed by Ordinance 12-02, Adopted January 10, 2012)

SEC. 10-1.2620 COTTAGE SPECIAL DESIGN DISTRICT (SD-3).

a. ~~Design Theme.~~ This overlay district allows an historic pattern of small lot, single-family cottage development near town and transit which would otherwise be precluded by contemporary lot size, front setback, and parking requirements. Cottage development, as defined in Sec. 10-1.2620(b) below, may utilize lesser lot sizes and parking requirements therein; other development within this Special Design District may utilize lesser lot sizes and parking is subject to the requirements of the underlying district ~~and respect the context of small-scale residential development in design and siting. Typical pioneer cottages have a medium pitch hip or gable roofs; double-hung, vertical windows, symmetrically arranged; wide horizontal wood siding; front porches across all or most of the front elevation with decorative wood post and balustrade; exterior steps ascending from raised basement level and white picket fences. Later Victorian cottages with more decorative elements and still later Craftsman cottages have related rooflines, materials, and orientation to the street.~~

b.a. Parameters of Cottage Development.

- (1) A cottage ~~should~~shall not exceed 1,200 square feet of living space or have more than 900 square feet on one floor.
- (2) Maximum Building Height: 28 feet.
- (3) Minimum Lot Size: 2,800 square feet.
- (4) Minimum Lot Width: 35 feet.
- (5) Minimum Front Setback: 10 feet, ~~unless nearest cottage on same street has less.~~
- (6) Minimum Side Setback: 5 feet.
- (7) Minimum Rear Setback: 20 feet.

c.b. Driveways and Parking. ~~The Cottage District development pattern was established before cars, and suits households with one or no motor vehicles. One off-street parking~~ placed space per cottage is required; ~~a single-car garage in a raised basement or back yard, or nearby leased parking, may be appropriate depending upon site circumstance.~~ Driveways ~~should~~shall generally be limited to a 10 feet and ~~in no cases~~shall not exceed 30 percent of the lot width. Double-car garages in the front street elevation are prohibited.

d.c. Fences and Street Lighting. Front fences ~~should~~shall be white picket fences; ~~walls across the front of the lot and chain link fences are prohibited.~~ A ~~lantern-style~~ pedestrian light ~~near~~within five feet of the sidewalk at the front entry walkway shall be provided.

e.d. Architecture. ~~Typical pioneer cottages have a medium pitch hip or gable roofs; double-hung, vertical windows, symmetrically arranged; wide horizontal wood siding; front porches across all or most of the front elevation with decorative wood post and balustrade; exterior steps ascending from raised basement level and white picket fences. Later Victorian cottages with more decorative elements and still later Craftsman cottages have related rooflines, materials, and orientation to the street.~~ New cottage development ~~should~~shall ~~continue themes of~~have horizontal wood siding on all facades, hip or gable rooflines ~~of medium pitch~~, and a front entry porch equal to at least 60 percent of the width of the front facing façade that is at least 12 inches above the finished grade and at least 5 feet deep and 15 feet wide. ~~that is expansive relative to the size of the cottage.~~

SEC. 10-1.2625 CANNERY AREA SPECIAL DESIGN DISTRICT (SD-4).

Consistent with the General Plan, the purpose of the Cannery Area Special Design District (SD-4) is to implement policies embodied in the Cannery Area Design Plan. The Cannery Study Area contains older industrial uses that are surrounded by residential areas. The Design Plan envisions conversion of the industrial uses to commercial uses, residential uses, or mixed uses, as appropriate. The following design requirements shall apply to the Cannery Area Special Design District (SD-4):

- a. Design Theme. The overall layout and design of development proposed within this district shall be consistent with the provisions of the Cannery Area Design Plan.
- ~~b. Administrative Use Permits. Pursuant to requirements of the Industrial (I) District, any industrial use(s), or uses determined to be similar by the Planning Director, located on a parcel(s) which abuts an R, A, MH, OS or residential PD zoning district, shall require the approval of an Administrative Use Permit.~~
- ~~eb.~~ Block Pattern and Street Layout. The overall block pattern and street layout in proposed developments shall conform to the Design Concept as contained in the Cannery Area Design Plan. The design of streets and the width of the public right-of-way shall be consistent with the Park and Street Network and Street Sections and Plans as contained in the Cannery Area Design Plan.
- ~~ec.~~ Development Densities. Densities of new development shall be consistent with the applicable General Plan designations and shall further conform to the densities specified in the Land Use plan as contained in the Cannery Area Design Plan.
- ~~ed.~~ Live-Work Spaces. Live-work developments shall be located within ~~the~~ designated blocks as indicated in the Cannery Area Design Plan. The design of live-work developments shall be consistent with the guidelines for Typical Blocks as contained in the Cannery Area Design Plan and with any ordinances or other guidelines that may be subsequently adopted by the City.
- ~~fe.~~ Building Setbacks. The required setback for new development shall be 10' as indicated by the Build-to-Line shown on the Design Concept and Land Use maps in the Cannery Area Design Plan. Architectural features such as cornices, eaves, open porches, bay windows, and canopies may extend into the required front yard as specified in the Cannery Area Design Plan.
- ~~gf.~~ Parks and Open Space. Parks and other open space proposed within new developments shall be consistent with the Park and Street Network as contained in the Cannery Area Design Plan.

SEC. 10-1.2630 MISSION-GARIN AREA SPECIAL DESIGN DISTRICT (SD-5).

- ~~a. Purpose.~~ The purpose of the Mission-Garin Area Special Design District (SD-5) is to ensure the orderly development of the Mission-Garin Area (see map, below), consistent with the policies and strategies contained in the General Plan and the provisions of the Hillside Design Guidelines. Cin this District, clustering of residential development is encouraged, with development located so as to avoid geologic hazards, minimize grading and preserve significant natural site features, such as rock outcroppings, nature trees, natural drainage courses and scenic views. Preferred hillside development includes clustering of dwelling units, whether single-family or multi-family detached or attached, separated by inter-connected natural open space or greenbelt corridors.

This District establishes the total dwelling unit potential (see table, below) for the area within the District and sets forth development standards and design guidelines that apply to future development within this District.

- ~~ba.~~ Dwelling Unit Allocation. Development for any parcel or combination of parcels ~~shall will~~ be consistent with the dwelling unit allocation set forth in the table ~~set forth~~ below. Adjustments to the dwelling unit allocations for specific properties may be considered by the City Council based on presentation of more

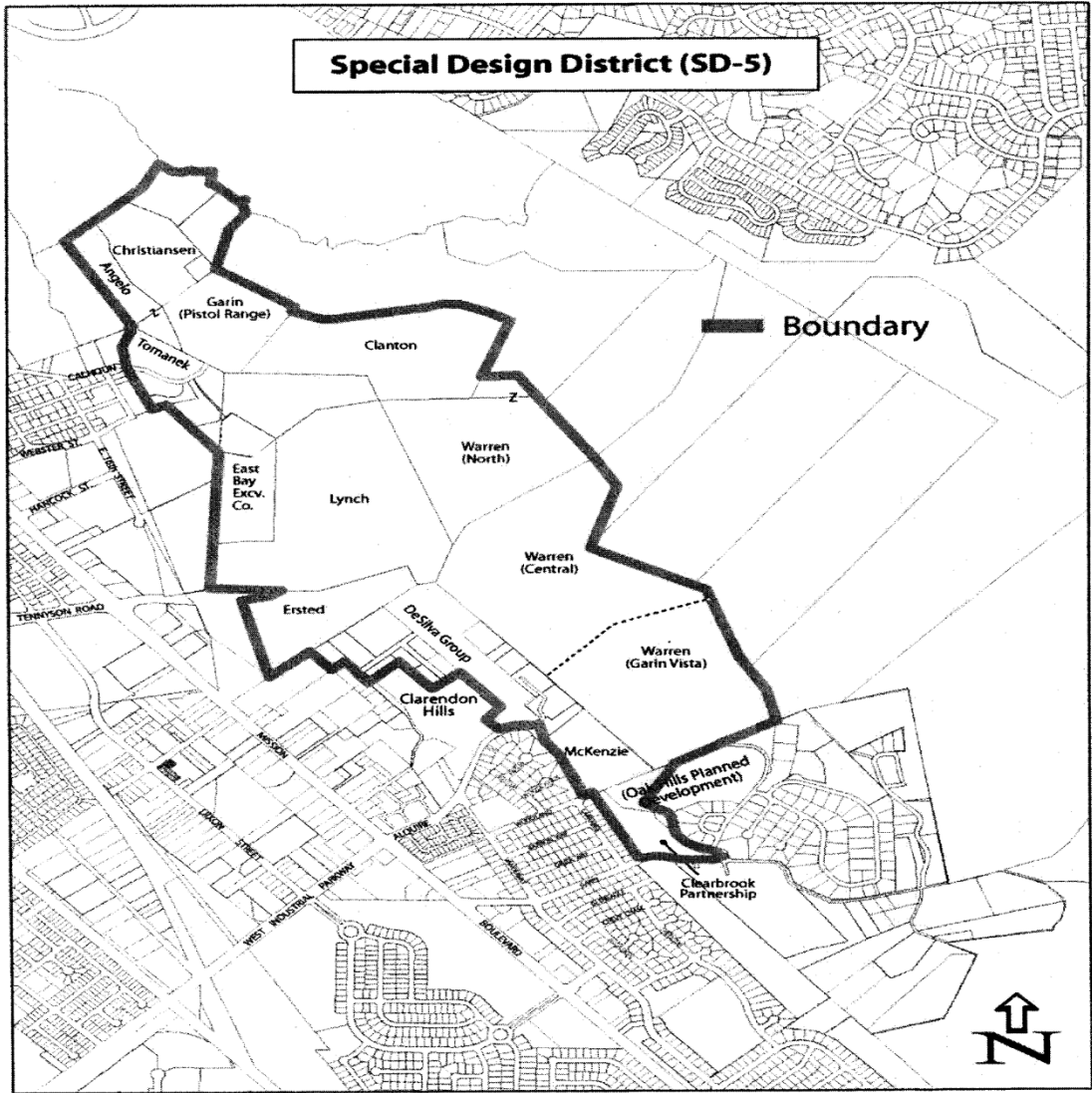
detailed data, findings of site-specific environmental analyses, and/or as a result of the application of the development standards outlined below during the review of individual development projects. In no case will the total number of dwelling units exceed the maximum shown for the entire District. For any parcels not specifically identified in the attached table, the number of dwelling units to be allocated ~~will~~shall be determined by the City Council in a manner consistent with that used for properties included in the table and supported by adequate environmental analysis.

~~cb. Development Standards and Design Guidelines. Clustering of residential development is encouraged, with development located so as to avoid geologic hazards, minimize grading and preserve significant natural site features, such as rock outcroppings, nature trees, natural drainage courses and scenic views. Preferred hillside development includes clustering of dwelling units, whether single-family or multi-family, separated by inter-connected natural open space or greenbelt corridors.~~

New development ~~sh~~will adhere to the following development standards ~~and design guidelines. To the extent that the following provisions conflict with the Hillside Design and Urban/ Wildland Interface Guidelines, the following standards shall prevail. As required by the established review process, proposed development projects will be referred to the Planning Commission and, as appropriate, the City Council, for review and action.~~

- ~~(1) In order to promote the preservation of natural features while achieving the development potential established for this District, Planned Development applications may be required.~~
- ~~(21)~~ Development is not permitted within areas where natural slopes are ~~generally~~ greater than 25 percent.
- (3) Grading ~~will~~shall be consistent with the Hillside Design Guidelines ~~and Section 10-1.204(HG). For developments on slopes greater than 15 percent, at least 50 percent of the dwelling units will~~shall feature a stepped design.
- (4) The slope of streets ~~sh~~will not exceed 12 percent unless ~~necessary to minimize significant grading permitted by the Fire Marshall and Public Works Director.~~
- (5) Pedestrian ~~movement will be encouraged through the provision of~~ pathways ~~are required~~ on at least one side of the street. ~~On longer streets, p~~ Pedestrian links between streets ~~sh~~will be provided at a minimum of 750-foot intervals.
- (6) New construction, including new roadways, ~~will~~shall be set back at least 100 feet from the top of any creek bank.
- (7) Exposed drainage systems ~~will~~shall be constructed of ~~river rock or grassy swales or similar, as approved by the Public Works Director. materials that blend with the natural environment (e.g., grassy swales or river rock).~~
- ~~(8) Development plans will feature the preservation of the greatest possible number of native trees, consistent with provisions of the Tree Preservation Ordinance.~~
- ~~(9) Structures will be of high quality design, compatible with the natural surroundings and will feature darker earth tone colors.~~
- ~~(10) Lower portions of homes will be screened through the plantings of native trees and shrubs.~~
- ~~(11) Preservation of views toward the bay in the hillsides will be incorporated into the design and layout of developments.~~
- ~~(128)~~ Detached ~~single family~~ residential development projects ~~will~~shall include at least 10% ~~percent~~ one-story units. ~~A lesser amount may be considered based on topographic conditions.~~
- ~~(13) Architectural plans should utilize stepped or transitional front elevations, with the entries and windows visible from the street. The plans should feature alternating roof lines and forms, and incorporate decorative siding materials, entry doors and windows.~~

- (149) Densities shall be developed to no less than ~~the midpoint for the assigned density range~~ 50 percent of the maximum allowable.
- (1510) ~~Computer visual simulations~~ Three dimensional renderings are required as part of application submittals for any new development. ~~Vantage points are to be approved by staff.~~



Mission-Garin Area Special Design (SD-5) District
Maximum Total Dwelling Unit Potential

The SD-5 special design district comprises approximately 363 acres. The maximum dwelling unit potential shown in the table below excludes parcels/areas totaling approximately 57 acres within the district that are considered as developed or rural home sites with little potential for subdivision due to size, slope, earthquake faults, etc.

Owners of Parcels	Maximum Potential Dwelling Units
Christiansen	1

Angelo	1
Garin (Pistol Range)	1
Tomanek	1
Clanton	3
Ersted	115
La Vista Quarry ¹	16
Warren (Garin Vista)	115
McKenzie	54
Clearbrook Partnership ²	13
TOTALS:	320

¹ Consists of the following parcels/areas: Lynch/East Bay Excavating Co./Warren (North)/Warren (Central)/DeSilva Group

² Does not include the potential for an additional 12 dwelling units associated with the approved Oak Hills Planned Development

~~SEC. 10-1.2635 SOUTH HAYWARD BART/MISSION BOULEVARD SPECIAL DESIGN DISTRICT (SD-6).~~

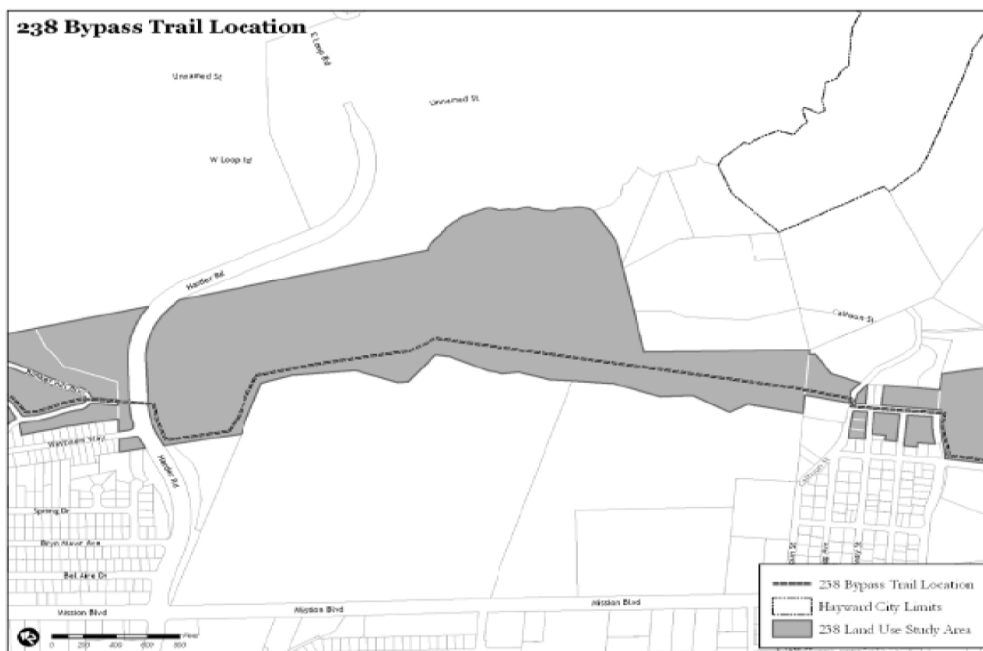
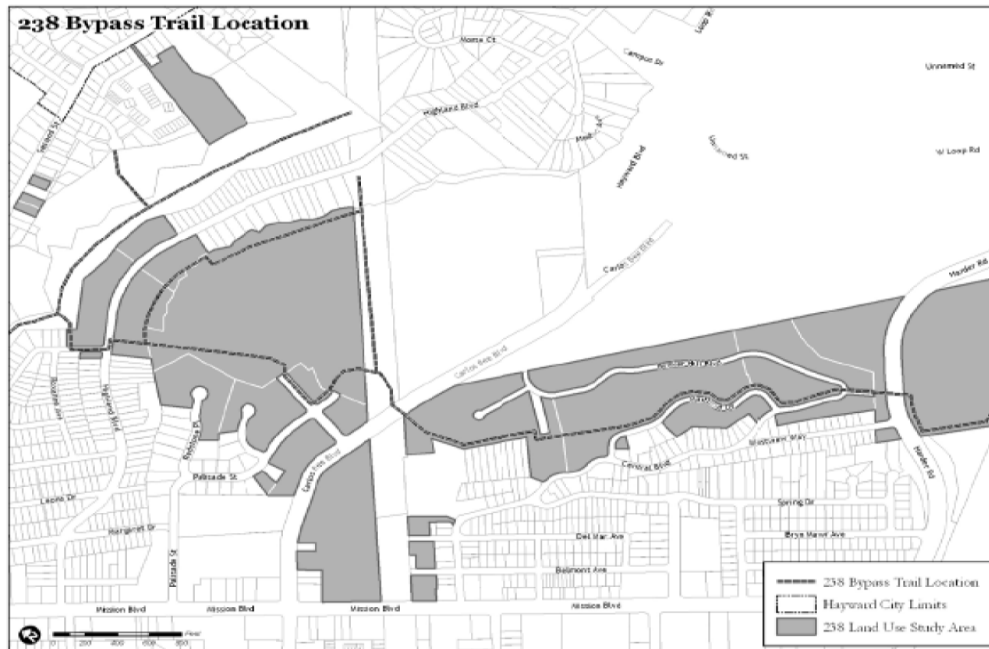
~~Note(s) — (Repealed by Ordinance 11-12, Adopted October 11, 2011)~~

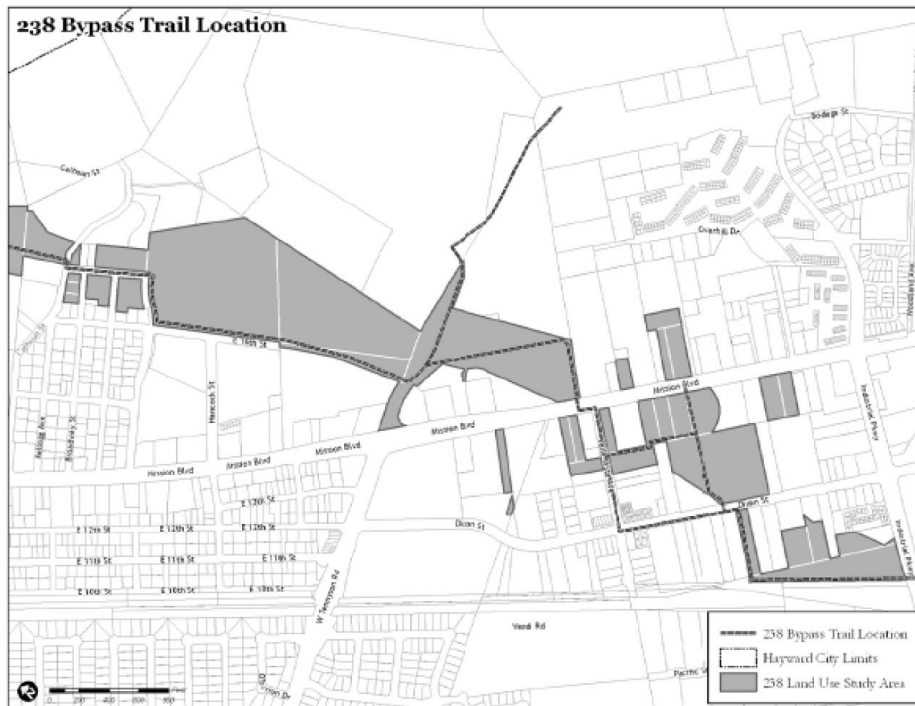
SEC. 10-1.2640 HAYWARD FOOTHILLS TRAIL (SD-7).

~~a. Purpose.~~ The purpose of the Hayward Foothills Trail Special Design District (SD-7) is to ensure the orderly development of a continuous trail as properties involved in the 238 Bypass Land Use Study are developed. The District establishes the general location for the trail (see map, below) as well as the standards and guidelines for establishing the trail.

~~ba.~~ Development Standards and Design Guidelines. The development of the trail shall adhere to the following development standards and design guidelines.

- (1) The trail ~~is envisioned to shall~~ be a 16-foot wide trail within a 20-foot wide area ~~where possible~~, to accommodate multiple users. A reduced width may be approved by the Planning Director and the Hayward Area Recreation and Park District (HARD) where the standard width is infeasible.
- (2) The trail ~~is envisioned to shall~~ be established ~~generally~~ in the locations as shown on the maps below unless an alternative route is approved by the Planning Director and HARD.
- ~~(3) Where the trail traverses individual properties, it is envisioned to be developed in a location which will maximize the future development potential of the property.~~
- ~~(4)~~ The trail design shall be ~~developed in coordination and~~ approved by the Hayward Area Recreation and Park District (HARD) ~~and~~ in accordance with the District's trail standards.
- ~~(5)~~ The trail shall be developed in areas where the ~~rational~~ slope is less than 25 percent, ~~if possible~~.
- ~~(6)~~ The trail shall be a multi-use trail for pedestrian and bicycles and shall be available to the entire Hayward community as well as visitors to the Hayward community.
- ~~(7)~~ Residential or non-residential development adjacent to the trail shall maintain at least a ten foot setback from the edge of the trail, ~~where feasible~~.





SEC. 10-1.2700 GENERAL REGULATIONS¹⁹

SEC. 10-1.2720 SPECIAL LOT REQUIREMENTS.

No parcel of land shall hereafter be reduced or divided so as to provide less than the minimum lot size or dimensions required in the district in which such land is situated unless otherwise authorized by provisions of this ordinance and/or the Subdivision Regulations.

- a. Minimum Lot Frontage. Except as provided herein, each lot shall have a minimum frontage of 35 feet.
- b. Lot Frontage Exception for Flag Lot(s). In the case of a flag lot(s) that has been approved in accordance with the provisions of the Chapter 10, Article 3, of the Hayward Municipal Code (Subdivision Ordinance), minimum frontage requirements may be reduced as follows:

¹⁹Section 10-1.2735 k. amended by Ordinance 03-08, adopted May 27, 2003.

Section 10-1.2735 b. repealed and replaced by Ordinance 06-03, adopted January 24, 2006.

Section 10-1.2735 b. amended by Ordinance 10-01, adopted January 5, 2010.

Section 10-1.2735 b. repealed and replaced by Ordinance 13-12, adopted November 19, 2013.

Section 10-1.2735 c.—k. renumbered by Ordinance 13-12, adopted November 19, 2013.

Sections 10-1.2735 i. amended by Ordinance 15-22, adopted October 13, 2015.

Sections 10-1.2725 g., 10-1.2735 j. amended by Ordinance 15-30, adopted December 1, 2015.

Sections 10-1.2735 e. amended by Ordinance 16-04, adopted January 19, 2016.

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- (1) Frontage for one lot shall be 22 feet, with access via a 16-foot-wide strip of land that provides for a 12-foot-wide paved travelway;
 - (2) Frontage for two or more lots shall be 28 feet, with access via a 24-foot-wide strip of land that provides for an 18-foot-wide paved travelway.
 - (3) As determined by the Planning Director or other approval authority, where feasible, adjoining flag lots may share a common access so long as the above standards are met.
 - (4) The use of a flag lot(s) should generally be avoided where other lot designs are possible and they should not be used solely to increase the maximum number of lots. See City Standard Detail #SD-109 and Design Guidelines for additional flag lot criteria.
- c. Lot Size Exception for Certain Substandard Lots. Any lot or parcel less than the minimum lot size or dimensions required may nevertheless be used as a building site if the lot or parcel was shown of record by the County Recorder as a lawfully created separate lot or parcel on the date the lot became substandard. In addition, either of the following circumstances must exist:
 - (1) The lot or parcel is not less than 80 percent of the size and average lot width requirements of the zoning district; or
 - (2) The lot or parcel is less than 80 percent of the size and average lot width requirements of the zoning district and there was no land abutting the lot or parcel under the same ownership on the date the lot became substandard.
 - d. Lot Size Exception for Lots made Substandard by Official Plan Line. Any lot or parcel made sub-standard in size or average lot width by an official plan line shall be deemed to comply with minimum requirements of area or average lot width required herein.
 - e. Lot Size Exception for Lots made Substandard by Rezonings from Agricultural District to Agricultural Combining Districts. Any lot or parcel made substandard in size or average lot width by a rezoning from an A (Agricultural) District to an AB (Agricultural Combining) District shall be deemed to comply with minimum requirements of area or average lot width required herein.

SEC. 10-1.2725 SPECIAL YARD REQUIREMENTS.

Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this ordinance. All uses shall be conducted indoors unless a use permit for outside storage has been approved.

- a. Yards Measured from Official Plan Line. Wherever an official plan line has been established for any street or future right-of-way, required yards shall be measured from such line.
- b. Yard Calculations. Open area required for one building, lot, or use shall not be calculated as required open area or yard for any other building, lot or use. Except where part of an approved development plan, or authorized by other regulation herein or the Planning Director, no structure shall be located in a required yard area.
- c. Yards on Dual Frontage Lots. Where the front and rear of a lot both have street frontage on approximately parallel streets, no above-ground structure shall be located closer to either street than the distance constituting the required front yard, except on those parcels where street access is restricted by regulations of a public authority, in which case building additions (not accessory structures) may be located within the yard where street access is restricted subject to requirements for rear yards.
- d. Yard Exceptions - Garages on Slopes.

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- (1) Wherever the difference in elevation exceeds 5 feet between the front yard setback line and:
 1. the elevation of the existing or planned street grade, or
 2. the elevation at the rear line of a front yard,

Or:

- (2) Wherever the difference in elevation exceeds 2½ feet between the side street property line and the rear line of a side street yard,

Then, the horizontal distance from any garage or parking space in no case shall be less than 5 feet from the property line or an official plan line. This exception shall not apply on those streets where no on-street parking is permitted along the lot frontage unless a minimum of 2 additional spaces are provided on site in conformance with all required yard and design requirements.

- e. Yard Exceptions—Overhangs, Stairways, Chimneys, Open Porches and Architectural Features. Architectural features such as cornices, eaves, open porches, bay windows, and canopies may extend 2 feet into any required side yard and may extend 5 feet into any required front or rear yard. ~~Chimneys, media niches combined with chimneys (which shall not exceed 10 feet in width), landing places, or outside open stairways may project 3 feet into any required yard.~~
- f. Yard Exceptions—Vision Clearance. On a lot situated at the intersection of two or more streets, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to be in violation of Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.
- g. Yard Exceptions—Fences, Hedges, Walls.

Fence Height.

- (1) In all OS, A, FP, RLS, RNP, and RS-RM, and RH Districts, ~~fences, hedges, and walls may be constructed to a height of 6 feet in any side or rear yard, and to a height of 4 feet in any portion of a front or side street yard, except that~~ where the rear or side yard is contiguous to commercially or industrially developed or zoned land, freeway, flood control channel, parking lot or arterial street, a maximum 8-foot-high fence or wall may be permitted. ~~For the RS District, an 8-foot-high fence or wall may be permitted adjacent to any non-residential zoning District.~~
- (2) Fences, hedges, and walls on through lots shall be limited to a height of 4 feet in any portion of the front yards unless determined by the Planning Director that up to a height of 6 feet (7 feet in a residential district) across a front property line acting as a rear property line would not compromise the safety of motorists and pedestrians nor the aesthetic value of the streetscape.
- (3) Fences or walls required to surround and enclose public utility installations are not limited as to height in any district.
- (4) In all ~~multi-family~~, commercial, or central city districts, no fence or wall shall be located in any required front or side street yard except as part of an approved development plan or if approved by the Planning Director.
- (5) Notwithstanding subsection (4) above, a 6 foot tall perimeter fence may be erected within the required front, side and rear yards of a vacant parcel or a vacant building in all zoning districts, subject to the standards set forth in Section 10-1.2735.j, Fence Regulations for Vacant Properties.

~~h. Yard Exceptions—Accessory Buildings and Uses.~~

- ~~(1) In conjunction with single-family development located on parcels zoned for same, and in zoning districts where single-family homes are permitted:~~

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- ~~1. Accessory buildings not used for parking and not exceeding 14 feet in height and 120 square feet in area and detached from the main buildings, when located in area other than the required front yard (i.e., in side or rear yard area), shall be placed no closer than 3 feet from the side and rear property lines.~~
 - ~~2. Accessory buildings or carports exceeding 120 square feet in area or open parking spaces shall be located no closer than 5 feet from the side and rear property lines.~~
 - ~~3. Accessory building(s), garage(s), and one-story home additions may not cumulatively occupy more than 40 percent lot coverage of a required rear yard.~~
- ~~(2) For legal, conforming residences in other districts, setbacks for accessory buildings when located between the rear of the main building and the rear lot line may be placed 5 feet from the side and rear property lines or within the building envelope; and when located between primary structures and the right-of-way, all front and side yard setbacks shall be met.~~
- ~~(3) For other zoning districts where residential uses are permitted, carports in conjunction with multi-family development may be placed 5 feet from rear and side property lines when there would be no negative visual or noise impact on the adjacent use, as determined by the Planning Director.~~
- ~~h.~~ **Yard Exceptions—Narrow Lots.** A required side yard may be reduced to 3 feet adjacent to an access driveway installed in conjunction with a multi-family development where the parcel is less than 51 feet in width.
- ~~j.~~ **Special Yards—Structures on Same Lot.** In R, A, and CO Districts, no primary structure shall be located less than 10 feet from another primary structure nor located less than 8 feet from an accessory structure, except that an accessory structure may be 6 feet from a single-family dwelling.
- ~~k.~~ **Special Yards—Lots with Approved Private or Easement Access.** The required minimum yards for a lot which has indirect access via an approved private access or an easement to a public street shall be the same as that required for a lot which has direct access onto a public street.
- ~~l.~~ ~~**Special Yards—One-Story Additions, Single-Family Dwellings.** Reduction of the rear yard to 10 feet for one-story additions to single-family dwellings is permitted provided the required rear yard is not reduced by more than 20 percent and provided the cumulative coverage of the required rear yard does not exceed 40 percent.~~
- ~~m.~~ **Special Yards—Flag Poles, Towers, Antennas, Satellite Earth Stations.**
- (1) Flag poles less than 25 feet in height which display the American flag and permitted commercial flags, may be located in any yard of any district but in no case shall they be located closer than 5 feet to a property line.
 - (2) Radio and television antennas and other wireless telecommunications facilities shall comply with the requirements of this ordinance and Chapter 10, Article 13 of the Hayward Municipal Code.
- ~~n.~~ **Special Yards—Swimming Pools, Hot Tubs, Spas.** In any R, residential PD, A, or CO District, swimming pools, hot tubs, and spas may be located in any yard other than the required front or side street yard, provided that no wall line of a pool shall be closer than 5 feet from any property line.
- ~~o.~~ ~~**Special Yards—Decks.** In conjunction with a single-family dwelling in any R-District:~~
- ~~(1) Decks less than 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.~~
 - ~~(2) Decks located in the front or side street yards shall not exceed 12 inches in height unless approved by the Planning Director or other approval authority.~~

-
- ~~(3) — Decks 30 inches or more shall conform to normal yard requirements.~~
- ~~Pn.~~ Special Yards—Handicap Accessibility. Ramps shall meet setback requirements of each zoning district. Exceptions shall be made for reasonable accommodation where no practical alternative exists and where building/fire code requirements are met.
- ~~Qo.~~ ~~Front Yards—Driveway Width and Coverage.~~
- ~~(1) — Driveway width, regardless of the number of driveways, shall not exceed 20 feet in front of the garage, except for 3-car garages where the width shall not exceed 26 feet. In addition, for access to a recreational vehicle storage area adjacent to a dwelling, a maximum 10-foot-wide driveway may be located on the opposite side of the lot from the garage, and outside the required side yard.~~
- ~~(2) — For lots 70 or more feet in width, the Planning Director may approve a greater driveway width if the Planning Director determines the design of the driveway is aesthetically pleasing and compatible with the lot terrain and adjacent development, and will not create a pedestrian or vehicular hazard. For single-family homes, the total paved surface for vehicle parking, storage, and access in required front yard shall not exceed 50 percent.~~
- ~~(3) — For single-family homes, a curved driveway ("Hollywood driveway") is permitted on lots that are 100 feet or more in width, and where item #(2) above is met.~~

SEC. 10-1.2730 SPECIAL HEIGHT REQUIREMENTS.

- ~~a. — Reserved.~~
- ~~Ba.~~ Height—Exceptions.
- ~~(1) — Chimneys, cupolas, flagpoles, elevator shafts, radio and television towers, wind machines, and similar mechanical or architectural appurtenances, if attached to a building shall not exceed a height of 15 feet unless authorized by the Planning Director or other approval authority for two-story dwellings or dwellings located on hillsides. If not attached to a building, they shall not exceed 25 feet in height unless authorized by the Planning Director or other approval authority.~~
- ~~(21)~~ Church steeples may be exempted from the height requirements as long as the steeples are in scale with the design of the church/religious facility and surroundings, as determined by the Planning Director or other approval authority.
- c. Height—Accessory Building. Unless otherwise specified in the District Regulations, an accessory building shall not exceed one story in height.

(Amended by Ordinance 18-02 , adopted February 6, 2018)

SEC. 10-1.2735 SPECIAL STANDARDS AND CONDITIONS FOR CERTAIN USES.

Special standards and conditions as set forth below are applicable to uses enumerated in this Section and listed in the individual districts. Departure or variation from these standards is permitted only when it can be established by the applicant that the intent and purpose of the district or the necessary findings for permit approval, as specified in this ordinance, are not compromised. Where warranted by ordinance regulations or to implement official City policy, standards of development may be required that exceed those listed in this Section.

- g. Manufactured Housing Regulations. Manufactured housing to be installed on a lot shall have been constructed after July 1, 1976, and shall bear an insignia of approval under the National Mobile Home Construction and Safety Standards Act of 1974 and shall be erected in compliance with the following:

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- (1) Shall be attached to a permanent foundation pursuant to Health and Safety Code Section 18551, and shall have all utility connections conform to all requirements of the City's Building, Plumbing, Electrical, and Mechanical Codes.
 - (2) Shall be a minimum of 20 feet wide.
 - (3) Shall have a roof constructed of asphaltic, wooden, glass fiber or tile materials.
 - (4) Shall have wood, masonry or stucco siding which will extend to the ground (except when a solid masonry perimeter foundation is used, the siding need only extend to the top of the foundation).
 - (5) Shall have an overhang or eave extending a minimum of 14 inches from the wall.
 - (6) Shall ~~be of a design which utilizes offsets and recesses in the exterior walls, similar to conventionally constructed housing, and~~ have a floor height no more than 30 inches above the finished grade of the building pad.
 - (7) Shall include a minimum 20-foot-wide garage (interior dimension) and/or landscaping where necessary to make the house compatible with surrounding residential development.
 - (8) Shall conform with ~~City of Hayward Design Guidelines and~~ Hillside Design and Urban/Wildland Interface Guidelines.
- k. Fence Regulations for Vacant Properties.
- (1) Purpose. The purpose of this section is to set forth design and performance standards for perimeter fencing within required yards of vacant buildings and sites.
 - (a) Vacant buildings and sites provide convenient locations and opportunities for dumping, trespassing and other illegal activities, resulting in public nuisances.
 - (b) Installation of perimeter fencing around vacant buildings and sites discourage potential public nuisances. However, the City must balance the benefit of security and prevention of public nuisances with the aesthetic impact of excessive use of chain link fencing typically utilized to secure vacant property.
 - ~~(c)~~© The City has an interest in ensuring that highly visible perimeter fencing installed along property frontages of vacant buildings and sites is well-designed, durable, and maintained in good condition to discourage blight and trespassing on such properties and to promote the aesthetic character of the city.
 - (2) Applicability. These regulations shall apply to all properties that are determined to be vacant as defined in Section 10-1.3500, for a minimum of 30 days.
 - (3) Fencing installed pursuant to this section shall comply with the following standards:
 - (a) A perimeter fence may be installed around a building or site that is vacant pursuant to Section 10-1.3500, Definitions.
 - (b) Fencing installed pursuant to this section shall not exceed six feet in height within the required setbacks.
 - (c) Residential, Commercial and ~~Mission Boulevard Code~~~~South Hayward BART Mission Boulevard and Hayward Mission Boulevard Corridor Form-Based Code~~, Open Space and Public Facilities Districts, except Central City Districts: Fences located along front, corner, or street side yards of properties with any frontage along roadways identified as arterial and collector streets in the City of Hayward General Plan shall be composed of wrought iron, chain link with decorative fence screen, wood picket or rail, wood-plastic composite, vinyl clad chain link (black or green), fence lace style or Omega style fencing. Fencing around

properties fronting roadways identified as local streets in the City of Hayward General Plan and all interior lot line fencing, regardless of location, may be chain link.

- (d) Central City Districts and Downtown Specific Plan Code: Fences located along property lines that front public right-of-way shall be composed of wrought iron, chain link with decorative fence screen, wood picket or rail, fence lace style or Omega style fencing. Interior lot line fencing that does not front public right-of-way may be chain link.
 - (e) Planned Development (PD) Districts: Fence standards for PD District properties shall be as approved in the PD District. If not specified in the PD District regulations, fence standards for vacant PD zoned properties shall be the same as those of the nearest adjacent zoning district as set forth in c and d above, and f below, as determined by the Planning Director or designee.
 - (f) Industrial and Other Districts: Chain link perimeter fencing may be placed around all sides of vacant properties, including those fronting public right-of-way. Such fences shall be consistent with the fence placement and height standards set forth in this subsection, unless otherwise permitted by the Planning Director or designee.
 - (g) Alternative fencing materials for all zoning districts may be approved by the Planning Director or designee upon finding that the proposed fence material is not chain link, is durable, well-designed, and enhances the aesthetic character of the City.
- (4) Maintenance and Performance Standards:
- (a) Fencing installed pursuant to this section shall be maintained in good condition and appearance with no structural damage, tearing, fading or visible rust, and shall be free of graffiti.
 - (b) Fences posts shall be installed in the ground unless the perimeter of the site is paved in which case fence panel stands may be used. Fence panel stands shall be composed of the same material as the fence, structurally sound, and hold fence panels in a fully erect position.
 - (c) No portion of a temporary fence, including fence panel stands or other posts, shall encroach on City-owned right-of-way, unless permitted by an approved encroachment permit.
 - (d) No portion of a fence installed pursuant to this section shall impair driver visibility or create a traffic hazard or otherwise violate standards set forth in Hayward Traffic Code, Article 9, Obstructions to Visibility at Intersections.
 - (e) Fencing standards set forth above shall not apply to safety or emergency fencing installed on a vacant property when conditions on that property cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof.
- (5) Appeals of reviewing authority decisions made pursuant to this chapter shall be filed and processed in accordance with Section 10-1.2845, Appeal and Review Process, of this code.
- (6) Implementation. All owners of vacant property with perimeter fencing that is located within required front, side and rear yards shall have one year from the effective date of these regulations to remove all non-conforming fencing. However, any non-conforming fencing that is structurally damaged, rusting, fading or tearing shall be removed or replaced within 60 days of adoption of this ordinance.
- I. Vehicle Parking, Repair, Display, and Storage Requirements. The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross

weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, special interest vehicle, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for living or sleeping purposes shall be prohibited except within mobile homes within an approved mobile home park.

(1) Single-Family Residential Uses.

- (a) Parking and Storage in Front Yards. Vehicles shall be parked in the required front yard only on the paved driveway which provides direct access to the garage from a public street or an approved private street, perpendicular to the street, or on a curved driveway.
- (b) Parking or Storage in Other Than Front Yards. Parking or storage of vehicles in areas other than the front yard is permitted subject to the following requirements:
 - (i) No vehicle shall be parked or stored in a required side yard or side-street yard with the following exceptions: recreational vehicles that are not self-propelled, and are less than 6 feet in height, such as a boat, compact trailer tent or similar recreational vehicle can be stored in a required side yard if screened from view from the street by a ~~76-foot-high~~ solid fence.
 - (ii) Parking or vehicle storage areas shall be paved with asphaltic or Portland Cement concrete and conform to City standards. A secondary driveway which provides access to a recreational vehicle storage area may be constructed with concrete, asphalt, or rock or concrete wheel tracks.
 - (iii) Open parking or vehicle storage areas located on lots less than 10,000 square feet in area shall not exceed 500 square feet in area (700 square feet for lots 10,000 feet or larger).
 - (iv) Open or covered parking areas, and garages or carports exceeding 120 square feet in area, shall be located no less than 5 feet from the side or rear property line and shall conform to all other requirements of the Zoning Ordinance and Building Code.

(2) Multi-Family Residential Uses—Prohibited Vehicles. Parking or storage of truck tractors or vehicles that are not self-propelled (trailers, boats mounted on trailers, and other vehicles or equipment of similar kind and use) are prohibited except within designated storage areas approved as part of the site plan review, use permit, planned development or building permit.

(3) Display and Sale of Motor Vehicles. Display for sale of one motor vehicle, boat, trailer, motorhome, or other vehicle is permitted as an accessory residential use, provided said vehicle is registered to a person who currently resides on the property. Display for sale of any vehicle on any property not approved for such use is unlawful, and legal action may be taken against the vehicle owner, property owner, or both.

(4) Vehicle and Boat Repair. It shall be unlawful and a public nuisance for any person to engage in, or any property owner to allow to occur, vehicle or boat repair in any residential zone:

- (a) Upon any vehicle which is not registered to a current occupant of the premises where the work is being performed; or
- (b) Upon more than two (2) vehicles at one time on the same premises or by the same person; ~~or~~
- (c) Outside a fully enclosed structure for uses defined as major automobile repair as defined in Section 10-1.000 of this Ordinance. Minor automobile repair may be performed outside a

fully enclosed structure where elapsed time between the beginning and end of the repair does not exceed forty-eight (48) hours. Vehicle painting, other than spot painting, shall not be permitted in residential zones.

SEC. 10-1.2736 DEMOLITION OF EXISTING RESIDENTIAL UNITS.

a. A housing development project shall not require the demolition of residential dwelling units unless the project creates at least as many residential dwelling units as will be demolished.

b. A housing development project shall not require the demolition of occupied or vacant protected units, unless all of the following apply:

(1) The project will replace all existing or demolished protected units.

(a) Any protected units shall be considered in determining whether the housing development project satisfies the requirements of Hayward Municipal Code Chapter 10, Article 19 Density Bonus Ordinance or Chapter 10, Article 17 Affordable Housing Ordinance.

(b) If a protected unit that is or was subject to a form of rent or price control and that is or was occupied by persons or families above lower income within the five-year period preceding the development application, the replacement units shall be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years.

(2) The housing development project will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years.

(3) Any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice, subject to California Government Code Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(4) The developer agrees to provide both of the following to the occupants of any protected units:

(a) Relocation benefits to the occupants of those affordable residential rental units, subject to California Government Code Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(b) A right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent, as defined in Section 50053 of the Health and Safety Code, or an affordable housing cost, as defined in 50052.5.

(c) For purposes of this Section:

(1) "Equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(2) "Protected units" means any of the following:

(I) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.

(II) Residential dwelling units that are or were subject to any form of rent or price control within the past five years.

(III) Residential dwelling units that are or were occupied by lower or very low income households, seniors or persons with disabilities within the past five years.

(IV) Residential dwelling units that were withdrawn from rent or lease in accordance with California Government Code Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 within the past 10 years.

SEC. 10-1.2740 ACCESSORY DWELLING UNITS²⁰

SEC. 10-1.2741 PURPOSE.

~~The ordinance codified in this section establishes regulations for the construction of accessory dwelling units subordinate to single-family dwellings. This section provides reference to the regulations for Accessory Dwelling Units as provided in Government Code Sections 65852.2 and 65852.22, as amended from time to time. Accessory dwellings units provide housing opportunities in a flexible manner to address the unmet demand for affordable housing and achieve the goals, objectives, and policies of the Housing Element and General Plan to provide a diverse mix of housing options for the community.~~

~~SEC. 10-1.2742 DEFINITIONS.~~

- ~~a. "Accessory dwelling unit(s)" shall be defined as an attached, detached, or internal 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 and shall be located on the same parcel an existing single-family dwelling is situated or to be situated with the proposed development of single-family dwelling(s).~~

~~SEC. 10-1.2743 LOCATION CRITERIA.~~

- ~~a. Accessory dwelling units as detached, attached, or internal accessory uses shall be permitted in the Single-Family Residential (RS), Residential Nature Preservation (RNP), Medium-Density Residential (RM), Residential Office (RO), Agricultural (A) zoning districts, and in the T-3 Suburban transect zone in the Mission Boulevard Corridor Form-Based Code area, where one legally constructed single-family dwelling exists as the primary structure on the parcel.~~
- ~~b. Accessory dwelling units limited exclusively to the internal conversion or repurpose of an existing structure shall be permitted in the following zoning districts: Central-City Commercial (CC-C), Central-City Residential (CC-R), Central-City Plaza (CC-P), and Airport-Terminal Medium Density Residential (AT-RM) zoning districts, provided one legally constructed single-family dwelling exists as the primary structure on the parcel.~~
- ~~c. Planned Development Districts. The new construction of attached and detached accessory dwellings units shall not be permitted in Planned Development (PD) zoning districts, unless otherwise specified within the original development proposal as an amenity. Accessory dwelling units involving the internal conversion of an existing structure shall be permitted provided the proposed unit complies with the criteria set forth in Section 10-1.2743(b) and the remainder of this Article, as applicable.~~

~~SEC. 10-1.2744 DESIGN AND DEVELOPMENT STANDARDS.~~

~~All proposed accessory dwelling units shall comply with the following design and development standards:~~

²⁰Ordinance 17-16, adopted November 7, 2017, adding Sections 10-1.2740 through 10-1.2747 to Chapter 10, Article 1, relating to Accessory Dwelling Units.

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- a. ~~Quantity. On any one parcel of land, no more than one accessory dwelling unit shall be allowed regardless of the number of single-family dwellings located on the lot.~~
 - b. ~~Unit Size. All proposed accessory dwelling units shall not exceed 50 percent of the habitable floor area of the existing single-family residence or 1,200 square feet, whichever is less. Habitable floor area calculation shall not include garages, detached accessory structures, patio covers, porches, covered and uncovered balconies, and decks as determined by the Planning Director.~~
 - c. ~~Maximum Number of Bedrooms. Accessory dwelling units shall not exceed a maximum of two bedrooms as sleeping quarters.~~
 - d. ~~Attached Units. Accessory dwelling units proposed to be attached from the primary residence shall comply with the development standards set forth by the underlying zoning for the primary structure including, but not limited to, setbacks, lot coverage, height, and architectural compatibility.~~
 - e. ~~Detached Units. Accessory dwelling units proposed to be detached from the primary residence shall comply with the minimum design and performance standards set forth by the underlying zoning district for detached, accessory and secondary structures including, but not limited to, setbacks, lot coverage, height, distance between structures, location and architectural compatibility.~~
 - f. ~~Setbacks. Accessory dwelling units proposed to be constructed atop of existing, legal detached garages shall provide a minimum five-foot setback from the interior side and rear property lines, unless a greater setback is required pursuant to Building and Fire standards or the property is a corner lot which shall comply with the minimum street-side setback requirements. Accessory dwelling units proposed to be attached or detached shall conform to the development standards and performance standards set forth in the underlying zoning district.~~
 - g. ~~Height Restrictions. Accessory dwelling units shall comply with the following height restrictions based on the proposed location of the unit:
 - (1) ~~Accessory dwelling units attached to the primary structure shall comply with the height limitations of the underlying zoning district for the principal structure.~~
 - (2) ~~Accessory dwelling units to be detached from the primary structure shall be limited to the height restrictions set forth in the underlying zoning district for detached, accessory and secondary structures.~~
 - (3) ~~Accessory dwelling units proposed to be constructed atop of legally constructed detached garages shall be subject to the review and approval of a discretionary Site Plan Review application in accordance with Section 10-1.3000 of the Hayward Municipal Code. In order to deny a Site Plan Review application, the Planning Director shall find that the accessory dwelling unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors. In any instance, the accessory dwelling unit shall be limited to the maximum height restriction of the primary structure within the underlying zoning district.~~~~
 - h. ~~Independent Exterior Access. Accessory dwelling units shall provide an independent exterior access separate from the primary residence. The separate entry constructed for the accessory dwelling unit shall not face the street or the public right-of-way.~~
 - i. ~~Owner Occupancy. The legal property owner of the lot shall be required to reside in either the primary residence or the accessory dwelling unit located on the parcel. At no time shall the property owner rent the primary dwelling and the accessory dwelling unit separately or allow the main house and the accessory dwelling unit to be sublet individually while the property owner resides elsewhere.~~

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- ~~(1) The accessory dwelling unit shall not be sold separately from the principal residence. The rental and lease period for either unit shall be longer than a minimum of 30 days and shall not be utilized as a short-term rental.~~
- ~~j. Fire Sprinklers. Accessory dwelling units shall not be required to be equipped with fire sprinklers unless fire sprinkler installation is required for the primary dwelling.~~
- ~~k. Park Dedication In Lieu Fees. Each accessory dwelling unit whether detached, attached, or internal shall be required to pay the applicable Park Dedication In Lieu fee as set forth in Chapter 10, Article 16 of the Hayward Municipal Code (Property Developers - Obligations for Parks and Recreation) prior to the date of final inspection or the date the Certificate of Occupancy is issued for the development, whichever occurs first.~~
- ~~l. Private Sewage System. If the accessory dwelling unit is proposed to incorporate or utilize a private sewage disposal system (e.g. septic tank or on-site wastewater treatment system), the applicant shall be required to provide documentation and proof by the Alameda County Department of Environmental Health at the time of application. No private sewage disposal shall be permitted where there is an available public sewer within 200 feet, measured along streets, alleys, or public right-of-way upon which a lot abuts pursuant to Chapter 11, Article 3 (Sanitary Sewer System) of the Hayward Municipal Code.~~

~~SEC. 10-1.2745 ADDITIONAL PROVISIONS FOR THE CONVERSION OF EXISTING STRUCTURES TO CREATE ACCESSORY DWELLING UNITS.~~

- ~~a. Setbacks. No side or rear yard setback shall be required for an existing, legally constructed garage or accessory structure that is converted into an accessory dwelling unit provided it is sufficient for fire safety standards as determined by the Hayward Fire Department and Chief Building Official.~~
- ~~b. Utility Connection Fees. Accessory dwelling units constructed within the building envelope of the existing principal residence, garage, or accessory structure shall not be required 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.~~
- ~~c. Parking. No additional parking shall be required if the accessory dwelling unit is located is within the existing building envelope of the primary residence or accessory structure, unless it involves the conversion of a garage or reduction of the off-street parking requirement for the parcel.~~

~~SEC. 10-1.2746 PARKING.~~

~~Accessory dwelling units shall be required to provide parking in accordance with the following requirements:~~

- ~~a. Parking Requirement for Primary Residence. In any instance, the property shall be required to meet the minimum parking requirement as set forth in Chapter 10, Article 2, Off-Street Parking Regulations for the principal residence prior or concurrent to the application for an accessory dwelling unit.~~
- ~~b. New Units. Accessory dwelling units shall be required to provide one (1) off-street parking space on the same lot as the unit in a covered, uncovered, or tandem configuration. Parking spaces may be located in the required setbacks provided the proposed location complies with the landscaping requirement in the front yard and minimum standards set forth within the Off-Street Parking Regulations for open parking spaces, unless otherwise approved by the Planning Director.~~
- ~~c. Garage Conversions. Where garages are converted for the purpose of creating an accessory dwelling unit, replacement off-street parking shall be provided on the same lot as the unit in either a covered, uncovered, or tandem configuration provided the proposed location complies with the landscaping~~

requirement in the front yard and the minimum standards set forth within the Off-Street Parking Regulations for open parking spaces, unless otherwise approved by the Planning Director.

d. ~~Parking Requirement Exemptions. Off-street parking shall not be required for accessory dwelling units if any of the following circumstances apply:~~

~~(1) The unit is located within one-half mile of public transit and bus stations.~~

~~(2) The unit is located within an architecturally and historically significant historic district.~~

~~(3) Where there is designated car-share vehicle parking within one block of the unit.~~

~~SEC. 10-1.2747 PERMIT REQUIRED.~~

Unless otherwise noted in this Ordinance, the applicant shall be required to obtain the approval of a Zoning Conformance Permit by the Planning Division prior to the submittal of a building permit application to the Building Division. Zoning Conformance Permits shall either be disapproved or approved within 120 days of the submission of a complete application. Application submittal requirements for an Accessory Dwelling Unit shall include the following items, in addition to the required fees for each accessory dwelling unit proposed in accordance with the adopted Master Fee Schedule:

a. ~~Project Plans. The applicant shall be required to provide a site plan, floor plan, elevations, and cross sections of the proposed accessory dwelling unit drawn to scale. Plans shall include minimal project information, dimensions, and calculations including, but not limited to the proposed setbacks, lot coverage, height, distance between structures, square footage, easements, materials, etc. as required by the Planning Director or his/her designee.~~

b. ~~Deed Restriction. Prior to the issuance of a building permit for the accessory dwelling unit, the property owner shall file with Alameda County Recorder a deed restriction approved by the City stating compliance with provisions of this Ordinance and Hayward Municipal Code and such deed is binding upon any successor in ownership of the property, and lack of compliance shall be grounds for Code Enforcement action and removal of the accessory dwelling unit.~~

SEC. 10-1.2800 ADMINISTRATION AND ENFORCEMENT

SEC. 10-1.2830 CONFORMANCE—ADMINISTRATIVE MODIFICATION.

a. Permits and licenses issued on the basis of plans and applications approved by the Planning Director are valid only for uses, arrangements, and construction set forth as approved. Any use, arrangement, or construction other than that authorized is a violation of the Zoning Ordinance.

b. The Planning Director may administratively approve minor modifications to an approved permit or the conditions of approval so long as the changes do not materially alter the design, site layout, or conditions of approval of said permit.

c. ~~The Planning Director may administratively reduce any yard requirement by 50 percent or any required lot size standard by 10 percent in any district if in the opinion of the Planning Director no practical alternative exists, the purpose of the district would not be compromised, no detrimental impact would result aesthetically, and the proposed use or construction otherwise complies with the City's land use and Building Code regulations. Any departure which exceeds 10 percent of such required standards is subject to notice as provided for in Section 10-1.2820 and appeal provisions as outlined in Section 10-1.2845.~~

- etc. The Planning Director may administratively waive the requirement for approval of a conditional use permit (where only required because abutting district is residentially zoned) or variance application where the Planning Director determines that the property abutting the proposed use or construction is used for State or Federal highway right-of-way, flood control channel, railroad right-of-way or similar uses, and provided said waiver will not compromise the purpose of the district and no detrimental impact will result.

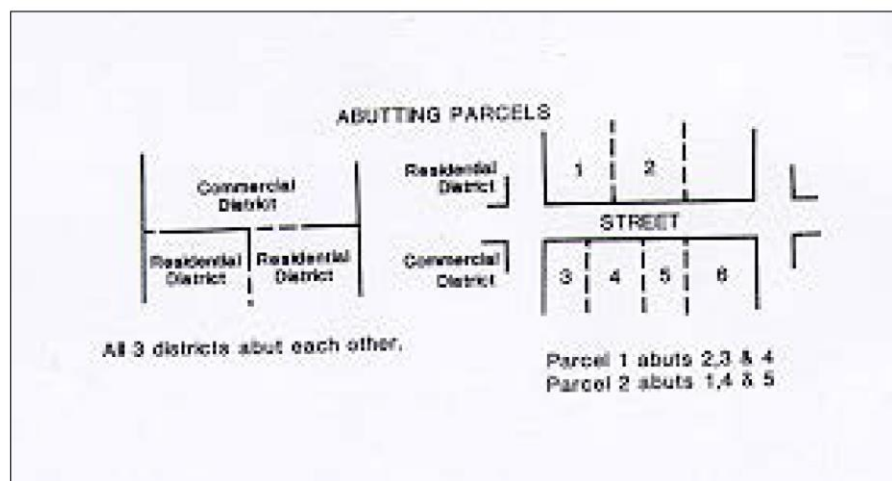
SEC. 10-1.3500 DEFINITIONS²¹

SEC. 10-1.3505 GENERAL.

For the purposes hereof certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from their context that a different meaning is intended.

SEC. 10-1.3510 USES AND ACTIVITIES DEFINED.

ABUTS, ABUTTING, ADJACENT. Having a common property line or district line or separated only by a private or public street, alley or easement.



ACCESS. Safe, adequate, usable, and legal ingress or egress to a property or use.

ACCESSORY BUILDING. A detached, subordinate building or structure, the use of which is subordinate, and incidental to a lawfully permitted principal use or main building on the same lot and not used for sleeping quarters.

ACCESSORY DWELLING UNIT. An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary

²¹Section 10-1.3510 amended by Ordinance 11-12, adopted October 11, 2011.

Section 10-1.3500 amended by Ordinance 13-13 , adopted November 19, 2013.

Section 10-1.3500 amended by Ordinance 13-18 , adopted December 17, 2013.

Section 10-1.3500 amended by Ordinance 14-06 , adopted February 4, 2014.

Section 10-1.3510 amended by Ordinance 15-23 , adopted October 13, 2015.

Section 10-1.3510 amended by Ordinance 15-31 , adopted December 1, 2015.

Section 10-1.3500 amended by Ordinance 16-05 , adopted January 19, 2016.

~~residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family or multifamily dwelling is or will be situated.~~

ACCESSORY USE. A use which is subordinate and incidental in height, bulk, volume and/or use to the lawfully permitted principal use on the same lot, and which does not alter the essential characteristics of said principal use and is in keeping with other uses permitted in the same district. Examples include:

- a. A garage, carport, shed, or building for domestic storage;
- b. A children's playhouse, gazebo, greenhouse, pool or recreation building;
- c. Storage of merchandise normally carried in stock on the same lot with any retail service or business use;
- d. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities; and
- e. Off-street parking.

AGRICULTURAL DISTRICT (A). A land use zoning district which preserves agricultural areas until such time as a change in zoning and land use designation occurs and orderly urban development may take place.

AGRICULTURE. The tilling of soil, horticulture, floriculture, viticulture, raising crops, livestock, farming, dairying, animal husbandry, including all uses customarily accessory and incidental thereto; but excluding slaughter houses, fertilizer works, bone yards, commercial feeding of garbage or offal to swine or other animals, or plants for the reduction of animal matter.

AIR TERMINAL DISTRICT (AT). A land use zoning district within which land uses may develop which provide commercial, industrial, and public land uses that are aviation-oriented. See Section 10-1.1900. This District includes the following Subdistricts:

- a. Air Terminal—Operations (AT-O)
- b. Air Terminal—Industrial Park (AT-IP)
- c. Air Terminal—Aviation Commercial (AT-AC)
- d. Air Terminal—Commercial (AT-C)
- e. Air Terminal—Recreational (AT-R)
- f. Air Terminal—Medium Density Residential (AT-RM)

ALLEY. A public way, less than 16 feet in width, but not less than 10 feet in width, which has been dedicated for public use.

ALTERATION. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

AMBULANCE SERVICE. Any business which provides a facility for emergency medical team staff members (EMTs), and which dispatches ambulances for emergency response. Usually located on major arterial streets where there is no detrimental impact to residential areas due to noise and parking.

AMUSEMENT FACILITY. See "RECREATIONAL FACILITY" or "COMMERCIAL AMUSEMENT FACILITY."

ANIMAL, EXOTIC. The words "exotic animal" shall mean any animals which are not customarily confined or maintained for domestic or commercial purposes and sometimes are kept as a pet or for display, including pot belly pigs, snakes, reptiles, emus, ostriches, or similar animals, as determined by the Planning Director based on criteria established by the State Department of Fish and Game.

ANIMAL, LIVESTOCK. See "LIVESTOCK."

ANIMAL, POULTRY. The word "poultry" shall mean domesticated birds customarily kept for eggs or meat, including chickens, turkeys, ducks, geese, or similar animals, as determined by the Planning Director.

ANIMAL FANCIER. A person or persons which use a lot, building, structure, enclosure or other premises to house and maintain more than four livestock animals (i.e., horses, goats), or more than four household pets (i.e., dogs or cats) up to 12 maximum, each of which is over the age of four months, for the following purposes:

- a. For showing in recognized shows (i.e., horse shows, dog shows, County Fair exhibits), or applicable obedience or field trials.
- b. For working or hunting.
- c. For improving the variety or breed with a view to exhibition in shows and trials.
- d. For household pets.
- e. Such activity requires an "Animal Fancier's Permit" from the City Animal Services Bureau. For the purposes hereof, the breeding and sale of a litter of animals kept and maintained as household pets and/or maintained by an animal fancier, shall not be deemed and considered a commercial kennel, provided they are less than one litter per year and litters do not occur every year.

ANIMAL HOSPITAL. Any buildings or portion thereof designed or used for the care, observation or treatment of cats, dogs or other household pets, with incidental boarding. (Also referred to as Veterinary Hospital)

ANIMAL, EXOTIC. Any animal, pure or hybrid, which is generally considered a non-domestic pet or livestock, that is poisonous; must be permitted by the State of California; has the propensity to be dangerous or aggressive to humans or other animals, is required to have an "Animal Fancier's Permit" from the City Animal Services Bureau.

ANTENNA. A device for transmitting or receiving radio, television, telecommunication, or any other transmitted signal. Usually mounted on a tower and/or rooftop. (Refer to Article 13, of Chapter 10 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.)

ANTIQUE STORE. A store engaged in the retail sales of goods, primarily works of art, furniture, or decorative objects, having the qualities of age or long existence or indicative of a specific period of craftsmanship and design. An antique store may include the retail sales of "collectible" items, which are goods typically associated with a hobby (for example, stamps, Kewpie dolls, Roy Rogers memorabilia).

APIARY. The word "apiary" shall mean any premises where bees, hives, and related appliances are located. See General Regulations Section 10-1.2735.e. "Livestock, Apiaries, and Household Pets" for regulations.

APPLIANCE REPAIR SHOP. An establishment engaged in the servicing and repair of home appliances (washers, dryers, etc.), including electronic appliances (televisions, video cam recorders, stereos, computers, etc.), with all materials and goods maintained within a building.

APPLIANCE STORE. An establishment engaged in the retail sales of home appliances and electronic appliances. These may include but not be limited to washers, dryers, refrigerators, microwave ovens, stoves, televisions, video cam recorders, stereos, cellular phones, beepers, and computers. May include ancillary repair.

[ARCHITECTURAL FEATURES. Architectural features include prominent elements on a building such as columns, beams, windows, doors, chimneys, cornices, arches, balconies, etc.](#)

ARCHITECTURAL SERVICE. An office that is occupied by an architect and their support staff and services (i.e., blueprint machine, computers, etc.) Also refer to "ENGINEERING SERVICE" and DRAFTING SERVICE."

ART AND ART SUPPLIES STORE. An establishment engaged in the display and retail sales of art (i.e., paintings, sculpture) and art supplies (canvases, paints, easels, frames, etc.)

ARTIST'S LOFT. A live and work situation where a resident artisan lives, and displays and sells their work on a non-first floor level.

AUCTION. An establishment engaged in the public sale of commodities and/or property, excluding automobiles, to the highest bidder.

AUTOMOBILE BROKERAGE OFFICE. The business of engaging in, for a commission or fee, bargaining or negotiating between a potential purchaser of a vehicle(s) and another automobile sales establishment(s) for wholesale purchase of a vehicle(s). For purposes of this ordinance, an automobile brokerage office consists of an office with no display or storage of vehicles for sale other than a maximum of two spaces which may serve to temporarily store the vehicle(s) which has been already secured for the purchaser of the vehicle(s). May include motorcycles, mopeds or other similar vehicles.

AUTOMOBILE DISMANTLING FACILITY. An establishment engaged in taking apart vehicles for storage, retail, recycling, or wholesale purposes.

AUTOMOBILE PARTS STORE. An establishment engaged in the retail sales of a variety of parts for vehicles of any kind.

AUTOMOBILE RENTAL. An establishment engaged in the rental and leasing of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies, including storage of said vehicles.

AUTOMOBILE REPAIR:

- a. Automobile Repair - Minor. Minor automotive servicing and replacement of parts for passenger automobiles and/or motorcycles, usually in the same day. Services include, but are not limited to, engine tune-up, lubrication, and tire, muffler, brake, and electrical. Subject to Outdoor Storage limitations and performance standards within applicable Zoning District.
- b. Automobile Repair - Major. Repair garages and specialty establishments for motorcycles, and passenger automobiles and trucks of all sizes, such as machine, tire, body and fender, auto glass, radiator, transmission, motor tune-up, vehicle upholstery, and muffler shops. May also include repair of machinery and equipment. Subject to Outdoor Storage limitations and performance standards within applicable Zoning District.
- c. Home repair - minor adjustments or the replacement of vehicle parts where such adjustments or replacement may reasonably be expected to be accomplished within a forty-eight (48) hour period. No permit is required for such minor adjustments or replacement. Also see Section 10-1.2735.j. "Vehicle Parking, Repair, Display and Storage Requirements."

AUTOMOBILE SALES. An establishment engaged in the retail sales and services of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies. See INDUSTRIAL EQUIPMENT SALES AND RENTAL for farm or industrial equipment, machinery, and supplies.

AUTOMOBILE SERVICE STATION. A structure or area primarily designed and used for the retail sale of motor vehicle fuel and lubricants to the public by direct delivery into the user's vehicle and may include incidental motor vehicular services such as tire repair, battery charging, brake adjustment, motor tune-up and washing where no conveyor, blower or steam cleaning device is used. Sale of food, beverages and related items as determined by the Planning Director is permitted in conjunction with an automobile service station within commercial zoning districts.

AUTOMOBILE STORAGE FACILITY. An establishment engaged in the storage of passenger automobiles, passenger trucks, motorcycles, or similar vehicles inside a building. This definition does not include storage of used, inoperative, junked or other vehicles stored for salvage purposes and shall not include the wrecking, dismantling, or repairing of vehicles which is defined as AUTOMOBILE DISMANTLING FACILITY. See also AUTOMOBILE STORAGE YARD for automobile storage outside of a building.

AUTOMOBILE STORAGE YARD. Outside storage of passenger cars and/or trucks of all sizes outside of a building. Does not include auto wrecking or towing yards. Such use shall not include the wrecking, dismantling, or repairing of vehicles which is defined as "AUTOMOBILE DISMANTLING FACILITY."

AUTOMOBILE TOWING YARD. An establishment engaged in towing motor vehicles, both local and long distance, and storage of such vehicles inside or outside of a building subject to applicable standards. for indeterminate periods of time. Such use shall not include the wrecking, dismantling, or repairing of vehicles which is defined as "AUTOMOBILE DISMANTLING FACILITY."

AUTOMOBILE WHOLESALE. A vehicle dealer who is exclusively involved in the sales of vehicles between licensed dealers and does not have any vehicles on-site. If a wholesale dealer does have vehicles on-site, see AUTOMOBILE STORAGE FACILITY if storing vehicles inside of a building or AUTOMOBILE STORAGE YARD if storing vehicles outside of a building.

BANK. See "FINANCIAL INSTITUTION."

BANQUET HALL. An establishment engaged in periodic events such as weddings, dances, and potlucks. Typically is rented out to private parties and/or special interest groups. Usually includes food preparation and/or serving, and live entertainment or recorded music.

BAR, COCKTAIL LOUNGE. Any on-sale alcohol-related establishment that engages primarily in the sale of alcoholic beverages and where food service, if any, is subordinate or incidental to the sale of alcoholic beverages. Bars include night clubs, taverns, pubs, cocktail lounges and similar establishments. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations.

BARBER, BEAUTY SHOP. An establishment where hair is washed, cut, dyed, and/or styled. May include ancillary services such as manicures or pedicures. Does not include massage or tanning services.

BATCH PLANTS. Any operation that involves sorting, crushing, reducing, refining, mixing, packaging or other processing of minerals for intermediate or final consumption.

BEDROOM. An enclosed space in a structure which is designed such that it could be used for sleeping purposes as determined by the Planning Director. A bedroom typically meets the room dimension requirements of the most recent edition of the Uniform Building Code, is not accessed directly from the garage, and has one or more windows.

BICYCLE SHOP. An establishment engaged in the retail sales and/or repair of bicycles. Does not include motorcycles or mopeds.

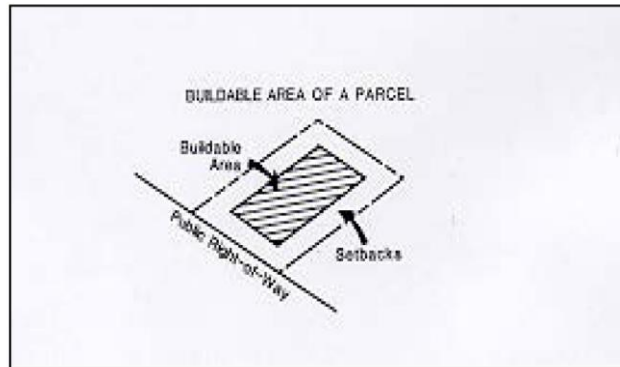
BOARDING HOME. A building where lodging or meals are provided for compensation for residents not functioning as a common household, usually for compensation.

BOOKSTORE. An establishment engaged in the retail sales of books, either used and/or new. May include a small area for coffee and bakery items (10 percent or less of floor area).

BREWERY. An establishment where malt liquors, wines or cider are manufactured and stored. Tasting may be included as an accessory use, but the brewery cannot operate as a bar. Also see "MICRO-BREWERY." Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

BROADCASTING STUDIO. An establishment where sound or images are transmitted by radio or television to the public.

BUILDABLE AREA. The space remaining on a zoning plot within which a building may be erected after the minimum lot and yard requirements of this Ordinance have been satisfied, notwithstanding all other applicable guidelines and Subdivision Map Act requirements of steeply sloped or unstable areas.



BUILDING. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, and which is designed or intended for the shelter, enclosure or protection of persons, animals or property of any kind. Also defined as follows:

- a. "Completely enclosed building" means a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
- b. "Detached or accessory building" means a building separated by at least six feet of space open to the sky from any other building on the same zoning plot.
- c. "Existing building" means a building erected prior to the effective date of this title, or one for which a legal building permit has been issued.
- d. "Primary building" means a building in which is conducted the primary use of the lot on which it is situated.
- e. "Public building" means a building principally occupied by the federal, state, county, or city government, or any political subdivision agency, or instrumentally thereof.
- f. "Temporary building" means a building not permanently attached to the ground by fixed foundation, piers or substructure.

BUILDING HEIGHT. The vertical distance at any point from the finished grade or existing grade, whichever is lower, to the highest point of the coping of a flat roof, to the top roof line of a mansard roof, or to the midpoint of the highest gable of a pitched or hip roof. Where unusual deviations occur on the existing grade, such as a small swale, the Planning Director may make minor adjustments in the building height envelope to permit reasonable building design consistent with the intent and purpose of the building height standard. Graded area entirely under a building and not visible from the exterior of the building, such as underground garages and basements, shall not be included for purposes of calculating height.

BUILDING MATERIALS (SALES). An establishment engaged in the retail and wholesale sales and storage of building materials such as lumber, masonry products, rock, soil, tile, and other similar materials needed to construct a structure and/or accessory structures and uses (fences, paved areas, retaining walls).

CABARET. Any establishment, event or place where live entertainment is provided by or for any patron or guest, including but not limited to singing, playing music, dancing, performing karaoke, acting, conducting a fashion show, performing pantomime, performing comedy or other act or performance, either as the main purpose for such gathering or as an ancillary activity to some other purpose. Please refer to Chapter 6, Article 2 of this Code for regulations regarding cabarets and to Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

CAMERA STORE. An establishment engaged in the retail sales of cameras and photographic supplies. May include ancillary repair.

CANNABIS. All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972, and amended by the California Control, Regulate and Tax Adult Use of Marijuana Initiative, and as defined by other applicable state law. "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.

CANNABIS DELIVERY. The commercial transfer of cannabis or cannabis products to a customer, including medical cannabis or cannabis products, to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code. "Delivery" also includes the use of any technology platform owned and controlled by a Cannabis Business Operator that enables clients or patients to arrange for or facilitate the commercial transfer by a permitted commercial cannabis retail dispensary.

CANOPY. The designated area(s) at a cannabis business, except nurseries and processors, that will contain mature plants at any point in time, as follows. For indoor cultivation, canopy is calculated in square feet and measured using the room boundaries, walls, or ceiling-to-floor partitions of each enclosed area that will contain mature plants at any point in time. If mature plants are being cultivated using a shelving system, the surface area of each level is included in the total canopy calculation.

CARD CLUB. Any building or structure, or any portion of a building or structure, wherein any person or persons are permitted to play a card game in return for a fee, charge, or other compensation. Refer to Chapter 4, Article 3 of the Hayward Municipal Code for regulations.

CARETAKERS QUARTERS. A dwelling unit located on an industrial or commercial property to be used exclusively as living quarters for the caretaker(s) of the subject property.

CARNIVAL. An establishment providing one or more non-coin-operated powered amusement rides, or providing two or more uses such as a tent, a feat of daring, or an exhibition of two or more wild animals except within a public park or zoo, or providing other similar uses.

CARPET/DRAPERY STORE. An establishment engaged in the retail or wholesale sales of carpets and drapes. Does not include on-site manufacturing.

CARPORT. A permanent roofed structure not completely enclosed on the sides and used for vehicle parking.

CAR WASH. An establishment engaged in the washing of passenger vehicles for a fee.

CATERING FACILITY. An establishment engaged in the preparation of food to be served at an event held off-site, usually at a banquet hall or private facility, and establishments primarily engaged in the preparation of prepared food items in individual servings for off-premise consumption and/or sale by others. Typical uses include caterers, wholesale bakeries, commissary kitchens, and specialty food packaging and/or processing shops.

CATERING TRUCK. A commercially licensed motor vehicle, approved by the Alameda County 111, Department of Environmental Health Services, and the City of Hayward Police Department, from which food and beverages are sold, distributed, or otherwise provided to consumers on private property and which travels from place to place to conduct its operation. Does not include a Food Vendor cart. See Section 10-1.2735.b. for regulations.

CENTRAL BUSINESS DISTRICT (CB). A land use zoning district within which commercial and retail land uses may develop which provide a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity. See Section 10-1.1300.

CENTRAL CITY DISTRICT (CC). A land use zoning district in the center of the City, within which land uses may develop which promote the development of the downtown. These land uses include business, government, cultural, financial, residential, office, and entertainment uses. See Section 10-1.1500. This District includes the following Subdistricts:

- a. Central City—Commercial (CC-C).
- b. Central City—Residential (CC-R).
- c. Central City—Plaza (CC-P).

CHECK CASHING STORE. An establishment primarily engaged in the cashing of checks for customers who usually do not have a checking account at a bank or other financial institution. Is commonly found in areas with easy access and high visibility.

CHRISTMAS TREE AND PUMPKIN PATCH LOTS. Seasonal establishments engaged in the retail sales of Christmas trees and pumpkins. See Section 10-1.2735.c. for standards.

CITY COUNCIL. The City Council of the City of Hayward, California.

CLOTHING STORE ("APPAREL"). An establishment engaged in the retail sales of new clothing, such as shoes, hats, dresses, shirts, etc. For used clothing, see "THRIFT STORE."

COMMERCIAL AMUSEMENT FACILITY. A facility offering entertainment open to the public for a fee or by membership subscription, for example, ticket, door charge, amusement device fee. Said facility shall include, but not be limited to, internet access usage, theaters, arcades (place of business containing five or more amusement devices), billiard parlors, golf courses (including miniature golf), water slides, indoor soccer, batting cages, and bowling facilities. Four (4) or less manually or coin- or token- or slug-operated viewing or electronic or video game machines or other amusement devices (excluding jukeboxes) located in association with other permitted uses and activities such as, but not limited to, taverns, restaurants, book stores, grocery stores, motels, hobby shops or toy stores, music or stereo stores, laundromats, barber or beauty shops, or computer stores shall be considered accessory to the permitted use. Under no circumstance, as a primary, permitted or accessory use, shall any Commercial Amusement Facility be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

COMMERCIAL CANNABIS BUSINESS. An entity engaged in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products for commercial purposes.

COMMERCIAL CANNABIS CULTIVATION. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

COMMERCIAL CANNABIS DISTRIBUTION. The procurement, sale, and transport of medical and non-medical adult recreational use cannabis and medical and non-medical adult recreational use cannabis products between commercial cannabis businesses.

COMMERCIAL CANNABIS MANUFACTURING. The production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by mean of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

COMMERCIAL CANNABIS MANUFACTURING - LEVEL 1. The manufacturing of cannabis products primarily using nonvolatile solvents, or no solvents.

COMMERCIAL CANNABIS MANUFACTURING - LEVEL 2. The manufacturing of cannabis products using volatile solvents For purposes of this section, "volatile solvents" shall include all solvents described in paragraph (3) of subdivision (d) of Section 11362.3 of the Health and Safety Code, as such section may be amended.

COMMERCIAL CANNABIS MICROBUSINESS. A commercial cannabis business holding a license issued by the State Bureau of Cannabis Control for the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer pursuant to Business and Professions Code sections 26050 and 26070. In order to be defined as a microbusiness, an operator must engage in three of the four listed activities.

COMMERCIAL CANNABIS OPERATOR or OPERATOR. The person or entity that is engaged in the conduct of any commercial medical or non-medical adult recreational cannabis use.

COMMERCIAL CANNABIS RETAIL DISPENSARY. A facility where commercial cannabis or commercial cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical and non-medical adult recreational use cannabis or medical and non-medical adult recreational use cannabis products as part of a retail sale.

COMMERCIAL CANNABIS TESTING LABORATORY. A laboratory, facility, or entity in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

- (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
- (2) Licensed by the Bureau of Cannabis Control.

COMMERCIAL OFFICE (CO). A land use zoning district within which administrative, professional, businesses and financial office land uses may exist, yet which are not detrimental to the residential use of adjacent properties. See Section 10-1.1100.

COMMERCIAL RETAIL DISTRICT (BP). A land use zoning district intended to provide for limited retail, service, and office commercial uses which serve the needs of workers within the Industrial Corridor. See Section 10-1.1400.

CONCESSION STAND. A small, ancillary retail use that provides food and beverages to a primary land use. May include light cooking and heating of food commodities.

CONSIGNMENT STORE. A retail establishment that sells good quality merchandise (for example, clean, not damaged, stained or frayed) that has been provided to the proprietor on a consignment basis as well as new merchandise. Sale of donated or otherwise second-hand merchandise is prohibited.

CONVALESCENT HOME. An establishment in which nursing, dietary and other personal services are furnished twenty-four (24) hours a day to convalescents, invalids, or the aged who are unable to or no longer want to care for themselves in a more traditional setting. Also referred to as nursing homes or intermediate care facilities. Does not include institutions which care for persons suffering from a mental disorder or communicable disease, or which offers surgery, maternity or other primary treatments.

CONVENIENCE MARKET. A retail food market which is typically less than 2,500 square feet in gross floor area and which caters to customers who buy a small number of items, is typically part of a larger chain or franchise system, often with long hours of operation, and as determined by the Planning Director.

CONSTRUCTION TRAILER. A temporary trailer used as an office, or an office/quarters combination with quarters for one security guard in connection with ongoing construction work associated with new construction of industrial, commercial, or multi-family development. See Section 10-1.2735.b.

CONTRACTOR SERVICES. An establishment providing general contracting and/or building construction services for other uses. This use classification includes general building, plumbing, electrical, air conditioning, carpentry, and other trade contractors.

COPYING OR REPRODUCTION FACILITY . An establishment which provides printing services to customers. Typically includes blueprint machines, reproduction machines, paper goods, and binding services (spiral binding, glue binding, stapling, etc.), and may include as an ancillary use, access to the internet. Under no circumstance, as

a primary, permitted or accessory use, shall any Copy or Reproduction Service be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

COURTYARD. The word "courtyard" shall mean an open unoccupied space bounded on two or more sides by the walls of a building. An inner courtyard is a court entirely within the exterior walls of a building. All other courts are outer courts.

CULTURAL FACILITY. Facilities maintained to develop, promote, or foster the arts or literature, as well as a clubhouse, lodge hall, and fraternal society meeting places, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses.

DANCE STUDIO. An establishment where dance classes and dance recitals are performed to recorded music.

DAY CARE CENTER A facility which provides non-medical care to 15 or more children and/or adults in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. May include pre-schools, infant centers, and extended day care facilities.

DAY CARE HOME. A ~~single-family~~ residence which is occupied and used as such and provides non-medical day care on less than a 24-hour basis to children and/or adults. Day care home must be State-licensed, and may be either one of the following:

- a. **Small Day Care Home.** The use of a ~~single-family~~ residence to provide day care to eight (8) or fewer persons, including any children under the age of 10 years who reside at the home.
- b. **Large Day Care Home.** The use of a ~~single-family~~ residence to provide day care to 8-14 persons, including any children under the age of 10 years who reside at the home.

DISTILLERY. An alcoholic beverage sales establishment where distilled spirits are made. Tasting distilled spirits may be included as an accessory use, but the distillery cannot operate as a bar. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

DISTRICT. A zoning district established under the provisions of the Zoning Ordinance.

DORMITORY. A residence hall providing sleeping rooms, bathrooms, study and recreation rooms and a common kitchen for students.

DRAFTING SERVICE. An establishment which performs drafting services such as drawing of site plans or construction drawings of buildings. Is usually accompanied by drafting tables and blueprinting machines. Also refer to "ARCHITECTURAL SERVICE" and "ENGINEERING SERVICE."

DRIVE-IN ESTABLISHMENT. An establishment which accommodates the patrons' and their motor vehicles from which the occupants may watch, purchase or receive goods or services (i.e., a drive-through restaurant, drive-through coffee shop, drive-in theater, drive-up photo finishing, car wash, gas station, mini-mart with gas, automobile lubrication facility, etc.).

DRY CLEANER/LAUNDRY. A dry cleaner/laundry is open to the general public for dry cleaning/laundry purposes. For purposes of this ordinance, a dry cleaner/laundry excludes a dry cleaning/laundry plant which serves solely to dry clean clothing processed for other dry cleaners and not open to the general public.

DWELLING UNIT/RESIDENTIAL UNIT. One or more rooms with a single kitchen, arranged, designed, used, or intended to be used exclusively for living and sleeping purposes by one family as an independent housekeeping unit. Other definitions include the following:

- a. **Accessory dwelling unit:** ~~An attached, detached, or internal 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 and shall be located on the same parcel an existing~~

- ~~single-family dwelling is situated or to be situated with the proposed development of single-family dwelling(s). See Section 10-1.2740 for criteria and standards. An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.~~
- b. ~~Apartment/multiple family dwelling(s): Any building, group of buildings, or portion thereof which includes two or more dwelling units, and which are intended as ownership units, or in the case of apartments, rental or for lease units. Apartment/multiple family dwelling projects may include private recreational facilities. See Sections 10-1.400 and 10-1.500 for requirements.~~
- c. ~~Condominium dwelling(s): Any building, group of buildings, or portion thereof which includes two or more dwelling units, and for which there is a final map or parcel map. Condominium dwelling projects are usually governed by a Homeowners Association (HOA) with Covenants, Codes and Restrictions (CC&R's), and may include private recreational facilities. See Sections 10-1.400 and 10-1.500 for requirements. Within a condominium, ownership consists of the airspace within a unit and the building(s) and all land within the development are under common ownership.~~
- bd. Single-family dwelling/Detached Residential Unit: A detached building containing only one dwelling unit. See Section 10-1.200 for requirements.
- ce. Duplex. A residential building with two attached dwelling units. See Section 10-1.200 for requirements.
- df. Multi-Unit Residential (4+ attached units): A residential building with four or more attached dwelling units. See Section 10-1.200 for requirements.
- ef. ~~Second Single-family dwelling: A second single-family dwelling permitted on a parcel where there is one existing single-family dwelling already, provided minimum lot size and setbacks can be met for both dwellings separately. See Section 10-1.215.b.(1)(b) for requirements.~~
- feg. ~~Townhouse-dwelling(s): A Duplex, Triplex, or Multi-Unit Residential (4+ attached units))ny building, group of buildings, or portion thereof which includes two or more attached dwelling units, and for which there is a subdivision final map or parcel map. Townhouse ownership includes the building, the land beneath the building and typically a patio or small yard adjacent to the structure. The remaining land within the development is under common ownership. Townhouse dwelling projects are usually governed by a Homeowners Association (HOA) with Covenants, Codes and Restrictions (CC&R's), and may include private recreational facilities. See Section 10-1.2400 and 10-1.500 for requirements. Townhouse ownership includes the building, the land beneath the building and typically a patio or small yard adjacent to the structure. The remaining land within the development is under common ownership.~~
- fh. Triplex. A residential building with three attached dwelling units. See Section 10-1.200 for requirements.

EDIBLE CANNABIS PRODUCT. A cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

EDUCATIONAL FACILITY. Facilities maintained to provide instruction to students for the purpose of developing their faculties and powers, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses. May include trade schools, a beauty college, or business college.

ENGINEERING SERVICES. An establishment which provides engineering services (i.e., structural calculations, construction drawings, consultation, etc.). Usually includes office and drafting equipment, including blueprint machines. Also refer to "ARCHITECTURAL SERVICES" and "DRAFTING SERVICES."

ENVIRONMENTAL DOCUMENT. Information within a written document which evaluates the environmental effects of a proposed project as required by the current City of Hayward and the California Environmental Quality Act (CEQA) environmental review guidelines.

ESTABLISHMENT. A separate place of business having the following characteristics:

- a. The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishment on the same or adjacent site;
- b. Direct public access is separate and distinct from direct access to any other business establishment;
- c. There is no direct public access from within such establishment to any other such establishment.

EQUIPMENT RENTAL SERVICE. An establishment which rents non-industrial machinery and equipment for a fee. May also include minor repair of equipment. See also INDUSTRIAL EQUIPMENT SALES AND RENTAL.

EXTRACTION. A process by which cannabinoids are separated from cannabis plant material through chemical, physical, or any other means.

FABRIC STORE. An establishment which offers such commodities as fabrics, threads, and other sewing notions for sale at retail. Usually includes retail sales of sewing machines and craft items (silkscreening equipment, fabric paint, needlepoint materials, ribbons, etc.), and may include classes associated with the use of these commodities.

FACADE. The exterior wall of a building along with its associated windows, entryways, and projections

FAMILY. One or more persons living together as a single housekeeping unit, as distinguished from a group living in a boarding house, hotel, motel, or group or institutional living quarters such as a group home, day care home, or convalescent home.

FARMER'S MARKET. A periodic event where fresh produce, flowers, and hand made craft items are sold at retail. Typically held in a downtown area, outside.

FENCE. A linear structure constructed or erected to a maximum height of 6 feet unless otherwise provided herein, and which requires permanent location on the ground or is attached to something having location on the ground. Building materials used for a fence may include but are not limited to boards, bricks, wrought iron, chain link, or blocks, and do not include landscaping, such as hedges, bamboo sticks or bushes, and trees.

FENCE, HEIGHT OF. A height measured from ground level (or top of retaining wall) to top of fence. On sloping sites with a stepped fence, height may be measured at the midpoint of each fence section.

FINANCIAL INSTITUTION. An establishment which provides services to meet the financial needs of its customers (i.e., checking account services, mortgage broker services, etc.) Also refer to "CHECK CASHING STORE."

FIREARMS SALES. A person or entity engaged in the business of selling, transferring, or leasing; or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm and/or ammunition, either directly or indirectly; and/or engaged in the retail sale of ammunition, as defined in Hayward Municipal Code Section 6-11.01(d).

FLEA MARKET. One or more vendors selling new or used merchandise at retail, within a structure or open air setting where no individual building walls separate uses, or where sales areas are within stalls which are smaller in size than typical retail spaces, and that the character of the business is that typically associated with a flea market, and as determined by the Planning Director.

FLOOD PLAN (FP). A land use zoning district within which land is subject to tidal or flood water inundation. See Section 10-1.2100.

FLOOR AREA, GROSS. The area included within the surrounding walls of a building or portion thereof, exclusive of vent shaft, eaves, overhangs, atriums, covered entries and courts and any portion of a structure above ground used for parking, parking aisles or loading areas.

FLORAL SHOP. An establishment which provides flowers and floral arrangements at retail. Usually includes refrigeration units to keep flower fresh, and delivery vans.

FOOD VENDOR. The vending of food or beverages from a movable cart-type stand or vehicle which is located on the same lot as a permitted use in a zone that allows for such operation, and subject to the standards and process set forth in HMC Section 10-2700, General Regulations.

FRONTAGE. See "LOT FRONTAGE."

FURNITURE STORE. An establishment engaged in the retail sales furnishings. These usually include chairs, tables, couches, beds, and accessories for the home. All activities occur within an enclosed structure.

GARAGE. A fully enclosed and covered attached or detached structure accessory to a residential use intended for storage of one or more motor vehicles used by the occupants of the premises; which does not have any permanent obstructions that would prevent vehicles parking within; which has garage doors that are operable; and which does not have rugs, linoleum or other non-fire-resistant coverings on the floor. For purposes of determining the existence of a one or two car garage, the minimum dimensions of an existing single-car garage wherein no permanent obstructions may occur is 10' wide × 19' deep, and the minimum dimensions of an existing double-car garage wherein no permanent obstructions may occur is 18' wide by 19' deep. For purposes of this ordinance a garage of any dimension shall not be used as a habitable space. Construction of new garages shall have minimum interior dimensions of 11' wide × 19' deep for single-car garages and 20' wide × 19' deep for double-car garages.

GARDEN SUPPLIES STORE. An establishment which provides supplies for gardening at retail. This usually includes flower and vegetable seeds, fresh flowers and vegetable plants, grass sod, soil, and tools, and typically includes a screened-in outdoor display and servicing area.

GENERAL COMMERCIAL DISTRICT (CG). A land use zoning district within which general commercial and retail land uses may develop which provide services for the support of primary business activities in the Central City District. See Section 10-1.1000.

GENERAL REGULATIONS. Specific regulations which apply to all zone districts and to all uses permitted in the districts. The regulations are found in Section 10-1.2700 of this Zoning Ordinance, and are intended to amplify and to supplement district regulations.

GOLF COURSE. A publicly or privately owned area of land laid out for the game of golf with a series of 9 or 18 holes each. Usually includes a club house and maintenance building. May include retail sales relating to golf (pro-shop) and a restaurant/bar.

GRADE. The degree of rise or descent of a sloping surface (also see "SLOPE").

- a. **Finished Grade.** The final elevation of the ground surface after completion of all site preparation work or after development.
- b. **Existing grade.** The ground elevation prior to grading for construction. Where walls are parallel to and within five feet of a sidewalk, the above-ground level grade shall be measured at the sidewalk.

GRANNY OR IN-LAW UNIT. See "SECOND DWELLING, ATTACHED."

GREENHOUSE. A permanent enclosed structure for the propagation and growing of plants, constructed with a translucent roof and/or walls.

GROUP HOME. The use of any single-family residence or other dwelling unit for a group residence where residents pay a fee or other consideration to the Group Home operator in return for residential accommodations. A Group Home includes a boarding home, a rooming house, as well as a group residence for the elderly, or mentally or physically disabled or handicapped persons, or other persons in need of care and supervision. Each dwelling unit so used shall be considered a single Group Home. The term Group Home includes both licensed and unlicensed Group Homes.

- a. **Licensed Group Home.** A licensed Group Home is any residential facility subject to State licensing requirements pursuant to the California Health and Safety Code (HSC), implementing State regulations, and amendments thereto. Any Group Home which is subject to State licensing requirements shall be treated as an unlicensed Group Home if the facility's license has expired or such license has been suspended, revoked or terminated. Group Homes subject to State licensing requirements include the following:
 - (1) Residential facilities providing non-medical residential care, specifically, any residential Community Care Facility (HSC section 1502), a Residential Care Facility for the Elderly (HSC section 1569.2) and a alcoholism or drug abuse recovery or treatment facility (HSC section 11834.02).
 - (2) The following types of Health Facilities (HSC section 1250, specifically, a Congregate Living Health Facility (HSC section 1250 (i)), an Intermediate Care Facility/Developmentally Disabled Habilitative (HSC section 1250 (e), an Intermediate Care Facility/Developmentally Disabled (HSC section 1250(g)), and an Intermediate Care Facility/Developmentally Disabled-Nursing (HSC section 1250(h)).
- b. **Unlicensed Group Home.** An unlicensed Group Home is the use of a dwelling unit by an owner or operator as a dormitory, boarding house, rooming house or similar use, where such residential facility is not subject to State licensing requirements or whose state license has expired, or has been suspended or revoked.

GUN SHOP. See "FIREARMS SALES."

HARDWARE STORE. An establishment which provides a variety of supplies and materials used for small construction or repair projects, at retail.

HAZARDOUS MATERIAL. A gas, material, or substance capable of posing a risk to health, safety, or property; provided, however, use of hazardous materials contained in consumer-sized containers purchased solely for on-site maintenance activities shall not be considered a hazardous materials use for the purpose of these regulations. The Fire Chief or his or her designee has the exclusive authority to develop and apply regulations which determine which, if any of the Group A, B, or C and included categories utilized in the Industrial District regulations is applicable to a user of any hazardous materials; such regulations may include reference to federal and state law, standards, and regulations applicable to hazardous materials. The Fire Chief or his or her designee also has the exclusive authority in conjunction with the Planning Division to exclude or reduce the category of prescribed Conditional or Administrative Uses in the Zoning Ordinance when it is found that the quantities are minor or additional mitigations are found to be acceptable.

Hazardous materials which belong to more than one group or category shall be subject to the most stringent regulations. In addition to the following classifications please refer to specific Zoning Districts for hazardous materials land use requirements.

- a. **Group A.** Hazardous materials which include any of the following:
 - (1) Explosives and blasting agents;
 - (2) Reactive materials;
 - (3) Unstable materials;

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- (4) Radioactive materials;
 - (5) Class 3 and 4 oxidizing materials;
 - (6) Poisonous or highly toxic materials;
 - (7) Corrosive, poisonous, or unstable gases;
 - (8) State of California restricted hazardous wastes, including substances classified as extremely hazardous wastes.
- b. Group B. Hazardous materials which include any of the following:
- (1) Flammable liquids, namely liquids that have a flashpoint below 100° Fahrenheit'
 - (2) Flammable solids;
 - (3) Class 1 and 2 oxidizing materials;
 - (4) Flammable or oxidizing gases;
 - (5) Corrosive materials.
- c. Group C. Hazardous materials which include any of the following:
- (1) Combustible liquids, namely liquids that have a flashpoint at or above 100° Fahrenheit.
 - (2) Inert gases.
 - (3) Other regulated materials referred to in the following sources except Group A or B hazardous materials:
 - i) California Fire Code as adopted by the City of Hayward;
 - ii) 49 Code of Federal Regulations section 173.500, including amendments or successors thereto; and
 - iii) Hayward Municipal Code Section 3-8.06 except those materials exempted by Hayward Municipal Code Section 3-8.07, including amendments or successors to such provisions.

HEALTH CLUB. An establishment which provides physical fitness equipment, classes, and facilities such as racquetball and tennis courts and/or swimming pools for patrons to use for a fee. (Also see "PHYSICAL FITNESS STUDIO" for a smaller version of this type of facility.)

HIGH DENSITY RESIDENTIAL DISTRICT (RH). A land use zoning district which allows the development of multiple-family dwellings at a high density. See Section 10-1.500.

HOME OCCUPATION. Any occupation conducted within the living area of a dwelling unit by persons residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Also referred to as a "Mail and Telephone Business Listing." For purposes of this ordinance, a licensed Group Home shall not be considered a "home occupation." A home occupation shall comply with the following standards:

- a. does not display or sell any commodities except those produced on the premises;
- b. does not use any accessory building, garage, yard space, or activity outside of the dwelling unit;
- c. does not generate a character and volume of vehicular traffic not normally associated with residential use;
- d. does not involve the use of more than 10 percent or more than 200 square feet of floor area of the dwelling unit, whichever is less;

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- e. does not display signs or other matter which would indicate a business is operating within the home;
 - f. does not allow for more than two customers/clients to visit the home each day and customers/clients are limited to visiting the house between the hours of 8 a.m. and 9 p.m.;
 - g. where no repair work is permitted;
 - h. where at least one parking stall is available for guest parking either in the driveway or on the street in front of the residence; if customers/clients visit the premises;
 - i. where no employees, other than residents of the home, come to or work from the home; and
 - j. which requires all applicable building and fire codes to be met.

HOME OCCUPATION - EXPANDED. An expansion of the provisions of or variance to a home occupation as defined above regarding numbers of customers, hours of operation, sale of commodities produced on the premises (excluding sale of guns), and minor repair only.

HOMELESS SHELTER. An institution that provides shelter for individuals and families with no limitation on the length of stay. Such use may also provide meals and supportive social services. May also include Housing Navigation Centers and Emergency Shelters (per Health and Safety Code 50801).

HOSPITAL. An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients for twenty-four hours or more. The term "hospital," as used in this title, does not apply to institutions operating solely for the treatment of mentally ill persons, drug addicts, liquor addicts, or other types of cases necessitating confinement of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter or boarding homes.

HOTEL. A building where lodging with or without meals is provided to the general public for compensation typically on a nightly basis, and where no provision is made for cooking in any individual guest room or suite, and where a maximum continuous length of stay is no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code, but shall not include institutions where human being are detained under legal restraint.

Extended Lodging Facilities, where kitchens, kitchenettes or other cooking facilities may be permitted within individual guest rooms, are allowed in any Zoning District where Hotels are permitted, subject to the following standards:

- a. Each guestroom shall be provided with voicemail, dataports, desk, color television, alarm clock or wake up service. Irons and ironing boards must also be made available to guests upon request.
- b. Self-service laundry facilities shall be accessible to all guests.
- c. Recreational facilities such as pool, whirlpool/spa/ and/or fitness room shall be provided.
- d. A 24-hour per day on-site supervisor shall be provided.
- e. Housekeeping services including cleaning and linen service shall be offered on a regular basis to every guestroom.
- f. Extended Lodging Facilities cannot be used for long term occupancy (i.e. apartments, care facilities, boarding houses, etc.). Leases of any duration are prohibited.
- g. Extended Lodging Facilities may have a maximum continuous length of stay no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.

HOUSEHOLD PETS. See "PETS, HOUSEHOLD."

INDUSTRIAL EQUIPMENT SALES RENTAL AND SERVICE. An establishment which provides industrial equipment and related commodities to the public for sale or rental, and servicing of that equipment. Such equipment may include large scale vehicles, large truck and trailer rigs, fork lifts, conveyor belts, and loading dock facilities.

INDUSTRIAL HEMP or HEMP. An agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.

INDUSTRIAL/VOCATIONAL TRADE SCHOOL. A trade school that provides specialized training of skilled labor including plumbing, carpentry, truck driving, mechanics, machine operations, computer repair, tool and dye, and similar technical schools. This definition excludes beauty/barber schools, business schools, or degree programs.

JEWELRY STORE. An establishment which provides jewelry, watches, gemstones, and other related commodities to the public for sale at retail. Typically includes jewelry and/or watch repair and cleaning services.

KENNEL. A lot, building, structure, enclosure or premises where one or more dogs, cats, or other household pets are kept for commercial purposes, including boarding, breeding of more than one litter per year and/or a litter every year, sale of goods or animals, or the rendering of services for profit. For the purposes hereof, the breeding and sale of the litter of animals kept and maintained as household pets and/or maintained by an animal fancier, shall not be deemed and considered a commercial kennel, provided they are less than one litter per year and litters do not occur every year.

KITCHEN. A definable area or room for food preparation, typically consisting of a permanent cooking appliance for use in food preparation, a refrigerator, cabinets, and a sink, usually in close proximity to one another.

LANDSCAPING. An area devoted to or developed and maintained predominantly with native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements.

LIMITED ACCESS COMMERCIAL (CL). A land use zoning district within which commercial uses may develop which normally tend to locate apart from standard commercial areas or service industries, or uses on highways of major importance. See Section 10-1.1200.

LIQUOR STORE. "Liquor store" shall mean any alcoholic beverage sales establishment primarily involving the sale of alcohol where beer, wine or distilled spirits are sold for off-sale consumption and where more than five (5) percent of the floor area of the establishment is devoted to the sale, display or storage of beer, wine or distilled spirits. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

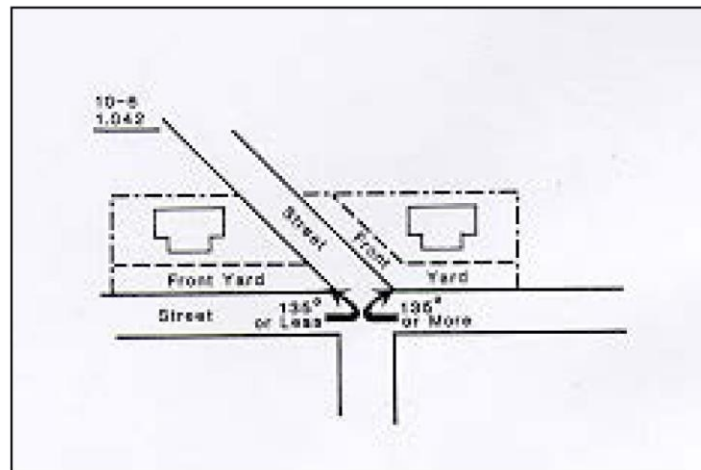
LIVESTOCK. Domesticated farm animals kept for use or profit (See Section 10-1.2735.e. for regulations of livestock) and further defined as follows:

- a. Large Livestock. Horses, cattle, llamas, or similar large animals, as determined by the Planning Director.
- b. Medium Livestock. Sheep, goats, and pigs, or similar medium animals, as determined by the Planning Director.
- c. Small Livestock. Hens, ducks, pigeons, rabbits and other similar small animals, as determined by the Planning Director, totaling five (5) or more such animals on a property.

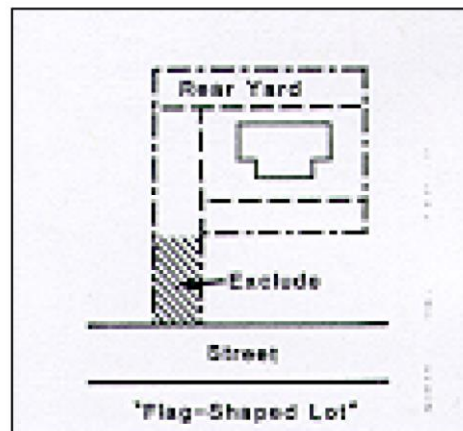
LOT. A recorded parcel of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classification of lots are as follows:

- a. Average Lot Width. The mean horizontal distance between the longest lot lines of lots having regular geometric design, such as rectangular and parallelogram lots, and in the case of lots of irregular design, shall mean the diameter of the largest horizontal circle inscribable completely within lot boundaries.

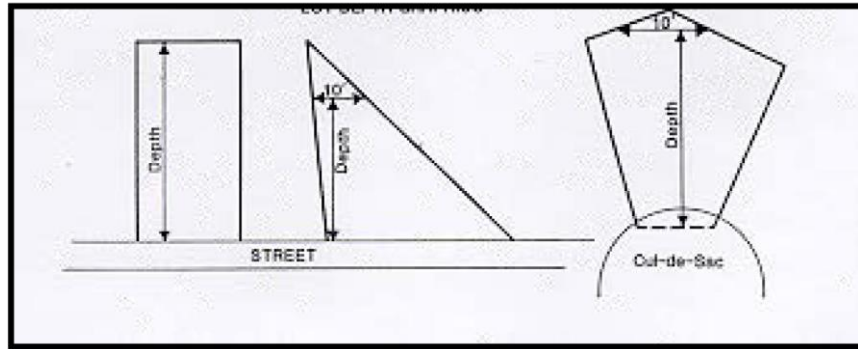
- b. Corner Lot. A lot at the intersection of two or more streets which has an angle of intersection of 135° or less. Where the angle of intersection exceeds 135° , the area abutting the two streets shall be a front yard.



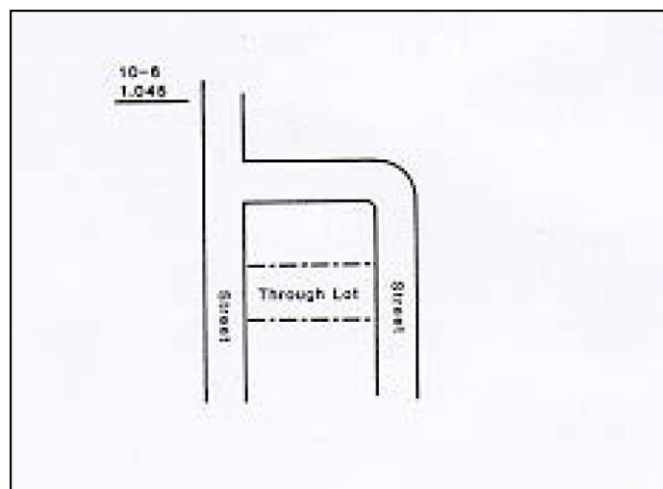
- c. Flag Lot. A parcel of land where the buildable portion of the lot is via a narrow extension of the lot (access strip) to a public or approved private street, utilizing a private or privately shared travelway. The area within an access strip shall not be counted as part of the lot area [of either the front or rear lot](#) for purposes of complying with minimum lot area requirements.



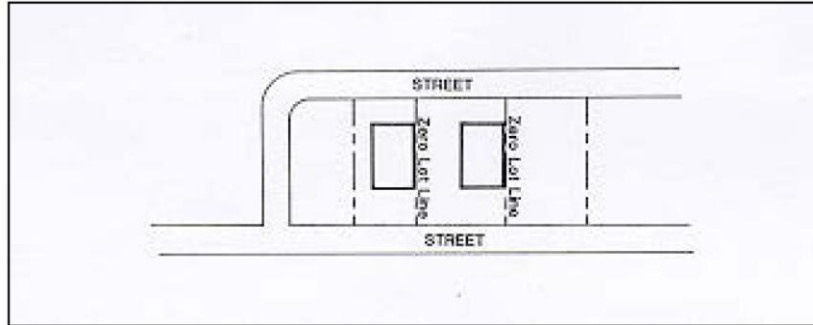
- d. Interior Lot. A lot other than a corner lot.
- e. Lot Coverage. The area of a lot enclosed by exterior walls or similar roof-supporting devices of all structures, including accessory structures and patio covers.
- f. Lot Depth. The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line. In instances of a cul-de-sac where the front lot line is curved, the lot depth shall be measured off a drawn line which connects the two side lot lines that intersect the cul-de-sac.



- g. Lot Frontage. The common property line of a lot and the right-of-way line of a street.
- h. Lot Line. Any boundary of a lot. The classifications of lot lines are:
 - (1) Front. A line separating the lot from the street right-of-way. In the case of a corner lot, the owner may designate the front lot line of said lot at the time of initial construction of the primary use.
 - (2) Rear. The lot line which is opposite and most distant from the front lot line; and in the case of an irregularly shaped lot, a line 10 feet in length within the lot, and any line closest to being parallel to and at the maximum distance from the front lot line. In the case of a corner lot, the rear lot line is opposite the front property line unless the Planning Director determines otherwise where there is a reasonable alternative.
 - (3) Side. Any lot line not a front lot line or a rear lot line.
- i. Lot Size (or lot area). The total horizontal area within the lot lines of a lot, with the exception of flag-shaped lots where the lot area shall be calculated excluding the stem of the lot.
- j. Rear Lot Coverage. The area of a required rear yard enclosed by exterior walls or similar roof-supporting devices of all structures, including accessory structures and patio covers.
- j. Through Lot. A lot having frontage on two approximately parallel streets.



- k. Zero Lot Line. The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.



MAILING OR FACSIMILE SERVICE. An establishment which provides postal services and a facsimile machine available to the public for a fee. Typically includes packaging and weighing facilities, and may include related copy work or wrapping paper and greeting cards for sale at retail as an ancillary use, as well as internet access as an ancillary use. Under no circumstance, as a primary, permitted or accessory use, shall any Mailing or Facsimile Service be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

MANUFACTURED HOME. A factory built or manufactured home including mobile homes, as permitted by State of California and Federal laws. A manufactured home is synonymous with the definition of a "single family dwelling."

MANUFACTURING. Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Instruction, direct sales, or on-site consumption are incidental to the manufacturing operation. Toxic, hazardous, or explosive materials produced or used in conjunction with the manufacturing process are subject to use permits based on type and quantity of hazardous materials storied, utilized or generated by the manufacturing process (see "HAZARDOUS MATERIALS"). All impacts generated by manufacturing activities related to noise, gas, odor, dust, or vibration shall conform to the performance standards contained within the Industrial District regulations and other applicable local, state and federal regulations.

- a. **Custom Manufacturing.** Establishments engaged in the on-site assembly of hand-fabricated parts, or engaged in the on-site hand manufacture or hand fabrication of custom or craft goods. Goods are predominantly manufactured and fabricated involving the use of hand tools or domestic-scaled mechanical equipment and kilns not exceeding 20 square feet in size. Typical uses include ceramic studios, fabrics, inlays, weaving, leather work, woodwork, metal or glass work, candle making, small batch food manufacturing, or custom jewelry. For beer and alcohol production, see BREWERY/MICRO-BREWERY and DISTILLERY.
- b. **General Manufacturing.** Establishments engaged in manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. This classification includes manufacturing for biomass energy conversion, cosmetics and perfumes, electrical appliances and explosives, film and photographic processing plants, apparel and textile mills, leather and allied products manufacturing, wood/paper products, glass products, chemical products, medical/pharmaceutical products, refining, plastics and rubber products, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.
- c. **Light Manufacturing.** Establishments engaged in food manufacturing and manufacturing of products and finished parts primarily from prestructured materials or components by means of physical assembly or reshaping and does not produce or utilize in large quantities as an integral part of the

manufacturing process, toxic, hazardous, or explosive materials. Because of the nature of its operation and products, little or no noise, odor, vibration, glare, and/or air or water pollution is produced.

MARIJUANA. See "CANNABIS".

MARKET. See "SUPERMARKET."

MARTIAL ARTS STUDIO. An establishment where martial arts classes, private lessons, and demonstrations are provided to the public for a fee.

MESSAGE PARLOR. An establishment where body massage is provided to members of the public for a fee. Refer to Chapter 6, Article 10 of the Hayward Municipal Code for regulations.

MEDIA PRODUCTION. Facilities for motion picture, television, video, sound, computer and other communications and media production. Use includes incidental rehearsal and broadcasting uses; however, use does not include transmission towers. This classification may also include incidental office use, retail sales, and indoor storage of equipment related to the recording uses.

MEDICAL CANNABIS or MEDICAL CANNABIS PRODUCT. Cannabis or a cannabis product, respectfully, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medical cannabis patient in California who possesses a physician's recommendation.

MEDICAL MARIJUANA. See "MEDICAL CANNABIS".

MEDICAL/DENTAL LABORATORY. A facility which custom manufactures and distributes false teeth, dental crowns, braces, and other related dental equipment to dentists.

MEDIUM DENSITY RESIDENTIAL (RM). A land use zoning district which primarily allows the development of multiple-family dwellings at a set density and in a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible. See Section 10-1.400.

MICRO-BREWERY. A retail establishment where alcoholic beverages are produced and sold for consumption either on or off premises. Tasting alcoholic beverages may be included as an accessory use, but the micro-brewery cannot operate as a bar. Refer to Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations.

MICROBUSINESS. A commercial cannabis business holding a license issued by the State Bureau of Cannabis Control for the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer pursuant to Business and Professions Code Sections 26050 and 26070.

MISSION BOULEVARD RESIDENTIAL DISTRICT (MBR).

Note(s)—Repealed by Ordinance 11-12, Adopted October 11, 2011.

MOBILE HOME Same as "Manufactured Home," but subject to the National Manufactured Housing Construction and Safety Act of 1974.

MOBILE HOME PARK (MH). A land use zoning district designed for, used or intended to be used for the parking and occupancy of two or more mobile homes for dwelling or sleeping purposes. See Section 10-1.700.

MORTUARY. An establishment engaged in the preparation of human bodies and the arrangement and holding of funeral services prior to burial or final disposition. For the purposes of this Ordinance, a mortuary may include a crematory.

MOTEL. A group of attached or detached buildings containing individual sleeping or living units designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit where a maximum continuous length of stay is no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.

MULTIPLE-FAMILY DWELLING. See "DWELLING, MULTIPLE-FAMILY."

MUSIC STORE. An establishment which sells musical instruments, sheet music, and related commodities to the public at retail. Typically includes repair of musical instruments.

MUSIC STUDIO. An establishment which provides music classes and private music lessons to the public for a fee. Typically involves piano lessons and/or guitar lessons, both acoustical and amplified, and includes occasional music recitals by the studio students.

NAIL SALON. An establishment which provides nail manicures and pedicures to the public at retail for a fee. Does not include massage or tanning services.

NEIGHBORHOOD COMMERCIAL DISTRICT (CN). A land use zoning district which is carefully located in areas throughout the City in relationship to other commercial districts and in relationship to nearby residential districts. Land uses created in the CN district are general commercial and retail uses which provide convenience goods and services purchased frequently, serving nearby residences. See Section 10-1.800.

NEIGHBORHOOD COMMERCIAL - RESIDENTIAL DISTRICT (CN-R). A land use zoning district with a mix of neighborhood serving businesses and residences along portions of certain arterials in order to provide options for housing with ready access to shops and transit. See Section 10-1.900.

NIGHT CLUB. See definition for "Bar". Any night club that permits dancing or live entertainment on a regular basis must obtain a cabaret license as required by Chapter 6, Article 2 of this Code. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

NONCONFORMING, ILLEGAL. A structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Ordinance.

NONCONFORMING LOT. A lot, the area, frontage or dimensions of which do not conform to the provisions of this Ordinance.

NONCONFORMING STRUCTURE. A structure which conformed to applicable laws when constructed but does not conform to the provisions of this Ordinance.

NONCONFORMING USE. A use complying with applicable laws when established but does not conform to the provisions of this Ordinance.

NUISANCE. An activity or land use which is determined to be detrimental or incompatible with adjacent properties, adjacent property owners or users, or the general public. Refer to Section 10-1.150.

NURSERY, PLANT. An establishment which grows flowers, shrubs, and trees and provides them for sale at retail to the public. Typically includes related items such as seeds, bulbs, pots, potting soil, etc.

OFFICE. An establishment where services are performed for predominately administrative, professional, medical, dental or clerical operations that function as a place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers, corporate offices, drafting services, dentists, doctors, financial institutions, development companies, engineers, surveyors and planners, insurance agencies, interior decorators and designers, landscape architects, psychiatrists, psychologists, notaries, typing and secretarial services, therapists, and internet publishing, broadcasting, and web search portal establishments, and other similar businesses and professions, not otherwise specifically defined in this Code. This use classification also includes software and internet content development and publishing; computer systems design and programming; data processing or call centers; facilities that broadcast exclusively over the Internet and have no live, in-building audiences participating in such broadcasts; and computer, technical, and informational services. Under no circumstance, as a primary, permitted or accessory use, shall any Office be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

OPEN SPACE. Open space areas and recreational amenities providing gathering space or opportunities for active or passive recreation. This is further defined as follows:

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- a. Common ~~Use~~ Usable Open Space. An on-site, ~~ground-level indoor or outdoor recreational area of lawn, pool, garden court with paving, rooftop recreational area, or recreation room~~ accessible to all ~~dwelling units and used by~~ residents. The space ~~does~~ shall not include the required front or side street yard, off-street parking ~~areas~~, driveways, service areas, or areas of more than 5 percent slope. (Refer to appropriate sections of this ordinance for specific requirements.) For residential or mixed-use buildings, open space can be provided at grade, on podium or rooftop or indoors.
 - b. Private ~~Usable~~ Open Space. An on-site ~~recreational area of lawn, or garden court with paving, patio, deck, or balcony~~ directly accessible only to one ~~dwelling~~ residential unit from a living and non-service area, which is not more than four feet above or below the floor level. The space shall not include the required front or street side yard, areas devoted to off-street parking, driveways, or service, or areas of more than 53 percent slope. (Refer to appropriate sections of this ordinance for specific requirements.)

OPEN SPACE/PARKS AND RECREATION DISTRICT (OS). A land use zoning district intended to promote and encourage a suitable environment devoted to parks, recreation, floodplain or passive or active open space uses for the enjoyment of all members of the community. The OS District may be used to preserve and protect land areas of special or unusual ecological or geographic interest. See Section 10-1.2200.

PAINT/WALLPAPER STORE. An establishment which provides paint, wallpaper, and related commodities to the public for a fee. Typically includes installation services.

PALM READING SERVICE. An establishment which provides psychic services, such as palm reading and fortune telling, to the public for a fee.

PARCEL. A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest equalized assessment roll.

PARKING. A parking area which provides the required parking for a use in accordance with the City of Hayward Off-Street Parking Regulations (Chapter 10, Article 2, Hayward Municipal Code). The following definitions relating to parking are also provided:

- a. Covered Parking. Parking space(s) which are contained within a carport or garage.
- b. Parking Lot. An off-street area, whether open or enclosed, other than a showroom or sales lot, used to store motor vehicles on a daily basis, but not including the storage of dismantled or wrecked motor vehicles or parts thereof. A parking lot may be commercial, public, or private.
- c. Off-Street Parking. Parking stalls provided beyond the right-of-way of a street or highway.
- d. Off-Street Parking Space. Refer to the definition contained in the City of Hayward Off-Street Parking Regulations (Chapter 10, Article 2, Hayward Municipal Code).
- e. On-Street Parking. Parking stalls provided within the right-of-way of a street or highway.
- f. Open or Uncovered Parking. Parking space(s) which are not contained within a carport or garage.

PASSENGER TRANSPORTATION TERMINAL. A facility which provides a loading, transfer, or drop-off point for public transportation (i.e., Amtrak, BART, Greyhound, and airport.) For single passenger pick-up and drop-off, refer to "Taxi Company."

PAWN SHOP. An establishment which provides monetary exchange for collateral, typically personal items such as watches, jewelry, musical instruments, weapons, etc., after which the collateral item is returned to its owner after the money is repaid. Typically includes a fee and retail sales of unclaimed items.

PAYDAY LOAN FACILITIES. An establishment primarily engaged in the business of advancing funds to customers in situations where the customer uses his or her entitlement to a future paycheck from some other source as collateral for the loan, and for which the customer pays a fee (percentage or otherwise) for the advancement.

PERMITTED USE. A specified use allowed in a land use zoning district and subject to the provisions applicable to that district.

PERSON. Any individual, business, company, corporation, both public and private, association, political or governmental subdivision or unit, or other group acting as a unit or entity.

PET GROOMING SHOP. An establishment which provides a grooming service of household pets to the public for a fee. Typically includes washing, hair trimming, and temporary boarding of animals being groomed (i.e., less than 24 hours).

PET STORE. An establishment which provides pets and pet supplies to the public for sale at retail. Pets for sale typically include dogs, cats, fish, reptiles, hamsters, birds, etc., and may include exotic pets, such as parrots, pot bellied pigs, and iguanas. Pet supplies usually include food, cages, leashes, etc. May include ancillary pet grooming.

PETS, HOUSEHOLD. Small animals ordinarily and customarily domesticated and permitted in a dwelling and kept for company or pleasure and not for profit, including the following subcategories:

- a. Traditional Household Pets. Dogs, cats, canaries, parakeets, fish, domestic mice, rats, guinea pigs, potbelly pigs, up to four (4) rabbits, or similar animals, as determined by the Planning Director. The keeping of more than four cats or dogs requires an "Animal Fancier's Permit" from the City Animal Control Officer.
- b. Other Household Pets. Hens, ducks, pigeons and other similar small animals, as determined by the Planning Director, where the total number on a property does not exceed four (4) of such animals. Other Household Pets are subject to approval of a Zoning Conformance Permit based on consistency with the standards prescribed in Section 10-1.2735 of the Hayward Municipal Code.

PHOTOGRAPHIC SUPPLY STORE. See "CAMERA STORE."

PHOTOGRAPHY STUDIO. An establishment where a professional photographer takes posed pictures of people for a fee at retail. Does not include retail sales of photographic supplies, except for picture frames and picture albums.

PHYSICAL FITNESS STUDIO. An establishment which provides physical exercise classes and/or personal one-on-one physical fitness training. Typically includes a weight room and/or an aerobics dance class room. Does not include facilities typically of the large health clubs, such as showers, a pool, racquetball or tennis courts.

PLANNED DEVELOPMENT DISTRICT (PD). A land use zoning district which permit a combination of land uses planned for a single tract of land to be developed as a unit according to a specific development plan approved by the City which result in efficient and attractive utilization of land in order to preserve open space areas, topographical features, ridge tops, and tree clusters. This district also permits the creation of a site-specific project which provides a mix of housing types as well as nonresidential development. See Section 10-1.2500.

PLANNING COMMISSION. The Planning Commission of the City of Hayward, California.

PLANNING DIRECTOR. The Director of the Community and Economic Development Department of the City of Hayward, California. This includes his or her staff members as appointed to represent him or her.

POINT OF BUSINESS SALE. An establishment which provides retail sales of commodities via internet, telephone, facsimile, and/or mail, with less than 10 percent of gross annual sales attributable to direct and physical customer contact on-site.

PREMISES. A continuous area of land and any structures thereon all under a single ownership or operation under a single direction, which premises may include one or more adjacent lots, or fractions of lots.

PREMISES. The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

PRIMARY USE. The principal or predominant use of any lot, building or structure.

PUBLIC AGENCY FACILITIES. Facilities, structures and accessory uses which house public agencies such as federal, state, or local government, and other agencies such as utility and telephone companies governed by the Public Utilities Commission.

PUBLIC PARK/PUBLIC GATHERING. A park, playground, swimming pool, reservoir, golf course, or athletic field within the City which is under the control, operation or management of the City of Hayward, Hayward Area Recreation District, Alameda County, the East Bay Regional Park District, the State of California or Federal Government. For private golf course, see "GOLF COURSE, COUNTRY CLUB."

PUBLIC FACILITIES DISTRICT (PF). A land use zoning district within which typical land uses include public government buildings, public libraries, public community centers, and public parking lots, whether a fee is charged or not. See Section 10-1.2300.

QUARRY. Any premises from which any rock, sand, gravel, earth, or mineral is removed or excavated for the purpose of disposition away from the immediate premises, whether the disposition is immediate or in the future, and excepting excavations within public roads and highway rights-of-way.

RADIO TRANSMISSION TOWER. See "ANTENNA."

RAILROAD YARD. A facility where railroad cars and engines are stored, repaired, and transferred to different trains. Also includes a freight station where items carried by train are transported onto and/or from trucks for transport. Also see "PASSENGER TRANSPORTATION TERMINAL."

RECREATIONAL FACILITY. Those facilities maintained to provide a pastime, sport or exercise as a means to refresh one's body or mind, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses. May be a commercial or non-commercial facility. Under no circumstance, as a primary, permitted or accessory use, shall any Recreational Facility be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

RECREATIONAL VEHICLE. A vehicle primarily designed as temporary living quarters for recreational, camping, or travel use.

RECREATIONAL VEHICLE (RV) STORAGE FACILITY. A parcel or group of contiguous parcels upon which two or more recreational vehicles, camper trailers and boats may be stored for a fee when not in use.

RECYCLING FACILITIES.

- a. **Small Recycling Collection Facilities/Recycling Collection Area.** Small recycling facilities shall be incidental to a primary use on the site (i.e. shopping center). Accepts recyclable non-hazardous materials directly from the public by donation, redemption, or purchase at facilities no greater than five hundred (500) square feet in area and that generally do not use power-driven processing equipment. May include mobile recycling units, bulk reverse vending machines, kiosk type units, and/or unattended containers placed for the donation of recyclable materials (such as aluminum, glass, plastic, and bimetal for recycling). Small Recycling collection facilities may not process material except for limited bailing, batching, and sorting of materials.
- b. **Large Recycling Collection Facilities.** A facility accepting recyclable non-hazardous materials by donation, redemption, or purchase at facilities occupying an area greater than five hundred (500) square feet and that is not incidental to a primary use. Large Recycling Collection Facilities may use power driven equipment to sort and condense material for shipment to an intermediate processor or

other user. Processing of materials is limited to sorting, bailing or similar activities and shall occur within an enclosed building. Storage of materials shall occur within an enclosed building or in sealed and covered containers outside of a building, subject to the Outdoor Storage screening requirements.

Recycling Processing Facilities. A facility that operates within an enclosed building used for the collection, processing and storage of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, composting and remanufacturing. Processing outside of a building is prohibited.

RECYCLABLE MATERIALS. "Recyclable materials" or "recyclables" are discarded materials that are collected, separated, composted, and processed and that can be used as raw materials in the manufacture of new products and/or materials used as alternative daily cover as defined and permitted by the State of California. Recyclable materials are collected and treated in a manner different from Refuse.

REFUSE. Waste material intended for disposal and including: (1) non-putrescible wastes, whether in solid or liquid form, except liquid-carried industrial wastes or sewage hauled as an incidental part of septic tank or cesspool-cleaning service; and (2) rubbish (such as non-recyclable materials).

RELIGIOUS FACILITY. Those facilities maintained by a tax-exempt religious institution, a government agency, or other non-profit organization exempt from taxation under the Internal Revenue laws as an organized system of belief in or the worship of God or gods or an institutionalized system of religious attitudes, beliefs and practices, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses.

RENEWABLE ELECTRIC POWER GENERATION, TRANSMISSION, AND DISTRIBUTION. Facilities engaged in generating electric power from renewable resources or operating power transmission systems for renewable energy, including electrical lines, transformer stations, and meters. This definition does not include ancillary renewable energy systems associated with a primary industrial use. See also WIND ENERGY CONVERSION SYSTEM.

RESEARCH AND DEVELOPMENT. A facility engaged in conducting research and development to gain or apply scientific knowledge for product/process creation. Includes commercial testing and experimental laboratory environments. Subject to Hazardous Materials Use and Storage limitations.

RESIDENTIAL NATURAL PRESERVATION DISTRICT (RNP). A land use zoning district within which topographic configuration is a major consideration in determining the most appropriate physical development of the land. This district primarily allows the development of single-family homes only where they are subservient to and compatible with the preservation of major natural features of the land. See Section 10-1.300.

RESIDENTIAL-OFFICE (RO). A land use zoning district which allows the mix of office land uses with residential, the scale and form of which does not detract from adjacent or future residential land use in the same zone. See Section 10-1.600.

RESTAURANT. Any establishment, other than a boarding house or dormitory, where food and beverages are provided for consumption on-premises or off-premises, and where typically, but not necessarily, there are tables, counters, benches, or other public seating facilities provided, or where food is taken off-premises, disposal containers are provided. Examples include a sit-down dining facility, fast-food restaurant (no drive-through window), donut shop, pizza shop, cafe, bakery, cafeteria, coffee shop, lunchroom, delicatessen, and ice cream parlor. The serving of alcoholic beverages is subject to the regulations in the "Alcohol Beverage Outlets" regulations, Section 10-1.2750 of this Ordinance.

RESTAURANT—DRIVE-THROUGH. Any high-volume establishment serving food or beverages which utilizes a building design, site layout, or operating procedure whereby customers can drive onto the premises and remain in their vehicles while food or beverages are sold or dispensed. For regulations of drive-through restaurants see the "Drive-in Establishments-Special Standards and Conditions" contained in the Design and Performance Standards of various Sections of this Ordinance, including Sections 10-1.800 and 10-1.1000.

RETAIL. The sale of commodities or goods to ultimate consumers. This definition does not include AUTOMOBILE SALES for new and used vehicles.

REVERSE VENDING MACHINES. A mechanical device which accepts one or more types of empty beverage containers, including aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip. "Bulk reverse vending machines" are those machines which exceed 50 cubic feet in size or exceed 8 feet in height. See Section 10-1.2735.i. "RECYCLING FACILITIES."

RIDING STABLE OR ACADEMY. A facility where individuals board their horse(s) and or where horseback riding classes are taught. Typically includes public demonstrations, such as dressage or other equestrian events. Does not include any contest(s) resembling a rodeo (i.e., bronco riding, calf roping, and/or steer wrestling.)

RIGHT-OF-WAY. A strip of land used acquired by reservation, dedication, prescription or condemnation and intended to be used or occupied by a road, trail, water line, sanitary sewer and/or other public utility services and uses, or any combination thereof, and includes all and any part of the entire width or other area of designated right-of-way, whether or not such entire width or area is actually used. Right-of-way includes access, pedestrian, equestrian and utility easements. The following sub-definitions are provided:

- a. Public right-of-way. A right-of-way owned by the City or any other public entity or public utility.
- b. Private right-of-way. A right-of-way owned by and for the benefit of one or more persons, including a right-of-way offered for dedication to the City or to any other public entity which has not been accepted and which no improvements or maintenance has regularly been performed by the city or other public entity.
- c. Railroad right-of-way. A strip of land on which railroad tracks, spur tracks, sidings, switching equipment and signals are located, and includes the entire width or other area of the designated right-of-way, whether or not the entire width or area is actually used for such railroad facilities.

ROOF STYLE

- a. Flat: A flat roof is one which is almost level, with no significant slope (pitch) in any direction. Most flat roofs have a very gentle slope for rainwater run-off.
- b. Gable: A gable roof is one where only two opposite sides (usually the longer sides) slope, with walls that extend all the way to the top of the roof ridge in a triangular shape.
- c. Gambrel: A gambrel roof is a symmetrical two-sided roof with the longer sides having two segments at different pitches
- d. Hip: A hip roof (or hipped roof) is one where all four sides slope.

SETBACK. The required distance that a building, structure, parking or other designated item must be located from a lot line.

SHOE REPAIR SHOP. An establishment which repairs, shines, and polishes shoes. Typically includes machinery necessary to repair shoes, and may include retail sales of shoes.

SHOPPING CENTER. A continuous area of land under single ownership or operated under a single direction, developed for retail and general commercial purposes, and typically has at least one major tenant and several smaller shops. Typically has driveways and parking facilities which are shared between tenants.

SIGN SHOP. An establishment which produces general advertising signs of various shapes and sizes for sale at retail.

SINGLE-FAMILY DWELLING. See "DWELLING, SINGLE-FAMILY."

~~SINGLE-FAMILY RESIDENTIAL (RS). A land use zoning district primarily used for single family homes where children and members of many families live as a neighborhood. See Section 10-1.200.~~

SLOPE. The formula for calculating slope shall be as follows:

$$S = (I \times L \times 100) / A$$

S = Average existing slope in percent for the portion of the site or lot to be developed

I = Contour interval in feet

L = The combined length in feet of all contour lines within the portion of the site or lot to be developed.

A = Total area in square feet of the portion of the site or lot to be developed.

The total area within a site or lot that is proposed to be graded and/or covered with structures shall be included in the slope calculation. Areas proposed to be left undisturbed shall not be included.

An inclined ground surface, the inclination of which may be expressed as a ratio of horizontal distance to a vertical distance, in degrees or as a percentage.

Slope Percentage = Rise/Run X 100 = %.

Slope Ratio = Run/Rise = (x) feet run to one foot rise = X : 1

% Grade	100%	50%	40%	33.3%	30%	25%	20%	15%	12%	10%	8%	6%
Degrees	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
Ratio	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

SPECIAL DESIGN OVERLAY DISTRICT (SD). A zoning overlay which promotes the conservation and compatibility of development in areas of historic or architectural character and has specific architectural requirements for new development which enhances these resources. This District is comprised of the following Subdistricts:

- "B" Street Special Design Streetcar District (SD-1).
- Mission Corridor Special Design District (SD-2).
- Cottage Special Design District (SD-3).

SPECIAL LOT STANDARDS COMBINING DISTRICT (B). An overlay zone which depicts specific development standards for the zoning district it is combined with. See Section 10-1.2400.

SPORTING GOODS STORE. An establishment which sells sporting goods to the public at retail. Typically includes sports equipment (i.e., balls, bats, tennis rackets, golf clubs, skis and ski poles), and may include related clothing (i.e., tennis shoes for running, walking, basketball, etc., and sweat pants, shorts, shirts, and hats.) May also include the ancillary sale of used sporting goods.

STATION AREA RESIDENTIAL DISTRICT (SAR).

Note(s)—Repealed by Ordinance 11-12, Adopted October 11, 2011.

STATIONARY STORE. An establishment which sells office-related products to the public at retail. Products typically includes paper products, calendars, pens and pencils, and may include small office equipment, such as filing cabinets, brief cases, and calculators. Usually includes the sale of greeting cards, wrapping paper, photo albums, picture frames, globes, maps, and other related products.

STORAGE. A space or place where goods, materials and/or personal property is put for more than 24 hours. The following subdefinitions are provided:

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- a. Minor Open Storage. Outside storage that is accessory or ancillary to the primary or conditional use conducted on the site, which shall not exceed 25 percent of an open yard area, excluding any required yard or parking area.
 - b. Public Storage Facility. A space or place within an enclosed building where goods, materials, and/or personal property may be put for more than 24 hours for a fee. Typically includes a manager's dwelling unit and customer parking.
 - c. Recreational Vehicle Storage Facility. See definition for "Recreational Vehicle (RV) Storage Facility."

STORAGE YARD. Outdoor storage of goods, materials, equipment as well as storage of operating equipment for warehouses such as forklifts, pallets and racks outside of a building for more than 24 hours as a primary use. This classification excludes auto-related outdoor storage uses otherwise defined in this section such as AUTOMOBILE STORAGE YARD, AUTOMOBILE DISMANTLING FACILITY and TOWING YARD.

STORY. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused underfloor space shall be considered as a story. A mezzanine or loft that covers a portion of the floor below still constitutes a story. ~~Maximum story height shall be 13 feet.~~

STREET. A publicly maintained right-of-way for use as a public thoroughfare by the public at large, or a private street, provided said private street has been approved by the City Council.

STREET TREE. A tree located within the right-of-way often within a sidewalk well.

STRUCTURAL ALTERATIONS. Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

STRUCTURE. Anything constructed or erected, except fences not exceeding six feet in height, which requires permanent location on the ground or is attached to something having location on the ground.

SUBDIVISION. The division of land as regulated by the Subdivision Ordinance, Article 3, Chapter 10, of the Hayward Municipal Code.

SUBDISTRICT. A subcategory of a primary zoning district.

SUNTAN PARLOR. An establishment which provides tanning facilities for use by the public for a fee.

SUPERMARKET. An establishment which does retail sales of food, beverages, drugs, variety items, and similar goods. May include an automated teller machine or related financial facility.

TAILOR/SEAMSTRESS SHOP. An establishment which sews, alters, and/or mends clothing and costumes for the public for a fee. Typically includes sewing machines and sewing notions for use by the proprietor.

TANNING SALON. See "SUNTAN PARLOR."

TATTOO PARLOR. An establishment which provides a tattooing service to customers. May include body piercing as an ancillary use.

TAVERN. See "BAR, COCKTAIL LOUNGE."

TAXI COMPANY. An establishment which provides vehicle rides to the public for a fee. Typically includes automobile and/or van rides, for single passenger pick-ups and drop-offs. Minor automobile repair of vehicles used by the proprietor is permitted on-site (i.e., oil change, tune-ups).

TEMPORARY USE. A use established for a specific period of time, with the intent to discontinue the use at the end of the designated time period. Example includes retail sidewalk or tent sales. For animals, "temporary use"

shall mean the keeping of animals for specified periods of time either following birth, for purposes of recovery by no-profit breed rescue organizations, or other reasons as determined by the Planning Director.

THEATER. A building or outdoor structure where films, motion pictures, video cassettes, slide or similar photographic reproductions are regularly shown, or an establishment regularly featuring live performance of dramatic productions, for any form of consideration.

- a. **SMALL MOTION PICTURE THEATER.** An establishment having two (2) or fewer screens or less than two hundred (200) seats.
- b. **LARGE MOTION PICTURE THEATER.** An establishment having three (3) or more screens or two hundred (200) or more seats and showing first run films. Large Motion Picture Theaters are also referred to as multi-plex or multi-screen theaters.
- c. **LIVE PERFORMANCE THEATER.** An establishment having one or more stages and featuring live or dramatic productions.

THRIFT STORE. An establishment engaged in the retail sales of used or donated goods (including clothing, furniture, appliances, etc.).

TRAILER. A vehicle without motor power used or adaptable for living, sleeping, business or storage purposes, having no function other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character unless the entire structure is erected and maintained in accordance with prevailing laws.

TOY STORE. An establishment which sells toys and games to the public at retail.

TRANSITIONAL AND SUPPORTIVE HOUSING. Transitional and supportive housing are more permanent housing options providing a more stable living situation for individuals and families that might otherwise be homeless with stay lengths that are typically six months or longer. Transitional and supportive housing uses are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone.

TRAVEL AGENCY. See "OFFICE."

TRUCK TERMINAL. A facility which provides a transfer, loading, and unloading point for trucks and automobiles carrying goods and products. Typically includes fuel and food facilities.

UNATTENDED COLLECTION BOXES. Unattended collection box shall mean any unattended container, receptacle or similar device that is located on any lot within the city that is used for soliciting and collecting donations of clothing and other salvageable personal property. See General Regulations "Recycling Facilities" for specific regulations.

UPHOLSTERY SHOP. A facility which re-upholsters household furnishings of all types (i.e., couches, chairs, footstools, pillows, etc.), for a fee (does not include automobile upholstery).

USE. The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

USE PERMIT. A land use permit termed a "discretionary entitlement" to operate a specified land use on a given parcel. Usually an activity or business. The following subcategories of use permit are provided:

- a. **Administrative Use Permit.** A Use Permit issued administratively by the Planning Director or his or her appointee. An Administrative Use Permit is typically subject to exactions and conditions of approval.
- b. **Conditional Use Permit.** A Use Permit issued by the Planning Commission or City Council through a public hearing process. A Conditional Use Permit is typically subject to exactions and conditions of approval.

VACANT BUILDING/SITE. A building, structure or real property that is undeveloped, unoccupied or occupied by a person without a legal right to occupy for at least 30 days. In determining whether a building or site is vacant, the Planning Director or designee may consider these factors among others:

- a. A building at which lawful residential or business activity has ceased.
- b. The building or site is substantially devoid of contents.
- c. The building or site lacks legally connected utility services, including but not limited to water, sewer, electrical or natural gas.
- d. This definition does not include building, structures or sites that are undergoing construction or renovation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

VARIANCE. A discretionary entitlement which permits the departure from the strict application of the development standards contained in this Zoning Ordinance.

VARIETY STORE. An establishment which provides a variety of goods to the public for sale at retail. Typically includes hair care products, a pharmacy, non-prescription drugs and hygiene products, cleaning supplies, toys, games, small household appliances, dishes, make-up, candy, etc.

VEHICLE. The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for sleeping purposes shall be prohibited except within an approved mobile home park.

VEHICLE RENTAL. See "AUTOMOBILE RENTAL."

VEHICLE REPAIR. See "AUTOMOBILE REPAIR."

VEHICLE SALES. See "AUTOMOBILE SALES."

VEHICLE SERVICING. For vehicle servicing such as same-day lube, oil, and filter, see "AUTOMOBILE REPAIR - MINOR." For major vehicle repairs such as engine overhauls, vehicle upholstery, auto glass, mufflers, etc., see "AUTOMOBILE REPAIR - MAJOR."

VIDEO SALES AND RENTAL STORE. An establishment which sells at retail and/or rents video tapes to the public.

WAREHOUSE AND DISTRIBUTION FACILITY. Establishments primarily engaged in the sale, storage, and distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for distribution in smaller lots. Does not include public storage facilities.

WASTE TREATMENT FACILITY. A facility that treats hazardous waste, medical waste or other waste from offsite sources. Subject to Outdoor Storage limitations.

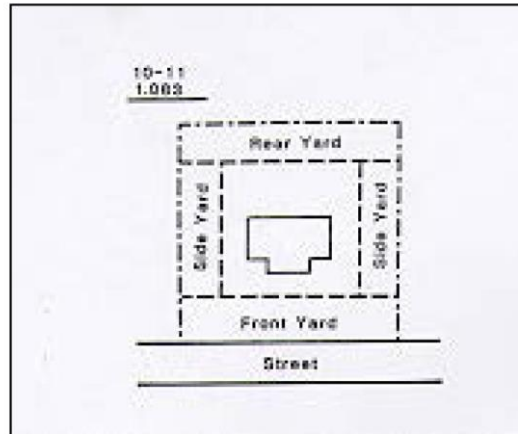
WASTE TRANSFER/HANDLING FACILITY. A facility that transports or handles hazardous waste, medical wastes or other wastes from offsite sources. Subject to Outdoor Storage limitations.

WHOLESALE ESTABLISHMENT. The sale of commodities and goods to an establishment for resale to the consumer.

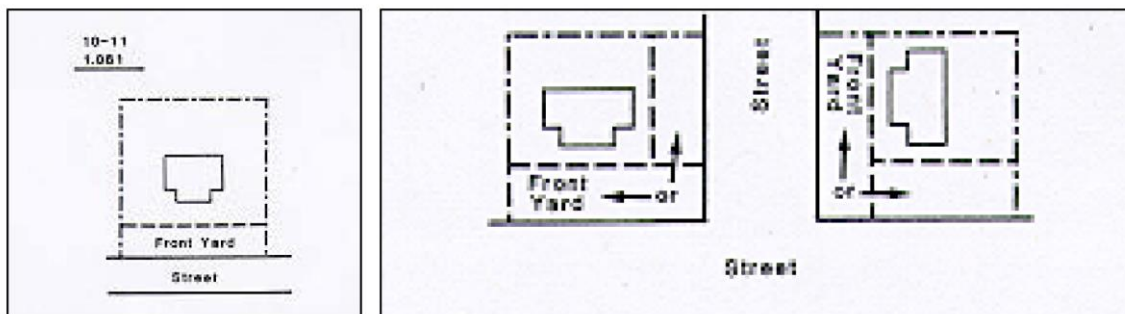
WIND ENERGY CONVERSION SYSTEM. A machine that converts the kinetic energy in the wind into a usable form. A wind energy conversion system is commonly known as a windmill or wind turbine, and includes all parts of the system including the tower and the transmission equipment.

WINE SHOP. "Wine Shop" shall mean an alcoholic beverage sales establishment, managed by a certified sommelier or oenologist, primarily for the retail sales of wine from multiple wineries and distributors that involves no sales of liquor or distilled spirits. Wine tasting may be included as an accessory use, but the wine shop cannot operate as a bar.

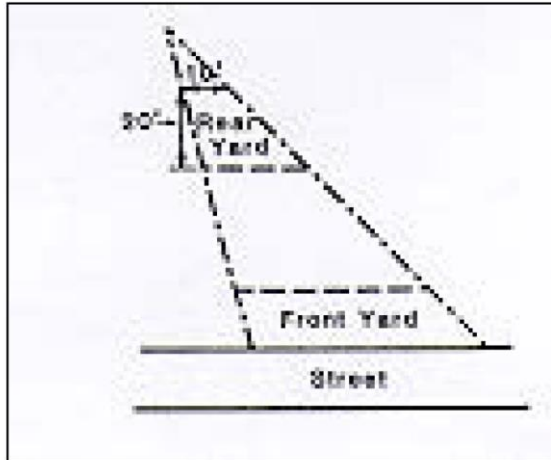
YARD. The word "yard" shall mean an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided herein. A yard extends along a lot line or official plan line to a depth or width specified in the yard regulations for the District in which such lot is located.



- a. Front Yard. A yard extending along the full length of the front lot line between the side lot lines, except for flag-shaped lots where yard areas shall be calculated excluding the stem of the lot, and the front yard shall be parallel to the right-of-way unless determined otherwise by the Planning Director. The developer of a corner parcel may select as the front yard property facing either of the two rights-of-way at the time of initial development of the property.



- b. Rear Yard. A yard extending along the full length of the rear lot line between the side lot lines of an interior lot. The rear yard of a corner parcel shall be determined by the Planning Director and shall be opposite either of the two rights-of-way.



- c. Side Yard. A yard extending along a side lot line from the front yard to the rear yard, or from the front lot line to the rear yard where no front yard is required. In determining side yards based on a percentage of lot width where the lot is irregular in shape, the width shall be determined by calculating the lot width at a point of 20 feet from the front property line.
- d. Side Street Yard. A yard extending along a lot line, other than a front, rear, or interior side line, between the front yard and a side or rear lot line. The developer of a corner parcel may select the side street yard from property facing either of the two rights-of-way.

(Section 10-1.3510 amended by Ordinance 99-18, adopted October 12, 1999; Ordinance 02-08, adopted July 16, 2002; Ordinance 03-08, adopted May 27, 2003; Ordinance 04-13, adopted September 28, 2004; Ordinance 04-19, adopted December 21, 2004, amended by Ordinance 06-11, adopted July 11, 2006, amended by Ordinance 06-14, adopted July 11, 2006; amended by Ordinance 17-09 , adopted June 20, 2017; amended by Ordinance 17-16 , adopted Nov. 7, 2017; amended by Ordinance 17-15 , adopted Nov. 28, 2017; amended by Ordinance 19-10 , adopted June 4, 2019; Amended by Ordinance 21-05 , § 5, adopted July 20, 2021)

CHAPTER 10, ARTICLE 2 OFF-STREET PARKING REGULATIONS

*II. GENERAL PROVISIONS***SEC. 10-2.200 APPLICATION.**

This article shall not apply to existing uses established prior to its adoption except as hereinafter modified. Off-street parking and loading spaces shall be provided subject to the provisions of this chapter:

- a. The Off-Street Electric Vehicle Charging requirements in this Article shall apply:
 - 1) At the time of construction of any new building; or
 - 2) At the time when new parking spaces are added due to a change of use or addition to an existing building. (The calculation of EV charging infrastructure required shall be based only on the number of parking spaces added.)
- b. At the time of construction of any new building.
- c. At the time an existing building is altered or enlarged, except in the Central Parking District. The number of parking spaces or loading berths required for a major alteration or enlargement of an existing structure shall be in addition to the number of spaces or berths existing prior to the alteration or enlargement. The required number of parking spaces for that portion of the building existing prior to the alteration or enlargement shall not be increased as a result of the alteration or enlargement. For purposes of these requirements, 'major alteration or enlargement' shall mean an alteration or enlargement that would increase the number of parking spaces or loading berths required by at least 25 percent or by at least 10 parking spaces, whichever is greater.
- d. At the time a new use is established in an existing building, where a major change of use or expansion in the existing use is involved for any lot, structure, or building, except in the Central Parking District, additional parking shall be provided for the new use based on the difference between the parking requirements for the new use as set forth in this article and the parking requirements for the prior use. For purposes of these requirements, 'major change of use' shall mean a change of use that would increase the number of parking spaces or loading berths required by at least 25 percent or by at least 10 parking spaces, whichever is greater.
- e. At the time that cumulative additions to a ~~single-family or multi-family dwelling~~ residential building increase the original building floor area by more than 50 percent per unit or increase the number of sleeping rooms.

NOTE: Excess parking spaces existing at the time a building is increased in area or a new use is established may be credited toward meeting the required parking.

(Amended by Ordinance 22-11 , adopted November 15, 2022)

*III. REQUIRED RATIO OF PARKING SPACES***SEC. 10-2.300 REQUIRED RATIO OF PARKING SPACES.**

Uses not specifically listed in this article shall provide the minimum off-street parking required of the use most similar in nature, as determined by the Director of Community and Economic Development/ Planning Director. Additional parking spaces may be required for developments requiring conditional use permits, parcel

map or tract map approvals, or other conditionally approved projects at the discretion of the Director of Community and Economic Development/Planning Director.

SEC. 10-2.310 RESIDENTIAL USES.

The number of off-street parking spaces required for residential shall be:

USES	PARKING SPACES REQUIRED
SINGLE FAMILY DWELLINGS <u>DETACHED RESIDENTIAL:</u>	2.0 covered per dwelling unit
If a lot abuts a public or private street that has no parking lane on either side of the street or is posted for no parking on both sides of the street.	2.0 covered per dwelling unit plus 2.0 open-uncovered per dwelling unit. <u>Driveway parking spaces can satisfy the uncovered parking requirement, which shall not block access to the covered parking</u>
If a dwelling with a single car garage was built prior to March 24, 1959	1.0 covered per dwelling unit
DUPLEXES, TRIPLEXES, MULTIPLE FAMILY UNIT DWELLING(S) <u>RESIDENTIAL (4+ UNITS):*</u>	
Studio	1.0 covered and 0.50 open-uncovered per dwelling unit
One-bedroom	1.0 covered and 0.70 open-uncovered per dwelling unit
Two or more bedrooms	1.0 covered and 1.10 open-uncovered per dwelling unit
* Ten percent of the multiple family parking spaces required shall clearly be marked for visitor's parking, at least 70 percent of which shall accommodate standard size vehicles. Where less than 10 parking spaces are required, a minimum of one standard parking space shall clearly be marked for visitor's parking.	* Included in the rental cost, a minimum of one covered parking space shall be assigned to each studio and one bedroom unit, and a minimum of one covered and one uncovered parking space shall be assigned to each two or more bedroom or more units. Assigned unused spaces may not be rented to any other party. Any uncovered space may be covered instead.
<u>Senior (62+) rental housing</u>	<u>0.5 covered spaces per unit</u>
<u>Special needs housing as defined in California Health and Safety Code Section 51312</u>	<u>0.3 covered spaces per unit</u>
MOBILE HOMES	2.0 per mobile home space, plus 1.0 guest parking space per three mobile home spaces within a mobile home park
<u>ACCESSORY DWELLING UNIT(S)</u>	<u>See Section 10-1.2740 for parking criteria and standards.</u>

(Amended by Ordinance 17-16 , adopted Nov. 7, 2017)

IV. EXCLUSIONS, REDUCTIONS, EXCEPTIONS AND APPEALS

SEC. 10-2.402 RESIDENTIAL CREDIT FOR TRANSPORTATION SYSTEMS MANAGEMENT PROGRAM.

In consideration of the financial commitment involved in providing a Transportation Systems Management Program and the fact that the use of alternative commute modes serves to reduce parking demand, a residential development that is required to provide greater than 50 off-street parking spaces may be allowed to reduce the parking requirements of this article between 10 and 20 percent by implementing the items specified below.

- a. For a 10 percent reduction, all the following measures shall be included in the project.
 - i. On-site transit route maps and schedules posted within a publicly visible and accessible area near the primary building entrance. The route maps and schedules shall include all transit routes within a ¼ mile radius and be updated annually.
 - ii. A minimum of one car-share parking space and an annual membership to the car-sharing program available all residents in perpetuity.
- b. For a 15 percent reduction, one of the following measures shall be included in the project.
 - i. A publicly accessible Class 1 or Class 4 bicycle facility through the development connecting to an existing or planned bike route identified in the City's Bike and Pedestrian Master Plan. Along the facility, there shall be at least one bike repair station with an air pump and tools.
 - ii. A bus shelter for any bus route within a ¼ mile radius. The bus shelter design shall be approved by City of Hayward and AC Transit.
- c. For a 20 percent reduction, one of the following measures shall be included.
 - i. A one-time financial contribution set by the Public Works Director for bike, pedestrian or transit related capital improvements projects identified in the Capital Improvement Program
 - ii. Monthly bus passes shall be made available to residents at no cost in perpetuity. A minimum of 1 bus pass per bedroom shall be made available.
- d. The reductions above may not be combined for a single project.
- e. The property owner(s) must enter a written, recorded agreement with the City setting forth the substance of the Transportation Systems Management program and including a guarantee that there will be no substantial alteration in the Transportation Systems Management program that will create a greater demand for parking without the City's knowledge and approval.

SEC. 10-2.403 NON-RESIDENTIAL CREDIT FOR TRANSPORTATION SYSTEMS MANAGEMENT PROGRAM.

In consideration of the financial commitment involved in providing a Transportation Systems Management Program and the fact that the use of alternative commute modes serves to reduce parking demand, a non-residential development that is required to provide greater than 50 off-street parking spaces may be allowed to reduce the employee parking requirements of this article up to 6 percent by providing an Employee Transportation Coordinator and up to another 14 percent by implementing the first 13 items below for a total of up to 20 percent.

- a. All developments may submit a plan for a Transportation Systems Management Program. The program may include, but is not limited to the following factors:
 - (1) Carpool/vanpool matching

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- (2) Preferential parking for carpools and vanpools
 - (3) Financial subsidies and rewards to walkers/carpool/vanpool/bus/BART passengers and drivers
 - (4) Employer provided vehicles for carpools and/or vanpools
 - (5) Carpool/vanpool operating subsidies, e.g. insurance, fuel, maintenance
 - (6) Provision of subscription bus services
 - (7) Sale of bus/BART passes/ticket books at the work site
 - (8) On-site [transit](#) route maps and schedules
 - (9) Shuttle service to bus/BART
 - (10) Bus shelter provision and maintenance
 - (11) Alternative work hours
 - (12) Capital improvements for transit services
 - (13) Bicycle linkages to established bicycle routes
- b. As a guideline, the position of an Employee Transportation Coordinator should involve at a minimum the following:
- (1) The Employee Transportation Coordinator should have completed a Bay Area Air Quality Management District certified training curriculum, or as approved by the City Engineer;
 - (2) The Employee Transportation Coordinator should be equipped with sufficient office space, marketing materials, clerical assistance, and telephone service to implement a complete transportation center;
 - (3) The Employee Transportation Coordinator should disseminate promotional materials and information to building occupants to encourage ride sharing and alternate work hours;
 - (4) The Employee Transportation Coordinator should conduct a minimum of 2 information days annually;
 - (5) The Employee Transportation Coordinator should devote a minimum 1 hour per week for every 50 employees to encourage alternative commute modes;
 - (6) The Employee Transportation Coordinator shall prepare an annual report evaluating the extent and results of the Transportation Systems Management program, including measures undertaken by the employer, average number of employees using various modes of transportation, total number of employees participating in alternative work hours, and any employer subsidies.
- c. In addition to the 6 percent reduction obtainable for providing an Employee Transportation Coordinator, a 14 percent reduction may be obtained if the Transportation Management Systems program shows how alternative modes will be implemented, the permanency of such modes, the extent of the program, the number of trips reduced, and the number of parking spaces eliminated by the alternative modes. The potential for maintaining the program will be considered in determining the reduction in required parking.
- d. In addition, the property owner(s) must enter into a written, recorded agreement with the City, in a form satisfactory to the City Attorney, setting forth the substance of the Transportation Systems Management program and including a guarantee that there will be no substantial alteration in the Transportation Systems Management program that will create a greater demand for parking without the City's knowledge and approval, and a provision stating that the City may, upon a finding by the

Director of Community and Economic Development/Planning Director that there has been a change in the plan, modify, amend, or unilaterally terminate the agreement.

SEC. 10-2.404 CREDIT FOR PROXIMITY TO PUBLIC TRANSPORTATION FACILITIES.

- a. Except for uses established in the Central Parking District, parking space requirements for public or private institutional or government uses, e.g., hospitals, office buildings, may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent, provided public transportation is available within 500 feet of the site or if public rail transportation is available within 1000 feet of the site.
- b. Except for uses established in the Central Parking District, parking space requirements for retail establishments may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent, provided a public bus stop and shelter are immediately adjacent to the site and maintained by the retail establishment.
- c. ~~Except for uses established in the Central Parking District, parking space requirements for multi-family residential may be reduced by the Director of Community and Economic Development/Planning Director up to 15 percent provided public rail transportation is available within 1,000 feet of the site.~~

~~SEC. 10-2.405 CREDIT FOR SENIOR CITIZEN/HANDICAPPED HOUSING.~~

~~Parking space requirements for residential developments deed restricted to be exclusively for individuals 62 years of age and older and/or for persons with disabilities may be reduced by the Director of Community and Economic Development/Planning Director up to by 25 percent when:~~

- ~~a. The facility is conveniently located with respect to shopping, services, and public transportation;~~
 - ~~b. Units are permanently made available to low income persons;~~
 - ~~c. Tenant vehicles are limited to the number of parking spaces provided exclusive of guest parking spaces;~~
- ~~and~~
- ~~d. The Director of Community and Economic Development/Planning Director finds that these conditions substantially reduce the need for on-site parking. The percent reduction obtained cannot be in addition to any other reductions.~~

SEC. 10-2.406 CREDIT FOR TWO-WHEEL VEHICLE PARKING SPACE(S).

In addition to the off-street parking requirements heretofore enumerated, additional parking spaces or facilities for bicycles, motorcycles, and similar two-wheel vehicles shall be provided when more than 50 parking spaces are required. Location, area, design, and improvement of such space or facilities shall be as approved by the Director of Community and Economic Development/Planning Director.

- a. Credit for one parking space shall be given for each 4 bicycle spaces provided, whether the spaces are required or not. Bicycle spaces shall measure at least 2- feet by 7-feet and shall be located in groups of 4 and be equipped with locking devices for each bicycle.
- b. Credit for one parking space shall be given for each 2 motorcycle spaces provided, whether the spaces are required or not. Motorcycle spaces shall measure 4-feet wide by 8-feet long and shall provide an adequate maneuvering area to permit easy access to the space.
- c. Credits for bicycle and motorcycle parking, or a combination thereof, shall not exceed 5 percent of the total required parking spaces.

SEC. 10-2.407 TANDEM PARKING STANDARDS.

- a. Tandem parking is permitted for ~~single-family detached residential~~ and mobilehomes.
- b. Tandem parking ~~may be~~ permitted ~~by the Director of Community and Economic Development/Planning Director~~ for ~~duplexes, triplexes, and~~ multi-family ~~residences-residential (4+ units) in the Central Parking District~~ when spaces are assigned to the same dwelling unit ~~and are enclosed within a garage.~~
- c. ~~Tandem parking may be permitted by the Planning Commission for multi-family residences outside the Central Parking district when spaces are assigned to the same dwelling unit and are enclosed within a garage and when 1) the development contains at least 20 units and is located within 1,000 feet of a bus route with 7 day service or a rail station; 2) no more than 35 percent of the residences are provided tandem spaces; 3) the tandem garages are spaced or grouped such that vehicular movement conflicts are minimized; and 4) the tandem garages are located such that vehicles back out into an alley or courtyard that provides access to parking facilities only. Based on a recommendation by the Planning Commission, the percentage of units with tandem garages may be increased by the City Council where such increase serves to meet the goals of an officially adopted Design plan, including, but not limited to, density and architectural design.~~
- d. Tandem Parking may be permitted by the Director of Community and Economic Development/Planning Director for commercial parking facilities when a valet/attendant is on duty during the hours when the facility is being used.

SEC. 10-2.408 CARSHARING PROGRAMS.

In the Industrial Districts, required parking spaces may be substituted with designated carshare vehicle parking spaces, pursuant to the following:

- a. Carshare vehicles shall be maintained for active use by a carshare service and not for other purposes.
- b. Carshare vehicles shall be made available to members of the carsharing service through an unattended, self-service operation 24 hours a day, seven days a week.

(Added by Ordinance 19-10 , adopted June 4, 2019)

SEC. 10-2.410 CENTRAL PARKING DISTRICT STANDARDS.

All requirements of this article shall apply to development located within the Central Parking District, as defined by Section 10-2.100, except as hereinafter modified.

~~Parking and loading spaces in the Central Parking District shall conform to the extent possible with the Downtown Hayward Design Plan, which seeks to create a densely developed, mixed-use, pedestrian-oriented downtown neighborhood.~~

SEC. 10-2.412 CENTRAL PARKING DISTRICT RESIDENTIAL PARKING REQUIREMENTS.

Residential parking shall be provided on the site being developed. Use of combined facilities for residential parking requirements shall be permitted if parking facility is located on site of residential development.

1.0 covered and 0.50 ~~open-uncovered~~ spaces per dwelling unit.

0.5 space per dwelling unit for multiple-family dwellings providing housing exclusively for the elderly. (Occupancy requirements must be guaranteed, e.g., condition of government financing or grant, or other guarantee acceptable to the City.)

~~SEC. 10-2.414 DOWNTOWN CORE AREA SPECIFIC PLAN REDUCTION.~~

~~Within the area subject to the Downtown Core Area Specific Plan, the residential parking requirement may be reduced by the approving authority to a minimum of 1.0 space per dwelling unit, provided that the aggregate parking supply for all residential units at buildout, as described in the Specific Plan, excluding units exclusively for the elderly, is 1.5 spaces per dwelling. Residential parking requirements may be met in locations other than on the development sites, subject to the approval of the reviewing authority.~~

SEC. 10-2.416 COTTAGE DISTRICT—EXCEPTIONS.

In the SD-3 Cottage Special Design District, ~~1.0~~one off-street parking space per cottage is required; ~~however, a single-car garage in a raised basement or backyard or nearby leased parking may be appropriate depending on the site circumstances.~~ Driveways ~~should generally~~all be limited to a 10 foot width and ~~in no cases~~shall not exceed 30 percent of the lot width. ~~Double-Two-~~car garages in the front street elevation are prohibited.

SEC 10-2.421 PARKING EXEMPTION NEAR TRANSIT

Any minimum off-street automobile parking ratios for a residential, commercial, or other development project shall not be enforced if the project is located within one-half mile of a major transit stop in accordance with California Government Code Section 65863.2, as amended from time to time.

SEC 10-2.422 UNBUNDLED PARKING

- a. All off-street parking spaces for residential development may be leased or sold separately from the rental or purchase cost of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space.
- b. If there is unbundled parking on site, a notice describing the reduction in cost shall be permanently posted in common areas of the buildings such as a lobby or mailroom that is clearly visible to residents.

V. LOCATION OF PARKING AND LOADING SPACES

SEC. 10-2.500 PARKING SPACE LOCATIONS.

Except for non-residential uses in the Central Parking District ~~and residential uses in the area subject to the Downtown Core Area Specific Plan (Sec. 10-2.414)~~ and ~~exceptions as~~ noted in Section 10-2.402 (Off-site Parking), required off-street parking spaces and access to parking spaces shall be located on the same parcel as the uses served.

No ~~required multi-family~~ residential parking spaces shall be located further than 200 feet from dwelling units. Where driveways exceed 40 feet in length, garages, carports, or other parking areas shall be designed to require vehicles to exit property in a forward direction.

SEC. 10-2.502 OFF-STREET PARKING ON/IN SLOPES.

~~In residential and agricultural zoning districts, a one-story garage may be located within the front yard area, if it does not interfere with visual clearance as required by the Hayward Traffic Code and it conforms to the criteria for the location of garages on slopes as noted in the Zoning Ordinance and in the Hillside Design Guidelines.~~

Parking lots in all zones shall have a maximum of a 5 percent slope.

SEC. 10-2.503 OFF-STREET PARKING NEAR WALLS AND PROPERTY LINES.

Except for detached residential units, duplexes, triplexes, and all development in industrial zones, parking and aisles shall be no closer than 5 feet to a building and shall be no closer than 5 feet to a property line in residential zones or where abutting residential zoning districts, 7 feet to a building or property line if a 2 foot vehicular overhang is allowed, or 7½ feet to a building or property line if a 2 ½ foot vehicular overhang is allowed. An exception may be made for lots less than 51 feet in width, in which case vehicular circulation may be located within 3 feet of a side property line.

For detached residential units, duplexes, and triplexes, driveways providing access to required parking shall be setback a minimum of 3 feet from a side property line and 2 feet from the primary building.

In all zones, parking spaces adjacent to fences or walls shall be increased in width by at least 1 foot to accommodate door swing.

SEC. 10-2.504 OFF-STREET PARKING AND LOADING IN FRONT AND STREET SIDE YARD AREAS.

Off-street parking and loading spaces or maneuvering areas for all types of vehicles—automobiles, trucks, recreational vehicles, bicycles, motorcycles, and similar two-wheel vehicles—shall not be located in any required front or street side yard, except as provided elsewhere in this article or as a part of an approved mobile home park plan.

Where possible, ~~Non-single-family multi-unit residential~~ parking and loading spaces ~~in residential areas~~ should be located behind the primary structure(s) in order to enhance the streetscape.

In commercial and industrial zones, off-street parking spaces and driveway aisles shall be located no closer than 10 feet from the front and street side yard property lines, if the setbacks are less than 10 feet.

SEC. 10-2.505 OFF-STREET PARKING AND LOADING IN INTERIOR SIDE YARD AREAS.

In single-family residential zones (RL, RNP, RM, RH), parking and loading spaces shall not be located in a required interior-side yard, except as specified in Sec.10-1.210(b), with the following exceptions: one recreational vehicle such as a boat, compact trailer, tent, or similar recreational vehicle less than 6 feet in height can be stored in a required side yard if screened from view from the street by a 6-foot high solid fence.

~~Covered parking located between the rear of the main building and the rear lot line may be placed 5 feet from the side and rear property lines. Driveway aisles may be located in required interior-side yards in conformance with Section 10-2.503 (Off-Street Parking Near Walls and Property Lines).~~

In ~~multi-family zones, and~~ commercial and industrial zones, parking and driveway aisles may be located in required interior side yards in conformance with Section 10-2.503 (Off-Street Parking Near Walls and Property Lines).

~~SEC. 10-2.506 OFF-STREET PARKING AND LOADING IN REAR YARD AREAS.~~

~~Covered or uncovered parking and loading spaces may be located in a required rear yard as long as such parking spaces are located in accordance with requirements of the Zoning Ordinance, Sections 10-1.445 and 10-1.545, 10-1.845, and 10-1.1645, and the requirements of this article.~~

~~Open parking or vehicle storage areas located on single-family residential lots less than 10,000 square feet in area shall not exceed 500 square feet in area and shall not exceed 700 square feet for lots 10,000 feet or larger.~~

VI. DESIGN STANDARDS FOR PARKING AND LOADING SPACES

SEC. 10-2.602 PARKING SPACE DIMENSIONS.

Minimum stall, aisle, and driveway dimensions for off-street parking spaces shall be those shown in the attached appendices. Typically, minimum dimensions for non-angled compact car spaces shall be 8'-0" wide by 15'-0" long, and minimum dimensions for non-angled standard car spaces shall be 9'-0" wide by 19'-0" long.

~~Open or covered parking areas, and garages or carports exceeding 120 square feet in area shall be located no less than 5 feet from the side or rear property line and shall conform to all other requirements of the Zoning Ordinance and Building Code.~~

SEC. 10-2.604 COVERED SPACE DIMENSIONS.

~~Minimum covered parking dimensions for off-street covered parking spaces shall be 20'-0" wide by 19'-0" long for two cars and shall be 11'-0" wide by 19'-0" for one car.~~

The minimum dimensions for covered parking spaces shall be 20 feet wide by 19 feet deep for two side-by-side spaces, 11 feet wide by 19 feet long for one space, and 11 feet wide by 38 feet long for two tandem spaces. Parking space areas shall be unobstructed by stairs, utilities, posts, etc.

The minimum garage door width shall be 16 feet for a two-car garage and 8 feet for a one-car garage.

A one-car garage which is either less than 9 feet wide or 19 feet deep shall be considered nonconforming, and may be eligible to be converted to habitable living area without having to provide replacement parking.

Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet, with the exception of garage door openings which shall provide a minimum unobstructed vertical clearance of 6 feet 6 inches

Entrances to shared parking garages shall not exceed 24 feet in width.

SEC. 10-2.610 COMPACT CAR PARKING SPACES.

In ~~all non-single-family shared~~ residential parking facilities containing 6 or more spaces, a maximum of 30 percent of the required spaces may be compact car spaces. ~~in all parking facilities and a~~ maximum of 50 percent may be compact car spaces for uses located in the Industrial District.

SEC. 10-2.620 ACCESS LOCATION.

For ~~other than single-family~~ residential uses other than detached residential units, all parking and loading spaces shall be located so as not to require vehicles to back out into street right-of-way.

In order to protect traffic flow and pedestrian safety and to allow for screening of parking facilities, the number of curb cuts shall be minimized. Access ways, without parking on either side, to any parking lot shall be not less than 20 feet for two-way traffic and 12 feet for one-way traffic.

SEC. 10-2.623 PRIVATE DRIVEWAY STANDARDS.

~~Private driveway standards shall be constructed in accordance with the Standard Details of the City of Hayward Public Works Department. Driveways 40 feet or less in length shall be paved with Class B Portland Cement concrete.~~

~~On single-family residential lots, driveway width, regardless of the number of driveways, shall not exceed 20 feet in front of the garage. In addition, for access to a recreational vehicle storage area adjacent to a dwelling, a maximum 10-foot wide driveway may be located on the opposite side of the lot from the garage, and outside the required side yard.~~

~~In multi-family residential zones, no more than 1/3 of the required front yard shall be devoted to driveway. An exception may be made for lots less than 72 feet in width, in which case driveway may be a maximum of 24 feet in width.~~

Driveway widths in front of two-car garages shall be between 16 and 20 feet. Driveway widths providing access to three-car garages shall be between 20 and 26 feet.

Driveways leading to enclosed private garages shall ~~not be at least less than~~ 20 feet long.

Driveways providing access to required parking located in a side yard or rear yard shall be setback a minimum of 3 feet from a side property line and 2 feet from the primary building.

For detached residential units, duplexes and triplexes, the combined driveway and paving surface area shall not exceed a maximum of 50 percent of the required front yard area.

For detached residential units, ~~access to a recreational vehicle storage area adjacent to a dwelling, a maximum 10-foot wide driveway may be located on the opposite side of the lot from the garage, and outside the required side yard~~ to provide access to a recreational vehicle storage area adjacent to a dwelling. ~~Driveway shall be constructed with concrete, "grasscrete", asphalt, or rock or concrete wheel tracks.~~

For multi-unit (4+) residential buildings on properties greater than 72 feet in width, driveways shall not exceed one-third of the of the property frontage width and/or 24 feet individually. Properties less than 72 feet in width shall have one driveway with a maximum width of 24 feet.

For non-residential development on lots 70 or more feet in width, the Director of Community and Economic Development/Planning Director may approve a greater driveway width if the Director of Community and Economic Development/Planning Director determines the design of the driveway is aesthetically pleasing and compatible with the lot terrain and adjacent development and will not create a pedestrian or vehicular hazard.

In ~~industrial districts~~ District, in no case shall a driveway exceed one-third the width of the property frontage width or 35 feet, unless otherwise approved by the Planning Director.

(Amended by Ordinance 19-10 , adopted June 4, 2019)

SEC. 10-2.624 CIRCULATION TO PARKING AND LOADING SPACES.

Within a shared parking facility, circulation must be such that a car entering a parking lot need not enter the street to reach another aisle. ~~and that a car need not enter the street backwards, except for some single-family residences. Unless waived by the Director of Community and Economic Development/Planning Director, single-family residential lots that front on a major or secondary arterial and/or where driveways exceed 40 feet in length and multi-family residential properties shall provide a sufficient paved driveway turnaround to allow vehicles to exit the property in a forward direction.~~

The entrance or exit to any service bay, loading space, or parking area shall not conflict with the entrance or exit to any other service bay, loading space, or parking area.

Driving aisles shall be at least 12 feet wide for 1-way traffic flow and 20 feet wide for 2-way traffic flow. Parking lots and driving aisles parallel and adjacent to public sidewalks shall be separated by a minimum 10 foot landscape strip. One-way aisles shall alternate direction, or otherwise provide logical vehicular circulation as approved by the Director of Community and Economic Development/Planning Director, and shall not dead-end if greater than 60 feet in length. A 2-way dead-end driving aisle shall have minimum 5-foot turning back-up bay beyond the end stall.

~~SEC. 10-2.626 CONTROLLED ACCESS.~~

- ~~a. — Where access to a parking, loading, and/or driving aisle is controlled by gates, there shall be sufficient width for either 2 side-by-side entry vehicles or 2 queued entry vehicles, or greater if required by the City Engineer, between the gates and the street right of way or sidewalk, whichever is closer. There also shall be sufficient paved turn-around area between the gates and the street right of way or sidewalk, whichever is closer, to allow a vehicle to turn around and exit the property in a forward direction without opening the gate.~~
- ~~b. — Security gates in multi-family residential uses shall not obstruct access to visitor parking areas. Access shall be provided at all times for police, fire, city inspection, utility, and other health and safety related vehicles.~~
- ~~c. — When a request is made to the City for controlled access, all property owners within the area to be gated, or their homeowner's association, shall agree in writing to the request and agree to be responsible for the ongoing maintenance of the gate equipment, fences or walls, traffic control devices, and landscaping.~~
- ~~d. — The height and location of the gate shall be in conformance to Section 10-1.2725, Yard Requirements, e.g., Yard Exceptions—Fences, Hedges, Walls. The gate, control devices, and approach lanes shall be adequately lighted, striped, marked, and protected to provide for the safe and orderly movement of pedestrians and traffic.~~
- ~~e. — A gate opening system to provide for emergency vehicle access shall be installed to the satisfaction of the Police Chief and Fire Marshal.~~
- ~~f. — Site Plan Review is required before the construction of a gate, if the Director of Community and Economic Development/Planning Director determines that the gate materially alters the appearance and character of the property or area or may be incompatible with the above requirements, City policies, standards, and guidelines.~~

SEC. 10-2.630 DRAINAGE, SURFACING AND MAINTENANCE.

A storm drainage system shall be provided that conveys storm water runoff into facilities of the City or the Alameda County Flood Control District. All on-site storm drain inlets must be labeled 'No Dumping - Drains to Bay,' using approved methods.

All on-site storm drains must be cleaned at least once a year prior to the rainy season (October 15). Additional cleaning may be required by the City Engineer.

~~Parking surfaces and driveways for all single-family dwellings~~ detached residential units shall be paved with Class B, Portland Cement Concrete. A secondary driveway which provides access to a recreational vehicle storage area may be constructed with concrete, "grasscrete", asphalt, or rock or concreted wheel tracks. Subject to the approval of the ~~Director of Community and Economic Development/Planning Director~~ Fire Department, driveways exceeding 40 feet in length may be paved with asphaltic concrete or a comparable all-weather, and dustless material ~~(s), such as bricks or pavers.~~

All other residential and non-residential uses shall be paved with Class B, Portland Cement Concrete, or a minimum 3 inches of asphaltic concrete over a minimum of 4 inches of aggregate base or comparable all-weather, and dustless material ~~(s), such as bricks or pavers.~~

Parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. No cleaning agent may be discharged to the storm drain. If any cleaning agent or degreaser is used, washwater shall not be discharged to the storm drains; washwaters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the wastewater treatment plant receiving the discharge.

SEC. 10-2.640 LIGHTING AND MARKING.

Parking facilities shall be adequately lighted for safety and security as determined by the City Engineer. The minimum requirement is 1 foot candle of light across the entire surface of the parking area. Exterior lighting shall be designed, erected, and maintained so that light or glare is not directly cast upon adjacent properties or public rights-of-way.

Aisles, approach lanes, and maneuvering areas shall be marked and maintained with directional arrows and striping to control traffic flow. Each parking space shall be stripped, marked, and maintained by surface markings or other effective means and shall be maintained so as to be readily visible at all times. All compact parking spaces and designated employee parking spaces per Section 2.400, Parking Space Width Reductions, shall be clearly marked as such.

This section shall not apply to detached ~~single-family dwellings~~ residential units.

~~SEC. 10-2.641 SPACE IDENTIFICATION.~~

~~In multiple-family developments of 5 or more units, no less than 10 percent of the spaces shall be clearly and permanently marked for visitor parking, except in the Central Parking District where parking requirements are less than 1.0 space per dwelling unit. Where less than 10 parking spaces are required, a minimum of 1 standard parking space shall clearly be marked for visitor's parking.~~

SEC. 10-2.642 DIRECTIONAL AND REGULATORY SIGNS.

Traffic directional signs as required and approved by the Director of Public Works shall be installed at no expense to the City. Each exit from any parking area, except for ~~single-family detached~~ residential units, shall be clearly marked with a 'STOP' sign.

SEC. 10-2.650 LANDSCAPING.

Landscaped areas required in this section shall be composed of trees, shrubs, ~~turf~~grass, planted ground cover, or a combination thereof. Landscaping shall be permanently maintained, including replacement where necessary. Landscaping shall be provided as follows:

- a. Except for access driveways, a landscape planter 10 feet in width shall be provided in all required yard areas adjacent to street right-of-ways to create a separation from parking, loading, and vehicle maneuvering areas.
- b. Where no front and/or street side yards are required, a landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the Zoning Ordinance, shall be installed between parking areas and all existing or future street rights-of-way.
- c. Landscape materials within 10 feet of vehicle ingress and egress points shall be maintained so as not to impair visibility or create a traffic hazard.
- d. Landscaped areas shall be irrigated by means of an automatic sprinkler system with an automatic on-off timer clock mechanism.
- e. Landscape buffers shall be provided between adjoining outdoor use spaces with walls and planting shall be provided.
- f. Parking areas shall include a minimum of one 15-gallon parking lot tree for every 6 parking stalls, except where restricted because of design constraints. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Director of Community and Economic Development/Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
- g. Where a side or rear yard is required between a parking area and residential district, a minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line.
- h. The minimum dimensions of any tree well or landscape median shall be 5 feet, measured from the back of curb. The end of the parking rows shall be capped with landscape medians except where space is restricted due to existing site conditions.
- i. Parking and loading areas shall also be buffered from the street with shrubs, walls, or earth berms, as determined by the Director of Community and Economic Development/Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous 30-inch-high screen within 2 years.
- j. Agricultural zoning districts and parcels in a residential zoning district with three or less dwelling units shall be exempt from the landscaping requirements of this section.

SEC. 10-2.660 SCREENING.

- a. A view-obscuring screen shall be installed along rear and interior lot lines whenever parking, loading, and vehicle maneuvering areas ~~are adjacent to~~abut residentially zoned parcels. At the discretion of the Director of Community and Economic Development/ Planning Director or the Planning Commission, a view-obscuring screen may be required abutting any nonconforming residential buildings. The view-obscuring screen shall be uniformly painted, decorative wood fence, masonry wall or its equivalent, or chain-link fence with plant materials, and shall be constructed to withstand a 15-pound-per-square-foot wind load. The view obscuring screen shall be 6 feet high except when located within required front and side street yard setbacks, in which case the screen shall not exceed 4 feet high.

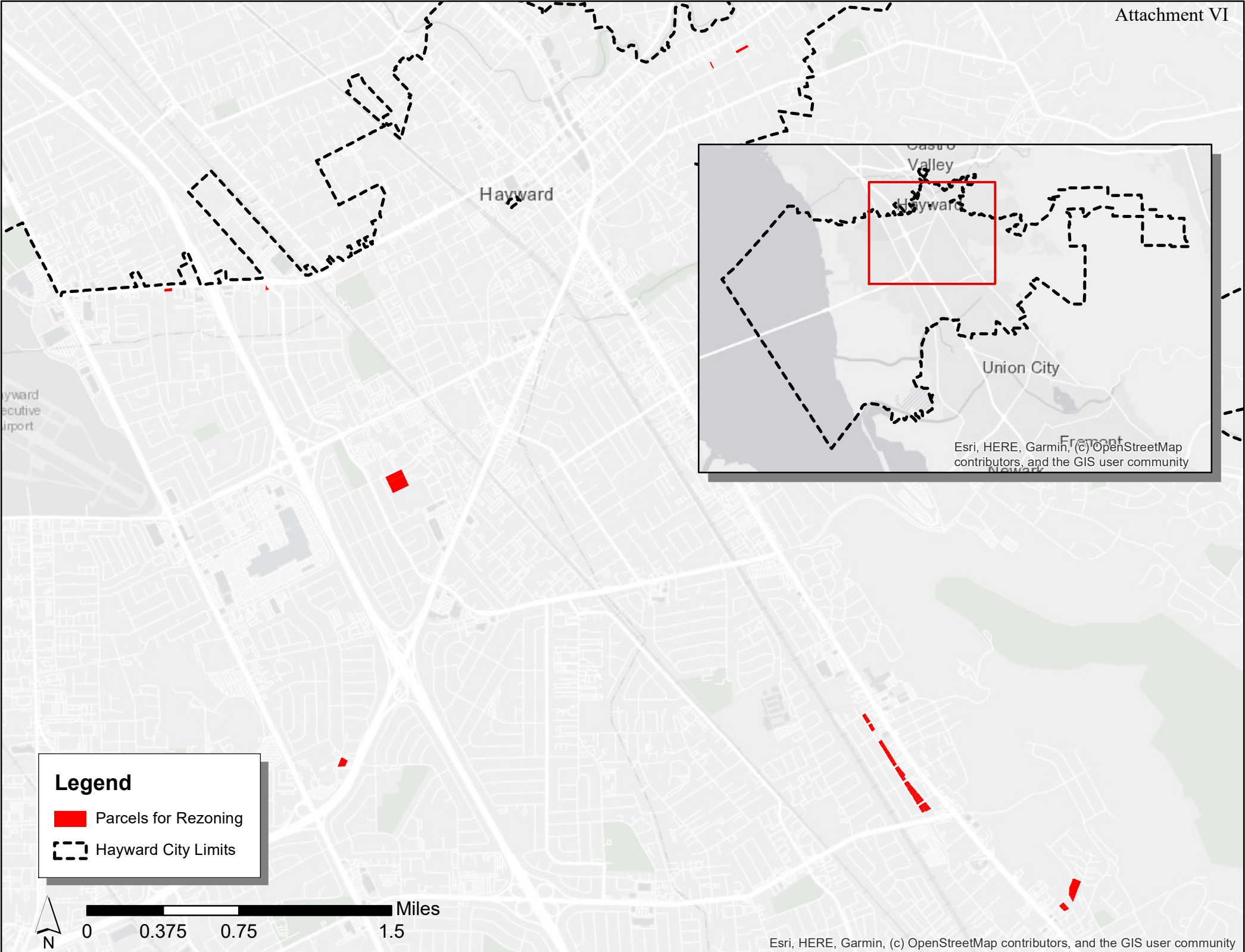
-
- b. Unless there already exists a building wall or a fence, wall, or similar screen located within 2 feet of either side of a common property line, a view-obscuring screen as described above shall be installed. On Commercial or Industrial zoned properties abutting a residentially zoned parcel, the view obscuring screen shall be a concrete, brick, or masonry wall, or an equivalent.
 - c. Agricultural zoning districts and parcels in a residential zoning district with 3 or less dwelling units shall be exempt from the requirements of this section.

SEC. 10-2.670 CURBING/BARRIERS.

Except for ~~single family dwellings~~detached residential units, where abutting trees and other landscaping, walls, columns, fences and pedestrian paths, each parking and loading space shall be provided with a Class B, Portland Cement Concrete bumper block or continuous concrete curb at least 6 inches in height above the finished pavement and 6 inches thick. Barriers shall be located a minimum of 24 inches from landscaped strips and 30 inches from fences, walls, etc. Additional barriers may be required by the Director of Community and Economic Development/Planning Director where ~~he/she~~they determines ~~they are~~ necessary for proper traffic circulation or safety reasons.

Assessor Parcel Number (APN)	Site Address	General Plan Land Use Designation	Existing Zoning	Proposed Zoning	Existing Use	Notes
083-0461-001-00	OVERHILL DR	HDR	RLB10	PD	Vacant	Parcel was rezoned PD with Ordinance 85-013
083-0265-005-02	698 OVERHILL DR	HDR	RLB10	RH	Detached Residential Unit	Parcels to the east have developed consistent with GP under a PD
442-0071-052-02	26050 KAY AVE	HDR	RL	RH	Religious Facility	Religious facilities also allowed in RH. Would be consistent with other parcels on same block (in HDR GP and zoned RH)
416-0140-063-01	22632 7TH ST	HDR	RL	RMB4	Multi Unit Residential	RM-B4 Zoning would be consistent with parcel to the southeast
427-0061-022-00	1616 C ST	HDR	RL	RH	Multi Unit Residential	Parcel in common ownership and developed with neighboring parcel 427-0061-021-00. These two parcels are zoned RL are located between parcels zoned RH (and HDR GP) and parcels zoned RM (and MDR GP)
443-0030-034-00	24578 SURREY WAY	HDR	RL	RH	Religious Facility	Religious facilities also allowed in RH. Would be consistent with parcels to the east (in HDR GP and zoned RH)
443-0030-033-00	380 ELMHURST ST	HDR	RL	RH	Religious Facility	Religious facilities also allowed in RH. Would be consistent with parcels to the east (in HDR GP and zoned RH)
431-0092-078-02	SONOMA ST	CHDR	RL	CN	County Services Building Parking Lot	County owned, also County owns adjacent parcel. Rezone CN consistent with adjacent parcel
078C-0451-002-00	656 OVERHILL DR	CHDR	RLB10	RH	Detached Residential Unit	RH is consistent with neighboring properties
078C-0451-001-09	662 OVERHILL DR	CHDR	RLB10	RH	Detached Residential Unit	RH is consistent with neighboring properties
078C-0451-001-05	648 OVERHILL DR	CHDR	RLB10	RH	Detached Residential Unit	RH is consistent with neighboring properties
432-0032-001-02	21908 VICTORY DR	CHDR	RL	RH	Multi Unit Residential	Parcel in common ownership and developed with neighboring parcel 432-0032-050-00.
452-0084-063-03	28275 E 13TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-064-00	28319 E 13TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-102-00	28457 E 13TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-067-02	28378 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-100-02	28405 E 13TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-059-04	28106 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-068-00	28368 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-066-02	28379 E 13TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-061-00	28237 E 13TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-101-02	28433 E 13TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-109-02	28442 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-062-00	28251 E 13TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-103-00	28489 E 13TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-108-00	28460 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-060-00	28112 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-058-08	619 HANCOCK ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0084-065-00	28349 E 13TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-048-00	28078 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-051-00	28060 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-050-02	28068 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-054-00	27910 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-052-01	27900 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-053-00	27936 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-047-02	616 HANCOCK ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-049-00	28074 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0080-046-00	632 HANCOCK ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-035-02	27524 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-034-06	27532 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-028-00	27778 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-025-02	27898 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-027-00	27788 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-033-00	27566 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.

452-0068-026-00	27892 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-029-00	27768 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-025-01	27904 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-034-07	27540 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.
452-0068-032-02	27574 E 12TH ST	CHDR	RL	RM	Detached Residential Unit	Between Mission Boulevard Corridor and RL, Both RM and RH would be consistent with CHDR.



Hayward

Castro Valley

Hayward

Union City

Fremont

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Legend

- Parcels for Rezoning
- Hayward City Limits



0 0.375 0.75 1.5 Miles



CITY OF HAYWARD

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

File #: WS 23-037

DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

I-880/Whipple Road Industrial Parkway Interchange Improvement Project Work Session: Review and Discuss Aesthetic Features

RECOMMENDATION

That the Council reviews and provides feedback on aesthetic features for the I-880/Whipple Road - Industrial Parkway Interchange Improvement Project.

SUMMARY

The City is in partnership with the Alameda CTC, the implementing agency, and the California Department of Transportation (Caltrans) to provide interchange improvements at the Whipple Road and Industrial Parkway interchanges along the I-880 corridor. The project proposes improvements at the I-880/Whipple Road / Industrial Parkway Southwest Interchange (Whipple Road Interchange) and the I-880 /Industrial Parkway West (Industrial Parkway Interchange). The project utilizes Measure BB funding through Alameda CTC's Transportation Expenditure Plan. The preliminary project cost estimates range from \$200 million to \$240 million.

Staff is requesting that Council receive a presentation prepared by the project's architect and provide comments and feedback on the aesthetic of certain elements of the project design.

ATTACHMENTS

Attachment I Staff Report



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: I-880/Whipple Road Industrial Parkway Interchange Improvement
Project Work Session: Review and Discuss Aesthetic Features

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Staff is requesting that Council receive a presentation prepared by the project's architect and provide comments and feedback on the aesthetic of certain elements of the project design.

BACKGROUND

Previously the Council recommended approval of the preferred alternatives for the project during the Project Approval / Environmental Document (PA&ED) Phase in 2021. PA&ED was completed in summer of 2022. Design work has been moving forward, with construction planned to start in Spring 2025 and substantial project construction completion by Spring 2028.

DISCUSSION

During the design phase, Caltrans and the Federal Highway Administration (FHWA) mandate that a qualitative/aesthetic approach be taken to provide aesthetic enhancement of project

features in order to address the loss of visual quality in the project area. The aesthetic enhancement of project features, including the bridge railing, retaining wall, lighting, and landscape design, amongst other design features fulfills the letter and the spirit of FHWA requirements because it addresses the actual cumulative loss of visual quality due to a project. The inclusion of aesthetic features in the project was a consistent comment received from both the public during the environmental document public comment period and from the input received from the Council. The workshop presentation is intended to allow the design team to present a range of aesthetic themes and features for the project to the Council and public. The project team seeks feedback from the Council and public on the presented aesthetic design elements to be constructed as part of the project. This feedback along with the input and concurrence of the Caltrans District Landscape Architect will enable the project to be designed in a manner that is reflective of both community and Caltrans desires.

ECONOMIC IMPACT

The Project would improve access and reduce congestion-related delays both on I-880 and local streets as well as address on-going concerns related to access to the local network. By improving access and reducing delay, the Project is expected to have positive impacts on local businesses and retail areas.

FISCAL IMPACT

The project is currently not expected to have a fiscal impact on the City. The project utilizes Measure BB funding through ACTC's Transportation Expenditure Plan. Preliminary cost estimates range from \$200 million to \$240 million.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Infrastructure. Specifically, this item relates to the implementation of the following projects(s):

Project N1: Continue to implement major corridor traffic calming initiatives

Project N6: Continue to add approximate 10 miles of bike lanes annually, with focus on protected bike lanes and intersections that have high traffic/incidents

PUBLIC CONTACT

Given Council's desire to fully engage with the community on such key projects, Alameda CTC and the City collaborated in a series of public outreach/community engagement activities. Those meetings included the following endeavors:

- Sep 26, 2018: Bike/Ped; Eden Bicycles, 3318 Village Drive, Castro Valley, CA 94546
- Sep 27, 2018: Local Agencies; City of Hayward Economic Development, Large Conference Room, 777 B Street, Hayward, CA 94541
- October 11, 2018: Local, Businesses, Auto Auction and Trucking Industry;

Manheim San Francisco Bay, 29900 Auction Way, Hayward, CA 94544

- October 17, 2018: TRANSIT AND PARATRANSIT; Union City Transit, 34009 Alvarado-Niles Road, Union City, CA 94587
- September 20, 2018: POP-UP EVENT #1; Treeview Elementary School Back to School Night, Hayward, CA 94544
- September 27, 2018: POP-UP EVENT #2; Union City Farmers' Market, Union City 94587
- February 18, 2021; EIR virtual public meeting
- May 25, 2021: Hayward City Council - Select Preferred Alternative to Present to Alameda County Transportation Commission

NEXT STEPS

The Project Development Team will incorporate the preferred aesthetic features in the design of the project. Construction is scheduled to start in Spring 2025 and substantial project construction completion is expected by Spring 2028.

Prepared by: Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager



CITY OF HAYWARD

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

File #: LB 23-036

DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Russell City Energy Center: Adopt a Resolution Approving the Expenditure Plan for the Calpine Clean Energy Fund

RECOMMENDATION

That Council reviews and comments on this report and adopts a resolution (Attachment II) approving an expenditure plan for the utilization of clean energy funding from Calpine.

SUMMARY

The Russell City Energy Center (RCEC) is a 600-megawatt powerplant located in Hayward's industrial area. The plant is owned and operated by the Calpine Corporation and began commercial operations in 2013. As Council is aware, on May 27, 2021, RCEC experienced a mechanical failure of the steam turbine generator that resulted in an explosion and fire. The steam turbine generator experienced extensive damage and debris from the explosion flew from the site to surrounding areas, including the City's Water Pollution Control Facility (WPCF) and the City's Homeless Navigation Center.

The City has entered into a Coordination, Resiliency, and Action Agreement with Calpine. The intent of the Agreement is to document improvements made in the working relationship between the City and Calpine as well as create a mechanism for donations to the Fire Department for the purchase of a hazardous materials response vehicle, to the Russell City Reparative Justice Project (RCRJP), and to the City to fund clean energy efficiency projects in the City. Energy related projects are intended to support grid resiliency and may include microgrids, solar energy, and/or battery storage installations. Staff is seeking Council comments and direction regarding a potential program that would carry out the clean energy funding portion of the Agreement.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Approving the Expenditure Plan for the Calpine Clean Energy Fund

RECOMMENDATION

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BACKGROUND

On February 7, 2023¹, Council approved the original Coordination, Resiliency, and Action Agreement that was the result of more than two years of investigations, meetings, and collaboration between the California Energy Commission (CEC), California Public Utilities Commission (CPUC), Calpine Corporation staff, and City staff. The intent of the Agreement is to document improvements made in the working relationship between the City and Calpine as well as create a mechanism for donations to the Fire Department for the purchase of a hazardous materials response vehicle (\$150,000) and to the RCRJP (\$20,000). Calpine has made these initial contributions to the City.

Following additional settlement negotiations between Calpine and the CEC, Calpine agreed to contribute an additional \$1,250,000 to the City for clean energy efficiency projects in the City to support grid resiliency, including microgrids, solar energy, and/or battery storage installations. On May 16, 2023², Council adopted a resolution authorizing the City Manager to execute an amended Agreement to accept and appropriate the additional contribution.

DISCUSSION

Staff is seeking Council approval of a proposed expenditure plan for the funds designated for clean energy projects. Staff is proposing that part of this contribution be used to pay for costs of installation of renewable energy at the Fire Station 6 (FS6) and Regional Fire Training Center (FTC), which is located on West Winton Avenue, west of Hesperian Boulevard and in relative proximity to RCEC. FS6 and FTC has 189 kilowatts of solar photovoltaic panels installed on three buildings and a 250-kWh battery for resiliency. The solar is expected to generate enough electricity to make the facility a zero net energy project. Staff proposes to use \$922,000 of the clean energy fund to cover the cost of the installation of solar and battery for this project. The remaining \$328,000 is proposed to be used for residential energy efficiency and clean energy in the vicinity of RCEC.

Staff proposes to focus the clean energy projects in the census tracts that are nearest RCEC, shown in Figures 1-3, and to implement the projects in low-income homes. As shown in Table 1, staff estimates the three census tracts have approximately 1,600 households that may be enrolled in PG&E's low-income discount program (CARE)³.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=6016050&GUID=5C9CD27C-59A7-4434-B2B9-EADEE40A9627&Options=ID|Text|&Search=russell+city>

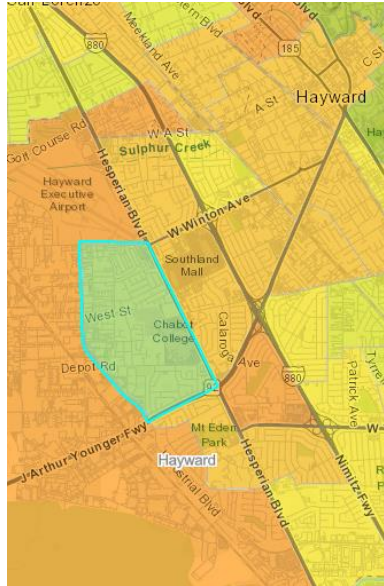
² <https://hayward.legistar.com/LegislationDetail.aspx?ID=6204883&GUID=A0C1059A-2A8B-4A26-A3B4-C303CD997776&Options=ID|Text|&Search=russell+city>

³ CARE is the California Alternate Rates for Energy Program.

**Figure 1.
Census Tract 4371.01**



**Figure 2.
Census Tract 4372.00**



**Figure 3.
Census Tract 4371.02**

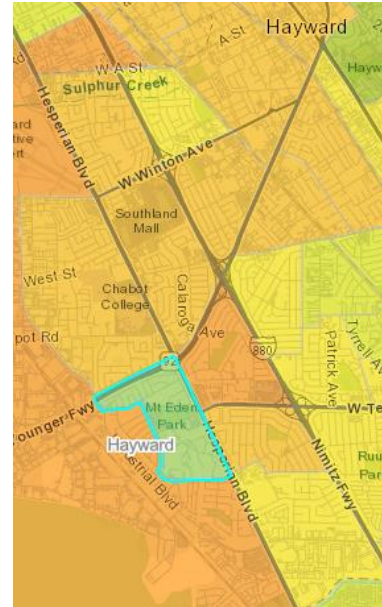


Table 1. Demographics of Selected Census Tracts

	Census Tract 4371.01	Census Tract 4372.00	Census Tract 4371.02	Totals
Population	7,867	7,489	4,521	19,877
Estimated Households	2,538	2,416	1,458	6,412
Estimated Low-Income Households	634	604	365	1,603

Staff proposes to offer households in this area electric heat pump water heaters (HPWH) to help shift the community away from the use of fossil fuels. HPWH can be scheduled to operate primarily during non-peak periods of electricity use, which helps to ease demands on the grid during the peak period of 4 p.m. to 9 p.m. Also, new rules adopted by the Bay Area Air Quality Management District (BAAQMD) in March 2023, will require that only water heaters with zero nitrogen oxide emissions can be sold or installed in the Bay Area starting in 2027. At this time, only HPWH meet this strict emissions requirement. Installing a HPWH before failure of a gas water heater can be easier and cheaper than an emergency replacement. According to the BAAQMD, HPWH are typically cheaper to operate than gas water heaters⁴. The proposed program would take advantage of the significant incentives

⁴ https://www.baaqmd.gov/~/_media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20230522_faq_appliance-rules_final-pdf.pdf?la=en

currently available from East Bay Community Energy and the Bay Area Regional Energy Network (BayREN)⁵.

Staff estimates that approximately 90 homes⁶ could be retrofitted with a HPWH with the clean energy fund. Staff recommends that the program be focused on low-income customers enrolled in PG&E's CARE program. Upon Council's approval of this proposed program, staff will issue a request for proposals to find a firm to design the program and install the water heaters. Staff would work with the selected firm to determine an appropriate cost share for the property owner that maximizes homes served while making the proposition attractive to the owner.

Staff has considered but is not recommending other potential programs for the clean energy fund. One alternative would be to install solar on homes within the selected census tracts. Staff estimates that approximately 20 to 30 homes could have solar installed with the allocated budget⁷. Staff is not recommending this program due to the small number of households that would benefit.

Another alternative would be to upgrade low-income customers from EBCE's cheaper and dirtier Bright Choice product to Renewable 100 (100% renewable energy). For the roughly 1,600 low-income households in the three census tracts, staff estimates the fund could pay the premium for Renewable 100 for about two years. Staff is not recommending this program due to the complexities of billing arrangements and the fact that the change in energy product would be temporary.

ECONOMIC IMPACT

The clean energy fund would benefit residents who live in the area of RCEC by providing them with cleaner, more affordable means of water heating. Furthermore, the households receiving new water heaters would benefit from postponing the costs associated with installing a new water heater when their current water heater fails. In addition, the request for proposals would encourage responding firms to employ local plumbers and electricians and to pay prevailing wages.

FISCAL IMPACT

The proposed water heater replacement program will be funded entirely by funds from Calpine for clean energy and energy efficiency projects and will have no negative impact on the General Fund or other City funds.

⁵ <https://ebce.org/hotwater/>

⁶ Estimate assumes an average installed cost of \$4,000 and an owner contribution of \$500. Some homes may include installation of a dedicated 240-volt circuit.

⁷ Estimate assumes an average cost of \$28,000 per home and an owner contribution of \$14,000.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority to *Confront Climate Crisis & Champion Environmental Justice*. This item does not relate to a specific project but does address the overall goal to *Reduce Greenhouse Gases and Dependency on Fossil Fuels*.

SUSTAINABILITY FEATURES

Replacement of natural gas water heaters with electric heat pump water heaters would reduce GHG emissions. Hayward's most recent inventory of community wide GHG emissions shows that approximately 15% of emissions are from natural gas combustion in homes. Water heaters and furnaces typically account for 91% of residential natural gas use⁸. Reducing natural gas consumption will help the City reach its goal of reducing emissions 55% below 2005 levels by 2030.

PUBLIC CONTACT

Staff intends to conduct outreach to target customers while designing program details to ensure the water heaters are well received. Once the program is ready to launch, staff will contact eligible households directly by mail.

NEXT STEPS

Upon Council's approval of the program, staff will prepare and issue a request for proposals (RFP). Staff will return to Council to seek authorization for an agreement with the selected firm.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

⁸ See page 11 at <https://www.energy.ca.gov/sites/default/files/2021-08/CEC-200-2021-005-PO.pdf>

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member _____

RESOLUTION APPROVING THE EXPENDITURE PLAN FOR THE CALPINE
CLEAN ENERGY FUND

WHEREAS, the Russell City Energy Center (RCEC) is a 600 megawatt combined-cycle electric generating facility owned by the Calpine Corporation and located in Hayward, California (the “Plant”); and

WHEREAS, the Plant commenced operations in August 2013 and, at all relevant times, has been duly licensed by the California Energy Commission (CEC); and

WHEREAS, on May 27, 2021, the Plant experienced a mechanical failure of the steam turbine generator (the “Event”). The Event rendered the Plant temporarily inoperable in its designed configuration and damaged the nearby Hayward Housing Navigation Center; and

WHEREAS, immediately following the incident, RCEC engaged an independent third party to conduct a root cause analysis (RCA) to identify the cause of the Event. In addition, the California Energy Commission (CEC) and California Public Utilities Commission (CPUC) commissioned a gap analysis of the RCA; and

WHEREAS, the CEC found it was appropriate for the CEC to “exercise enhanced scrutiny over the facility” in light of the May 27, 2021 incident and that “it is reasonable for the public to have access to safety audits conducted pertaining to the operation of the facility, including the circumstances that gave rise to the petition.” Additionally, the CEC directed the project owner to meet with CEC staff and the Hayward City Fire Department within 30 days of the order “to discuss any needed modifications of [RCEC’s] standard operating procedures for first responders to implement when responding to incidents on site, including establishing a process for reimbursement of reasonable expenses”; and

WHEREAS, the Plant has made repairs, taken corrective actions required by the CEC and the CPUC, and has returned to combined-cycle operations; and

WHEREAS, RCEC takes the concerns of the City and its relationship with the community very seriously and has committed to ensuring improved communication with the City going forward; and

WHEREAS, meetings between CEC staff, the City staff and Calpine/RCEC staff resulted in the development of the Coordination, Resiliency, and Action Agreement, which will help to ensure that the City and RCEC work in close coordination with each other moving forward; and

WHEREAS, the original Coordination, Resiliency, and Action Agreement was approved by Council on February 7, 2023, executed by Calpine and the City Manager, and funds were received for a hazardous materials response vehicle (\$150,000) and the Russell City Reporative Justice Project (RCRJP) (\$20,000); and

WHEREAS, pursuant to a settlement agreement pending with the CEC, Calpine agreed to donate additional funds to the City in the amount of \$1,250,000 for clean energy efficiency projects in the City to support grid resiliency, including microgrids solar energy and/or battery storage installations; and

WHEREAS, on May 16, 2023, Council adopted a resolution approving an amended Agreement to accept and appropriate the additional funds (the “Clean Energy Fund”); and

WHEREAS, in June 2020, Council adopted goals to reduce greenhouse gas (GHG) emissions by 30% below 2005 baseline levels by 2025, 55% by 2030, and to work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045; and

WHEREAS, scientific evidence has established that natural gas combustion, procurement and transportation produce significant GHG emissions that contribute to global warming and climate change; and

WHEREAS, some City of Hayward residents suffer from asthma and other health conditions associated with poor indoor and outdoor air quality exacerbated by the combustion of natural gas.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves the following expenditure plan and authorizes the City Manager to implement it:

- The Clean Energy Fund will be focused on the three census tracts (4371.01, 4372.00 and 4371.02) that are nearest RCEC; and
- \$922,000 of the Clean Energy Fund will be used to pay for the solar and battery installation at the Fire Station 6 and Fire Training Center, which is located in census tract 4371.01; and
- \$328,000 of the Clean Energy Fund will be used to replace existing natural gas water heaters with electric heat pump water heaters in select homes located in the three census tracts.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023.

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 #: LB 23-037

DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT

Lease Obligation Refinancing: Adopt Resolutions of the City Council and the Hayward Public Financing Authority Regarding Amended Savings Requirements Related to the Refinancing of Prior Lease Payment Obligations, Approval of the Preliminary Official Statement and Bond Purchase Contract for Refunding Certificates of Participation

RECOMMENDATION

That the Hayward City Council and the Board of Directors of the Hayward Public Financing Authority (the "City") each adopt a resolution (Attachments II and III) approving amended savings requirements for the proposed refunding of outstanding general fund lease payment obligations and approving the attached preliminary official statement ("POS") and purchase agreement for the 2023 Refunding Certificates of Participation ("2023 Refunding COPs"). The POS serves as the offering document to investors and provides details about the terms of the 2023 Refunding COPs, the City's financial condition, how the funds will be used, potential risks, and other relevant information. The POS helps potential investors make informed decisions about investing in the bonds.

SUMMARY

Under current market conditions, the City's municipal advisor (NHA Advisors) and underwriter (BofA Securities, Inc.) estimate net present value savings from a potential refunding of the 2015 Certificates of Participation ("2015 COPs") to be approximately \$1.7 million and the aggregate cash flow savings is estimated to be in excess of \$10 million. Under current market conditions, it is estimated that a potential refunding of the 2014 Lease Agreement would result in a slight net present value loss. However, staff and NHA Advisors continue to discuss the benefits of refunding the 2014 Lease Agreement and believe it may be in the best interests of the City to refund the 2014 Lease Agreement to unencumber the leased asset even if there are no net present value savings.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Hayward Refunding Council POS Resolution
Attachment III	Hayward Refunding Authority POS Resolution
Attachment IV	Draft Agenda POS
Attachment V	Draft Purchase Agreement



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT: Lease Obligation Refinancing: Adopt Resolutions of the City Council and the Hayward Public Financing Authority Regarding Amended Savings Requirements Related to the Refinancing of Prior Lease Payment Obligations, Approval of the Preliminary Official Statement and Bond Purchase Contract for Refunding Certificates of Participation

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That the Hayward City Council and the Board of Directors of the Hayward Public Financing Authority (the “City”) each adopt a resolution (Attachments II and III) approving amended savings requirements for the proposed refunding of outstanding general fund lease payment obligations and approving the attached preliminary official statement (“POS”) and purchase agreement for the 2023 Refunding Certificates of Participation (“2023 Refunding COPs”). The POS serves as the offering document to investors and provides details about the terms of the 2023 Refunding COPs, the City’s financial condition, how the funds will be used, potential risks, and other relevant information. The POS helps potential investors make informed decisions about investing in the bonds.

SUMMARY

Under current market conditions, the City’s municipal advisor (NHA Advisors) and underwriter (BofA Securities, Inc.) estimate net present value savings from a potential refunding of the 2015 Certificates of Participation (“2015 COPs”) to be approximately \$1.7 million and the aggregate cash flow savings is estimated to be in excess of \$10 million. Under current market conditions, it is estimated that a potential refunding of the 2014 Lease Agreement would result in a slight net present value loss. However, staff and NHA Advisors continue to discuss the benefits of refunding the 2014 Lease Agreement and believe it may be in the best interests of the City to refund the 2014 Lease Agreement to unencumber the leased asset even if there are no net present value savings.

BACKGROUND

In August 2014, the City entered into a Lease Agreement dated as of August 1, 2014 (the “2014 Lease Agreement”), with the Public Property Financing Corporation of California (the “Corporation”), for the purpose of financing a new Fire Station No. 7 and a Firehouse Health Clinic to be located at the same site as Fire Station No. 7, under which the City agreed to pay

semiannual lease payments (the “2014 Lease Payments”) to the Corporation. The Corporation assigned its right to receive the 2014 Lease Payments to Umpqua Bank (“Umpqua Bank”). The City may prepay the 2014 Lease Payments on any date, without a prepayment premium. As of September 1, 2023, the 2014 Lease Agreement has an outstanding principal balance of \$2,482,104.

In October 2015, the Authority and the City entered into a Lease Agreement, dated as of August 1, 2015 (the “2015 Lease Agreement”), for the purpose of financing acquisition and construction of a number of capital improvements, including, but not limited to, (i) a new library and community learning center, (ii) improvements to existing fire stations and (iii) complete street rehabilitation and slurry seal repairs (collectively, the “2015 Project”), under which the City agreed to pay semiannual lease payments (the “2015 Lease Payments”) to the Authority. The Authority assigned its rights to receive the 2015 Lease Payments to The Bank of New York Mellon Trust Company, N.A. (the “2015 Trustee”), and the 2015 Trustee executed and delivered the \$67,535,000 City of Hayward 2015 Certificates of Participation (“2015 COPs”). The 2015 COPs can be prepaid on November 1, 2023, and any date thereafter, without premium. As of September 1, 2023, the 2015 COPs has an outstanding principal balance of \$52,245,000.

At its June 20, 2023¹ meeting, the City authorized delivery and sale of the 2023 Refunding COPs to refinance the City’s 2015 COPs and 2014 Lease Agreement as long as the refinancing resulted in (1) an aggregate minimum net present value savings to the City of at least 3% of the principal component of the 2014 Lease Payments and the 2015 Lease Payments and (2) positive net present value savings for each of the 2014 Lease Payments and the 2015 Lease Payments (when calculated separately), as such savings shall be verified and conclusively determined by the City’s municipal advisor (the “Savings Requirements”).

DISCUSSION

Under current market conditions, the City’s municipal advisor (NHA Advisors) and underwriter (BofA Securities, Inc.) estimate net present value savings from a potential refunding of the 2015 COPs to be approximately \$1.7 million and the aggregate cash flow savings is estimated to be in excess of \$10 million. It is anticipated that the refinancing will not require a debt service reserve fund. As a result, a refunding of the 2015 COPs will also allow for the release of the debt service reserve fund for the 2015 COPs, which has a balance of approximately \$5.9 million and that may be used to contribute to the refunding and, as a result, reduce the principal amount of the 2023 Refunding COPs.

Under current market conditions, it is estimated that a potential refunding of the 2014 Lease Agreement would result in a slight net present value loss. For the reason that staff believes that there are economies of scale to combining the refunding of the 2014 Lease Agreement with the refunding of the 2015 COPs and public benefit from unencumbering the asset leased under the 2014 Lease Agreement (Police Station, located at 300 West Winton Avenue), staff recommends that the City Council and the Board of Directors amend the Savings Requirements to give the Finance Director the authority to authorize the refinancing of the 2014 Lease Agreement as long as the Finance Director determines that it would be in the best interests of the City.

¹ [June 20, 2023 City Council \(https://hayward.legistar.com\)](https://hayward.legistar.com)

The attached POS has been reviewed and approved for transmittal to the City Council and the Board of Directors by City staff and its financing team. The distribution of the POS is subject to federal securities laws, including the Securities Act of 1933 and the Securities Exchange Act of 1934. These laws require the POS to include all facts that would be material to an investor in the 2023 Refunding COPs. Material information is information that there is a substantial likelihood would have actual significance in the deliberations of the reasonable investor when deciding whether to buy or sell the 2023 Refunding COPs. If the City Council and Board of Directors conclude that the POS includes all facts that would be material to an investor in the 2023 Refunding COPs, they will authorize a member of staff to execute a certificate to the effect that the POS has been “deemed final.”

The Securities and Exchange Commission (the “SEC”), the agency with regulatory authority over compliance with the federal securities laws, has issued guidance as to the duties of the City Council and the Board of Directors with respect to their approval of the POS. In its “Report of Investigation in the Matter of County of Orange, California as it Relates to the Conduct of the Members of the Board of Supervisors” (Release No. 36761 / January 24, 1996) (the “Release”), the SEC stated that, if a member of the an issuer’s legislative body has knowledge of any facts or circumstances that an investor would want to know about prior to investing in a proposed securities issuance such as the 2023 Refunding COPs, whether relating to their repayment, tax-exempt status, undisclosed conflicts of interest with interested parties, or otherwise, he or she should endeavor to discover whether such facts are adequately disclosed in the preliminary official statement. In the Release, the SEC stated that the steps that a member of the issuer’s legislative body could take include becoming familiar with the preliminary official statement and questioning staff and consultants about the disclosure of such facts.

The 2023 Refunding COPs represent lease payments made by the City from its General Fund. As such, information about the City’s General Fund is the focus of the POS, and the key provisions include the following:

- Appendix B (“CITY OF HAYWARD GENERAL FINANCIAL AND DEMOGRAPHIC INFORMATION”), which includes information about the City’s general fund budget (including the adopted fiscal year 2023-24 budget), historical general fund revenues and expenditures, reserve policies, pension and other retirement benefits (including their actuarial funded status);
- Appendix C, which contains the City’s Annual Comprehensive Financial Report for the fiscal year ended June 30, 2022;
- The section entitled “CONSTITUTIONAL AND STATUTORY LIMITATIONS ON TAXES AND APPROPRIATIONS,” which describes constitutional and statutory limitations on the receipt of revenues and the expenditures of funds; and
- The section entitled “RISK FACTORS,” which highlights various risk factors related to the City’s general fund.

STRATEGIC ROADMAP

This agenda item does not directly relate to any of the six priorities outlined in the Council's Strategic Roadmap.

FISCAL IMPACT

The net present value savings from refunding the 2015 COPs is projected to be approximately \$1.7 million and the aggregate cash flows savings is estimated to be in excess of \$10 million.

While refunding the 2014 Lease Agreement might result in a slight net present value loss, staff recommends that the City Council and the Board of Directors authorize the refunding of the 2014 Lease Agreement if the Finance Director and City Manager determine it is in the City's best interests.

PUBLIC CONTACT

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

NEXT STEPS

Staff anticipates that a public offering of the 2023 Refunding COPs will offer the most cost-effective financing outcome for the City. Pending City Council approval of the POS at this meeting, staff will work with the financing team to finalize the POS and access the capital markets.

Prepared and Recommended by: Nicole Gonzales, Director of Finance

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD AMENDING THE SAVINGS REQUIRMENTS ESTABLISHED BY THE CITY COUNCIL IN RESOLUTION NO. 23-168 RELATED TO THE DELIVERY AND SALE OF REFUNDING CERTIFICATES OF PARTICIPATION TO REFINANCE OUTSTANDING 2014 LEASE PAYMENTS AND 2015 LEASE PAYMENTS, APPROVING A PRELIMINARY AND FINAL OFFICIAL STATEMENTS AND A PURCHASE CONTRACT, AND PROVIDING OTHER MATTERS RELATED THERETO

WHEREAS, the City of Hayward (the "City") previously entered into a Lease Agreement dated as of August 1, 2014 (the "2014 Lease"), with the Public Property Financing Corporation of California (the "Corporation"), for the purpose of financing a new Fire Station No. 7 and a Firehouse Health Clinic to be located at the same site as Fire Station No. 7 (the "2014 Project"), under which the City agreed to pay semiannual lease payments (the "2014 Lease Payments") to the Corporation for use and occupancy of a Police Station, located at 300 West Winton Avenue in the City (the "2014 Leased Property"); and

WHEREAS, the Corporation assigned its right to receive the 2014 Lease Payments to Umpqua Bank ("Umpqua Bank") pursuant to an Assignment Agreement, dated as of August 1, 2014 (the "2014 Assignment Agreement"); and

WHEREAS, Section 10.2 of the 2014 Lease provides that the City may prepay the 2014 Lease Payments on any date on and after August 1, 2019, subject to providing 45 days' prior written notice to the Corporation and Umpqua Bank, in an amount equal to the principal amount of the 2014 Lease Payments to be prepaid, plus accrued interest to the prepayment date, without a prepayment premium after August 1, 2022; and

WHEREAS, Section 10.1 of the 2014 Lease authorizes the City to establish a security deposit for prepayment of the 2014 Lease Payments, after which all obligations of the City under the 2014 Lease shall cease and terminate, except for the obligation to pay the 2014 Lease Payments from the security deposit; and

WHEREAS, the Hayward Public Financing Authority (the "Authority") and the City previously entered into a Lease Agreement, dated as of October 1, 2015 (the "2015 Lease"), for the purpose of financing acquisition and construction of a number of capital improvements, including, but not limited to, (i) a new library and community learning center, (ii) improvements to existing fire stations and (iii) complete street rehabilitation and slurry seal repairs (collectively, the "2015

Project”), under which the City agreed to pay semiannual lease payments (the “2015 Lease Payments”) to the Authority for use and occupancy of certain of the City’s fire stations and a library and community learning center (the “2015 Leased Property”); and

WHEREAS, the Authority assigned its rights to receive the 2015 Lease Payments to The Bank of New York Mellon Trust Company, N.A. (the “2015 Trustee”), pursuant to an Assignment Agreement, dated as of October 1, 2015 (the “2015 Assignment Agreement”); and

WHEREAS, pursuant to a Trust Agreement, dated as of October 1, 2015 (the “2015 Trust Agreement”), the 2015 Trustee caused to be executed and delivered the \$67,535,000 City of Hayward 2015 Certificates of Participation (Capital Projects) (the “2015 Certificates”), which evidence direct, undivided fractional ownership interests in the 2015 Lease Payments; and

WHEREAS, Section 9.2 of the 2015 Lease provides that the City may prepay the 2015 Lease Payments on November 1 2023, in an amount equal to the principal component of the 2015 Lease Payments to be prepaid, plus accrued interest to the prepayment date, without a prepayment premium; and

WHEREAS, Section 9.1 of the 2015 Lease authorizes the City to establish a security deposit for prepayment of the 2015 Lease Payments in amount sufficient to prepay the 2015 Lease Payments, after which all obligations of the City under the 2015 Lease shall cease and terminate, except for the obligation to pay the 2015 Lease Payments from the security deposit; and

WHEREAS, under Section 3.01 of the 2015 Trust Agreement, the 2015 Certificates are subject to prepayment on November 1, 2023, and any date thereafter, without premium; and

WHEREAS, pursuant to Resolution No. 23-168 adopted by the City Council on June 20, 2023 (the “City Financing Resolution”), the City Council (i) authorized the delivery and sale of 2023 Refunding Certificates of Participation (Lease Refinancing), (the “Refunding Certificates”) to provide for the refinancing of the 2014 Lease Payments, the 2015 Lease Payments and the 2015 Certificates, (ii) authorized and directed the Finance Director, following consultation with the City Attorney, municipal advisor and special counsel, to determine whether it would be more beneficial to the City to sell the Refunding Certificates to an underwriter in a negotiated public offering or to sell the Refunding Certificates in a private placement transaction, (iii) obtained and disclosed certain information in Exhibit A of the City Approval Resolution in accordance with Government Code Section 5852.1, (iv) directed the Finance Director, if they determined that a negotiated public offering would be more beneficial to the City, to work with the City Attorney, municipal advisor and special counsel/disclosure counsel to prepare a form of Official Statement describing the Refunding Certificates and containing material information

relating to the City and the Refunding Certificates, the preliminary form of which would be submitted to the City Council for approval and (v) following a competitive process, approved BofA Securities, Inc. to act as underwriter (the "Underwriter") if the Refunding Certificates were sold in a negotiated public offering; and

WHEREAS, the Finance Director, following consultation with the City Attorney, municipal advisor and special counsel, has determined that it will be more beneficial to the City to sell the Refunding Certificates to the Underwriter in a negotiated public offering, and there has been submitted to the City Council a form of preliminary Official Statement to be used in connection with the marketing of the Refunding Certificates, and the City Council, with the aid of its staff, has reviewed the preliminary Official Statement to assure proper disclosure of all material facts relating to the Refunding Certificates that are in the personal knowledge of the members of the City Council and the City staff; and

WHEREAS, there has also been submitted to the City Council a form of a purchase contract (the "Purchase Contract") among the City, the Authority and the Underwriter; and

WHEREAS, in Section 2 of the City Financing Resolution, the City Council directed that the Refunding Certificates shall be sold at such price and shall bear interest at such rates as shall produce (i) an aggregate minimum net present value savings to the City of at least 3% of the principal component of the 2014 Lease Payments and the 2015 Lease Payments and (ii) positive net present value savings for each of the 2014 Lease Payments and the 2015 Lease Payments (when calculated separately) (collectively, the "Savings Requirements"); and

WHEREAS, the City Council wishes to amend the Savings Requirements to authorize the sale of the Refunding Certificates without positive net present value savings as a result of the refunding of the 2014 Lease Payments if (i) the refunding produces an aggregate minimum net present value savings to the City of at least 3% of the principal component of the 2014 Lease Payments and the 2015 Lease Payments and (ii) the Finance Director determines it is in the best interests of the City to proceed without positive net present value savings from the refunding of the 2014 Lease Payments; and

WHEREAS, in furtherance of the public purposes of the City, the City Council wishes at this time to approve the Purchase Contract and the Official Statement as set forth herein.

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

Section 1. Recitals. The City Council hereby determines that the preceding recitals are true and correct.

Section 2. Approval of Official Statement. The City Council hereby approves the preparation of, and hereby authorizes the Mayor, the City Manager, or any designees of the City Manager (each, an "Authorized Officer"), acting alone, to deem final within the meaning of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (except for permitted omissions), the preliminary form of the Official Statement describing the Refunding Certificates (the "Preliminary Official Statement") on file with the City Clerk, together with such changes or additions as an Authorized Officer, acting alone may deem necessary, desirable or appropriate upon consultation with special counsel/disclosure counsel. Distribution of the Preliminary Official Statement by the Underwriter is hereby approved. An Authorized Officer, acting alone, is hereby authorized to execute the final form of the Official Statement with such changes or additions as the Authorized Officer deems necessary, desirable or appropriate upon consultation with special counsel/disclosure counsel, and the execution of the final Official Statement by the City shall be conclusive evidence of the approval of any such additions and changes. The City Council hereby authorizes the distribution of the final Official Statement.

Section 3. Approval of Purchase Contract. The City Council hereby approves the form of the Purchase Contract on file with the City Clerk, with such additions thereto and changes therein as an Authorized Officer, acting alone, deems necessary, desirable or appropriate upon consultation with the municipal advisor and the special counsel, the execution of which by an Authorized Officer shall be conclusive evidence of the approval of any such additions or changes; provided that the Refunding Certificates shall comply with the financing parameters set forth in Section 2 of the City Financing Resolution.

An Authorized Officer, acting alone, is hereby authorized and directed to execute the Purchase Contract on behalf of the City and to take all actions necessary to fulfill the City's obligations thereunder. Execution of the Purchase Contract by an Authorized Officer shall be conclusive evidence of the approval of any changes therein or additions thereto by an Authorized Officer.

Section 4. Amended Savings Requirements. The City Council hereby amends the Savings Requirements approved pursuant to the City Financing Resolution to authorize the sale of the Refunding Certificates without positive net present value savings as a result of the refunding of the 2014 Lease Payments if (i) the refunding produces an aggregate minimum net present value savings to the City of at least 3% of the principal component of the 2014 Lease Payments and the 2015 Lease Payments and (ii) the Finance Director determines it is in the best interests of the City to proceed without positive net present value savings from the refunding of the 2014 Lease Payments.

Section 5. Official Actions. The Authorized Officers, the City Clerk, and all other officers of the City, are authorized and directed in the name and on behalf of the City to make any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they or

any of them might deem necessary or appropriate in order to consummate any of the transactions contemplated by the agreements and documents approved under this Resolution. Whenever in this resolution any officer of the City is directed to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in the case such officer is absent or unavailable.

Section 6. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

HAYWARD, IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023.

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 PUBLIC FINANCING AUTHORITY
BOARD OF DIRECTORS

RESOLUTION NO. 23-_____

Introduced by Board Member _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE HAYWARD PUBLIC FINANCING AUTHORITY AMENDING THE SAVINGS REQUIREMENTS ESTABLISHED BY THE BOARD OF DIRECTORS IN RESOLUTION NO. HPFA 23-01 RELATED TO THE DELIVERY AND SALE OF REFUNDING CERTIFICATES OF PARTICIPATION TO REFINANCE OUTSTANDING 2014 LEASE PAYMENTS AND 2015 LEASE PAYMENTS, APPROVING PRELIMINARY AND FINAL OFFICIAL STATEMENTS AND A PURCHASE CONTRACT, AND PROVIDING OTHER MATTERS RELATED THERETO

WHEREAS, the Hayward Public Financing Authority was established by the City of Hayward (the "City") and the former Redevelopment Agency of the City of Hayward (the "Agency") pursuant to a Joint Exercise of Powers Agreement, dated as of May 1, 1989; and

WHEREAS, the City previously entered into a Lease Agreement dated as of August 1, 2014 (the "2014 Lease"), with the Public Property Financing Corporation of California (the "Corporation"), for the purpose of financing a new Fire Station No. 7 and a Firehouse Health Clinic to be located at the same site as Fire Station No. 7 (the "2014 Project"), under which the City agreed to pay semiannual lease payments (the "2014 Lease Payments") to the Corporation for use and occupancy of a Police Station, located at 300 West Winton Avenue in the City (the "2014 Leased Property"); and

WHEREAS, the Corporation assigned its right to receive the 2014 Lease Payments to Umpqua Bank ("Umpqua Bank") pursuant to an Assignment Agreement, dated as of August 1, 2014 (the "2014 Assignment Agreement"); and

WHEREAS, Section 10.2 of the 2014 Lease provides that the City may prepay the 2014 Lease Payments on any date on and after August 1, 2019, subject to providing 45 days' prior written notice to the Corporation and Umpqua Bank, in an amount equal to the principal amount of the 2014 Lease Payments to be prepaid, plus accrued interest to the prepayment date, without a prepayment premium after August 1, 2022; and

WHEREAS, Section 10.1 of the 2014 Lease authorizes the City to establish a security deposit for prepayment of the 2014 Lease Payments, after which all obligations of the City under the 2014 Lease shall cease and terminate, except for the obligation to pay the 2014 Lease Payments from the security deposit; and

WHEREAS, the Authority and the City previously entered into a Lease Agreement, dated as of August 1, 2015 (the "2015 Lease"), for the purpose of financing acquisition and construction of a number of capital improvements, including, but not limited to, (i) a new library and community learning center, (ii) improvements to existing fire stations and (iii) complete street rehabilitation and slurry seal repairs (collectively, the "2015 Project"), under which the City agreed to pay semiannual lease payments (the "2015 Lease Payments") to the Authority for use and occupancy of certain of the City's fire stations and a library and community learning center (the "2015 Leased Property"); and

WHEREAS, the Authority assigned its rights to receive the 2015 Lease Payments to The Bank of New York Mellon Trust Company, N.A. (the "2015 Trustee"), pursuant to an Assignment Agreement, dated as of October 1, 2015 (the "2015 Assignment Agreement"); and

WHEREAS, pursuant to a Trust Agreement, dated as of October 1, 2015 (the "2015 Trust Agreement"), the 2015 Trustee caused to be executed and delivered the \$67,535,000 City of Hayward 2015 Certificates of Participation (Capital Projects) (the "2015 Certificates"), which evidence direct, undivided fractional ownership interests in the 2015 Lease Payments; and

WHEREAS, Section 9.2 of the 2015 Lease provides that the City may prepay the 2015 Lease Payments on November 1 2023, in an amount equal to the principal component of the 2015 Lease Payments to be prepaid, plus accrued interest to the prepayment date, without a prepayment premium; and

WHEREAS, Section 9.1 of the 2015 Lease authorizes the City to establish a security deposit for prepayment of the 2015 Lease Payments in amount sufficient to prepay the 2015 Lease Payments, after which all obligations of the City under the 2015 Lease shall cease and terminate, except for the obligation to pay the 2015 Lease Payments from the security deposit; and

WHEREAS, under Section 3.01 of the 2015 Trust Agreement, the 2015 Certificates are subject to prepayment on November 1, 2023, and any date thereafter, without premium; and

WHEREAS, pursuant to Resolution No. HPFA 23-01 adopted by the Board of Directors on June 20, 2023 (the "Authority Financing Resolution"), the Board of Directors determined that it was necessary and convenient to provide assistance to the City with the proposed refinancing, and authorized and approved all proceedings for the refinancing of the 2014 Lease Payments, the 2015 Lease Payments and the 2015 Certificates, the delivery and sale of 2023 Refunding Certificates of Participation (Lease Refinancing) (the "Refunding Certificates") for such purpose, and certain documents specified in the Authority Financing Resolution, subject to staff returning to the Board of Directors for final approval of a Preliminary Official Statement and a

purchase contract (the "Purchase Contract") among the City, the Authority and BofA Securities, Inc., the underwriter of the Refunding Certificates (the "Underwriter") if the City determines to proceed with a public offering; and

WHEREAS, the City has determined to proceed with a public offering and staff has presented to the Board of Directors forms of a preliminary Official Statement and Purchase Contract related to the Refunding Certificates; and

WHEREAS, in Section 2 of the Authority Financing Resolution, the Board of Directors directed that the Refunding Certificates shall be sold at such price and shall bear interest at such rates as shall produce (i) an aggregate minimum net present value savings to the City of at least 3% of the principal component of the 2014 Lease Payments and the 2015 Lease Payments and (ii) positive net present value savings for each of the 2014 Lease Payments and the 2015 Lease Payments (when calculated separately) (collectively, the "Savings Requirements"); and

WHEREAS, the Board of Directors wishes to amend the Savings Requirements to authorize the sale of the Refunding Certificates without positive net present value savings as a result of the refunding of the 2014 Lease Payments if (i) the refunding produces an aggregate minimum net present value savings to the City of at least 3% of the principal component of the 2014 Lease Payments and the 2015 Lease Payments and (ii) the Finance Director determines it is in the best interests of the City to proceed without positive net present value savings from the refunding of the 2014 Lease Payments; and

WHEREAS, in furtherance of the public purposes of the Authority, the Board of Directors wishes to approve the Official Statement and the purchase contract for the Refunding Certificates.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Hayward Public Financing Authority as follows:

Section 1. Recitals. The Board of Directors hereby determines that the preceding recitals are true and correct.

Section 2. Approval of Official Statement. The Board of Directors hereby approves the preparation of, and hereby authorizes the Executive Director, Secretary or the Treasurer (each, an "Authorized Officer"), acting alone, to deem final within the meaning of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (except for permitted omissions), the preliminary form of the Official Statement describing the Refunding Certificates (the "Preliminary Official Statement") on file with the Secretary, together with such changes or additions as an Authorized Officer, acting alone may deem necessary, desirable or appropriate upon consultation with special counsel/disclosure counsel. Distribution of the Preliminary Official Statement and the final Official Statement by the Underwriter is hereby approved.

Section 3. Approval of Purchase Contract. The Board of Directors hereby approves the form of the Purchase Contract on file with the Secretary, with such additions thereto and changes therein as an Authorized Officer, acting alone, deems necessary, desirable or appropriate upon consultation with the municipal advisor and the special counsel, the execution of which by an Authorized Officer shall be conclusive evidence of the approval of any such additions or changes; provided that the Refunding Certificates shall comply with the financing parameters set forth in Section 2 of the Authority Financing Resolution.

The Executive Director (or designee of the Executive Director), acting alone, is hereby authorized and directed to execute the Purchase Contract on behalf of the Authority and to take all actions necessary to fulfill the Authority's obligations thereunder. Execution of the Purchase Contract by the Executive Director (or designee of the Executive Director) shall be conclusive evidence of the approval of any changes therein or additions thereto by the Executive Director (or designee of the Executive Director).

Section 4. Amended Savings Requirements. The Board of Directors hereby amends the Savings Requirements approved pursuant to the Authority Financing Resolution to authorize the sale of the Refunding Certificates without positive net present value savings as a result of the refunding of the 2014 Lease Payments if (i) the refunding produces an aggregate minimum net present value savings to the City of at least 3% of the principal component of the 2014 Lease Payments and the 2015 Lease Payments and (ii) the Finance Director determines it is in the best interests of the City to proceed without positive net present value savings from the refunding of the 2014 Lease Payments.

Section 5. Official Actions. The Executive Director, the Treasurer, the Secretary, and all other officers of the Authority, are authorized and directed in the name and on behalf of the Authority to make any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they or any of them might deem necessary or appropriate in order to consummate any of the transactions contemplated by the agreements and documents approved under this Resolution. Whenever in this resolution any officer of the Authority is directed to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in the case such officer is absent or unavailable.

Section 6. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

ATTACHMENT III

BOARD OF DIRECTORS OF THE HAYWARD PUBLIC FINANCING AUTHORITY,
HAYWARD, CALIFORNIA _____, 2023.

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:
 CHAIR/PRESIDING OFFICER:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ATTEST: _____
 Secretary

APPROVED AS TO FORM:

Legal Counsel

This Preliminary Official Statement and the information contained herein are subject to completion or amendment. These securities may not be sold nor may offers to buy be accepted prior to the time the Official Statement is delivered in final form. Under no circumstances will this Preliminary Official Statement constitute an offer to sell or a solicitation of an offer to buy nor will there be any sale of these securities in any jurisdiction in which such offer solicitation or sale would be unlawful.

NEW ISSUE - BOOK-ENTRY ONLY

S&P: “ ”
See “RATING”

In the opinion of Jones Hall, A Professional Law Corporation, San Francisco, California, Special Counsel, subject, however to certain qualifications described herein, under existing law, the portion of lease payments designated as and comprising interest and received by the owners of the Certificates is excluded from gross income for federal income tax purposes and such interest is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations, although for the purpose of computing the alternative minimum tax imposed on certain corporations, such interest is taken into account in determining certain income and earnings. In the further opinion of Special Counsel, such interest is exempt from California personal income taxes. See “TAX MATTERS.”

\$ _____ *
City of Hayward
2023 Refunding Certificates of Participation
(2014 and 2015 Leases)

Dated: Date of Delivery **Due: November 1, as shown on inside cover**

Authority for Execution and Delivery. The certificates of participation captioned above (the “Certificates”) are being executed and delivered under a Trust Agreement dated as of _____ 1, 2023 (the “Trust Agreement”), among the City of Hayward (the “City”), the Hayward Public Financing Authority (the “Authority”) and The Bank of New York Mellon Trust Company, N.A., as trustee (the “Trustee”). See “THE CERTIFICATES – Authority for Execution and Delivery.”

Purpose. The Certificates are being executed and delivered to (i) prepay the City’s remaining lease payment obligations under a Lease Agreement dated as of August 1, 2014, (ii) prepay the City’s remaining lease payment obligations under a Lease Agreement dated as of August 1, 2015, causing the prepayment of the outstanding certificates of the City of Hayward captioned “\$67,535,000 City of Hayward 2015 Certificates of Participation (Capital Projects)” and (iii) pay certain costs of executing and delivering the Certificates. See “PLAN OF FINANCING.”

Security for the Certificates. The Certificates evidence and represent direct, undivided fractional interests in certain payments (the “Lease Payments”), to be made by the City under a Lease Agreement dated as of _____ 1, 2023 (the “Lease Agreement”), between the City and the Authority, under which the Authority will lease certain real property to the City in consideration of the payment by the City of the Lease Payments. The Authority, for the benefit of the Owners of the Certificates, has assigned, among other things, its right to receive Lease Payments to the Trustee. See “SECURITY FOR THE CERTIFICATES.”

No Reserve Fund. No reserve fund will be established for the Certificates.

Terms of the Certificates. The Certificates will be executed and delivered in denominations of \$5,000 principal amount or integral multiples thereof. Interest with respect to the Certificates accrues from their date of delivery and is payable semiannually on November 1 and May 1, commencing November 1, 2023. See “THE CERTIFICATES – General Certificate Terms.”

Book-Entry Only. The Certificates will be executed and delivered as fully registered certificates in book-entry form only, initially registered in the name of Cede & Co., New York, New York, as nominee of The Depository Trust Company (“DTC”), New York, New York. Purchasers will not receive physical certificates representing their interest in the Certificates. The principal and premium (if any) on and interest with respect to the Certificates will be payable by the Trustee to DTC for subsequent disbursement to DTC participants, so long as DTC or its nominee remains the registered owner of the Certificates. See “THE CERTIFICATES – Book-Entry System.”

Prepayment. The Certificates are subject to optional prepayment, extraordinary mandatory prepayment from the net proceeds of insurance or condemnation proceedings, and mandatory sinking fund prepayment prior to their scheduled payment dates. See “THE CERTIFICATES – Prepayment of the Certificates.”

The following firm is serving as municipal advisor to the City:



This cover page contains information for general reference only, and is not a summary of the security or terms of this issue. Investors must read the entire Official Statement, including the section entitled “RISK FACTORS,” for a discussion of special factors that should be considered, in addition to the other matters set forth in this Official Statement, in considering the investment quality of the Certificates. Capitalized terms used on this cover page and not otherwise defined have the meanings set forth in this Official Statement.

MATURITY SCHEDULE
See inside front cover

NEITHER THE CERTIFICATES NOR THE OBLIGATION OF THE CITY TO MAKE LEASE PAYMENTS CONSTITUTES A DEBT OF THE CITY OR OF THE STATE OF CALIFORNIA OR OF ANY POLITICAL SUBDIVISION THEREOF WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY DEBT LIMIT OR RESTRICTION, OR AN OBLIGATION FOR WHICH THE CITY IS OBLIGATED TO LEVY OR PLEDGE ANY FORM OF TAXATION OR FOR WHICH THE CITY HAS LEVIED OR PLEDGED ANY FORM OF TAXATION.

The Certificates are offered when, as and if sold, executed, delivered to and received by the Underwriter, subject to the approval as to their legality by Jones Hall, A Professional Law Corporation, San Francisco, California, Special Counsel. Jones Hall is also serving as Disclosure Counsel to the City. Certain legal matters will be passed upon for the Authority and the City by the City Attorney, and for the Underwriter by Hawkins Delafield & Wood LLP, Los Angeles, California. It is anticipated that the Certificates in book-entry form will be available for delivery to DTC in New York, New York, on or about [September 27, 2023.]

BofA Securities

The date of this Official Statement is September __, 2023.

* Preliminary; subject to change.

MATURITY SCHEDULE*

\$ _____ Serial Certificates

(Base CUSIP†: _____)

Maturity Date (November 1)	Principal Amount	Interest Rate	Yield	Price	CUSIP†
-------------------------------	---------------------	------------------	-------	-------	--------

\$ _____ % Term Certificates Due November 1, 20____; Price: ____; Yield: ____%; CUSIP†: ____

* Preliminary; subject to change.

† CUSIP® is a registered trademark of the American Bankers Association. CUSIP data is provided by CUSIP Global Services (CGS) which is managed on behalf of the American Bankers Association by S&P Capital IQ. CUSIP® data is not intended to create a database and does not serve in any way as a substitute for the CUSIP® Service Bureau. CUSIP® numbers are provided for convenience of reference only. None of the District, the Authority nor the Underwriter take any responsibility for the accuracy of such numbers.

CITY OF HAYWARD, CALIFORNIA

City Council

Mark Salinas, *Mayor*
Angela Andrews, *Mayor Pro Tem*
Ray Bonilla Jr., *Council Member*
Dan Goldstein, *Council Member*
Julie Roche, *Council Member*
George Syrop, *Council Member*
Francisco Zermeño, *Council Member*

City Officials

Kelly McAdoo, *City Manager*
Dustin Claussen, *Assistant City Manager*
Michael Lawson, *City Attorney*
Miriam Lens, *City Clerk*
Nicole Gonzales, *Finance Director*

Municipal Advisor

NHA Advisors, LLC
San Rafael, California

Special Counsel and Disclosure Counsel

Jones Hall, A Professional Law Corporation
San Francisco, California

Trustee and Escrow Agent

The Bank of New York Mellon Trust Company, N.A.
Los Angeles, California

GENERAL INFORMATION ABOUT THIS OFFICIAL STATEMENT

Use of Official Statement. This Official Statement is submitted in connection with the sale of the Certificates referred to herein and may not be reproduced or used, in whole or in part, for any other purpose. This Official Statement is not to be construed as a contract with the purchasers of the Certificates.

Estimates and Forecasts. When used in this Official Statement and in any continuing disclosure by the City, in any press release and in any oral statement made with the approval of an authorized officer of the City, the words or phrases “will likely result,” “are expected to,” “will continue,” “is anticipated,” “estimate,” “project,” “forecast,” “expect,” “intend” and similar expressions identify “forward looking statements” within the meaning of the Private Securities Litigation Reform Act of 1995. Such statements are subject to risks and uncertainties that could cause actual results to differ materially from those contemplated in such forward-looking statements. Any forecast is subject to such uncertainties. Inevitably, some assumptions used to develop the forecasts will not be realized and unanticipated events and circumstances may occur. Therefore, there are likely to be differences between forecasts and actual results, and those differences may be material.

Limit of Offering. No dealer, broker, salesperson or other person has been authorized by the City or the Underwriter to give any information or to make any representations other than those contained herein and, if given or made, such other information or representation must not be relied upon as having been authorized by any of the foregoing. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of the Certificates by a person in any jurisdiction in which it is unlawful for such person to make such an offer, solicitation or sale.

Limited Scope of Information. The City has obtained certain information set forth herein from sources that are believed to be reliable, but this information is not guaranteed as to accuracy or completeness. The information and expressions of opinions herein are subject to change without notice and neither delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the City or any other parties described in this Official Statement since the date hereof.

All summaries of or references to the documents referred to in this Official Statement are made subject to the provisions of such documents and do not purport to be complete statements of any or all of such provisions. All capitalized terms used herein, unless noted otherwise, have the meanings given them in APPENDIX A.

Involvement of the Underwriter. The Underwriter has provided the following sentence for inclusion in this Official Statement: The Underwriter has reviewed the information in this Official Statement in accordance with, and as part of, its responsibilities to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriter does not guarantee the accuracy or completeness of the information.

Stabilization of Prices. In connection with this offering, the Underwriter may over-allot or effect transactions that stabilize or maintain the market price of the Certificates at a level above that which might otherwise prevail in the open market. Such stabilizing, if commenced, may be discontinued at any time. The Underwriter may offer and sell the Certificates to certain dealers and others at prices lower than the public offering prices set forth on the cover page hereof and said public offering prices may be changed from time to time by the Underwriter.

NO REGISTRATION. THE CERTIFICATES HAVE NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, IN RELIANCE UPON AN EXCEPTION FROM THE REGISTRATION REQUIREMENTS CONTAINED IN SUCH ACT. THE CERTIFICATES HAVE NOT BEEN REGISTERED OR QUALIFIED UNDER THE SECURITIES LAWS OF ANY STATE.

City Internet Site. The City maintains a website, but the information presented on the website is not a part of this Official Statement and should not be relied upon in making an investment decision with respect to the Certificates.

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OFFICIAL STATEMENT

\$ _____ *

City of Hayward
2023 Refunding Certificates of Participation
(2014 and 2015 Leases)

The purpose of this Official Statement (which includes the cover page and the attached appendices) is to provide information concerning the execution and delivery of the certificates of participation captioned above (the “**Certificates**”), evidencing and representing direct, undivided fractional interests of the registered owners thereof in certain lease payments (as described in this Official Statement) to be made by the City of Hayward (the “**City**”) to the Hayward Public Financing Authority (the “**Authority**”).

Any statements made in this Official Statement involving matters of opinion or of estimates, whether or not so expressly stated, are set forth as such and not as representations of fact, and no representation is made that any of the estimates will be realized.

Capitalized terms used but not defined in this Official Statement have the meanings set forth in APPENDIX A.

INTRODUCTION

The City. The City is located fourteen miles south of Oakland in the San Francisco Bay Area and includes sixty-one square miles lying between the eastern shore of the San Francisco Bay and the southern Oakland-Berkeley Hills. The City is the sixth largest city in the San Francisco Bay Area and the third largest city in Alameda County (the “**County**”). The City serves as a major transportation hub and center of commercial and industrial activity, with immediate access to major interstate freeways, rail lines, and public transit routes such as Bay Area Rapid Transit.

For selected financial, economic and demographic information about the City, see “APPENDIX B – City of Hayward General Financial and Demographic Information.”

The City’s annual comprehensive financial report for the fiscal year ended June 30, 2022, is attached as APPENDIX C.

Authority for Execution and Delivery. The Certificates are being executed and delivered under a Trust Agreement dated as of _____ 1, 2023 (the “**Trust Agreement**”), among the City, the Authority and The Bank of New York Mellon Trust Company, N.A., as trustee (the “**Trustee**”).

Purposes. The Certificates are being executed and delivered to:

- (i) prepay the City’s remaining lease payment obligations (the “**2014 Lease Payments**”) under a Lease Agreement dated as of August 1, 2014, by and between the City and the Public Property Financing Corporation of

* Preliminary; subject to change.

California, which were issued on August 1, 2014, and are currently outstanding in the aggregate principal amount of \$2,482,104 (the “**2014 Lease**”);

- (ii) prepay the City’s remaining lease payment obligations (the “**2015 Lease Payments**”) under a Lease Agreement dated as of August 1, 2015, by and between the City and the Hayward Public Financing Authority (the “**Authority**”), causing the prepayment of the outstanding certificates of the City captioned “\$67,535,000 City of Hayward 2015 Certificates of Participation (Capital Projects),” which were issued on October 14, 2015, and are currently outstanding in the aggregate principal amount of \$52,245,000 (the “**2015 Certificates**”); and
- (iii) pay certain costs of executing and delivering the Certificates.

See “PLAN OF FINANCING.”

Security for the Certificates. In order to provide funds to prepay the 2014 Lease Payments, 2015 Lease Payments and 2015 Certificates, the Authority and the City have entered into a Site and Facilities Lease dated as of _____ 1, 2023 (the “**Site Lease**”), pursuant to which the City will lease certain real property and the improvements thereon (the “**Leased Property**”) to the Authority, and the Authority and the City have entered into a Lease Agreement dated as of _____ 1, 2023 (the “**Lease Agreement**”), under which the Authority will lease the Leased Property back to the City in consideration of the payment by the City of semiannual lease payments (the “**Lease Payments**”). See “THE LEASED PROPERTY.”

The Authority will assign its right to receive the Lease Payments to the Trustee under an Assignment Agreement dated as of _____ 1, 2023 (the “**Assignment Agreement**”), between the Authority and the Trustee, in consideration for which the Trustee has agreed to execute and deliver the Certificates. The Certificates evidence and represent direct, undivided fractional interests of the Certificate Owners in the Lease Payments. See “SECURITY FOR THE CERTIFICATES.”

No Reserve Fund. No reserve fund will be established for the Certificates.

Prepayment. The Certificates are subject to optional prepayment, extraordinary mandatory prepayment from the net proceeds of insurance or condemnation proceedings, and mandatory sinking fund prepayment prior to their scheduled payment dates. See “THE CERTIFICATES – Prepayment of the Certificates.”

Abatement. The Lease Payments are subject to complete or partial abatement in the event and to the extent that there is substantial interference with the City’s use and possession of the Leased Property or any portion thereof. If the Lease Payments are abated under the Lease Agreement, the Certificate Owners would receive less than the full amount of principal of and interest represented by the Certificates. To the extent proceeds of rental interruption insurance are available, Lease Payments (or a portion thereof) may be made from those proceeds during periods of abatement. See “SECURITY FOR THE CERTIFICATES – Abatement” and “RISK FACTORS – Abatement.”

Legal Opinion. Upon delivery of the Certificates, Jones Hall, A Professional Law Corporation, San Francisco, California, Special Counsel (“**Special Counsel**”) will release its final

approving legal opinion with respect to the Certificates, regarding the validity and tax-exempt status of the Certificates, in the form attached hereto as APPENDIX D.

Risk Factors. The Certificates are payable only from Lease Payments made by the City to the Authority and assigned to the Trustee under the Trust Agreement. For a discussion of some of the risks associated with the purchase of the Certificates, see “RISK FACTORS.”

Limited Obligations. NEITHER THE CERTIFICATES NOR THE OBLIGATION OF THE CITY TO MAKE LEASE PAYMENTS CONSTITUTES A DEBT OF THE CITY OR OF THE STATE OF CALIFORNIA OR OF ANY POLITICAL SUBDIVISION THEREOF WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY DEBT LIMIT OR RESTRICTION, OR AN OBLIGATION FOR WHICH THE CITY IS OBLIGATED TO LEVY OR PLEDGE ANY FORM OF TAXATION OR FOR WHICH THE CITY HAS LEVIED OR PLEDGED ANY FORM OF TAXATION.

PLAN OF FINANCING

The proceeds of the Certificates will be used to (i) prepay the 2014 Lease Payments, (ii) prepay the 2015 Lease Payments, causing the prepayment of the 2015 Certificates, and (iii) pay certain costs of executing and delivering the Certificates.

Prepayment of 2014 Lease Payments, 2015 Lease Payments and 2015 Certificates

2014 Lease Payments. The proceeds of the 2014 Lease Payments were used for the following purposes:

- (i) financing a new Fire Station No. 7 and a Firehouse Health Clinic located at the same site as Fire Station No. 7 and for other municipal purposes; and
- (ii) paying costs of issuance.

2015 Lease Payment Certificates. The proceeds of the 2015 Certificates were used for the following purposes:

- (i) financing the acquisition and construction of multiple capital improvements;
- (ii) providing a debt service reserve fund;
- (iii) funding a portion of interest due on the 2015 Certificates through June 1, 2018; and
- (iv) paying certain costs of executing and delivering the 2015 Certificates.

On the date of execution and delivery of the Certificates (the “**Closing Date**”), the City will cause a portion of the proceeds of the Certificates to be transferred to The Bank of New York Mellon Trust Company, N.A., as escrow agent (the “**Escrow Agent**”), for deposit into an escrow fund (the “**Escrow Fund**”) established under an Escrow Deposit and Trust Agreement, dated as of _____ 1, 2023, between the City and Escrow Agent, in an amount sufficient to prepay the remaining 2014 Lease Payments and 2015 Lease Payments and cause the prepayment of the 2015 Certificates on _____, 2023 (the “**Prepayment Date**”).

The Escrow Agent will invest a portion of the amount deposited in the Escrow fund in federal securities, and hold the remaining amount deposited into the Escrow Fund in cash, uninvested. All amounts held in the Escrow Fund will be applied on the Prepayment Date to prepay the 2014 Lease Payments and 2015 Lease Payments and cause the prepayment of the 2015 Certificates at a price equal to 100% of their aggregate principal amount, together with accrued interest to the Prepayment Date, without premium.

The amounts held by the Escrow Agent are pledged solely to the prepayment of the 2014 Lease Payments and 2015 Lease Payments, and prepayment of the 2015 Certificates. The funds deposited into the Escrow Fund will not be available for the payment of debt service on the Certificates; however, following the prepayment of the 2014 Lease Payments and 2015 Lease Payments in full and prepayment of the 2015 Certificates, the Escrow Agent will transfer any amounts remaining on deposit in the Escrow Fund to the Trustee to be applied to pay interest next coming due and payable with respect to the Certificates.

Estimated Sources and Uses of Funds

The proceeds to be received from the sale of the Certificates, and related amounts, are anticipated to be applied as follows:

SOURCES

Principal Amount of Certificates

Plus/Less: Net Original Issue Premium/(Discount)

Amounts Related to 2015 Certificates

Total Sources

USES

Deposit into Escrow Fund [1]

Deposit into Costs of Issuance Fund [2]

Underwriter's Discount

Total Uses

-
- [1] To be used to prepay the 2014 Lease Payments, 2015 Lease Payments and 2015 Certificates on the Prepayment Date. See “– Prepayment of 2014 Lease Payments, 2015 Lease Payments and 2015 Certificates.”
- [2] Includes fees of Special Counsel, Disclosure Counsel, municipal advisor, rating agency, Trustee and Escrow Agent; [Policy premium;] title insurance premium; printing costs; and other costs of executing and delivering the Certificates.

THE CERTIFICATES

This section provides summaries of the Certificates and certain provisions of the Trust Agreement. See “APPENDIX A – Summary of Principal Legal Documents” for a more complete summary of the Trust Agreement. Capitalized terms used but not defined in this section have the meanings given in APPENDIX A.

Authority for Execution and Delivery

The Certificates are being executed and delivered under the Trust Agreement, a resolution of the City Council adopted on June 20, 2023, and a resolution of the Board of Directors of the Authority adopted on June 20, 2023.

General Certificate Terms

Certificate Terms. The Certificates will be dated as of the date of original delivery, will bear interest at the rates per annum and will mature on the dates and in the amounts set forth on the inside front cover of this Official Statement. The Certificates will be executed and delivered in fully registered form without coupons in denominations of \$5,000 principal amount or any integral multiple of \$5,000, except that no Certificate will represent principal payable in more than one year.

Interest with respect to the Certificates accrues from their date of delivery and is payable semiannually on November 1 and May 1, commencing November 1, 2023 (each, an “**Interest Payment Date**”).

Book-Entry Only System. The Certificates, when executed and delivered, will be registered in the name of Cede & Co., as registered owner and nominee of The Depository Trust Company, New York, New York (“**DTC**”). So long as DTC, or Cede & Co. as its nominee, is the registered owner of all Certificates, all payments with respect to the Certificates will be made directly to DTC, and disbursement of such payments to the DTC Participants (defined below) will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners (defined below) will be the responsibility of the DTC Participants, as more fully described hereinafter. See “– Book-Entry System” below.

Calculation of Interest. Interest represented by the Certificates will be payable from the Interest Payment Date next preceding the date of execution thereof, unless:

- (a) it is executed following a Record Date and on or before the next succeeding Interest Payment Date, in which event interest represented thereby is payable from such Interest Payment Date,
- (b) it is executed on or before the first Record Date, in which event interest represented thereby is payable from the Closing Date, or
- (c) as of the date of any Certificate, interest represented by such Certificate is in default, in which event interest represented thereby will be payable from the Interest Payment Date to which interest has previously been paid or made available for payment with respect to such Certificate.

Interest represented by the Certificates is payable on each Interest Payment Date to and including the date of maturity or prepayment, whichever is earlier.

Such interest represents the portion of Lease Payments designated as interest and coming due on each of the respective Interest Payment Dates. The share of the portion of Lease Payments designated as interest with respect to any Certificate will be computed by multiplying the portion of Lease Payments designated as principal represented by such Certificate by the rate of interest represented by such Certificate (on the basis of a 360-day year consisting of twelve 30-day months).

Record Date. The Trust Agreement defines the “Record Date” with respect to the Certificates as close of business on the 1st day of the month in which each Interest Payment Date occurs, whether or not such 1st day is a Business Day.

Payments of Interest and Principal. Payment of interest represented by any Certificate on any Interest Payment Date will be made to the person appearing on the Registration Books as the Owner thereof as of the close of business on the Record Date immediately preceding such Interest Payment Date, such interest to be paid by check mailed on the applicable Interest Payment Date to such Owner, by first class mail postage prepaid, at such Owner’s address as it appears on the Registration Books.

At the written request of the Owner of Certificates in an aggregate principal amount of at least \$1,000,000, which written request is on file with the Trustee prior to the Record Date preceding any Interest Payment Date, the Trustee will pay interest represented by such Certificates coming due and payable on such Interest Payment Date by wire transfer in immediately available funds to such account in the United States as is specified in such written request.

The principal, interest and prepayment premium, if any, represented by any Certificate at maturity or upon prepayment are payable in lawful money of the United States of America upon surrender of such Certificate at the Office of the Trustee.

Notwithstanding the foregoing, while the Certificates are held in the book-entry only system of DTC, all such payments of principal, premium (if any) of, and interest with respect to, the Certificates will be made to Cede & Co. as the registered owner of the Certificates, for subsequent disbursement to Participant and beneficial owners. See “APPENDIX F – BOOK-ENTRY PROVISIONS.”

Prepayment of the Certificates*

Optional Prepayment. The Certificates maturing on or before November 1, 20__, are not subject to optional prepayment before their respective stated maturities.

The Certificates maturing on or after November 1, 20__, are subject to prepayment prior to their respective stated maturities, at the option of the City, in whole, or in part among maturities on such basis as designated by the City and by lot within any one maturity, on November 1, 20__, or on any date thereafter, upon 45 days’ prior written notice to the Trustee and payment of a prepayment price equal to 100% of the principal amount to be prepaid, together with accrued interest to the date fixed for prepayment, without premium.

* Preliminary; subject to change.

Extraordinary Mandatory Prepayment From Net Proceeds of Insurance or Condemnation. The Certificates are subject to extraordinary mandatory prepayment, in whole, on any Business Day, or in part on any Interest Payment Date among maturities on a pro rata basis and by lot within a maturity, from the Net Proceeds of insurance or eminent domain proceedings credited towards the prepayment of the Lease Payments under the Lease Agreement and under the Trust Agreement, at a prepayment price equal to 100% of the principal amount to be prepaid, together with accrued interest represented thereby to the date fixed for prepayment, without premium.

Mandatory Sinking Fund Prepayment. The Certificate maturing on November 1, 20__ (the “**Term Certificate**”), is also subject to mandatory sinking fund prepayment by lot on November 1 in each year as set forth in the following tables, from the principal components of the Lease Payments required to be paid with respect to each of such dates, at a prepayment price equal to 100% of the principal amount to be prepaid, together with accrued interest represented thereby to the prepayment date, without premium, as follows:

Sinking Fund Prepayment Date (November 1)	Principal Amount To Be Prepaid
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(Maturity)

Notwithstanding the provisions of the previous paragraph, if some but not all the Term Certificate is prepaid as described in “– Optional Prepayment” or “– Extraordinary Mandatory Prepayment from Net Proceeds of Insurance or Condemnation,” the aggregate principal amount of the Term Certificate to be prepaid in each year thereafter will be reduced by the aggregate principal amount of the Term Certificate so prepaid, to be allocated among sinking fund installments on a pro rata basis in integral multiples of \$5,000 such that the resulting amount of principal represented by the Term Certificate subject to prepayment on any date is equal to the aggregate principal components of the Lease Payments coming due and payable on such date.

Selection of Certificates for Prepayment. Whenever provision is made in the Trust Agreement for the prepayment of Certificates and less than all Outstanding Certificates of any maturity are called for prepayment, the Trustee will select Certificates of such maturity for prepayment by lot. For the purposes of such selection, Certificates will be deemed to be composed of \$5,000 portions, and any such portion may be separately prepaid. The Trustee will promptly notify the City and the Authority in writing of the Certificates or portions thereof so selected for prepayment.

Notice of Prepayment. When optional prepayment or extraordinary mandatory prepayment from the Net Proceeds of insurance or condemnation proceedings is authorized or required under the Trust Agreement, the Trustee will give notice of the prepayment of the Certificates on behalf and at the expense of the City. In the case of optional prepayment, the notice may provide that the proposed prepayment is conditional upon the availability of funds and that the City has the right to rescind the notice as provided below.

The Trustee will mail notice of prepayment by first-class mail with postage prepaid, to the Securities Depositories and to the Municipal Securities Rulemaking Board, and to the Owners of

Certificates designated for prepayment at their respective addresses appearing on the Registration Books, at least 20 days but not more than 60 days prior to the prepayment date.

Neither the failure to receive any such notice nor any defect in any notice so mailed will affect the sufficiency of the proceedings for the prepayment of such Certificates or the cessation of accrual of interest represented thereby from and after the date fixed for prepayment.

However, while the Certificates are subject to DTC's book-entry system, the Trustee will be required to give notice of prepayment only to DTC as provided in the letter of representations executed by the City and received and accepted by DTC. DTC and the Participants will have sole responsibility for providing any such prepayment notice to the beneficial owners of the Certificates to be prepaid. Any failure of DTC to notify any Participant, or any failure of Participants to notify the Beneficial Owner of any Certificates to be prepaid, of a notice of prepayment or its content or effect, will not affect the validity of the notice of prepayment, or alter the effect of prepayment set forth in the Trust Agreement.

Rescission of Prepayment. The City has the right to rescind any notice of the optional prepayment of Certificates by written notice to the Trustee on or prior to the date fixed for prepayment. Any notice of optional prepayment will be cancelled and annulled if for any reason funds will not be or are not available on the date fixed for prepayment for the payment in full of the Certificates then called for prepayment, and such cancellation will not constitute an Event of Default. The City and the Trustee have no liability to the Owners or any other party related to or arising from such rescission of prepayment.

The Trustee will mail notice of such rescission of prepayment to the respective Owners of the Certificates designated for prepayment at their respective addresses appearing on the Registration Books, and to the Securities Depositories and the Municipal Securities Rulemaking Board.

Effect of Notice of Prepayment. If moneys for the prepayment (including the interest to the applicable date of prepayment) of Certificates have been set aside in the Lease Payment Fund, the Certificates will become due and payable on the date of such prepayment, and, upon presentation and surrender thereof at the Office of the Trustee, those Certificates will be paid at the unpaid principal amount (or applicable portion thereof) represented thereby plus interest accrued and unpaid to the date of prepayment.

If, on the date of prepayment, moneys for the prepayment of all the Certificates to be prepaid, together with interest represented thereby to the date of prepayment, are held by the Trustee so as to be available therefor on such date of prepayment, then, from and after the date of prepayment, interest represented by the Certificates will cease to accrue and become payable. All moneys held by the Trustee for the prepayment of Certificates will be held in trust for the account of the Owners of the Certificates so to be prepaid, and will be held by the Trustee in cash uninvested.

Purchase of Certificates in Lieu of Prepayment. In lieu of prepayment of Certificates as provided in the Trust Agreement, amounts held by the Trustee for such prepayment may, at the written request of the City Representative received by the Trustee at least 75 days prior to the selection of Certificates for prepayment, be applied by the Trustee to the purchase of Certificates at public or private sale as and when and at such prices (including brokerage, accrued interest and other charges) as the City may in its discretion direct, but not to exceed the prepayment price which would be payable if such Certificates were prepaid.

Book-Entry System

DTC will act as securities depository for the Certificates. The Certificates will be executed and delivered as fully-registered Certificates registered in the name of Cede & Co. (DTC's partnership nominee). One fully-registered Certificate will be executed and delivered for each maturity of the Certificates, each in the aggregate principal amount of such maturity, and will be deposited with DTC. See "APPENDIX F – BOOK-ENTRY PROVISIONS."

The City and the Trustee cannot and do not give any assurances that DTC, DTC Participants or others will distribute payments of principal, interest or premium with respect to the Certificates paid to DTC or its nominee as the registered owner, or will distribute any prepayment notices or other notices, to the Beneficial Owners, or that they will do so on a timely basis or will serve and act in the manner described in this Official Statement. The City and the Trustee are not responsible or liable for the failure of DTC or any DTC Participant to make any payment or give any notice to a Beneficial Owner with respect to the Certificates or an error or delay relating thereto.

Registration, Transfer and Exchange

The provisions of the Trust Agreement regarding the registration, exchange and transfer of the Certificates apply only during any period in which the Certificates are not subject to DTC's book-entry system. While the Certificates are subject to DTC's book-entry system, their registration, exchange and transfer will be effected through DTC and the Participants and will be subject to the procedures, rules and requirements established by DTC. See APPENDIX F.

Registration. The Trustee will keep or cause to be kept sufficient records for the registration and registration of transfer of the Certificates, which will at all reasonable times be open to inspection by the City and the Authority upon prior notice, during regular business hours; and, upon presentation for such purpose, the Trustee will, under such reasonable regulations as it may prescribe, register or transfer or cause to be registered or transferred, on the Registration Books, Certificates as provided in the Trust Agreement.

Transfer of Certificates. The registration of any Certificate may, in accordance with its terms, be transferred upon the Registration Books by the person in whose name it is registered, in person or by duly authorized attorney, upon surrender of such Certificate for cancellation at the Office of the Trustee, accompanied by delivery of a written instrument of transfer in a form acceptable to the Trustee, manually executed. Whenever any Certificate or Certificates is surrendered for registration of transfer, the Trustee will execute and deliver a new Certificate or Certificates representing the same maturity, interest rate and aggregate principal amount, in any authorized denominations. The Trustee will require the Certificate Owner to pay all costs of the Trustee incurred in connection with any such transfer and any tax or other governmental charge required to be paid with respect to such transfer.

Exchange of Certificates. Certificates may be exchanged at the Office of the Trustee, for a like aggregate principal amount of Certificates representing other authorized denominations of the same interest rate and maturity. The City will pay all costs of the Trustee incurred in connection with any such exchange, except that the Trustee will require the payment by the Certificate Owner requesting such exchange of any tax or other governmental charge required to be paid with respect to such exchange.

Limitations on Transfer or Exchange. The Trustee may refuse to transfer or exchange either (i) any Certificate during the period established by the Trustee for the selection of Certificates for prepayment, or (ii) any Certificate which the Trustee has selected for prepayment in whole or in part under the Trust Agreement.

SCHEDULE OF LEASE PAYMENTS

The table below shows the annual Lease Payments, which corresponds to the payments of principal and interest with respect to the Certificates and assumes no optional or extraordinary mandatory prepayments.

Rental Period Ending November 1 ⁽¹⁾	Principal Component*	Interest Component	Aggregate Lease Payment
<hr/>			

Total	\$ <hr/>
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- (1) "Rental Period" is defined in the Lease to mean each period during the Term of the Lease commencing on and including October 16 in each year and extending to and including the next succeeding October 15, except that the first Rental Period begins on the Closing Date and ends on October 15, 20___. Lease Payments are due on the second Business Day prior to the corresponding Interest Payment Date.

* Preliminary; subject to change.

THE LEASED PROPERTY

General

Lease Payments will be made by the City under the Lease Agreement for the use and occupancy of the Leased Property, which consists of the City's 21st Century Library and Community Learning Center (the "Library"), located at the corner of C Street and Mission Boulevard, adjacent to the City's main downtown park. The Library is a three-story, 58,000 square feet building that opened in 2019 and cost \$65.7 million to construct.

The Library includes classrooms, a digital media lab, flexible gathering spaces, and education spaces for an adult learning center and homework center. The Library has received a LEED platinum certification and is one of the largest zero net energy public libraries in the country.

The insured value of the Library is approximately \$_____.

Modification of Leased Property

Under the Lease Agreement, the City has the right, at its own expense, to make additions, modifications and improvements to the Leased Property or any portion thereof. All additions, modifications and improvements to the Leased Property will thereafter comprise part of the Leased Property and become subject to the provisions of the Lease Agreement.

Such additions, modifications and improvements may not in any way damage the Leased Property, or cause the Leased Property to be used for purposes other than those authorized under the provisions of state and federal law; and the Leased Property, upon completion of any additions, modifications and improvements made thereto under the Lease Agreement, must be of a value which is not substantially less than the value thereof immediately prior to the making of such additions, modifications and improvements.

The City will not permit any lien to be established or remain against the Leased Property for labor or materials furnished in connection with any remodeling, additions, modifications, improvements, repairs, renewals or replacements made by the City under the Lease Agreement; provided that if any such lien is established and the City first notifies the Authority of the City's intention to do so, the City may in good faith contest any lien filed or established against the Leased Property, and in such event may permit the items so contested to remain undischarged and unsatisfied during the period of such contest and any appeal therefrom and will provide the Authority with full security against any loss or forfeiture that might arise from the nonpayment of any such item, in form satisfactory to the Authority. The Authority will cooperate fully in any such contest, upon the request and at the expense of the City.

Substitution of Property

Under the Lease Agreement, the City has, and is granted, the option at any time and from time to time to substitute other real property (the "**Substitute Property**") for the Leased Property or any portion thereof (the "**Former Property**"), provided that the City must satisfy all of the requirements set forth in the Lease Agreement that are conditions precedent to such substitution, and which include (among others) the following:

- (a) The City must file with the Authority and the Trustee, and cause to be recorded in the office of the Alameda County Recorder sufficient

memorialization of, an amendment of the Lease Agreement that adds to Appendix A thereto a description of such Substitute Property and deletes therefrom the description of such Former Property, and appropriate amendments to the Site Lease and Assignment Agreement that adds thereto a description of such Substitute Property and deletes therefrom the description of such Former Property.

- (b) The City must certify in writing to the Authority and the Trustee that such Substitute Property serves the municipal purposes of the City and constitutes property which the City is permitted to lease under the laws of the State of California, and has been determined to be essential to the proper, efficient and economic operation of the City and to serve an essential governmental function of the City.
- (c) The City must file with the Authority and the Trustee a certificate to the effect that the fair market value and the fair rental value of the Substitute Property and any other property that will be subject to the Lease Agreement and the Site Lease are at least equal to the outstanding principal amount of the Certificates, and that the useful life of the Substitute Property at least equals the lesser of (i) the useful life of the Former Property, or (ii) the final Lease Payment Date of the Lease Payments allocable to the Former Property.
- (d) The City will provide the Trustee with an opinion of nationally recognized bond counsel to the effect that such substitution will not, in and of itself, cause the interest on the Certificates to be included in gross income for federal income tax purposes.

Upon the satisfaction of all conditions precedent to substitution under the Lease Agreement, the Term of the Lease Agreement will thereupon end as to the Former Property and commence as to the Substitute Property, and all references to the Former Property will apply with full force and effect to the Substitute Property.

The City is not entitled to any reduction, diminution, extension or other modification of the Lease Payments whatsoever as a result of such substitution.

The Authority and the City will execute, deliver and cause to be recorded all documents required to discharge the Lease Agreement, the Site Lease and the Assignment Agreement against the Former Property, and to cause the Substitute Property to become subject to all of the terms and conditions of the Lease Agreement, Site Lease and the Assignment Agreement.

See APPENDIX A for additional conditions to the substitution of property under the Lease Agreement.

Release of Property

Under the Lease Agreement, City has the option at any time and from time to time to release any portion of the Leased Property from the Lease Agreement and the Site Lease (the **"Released Property"**) provided that the City has satisfied all of the requirements of the Lease Agreement that are conditions precedent to such release, and which include (among others) the following:

- (a) The City must file with the Authority and the Trustee, and cause to be recorded in the office of the Alameda County Recorder sufficient memorialization of, an amendment of the Lease Agreement that removes the Released Property therefrom, and appropriate amendments to the Site Lease and Assignment Agreement that removes therefrom the description of the Released Property.
- (b) The City must certify in writing to the Authority and the Trustee that the fair market value of the property that remains subject to the Lease Agreement and the Site Lease following such removal is at least equal to the outstanding principal amount of the Certificates, and the fair rental value of the property that remains subject to the Lease Agreement and the Site Lease following such removal is at least equal to the Lease Payments thereafter coming due and payable under the Lease Agreement.
- (c) The City will provide the Trustee with an opinion of nationally recognized bond counsel to the effect that such release will not, in and of itself, cause the interest on the Certificates to be included in gross income for federal income tax purposes.

Upon the satisfaction of all conditions precedent to release under the Lease Agreement, the Term of the Lease Agreement will thereupon end as to the Released Property.

The City is not entitled to any reduction, diminution, extension or other modification of the Lease Payments whatsoever as a result of such release.

The Authority and the City will execute, deliver and cause to be recorded all documents required to discharge the Lease Agreement, the Site Lease and the Assignment Agreement of record against the Released Property.

See APPENDIX A for additional conditions to the release of property from the Lease Agreement and the Site Lease.

THE CITY AND THE AUTHORITY

The City

General. The City is a charter city that was incorporated in 1876. The City operates under the council-manager form of government, in which authority is concentrated in the elected city council, which appoints a professional manager (the “**City Manager**”) to implement its policies. The Mayor is elected by the voters of the City for a four-year term. The City Manager oversees the City’s annual operating budget and personnel matters, and serves as the City Council’s chief policy advisor.

The City Council consists of seven members elected to serve staggered four-year terms.

For selected financial, economic and demographic information about the City, see “APPENDIX B – City of Hayward General Financial and Demographic Information.”

The Authority

The Authority is a non-profit public benefit corporation duly organized and existing under the laws of the State. The Authority was established by the City and the former Redevelopment Agency of the City of Hayward.

SECURITY FOR THE CERTIFICATES

This section provides summaries of the security and sources of payment for the Certificates and certain provisions of the Trust Agreement and Lease Agreement. See APPENDIX A for a more complete summary of the Trust Agreement and Lease Agreement. Capitalized terms used but not defined in this section have the meanings given in APPENDIX A.

General

Lease Payments. Each Certificate evidences and represents a direct, undivided fractional interest of the Owner thereof in the Lease Payments to be made by the City under the Lease Agreement.

Assignment to Trustee. Under the Assignment Agreement, the Authority will transfer, assign and set over to the Trustee, for the benefit of the Owners of all Outstanding Certificates, substantially all of the Authority's rights under the Lease Agreement and the Site Lease, including without limitation:

(a) the right to receive and collect all of the Lease Payments from the City under the Lease Agreement;

(b) the right to receive and collect any proceeds of any insurance maintained under the Lease Agreement with respect to the Leased Property, or any eminent domain award (or proceeds of sale under threat of eminent domain) paid with respect to the Leased Property; and

(c) the right to exercise such rights and remedies conferred on the Authority under the Lease Agreement as may be necessary or convenient (i) to enforce payment of the Lease Payments and any other amounts required to be deposited in the Lease Payment Fund or the Insurance and Condemnation Fund established under the Trust Agreement, or (ii) otherwise to protect the interests of the Owners in the event of a default by the City under the Lease Agreement.

This assignment will be absolute and irrevocable, and will be without recourse to the Authority.

Under the Lease Agreement, the City acknowledges that all Lease Payments have been assigned by the Authority to the Trustee in trust under the Assignment Agreement, for the benefit of the Owners of the Certificates, and the City consents to such assignment. The Authority directs the City, and the City agrees to pay to the Trustee at its Office, all Lease Payments (including prepayments thereof).

Lease Payments

Obligation to Make Lease Payments. Under the Lease Agreement (subject to the provisions of the Lease Agreement regarding abatement and prepayment), the City will pay to the Authority, its successors and assigns, the Lease Payments (denominated into components of principal and interest) in the respective amounts specified in the Lease Agreement, to be due and payable in immediately available funds on the Interest Payment Dates immediately following each of the respective Lease Payment Dates, and to be deposited by the City with the Trustee on each of the Lease Payment Dates.

The Lease Payments payable in any Rental Period are for the use of the Leased Property during such Rental Period.

Credits and Offsets. Any amount held in the Lease Payment Fund on any Lease Payment Date (other than amounts resulting from the prepayment of the Lease Payments in part but not in whole, and other than amounts required for payment of past due principal or interest represented by any Certificates not presented for payment) will be credited towards the Lease Payment then required to be paid.

No Lease Payment need be deposited with the Trustee on any Lease Payment Date if the amounts then held in the Lease Payment Fund are at least equal to the Lease Payment then required to be deposited with the Trustee.

Effect of Prepayment. If the City prepays all Lease Payments in full under the Lease Agreement, and if the City has paid all Additional Payments then due and payable, the City's obligations to make Lease Payments under the Lease Agreement will thereupon cease and terminate.

If the City prepays the Lease Payments in part but not in whole under the Lease Agreement, the principal components of the remaining Lease Payments will be reduced in integral multiples of \$5,000 among Lease Payment Dates on a basis that corresponds to the principal maturities of the Certificates that are prepaid; and the interest component of each remaining Lease Payment will be reduced by the aggregate corresponding amount of interest that would otherwise be payable with respect to the Certificates thereby prepaid under the Trust Agreement.

Rate on Overdue Payments. If the City fails to make any of the Lease Payments, the payment in default will continue as an obligation of the City until the amount in default has been fully paid, and the City agrees to pay the same with interest thereon, from the date of default to the date of payment at the highest rate of interest represented by any Outstanding Certificate.

Fair Rental Value. The Lease Payments and Additional Payments coming due and payable during each Rental Period constitute the total rental for the Leased Property for such Rental Period, and the City will pay the Lease Payments and Additional Payments in each Rental Period for and in consideration of the right of the use and occupancy of, and the continued quiet use and enjoyment of the Leased Property during each Rental Period.

The Authority and the City have agreed and determined that the total Lease Payments represent the fair rental value of the Leased Property. In making that determination, consideration has been given to the estimated value of the Leased Property as of the Closing Date, other obligations of the City and the Authority under this Lease, the uses and purposes that may be served by the Leased Property, and the benefits therefrom that will accrue to the City and the general public.

Source of Payments; Budget and Appropriation

The Lease Payments are payable from any source of legally available funds of the City, subject to the provisions of the Lease Agreement regarding abatement and prepayment.

The City covenants in the Lease Agreement to take such action as may be necessary to include all estimated Lease Payments and all estimated Additional Payments due under the

Lease Agreement in each of its final approved budgets. The City further covenants to make all necessary appropriations (including any supplemental appropriations) from any source of legally available funds of the City for all the actual amount of Lease Payments and Additional Payments that come due and payable during the period covered by each such budget.

These covenants on the part of the City are duties imposed by law and it is the duty of each and every public official of the City to take such action and do such things as are required by law in the performance of the official duty of such officials to enable the City to carry out and perform the covenants and agreements in the Lease Agreement agreed to be carried out and performed by the City.

Limited Obligation

THE OBLIGATION OF THE CITY TO MAKE LEASE PAYMENTS DOES NOT CONSTITUTE A DEBT OF THE CITY OR OF THE STATE OF CALIFORNIA OR OF ANY POLITICAL SUBDIVISION THEREOF WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY DEBT LIMIT OR RESTRICTION, OR AN OBLIGATION FOR WHICH THE CITY IS OBLIGATED TO LEVY OR PLEDGE ANY FORM OF TAXATION OR FOR WHICH THE CITY HAS LEVIED OR PLEDGED ANY FORM OF TAXATION.

Additional Payments

In addition to the Lease Payments, under the Lease Agreement, the City agrees to pay when due, as additional rental for the Leased Property thereunder, all costs and expenses incurred by the City thereunder or under the Trust Agreement, or incurred by the Authority to comply with the provisions of the Trust Agreement, including without limitation (a) all Costs of Issuance (to the extent not paid from amounts on deposit in the Costs of Issuance Fund), (b) annual compensation due to the Trustee and all of its reasonable costs and expenses (including amounts payable to the Trustee by virtue of indemnification) payable as a result of the performance of and compliance with its duties under the Trust Agreement, and (c) all reasonable costs and expenses of attorneys, auditors, engineers and accountants engaged by the Authority or the Trustee in connection with the Leased Property or the performance of their duties under the Lease Agreement or the Trust Agreement.

No Reserve Fund

No reserve fund will be established for the benefit of the City and the Owners of the Certificates. Abatement

Termination or Abatement Due to Eminent Domain. If the Leased Property is taken permanently under the power of eminent domain or sold to a government threatening to exercise the power of eminent domain, the Term of the Lease Agreement will cease with respect thereto as of the day possession is so taken.

If less than all of the Leased Property is taken permanently, or if the Leased Property is taken temporarily, under the power of eminent domain,

- (a) the Lease Agreement will continue in full force and effect with respect thereto and will not be terminated by virtue of such taking and the parties waive the benefit of any law to the contrary, and

- (b) there will be a partial abatement of Lease Payments allocated thereto, in an amount to be determined by the City such that the resulting Lease Payments represent fair consideration for the use and occupancy of the remaining usable portions of the Leased Property.

Abatement Due to Damage or Destruction. The amount of Lease Payments will be abated during any period in which by reason of damage or destruction (other than by eminent domain as described above) there is substantial interference with the use and occupancy by the City of the Leased Property or any portion thereof.

The amount of such abatement will be determined by the City such that the resulting Lease Payments represent fair consideration for the use and occupancy of the portions of the Leased Property that are available for use and occupancy.

Such abatement will continue for the period commencing with such damage or destruction and ending with the substantial completion of the work of repair or reconstruction. If any such damage or destruction occurs, the Lease Agreement will continue in full force and effect and the City waives any right to terminate the Lease Agreement by virtue of any such damage and destruction.

Notwithstanding the foregoing, there will be no abatement of Lease Payments to the extent that the proceeds of hazard insurance or rental interruption insurance are available to pay Lease Payments that would otherwise be abated, it being declared that such proceeds and amounts constitute a special fund for the payment of the Lease Payments.

Application of Net Proceeds of Insurance and Condemnation

Application of Net Proceeds of Insurance Award. Under the Trust Agreement, any Net Proceeds of insurance collected by the City in the event of accident to or destruction of any component of the Leased Property will be paid to the Trustee under the Lease Agreement and deposited by the Trustee promptly upon receipt thereof in a special fund designated as the “**Insurance and Condemnation Fund**” which the Trustee will thereupon establish.

If the City determines and notifies the Trustee in writing of its determination, within 45 days following the date of such deposit, that the replacement, repair, restoration, modification or improvement of the Leased Property is not economically feasible or in the best interests of the City, then such Net Proceeds will be promptly transferred by the Trustee to the Lease Payment Fund and applied to the prepayment of Lease Payments under the Lease Agreement and the corresponding prepayment of Certificates under the Trust Agreement. This prepayment will be made on the first Interest Payment Date for which notice of prepayment can be timely given.

Notwithstanding the foregoing, the determination of the City to apply Net Proceeds to the prepayment of Certificates is subject to the following:

- (a) if the Leased Property is damaged or destroyed in full, such Net Proceeds may be transferred to the Lease Payment Fund to be used to prepay Outstanding Certificates only if such Net Proceeds, together with other available moneys, are sufficient to cause the corresponding prepayment of all Lease Payments allocable to the Leased Property; and
- (b) if the Leased Property is damaged or destroyed in part but not in whole, such Net Proceeds may be transferred to the Lease Payment Fund to be used to

prepay Outstanding Certificates only if the Lease Payments that result after the corresponding abatement thereof under the Lease Agreement are sufficient to pay the full amount of principal and interest represented by the Certificates that remain Outstanding after such prepayment.

All Net Proceeds deposited in the Insurance and Condemnation Fund and not so transferred to the Lease Payment Fund will be applied to the prompt replacement, repair, restoration, modification or improvement of the damaged or destroyed portions of the Leased Property by the City.

Notwithstanding any other provision of the Lease Agreement, the Trustee will pay to the City all moneys in the Insurance and Condemnation Fund upon the Trustee's receipt of a written notice executed by a City Representative which states that, pursuant to the Lease Agreement, the City has substituted other real property for the Leased Property that was damaged or destroyed and that there will be no abatement of the Lease Payments as a result of such damage or destruction.

Application of Net Proceeds of Eminent Domain Award. Under the Trust Agreement, if all or any part of the Leased Property is taken by eminent domain proceedings (or sold to a government threatening to exercise the power of eminent domain) the Net Proceeds therefrom will be deposited with the Trustee in the Insurance and Condemnation Fund and will be applied and disbursed by the Trustee as follows:

- (a) If the City gives written notice to the Trustee of its determination that (i) such eminent domain proceedings have not materially affected the interest of the City in the Leased Property or the ability of the City to meet any of its financial obligations under the Lease Agreement, and (ii) that such proceeds are not needed for repair, replacement or rehabilitation of the Leased Property, the Trustee will transfer such proceeds to the Lease Payment Fund to be credited towards the payment of the Lease Payments as they become due and payable.
- (b) If the City gives written notice to the Trustee of its determination that (i) such eminent domain proceedings have not materially affected the interest of the City in the Leased Property or the ability of the City to meet any of its financial obligations under the Lease Agreement, and (ii) such proceeds are needed for repair, replacement or rehabilitation of the Leased Property, the Trustee will pay to the City, or to its order, from said proceeds such amounts as the City may expend for the repair or rehabilitation of the Leased Property.
- (c) If (i) less than all of the Leased Property is taken in such eminent domain proceedings or sold to a government threatening the use of eminent domain powers, and if the City gives written notice to the Trustee of its determination that such eminent domain proceedings have materially affected the interest of the City in the Leased Property or the ability of the City to meet any of its financial obligations under the Lease Agreement, or (ii) all of the Leased Property is taken in such eminent domain proceedings, then the Trustee will transfer such proceeds to the Lease Payment Fund to be credited toward the prepayment of the Lease Payments under the Lease Agreement and applied to the corresponding prepayment of Certificates under the Trust Agreement.

This prepayment will be made on the first prepayment date for which notice of prepayment can be timely given.

In making any such determination whether to repair, replace or rehabilitate the Leased Property under the Trust Agreement, the City may obtain, but is not required to obtain, at its expense, the report of an independent engineer or other independent professional consultant, a copy of which must be filed with the Trustee. Additionally, any such determination must be made within 45 days of the date the funds are deposited with the Trustee. Any such determination by the City is final.

Covenants to Maintain Insurance

Public Liability and Property Damage Insurance. Under the Lease Agreement, the City will maintain or cause to be maintained, throughout the Term of the Lease Agreement, comprehensive general insurance in protection of the Authority, the City and their respective members, officers, agents, employees and assigns. Such insurance must provide for indemnification of said parties against direct or contingent loss or liability for damages for bodily and personal injury, death or property damage occasioned by reason of the operation of the Leased Property. Such insurance must provide coverage in such liability limits and be subject to such deductibles as the City deems adequate and prudent.

Such insurance may be maintained as part of or in conjunction with any other insurance coverage carried by the City, and may be maintained in whole or in part in the form of a program of self-insurance by the City, or in the form of the participation by the City in a joint powers authority or other program providing pooled insurance.

The City will apply the proceeds of such insurance toward extinguishment or satisfaction of the liability with respect to which the net proceeds are paid.

Casualty Insurance. Under the Lease Agreement, the City will procure and maintain, or cause to be procured and maintained, at all times throughout the Term of the Lease Agreement, casualty insurance against loss or damage to the insured buildings, facilities and other improvements constituting any part of the Leased Property, in an amount at least equal to the greater of (a) the replacement value of such buildings, facilities and improvements, or (b) the aggregate principal amount of the Outstanding Certificates.

Such insurance will, as nearly as practicable, cover loss or damage by fire, explosion, windstorm, riot, aircraft, vehicle damage, smoke and such other hazards as are normally covered by such insurance. The City shall not be obligated to purchase earthquake or flood coverage as part of such insurance. Such insurance may be subject to such deductibles as the City deems prudent.

Such insurance may be maintained as part of or in conjunction with any other insurance coverage carried by the City, and may be maintained in whole or in part in the form of the participation by the City in a joint powers authority or other program providing pooled insurance; provided that such insurance may not be maintained by the City in the form of self-insurance. The City shall apply the Net Proceeds of such insurance as provided in the Lease Agreement.

The City currently does not maintain earthquake insurance on the Leased Property, although the Leased Property was built to seismic standards. See "THE LEASED PROPERTY – General" and "RISK FACTORS – Natural Calamities – Seismic."

Rental Interruption Insurance. Under the Lease Agreement, the City will procure and maintain, or cause to be procured and maintained, at all times throughout the Term of the Lease Agreement, rental interruption or use and occupancy insurance to cover loss, total or partial, of the use of the buildings, facilities and other improvements constituting any part of the Leased Property, as a result of any of the hazards covered in the casualty insurance required by the Lease Agreement and described above, in an amount at least equal to the maximum Lease Payments coming due and payable during any two consecutive fiscal years during the remaining Term of the Lease Agreement.

Such insurance may be maintained as part of or in conjunction with any other insurance coverage carried by the City, and may be maintained in whole or in part in the form of the participation by the City in a joint powers authority or other program providing pooled insurance; provided that such insurance may not be maintained by the City in the form of self-insurance.

The Net Proceeds of such insurance, if any, will be paid to the Trustee and deposited in the Lease Payment Fund, and will be credited towards the payment of the Lease Payments allocable to the insured improvements as the same become due and payable.

See “APPENDIX A – Summary of Principal Legal Documents” for a summary of certain other insurance requirements under the Lease Agreement.

Additional Rental

The City may amend the Lease Agreement, without the consent of the Trustee or any of the Certificate Owners, to obligate the City to pay additional amounts of rental thereunder for the use and occupancy of the Leased Property or any portion thereof, but only if (A) such additional amounts of rental are pledged or assigned for the payment of any bonds, notes, leases or other obligations the proceeds of which are applied to finance public improvements of the City, and (B) the City has filed with the Trustee written evidence that the amendments made under the Lease Agreement will not of themselves cause a reduction or withdrawal of any rating then assigned to the Certificates. See “RISK FACTORS – Additional Obligations of the City.”

See “APPENDIX A – Summary of Principal Legal Documents” for a summary of certain other permitted amendments under the Lease Agreement.

CONSTITUTIONAL AND STATUTORY LIMITATIONS ON TAXES AND APPROPRIATIONS

Article XIII A of the California Constitution

On June 6, 1978, California voters approved Proposition 13 ("**Proposition 13**"), which added Article XIII A to the State Constitution ("**Article XIII A**"). Article XIII A limits the amount of any ad valorem tax on real property to 1% of the full cash value thereof, except that additional ad valorem taxes may be levied to pay debt service on (i) indebtedness approved by the voters prior to July 1, 1978, (ii) (as a result of an amendment to Article XIII A approved by State voters on June 3, 1986) on bonded indebtedness for the acquisition or improvement of real property which has been approved on or after July 1, 1978, by two-thirds of the voters on such indebtedness, and (iii) bonded indebtedness incurred by a school district or community college district for the construction, reconstruction, rehabilitation or replacement of school facilities or the acquisition or lease of real property for school facilities, approved by 55% of the voters of the district, but only if certain accountability measures are included in the proposition. Article XIII A defines full cash value to mean "the county assessor's valuation of real property as shown on the 1975-76 tax bill under full cash value, or thereafter, the appraised value of real property when purchased, newly constructed, or a change in ownership have occurred after the 1975 assessment." This full cash value may be increased at a rate not to exceed 2% per year to account for inflation.

Article XIII A has subsequently been amended to permit reduction of the "full cash value" base in the event of declining property values caused by damage, destruction or other factors, to provide that there would be no increase in the "full cash value" base in the event of reconstruction of property damaged or destroyed in a disaster and in other minor or technical ways.

Legislation Implementing Article XIII A. Legislation has been enacted and amended a number of times since 1978 to implement Article XIII A. Under current law, local agencies are no longer permitted to levy directly any property tax (except to pay voter-approved indebtedness). The one percent property tax is automatically levied by the county and distributed according to a formula among taxing agencies. The formula apportions the tax roughly in proportion to the relative shares of taxes levied prior to 1989. Increases of assessed valuation resulting from reappraisals of property due to new construction, change in ownership or from the 2% annual adjustment are allocated among the various jurisdictions in the "taxing area" based upon their respective "situation." Any such allocation made to a local agency continues as part of its allocation in future years.

In accordance with Article XIII A, all taxable property is now shown at "full cash value" on the County's property tax rolls.

Appropriation Limitation - Article XIII B

On November 6, 1979, the voters of the State approved Proposition 4, known as the Gann Initiative, which added Article XIII B to the State Constitution. On June 5, 1990, the voters approved Proposition 111, which amended Article XIII B in certain respects.

Under Article XIII B, as amended, state and local government entities each have an annual "appropriations limit" which limits the ability to spend certain monies that are called "appropriations subject to limitation" (consisting of most tax revenues and certain state subventions, together called "proceeds of taxes," and certain other funds) in an amount higher than the "appropriations limit." Article XIII B does not affect the appropriation of monies that are excluded from the definition

of “appropriations limit,” including debt service on indebtedness existing or authorized as of January 1, 1979, or bonded indebtedness subsequently approved by two-thirds of the voters.

The “appropriations limit” is adjusted annually for changes in the cost of living and in population, for transfers in the financial responsibility for providing services, and in the case of certain declared emergencies.

If an entity receives any proceeds of taxes in excess of its appropriations limit, it may, by resolution of the entity’s governing board, increase its appropriations limit to equal that amount (provided that the State has excess appropriations limit of its own in that fiscal year). The City’s appropriations limit for fiscal year 2016-17 is \$125,810,267, and the City does not anticipate exceeding this limit.

Proposition 218 - Article XIIC and Article XIID

General. On November 5, 1996, the voters of the State approved Proposition 218, known as the “Right to Vote on Taxes Act.” Proposition 218 added Articles XIIC and XIID to the State Constitution and contains a number of interrelated provisions affecting the ability of the City to levy and collect both existing and future taxes, assessments, fees and charges.

On November 2, 2010, State voters approved Proposition 26, entitled the “Supermajority Vote to Pass New Taxes and Fees Act.” Section 1 of Proposition 26 declares that Proposition 26 is intended to limit the ability of the State Legislature and local government to circumvent existing restrictions on increasing taxes by defining the new or expanded taxes as “fees.” Proposition 26 amended Articles XIII A and XIIC of the State Constitution. The amendments to Article XIII A limit the ability of the State Legislature to impose higher taxes (as defined in Proposition 26) without a two-thirds vote of the Legislature. The amendments to Article XIIC define “taxes” that are subject to voter approval as “any levy, charge, or exaction of any kind imposed by a local government,” with certain exceptions.

Taxes. Article XIIC requires that all new local taxes be submitted to the electorate before they become effective. Taxes for general governmental purposes of the City (“general taxes”) require a majority vote; taxes for specific purposes (“special taxes”), even if deposited in the City’s General Fund, require a two-thirds vote. The voter approval requirements of Article XIIC reduce the flexibility of the City to raise revenues for the General Fund, and no assurance can be given that the City will be able to impose, extend or increase such taxes in the future to meet increased expenditure needs.

Property-Related Fees and Charges. Article XIID also adds several provisions making it generally more difficult for local agencies to levy and maintain property-related fees, charges, and assessments for municipal services and programs. These provisions include, among other things, (i) a prohibition against assessments that exceed the reasonable cost of the proportional special benefit conferred on a parcel, (ii) a requirement that assessments must confer a “special benefit,” as defined in Article XIID, over and above any general benefits conferred, (iii) a majority protest procedure for assessments that involves the mailing of notice and a ballot to the record owner of each affected parcel, a public hearing and the tabulation of ballots weighted according to the proportional financial obligation of the affected party, and (iv) a prohibition against fees and charges that are used for general governmental services, including police, fire or library services, where the service is available to the public at large in substantially the same manner as it is to property owners.

Reduction or Repeal of Taxes, Fees and Charges. Article XIII C also removed limitations on the initiative power in matters of reducing or repealing local taxes, assessments, fees or charges. No assurance can be given that the voters of the City will not, in the future, approve an initiative or initiatives that reduce or repeal local taxes, assessments, fees or charges currently comprising a substantial part of the City's General Fund. See "APPENDIX B – City of Hayward General Financial and Demographic Information – General Fund Tax Revenues." If such repeal or reduction occurs, the City's ability to pay debt service with respect to the Certificates could be adversely affected.

Burden of Proof. Article XIII C provides that local government "bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity." Similarly, Article XIII D provides that in "any legal action contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance" with Article XIII D.

Impact on City's General Fund. The approval requirements of Articles XIII C and XIII D reduce the flexibility of the City to raise revenues for the General Fund, and no assurance can be given that the City will be able to impose, extend or increase the taxes, fees or charges in the future that it may need to meet increased expenditure needs. The City believes all of its existing local taxes, fees and assessments are compliant with Proposition 218 and Proposition 26.

Judicial Interpretation. Although some court cases have been decided, further interpretation and application of Articles XIII C and XIII D will be determined by the courts, and it is not possible at this time to predict with certainty the outcome of such determination.

Unitary Property

AB 454 (Chapter 921, Statutes of 1986) provides that revenues derived from most utility property assessed by the State Board of Equalization ("**Unitary Property**"), commencing with the 1988-89 fiscal year, will be allocated as follows: (1) each jurisdiction will receive up to 102% of its prior year State-assessed revenue; and (2) if county-wide revenues generated from Unitary Property are less than the previous year's revenues or greater than 102% of the previous year's revenues, each jurisdiction will share the burden of the shortfall or excess revenues by a specified formula. This provision applies to all Unitary Property except railroads, whose valuation will continue to be allocated to individual tax rate areas.

The provisions of AB 454 constitute neither an elimination of the assessment of any State-assessed properties nor a revision of the methods of assessing utilities by the State Board of Equalization. Generally, AB 454 allows valuation growth or decline of Unitary Property to be shared by all jurisdictions in a county.

Proposition 62

On November 4, 1986, California voters adopted Proposition 62, which requires that (i) any local tax for general governmental purposes (a "**general tax**") must be approved by a majority vote of the electorate; (ii) any local tax for specific purposes (a "**special tax**") must be approved by a two-thirds vote of the electorate; (iii) any general tax must be proposed for a vote by two-thirds of the legislative body; and (iv) proceeds of any tax imposed in violation of the vote requirements must be deducted from the local agency's property tax allocation.

Most of the provisions of Proposition 62 were affirmed by the 1995 California Supreme Court decision in *Santa Clara County Local Transportation Authority v. Guardino*, which invalidated a special sales tax for transportation purposes because less than two-thirds of the voters voting on the measure had approved the tax.

The City does not believe any of the taxes constituting City revenues are levied in violation of Proposition 62.

Proposition 1A

On November 2, 2004, California voters approved Proposition 1A, which amends the State constitution to significantly reduce the State's authority over major local government revenue sources.

Under Proposition 1A, the State cannot (i) reduce local sales tax rates or alter the method of allocating the revenue generated by such taxes, (ii) shift property taxes from local governments to schools or community colleges, (iii) change how property tax revenues are shared among local governments without two-thirds approval of both houses of the State Legislature or (iv) decrease Vehicle License Fee revenues without providing local governments with equal replacement funding.

Proposition 22

Proposition 22, entitled "The Local Taxpayer, Public Safety and Transportation Protection Act," was approved by the voters of the State in November 2010. Proposition 22 eliminates or reduces the State's authority to (i) temporarily shift property taxes from cities, counties and special districts to schools, (ii) use vehicle license fee revenues to reimburse local governments for State-mandated costs (the State will have to use other revenues to reimburse local governments), (iii) redirect property tax increment from redevelopment agencies to any other local government, (iv) use State fuel tax revenues to pay debt service on State transportation bonds, or (v) borrow or change the distribution of State fuel tax revenues.

Proposition 22 has resulted in more stable revenues for the City, and the City expects this to continue to be the case.

Future Initiatives

Article XIII A, Article XIII B, Proposition 218, Proposition 62, Proposition 1A and Proposition 22 were each adopted as measures that qualified for the ballot pursuant to California's initiative process. From time to time, other initiative measures could be adopted, further affecting the City or its revenues or the ability of the City to expend revenues.

RISK FACTORS

The following describes certain special considerations and risk factors affecting the payment of and security for the Certificates. The following discussion is not meant to be an exhaustive list of the risks associated with the purchase of any Certificates and the order presented does not necessarily reflect the relative importance of the various risks. Potential investors in the Certificates are advised to consider the following special factors along with all other information in this Official Statement in evaluating the Certificates. There can be no assurance that other considerations will not materialize in the future.

No Pledge of Taxes

General. The obligation of the City to pay the Lease Payments and Additional Payments does not constitute an obligation of the City for which the City is obligated to levy or pledge any form of taxation or for which the City has levied or pledged any form of taxation. The obligation of the City to pay Lease Payments and Additional Payments does not constitute a debt or indebtedness of the City, the State of California or any of its political subdivisions within the meaning of any constitutional or statutory debt limitation or restriction.

The City is currently liable on other obligations payable from general revenues, which are described under “APPENDIX B – City of Hayward General Financial and Demographic Information – Long-Term General Fund Obligations.”

Limitations on Taxes and Fees. Certain taxes, assessments, fees and charges presently imposed by the City could be subject to the voter approval requirements of Article XIII C and Article XIII D of the State Constitution. Based upon the outcome of an election by the voters, such fees, charges, assessments and taxes might no longer be permitted to be imposed, or may be reduced or eliminated and new taxes, assessments, fees and charges may not be approved.

The City believes that if the initiative power was exercised so that all local taxes, assessments, fees and charges that may be subject to Article XIII C and Article XIII D of the State Constitution are eliminated or substantially reduced, the financial condition of the City, including its General Fund, could be materially adversely affected.

Although the City does not currently anticipate that the provisions of Article XIII C and Article XIII D of the State Constitution would adversely affect its ability to pay Lease Payments and its other obligations payable from the General Fund, no assurance can be given regarding the ultimate interpretation or effect of Article XIII C and Article XIII D of the State Constitution, including any initiative by City voters thereunder to repeal any of the taxes that provide revenue to the City’s General Fund, on the City’s finances. See “CONSTITUTIONAL AND STATUTORY LIMITATIONS ON TAXES AND APPROPRIATIONS – Proposition 218 – Article XIII C and Article XIII D.”

Additional Obligations of the City

The City has existing obligations payable from its General Fund. See “APPENDIX B – City of Hayward General Financial and Demographic Information – Long-Term General Fund Obligations.” The City is permitted to enter into other obligations that constitute additional charges against its revenues without the consent of Owners of the Certificates. To the extent that additional obligations are incurred by the City, the funds available to pay Lease Payments may be decreased.

The Lease Payments and other payments due under the Lease Agreement (including payment of costs of repair and maintenance of the Leased Property) are payable from funds lawfully available to the City. If the amounts that the City is obligated to pay in a fiscal year exceed the City's revenues for such year, the City may choose to make some payments rather than making other payments, including Lease Payments and Additional Payments, based on the perceived needs of the City. The same result could occur if, because of California Constitutional limits on expenditures, the City is not permitted to appropriate and spend all of its available revenues or is required to expend available revenues to preserve the public health, safety and welfare.

In addition, the City may amend the Lease Agreement, without the consent of the Trustee or any of the Certificate Owners, to obligate the City to pay additional amounts of rental thereunder for the use and occupancy of the Leased Property or any portion thereof, subject to certain conditions precedent described in the Lease Agreement. If the City obligated itself to pay additional rental payments, such amounts would be payable from the funds lawfully available to the City, just like the Lease Payments payable to Certificate Owners.

Default

Whenever any event of default referred to in the Lease Agreement happens and continues, the Trustee, as the Authority's assignee, is authorized under the terms of the Lease Agreement to exercise any and all remedies available under law or granted under the Lease Agreement. See APPENDIX A for a detailed description of available remedies in the case of a default under the Lease Agreement.

In the event of a default, there is no remedy of acceleration of the total Lease Payments due over the term of the Lease Agreement. The Trustee is not empowered to sell the Leased Property and use the proceeds of such sale to prepay the Certificates or pay principal and interest represented by the Certificates. The Lease Agreement permits the Trustee, as the Authority's assignee, to take possession of and re-let the Leased Property in the event of a default by the City under the Lease Agreement; however, due to the fact that the Leased Property serves essential governmental purposes, a court may determine to not permit such remedy to be exercised. Even if such remedy may be exercised, no assurance can be given that the Trustee could readily re-let the Leased Property for rents which are sufficient to enable it to pay debt service on the Certificates in full when due.

The City will be liable only for Lease Payments on an annual basis and, in the event of a default, the Trustee would be required to seek a separate judgment each year for that year's defaulted Lease Payments. Any such suit for money damages would be subject to limitations on legal remedies against municipalities in California, including a limitation on enforcement of judgments against funds of a fiscal year other than the fiscal year in which the Lease Payments were due and against funds needed to serve the public welfare and interest.

Abatement

Under certain circumstances related to damage, destruction, or a taking pursuant to eminent domain which, in any such case, causes a substantial interference with the use and possession of the Leased Property, the City's obligation to make Lease Payments will be subject to full or partial abatement and could result in the Trustee having inadequate funds to pay the principal and interest on the Certificates as and when due. See "SECURITY FOR THE

CERTIFICATES – Abatement” and “APPENDIX A – SUMMARY OF PRINCIPAL LEGAL DOCUMENTS.”

Although the City is required under the Lease Agreement to maintain property and liability insurance and rental interruption insurance with respect to the Leased Property, the required insurance coverage is subject to certain conditions and restrictions. The Lease Agreement does not require earthquake insurance, and the City currently does not maintain earthquake insurance on the Leased Property (although the Leased Property was built to seismic standards). See “THE LEASED PROPERTY” and “SECURITY FOR THE CERTIFICATES – Covenants to Maintain Insurance.” In addition, there is no assurance that the City will receive proceeds of any insurance in time to make Lease Payments when due.

Property Taxes

Levy and Collection. The City does not have any independent power to levy and collect property taxes. Any reduction in the tax rate or the implementation of any constitutional or legislative property tax decrease, or any substantial delinquencies in the payment of property taxes, could reduce the City’s property tax revenues, and accordingly, could have an adverse impact on the ability of the City to make Lease Payments when due.

Reduction in Inflationary Rate. Article XIII A of the California Constitution provides that the full cash value base of real property used in determining assessed value may be adjusted from year to year to reflect the inflationary rate, not to exceed a 2% increase for any given year, or may be reduced to reflect a reduction in the consumer price index or comparable local data. See “CONSTITUTIONAL AND STATUTORY LIMITATIONS ON TAXES AND APPROPRIATIONS.” Such measure is computed on a calendar year basis. Because Article XIII A limits inflationary assessed value adjustments to the lesser of the actual inflationary rate or 2%, there have been years in which the assessed values were adjusted by actual inflationary rates, which were less than 2%. Since Article XIII A was approved, the annual adjustment for inflation has fallen below the 2% limitation in certain years.

The City is unable to predict if any adjustments to the full cash value base of real property within the City, whether an increase or a reduction, will be realized in the future.

Appeals of Assessed Values. There are two types of appeals of assessed values that could adversely impact property tax revenues:

Proposition 8 Appeals. Most of the appeals that might be filed in the City would be based on Section 51 of the Revenue and Taxation Code, which requires that for each lien date the value of real property must be the lesser of its base year value annually adjusted by the inflation factor pursuant to Article XIII A of the State Constitution or its full cash value, taking into account reductions in value due to damage, destruction, depreciation, obsolescence, removal of property or other factors causing a decline in value.

Under California law, property owners may apply for a reduction of their property tax assessment by filing a written application, in form prescribed by the State Board of Equalization, with the appropriate county board of equalization or assessment appeals board. In most cases, the appeal is filed because the applicant believes that present market conditions (such as residential home prices) cause the property to be worth less than its current assessed value. These market-driven appeals are known as Proposition 8 appeals.

Any reduction in the assessment ultimately granted as a Proposition 8 appeal applies to the year for which application is made and during which the written application was filed. These reductions are often temporary and are adjusted back to their original values when market conditions improve. Once the property has regained its prior value, adjusted for inflation, it once again is subject to the annual inflationary factor growth rate allowed under Article XIII A.

Base Year Appeals. A second type of assessment appeal is called a base year appeal, where the property owners challenge the original (basis) value of their property. Appeals for reduction in the "base year" value of an assessment, if successful, reduce the assessment for the year in which the appeal is taken and prospectively thereafter. The base year is determined by the completion date of new construction or the date of change of ownership. Any base year appeal must be made within four years of the change of ownership or new construction date.

No assurance can be given that property tax appeals in the future will not significantly reduce the City's property tax revenues.

Natural Calamities

From time to time, the City is subject to natural calamities that may adversely affect economic activity in the City, which could have a negative impact on the City's finances. Additionally, a natural calamity adversely affecting the Leased Property could have a negative impact on the City's use of such property, which could result in abatement of Lease Payments. See "– Abatement" above.

Seismic. The City is located in a seismically active region. Active earthquake faults underlie both the City and the surrounding Bay Area. Three major earthquake faults that comprise the San Andreas fault system extend through the Bay Area. On August 24, 2014, an earthquake occurred in Napa, California. The tremor's epicenter was located approximately 3.7 miles northwest of American Canyon near the West Napa Fault and registered 6.0 on the Richter scale of earthquake intensity. The Napa earthquake caused fires, damaged buildings and roads, and injured approximately 200 people. The Napa earthquake was the largest earthquake in the Bay Area since the 1989 Loma Prieta earthquake on the San Andreas Fault, which was centered about 60 miles south of San Francisco and registered 6.9 on the Richter scale of earthquake intensity. The Loma Prieta earthquake caused fires and collapses of and structural damage to buildings, highways and bridges in the Bay Area.

In April 2008, the Working Group on California Earthquake Probabilities (a collaborative effort of the U.S. Geological Survey, the California Geological Society, and the Southern California Earthquake Center) reported that there is a 63% chance that one or more earthquakes of magnitude 6.7 or larger will occur in the Bay Area before the year 2038. Such earthquakes may be very destructive. The United States Geological Survey predicts that a magnitude 7 earthquake occurring today on the Hayward Fault would likely cause hundreds of deaths and approximately \$100 billion of damage. To date, the United States Geological Survey has not issued an updated report taking into account the Napa earthquake. Property within the City could sustain extensive damage in a major earthquake, and a major earthquake could adversely affect the area's economic activity.

While the City is not currently located in any existing special study zone, defined in the Alquist-Priolo Earthquake Zoning Act, which requires the State Division of Mines and Geology to delineate all known active faults and establish minimum set back distances for the construction of habitable structures near active fault zones, it is possible that new geological faults could be discovered in the area and that an earthquake occurring on such faults could result in damage of varying degrees of seriousness to property and infrastructure in the City, including the Leased Property.

The level of the City's property tax and sales tax revenues, and consequently, the ability of the City to make lease payments, could be substantially reduced as a result of a major earthquake proximate to the City. In addition, substantial damage to the Leased Property due to an earthquake could entitle the City to abate the Lease Payments under the Lease. See "– Abatement" above.

Flood. The National Flood Insurance Reform Act requires, among other things, that the Federal Emergency Management Agency ("FEMA") assess its flood hazard map inventory at least once every five years. The current flood insurance rate map (a "FIRM") indicates that the City is not within the boundaries of a 100-year floodplain. A 100-year floodplain is an area expected to be inundated during a flood event of the magnitude for which there is a 1% possibility of occurrence in any year.

The City makes no representation that FEMA will not issue revised FIRMs that place the City within the boundaries of a 100-year floodplain.

Drought. As with much of the State, the City experiences recurring drought as a result of its climate conditions. Droughts impact public health and safety related to both water supply and wildfire risk. On October 19, 2021, the Governor declared a Statewide drought state of emergency and requested that all water users voluntarily reduce water use by 15%. On March 24, 2023, the Governor eased the emergency drought restrictions imposed as a result of the Governor's 2021 declaration. There can be no assurance that subsequent declarations will not impose mandatory water use restrictions should dry conditions persist in future years.

Climate Change

The State is susceptible to wildfires and hydrologic variability. As greenhouse gas emissions continue to accumulate in the atmosphere as a result of economic activity, climate change is expected to intensify, increasing the frequency, severity and timing of extreme weather events such as coastal storm surges, drought, wildfires, floods and heat waves, and raising sea levels. The future fiscal impact of climate change on the City is difficult to predict, but it could be significant and it could have a material adverse effect on the General Fund by requiring greater expenditures to counteract the effects of climate change or by changing the operations and activities of City residents and business establishments.

Cybersecurity

The City, like many other public and private entities, relies on computer and other digital networks and systems to conduct its operations. As a recipient and provider of personal, private or other sensitive electronic information, the City is potentially subject to multiple cyber threats, including without limitation hacking, viruses, ransomware, malware and other attacks. On July 9, 2023, the City became aware of a breach and attempts to disrupt and hold hostage parts of its network. The City Manager responded by declaring a local emergency whereby the City Council

passed a resolution proclaiming a local emergency on July 13, 2023. A resolution amending/extending the proclamation of local emergency was passed on August 7, 2023. To date, the City has no evidence that a theft occurred of private personal financial information related to any current or former City employee, community member, or member of the public. No assurance can be given that the City's efforts to manage cyber threats and attacks will be successful in all cases, or that any such attack will not materially impact the operations or finances of the City.

Public Health Emergencies

In recent years, public health authorities have warned of threats posed by outbreaks of disease and other public health threats. On February 11, 2020, the World Health Organization ("WHO") announced the official name for the outbreak of the disease known as COVID-19 ("COVID-19"), an upper respiratory tract illness, which has since spread across the globe.

As of the date of this Official Statement, the City does not anticipate that COVID-19, which appears to be approaching endemic status, will materially adversely affect its ability to make Base Rental payments under the Property Lease in the foreseeable future. However, because the COVID-19 pandemic is ongoing, there can be no assurance that absences of employees or City leadership due to COVID-19 will not adversely impact City operations. Furthermore, the ultimate impact of COVID-19 on the City's operations and finances and the economy, real estate market and development within the City is not fully known, and it may be some time before the full adverse impact of the COVID-19 outbreak is known.

There could be future COVID-19 outbreaks or other public health emergencies that could have material adverse effects on the City's operations and finances.

Certain Risks Associated with Sales Tax and Other Local Tax Revenues

For fiscal year 2022-23, the City estimates that sales tax revenues were the [second largest] source of revenue to the City. Sales tax revenues are based upon the gross receipts of retail sales of tangible goods and products by retailers with taxable transactions in the City, which could be impacted by a variety of factors.

For example, before final maturity of the Certificates, the City may enter into an economic recession. In times of economic recession, the gross receipts of retailers often decline, and such a decline would cause the sales tax revenues received by the City to also decline.

In addition, changes or amendments in the laws applicable to the City's receipt of sales tax revenues or other local taxes, whether implemented by State legislative action or voter initiative, including any initiative by City voters under Article XIIC of the California Constitution to repeal Measure R, which is a temporary one-cent sales tax measure providing revenue to the City's General Fund, could have an adverse effect on sales tax revenues received by the City. See "CONSTITUTIONAL AND STATUTORY LIMITATIONS ON TAXES AND APPROPRIATIONS – Proposition 218 – Article XIIC and Article XIID."

For example, many categories of transactions are exempt from the statewide sales tax, and additional categories could be added in the future. Currently, most sales of food products for human consumption are exempt; this exemption, however, does not apply to liquor or to restaurant meals. The rate of sales tax levied on taxable transactions in the City or the fee charged by the State Board of Equalization for administering the City's sales tax could also be changed.

Limitations on Remedies Available to Certificate Owners

The ability of the City to comply with its covenants under the Lease Agreement may be adversely affected by actions and events outside of the control of the City and may be adversely affected by actions taken (or not taken) by voters, property owners, taxpayers or payers of assessments, fees and charges. See “CONSTITUTIONAL AND STATUTORY LIMITATIONS ON TAXES AND APPROPRIATIONS.”

Furthermore, any remedies available to the owners of the Certificates upon the occurrence of an event of default under the Lease Agreement or the Trust Agreement are in many respects dependent upon judicial actions, which are often subject to discretion and delay and could prove both expensive and time consuming to obtain. For a discussion of such remedies, see “– Default” and “APPENDIX A – Summary of Principal Legal Documents.”

In addition to the limitations on remedies contained in the Lease Agreement and the Trust Agreement, the rights and obligations under the Certificates, the Lease Agreement and the Trust Agreement, may be subject to the following: the United States Bankruptcy Code and applicable bankruptcy, insolvency, reorganization, moratorium, or similar laws relating to or affecting the enforcement of creditors’ rights generally, now or hereafter in effect; usual equity principles which may limit the specific enforcement under State law of certain remedies; the exercise by the United States of America of the powers delegated to it by the Federal Constitution; and the reasonable and necessary exercise, in certain exceptional situations, of the police power inherent in the sovereignty of the State of California and its governmental bodies in the interest of serving a significant and legitimate public purpose.

Bankruptcy proceedings, or the exercise of powers by the federal or state government, if initiated, could subject the Owners of the Certificates to judicial discretion and interpretation of their rights in bankruptcy or otherwise, and consequently may entail risks of delay, limitation or modification of their rights.

Bankruptcy

In addition to the limitations on remedies contained in the Trust Agreement and the Lease Agreement, the rights and remedies in the Lease Agreement may be limited and are subject to the provisions of federal bankruptcy laws, as now or hereafter enacted, and to other laws or equitable principles that may affect the enforcement of creditors’ rights.

Under Chapter 9 of the Bankruptcy Code (Title 11, United States Code) (the “**Bankruptcy Code**”), which governs bankruptcy proceedings of public entities such as the City, no involuntary bankruptcy petition may be filed against a public entity; however, upon satisfaction of certain prerequisite conditions, a voluntary bankruptcy petition may be filed by the City. The filing of a bankruptcy petition results in a stay against enforcement of certain remedies under agreements to which the bankrupt entity is a party. A bankruptcy filing by the City could thus limit remedies under the Lease Agreement. A bankruptcy debtor may choose to assume or reject executory contracts and leases, such as the Lease Agreement; however, a debtor may not assume or reject executory contracts to loan money or to make a financial accommodation, such as the Trust Agreement. In the event of rejection of a lease by a debtor lessee, the leased property is returned to the lessor and the lessor has a claim for a limited amount of the resulting damages.

Under the Trust Agreement, the Trustee holds a security interest in the revenues in the funds pledged thereunder, including Lease Payments, for the benefit of the Owners of the Certificates, but such security interest arises only when the Lease Payments are actually received by the Trustee following payment by the City. The Leased Property itself is not subject to a security interest, mortgage or any other lien in favor of the Trustee for the benefit of Owners. In the event of a bankruptcy filed by the City and the subsequent rejection of the Lease Agreement by the City, the Trustee would recover possession of the Leased Property and have a claim for damages against the City. The Trustee's claim would constitute a secured claim only to the extent of revenues in the possession of the Trustee; the balance of such claim would be unsecured.

In a bankruptcy of the City, if a material unpaid liability is owed to California Public Employees' Retirement System or any other pension system (collectively, the "**Pension Systems**") on the filing date, or accrues thereafter, such circumstances could create additional uncertainty as to the City's ability to make Lease Payments. Given that municipal pension systems in California are usually administered pursuant to state constitutional provisions and, as applicable, other state and/or city or county law, the Pension Systems may take the position, among other possible arguments, that their claims enjoy a higher priority than all other claims, that Pension Systems have the right to enforce payment by injunction or other proceedings outside of a City bankruptcy case, and that Pension System claims cannot be the subject of adjustment or other impairment under the Bankruptcy Code because that would purportedly constitute a violation of state statutory, constitutional and/or municipal law. It is uncertain how a bankruptcy judge in a City bankruptcy would rule on these matters. In addition, this area of law is presently very unsettled because issues of pension underfunding claim priority, pension contribution enforcement, and related bankruptcy plan treatment of such claims (among other pension-related matters) are presently (or were recently) the subject of litigation in the Chapter 9 cases of several California municipalities, including the cities of Stockton and San Bernardino.

In particular, if the City were to become a debtor under the Bankruptcy Code, the City would be entitled to all of the protective provisions of the Bankruptcy Code as applicable in a Chapter 9 case. Among the adverse effects of such a bankruptcy might be: (i) the application of the automatic stay provisions of the Bankruptcy Code, which, until relief is granted, would prevent collection of payments from the City or the commencement of any judicial or other action for the purpose of recovering or collecting a claim against the City, and which could prevent the Trustee from making payments from funds in its possession; (ii) the avoidance of preferential transfers occurring during the relevant period prior to the filing of a bankruptcy petition; (iii) the existence of unsecured or secured debt which may have a priority of payment that is superior to that of Owners of the Certificates; and (iv) the possibility of the adoption of a plan (an "**Adjustment Plan**") for the adjustment of the City's various obligations over the objections of the Trustee or all of the Owners of the Certificates and without their consent, which Adjustment Plan may restructure, delay, compromise or reduce the amount of any claim of the Owners if the Bankruptcy Court finds that such Adjustment Plan is "fair and equitable" and in the best interests of creditors. The Adjustment Plans approved by the Bankruptcy Courts in connection with the bankruptcies of the cities of Vallejo, San Bernardino and Stockton resulted in significant reductions in the amounts payable by the cities under lease revenue obligations that were substantially identical or similar to the Certificates. The City can provide no assurances about the outcome of the bankruptcy cases of other California municipalities or the nature of any Adjustment Plan if it were to file for bankruptcy.

Hazardous Substances

Discovery of hazardous substances on the land that comprises the Leased Property or on other parcels within the City could impact the City's ability to pay debt service with respect to the Certificates. In general, the owners and operators of a property may be required by law to remedy conditions of the property relating to releases or threatened releases of hazardous substances. The Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, sometimes referred to as "**CERCLA**" or the "**Superfund Act**" is the most well-known and widely applicable of these laws, but California laws with regard to hazardous substances are also stringent and similar. Under many of these laws, the owner (or operator) is obligated to remedy a hazardous substance condition of property whether or not the owner or operator has anything to do with creating or handling the hazardous substance.

The effect, therefore, should any substantial amount of property within the City be affected by a hazardous substance, would be to reduce the marketability and value of the property by the costs of, and any liability incurred by, remedying the condition, since the purchaser, upon becoming an owner, will become obligated to remedy the condition just as is the seller. Reduction in the value of property in the City as a whole could reduce property tax revenues received by the City and deposited in the general fund, which could significantly and adversely affect the ability of the City to make payments on the Certificates. Additionally, if any of the Leased Property is affected by a hazardous substance, the City would be limited in the beneficial use it could make of such property upon discovery and during remediation thereof.

Litigation

The City may be or become a party to litigation that has an impact on the City's general fund. Although the City maintains certain insurance policies that provide coverage under certain circumstances and with respect to certain types of incidents (see Note 16 of the City's Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2022, which is attached as APPENDIX C, for further information), the City cannot predict what types of liabilities may arise in the future. See also "LITIGATION."

State Law Limitations on Appropriations

Article XIII B of the California Constitution limits the amount that local governments can appropriate annually. The ability of the City to make debt service payments on the Certificates may be affected if the City should exceed its appropriations limit. The State may increase the appropriation limit of cities in the State by decreasing the State's own appropriation limit. The City does not anticipate exceeding its appropriations limit. See "CONSTITUTIONAL AND STATUTORY LIMITATIONS ON TAXES AND APPROPRIATIONS – Appropriation Limitation – Article XIII B."

Impact of State Budget on City Revenues

At various times, including recently, the State has experienced significant financial and budgetary stress. State budgets are affected by national and local economic conditions and other factors over which the City has no control. The State's financial condition and budget policies affect communities and local public agencies throughout the State. To the extent that the State budget process results in reduced revenues to the City, the City will be required to make adjustments to its budget.

For example, declining revenues and fiscal difficulties that arose in the State commencing in fiscal year 2008-09 led the State to undertake a number of budgeting strategies, which had subsequent impacts on local agencies within the State. These techniques included the issuance of IOUs in lieu of warrants (checks), the enactment of statutes deferring amounts owed to public schools, until a later date in the fiscal year, or even into the following fiscal year (known as statutory deferrals), trigger reductions, which were budget cutting measures that were implemented or could have been implemented if certain State budgeting goals were not met, among others, and the dissolution of local redevelopment agencies in part to make available additional funding for schools.

Although starting with Fiscal Year 2013-14, recent State budgets have been balanced and balanced budgets are projected for the foreseeable future, largely attributable to improvements in the economy, the additional revenues generated due to the passage of Proposition 30 at the November 6, 2012, statewide election ("**Proposition 30**"), as well as other spending cuts, there can be no certainty that budget-cutting strategies such as those used in prior years will not be used in the future should the State budget again be stressed and if projections included in such budget do not materialize.

The temporary personal income tax increases of Proposition 30 were scheduled to expire at the end of 2018; however, voters approved Proposition 55 in the November 2016 statewide election, which extended the increases through 2030.

Loss of Tax-Exemption

As discussed under the caption "TAX MATTERS," interest represented by the Certificates could become includable in gross income for purposes of federal income taxation, retroactive to the date the Certificates were executed and delivered, as a result of future acts or omissions of the City in violation of its covenants in the Lease Agreement and the Trust Agreement. Should such an event of taxability occur, the Certificates are not subject to prepayment and will remain outstanding until maturity or until prepaid under other provisions set forth in the Trust Agreement.

Federal Income Tax Changes

During recent years, legislative proposals have been introduced in the United States Congress, and in some cases enacted, that altered certain federal tax consequences resulting from the ownership of obligations that are similar to the Certificates. In some cases, these proposals have contained provisions that altered these consequences on a retroactive basis. Such alteration of federal tax consequences may have affected the market value of obligations similar to the Certificates. From time to time, legislative proposals are pending which could have an effect on both the federal tax consequences resulting from ownership of the Certificates and their market value.

No assurance can be given that legislative proposals will not be enacted that would apply to, or have an adverse effect upon, the Certificates. For example, in connection with federal deficit reduction, job creation and tax law reform efforts, proposals have been and others are likely to be made that could significantly reduce the benefit of, or otherwise affect, the exclusion from gross income of the portion of lease payments designated as and comprising interest and received by the owners of obligations that are similar to the Certificates. There can be no assurance that any such legislation or proposal will be enacted, and if enacted, what form it may take. The introduction or enactment of any such legislative proposals may affect, perhaps significantly, the market price for, or marketability of, the Certificates.

Secondary Market for Certificates

There can be no guarantee that there will be a secondary market for the Certificates or, if a secondary market exists, that any Certificates can be sold for any particular price. Prices of issues for which a market is being made will depend upon then-prevailing circumstances. Such prices could be substantially different from the original purchase price.

No assurance can be given that the market price for the Certificates will not be affected by the introduction or enactment of any future legislation (including without limitation amendments to the Internal Revenue Code), or changes in interpretation of the Internal Revenue Code, or any action of the Internal Revenue Service, including but not limited to the publication of proposed or final regulations, the issuance of rulings, the selection of the Certificates for audit examination, or the course or result of any Internal Revenue Service audit or examination of the Certificates or obligations that present similar tax issues as the Certificates.

The Internal Revenue Service has initiated an expanded program for the auditing of tax-exempt bond issues, including both random and targeted audits. It is possible that the Certificates will be selected for audit by the Internal Revenue Service and that the market value of the Certificates might be affected as a result of such an audit (or by an audit of similar securities).

TAX MATTERS

In the opinion of Jones Hall, A Professional Law Corporation, San Francisco, California, Special Counsel, subject, however to the qualifications set forth below, under existing law, the interest on the Certificates is excluded from gross income for federal income tax purposes and such interest is not an item of tax preference for purposes of the federal alternative minimum tax.

The opinions set forth in the preceding paragraph are subject to the condition that the City comply with all requirements of the Internal Revenue Code of 1986, as amended (the "**Tax Code**") that must be satisfied subsequent to the execution and delivery of the Certificates. The City has covenanted to comply with each such requirement. Failure to comply with certain of such requirements may cause the inclusion of such interest in gross income for federal income tax purposes to be retroactive to the date of execution and delivery of the Certificates.

Tax Treatment of Original Issue Discount and Premium. If the initial offering price to the public at which a Certificate is sold is less than the amount payable at maturity thereof, then such difference constitutes "**original issue discount**" for purposes of federal income taxes and State of California personal income taxes. If the initial offering price to the public at which a Certificate is sold is greater than the amount payable at maturity thereof, then such difference constitutes "**original issue premium**" for purposes of federal income taxes and State of California personal income taxes. *De minimis* original issue discount and original issue premium are disregarded.

Under the Tax Code, original issue discount is treated as interest excluded from federal gross income and exempt from State of California personal income taxes to the extent properly allocable to each owner thereof subject to the limitations described in the first paragraph of this section. The original issue discount accrues over the term to maturity of the Certificates on the basis of a constant interest rate compounded on each interest or principal payment date (with straight-line interpolations between compounding dates). The amount of original issue discount accruing during each period is added to the adjusted basis of such Certificates to determine taxable gain upon disposition (including sale, redemption, or payment on maturity) of such Certificate. The Tax Code contains certain provisions relating to the accrual of original issue discount in the case of purchasers of the Certificates who purchase the Certificates after the initial offering of a substantial amount of such maturity. Owners of such Certificates should consult their own tax advisors with respect to the tax consequences of ownership of Certificates with original issue discount, including the treatment of purchasers who do not purchase in the original offering, the allowance of a deduction for any loss on a sale or other disposition, and the treatment of accrued original issue discount on such Certificates under federal alternative minimum taxes.

Under the Tax Code, original issue premium is amortized on an annual basis over the term of the Certificate (said term being the shorter of the Certificate's maturity date or its call date). The amount of original issue premium amortized each year reduces the adjusted basis of the owner of the Certificate for purposes of determining taxable gain or loss upon disposition. The amount of original issue premium on a Certificate is amortized each year over the term to maturity of the Certificate on the basis of a constant interest rate compounded on each interest or principal payment date (with straight-line interpolations between compounding dates). Amortized Certificate premium is not deductible for federal income tax purposes. Owners of premium Certificates, including purchasers who do not purchase in the original offering, should consult their own tax advisors with respect to State of California personal income tax and federal income tax consequences of owning such Certificates.

In the further opinion of Bond Counsel, interest on the Certificates is exempt from California personal income taxes.

Owners of the Certificates should also be aware that the ownership or disposition of, or the accrual or receipt of interest on, the Certificates may have federal or state tax consequences other than as described above. Special Counsel expresses no opinion regarding any federal or state tax consequences arising with respect to the Certificates other than as expressly described above.

CERTAIN LEGAL MATTERS

The legal opinion of Special Counsel, approving the validity of the Certificates and addressing certain tax matters, in substantially the form attached hereto as APPENDIX D, will be made available to purchasers at the time of original delivery of the Certificates. Special Counsel will, as Disclosure Counsel, also deliver a disclosure letter to the City and the Underwriter regarding the contents of this Official Statement. Certain matters will be passed upon for the City by the City Attorney.

CONTINUING DISCLOSURE

The City has covenanted for the benefit of owners of the Certificates to provide certain financial information and operating data relating to the City and its general fund by not later than nine months after the end of the City's fiscal year, or March 31 each year based on the City's current fiscal year-end of June 30, commencing March 31, 2024, with the report for fiscal year 2022-23 (the "**Annual Report**") and to provide notices of the occurrence of certain listed events ("**Event Notices**"). All Annual Reports and Event Notices are required to be filed electronically with the Municipal Securities Rulemaking Board (the "**MSRB**").

These covenants have been made in order to assist the Underwriter in complying with Rule 15c2-12(b)(5) promulgated under the Securities Exchange Act of 1934, as amended (the "**Rule**"). The specific nature of the information to be contained in the Annual Report and the Event Notices is set forth in APPENDIX E.

Based upon a review of the City's filing obligations during the past five years, there have been no instances in the previous five years in which the City failed to comply, in all material respects, with any undertaking previously entered into by it pursuant to the Rule.

UNDERWRITING

BofA Securities, Inc. (the "**Underwriter**"), has entered into a Certificate Purchase Contract with the City under which the Underwriter has agreed to purchase the Certificates at a price of \$_____ (equal to the par amount of the Certificates (\$_____)), plus/less an original issue premium/discount of \$_____, and less an Underwriter's discount of \$_____.

The Underwriter will be obligated to take and pay for all the Certificates if any are taken. The Underwriter intends to offer the Certificates to the public at the offering prices shown on the inside cover page of this Official Statement. After the initial public offering, the Underwriter may vary the public offering prices from time to time.

LITIGATION

The City is not aware of any pending or threatened litigation concerning the validity of the Certificates or challenging any action taken by the City with respect to the Certificates. Furthermore, the City is not aware of any pending or threatened litigation to restrain, enjoin, question or otherwise affect the Trust Agreement or in any way contesting or affecting the validity or enforceability of any of the foregoing or any proceedings of the City taken with respect to any of the foregoing.

There are a number of lawsuits and claims pending and threatened against the City unrelated to the Certificates or actions taken with respect to the Certificates. It is the opinion of the City as of this date that such litigation, claims and threatened litigation will not materially affect the City's finances or impair its ability to make debt service payments on the Certificates.

PROFESSIONAL FEES

In connection with the execution and delivery of the Certificates, fees payable to the following professionals involved in the offering are contingent upon the issuance and delivery of the Certificates:

- NHA Advisors, LLC, as Municipal Advisor;
- Jones Hall, A Professional Law Corporation, as Special Counsel and Disclosure Counsel;
- Hawkins Delafield & Wood LLP, as counsel to the Underwriter; and
- The Bank of New York Mellon Trust Company, N.A., as Trustee and Escrow Agent.

RATING

S&P has assigned a rating of “___” to the Certificates.

This rating reflects only the views of S&P, and an explanation of the significance of this rating, and any outlook assigned to or associated with this rating, should be obtained from S&P.

Generally, a rating agency bases its rating on the information and materials furnished to it and on investigations, studies and assumptions of its own. The City has provided certain additional information and materials to the rating agency (some of which does not appear in this Official Statement).

There is no assurance that this rating will continue for any given period of time or that this rating will not be revised downward or withdrawn entirely by the rating agency, if in the judgment of the rating agency, circumstances so warrant. Any such downward revision or withdrawal of any rating on the Certificates may have an adverse effect on the market price or marketability of the Certificates.

EXECUTION

The execution and delivery of this Official Statement have been duly authorized by the City.

CITY OF HAYWARD

By: _____
City Manager

APPENDIX A

SUMMARY OF PRINCIPAL LEGAL DOCUMENTS

APPENDIX B

CITY OF HAYWARD GENERAL FINANCIAL AND DEMOGRAPHIC INFORMATION

General

The City. The City was given the official name of “Haywood,” due to a clerical error the same year the post office was established, 1860. In 1876, “Haywood” was incorporated as the “Town of Haywards,” with a population of 1,100. In 1894, the “s” in “Haywards” was dropped and on September 18, 1928, the status of the community was changed to the “City of Hayward.” In the early decades of the 20th Century, the Hayward Area became known as the “Heart of the Garden of Eden” because of its temperate climate and fertile soil. Everything – produce, chickens, cattle, flowers – grew in abundance. By 1950, the City grew to a population of 14,000, had become the “Apricot City” and home to Hunt’s Cannery.

On March 7, 1956, the City adopted the City of Hayward Charter. By 1960, the population had swelled to 72,700. By the mid-1960’s, the City’s landscape changed from apricot trees and canneries to subdivisions and shopping centers. The City’s growth continued through the 1970’s and 1980’s. On March 11, 1876, the City was chartered into the State and officially recognized as a City. By 1990, with a population of 121,000, the City became one of the top 15 most ethnically-diverse communities in the nation. Here, people from many cultures live and work together to build a community reflective of its residents.

The County. The County is located on the east side of the San Francisco Bay, extending to the City of Albany on the north, the City of Fremont on the south, and to the City of Livermore on the east, and is approximately ten miles west of San Francisco. Automobile access to San Francisco is provided by the San Francisco-Oakland Bay Bridge.

The northern part of the County has direct access to San Francisco Bay and the City of San Francisco. It is highly diversified with residential areas, active commercial areas, traditional heavy industry, the University of California at Berkeley, the Port of Oakland, and sophisticated manufacturing, computer services and biotechnology firms. The middle of the County is also highly developed including older established residential and industrial areas. The southeastern corner of the County, including the cities of Pleasanton and Livermore, has seen strong growth in residential development and manufacturing. Many high-tech firms have moved from neighboring Silicon Valley in Santa Clara County to the County.

City Services and Government

The City is a charter city that was incorporated in 1876. The City operates under the council-manager form of government, in which authority is concentrated in the elected city council, which appoints a professional manager (the “**City Manager**”) to implement its policies. The Mayor is elected by the voters of the City for a four-year term. The City Manager oversees the City’s annual operating budget and personnel matters, and serves as the City Council’s chief policy advisor.

The City Council consists of seven members elected to serve staggered four-year terms.

Budget Process

The City's budget is prepared in conformance with the professional standards of the Government Finance Officers Association, the California Society of Municipal Finance Officers, and the National Advisory Council on State and Local Budgeting principles. The budget process assigns resources to the goals, objectives and community priorities set by the City Council. New programs are added based on Council program priorities. Pursuant to the City Charter, the City Manager prepares and recommends to the City Council an operating budget and a capital improvement program budget for consideration and adoption.

December - The budgetary process begins in December, when finance department staff begins work with the City Manager's office to review City Council priorities. The City's Finance Department completes a comprehensive review of the City's General Fund Ten-Year Plan, as well as a review of other key revenue fund projections. The Finance Department develops budget instructions and guidelines in preparation for distribution to department staff.

January/February - Budget instructions are distributed and each City department begins work on their departmental budget for the next fiscal period. The Finance Department, in coordination with the City Manager's Office, reviews, prepares, and presents a mid-year financial update to the City Council on the current fiscal year that compares actual revenues and expenditures to the budget. This report and any subsequent Council actions inform the development of the next fiscal period budget. Multi-year forecasts for the General Fund and key revenue funds are included as part of this process to assist with decision-making, allowing the City Council to consider resources beyond the budget year as part of long-term policy initiatives.

March - Departments submit their respective budget proposals to the City Manager's office and for Finance Department review. Finance staff reviews departments' submissions, obtains additional information, refines revenue and expenditures projections.

April - The Finance Department creates a draft budget document and works with the City Manager to review and edit final decisions regarding budget proposals as reflected in the document. The Finance Department presents an updated City Master Fee Schedule to the City Council for adoption.

May/June - The City Manager's Proposed Budget is presented to City Council. A series of City Council work sessions and public hearings are held to review the proposed budget. These work sessions are open to the public and is the public's opportunity to address the City Council regarding the budget. During this time, departments provide additional information, as requested.

June - By the last City Council meeting in June, the City Council adopts resolutions implementing the operating and capital budgets, Successor Agency to the Redevelopment Agency budget and the Gann Appropriation Limit. These resolutions reflect changes to the proposed budget as directed by the City Council based on its budget deliberations.

July - The newly adopted budget is effective as of July 1st. Finance Department staff incorporates the City Council's final budget decisions into the budget document. The financial, personnel, and narrative sections are updated as necessary to reflect changes made during the City Council work sessions and public hearings.

General Fund Budgets

General. The City's budgeted General Fund revenues and expenditures for fiscal years 2021-22, 2022-23, and 2023-24, and actual General Fund revenues and expenditures for fiscal years 2021-22 and 2022-23, are set forth in the following table. The City's annual comprehensive financial report for the fiscal year ended June 30, 2022, is included as APPENDIX C to this Official Statement.

CITY OF HAYWARD General Fund Adopted Budgets For Fiscal Years 2021-22 (Audited), 2022-23 (Unaudited) and 2023-24 (Adopted Budget)

	<u>Adopted Budget 2021-22⁽¹⁾</u>	<u>Audited 2021-22⁽¹⁾</u>	<u>Adopted Budget 2022-23</u>	<u>Unaudited 2022-23</u>	<u>Adopted Budget 2023-24</u>
Revenues:					
Property taxes	\$58,809,200	\$63,524,226			
Sales taxes	60,283,000	64,666,358			
Utility users tax	17,542,000	17,308,117			
Other taxes	34,301,000	40,989,057			
Licenses and permits	7,581,360	7,040,991			
Fines and forfeitures	2,309,609	2,687,659			
Investment Income	299,880	(1,071,533)			
Rental Income	350,000	476			
Intergovernmental	7,733,203	6,303,496			
Fees and charges for services	2,229,100	4,271,451			
Other revenues	2,109,513	160,055			
Total revenues	193,547,865	205,880,353			
Expenditures:					
Current:					
General government	14,636,460	14,916,462			
Public safety	129,178,231	134,446,672			
Public works and transportation	3,833,299	4,117,683			
Library and community services	8,858,781	8,460,055			
Planning and building	8,902,160	9,576,414			
Maintenance services	9,607,096	10,364,501			
Total expenditures	175,016,027	181,881,787			
Excess of revenues over (under) expenditures	18,531,838	23,998,566			
Other financing sources (uses):					
Transfers in	4,319,046	10,297,546			
Transfers out	(42,608,699)	(42,596,087)			
Total other financing sources (uses)	(38,289,653)	(32,298,541)			
Net change in fund balance	(\$19,757,815)	(8,299,975)			
Fund balance - July 1		66,191,407			
Fund balance - June 30		\$57,891,432			

(1) Includes revenue and expenditures related to the City's Measure C District Sales Tax.
Source: City of Hayward.

Adopted Budget for Fiscal Year 2023-24

General. Under the City's adopted General Fund budget for fiscal year 2023-24 (the "Adopted Budget"), the City has budgeted \$___ million in revenues, and \$___ million in expenditures, for fiscal year 2023-24. This is an increase of approximately \$___ million in budgeted revenues and \$___ million in budgeted revenues from the prior fiscal year.

The Adopted Budget reflects _____.

Budgeted Revenues. [To come]

Budgeted Expenditures. [To come]

City General Fund Reserve Policy

It is the City's policy to establish and maintain adequate financial reserves in order to avoid the negative effects of economic cycles or natural disasters upon essential services to the public and to assure that annual fluctuations in revenue receipts do not impede the City's ability to meet its expenditure obligations. When revenues fail to meet the normal operating requirements of essential public services, or expenditures temporarily exceed revenues, upon the recommendation of the City Manager and the authorization of the City Council, reserves may be used in accordance with the City's financial policies.

- General Fund - The adopted reserve level for the General Fund is a goal of at least 25% of budgeted General Fund operating expenditures, including transfers out. The General Fund Reserve will allow the City to continue providing acceptable service levels during emergencies and economic downturns while maintaining adequate liquidity to make all payments without short term borrowing. For fiscal year 2022-23, the City had \$___ in financial reserves, [meeting its goal of maintaining at least 25% of budgeted General Fund operating expenditures.] For fiscal year 2023-24, the City expects to have \$_____ in financial reserves.

State Budget and Its Impact on the City

General. Information about the fiscal year 2023-24 proposed State budget and other State budgets is regularly available at various State-maintained websites. An impartial analysis of the budget is posted by the Legislative Analyst Office at www.lao.ca.gov. In addition, various State official statements, many of which contain a summary of the current and past State budgets, may be found on the website of the State Treasurer, www.treasurer.ca.gov. *The information referred to in this paragraph is prepared by the respective State agency maintaining each website and not by the City or Underwriter, and the City and Underwriter take no responsibility for the continued accuracy of the Internet addresses or for the accuracy or timeliness of information posted there, and such information is not incorporated in this Official Statement by these references.*

See "RISK FACTORS – Impact of State Budget on City Revenues."

Proposition 30. The fiscal year 2012-13 State budget relied upon the Schools and Local Public Safety Protection Act, a \$6.9 billion tax increase approved by California voters at a regular election in November 2012 ("Proposition 30"). Proposition 30 enacted temporary increases on high-income earners, raising income taxes by up to three percent on the wealthiest Californians

for seven years and increase the state sales tax by \$0.0025 for four years, and averted \$5.9 billion of planned Trigger Cuts that would have affected public education funding in the State. The 2012-13 State budget also contained reductions in expenditures from prior year's spending totaling \$8.1 billion.

The temporary personal income tax increases under Proposition 30 were scheduled to expire at the end of 2018; however, the voters approved Proposition 55 in the November 2016 statewide election, which extended these increases through 2030.

Future State Budgets. The City cannot predict what actions will be taken in future years by the State Legislature and the Governor to address the State's current or future budget deficits. Future State budgets will be affected by national and state economic conditions and other factors over which the City has no control. To the extent that the State budget process results in reduced revenues to the City, the City will be required to make adjustments to its budget. A decrease in such revenues may have an adverse impact on the City's ability to pay the Certificates.

Financial Statements

The accounting policies of the City conform to generally accepted accounting principles. The Governmental Accounting Standards Board ("**GASB**") published its Statement No. 34 "Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments" on June 30, 1999. Statement No. 34 provides guidelines to auditors, state and local governments and special purpose governments such as school districts and public utilities, on requirements for financial reporting for all governmental agencies in the United States. Generally, the basic financial statements and required supplementary information should include (i) Management's Discussion and Analysis; (ii) financial statements prepared using the economic measurement focus and the accrual basis of accounting; (iii) fund financial statements prepared using the current financial resources measurement focus and the modified accrual method of accounting; and (iv) required supplementary information.

Accounts of the City are organized on the basis of funds, each of which is considered a separate accounting entity. There are three groups of funds: governmental funds (which include the General Fund), proprietary funds (which include enterprise funds and internal service funds) and fiduciary funds (which are used to account for resources held for the benefit of parties outside the City). The City maintains 36 individual governmental funds. Information is presented separately in the governmental statement of revenues, expenditures, and changes in fund balances for the General Fund and the Street Maintenance and Construction Fund, both of which are considered to be major funds. Data for the 35 other funds are combined into a single aggregated presentation.

All governmental funds and fiduciary funds use the modified accrual basis of accounting. The proprietary funds use the accrual basis of accounting. The General Fund is the general operating fund of the City and is used to account for all financial resources except those required to be accounted for in a separate fund.

In fiscal year 2014-15, the City implemented GASB Statements No. 68 and 71. These statements establish standards for measuring and recognizing liabilities, deferred outflows of resources, deferred inflows of resources and pension plan expenses. GASB Statements No. 68 and No. 71 do not change the pension funding obligations of the City and have had no effect on the General Fund. See also "– Employee Retirement System."

The City's most recent annual comprehensive financial report is included in the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2022, which is attached as APPENDIX C to this Official Statement. The financial statements were prepared by the City and audited by Maze & Associates (the "**Auditor**").

The financial statements should be read in their entirety. *The City has neither requested nor obtained permission from the Auditor to include the annual comprehensive financial report as an appendix to this Official Statement. Accordingly, the Auditor has not performed any post-audit review of the financial condition or operations of the City or General Fund. In addition, the Auditor has not reviewed this Official Statement.*

Set forth on the following pages are (i) a general fund balance sheet for fiscal years 2018-19 through 2022-23 and (ii) a statement of revenues, expenditures and changes in fund balance for the City's General Fund for the same period, as well as adopted budget figures for fiscal year 2023-24.

CITY OF HAYWARD
General Fund Balance Sheet ⁽¹⁾

	<u>Audited</u> <u>2018-19</u>	<u>Audited</u> <u>2019-20</u>	<u>Audited</u> <u>2020-21</u>	<u>Audited</u> <u>2021-22</u>	<u>Unaudited</u> <u>2022-23</u>
ASSETS:					
Cash, cash equivalents and investments	\$39,475,945	\$35,631,028	\$82,193,745 ⁽²⁾	\$55,768,818	
Cash, cash equivalents, and investments with fiscal agents	--	--	--	--	
Accounts receivable, net	2,994,396	2,168,196	2,273,665	898,983	
Due from other governments	10,210,595	8,961,284	13,184,060	13,692,963	
Interest receivable	12,502	--	--	--	
Due from other funds	7,381,767	16,469,998	1,790,879	1,091,840	
Loans receivable	--	--	--	50,000	
Long-term loans to the Private Purpose Trust Fund	6,036,442	5,236,442	4,436,442	3,636,442	
Land held for resale	--	--	--	--	
Deposits, parts, supplies and others	31,376	6,460	5,981	4,714	
Total assets	66,143,023	68,473,408	103,884,772	75,143,760	
LIABILITIES:					
Accounts payable	1,387,921	2,972,446	2,987,403	2,445,905	
Accrued liabilities	6,066,612	5,385,779	7,540,612	7,391,774	
Due to other funds	--	--	--	--	
Long-term interfund payables	3,166,508	3,091,745	3,015,479	2,937,681	
Unearned revenue	--	--	19,232,997	--	
Refundable deposits	4,939,866	4,340,263	4,916,874	4,476,968	
Total liabilities	15,560,907	15,790,233	37,693,365	17,252,328	
DEFERRED INFLOWS OF RESOURCES					
Unavailable revenue	--	--	--	--	
Total deferred inflows of resources	--	--	--	--	
Fund Balances:					
Nonspendable	6,067,818	5,242,902	4,442,423	3,641,156	
Restricted					
Public safety	--	--	--	--	
Public works and transportation	--	--	--	--	
Planning and building	--	--	--	--	
Economic development	--	--	--	--	
Debt service	--	--	--	--	
Assigned	13,959,459	22,092,043	30,317,921	20,025,339	
Unassigned	30,554,839	25,348,230	31,431,063	34,224,937	
Total fund balances	50,582,116	52,683,175	66,191,407	57,891,432	
Total liabilities and fund balances	\$66,143,023	\$68,473,408	\$103,884,772	\$75,143,760	

(1) Includes balances related to the City's Measure C District Sales Tax.

(2) Increase attributable to _____.

Source: City of Hayward Comprehensive Annual Financial Reports.

CITY OF HAYWARD
Statement of General Fund Revenues, Expenditures and Changes in Fund Balance ⁽¹⁾

	<u>Audited 2018-19</u>	<u>Audited 2019-20</u>	<u>Audited 2020-21</u>	<u>Audited 2021-22</u>	<u>Unaudited 2022-23</u>	<u>Adopted Budget 2023-24</u>
Revenues:						
Property taxes	\$54,467,978	\$58,431,804	\$61,196,409	\$63,524,226		
Sales taxes	52,917,415	56,566,457	58,652,032	64,666,358		
Utility users tax	16,935,327	16,065,943	17,267,592	17,308,117		
Other taxes	31,331,182	30,214,409	35,277,539	40,989,057		
Licenses and permits	7,323,833	6,435,587	5,439,030	7,040,991		
Fines and forfeitures	2,537,536	2,210,385	2,194,569	2,687,659		
Special assessments	--	--	--	--		
Investment income	859,599	492,731	151,835	(1,071,533)		
Rental income	36,709	5,332	1,723	476		
Intergovernmental	7,075,378	6,699,242	10,881,724	6,303,496		
Fees and charges for services	7,311,282	5,537,249	7,420,237	4,271,451		
Other revenue	1,473,289	875,894	1,402,183	160,055		
Total revenues	182,269,528	183,535,033	199,884,873	205,880,353		
Expenditures:						
Current:						
General government	15,335,579	14,607,161	13,971,584	14,916,462		
Public works	117,471,899	122,091,549	128,375,921	134,446,672		
Public works and transportation	3,596,709	5,144,882	4,085,154	4,117,683		
Library and community services	6,522,261	7,186,368	7,587,444	8,460,055		
Economic development	--	--	--	--		
Planning and building	9,229,204	8,618,787	8,712,707	9,576,414		
Maintenance services	8,678,451	8,858,729	9,656,198	10,364,501		
Capital outlay	5,269,515	--	--	--		
Debt service: principal	--	--	--	--		
Debt service: interest	--	--	--	--		
Total expenditures	166,103,618	166,507,476	172,389,008	181,881,787		
Excess of revenues over (under) expenditures	16,165,910	17,027,557	27,495,865	23,998,566		
Other financing sources (uses):						
Issuance of capital lease	--	--	--	--		
Transfers in	16,038,835	2,691,046	2,694,046	10,297,546		
Transfers out	(31,589,921) ⁽²⁾	(17,617,544)	(16,681,679)	(42,596,087) ⁽²⁾		
Total other financing sources (uses)	(15,506,086)	(14,926,498)	(13,987,633)	(32,298,541)		
Net change in fund balance	659,824	2,101,059	13,508,232	(8,299,975)		
Fund balance - July 1	49,922,292	50,582,116	52,683,175	66,191,407		
Fund balance - June 30	\$50,582,116	\$52,683,175	\$66,191,407	\$57,891,432		

(1) Includes revenue and expenditures related to the City's Measure C District Sales Tax.

(2) Increases in fiscal years 2018-19 and 2021-22 attributable to _____, respectively.

Source: City of Hayward Comprehensive Annual Financial Reports.

General Fund Tax Revenues

General. Taxes and other sources of revenue received by the City are listed in the table below. Certain general taxes currently imposed by the City are affected by Proposition 218. See “CONSTITUTIONAL AND STATUTORY LIMITATIONS ON TAXES AND APPROPRIATIONS – Proposition 218 – Article XIIC and Article XIID.”

The following table presents historical tax revenues for fiscal years 2018-19 through 2022-23, and the budgeted tax revenues for fiscal year 2023-24, for the City’s General Fund.

CITY OF HAYWARD Major Tax Revenues by Source – General Fund

	<u>Audited 2018-19</u>	<u>Audited 2019-20</u>	<u>Audited 2020-21</u>	<u>Audited 2021-22</u>	<u>Unaudited 2022-23</u>	<u>Adopted Budget 2023-24</u>	<u>% of 2023-24 Budgeted Total</u>
Property Tax	\$54,467,978	\$58,431,804	\$61,196,409	\$63,524,226			
Sales Tax	52,917,415	56,566,457	58,652,032	64,666,358			
Utility Users Tax	16,935,327	16,065,943	17,267,592	17,308,117			
Other Taxes	31,331,182	30,214,409	35,277,539	40,989,057			
Total Taxes	\$155,651,902	\$161,278,613	\$172,393,572	\$186,487,758			

Source: City of Hayward Continuing Disclosure Reports; fiscal year 2023-24 estimates per fiscal year 2023-24 Budget.

Property Taxes

General. This section describes property tax levy and collection procedures and certain information regarding historical assessed values and major property taxpayers in the City.

Property taxes represent the [largest] source of tax revenue to the City (budgeted for approximately ____% of governmental fund tax revenues in fiscal year 2023-24). The City received \$_____ of property tax revenues in fiscal year 2022-23 and has budgeted to receive \$_____ in property tax revenue for fiscal year 2023-24. See “ – Assessed Valuation” below.

Property taxes have historically been the primary revenue source affected by voter initiatives and legislative actions. With approval of Proposition 13, property tax revenues were curtailed when they were reduced by two-thirds and thereafter limited to 2% annual increases or the CPI, whichever was less. See “CONSTITUTIONAL AND STATUTORY LIMITATIONS ON TAXES AND APPROPRIATIONS.”

ERAF Shift Legislation. Certain property taxes have been shifted from local government agencies to schools by the State Legislature for deposit in the Education Revenue Augmentation Fund (“ERAF”), a shift that has resulted in diversion of City property taxes since fiscal year 1992-93. See “CONSTITUTIONAL AND STATUTORY LIMITATIONS ON TAXES AND APPROPRIATIONS – Proposition 1A.” There can be no assurance that the State will not undertake future ERAF shifts.

Levy and Collection. Property taxes are levied for each fiscal year on taxable real and personal property as of the preceding January 1. For assessment and collection purposes,

property is classified either as “secured” or “unsecured” and is listed accordingly on separate parts of the assessment roll. The “secured roll” is that part of the assessment roll containing State-assessed public utilities property and real property the taxes on which are a lien sufficient, in the opinion of the County Assessor, to secure payment of the taxes. Other property is assessed on the “unsecured roll.”

Property taxes on the secured roll are due in two installments, on November 1 and February 1 of each fiscal year, and become delinquent on December 10 and April 10, respectively. A penalty of 10% attaches immediately to all delinquent payments. Property on the secured roll with respect to which taxes are delinquent become tax defaulted on or about June 30 of the fiscal year. Such property may thereafter be redeemed by payment of a penalty of 1% per month to the time of redemption, plus costs and a redemption fee. If taxes are unpaid for a period of five years or more, the property is deeded to the State of California and may be sold at public auction.

Property taxes on the unsecured roll are due as of the January 1 lien dates and become delinquent on August 31. A 10% penalty attaches to delinquent unsecured taxes. If unsecured taxes are unpaid at 5:00 p.m. on October 31, an additional penalty of 1% attaches to them on the first day of each month until paid. The County has four ways of collecting delinquent unsecured personal property taxes: (1) a civil action against the taxpayer; (2) filing a judgment in the office of the County Clerk specifying certain facts in order to obtain a lien on certain property of the taxpayer; (3) filing a certificate of delinquency for record in the County Recorder's office in order to obtain a lien on certain property of the taxpayer; and (4) seizure and sale of personal property, improvements or possessory interests belonging or assessed to the assessee.

Beginning in 1978-79, Proposition 13 and its implementing legislation shifted the function of property tax allocation to the counties, except for levies to support prior voted debt, and prescribed how levies on countywide property values are to be shared with local taxing entities within each county.

Assessed Valuation. All property is assessed using the full cash value as defined by Article XIII A of the State Constitution. State law provides exemptions from ad valorem property taxation for certain classes of property such as churches, colleges, non-profit hospitals, and charitable institutions. See “CONSTITUTIONAL AND STATUTORY LIMITATIONS ON TAXES AND APPROPRIATIONS.”

Future assessed valuation growth allowed under Article XIII A (new construction, certain changes of ownership, 2% inflation) will be allocated on the basis of “situs” among the jurisdictions that serve the tax rate area within which the growth occurs. Local agencies and schools will share the growth of “base” revenues from the tax rate area. Each year's growth allocation becomes part of each agency's allocation in the following year.

Assessed Valuation History. The following table shows a ten-year history of the City's assessed valuation.

CITY OF HAYWARD
Assessed Value of Taxable Property
Fiscal Years 2014-14 to 2023-24

Fiscal Year	Local Secured	Unsecured	Total	% Change
2014-15	\$16,639,488,990	\$1,340,155,668	\$17,979,644,658	--
2015-16	17,432,403,170	1,452,793,040	18,885,196,210	5.0
2016-17	18,505,587,803	1,439,106,697	19,944,694,500	5.6
2017-18	19,779,304,369	1,454,651,151	21,233,955,520	6.5
2018-19	21,249,763,958	1,469,205,980	22,718,969,938	7.0
2019-20	22,702,279,301	1,570,761,064	24,273,040,365	6.8
2020-21	24,086,121,795	1,669,659,173	25,755,780,968	6.1
2021-22	25,074,926,004	1,580,752,210	26,655,678,214	3.5
2022-23	26,781,262,134	1,681,286,944	28,462,549,078	6.8
2023-24	28,531,755,687	1,906,804,619	30,438,560,306	6.9

Source: Alameda County Auditor Controller Office Certificate of Assessed Valuations.

Proposition 13 and Proposition 8 Property Value Adjustments. Proposition 13, passed in 1978, established the base year value concept for property tax assessments. Under Proposition 13, the 1975-76 fiscal year serves as the original base year used in determining the assessment for real property. Thereafter, annual increases to the base year value are limited to the inflation rate, as measured by the California Consumer Price Index, or 2%, whichever is less. A new base year value, however, is established whenever a property, or portion thereof, has had a change in ownership or has been newly constructed.

Proposition 8, enacted in 1978, allows for a temporary reduction in assessed value when a property suffers a "decline-in-value." As of the January 1st (lien date) each year, the Assessor must enroll either a property's Proposition 13 value (adjusted annually for inflation by no more than 2%) or its current market value, whichever is less. When the current market value replaces the higher Proposition 13 value, the lower value is commonly referred to as a "Proposition 8 Value." "Proposition 8 values" are temporary and, once enrolled, must be reviewed annually by the assessor until the Proposition 13 adjusted base year value is enrolled.

Major Property Taxpayers. The following table shows the principal property taxpayers in the City as determined by their secured assessed valuations in fiscal year 2021-22.

**CITY OF HAYWARD
Principal Property Taxpayers**

Rank	Taxpayer	Fiscal Year 2021-22	
		Taxable Assessed Value	Percentage of Total City Taxable Assessed Value ⁽¹⁾
1	Russell City Energy Company, LLC	\$364,400,000	1.40%
2	Southland Mall LP	251,091,465	0.90
3	PSB Northern Calif Industrial Portfolio LLC	224,097,072	0.80
4	Hayward 544 LLC	173,510,380	0.70
5	ROC II CA Creekwood LLC	104,733,910	0.40
6	Hayward Point Eden I LP	112,558,109	0.40
7	Hayward Industrial Park Associates	104,901,016	0.40
8	IPT Hayward Logistics Center LLC	100,236,482	0.40
9	Rar2 Hayward 92 LLC	98,284,389	0.40
10	Lincoln Landing Property Owner LLC	<u>71,586,920</u>	0.30
	Total	\$1,605,339,743	6.10%

(1) Fiscal Year 2021-22 Local Secured Assessed Valuation: \$26,655,678,214.
Source: *City of Hayward Comprehensive Annual Financial Report*.

Teeter Plan. The Board of Supervisors of the County has approved the implementation of the Alternative Method of Distribution of Tax Levies and Collections and of Tax Sale Proceeds (the “**Teeter Plan**”), as provided for in Section 4701 et seq. of the California Revenue and Taxation Code. Under the Teeter Plan, the County apportions secured property taxes on an accrual basis when due (irrespective of actual collections) to local political subdivisions, including the City, for which the County acts as the tax-levying or tax-collecting agency. The Teeter Plan was effective beginning the fiscal year commencing July 1, 1993.

The Teeter Plan is applicable to all tax levies on secured property for which the County acts as the tax-levying or tax-collecting agency, or for which the County treasury is the legal depository of the tax collections.

The Teeter Plan is to remain in effect unless the Board of Supervisors of the County orders its discontinuance or unless, prior to the commencement of any fiscal year of the County (which commences on July 1), the Board of Supervisors receives a petition for its discontinuance joined in by resolutions adopted by at least two-thirds of the participating revenue districts in the County, in which event the Board of Supervisors is to order discontinuance of the Teeter Plan effective at the commencement of the subsequent fiscal year. If the Teeter Plan is discontinued subsequent to its implementation, only those secured property taxes actually collected would be allocated to political subdivisions (including the City) for which the County acts as the tax-levying or tax-collecting agency.

Sales and Use Taxes

Sales and use taxes represent the _____ largest source of tax revenue to the City (budgeted to be approximately ____% of the governmental funds tax revenues in fiscal year 2023-24). This section describes the current system for levying, collecting and distributing sales and use tax revenues in the State of California. The City received \$_____ in sales tax revenue for fiscal year 2022-23 and has budgeted to receive \$_____ in sales tax revenue for fiscal year 2023-24.

Sales Tax Rates. The City collects a percentage of taxable sales in the City (minus certain administrative costs imposed by the State Board of Equalization) pursuant to the Bradley-Burns Uniform Local Sales and Use Tax (the “**Sales Tax Law**”), as shown below.

Currently, taxable transactions in the City are subject to the following sales and use tax, of which the City’s share is only a portion. The State collects and administers the tax, and makes distributions on taxes collected within the City, as follows:

CITY OF HAYWARD Sales Tax Rates Fiscal Year 2022-23

<u>Component</u>	<u>Rate</u>
State of California	6.00%
County of Alameda	0.25
City of Hayward	0.50
Alameda County Local Tax	1.00
Alameda County District Tax	<u>3.00</u>
Total Tax Rate	10.75%

Source: California State Board of Equalization.

Sales and use taxes are complementary taxes; when one applies, the other does not. In general, the statewide sales tax applies to gross receipts of retailers from the sale of tangible personal property in the State of California. The use tax is imposed on the purchase, for storage, use or other consumption in the State of tangible personal property from any retailer. The use tax generally applies to purchases of personal property from a retailer outside the State of California where the use will occur within the State of California. The sales tax is imposed upon the same transactions and items as the statewide sales tax and the statewide use tax.

Certain transactions are exempt from the State sales tax, including sales of the following products:

- food products for home consumption;
- prescription medicine;
- newspapers and periodicals;
- edible livestock and their feed;
- seed and fertilizer used in raising food for human consumption; and
- gas, electricity and water when delivered to consumers through mains, lines and pipes.

This is not an exhaustive list of exempt transactions. A comprehensive list can be found in the State Board of Equalization's Publication No. 61 entitled "Sales and Use Taxes: Exemptions and Exclusions," which can be found on the State Board of Equalization's website at <http://www.boe.ca.gov/>. *The reference to this Internet website is provided for reference and convenience only. The information contained within the website may not be current, has not been reviewed by the City and is not incorporated in this Official Statement by reference.*

Sales Tax Collection Procedures. Collection of the sales and use tax is administered by the California State Board of Equalization. According to the State Board of Equalization, it distributes quarterly tax revenues to cities, counties and special districts using the following method:

Using the prior year's like quarterly tax allocation as a starting point, the State Board of Equalization first eliminates nonrecurring transactions such as fund transfers, audit payments and refunds, and then adjusts for growth, in order to establish the estimated base amount. The State Board of Equalization disburses 90% to each local jurisdiction in three monthly installments (advances) prior to the final computation of the quarter's actual receipts. Ten percent is withheld as a reserve against unexpected occurrences that can affect tax collections (such as earthquakes, fire or other natural disaster) or distributions of revenue such as unusually large refunds or negative fund transfers. The first and second advances each represent 30% of the 90% distribution, while the third advance represents 40%. One advance payment is made each month, and the quarterly reconciliation payment (clean-up) is distributed in conjunction with the first advance for the subsequent quarter. Statements showing total collections, administrative costs, prior advances and the current advance are provided with each quarterly clean-up payment.

Under the Sales and Use Tax Law, all sales and use taxes collected by the State Board of Equalization under a contract with any city, city and county, redevelopment agency, or county are required to be transmitted by the Board of Equalization to such city, city and county, redevelopment agency, or county periodically as promptly as feasible. These transmittals are required to be made at least twice in each calendar quarter.

Under its procedures, the State Board of Equalization projects receipts of the sales and use tax on a quarterly basis and remits an advance of the receipts of the sales and use tax to the City on a monthly basis. The amount of each monthly advance is based upon the State Board of Equalization's quarterly projection. During the last month of each quarter, the State Board of Equalization adjusts the amount remitted to reflect the actual receipts of the sales and use tax for the previous quarter.

The Board of Equalization receives an administrative fee based on the cost of services provided by the Board to the City in administering the City's sales tax, which is deducted from revenue generated by the sales and use tax before it is distributed to the City.

History of Taxable Transactions. A summary of historic taxable sales within the City for which data is available is shown in the following table.

CITY OF HAYWARD
Taxable Sales by Category⁽¹⁾
(Dollars in thousands)

	2018	2019	2020	2021	2022
Retail and Food Services:					
Motor Vehicles and Parts Dealers	\$339,492	\$367,554	\$337,443	\$400,347	\$426,367
Home Furnishings and Appliance Stores	59,905	58,855	51,305	47,135	40,872
Bldg. Material and Garden Equipment	261,002	292,657	303,434	327,289	319,684
Food and Beverage Stores	87,770	95,450	102,235	96,275	99,182
Gasoline Stations	202,441	204,319	150,521	202,018	229,332
Clothing and Clothing Accessories Stores	115,353	119,306	69,144	106,384	102,997
General Merchandise Stores	346,945	349,151	300,911	335,979	391,399
Food Services and Drinking Places	233,177	249,911	195,638	239,753	266,351
Other Retail Group	<u>145,700</u>	<u>145,639</u>	<u>127,905</u>	<u>147,859</u>	<u>151,801</u>
Total Retail and Food Services	1,791,785	1,882,843	1,635,537	1,903,038	2,027,986
All Other Outlets	<u>1,219,973</u>	<u>1,464,588</u>	<u>1,307,131</u>	<u>1,468,221</u>	<u>1,635,625</u>
TOTAL ALL OUTLETS	<u>\$3,011,758</u>	<u>\$3,347,430</u>	<u>\$2,942,668</u>	<u>\$3,371,260</u>	<u>\$3,633,611</u>

(1) Totals may not sum due to rounding.

Source: State Department of Tax and Fee Administration.

Utility Users Tax

Utility users tax revenues are the _____ source of general fund revenue for the City, accounting for approximately ____% of general fund revenues. The utility users tax is imposed at a rate of 5.5% on the dollar amount of utility bills on electric, gas, cable services and telecommunications services, and has been collected since March 2009. The tax is collected by the various utility service providers and paid to the City monthly. Revenue growth is dictated by a combination of population growth, usage and utility rates.

The voters of the City approved the ordinance implementing the utility users tax ("**Measure A**") in 2009. The tax was extended to fiscal year 2038-39 after the voters approved Measure D in 2016.

Other Taxes

Real Property Transfer Tax. In the November 2018 election, the voters of the City approved a tax increase on the transfer of real property within the City from \$4.50 to \$8.50 per \$1,000 valuation of the value of consideration paid for the documented sale of real property or any transfer of interest in real property ("**Measure T**"). The City estimates that Measure T has positively impacted the General Fund between \$5.5 and \$7.0 million annually.

Business License Tax. Business License Taxes are imposed on certain types of businesses in the City and reflect about \$_____ of General Fund revenue annually. The tax is based on factors such as a business's number of employees or vehicles, its annual gross receipts, or a property owner's number of residential rental units.

Franchise Taxes. Franchise taxes are paid by utilities based on various methodologies and represent \$_____ in General Fund revenue. They are projected to increase over the new few years.

Additional Taxes. Additional taxes include the Transient Occupancy Tax, a 14.5% tax on room rates for hotels and motels, and other minor taxes. Additional taxes are a minor General Fund revenue source, projected to increase over the new few years.

Long-Term Debt Obligations

Set forth below is a summary of long-term obligations payable from the City's general fund (other than the 2014 Lease Payments, 2015 Lease Payments, and 2015 Certificates being prepaid, as described under the heading "PLAN OF FINANCING").

2016 Refunding Certificates of Participation. On June 1, 2016, the Authority issued 2016 Refunding Certificates of Participation in the amount of \$19,813,775. The proceeds of the lease obligation were used to refund previously issued 2007 Certificates of Participation. The lease obligation is payable each November 1, from 2016 to 2026, in amounts ranging from \$850,000 to \$2,021,009 and bear interest at rates ranging from 2.6% to 2.7%. Interest is payable semiannually on May 1 and November 1.

Energy Efficiency Loans. In fiscal year 2013-14, the City issued a \$3,448,880 loan for the Energy Conservation Assistance Program ("ECAP"), funded by the California Infrastructure and Economic Development Bank ("CIEDP"). The loan will finance an Energy Savings Project that consists of streetlight retrofitting. The loan bears interest at 1% and payments are to be bi-annually on June 22 and December 22 of each year.

In fiscal year 2010-11, the City was issued a \$2,450,000 loan from ECAP, issued by CIEDP. The loan will finance an Energy Savings Project that consists of 1 MW Tracking Photovoltaic System on the City's Water Pollution Control Facility. The loan bears interest at 3% and payments are to be made biannually on June 22 and December 22 of each year until 2025.

In fiscal year 2019-20, the City was issued a \$21,150,955 loan from ECAP, issued by CIEDP. The loan will finance an Energy Savings Project that consists of the Ground Mounted Photovoltaic System installed on City owned property. The loan bears interest at 1% and payments are to be made biannually on June 22 and December 22 of each year until 2038.

Capital Lease Obligations. The City has entered into various capital lease agreement to acquire property, miscellaneous computer mainframe equipment, and various City vehicles. All the lease agreements require annual payments.

2013 Water Revenue Refunding Private Placement Loan. The City issued Water Revenue Refunding Bonds of \$7,245,000 on August 13, 2013, to defease the City's outstanding Public Finance Authority 1996 Revenue Bonds, and to refund 2001 Water System Improvement Project Certificates of Participation and 2004 Water System Improvement Project Certificates of Participation. The 2013 Water Revenue Refunding Bonds bear interest at a rate per annum of 2.76%. Principal payments are payable May 1. Interest payments are payable semiannually on May 1 and November 1, commencing May 1, 2014, through maturity on May 1, 2025.

State Water Resources Control Board Loans. In June 2006, the City entered into a loan agreement with the State's Water Resources Control Board for the purposes of financing the Wastewater Improvement Project. As of June 30, 2022, the City's gross payment obligation totaled \$19,094,613. The repayments of the loan are due annually on September 30 of each year commencing 2009 until 2029.

In October 2018, the City entered into another loan agreement with the State's Water Resources Control Board for the purpose of financing the Recycled Water Project. As of June 30, 2022, the City's estimated gross repayment obligation totaled \$14,872,117. The loan bears interest at 1% and payments are due annually on January 31 of each year commencing in 2021 until 2050.

Employee Relations

The City's staff includes a combination of full-time, part-time, temporary employees and contract staff. All positions are approved by the City Council. The City occasionally hires contract staff on an as-needed basis to fill in for vacant positions that are in the recruitment process or to perform specialized services. The City maintains full-service police and fire departments. Pursuant to the fiscal year 2023-24 Adopted Budget, the City is authorized to employ ____ regular employees.

The table below summarizes the City's employee associations, the number of employees and the respective contract expiration dates. The City Manager has a separate contract that expires ____, 20__.

Employee Associations

<u>Bargaining Unit</u>	<u>Union Representing Unit</u>	<u>Number of Represented Employees</u>	<u>Contract Expiration Date</u>
Unrepresented	None		
Hayward Association of Management Employees	None		
Police Officers	Hayward Police Officers Association		
Police Management	None		
Firefighters and Officers	Local 1909		
Fire Management	None		
Professional & Technical	Local 21		
Maintenance	SEIU 1021		
Clerical	SEIU 1021		

Source: City of Hayward.

Risk Management

Insurance Coverage. The City has chosen to establish risk financing internal service funds where assets are set aside for claim settlements associated with the below risks of loss up to certain limits. The following table summarizes insurance coverage as of June 30, 2022:

Insurance Coverage As of June 30, 2022

	Self Insurance ⁽¹⁾	Coverage and Limits
General Liability	\$0 - 1,000,000	\$0 - 25,000,000
Workers' compensation	\$0 - statutory limits	\$500,000 – 50,000,000
Property	\$0 - 500,000	\$250,000 - 1,000,000
Cyber	\$0 - 250,000	\$500,000 - 40,000,000
Boiler and machinery	\$0 - 350,000	\$2,000,000 - 100,000,000
Airport	None	\$25,000 - 50,000,000
Pollution	\$0 – 250,000	\$10,000,000 - 50,000,000

(1) Amounts per occurrence.

Source: City of Hayward, Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2022.

Amounts in excess of the insured limits are self-insured.

The City is a member of the Exclusive Risk Management Authority of California Joint Powers Association for general municipal liability insurance coverage.

The City records estimated liabilities for workers' compensation claims filed or expected to be filed in the Worker's Compensation Insurance Fund (internal service fund). Charges to the General Fund and other funds are determined from an analysis of self-insured claim costs and recorded as transfers from such funds to the General Liability Fund.

Property damage risks are covered on an occurrence basis up to the deductibles listed above by commercial insurance, Driver Alliant Insurance Services, Inc., purchased from independent third parties. All properties are insured at full replacement values. During the past three years there have been no significant reductions in any of the City's insurance coverage and no settlement amounts have exceeded insurance coverage.

The unpaid workers' compensation claims liabilities included in the Worker's Compensation Insurance Internal Service Fund are based on the results of an actuarial study and include amounts for claims incurred but not reported. Claim liabilities are calculated considering the effects of inflation, recent claim settlement trends including frequency and amount of payouts and other economic and social factors. In addition, the liability is discounted using an annual interest rate of 2%.

Employee Retirement System

PERS Plan Description. All qualified permanent and probationary employees are eligible to participate in the City's separate Safety (police and fire) and Miscellaneous (all other) Plans, agent multiple-employer defined benefit pension plans administered by the California Public Employees' Retirement System ("PERS"), which acts as a common investment and administrative agent for its participating member employers. Benefit provisions under the Plans are established

by State statute and City resolution. PERS issues publicly available reports that include a full description of the pension plans regarding benefit provisions, assumptions and membership information that can be found on the PERS website.

PERS Plan Eligibility. For a more detailed discussion of the eligibility requirements for the City's PERS retirement plans, see Appendix B, Note 13.

PERS Plan Contributions. The City is required to contribute the actuarially determined remaining amounts necessary to fund the benefits for its members. The actuarial methods and assumptions used are those adopted by the PERS Board of Administration (the "**Board of Administration**"). For the measurement period ended June 30, 2022 (the measurement date), the average active employee contribution rate on or after January 1, 2013 is 6.75% of annual pay for the Miscellaneous Plan, 10.50% of annual pay for the Safety (Fire) Plan, and 13.00% of annual pay for the Safety (Police) Plan. The employer contribution rate on or after January 1, 2013 is 10.260% of annual payroll for the Miscellaneous Plan, 18.670% of annual payroll for the Safety (Fire) Plan, and 22.090% of annual payroll for the Safety (Police) Plan. The contribution requirements of the plan members are established by State statute, and the employer contribution rates are established and may be amended by PERS.

Implementation of GASB Nos. 68. Commencing with fiscal year ended June 30, 2015, the City implemented the provisions of GASB Statement Nos. 68, which require certain new pension disclosures in the notes to its audited financial statements commencing with the audit for fiscal year 2014-15. Statement No. 68 generally requires the City to recognize its proportionate share of the unfunded pension obligation by recognizing a net pension liability measured as of a date (the measurement date) no earlier than the end of its prior fiscal year. As a result of the implementation of GASB Statement Nos. 68, the City reflected a restatement of its beginning net position as of July 1, 2014.

For a more detailed discussion of the eligibility requirements for the City's retirement plans, see Appendix B, Note 13 for detailed information about the actuarial assumptions underlying the contributions. The City's fiscal year 2020-21 contributions to the pension plans and the funded status of the pension plans are set forth below.

Fiscal Year Ended	Total Pension Liability	Plan Fiduciary Net Position	Net Pension Liability	Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	Covered Employee Payroll	Plan Net Pension Liability as a Percentage of Covered Employee Payroll	Contributions Employer
PERS – Miscellaneous Plan							
6/30/2021	\$510,910,249	\$390,653,694	\$120,256,555	76.46%	\$50,091,731	240.07%	\$14,566,265
PERS – Safety Fire Plan							
6/30/2021	\$330,739,983	\$237,300,992	\$93,438,991	71.75%	\$18,899,737	494.39%	\$10,135,787
PERS –Safety Police Plan							
6/30/2021	\$449,527,982	\$316,106,718	\$133,421,264	70.32%	\$24,906,152	535.70%	\$14,979,477

Recent Actions by PERS. At its April 17, 2013, meeting, the Board of Administration approved a recommendation to change the PERS amortization and smoothing policies. Prior to this change, PERS employed an amortization and smoothing policy that spread investment

returns over a 15-year period with experience gains and losses paid for over a rolling 30-year period. After this change, PERS will employ an amortization and smoothing policy that will pay for all gains and losses over a fixed 30-year period with increases or decreases in the rate spread directly over a 5-year period. The new amortization and smoothing policy were used for the first time in the June 30, 2013, actuarial valuations in setting employer contribution rates for fiscal year 2015-16.

On February 18, 2014, the Board of Administration approved new demographic actuarial assumptions based on a 2013 study of recent experience. The largest impact, applying to all benefit groups, is a new 20-year mortality projection reflecting longer life expectancies and that longevity will continue to increase. Because retirement benefits will be paid out for more years, the cost of those benefits will increase as a result. The Board of Administration also assumed earlier retirements for Police 3% at 50, Fire 3% at 55, and Miscellaneous 2.7% at 55 and 3% at 60, which will increase costs for those groups. As a result of these changes, rates will increase beginning in fiscal year 2016-17 (based on the June 30, 2014, valuation) with full impact in fiscal year 2020-21.

On November 18, 2015, the Board of Administration adopted a funding risk mitigation policy intended to incrementally lower its discount rate - its assumed rate of investment return - in years of good investment returns, help pay down the pension fund's unfunded liability, and provide greater predictability and less volatility in contribution rates for employers. The policy establishes a mechanism to reduce the discount rate by a minimum of 0.05 percentage points to a maximum of 0.25 percentage points in years when investment returns outperform the existing discount rate, currently 7.5%, by at least four percentage points. PERS staff modeling anticipates the policy will result in a lowering of the discount rate to 6.5% in about 21 years, improve funding levels gradually over time and cut risk in the pension system by lowering the volatility of investment returns. More information about the funding risk mitigation policy can be accessed through PERS' web site at the following website address: <https://www.calpers.ca.gov/page/newsroom/calpers-news/2015/adopts-funding-risk-mitigation-policy>. *The reference to this Internet website is provided for reference and convenience only. The information contained within the website may not be current, has not been reviewed by the City and is not incorporated in this Official Statement by reference.*

On December 21, 2016, the Board of Administration voted to lower its discount rate from the current 7.5% to 7.0% over three years according to the following schedule.

<u>Fiscal Year</u>	<u>Discount Rate</u>
2018-19	7.375%
2019-20	7.250
2020-21	7.000

For public agencies like the City, the new discount rate would take effect July 1, 2018. Lowering the discount rate means employers that contract with PERS to administer their pension plans will see increases in their normal costs and unfunded actuarial liabilities. Active members hired after January 1, 2013, under the Public Employees' Pension Reform Act will also see their contribution rates rise. The three-year reduction of the discount rate will result in average employer rate increases of about 1 percent to 3 percent of normal cost as a percent of payroll for most miscellaneous retirement plans, and a 2 percent to 5 percent increase for most safety plans. Additionally, many PERS employers will see a 30 to 40 percent increase in their current unfunded accrued liability payments. These payments are made to amortize unfunded liabilities over 20 years to bring the pension fund to a fully funded status over the long-term.

On November 15, 2021, the CalPERS Board selected a new asset allocation mix that will guide the fund's investment portfolio for the next four years, while at the same time retaining the reduction of discount rate from 7.0% to 6.8%. Notable changes for employers include a decrease in median total employer contribution rates, from less than 1% in miscellaneous plans to a decrease of more than 2% in some safety plans. Contribution changes will take effect in fiscal year 2023-24 for public agencies.

Dollar Contribution Based on Projected PERS Rate Increases. The City's projected annual financial contributions as a result of the PERS rate changes for the next four years are shown in the table below, with dollar amounts shown in millions:

	2020-21	2021-2022	2022-2023 Projected	2023-2024 Projected
Miscellaneous	\$16.81	\$18.27	\$19.43	\$20.25
Police	16.83	18.32	19.61	20.02
Fire	11.79	13.26	13.73	13.49
Total	\$28.60	\$31.53	\$52.77	\$53.76

Other Post Employment Benefits ("OPEB")

Description of Postretirement Healthcare Benefits (OPEB). The City participates in the California Employers' Retiree Benefit Trust ("CERBT"), an agent multiple-employer plan administered by PERS, consisting of an aggregation of single-employer plans.

By City Council resolution, the City provides certain health care benefits for employees who retire directly from the City with at least five years of service with the City and who are vested in PERS. The City participates in the PERS health care plan which is governed under the California Public Employees Health and Medical Care Act ("PEMCHA"). Required retiree medical plan contributions are also governed by PEMCHA for member agencies.

The City contributes up to a fixed dollar amount of retiree medical benefits, which varies by employee bargaining group and coverage level as governed by PEMCHA. Benefits continue for surviving spouses in amounts as required by PEMCHA. Should an eligible retiree opt out of the PERS medical plan, they will receive \$143 to \$149 per month in lieu of contributions to the PERS plan.

As of the June 30, 2021, measurement date, the following current and former employees of the City were covered by the benefit terms of the OPEB Plan:

Inactive employees or beneficiaries currently receiving benefits	712
Inactive employees entitled to but not yet receiving benefits	179
Active employees	<u>806</u>
Total	1,697

Source: City of Hayward Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2022.

Funding Policy and Actuarial Assumptions. The annual required contribution ("ARC") was determined as part of a June 30, 2021 actuarial valuation using the projected unit credit cost method. This is a cost method that takes into account the benefits that are expected to be paid for current actives and retirees. The actuarial assumptions included (a) 6.10% investment rate of

return, 3.00% projected annual salary increase and a 2.50% health care cost inflation. The long-term expected rate of return on OPEB plan investments was determined using a building-block method in which expected future real rates of return (expected returns, net of OPEB plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation.

Total OPEB Liability. The City's OPEB liability of \$87,016,620 was measured as of June 30, 2021, and was determined by an actuarial valuation as of June 30, 2020, rolled forward to June 30, 2021, using standard update procedures.

The City's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2022, and in particular Note 15 thereto, includes information about the City's postemployment healthcare liabilities and funding.

Investment Policies and Procedures

The City's investment process and investment related activities are formalized in the Annual Statement of Investment Policy. The primary objectives of the policy, in order, are safety, liquidity, and yield. City policy requires diversification of the investment portfolio, in order to reduce the risk of loss resulting from over concentration of assets in a specific maturity, issuer, or class of securities. An investment advisory committee is appointed by the City Manager to oversee the City's investment program and assure it is consistent with the investment policy as approved by the Council. The committee meets quarterly to monitor portfolio performance and consider changes in strategy and investment policy. The policy is approved annually by the City Council at a public meeting. The Director of Finance provides periodic reporting to the Committee and to the City Council on the status of the City's cash and investments.

The City Council receives monthly investment reports. According to the report for the month ended October 31, 2022, the City has invested funds as set forth in the table below.

CITY OF HAYWARD Investment Portfolio as of October 31, 2022

	Par Value	Market Value	Percent
U.S Treasury Bond/Note	\$120,195,000.00	\$109,724,652.11	63.12%
Supra-National Agency Bond/Note	2,645,000.00	2,488,084.14	1.43
Municipal Bond/Note	7,815,000.00	7,448,625.75	4.29
Federal Agency Commercial	2,070,109.89	1,970,150.44	1.13
Mortgage-Backed Security	--	--	--
Federal Agency Bond/Note	10,605,000.00	10,210,295.78	5.87
Corporate Note	38,284,000.00	35,211,269.66	20.26
Certificate of Deposit	975,000.00	959,082.15	0.55
Asset-Backed Security	6,069,359.67	5,817,005.05	3.35
Total	\$188,658,469.56	\$173,829,165.53	100.00%

Source: City of Hayward Quarterly Investment Report for Period Ending October 31, 2022.

Population

As of January 1, 2023, the population of the City was estimated to be 159,800. The following table presents population data for the last five years for the City, County and State.

COUNTY OF ALAMEDA Population

Year	City of Hayward	County of Alameda	State of California
2019	159,272	1,659,608	39,605,361
2020	159,266	1,663,114	39,648,938
2021	161,808	1,663,371	39,286,510
2022	160,081	1,644,248	39,078,674
2023	159,800	1,636,194	38,940,231

Source: State Department of Finance estimates (as of January 1).

Principal Employers

The following table shows the principal employers in the City, listed alphabetically, as shown in the City's Comprehensive Annual Financial Report for fiscal year ending June 30, 2022.

CITY OF HAYWARD Principal Employers⁽¹⁾

Employer
Alameda County Sheriff's Department
Baxter Bio Pharma
California State University East Bay
Chabot Community College
Fremont Bank Operations Center
Hayward Unified School District
Illumina
Impax Laboratories, Inc.
Pentagon Technologies
Plastikon Industries, Inc.
Siemens Building Tech
St. Rose Hospital

(1) Presented in alphabetical order based on economic development's assessment.

Source: City Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2022.

Employment and Industry

The unemployment rate in the Oakland-Hayward-Berkeley MD was 3.7% in May 2023, up from a revised 3.5% in April 2023, and above the year-ago estimate of 2.8%. This compares with an unadjusted unemployment rate of 4.5% for California and 3.4% for the nation during the same period. The unemployment rate was 3.7% in the County and 3.7% in Contra Costa County.

The table below list employment by industry group for Alameda and Contra Costa Counties for the years 2018 to 2022.

OAKLAND- HAYWARD-BERKELEY MD
(Alameda and Contra Costa Counties)
Annual Averages Civilian Labor Force, Employment and Unemployment,
Employment by Industry
(March 2022 Benchmark)

	2018	2019	2020	2021	2022
Civilian Labor Force ⁽¹⁾	1,401,700	1,403,400	1,362,300	1,352,300	1,382,300
Employment	1,357,700	1,360,500	1,239,100	1,268,700	1,333,200
Unemployment	44,000	42,900	123,200	83,600	49,100
Unemployment Rate	3.1%	3.1%	9.0%	6.2%	3.6%
<u>Wage and Salary Employment:</u> ⁽²⁾					
Agriculture	1,300	1,400	1,500	1,600	1,900
Mining and Logging	200	200	200	200	300
Construction	74,900	75,500	70,700	73,000	74,300
Manufacturing	100,600	101,000	98,700	105,200	111,000
Wholesale Trade	47,500	45,400	42,100	41,300	41,200
Retail Trade	114,500	111,800	101,100	105,300	105,200
Transportation, Warehousing, Utilities	42,300	43,700	45,200	48,600	54,100
Information	27,600	27,600	25,800	25,000	24,900
Finance and Insurance	37,500	37,200	35,900	34,700	34,200
Real Estate and Rental and Leasing	17,800	18,100	16,700	16,800	18,200
Professional and Business Services	189,500	193,200	184,800	189,900	195,800
Educational and Health Services	194,300	198,400	191,300	198,200	207,400
Leisure and Hospitality	117,700	121,000	84,700	91,700	103,900
Other Services	41,000	41,200	33,100	35,000	38,500
Federal Government	13,400	13,400	14,200	13,500	13,100
State Government	39,400	39,600	38,200	37,900	33,700
Local Government	121,800	121,800	113,500	111,900	116,200
Total, All Industries ⁽³⁾	1,181,300	1,190,300	1,097,700	1,129,700	1,176,300

(1) Labor force data is by place of residence; includes self-employed individuals, unpaid family workers, household domestic workers, and workers on strike.

(2) Industry employment is by place of work; excludes self-employed individuals, unpaid family workers, household domestic workers, and workers on strike.

(3) Totals may not add due to rounding.

Source: State of California Employment Development Department.

Effective Buying Income

“Effective Buying Income” is defined as personal income less personal tax and nontax payments, a number often referred to as “disposable” or “after-tax” income. Personal income is the aggregate of wages and salaries, other labor-related income (such as employer contributions to private pension funds), proprietor’s income, rental income (which includes imputed rental income of owner-occupants of non-farm dwellings), dividends paid by corporations, interest income from all sources, and transfer payments (such as pensions and welfare assistance). Deducted from this total are personal taxes (federal, state and local), nontax payments (fines, fees, penalties, etc.) and personal contributions to social insurance. According to U.S. government definitions, the resultant figure is commonly known as “disposable personal income.”

The following table summarizes the total effective buying income for the City, the County, the State and the United States for the period 2019 through 2023.

CITY OF HAYWARD Effective Buying Income 2019 through 2023

Year	Area	Total Effective Buying Income (000's Omitted)	Median Household Effective Buying Income
2019	Hayward	\$4,685,183	\$69,528
	Alameda County	67,609,653	79,446
	California	1,183,264,399	62,637
	United States	9,017,967,563	52,841
2020	Hayward	\$4,955,097	\$74,474
	Alameda County	72,243,436	84,435
	California	1,243,564,816	65,870
	United States	9,487,165,436	55,303
2021	Hayward	\$5,228,881	\$77,359
	Alameda County	77,794,202	88,389
	California	1,290,894,604	67,956
	United States	9,809,944,764	56,790
2022	Hayward	\$5,859,087	\$88,091
	Alameda County	85,225,529	99,940
	California	1,452,426,153	77,058
	United States	11,208,582,541	64,448
2023	Hayward	\$5,653,768	\$86,987
	Alameda County	80,766,211	98,721
	California	1,461,799,662	77,175

Source: Claritas, LLC.

Commercial Activity

Summaries of the historic taxable sales within the City and the County during the past five years in which data is available are shown in the following tables.

Total taxable sales during calendar year 2022 in the City were reported to be \$3,633,611,000, a 7.8% increase from the total taxable sales of \$3,371,260,000 reported during calendar year 2022.

CITY OF HAYWARD
Taxable Retail Sales
Number of Permits and Valuation of Taxable Transactions
(Dollars in Thousands)

	Retail Stores		Total All Outlets	
	Number of Permits	Taxable Transactions	Number of Permits	Taxable Transactions
2018	2,165	\$1,791,785	4,182	\$3,011,758
2019	2,241	1,882,843	4,378	3,347,430
2020	2,351	1,635,537	4,628	2,942,668
2021	2,169	1,903,039	4,407	3,371,260
2022	2,229	2,027,986	4,494	3,633,611

Source: State Department of Tax and Fee Administration.

Total taxable sales during calendar year 2022 in the County were reported to be \$144,051,761,000, a 16.1% increase over the total taxable sales of \$37,935,594,000 reported during calendar year 2021.

ALAMEDA COUNTY
Taxable Retail Sales
Number of Permits and Valuation of Taxable Transactions
(Dollars in Thousands)

	Retail Stores		Total All Outlets	
	Number of Permits	Taxable Transactions	Number of Permits	Taxable Transactions
2018	27,816	\$22,857,439	47,402	\$35,073,302
2019	28,375	21,921,743	49,197	35,116,164
2020	28,831	19,931,259	50,461	32,176,002
2021	26,964	22,602,772	47,565	37,935,594
2022	27,010	23,795,632	48,059	44,051,761

Source: State Department of Tax and Fee Administration.

Construction Activity

The following tables show a five-year summary of the valuation of building permits issued in the City and the County.

CITY OF HAYWARD Building Permit Valuation (Valuation in Thousands of Dollars)

	2018	2019	2020	2021	2022
<u>Permit Valuation</u>					
New Single-family	\$139,861.8	\$209,636.7	\$55,409.9	\$63,505.1	\$51,406.8
New Multi-family	950.2	61,901.8	76,703.6	41,238.4	73,973.6
Res. Alterations/Additions	<u>15,245.8</u>	<u>27,798.2</u>	<u>8,628.6</u>	<u>9,667.1</u>	<u>17,639.0</u>
Total Residential	\$156,057.8	\$299,336.7	\$140,742.1	\$114,410.6	\$143,019.4
New Commercial	\$52,357.2	\$38,931.4	\$76,422.5	\$33,378.0	\$59,909.2
New Industrial	14,466.8	0.0	0.0	0.0	4,800.0
New Other	21,355.6	5,731.6	8,08.2	3,582.0	25,373.1
Com. Alterations/Additions	<u>44,967.0</u>	<u>36,908.3</u>	<u>3,433.2</u>	<u>50,245.9</u>	<u>84,008.9</u>
Total Nonresidential	\$133,146.6	\$81,571.3	\$79,855.7	\$87,205.9	\$174,091.2
<u>New Dwelling Units</u>					
Single Family	430	562	184	238	204
Multiple Family	<u>3</u>	<u>440</u>	<u>335</u>	<u>1,279</u>	<u>335</u>
TOTAL	433	1,002	519	1,517	539

Source: Construction Industry Research Board, Building Permit Summary.

ALAMEDA COUNTY Building Permit Valuation (Valuation in Thousands of Dollars)

	2018	2019	2020	2021	2022
<u>Permit Valuation</u>					
New Single-family	\$689,530.0	\$675,129.8	\$394,500.3	\$407,585.0	\$339,046.4
New Multi-family	1,431,985.0	782,536.4	772,038.0	829,822.2	795,917.3
Res. Alterations/Additions	<u>469,158.5</u>	<u>512,409.9</u>	<u>293,866.8</u>	<u>222,971.3</u>	<u>323,712.1</u>
Total Residential	\$2,590,673.5	\$1,970,076.1	\$1,460,405.1	\$1,460,378.5	\$1,458,675.8
New Commercial	\$551,547.4	\$718,569.0	\$238,516.5	\$312,914.6	\$268,498.4
New Industrial	302,121.2	5,638.5	0.0	600.0	33,740.8
New Other	89,686.1	78,049.9	131,447.0	110,817.0	120,294.6
Com. Alterations/Additions	<u>819,040.7</u>	<u>922,668.1</u>	<u>628,230.5</u>	<u>892,656.8</u>	<u>993,782.1</u>
Total Nonresidential	\$1,762,395.4	\$1,724,925.5	\$998,194.0	\$1,316,988.4	\$1,416,315.9
<u>New Dwelling Units</u>					
Single Family	1,867	1,871	1,152	1,589	1,176
Multiple Family	<u>6,540</u>	<u>4,145</u>	<u>2,610</u>	<u>4,494</u>	<u>3,366</u>
TOTAL	8,407	6,016	3,762	6,083	4,542

Source: Construction Industry Research Board, Building Permit Summary.

Transportation

The City has become the crossroad of the Bay Area. Interstate Highway 580 (east-west), Interstate Highway 680 (north-south) and Highway 61 provides access to commuters and residents to travel to the nearby cities of Oakland, San Francisco, Sacramento, San Jose, and the Central Valley with ease.

Bay Area Rapid Transit (BART), the regional rapid transit system, has two stations in the City: the Hayward station, in downtown; and the South Hayward station, near the Hayward-Union City border. The AC Transit bus system, which provides bus service for Alameda County and Contra Costa County, operates in the City, and has a repair/training center located there. Amtrak, the national rail passenger system, provides daily service at its Hayward station for the Capitol Corridor train, which runs between San Jose in the South Bay, and Auburn in the Greater Sacramento area.

The City has a general aviation airport, the Hayward Executive Airport. The Hayward Air National Guard station was located at the airport in 1942, until being reassigned to Moffett Field in 1980.

APPENDIX C

ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2022

APPENDIX D
PROPOSED FORM OF FINAL OPINION

APPENDIX E

FORM OF CONTINUING DISCLOSURE CERTIFICATE

\$ _____
City of Hayward

2023 Refunding Certificates of Participation (2014 and 2015 Leases)

This Continuing Disclosure Certificate (this “Disclosure Certificate”) is executed and delivered by the City of Hayward (the “City”) in connection with the execution and delivery of the certificates of participation captioned above (the “Certificates”). The Certificates evidence the direct, undivided fractional interests of the owners thereof in lease payments to be made by the City under a Lease Agreement dated as of _____ 1, 2023 (the “Lease Agreement”) between the Hayward Public Financing Authority (the “Authority”), as lessor, and the City as lessee. The Certificates will be delivered under a Trust Agreement dated as of _____ 1, 2023 (the “Trust Agreement”) among the City, the Authority and The Bank of New York Mellon Trust Company, N.A., as trustee (the “Trustee”). The City covenants and agrees as follows:

Section 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the City for the benefit of the holders and beneficial owners of the Certificates and in order to assist the Participating Underwriters in complying with Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

Section 2. Definitions. In addition to the definitions set forth in the Trust Agreement, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

“*Annual Report*” means any Annual Report provided by the City pursuant to, and as described in, Sections 3 and 4.

“*Annual Report Date*” means the date that is nine months after the end of the City’s fiscal year (currently March 31 based on the City’s fiscal year end of June 30).

“*Dissemination Agent*” means, initially, Willdan Financial Services, or any successor Dissemination Agent designated in writing by the City and which has filed with the City a written acceptance of such designation.

“*Financial Obligation*” means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term financial obligation shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

“*Listed Events*” means any of the events listed in Section 5(a).

“*MSRB*” means the Municipal Securities Rulemaking Board, which has been designated by the Securities and Exchange Commission as the sole repository of disclosure information for purposes of the Rule, or any other repository of disclosure information that may be designated by the Securities and Exchange Commission as such for purposes of the Rule in the future.

“Official Statement” means the final official statement executed by the City in connection with the issuance of the Certificates.

“Participating Underwriter” means BofA Securities, Inc., as the original underwriter of the Certificates required to comply with the Rule in connection with offering of the Certificates.

“Rule” means Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as it may be amended from time to time.

Section 3. Provision of Annual Reports.

(a) The City shall, or shall cause the Dissemination Agent to, not later than the Annual Report Date, commencing March 31, 2024, with the report for the 2022-23 fiscal year, provide to the MSRB, in an electronic format as prescribed by the MSRB, an Annual Report that is consistent with the requirements of Section 4. Not later than 15 Business Days prior to the Annual Report Date, the City shall provide the Annual Report to the Dissemination Agent (if other than the City). If by 15 Business Days prior to the Annual Report Date the Dissemination Agent (if other than the City) has not received a copy of the Annual Report, the Dissemination Agent shall contact the City to determine if the City is in compliance with the previous sentence. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may include by reference other information as provided in Section 4; provided that the audited financial statements of the City may be submitted separately from the balance of the Annual Report, and later than the Annual Report Date, if not available by that date. If the City’s fiscal year changes, it shall give notice of such change in the same manner as for a Listed Event under Section 5(c). The City shall provide a written certification with each Annual Report furnished to the Dissemination Agent to the effect that such Annual Report constitutes the Annual Report required to be furnished by the City hereunder.

(b) If the City does not provide (or cause the Dissemination Agent to provide) an Annual Report by the Annual Report Date, the City in a timely manner shall provide (or cause the Dissemination Agent to provide) to the MSRB, in an electronic format as prescribed by the MSRB, a notice in substantially the form attached as Exhibit A.

(c) With respect to each Annual Report, the Dissemination Agent shall:

- (i) determine each year prior to the Annual Report Date the then-applicable rules and electronic format prescribed by the MSRB for the filing of annual continuing disclosure reports; and
- (ii) if the Dissemination Agent is other than the City, file a report with the City certifying that the Annual Report has been provided pursuant to this Disclosure Certificate, and stating the date it was provided.

Section 4. Content of Annual Reports. The City’s Annual Report shall contain or incorporate by reference the following:

(a) Audited financial statements of the City prepared in accordance with generally accepted accounting principles as promulgated to apply to governmental entities from time to time by the Governmental Accounting Standards Board. If the City’s audited financial statements are not available by the time the Annual Report is required to be filed pursuant to Section 3(a), the

Annual Report shall contain unaudited financial statements in a format similar to the financial statements contained in the final Official Statement, and the audited financial statements shall be filed in the same manner as the Annual Report when they become available.

(b) To the extent not contained in the audited financial statements filed under the preceding clause (a), the Annual Report shall contain information showing the following information for the most recently completed fiscal year:

(i) An update to the table in the Official Statement entitled "Assessed Valuation History."

(ii) An update to the table in the Official Statement entitled "Major Local Secures Taxpayers."

(iii) An update to the table in the Official Statement entitled "General Fund Balance Sheet."

(iv) An update to the table in the Official Statement entitled "Statement of General Fund Revenues, Expenditures and Changes in Fund Balance."

(c) In addition to any of the information expressly required to be provided under this Disclosure Certificate, the City shall provide such further material information, if any, as may be necessary to make the specifically required statements, in the light of the circumstances under which they are made, not misleading.

(d) Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the City or related public entities, which are available to the public on the MSRB's Internet web site or filed with the Securities and Exchange Commission. The City shall clearly identify each such other document so included by reference.

Section 5. Reporting of Significant Events.

(a) The City shall give, or cause to be given, notice of the occurrence of any of the following Listed Events with respect to the Certificates:

- (1) Principal and interest payment delinquencies.
- (2) Non-payment related defaults, if material.
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties.
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties.
- (5) Substitution of credit or liquidity providers, or their failure to perform.
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security.

- (7) Modifications to rights of security holders, if material.
- (8) Bond calls, if material, and tender offers.
- (9) Defeasances.
- (10) Release, substitution, or sale of property securing repayment of the securities, if material.
- (11) Rating changes.
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person. This event is considered to occur when any of the following occur: The appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material.
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.
- (15) Incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material.
- (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

(b) Whenever the City obtains knowledge of the occurrence of a Listed Event, the City shall, or shall cause the Dissemination Agent (if not the City) to, file a notice of such occurrence with the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of 10 business days after the occurrence of the Listed Event. Notwithstanding the foregoing, notice of Listed Events described in subsections (a)(8) and (9) above need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to holders of affected Certificates under the Trust Agreement.

(c) The City acknowledges that the events described in subparagraphs (a)(2), (a)(7), (a)(8) (if the event is a bond call), (a)(10), (a)(13), (a)(14), and (a)(15) of this Section 5 contain the qualifier "if material" and that subparagraph (a)(6) also contains the qualifier "material" with respect to certain notices, determinations or other events affecting the tax status of the Certificates. The City shall cause a notice to be filed as set forth in paragraph (b) above with respect to any such event only to the extent that it determines the event's occurrence is material for purposes of U.S. federal securities law. Whenever the City obtains knowledge of the occurrence of any of these Listed Events, the City will as soon as possible determine if such event would be material under applicable federal securities law. If such event is determined to be material, the City will cause a notice to be filed as set forth in paragraph (b) above.

(d) For purposes of this Disclosure Certificate, any event described in paragraph (a)(12) above is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

Section 6. Identifying Information for Filings with the MSRB. All documents provided to the MSRB under the Disclosure Certificate shall be accompanied by identifying information as prescribed by the MSRB.

Section 7. Termination of Reporting Obligation. The City's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Certificates. If such termination occurs prior to the final maturity of the Certificates, the City shall give notice of such termination in the same manner as for a Listed Event under Section 5(b).

Section 8. Dissemination Agent. The City may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any Dissemination Agent, with or without appointing a successor Dissemination Agent. Any Dissemination Agent may resign by providing 30 days' written notice to the City. The initial Dissemination Agent is Willdan Financial Services.

Section 9. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the City may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, provided that the following conditions are satisfied:

- (a) if the amendment or waiver relates to the provisions of Sections 3(a), 4 or 5(a), it may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of an obligated person with respect to the Certificates, or type of business conducted;
- (b) the undertakings herein, as proposed to be amended or waived, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the primary offering of the Certificates,

after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and

- (c) the proposed amendment or waiver either (i) is approved by holders of the Certificates in the manner provided in the Trust Agreement for amendments to the Trust Agreement with the consent of holders, or (ii) does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the holders or beneficial owners of the Certificates.

If the annual financial information or operating data to be provided in the Annual Report is amended pursuant to the provisions hereof, the first Annual Report filed pursuant hereto containing the amended operating data or financial information shall explain, in narrative form, the reasons for the amendment and the impact of the change in the type of operating data or financial information being provided.

If an amendment is made to this Disclosure Certificate modifying the accounting principles to be followed in preparing financial statements, the Annual Report for the year in which the change is made shall present a comparison between the financial statements or information prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles. The comparison shall include a qualitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information, in order to provide information to investors to enable them to evaluate the ability of the City to meet its obligations. To the extent reasonably feasible, the comparison shall be quantitative.

A notice of any amendment made pursuant to this Section 9 shall be filed in the same manner as for a Listed Event under Section 5(b).

Section 10. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the City from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the City chooses to include any information in any Annual Report or notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Certificate, the City shall have no obligation under this Disclosure Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

Section 11. Default. If the City fails to comply with any provision of this Disclosure Certificate, the Participating Underwriter or any holder or beneficial owner of the Certificates may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an Event of Default under the Trust Agreement, and the sole remedy under this Disclosure Certificate in the event of any failure of the City to comply with this Disclosure Certificate shall be an action to compel performance.

Section 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the City, the Dissemination Agent, the Participating Underwriter and the holders and beneficial owners from time to time of the Certificates, and shall create no rights in any other person or entity.

Section 13. Counterparts. This Disclosure Certificate may be executed in several counterparts, each of which shall be regarded as an original, and all of which shall constitute one and the same instrument.

Date: _____, 2023

CITY OF HAYWARD

By _____
City Manager

**ACCEPTANCE OF DUTIES
AS DISSEMINATION AGENT**

WILLDAN FINANCIAL SERVICES

By _____
Authorized Officer

EXHIBIT A

NOTICE OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: City of Hayward

Name of Issue: \$_____ City of Hayward 2023 Refunding Certificates of
Participation (2014 and 2015 Leases)

Date of Issuance: _____, 2023

NOTICE IS HEREBY GIVEN that the City of Hayward has not provided an Annual Report with respect to the above-named Certificates as required by the Continuing Disclosure Certificate dated as of _____, 2023, executed by the City of Hayward. The City anticipates that the Annual Report will be filed by _____.

Dated: _____

DISSEMINATION AGENT:

By: _____
Its: _____

APPENDIX F

BOOK-ENTRY PROVISIONS

The following description of the Depository Trust Company, New York, New York (“DTC”), the procedures and record keeping with respect to beneficial ownership interests in the Certificates, payment of principal, interest and other payments with respect to the Certificates to DTC Direct and Indirect Participants or Beneficial Owners, confirmation and transfer of beneficial ownership interest in the Certificates and other related transactions by and between DTC, DTC’s Direct and Indirect Participants and the Beneficial Owners is based solely on information provided by DTC. Accordingly, no representations can be made concerning these matters and neither DTC’s Direct and Indirect Participants nor the Beneficial Owners should rely on the foregoing information with respect to such matters, but should instead confirm the same with DTC or DTC’s Direct and Indirect Participants, as the case may be.

*Neither the issuer of the Certificates (the “**Issuer**”) nor the trustee, fiscal agent or paying agent appointed with respect to the Certificates (the “**Agent**”) take any responsibility for the information contained in this Appendix.*

No assurances can be given that DTC, DTC’s Direct Participants or Indirect Participants will distribute to the Beneficial Owners (a) payments of interest, principal or premium, if any, with respect to the Certificates, (b) certificates representing ownership interest in or other confirmation or ownership interest in the Certificates, or (c) prepayment or other notices sent to DTC or Cede & Co., its nominee, as the registered owner of the Certificates, or that they will so do on a timely basis, or that DTC, DTC’s Direct Participants or Indirect Participants will act in the manner described in this Appendix. The current “Rules” applicable to DTC are on file with the Securities and Exchange Commission and the current “Procedures” of DTC to be followed in dealing with DTC’s Direct Participants and Indirect Participants are on file with DTC.

1. DTC will act as securities depository for the securities (the “**Securities**”). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC’s partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Security certificate will be issued for each issue of the Securities, each in the aggregate principal amount of such issue, and will be deposited with DTC. If, however, the aggregate principal amount of any issue exceeds \$500 million, one certificate will be issued with respect to each \$500 million of principal amount, and an additional certificate will be issued with respect to any remaining principal amount of such issue.

2. DTC, the world’s largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a “banking organization” within the meaning of the New York Banking Law, a member of the Federal Reserve System, a “clearing corporation” within the meaning of the New York Uniform Commercial Code, and a “clearing agency” registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC’s participants (“**Direct Participants**”) deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants’ accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned

subsidiary of The Depository Trust & Clearing Corporation ("**DTCC**"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("**Indirect Participants**"). DTC has a Standard & Poor's rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com. *The information contained on this Internet site is not incorporated herein by reference.*

3. Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security ("**Beneficial Owner**") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

4. To facilitate subsequent transfers, all Securities deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Securities may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Securities, such as redemptions, tenders, defaults, and proposed amendments to the Security documents. For example, Beneficial Owners of Securities may wish to ascertain that the nominee holding the Securities for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.

6. Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

7. Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Securities unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to Issuer as soon as

possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Redemption proceeds, distributions, and dividend payments on the Securities will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detailed information from Issuer or Agent, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, Agent, or Issuer, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of Issuer or Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

9. DTC may discontinue providing its services as depository with respect to the Securities at any time by giving reasonable notice to the Issuer or Agent. Under such circumstances, in the event that a successor depository is not obtained, Security certificates are required to be printed and delivered.

10. Issuer may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered to DTC.

11. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that Issuer believes to be reliable, but Issuer takes no responsibility for the accuracy thereof.

APPENDIX G
CITY OF HAYWARD
STATEMENT OF INVESTMENT POLICY

**[\$[PRINCIPAL AMOUNT]
CITY OF HAYWARD
2023 REFUNDING CERTIFICATES OF PARTICIPATION
(Lease Refinancing)**

PURCHASE AGREEMENT

[Sale Date]

City of Hayward
777 B Street, 4th Floor
Hayward, CA 94541

Hayward Public Financing Authority
777 B Street, 4th Floor
Hayward, CA 94541

BofA Securities, Inc. (the “Underwriter”) hereby offers to enter into this Purchase Agreement (the “Purchase Agreement”) with the City of Hayward (the “City”) and the Hayward Public Financing Authority (the “Authority”) for the purchase by the Underwriter of the City of Hayward 2023 Refunding Certificates of Participation (Lease Refinancing) (the “Certificates”). The Underwriter is making this offer subject to the acceptance by the City and the Authority at or before 5:00 P.M., California Time, on the date hereof. If the City and the Authority accept this Purchase Agreement, this Purchase Agreement shall be in full force and effect in accordance with its terms and shall bind the City, the Authority and the Underwriter. The Underwriter may withdraw this Purchase Agreement upon written notice delivered by the Underwriter to the City and the Authority at any time before the City and the Authority accept this Purchase Agreement. Terms used but not defined in this Purchase Agreement are defined in the Trust Agreement (as defined below).

1. PURCHASE AND SALE.

Upon the terms and conditions and in reliance upon the representations, warranties and agreements herein set forth, the Underwriter hereby agrees to purchase from the City, and the City hereby agrees to sell and deliver to the Underwriter, all (but not less than all) of the Certificates, at the purchase price of \$[_____], representing the aggregate principal amount of the Certificates less an Underwriter’s discount of \$[_____] plus original issue premium of \$[_____]. The Underwriter intends to make an initial bona fide public offering of the Certificates at the price or prices described in Schedule I hereto; provided, however, the Underwriter reserves the right to change such initial public offering prices as the Underwriter deems necessary or desirable, in its sole discretion, in connection with the marketing of the Certificates (but in all cases subject to the requirements of Section 4 hereof), and may offer and sell the Certificates to certain dealers, unit investment trusts and money market funds, certain of which may be sponsored or managed by the Underwriter at prices

lower than the public offering prices or yields greater than the yields set forth therein (but in all cases subject to the requirements of Section 4 hereof).

The City and the Authority acknowledge and agree that: (i) the Underwriter is not acting as a municipal advisor within the meaning of Section 15B of the Securities Exchange Act, as amended, (ii) the primary role of the Underwriter, as an underwriter, is to purchase securities, for resale to investors, in an arm's length commercial transaction between the City, the Authority and the Underwriter and the Underwriter has financial and other interests that differ from those of the City and the Authority; (iii) the Underwriter is acting solely as a principal and is not acting as a municipal advisor, financial advisor or fiduciary to the City and the Authority and has not assumed any advisory or fiduciary responsibility to the City and the Authority with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto (irrespective of whether the Underwriter has provided other services or is currently providing other services to the City and the Authority on other matters); (iv) the only obligations the Underwriter has to the City and the Authority with respect to the transaction contemplated hereby expressly are set forth in this Purchase Agreement; and (v) the City and the Authority have consulted their own financial and/or municipal, legal, accounting, tax and other advisors, as applicable, to the extent they have deemed appropriate.

2. DESCRIPTION AND PURPOSE OF THE CERTIFICATES.

The execution and delivery of the Trust Agreement, dated [September 1, 2023], by and among the City, the Authority, and The Bank of New York Mellon Trust Company, N.A. (the "Trustee"), and the Certificates and certain actions relating thereto have been authorized by a resolution of the City Council of the City of Hayward (the "City Council") adopted on June 20, 2023 and a resolution of the City Council adopted on September 5, 2023 (collectively, the "City Resolutions"), and a resolution of the Board of Directors of the Hayward Public Financing Authority (the "Board of Directors") adopted on June 20, 2023 and a resolution of the Board of Directors adopted on September 5, 2023 (collectively, the "Authority Resolutions" and, together with the City Resolutions, the "Resolutions"). The Certificates shall be as described in, and shall be secured under and pursuant to the Trust Agreement. The Certificates shall mature in the years, bear interest, be purchased at the prices and be subject to redemption at the times and in the amounts, all as set forth in Schedule I attached hereto.

In connection with the execution and delivery of the Certificates, the City will lease the Leased Property (as defined in the Official Statement) to the Authority pursuant to the Site Lease, dated as of [September 1, 2023] (the "Site Lease"). The Authority will lease the Leased Property back to the City pursuant to the Lease Agreement, dated as of [September 1, 2023] (the "Lease Agreement"). The Certificates each represent a direct, undivided fractional interest in Lease Payments (as defined in the Trust Agreement) to be made by the City to the Authority pursuant to the Lease Agreement. Pursuant to an Assignment Agreement, dated as of [September 1, 2023], between the Authority and the Trustee (the "Assignment Agreement"), the Authority will assign without recourse to the Trustee, for the benefit of the Owners of the Certificates, all of its rights under the Site Lease and all of its

rights under the Lease Agreement, including its right to receive Lease Payments due thereunder.

The Trust Agreement, the Site Lease, the Lease Agreement, the Assignment Agreement, this Purchase Contract, the Continuing Disclosure Certificate, dated [Closing Date] (the “Disclosure Certificate”), and the Escrow Deposit and Trust Agreement, dated as of [Dated Date] (the “Escrow Agreement”), between the City and The Bank of New York Mellon Trust Company, N.A., as escrow agent (the “Escrow Agent”), are referred to collectively herein as the “Legal Documents.”

The proceeds of the sale of the Certificates will be used to (i) prepay the City’s remaining lease payment obligations under that certain Lease Agreement, dated as of August 1, 2014, by and between the City and the Public Property Financing Corporation, (ii) prepay the City’s remaining lease payment obligations under that certain Lease Agreement, dated as of August 1, 2015, by and between the City and the Authority, causing the prepayment of the outstanding City of Hayward 2015 Certificates of Participation (Capital Projects) (the “2015 Certificates”) and (iii) pay certain costs of executing and delivering the Certificates.

3. DELIVERY OF THE OFFICIAL STATEMENT AND OTHER DOCUMENTS.

(a) The City and the Authority have approved and delivered or caused to be delivered to the Underwriter copies of the Preliminary Official Statement dated [POS Date], which, including the cover page and all appendices thereto, is herein referred to as the “Preliminary Official Statement.” It is acknowledged by the City and the Authority that the Underwriter may deliver the Preliminary Official Statement and a final Official Statement (as hereinafter defined) electronically over the internet and in printed paper form. The City and the Authority deem the Preliminary Official Statement final as of its date and as of the date hereof for purposes of Rule 15c2-12 promulgated under the Securities Exchange Act of 1934, as amended (“Rule 15c2-12”), except for any information which is permitted to be omitted therefrom in accordance with paragraph (b)(1) of Rule 15c2-12.

(b) Within seven (7) business days from the date hereof, and in any event not later than two (2) business days before the Closing Date, the City and the Authority shall deliver to the Underwriter a final Official Statement relating to the Certificates dated the date hereof (such Official Statement, including the cover page, and all appendices attached thereto, together with all information previously permitted to have been omitted by Rule 15c2-12 and any amendments or supplements and statements incorporated by reference therein or attached thereto, as have been approved by the City, the Authority, Special Counsel, and the Underwriter, is referred to herein as the “Official Statement”) in the “designated electronic format” (as defined in Rule G-32 of the Municipal Securities Rulemaking Board (the “MSRB”)), to enable the Underwriter to comply with the rules of the Securities and Exchange Commission (the “SEC”) and the MSRB. The Underwriter agrees to file a copy of the Official Statement, including any amendments or supplements thereto prepared by the City and the Authority, with the MSRB on its Electronic Municipal Markets Access (“EMMA”) system. The Official Statement shall be executed by and on behalf of the City by an authorized officer of the City. The Official Statement shall be in substantially the same form as the Preliminary

Official Statement and, other than information previously permitted to have been omitted by Rule 15c2-12, the City and the Authority shall only make such other additions, deletions and revisions in the Official Statement which are approved by the Underwriter, such approval to not be unreasonably withheld. The City and the Authority hereby agree to deliver to the Underwriter an electronic copy of the Official Statement in a form that permits the Underwriter to satisfy its obligations under the rules and regulations of the MSRB and the SEC including in a word-searchable pdf format including any amendments thereto. The City and the Authority hereby ratify, confirm and consent to and approve the use and distribution by the Underwriter before the date hereof of the Preliminary Official Statement and hereby authorize and consent to the use by the Underwriter of the Official Statement and the Resolutions in connection with the public offering and sale of the Certificates.

(c) In order to assist the Underwriter in complying with Rule 15c2-12, the City will undertake, pursuant to the Disclosure Certificate, to provide annual financial information and notices of the occurrence of specified events. A description of the Disclosure Certificate is set forth in, and a form of such agreement is attached as an appendix to, the Preliminary Official Statement and the Official Statement.

4. ESTABLISHMENT OF ISSUE PRICE.

(a) The Underwriter agrees to assist the City in establishing the issue price of the Certificates and shall execute and deliver to the City at Closing an “issue price” or similar certificate, substantially in the form attached hereto as Exhibit A, together with the supporting pricing wires or equivalent communications, with such modifications as may be deemed appropriate or necessary, in the reasonable judgment of the Underwriter, the City and Special Counsel, to accurately reflect, as applicable, the sales price or prices or the initial offering price or prices to the public of the Certificates. All actions to be taken by the City under this section to establish the issue price of the Certificates may be taken on behalf of the City by the City’s municipal advisor identified herein and any notice or report to be provided to the City may be provided to the City’s municipal advisor.

(b) Except as otherwise set forth in Schedule A to Exhibit A attached hereto, the City represents that it will treat the first price at which 10% of each maturity of the Certificates (the “10% Test”) is sold to the public as the issue price of that maturity (if different interest rates apply within a maturity, each separate CUSIP number within that maturity will be subject to the 10% Test). If, as of the date hereof, the 10% Test has not been satisfied as to any maturity of the Certificates for which the City has elected to utilize the 10% Test, the Underwriter agrees to promptly report to the City the prices at which Certificates of that maturity or maturities have been sold by the Underwriter to the public. That reporting obligation shall continue until the earlier of the date upon which the 10% Test has been satisfied as to the Certificates of that maturity or maturities or the expiration of the period set forth in Section 4(c).

(c) The Underwriter confirms that it has offered the Certificates to the public on or before the date of this Purchase Agreement at the offering price or prices (the “initial offering price”), or at the corresponding yield or yields, set forth in Schedule A to Exhibit A attached hereto, except as otherwise set forth therein. Schedule A to Exhibit A also sets forth, as of the date of this Purchase Agreement, the maturities, if any, of the Certificates for which

the 10% Test has not been satisfied and for which the City and the Underwriter agree that the restrictions set forth in the next sentence shall apply (the “hold-the-offering-price rule”). So long as the hold-the-offering-price rule remains applicable to any maturity of the Certificates, the Underwriter will neither offer nor sell unsold Certificates of that maturity to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

- (i) the close of the fifth (5th) business day after the sale date; or

- (ii) the date on which the Underwriter has sold at least 10% of that maturity of the Certificates to the public at a price that is no higher than the initial offering price to the public.

(d) The Underwriter confirms that:

- (i) any selling group agreement and each third-party distribution agreement (to which the Underwriter is a party) relating to the initial sale of the Certificates to the public, together with the related pricing wires, contains or will contain language obligating each dealer who is a member of the selling group and each broker-dealer that is a party to such third-party distribution agreement, as applicable:

- (A)(i) to report the prices at which it sells to the public the unsold Certificates of each maturity allocated to it until either all Certificates of that maturity allocated to it have been sold or it is notified by the Underwriter that the 10% Test has been satisfied as to the Certificates of that maturity and (ii) to comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the Underwriter and as set forth in the related pricing wires, and

- (B) to promptly notify the Underwriter of any sales of Certificates that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Certificates to the public (each such term being used as defined below),

- (C) to acknowledge that, unless otherwise advised by the dealer or broker-dealer, the Underwriter shall assume that each order submitted by the dealer or broker-dealer is a sale to the public.

- (ii) any selling group agreement relating to the initial sale of the Certificates to the public, together with the related pricing wires, contains or will contain language obligating each dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Certificates to the public to require each broker-dealer that is a party to such third-party distribution agreement to (A) report the prices at which it sells to the public the unsold Certificates of each maturity allocated to it until either all Certificates of that maturity allocated

to it have been sold or it is notified by the Underwriter or such dealer that the 10% Test has been satisfied as to the Certificates of that maturity and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the Underwriter or the dealer and as set forth in the related pricing wires.

The City acknowledges that, in making the representations set forth in this section, the Underwriter will rely on (i) in the event a selling group has been created in connection with the initial sale of the Certificates to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the Certificates, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Certificates, as set forth in a selling group agreement and the related pricing wires, and (ii) in the event that a dealer who is a member of the selling group is a party to a third-party distribution agreement that was employed in connection with the initial sale of the Certificates to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the requirements for establishing issue price of the Certificates, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable, as set forth in the third-party distribution agreement and the related pricing wires. The City further acknowledges that the Underwriter shall not be liable for the failure of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement, to comply with its corresponding agreement to comply with the requirements for establishing the issue price of the Certificates, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Certificates.

(e) The Underwriter acknowledges that sales of any Certificates to any person that is a related party to an underwriter participating in the initial sale of the Certificates to the public (each such term being used as defined below) shall not constitute sales to the public for purposes of this section. Further, for purposes of this section:

(i) “public” means any person other than an underwriter or a related party to an underwriter,

(ii) “underwriter” means (A) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Certificates to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Certificates to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Certificates to the public),

(iii) a purchaser of any of the Certificates is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one

corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and

(iv) “sale date” means the date of execution of this Purchase Agreement by all parties.

5. REPRESENTATIONS OF THE CITY AND THE AUTHORITY.

(a) The City represents to and agrees with the Underwriter that:

(i) The City is duly organized and validly existing, with full legal right, power and authority to execute and deliver and sell the Certificates to the Underwriter pursuant to the Trust Agreement and the City Resolutions, and adopt, execute, deliver and perform its obligations, as the case may be, under the City Resolutions and the Legal Documents to which it is a party, and to perform and consummate all obligations and transactions required or contemplated by each of the Legal Documents to which it is a party and the Official Statement.

(ii) The City Resolutions approving and authorizing the execution of the Legal Documents to which the City is a party, and the offering, execution and delivery, and sale of the Certificates upon the terms set forth herein and in the Official Statement, were duly adopted at meetings of the City Council called and held pursuant to law and with all public notice required by law and at which a quorum was present and acting throughout, and are in full force and effect and have not been amended or repealed.

(iii) The City Resolutions and the Certificates conform to the descriptions thereof contained in the Preliminary Official Statement and the Official Statement and the Certificates, when duly executed and delivered and authenticated in accordance with the Trust Agreement and the City Resolutions and delivered to the Underwriter as provided herein, will be validly issued and outstanding obligations of the City.

(iv) The City has executed, adopted and delivered, or will execute, adopt and deliver, as the case may be, on or before the Closing Date, each of the Legal Documents to which it is a party. Each of the Legal Documents to which the City is a party constitutes, or will, as of the Closing Date, constitute, a legal, valid and binding obligation of the City enforceable in accordance with its terms, subject to any applicable bankruptcy, insolvency or other laws affecting creditors’ rights or remedies heretofore or hereafter enacted. Each of the Legal Documents to which the City is a party has been executed, adopted and delivered, or will be executed, adopted and delivered, as the case may be, on or before the Closing Date, by each respective

signatory and is currently in full force and effect or, as of the Closing Date, will be in full force and effect.

(v) The City is not in breach of or default under any constitutional provision, law or administrative regulation of the State of California (the “State”) or of the United States or any agency or instrumentality of either, or of any other governmental agency, or any Material Judgment or Agreement (as defined below) which would have a material adverse impact on its ability to fulfill its obligations under the Certificates, the City Resolutions, or the Legal Documents to which it is a party, and no event has occurred and is continuing which with the passage of time or the giving of notice, or both, would constitute a default or event of default under any Material Judgment or Agreement which would have a material adverse impact on its ability to fulfill its obligations under the Certificates, the City Resolutions, or the Legal Documents to which it is a party; and the adoption of the City Resolutions, the execution and delivery and sale of the Certificates and the execution and delivery of the other Legal Documents to which the City is a party and compliance with and performance of the City’s obligations therein and herein will not in any material respect conflict with, violate or result in a breach of or constitute a default under, any such constitutional provision, law, administrative regulation or any Material Judgment or Agreement, nor will any such execution, delivery, adoption or compliance result in the creation or imposition of any lien, charge or other security interest or encumbrance of any nature whatsoever upon the Leased Property or the Lease Payments (except as described in or contemplated by the Legal Documents and the Official Statement) or under the terms of any such law, administrative regulation or Material Judgment or Agreement. As used herein, the term “Material Judgment or Agreement” means any judgment or decree or any loan agreement, indenture, bond, note, ordinance or resolution or any material agreement relating to the Leased Property or the Lease Payments (including, without limitation, the City Resolutions and the other Legal Documents).

(vi) All approvals, consents and orders of any governmental authority, board, agency, council, commission or other body having jurisdiction which would constitute a condition precedent to the performance by the City of its obligations hereunder and under the Legal Documents to which it is a party have been obtained; provided, that the City makes no representations as to any approvals, consents or other actions which may be necessary to qualify the Certificates for offer and sale under Blue Sky or other state securities laws or regulations.

(vii) Any certificates executed by any officer of the City and delivered to the Underwriter pursuant hereto or in connection herewith shall be deemed a representation and warranty of the City as to the accuracy of the statements therein made.

(viii) Between the date hereof and the time of the closing on the Closing Date, the City shall not, without the prior written consent of the Underwriter, offer or issue in any material amount any bonds, notes or other obligations for borrowed money,

or incur any material liabilities, direct or contingent, except in the course of normal business operations of the City or except for such borrowings as may be described in or contemplated by the Official Statement.

(ix) The audited financial statements of the City as of June 30, 2022 fairly represent the receipts, expenditures, assets, liabilities and cash balances of the City and, insofar as presented, other funds of the City as of the dates and for the periods therein set forth. Except as disclosed in the Official Statement or otherwise disclosed in writing to the Underwriter, there has not been any materially adverse change in the financial condition of the City or in its operations since June 30, 2022 and there has been no occurrence, circumstance or combination thereof which is reasonably expected to result in any such materially adverse change.

(x) Except for information which is permitted to be omitted pursuant to Rule 15c2-12(b)(1), the Preliminary Official Statement (excluding therefrom information relating to The Depository Trust Company ("DTC") and its book-entry system), as of its date and as of the date hereof was and is true and correct in all material respects and did not and does not contain any untrue or misleading statement of a material fact or omit to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

(xi) The Official Statement is, as of its date and at all times after the date of the Official Statement (excluding therefrom information relating to DTC and its book-entry system) up to and including the Closing Date will be, true and correct in all material respects and does not and will not contain any untrue or misleading statement of a material fact or omit to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

(xii) If the Official Statement is supplemented or amended, at the time of each supplement or amendment thereto and (unless subsequently again supplemented or amended) at all times subsequent thereto up to and including that date that is 25 days from the "end of the underwriting period" (as defined in Rule 15c2-12), the Official Statement as so supplemented or amended will be true and correct in all material respects and will not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

(xiii) If between the date hereof and the end of the underwriting period, any event shall occur which might or would cause the Official Statement, as then supplemented or amended, to contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading, the City shall notify the Underwriter thereof, and if, in the reasonable opinion of the Underwriter, such event requires the preparation and publication of a supplement or amendment to the

Official Statement, the City shall promptly (and in any event before the Closing) prepare and furnish (at the expense of the City) a reasonable number of copies of an amendment of or supplement to the Official Statement in form and substance reasonably satisfactory to the Underwriter.

(xiv) Except as described in the Preliminary Official Statement and Official Statement, no litigation, proceeding or official investigation of any governmental or judicial body is pending against the City or against any other party of which the City has notice or, to the knowledge of the City, threatened against the City: (i) seeking to restrain or enjoin the execution and delivery or sale of any of the Certificates, or the payment of the Lease Payments as required under the Lease Agreement, (ii) in any way contesting or affecting any authority for the execution and delivery of the Certificates or the validity or binding effect of any of the Legal Documents, (iii) which is in any way contesting the creation, existence, powers or jurisdiction of the City or the validity or effect of the City Resolutions or any provision thereof or the application of the proceeds of the Certificates, (iv) contesting in any way the completeness or accuracy of the Preliminary Official Statement or the Official Statement or any supplement or amendment thereto or (v) which, if adversely determined, could materially adversely affect the financial position or operating condition of the City or the transactions contemplated by the Preliminary Official Statement and Official Statement or any of the Legal Documents. The City shall advise the Underwriter promptly of the institution of any proceedings known to it by any governmental agency prohibiting or otherwise affecting the use of the Preliminary Official Statement or the Official Statement in connection with the offering, sale or distribution of the Certificates.

(xv) During the last five years, except as disclosed in the Preliminary Official Statement, the City has not failed to materially comply with any previous undertaking relating to continuing disclosure of information pursuant to Rule 15c2-12.

(xvi) The City, to the best of its knowledge, has never been and is not in default in the payment of principal of, premium, if any, or interest on, or otherwise is not nor has it been in default with respect to, any bonds, notes, or other obligations which it has issued, assumed or guaranteed as to payment of principal, premium, if any, or interest.

(xvii) The exceptions set forth in the preliminary title report with respect to the Leased Property, subject to permitted encumbrances, do not, and the exceptions set forth in the policy or policies of title insurance will not, materially impair the value of the Leased Property, the existing facilities thereon or the sites thereof, nor materially impair the City's enjoyment of the same for any purposes for which they are, or may reasonably be expected to be, used.

(b) The Authority represents to and agrees with the Underwriter that:

(i) The Authority is, and will be on the Closing Date, a joint exercise of powers authority duly organized and validly existing and operating pursuant to Chapter 5, Division 7, Title 1 of the California Government Code, with full legal right, power and authority to adopt, execute, deliver and perform its obligations, as the case may be, under the Authority Resolutions and the Legal Documents to which it is a party, and to perform and consummate all obligations and transactions required or contemplated by each of the Legal Documents to which it is a party and the Official Statement.

(ii) The Authority Resolutions approving and authorizing the execution of the Legal Documents to which the Authority is a party, and the offering, execution and delivery, and sale of the Certificates upon the terms set forth herein and in the Official Statement, were duly adopted at meetings of the Board of Directors called and held pursuant to law and with all public notice required by law and at which a quorum was present and acting throughout, and are in full force and effect and have not been amended or repealed. The Authority Resolutions conform to the descriptions thereof contained in the Preliminary Official Statement and the Official Statement.

(iii) The Authority has executed, adopted and delivered, or will execute, adopt and deliver, as the case may be, on or before the Closing Date, each of the Legal Documents to which it is a party. Each of the Legal Documents to which the Authority is a party constitutes, or will, as of the Closing Date, constitute, a legal, valid and binding obligation of the Authority enforceable in accordance with its terms, subject to any applicable bankruptcy, insolvency or other laws affecting creditors' rights or remedies heretofore or hereafter enacted. Each of the Legal Documents to which the Authority is a party has been executed, adopted and delivered, or will be executed, adopted and delivered, as the case may be, on or before the Closing Date, by each respective signatory and is currently in full force and effect or, as of the Closing Date, will be in full force and effect.

(iv) The Authority is not in breach of or default under any constitutional provision, law or administrative regulation of the State of California (the "State") or of the United States or any agency or instrumentality of either, or of any other governmental agency, or any Material Judgment or Agreement (as defined below) which would have a material adverse impact on its ability to fulfill its obligations under the Certificates, the Authority Resolutions, or the Legal Documents to which it is a party, and no event has occurred and is continuing which with the passage of time or the giving of notice, or both, would constitute a default or event of default under any Material Judgment or Agreement which would have a material adverse impact on its ability to fulfill its obligations under the Certificates, the Authority Resolutions, or the Legal Documents to which it is a party; and the adoption of the Authority Resolutions, the execution and delivery and sale of the Certificates and the execution and delivery of the other Legal Documents to which the Authority is a party and compliance with and performance of the Authority's obligations therein and herein will not in any material respect conflict with, violate or result in a breach of or constitute a default under, any such constitutional provision, law, administrative

regulation or any Material Judgment or Agreement, nor will any such execution, delivery, adoption or compliance result in the creation or imposition of any lien, charge or other security interest or encumbrance of any nature whatsoever upon the Lease Payments (except as described in or contemplated by the Legal Documents and the Official Statement) or under the terms of any such law, administrative regulation or Material Judgment or Agreement. As used herein, the term “Material Judgment or Agreement” means any judgment or decree or any loan agreement, indenture, bond, note, ordinance or resolution or any material agreement relating to the Leased Property or the Lease Payments (including, without limitation, the Authority Resolutions and the other Legal Documents).

(v) All approvals, consents and orders of any governmental authority, board, agency, council, commission or other body having jurisdiction which would constitute a condition precedent to the performance by the Authority of its obligations hereunder and under the Legal Documents to which it is a party have been obtained; provided, that the Authority makes no representations as to any approvals, consents or other actions which may be necessary to qualify the Certificates for offer and sale under Blue Sky or other state securities laws or regulations.

(vi) Any certificates executed by any officer of the Authority and delivered to the Underwriter pursuant hereto or in connection herewith shall be deemed a representation and warranty of the Authority as to the accuracy of the statements therein made.

(vii) Except for information which is permitted to be omitted pursuant to Rule 15c2-12(b)(1), the Preliminary Official Statement (excluding therefrom information relating to DTC and its book-entry system), as of its date and as of the date hereof was and is true and correct in all material respects and did not and does not contain any untrue or misleading statement of a material fact or omit to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

(viii) The Official Statement is, as of its date and at all times after the date of the Official Statement (excluding therefrom information relating to DTC and its book-entry system) up to and including the Closing Date will be, true and correct in all material respects and does not and will not contain any untrue or misleading statement of a material fact or omit to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

(ix) If the Official Statement is supplemented or amended, at the time of each supplement or amendment thereto and (unless subsequently again supplemented or amended) at all times subsequent thereto up to and including that date that is 25 days from the “end of the underwriting period” (as defined in Rule 15c2-12), the Official Statement as so supplemented or amended will be true and correct in all material respects and will not contain any untrue statement of a material

fact or omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

(x) If between the date hereof and the end of the underwriting period, any event shall occur which might or would cause the Official Statement, as then supplemented or amended, to contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading, the Authority shall notify the Underwriter thereof, and if, in the reasonable opinion of the Underwriter, such event requires the preparation and publication of a supplement or amendment to the Official Statement, the Authority shall cooperate with the City to promptly (and in any event before the Closing) prepare and furnish (at the expense of the City) a reasonable number of copies of an amendment of or supplement to the Official Statement in form and substance reasonably satisfactory to the Underwriter.

(xi) Except as described in the Preliminary Official Statement and Official Statement, no litigation, proceeding or official investigation of any governmental or judicial body is pending against the Authority or against any other party of which the Authority has notice or, to the knowledge of the Authority, threatened against the Authority: (i) seeking to restrain or enjoin the execution and delivery or sale of any of the Certificates, (ii) in any way contesting or affecting any authority for the execution and delivery of the Certificates or the validity or binding effect of any of the Legal Documents, (iii) which is in any way contesting the creation, existence, powers or jurisdiction of the Authority or the validity or effect of the Authority Resolutions or any provision thereof or the application of the proceeds of the Certificates, (iv) contesting in any way the completeness or accuracy of the Preliminary Official Statement or the Official Statement or any supplement or amendment thereto or (v) which, if adversely determined, could materially adversely affect the financial position or operating condition of the Authority or the transactions contemplated by the Preliminary Official Statement and Official Statement or any of the Legal Documents. The Authority shall advise the Underwriter promptly of the institution of any proceedings known to it by any governmental agency prohibiting or otherwise affecting the use of the Preliminary Official Statement or the Official Statement in connection with the offering, sale or distribution of the Certificates.

(xii) The Authority, to the best of its knowledge, has never been and is not in default in the payment of principal of, premium, if any, or interest on, or otherwise is not nor has it been in default with respect to, any bonds, notes, or other obligations which it has issued, assumed or guaranteed as to payment of principal, premium, if any, or interest.

All representations, warranties and agreements of the City and the Authority shall remain operative and in full force and effect, regardless of any investigations made by the Underwriter or on the Underwriter's behalf, and shall survive the delivery of the Certificates.

6. CLOSING.

At 8:00 A.M., California Time, on [Closing Date], or at such other time or date as the Underwriter and the City and the Authority may mutually agree upon as the date and time of the closing (the "Closing Date"), the City and the Authority will deliver or cause to be delivered to the Underwriter at the offices of Jones Hall, A Professional Law Corporation ("Special Counsel"), 475 Sansome Street, Suite 1700, San Francisco, California 94111, or at such other place as the Underwriter and the City and the Authority may mutually agree upon, the documents specified in Section 7. On the Closing Date, (a) upon satisfaction of the conditions herein specified, the Underwriter shall accept the delivery of the Certificates, and pay the purchase price therefor in federal funds payable as directed by the City and (b) the City shall deliver or cause to be delivered the duly executed and authenticated Certificates to the Underwriter through the facilities of DTC in definitive or temporary form, duly executed by the City and in the authorized denominations as specified by the Underwriter at the closing and the City and the Authority shall deliver the other documents hereinafter mentioned. The Certificates shall be made available to the Underwriter at least one (1) business day before the Closing Date for purposes of inspection.

7. CONDITIONS PRECEDENT.

The Underwriter has entered into this Purchase Agreement in reliance upon the representations and agreements of the City and the Authority contained herein and the performance by the City and the Authority of its obligations hereunder, both as of the date hereof and as of the Closing Date. The Underwriter's obligations under this Purchase Agreement are and shall be subject to the following further conditions:

(a) The representations of the City and the Authority contained herein shall be true, complete and correct in all material respects on the date of acceptance hereof and on and as of the Closing Date.

(b) At the time of the closing on the Closing Date, the Official Statement, the Resolutions and the Legal Documents shall be in full force and effect and shall not have been amended, modified or supplemented except as may have been agreed to in writing by the Underwriter.

(c) The City and the Authority shall perform or have performed all of their obligations required under or specified in the Resolutions, the Legal Documents and the Official Statement to be performed at or prior to the Closing Date.

(d) The City and the Authority shall have delivered to the Underwriter final Official Statements by the time, and in the numbers, required by Section 3 of this Purchase Agreement.

(e) As of the date hereof and at the time of closing on the Closing Date, all necessary official action of the City and the Authority relating to the Legal Documents and the Official Statement shall have been taken and shall be in full force and effect and shall not have been amended, modified or supplemented in any material respect absent the written agreement of the Underwriter.

(f) After the date hereof, up to and including the time of the closing on the Closing Date, there shall not have occurred any change in or affecting the City, the Authority, the Resolutions or the Legal Documents as the foregoing matters are described in the Preliminary Official Statement and the Official Statement, which in the reasonable professional judgment of the Underwriter materially and adversely affects the market price or marketability of the Certificates or the ability of the Underwriter to enforce contracts for the sale of the Certificates.

(g) At or prior to the Closing Date, the Underwriter shall receive the following documents (in each case with only such changes as the Underwriter shall approve in writing):

(i) The approving opinion of Special Counsel relating to the Certificates, dated the Closing Date, substantially in the form attached as Appendix D to the Official Statement, and, if not otherwise directly addressed to the Underwriter, a reliance letter with respect thereto addressed to the Underwriter;

(ii) A defeasance opinion of Special Counsel, dated the Closing Date and addressed to the City, to the effect that upon the deposit of cash and certain proceeds of the Certificates into the escrow fund established under the Escrow Agreement, and the investment of money and securities in accordance with the provisions of the Escrow Agreement, the 2015 Certificates will have been satisfied and discharged and are no longer outstanding. In rendering this opinion, Special Counsel may rely on a verification report as to the mathematical accuracy of the schedules with respect to the sufficiency of the escrow fund established to pay the 2015 Certificates and will not independently verify the accuracy of the information contained in the verification report relating to the 2015 Certificates;

(iii) The supplemental opinion of Special Counsel, addressed to the Underwriter, dated the Closing Date, to the effect that:

1. This Purchase Agreement has been duly executed and delivered by the City and the Authority and is a legal, valid and binding obligation of the City and the Authority enforceable in accordance with its terms, subject to laws relating to bankruptcy, insolvency, reorganization or creditors' rights generally, to the application of equitable principles, the exercise of judicial discretion and the limitations on legal remedies against public entities in the State;

2. The statements contained in the Preliminary Official Statement and the Official Statement on the cover page and in the sections entitled "INTRODUCTION," "THE CERTIFICATES," (other than the information concerning DTC and the book-entry system), "SECURITY FOR THE CERTIFICATES" and "TAX MATTERS" insofar as such statements expressly summarize certain provisions of the Legal Documents, the Resolutions, the Certificates, and the form and content of such counsel's opinion attached as

Appendix D to the Preliminary Official Statement and the Official Statement, present a fair and accurate summary of the provisions thereof; and

3. The Certificates are not subject to the registration requirements of the Securities Act of 1933, as amended (the "1933 Act") and the Trust Agreement is exempt from qualification pursuant to the Trust Indenture Act of 1939, as amended (the "Trust Indenture Act");

(iv) A letter, dated the Closing Date and addressed to the Underwriter, from Jones Hall, A Professional Law Corporation, as disclosure counsel to the City, to the effect that based upon the information made available to them in the course of their participation in the preparation of the Preliminary Official Statement and the Official Statement and without passing on and without assuming any responsibility for the accuracy, completeness and fairness of the statements in the Preliminary Official Statement and the Official Statement, and having made no independent investigation or verification thereof, nothing has come to their attention which would lead them to believe that the Preliminary Official Statement, as of its date, did not and does not, and the Official Statement as of its date and all times subsequent thereto during the period up to and including the Closing Date, did not and does not, contain an untrue statement of a material fact or omits to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading in any material respect;

(v) The opinion of [the City Attorney], as counsel to the City, dated the date of the Closing and addressed to the Underwriter, to the effect that:

1. The City has been duly organized and is validly existing under the Constitution and laws of the State, and has all requisite power and authority thereunder: (a) to adopt the City Resolutions, and to enter into, execute, adopt, deliver and perform its covenants and agreements under the Legal Documents to which it is a party; (b) to approve and authorize the use, execution and distribution of the Preliminary Official Statement and the Official Statement; and (c) to carry on its activities as currently conducted;

2. The City has taken all actions required to be taken by it before the Closing Date material to the transactions contemplated by the documents mentioned in paragraph (a) above, and the City has duly authorized the execution, adoption and delivery of, as the case may be, and the due performance of its obligations under, the Legal Documents to which it is a party;

3. The City Resolutions were duly adopted by the City Council at meetings of the City Council which were called and held pursuant to law and with all required notices and in accordance with all applicable open meetings laws and at which a quorum was present and acting at the time of the adoption of each of the City Resolutions;

4. The adoption of the City Resolutions, the execution and delivery by the City of the Legal Documents to which it is a party and the compliance with the provisions of such Legal Documents, do not and will not conflict with or violate any California constitutional, statutory or regulatory provision, or, to the best of such counsel's knowledge after due inquiry, conflict with or constitute on the part of the City a breach of or default under any agreement or instrument to which the City is a party or by which it is bound which would have a material adverse impact on its ability to fulfill its obligations under the Certificates, the City Resolutions, or the Legal Documents;

5. The Legal Documents to which the City is a party constitute legal, valid and binding obligations of the City and are enforceable according to the terms thereof, except as enforcement thereof may be limited by bankruptcy, insolvency or other laws affecting enforcement of creditors' rights generally, and by the application of equitable principles if equitable remedies are sought, by the exercise of judicial discretion and the limitations on legal remedies against public entities in the State;

6. No litigation is pending or, to the best of such counsel's knowledge after due inquiry, threatened against the City in any court in any way affecting the titles of the officials of the City to their respective positions, or seeking to restrain or to enjoin the execution and delivery or sale of the Certificates, the payment of the Lease Payments under the Lease Agreement, or the payment of the principal of and interest on the Certificates, or in any way contesting or affecting the validity or enforceability of the City Resolutions or the Legal Documents to which the City is a party, or contesting in any way the completeness or accuracy of the Official Statement, or contesting the powers of the City or its authority with respect to the City Resolutions or the Legal Documents to which the City is a party;

7. The information contained in the Preliminary Official Statement, as of its date and as of the date hereof and the Official Statement as of its date and as of the Closing Date under the caption "LITIGATION" did not and does not contain any untrue statement of a material fact and did not and does not omit to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading;

8. To the best of such counsel's knowledge after due inquiry, no authorization, approval, consent or other order of the State or any local agency of the State, other than such authorizations, approvals and consents which have been obtained, is required for the valid authorization, execution and delivery by the City of the Legal Documents to which it is a party and the authorization and distribution of the Preliminary Official Statement and the Official Statement (provided that no opinion need be expressed as to any

action required under state securities or Blue Sky laws in connection with the purchase of the Certificates by the Underwriter); and

9. To the best of such counsel's knowledge after due inquiry, the City is not in breach of or default under any applicable law or administrative regulation of the State or any applicable judgment or decree or any loan agreement, indenture, bond, note, resolution, agreement or other instrument to which the City is a party or to which the City or the Leased Property is otherwise subject, which breach or default would materially adversely affect the City's ability to adopt or enter into or perform its obligations under the Legal Documents to which it is a party, and no event has occurred and is continuing which, with the passage of time or the giving of notice, or both, would constitute a default or an event of default under any such instrument and which would materially adversely affect the City's ability to adopt, enter into or perform its obligations under the Legal Documents to which it is a party;

(vi) The opinion of [the City Attorney], as counsel to the Authority, dated the date of the Closing and addressed to the Underwriter, to the effect that:

1. The Authority is a joint exercise of powers authority duly organized and validly existing and operating pursuant to Chapter 5, Division 7, Title 1 of the California Government Code, and has all requisite power and authority thereunder: (a) to adopt the Authority Resolutions, and to enter into, execute, adopt, deliver and perform its covenants and agreements under the Legal Documents to which it is a party; (b) to approve and authorize the use, execution and distribution of the Preliminary Official Statement and the Official Statement; and (c) to carry on its activities as currently conducted;

2. The Authority has taken all actions required to be taken by it before the Closing Date material to the transactions contemplated by the documents mentioned in paragraph (a) above, and the Authority has duly authorized the execution, adoption and delivery of, as the case may be, and the due performance of its obligations under, the Legal Documents to which it is a party;

3. The Authority Resolutions were duly adopted by the Board of Directors at meetings of the Board of Directors which were called and held pursuant to law and with all required notices and in accordance with all applicable open meetings laws and at which a quorum was present and acting at the time of the adoption of each of the Authority Resolutions;

4. The adoption of the Authority Resolutions, the execution and delivery by the Authority of the Legal Documents to which it is a party and the compliance with the provisions of such Legal Documents, do not and will not conflict with or violate any California constitutional, statutory or regulatory

provision, or, to the best of such counsel's knowledge after due inquiry, conflict with or constitute on the part of the Authority a breach of or default under any agreement or instrument to which the Authority is a party or by which it is bound which would have a material adverse impact on its ability to fulfill its obligations under the Authority Resolutions or the Legal Documents;

5. The Legal Documents to which the Authority is a party constitute legal, valid and binding obligations of the Authority and are enforceable according to the terms thereof, except as enforcement thereof may be limited by bankruptcy, insolvency or other laws affecting enforcement of creditors' rights generally, and by the application of equitable principles if equitable remedies are sought, by the exercise of judicial discretion and the limitations on legal remedies against public entities in the State;

6. No litigation is pending or, to the best of such counsel's knowledge after due inquiry, threatened against the Authority in any court in any way affecting the titles of the officials of the Authority to their respective positions, or seeking to restrain or to enjoin the execution and delivery or sale of the Certificates, the payment of the Lease Payments under the Lease Agreement, or the payment of the principal of and interest on the Certificates, or in any way contesting or affecting the validity or enforceability of the Authority Resolutions or the Legal Documents to which the Authority is a party, or contesting in any way the completeness or accuracy of the Official Statement, or contesting the powers of the Authority or its authority with respect to the Authority Resolutions or the Legal Documents to which the Authority is a party;

7. The information contained in the Preliminary Official Statement, as of its date and as of the date hereof and the Official Statement as of its date and as of the Closing Date under the caption "LITIGATION" did not and does not contain any untrue statement of a material fact and did not and does not omit to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading;

8. To the best of such counsel's knowledge after due inquiry, no authorization, approval, consent or other order of the State or any local agency of the State, other than such authorizations, approvals and consents which have been obtained, is required for the valid authorization, execution and delivery by the Authority of the Legal Documents to which it is a party and the authorization and distribution of the Preliminary Official Statement and the Official Statement (provided that no opinion need be expressed as to any action required under state securities or Blue Sky laws in connection with the purchase of the Certificates by the Underwriter); and

9. To the best of such counsel's knowledge after due inquiry, the Authority is not in breach of or default under any applicable law or administrative regulation of the State or any applicable judgment or decree or any loan agreement, indenture, bond, note, resolution, agreement or other instrument to which the Authority is a party or to which the Authority or the Leased Property is otherwise subject, which breach or default would materially adversely affect the Authority's ability to adopt or enter into or perform its obligations under the Legal Documents to which it is a party, and no event has occurred and is continuing which, with the passage of time or the giving of notice, or both, would constitute a default or an event of default under any such instrument and which would materially adversely affect the Authority's ability to adopt, enter into or perform its obligations under the Legal Documents to which it is a party;

(vii) The opinion of Hawkins Delafield & Wood LLP, counsel to the Underwriter, dated the Closing Date and addressed to the Underwriter, and covering such matters as the Underwriter may reasonably request;

(viii) The opinion of counsel to the Trustee, dated the Closing Date and addressed to the City, the Authority and the Underwriter, in form and substance reasonably satisfactory to the City, the Authority, the Underwriter, Special Counsel and counsel for the Underwriter;

(ix) A certificate, dated the Closing Date, signed by an authorized officer of the City to the effect that: (a) the representations and agreements of the City contained herein are true and correct in all material respects as of the Closing Date; (b) the Legal Documents to which the City is a party have been duly authorized, adopted and executed, as the case may be, and are in full force and effect; (c) except as described in the Preliminary Official Statement as of its date and the Official Statement as of its date, no litigation is pending or, to his or her knowledge, threatened (i) seeking to restrain or enjoin the execution and delivery of the Certificates, (ii) in any way contesting or affecting any authority for the execution and delivery of the Certificates or the validity of the Certificates, the City Resolutions or any Legal Documents to which the City is a party, (iii) in any way contesting the creation, existence or powers of the City or the validity or effect of the City Resolutions and the Legal Documents or any provision thereof or the application of the proceeds of the Certificates, or (iv) which, if adversely determined, could materially adversely affect the City's ability to make the Lease Payments under the Lease Agreement or the transactions contemplated by the Preliminary Official Statement as of its date and the Official Statement as of its date and as of the Closing Date or any Legal Document; (d) the Official Statement is true and correct in all material respects and does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading, except that no review has been made of information in the Official Statement related to DTC and its book-entry system; and (e) the City has obtained insurance, or otherwise provided for self-

insurance, as required by the Lease Agreement and all required policies are in full force and effect and have not been revoked or rescinded;

(x) A certificate, dated the Closing Date, signed by an authorized officer of the Authority to the effect that: (a) the representations and agreements of the Authority contained herein are true and correct in all material respects as of the Closing Date; (b) the Legal Documents to which the Authority is a party have been duly authorized, adopted and executed, as the case may be, and are in full force and effect; (c) except as described in the Preliminary Official Statement as of its date and the Official Statement as of its date, no litigation is pending or, to his or her knowledge, threatened (i) seeking to restrain or enjoin the execution and delivery of the Certificates, (ii) in any way contesting or affecting the validity of the Authority Resolutions or any Legal Documents to which the Authority is a party, (iii) in any way contesting the creation, existence or powers of the Authority or the validity or effect of the Authority Resolutions and the Legal Documents or any provision thereof or the application of the proceeds of the Certificates, or (iv) which, if adversely determined, could materially adversely affect the transactions contemplated by the Preliminary Official Statement as of its date and the Official Statement as of its date and as of the Closing Date or any Legal Document; and (d) the Official Statement is true and correct in all material respects and does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading, except that no review has been made of information in the Official Statement related to DTC and its book-entry system;

(xi) Executed or certified copies of the Resolutions;

(xii) Executed or certified copies of each of the Legal Documents;

(xiii) A Certificate as to Arbitrage and a Certificate Regarding Use of Proceeds of the City, in form satisfactory to Special Counsel, executed by such officials of the City as shall be reasonably satisfactory to the Underwriter;

(xiv) Evidence that the Certificates have been assigned the rating from Moody's Investor Service as set forth in the Official Statement;

(xv) A certificate or certificates of an authorized officer of the Trustee, in form and substance reasonably satisfactory to the City, the Authority, the Underwriter, Special Counsel and counsel for the Underwriter.

(xvi) Evidence that a Form 8038-G relating to the Certificates has been executed by the City and will be filed with the Internal Revenue Service (the "IRS") within the applicable time limit;

(xvii) A copy of the Blue Sky Survey with respect to the Certificates;

(xviii) A copy of the City's executed Blanket Letter of Representation to DTC;

(xix) [A report, dated the Closing Date, from [Verification Agent] (the "Verification Agent"), independent certified public accountants;]

(xx) Evidence that the City has obtained insurance, or otherwise provided for self-insurance, as required by the Lease Agreement and all required policies are in full force and effect and have not been revoked or rescinded; and

(xxi) Such additional legal opinions, certificates, proceedings, instruments and other documents as the Underwriter, counsel for the Underwriter or Special Counsel may reasonably request to evidence compliance by the City and the Authority with legal requirements, the truth and accuracy, as of the Closing Date, of the representations of the City and the Authority herein contained and the due performance or satisfaction by the City and the Authority at or prior to such time of all agreements then to be performed and all conditions then to be satisfied by the City and the Authority and all conditions precedent to the execution and delivery of the Certificates pursuant to the Trust Agreement and Resolutions shall have been fulfilled.

8. TERMINATION.

If the City and the Authority shall be unable to satisfy the conditions of the Underwriter's obligations contained in this Purchase Agreement or if the Underwriter's obligations shall be terminated for any reason permitted by this Purchase Agreement, this Purchase Agreement may be cancelled by the Underwriter at, or at any time before the Closing Date. Notice of such cancellation shall be given by the Underwriter to the City and the Authority in writing, or by telephone confirmed in writing. The performance by the City and the Authority of any and all conditions contained in this Purchase Agreement for the benefit of the Underwriter may be waived by the Underwriter.

(a) The Underwriter shall also have the right, before the Closing Date, to cancel its obligations to purchase the Certificates, by written notice to the City and the Authority, if between the date hereof and the Closing Date:

(i) Any event or circumstance occurs or information becomes known, which, in the professional judgment of the Underwriter, makes untrue any statement of a material fact set forth in the Preliminary Official Statement as amended or supplemented in accordance with the terms hereof or the Official Statement or results in an omission to state a material fact necessary to make the statements made therein, in the light of the circumstances under which they were made, not misleading; or

(ii) The market for the Certificates or the market prices of the Certificates or the ability of the Underwriter to enforce contracts for the sale of the Certificates shall have been materially and adversely affected, in the professional judgment of the Underwriter, by:

(1) An amendment to the Constitution of the United States or the State shall have been passed or legislation shall have been introduced in or enacted by the Congress of the United States or the legislature of the State or legislation pending in the Congress of the United States shall have been amended or legislation (whether or not then introduced) shall have been recommended to the Congress of the United States or otherwise endorsed for passage (by press release, other form of notice or otherwise) by the President of the United States, the Treasury Department of the United States, the Internal Revenue Service or the Chairman or ranking minority member of the Committee on Finance of the United States Senate or the Committee on Ways and Means of the United States House of Representatives, or legislation shall have been proposed (whether or not then introduced) for consideration by either such Committee by any member thereof or presented as an option for consideration (whether or not then introduced) by either such Committee by the staff of such Committee or by the staff of the joint Committee on Taxation of the Congress of the United States, or legislation shall have been favorably reported for passage to either House of the Congress of the United States by a Committee of such House to which such legislation has been referred for consideration, or a decision shall have been rendered by a court of the United States or of the State or the Tax Court of the United States, or a ruling shall have been made or a regulation or temporary regulation shall have been proposed or made or any other release or announcement shall have been made by the Treasury Department of the United States, the Internal Revenue Service or other federal or State authority, with respect to federal or State taxation upon revenues or other income of the general character to be derived by the City or upon interest received on obligations of the general character of the Certificates which, in the judgment of the Underwriter, may have the purpose or effect, directly or, indirectly, of affecting the tax status of the City, its property or income, its securities (including the Certificates) or the interest thereon, or any tax exemption granted or authorized by State legislation; or

(2) The declaration of war or engagement in or escalation of military hostilities by the United States or the occurrence of any other national emergency or calamity or terrorism affecting the operation of the government of, or the financial community in, the United States; or

(3) The declaration of a general banking moratorium by federal, New York or California authorities; or

(4) The occurrence of a major financial crisis, a material disruption in commercial banking or securities settlement or clearance services, or a material disruption in the fixed income or municipal securities market; or

(5) Additional material restrictions not in force or being enforced as of the date hereof shall have been imposed upon trading in securities

generally by any governmental authority or by any national securities exchange; or

(6) The general suspension of trading on any national securities exchange; or

(iii) Legislation enacted, introduced in the Congress or recommended for passage (whether or not then introduced) by the President of the United States, or a decision rendered by a court established under Article III of the Constitution of the United States or by the Tax Court of the United States, or an order, ruling, regulation (final, temporary or proposed) or official statement issued or made by or on behalf of the Securities and Exchange Commission, or any other governmental agency having jurisdiction of the subject matter shall have been made or issued to the effect that the Certificates, other securities of the City or obligations of the general character of the Certificates are not exempt from registration under the 1933 Act, or that the Trust Agreement is not exempt from qualification under the Trust Indenture Act; or

(iv) Any change in or particularly affecting the City, the Authority the Resolutions or the Legal Documents as the foregoing matters are described in the Preliminary Official Statement or the Official Statement, which in the professional judgment of the Underwriter materially impairs the investment quality of the Certificates; or

(v) An order, decree or injunction of any court of competent jurisdiction, issued or made to the effect that the execution and delivery, offering or sale of obligations of the general character of the Certificates, or the execution and delivery, offering or sale of the Certificates, including any or all underlying obligations, as contemplated hereby or by the Preliminary Official Statement or the Official Statement, is or would be in violation of any applicable law, rule or regulation, including (without limitation) any provision of applicable federal securities laws as amended and then in effect; or

(vi) A stop order, ruling, regulation or official statement by the SEC or any other governmental agency having jurisdiction of the subject matter shall have been issued or made or any other event occurs, the effect of which is that the execution and delivery, offering or sale of the Certificates, or the adoption, execution and delivery of any Legal Documents, as contemplated hereby or by the Preliminary Official Statement or the Official Statement, is or would be in violation of any applicable law, rule or regulation, including (without limitation) any provision of applicable federal securities laws, including the 1933 Act, the Securities Exchange Act of 1934 or the Trust Indenture Act, each as amended and as then in effect; or

(vii) Any litigation shall be instituted or be pending on the Closing Date to restrain or enjoin the execution and delivery or sale of the Certificates, or in any way contesting or affecting any authority for or the validity of the proceedings authorizing and approving the Resolutions, the Legal Documents or the existence or powers of the City and the Authority with respect to their obligations under the Legal Documents; or

(vii) A reduction or withdrawal in the assigned rating to the Certificates as described above, or, as of the Closing Date, the failure by Moody's Investor Service to assign the rating described above to the Certificates.

9. AMENDMENTS TO OFFICIAL STATEMENT.

During the period commencing on the Closing Date and ending twenty-five (25) days from the end of the underwriting period, the City and the Authority shall advise the Underwriter if any event relating to or affecting the Official Statement shall occur as a result of which it may be necessary or appropriate to amend or supplement the Official Statement in order to make the Official Statement not misleading in light of the circumstances existing at the time it is delivered to a purchaser or "potential customer" (as defined for purposes of Rule 15c2-12). If the Official Statement is supplemented or amended, at the time of each supplement or amendment thereto and at all times subsequent thereto up to and including that date that is 25 days from the end of the "underwriting period" (as defined in Rule 15c2-12), the Official Statement as supplemented or amended will not contain any untrue statement of a material fact or omit to state any material fact required to be stated therein or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading and shall amend or supplement the Official Statement (in form and substance reasonably satisfactory to counsel for the Underwriter) so that the Official Statement will not contain any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements therein, in the light of the circumstances under which they were made, not misleading.

10. EXPENSES.

All expenses and costs of the City and the Authority incident to the performance of their obligations in connection with the authorization, execution and delivery and sale of the Certificates to the Underwriter, including the costs of printing or reproduction of the Certificates, the Legal Documents and the Official Statement in reasonable quantities, fees of consultants, fees of rating agencies, advertising expenses, fees and expenses of the Trustee and Escrow Agent, [fees and expenses of the Verification Agent,] and fees and expenses of counsel to the City and the Authority, [including the City Attorney] and Special Counsel, shall be paid by the City from the proceeds of the Certificates or other revenues of the City. All expenses and costs of the Underwriter incurred with respect to the Certificates or under or pursuant to this Purchase Agreement, including, without limitation, the cost of preparing this Purchase Agreement and other Underwriter documents, travel expenses and the fees and expenses of counsel to the Underwriter, shall be paid by the Underwriter (which may be included as an expense component of the Underwriter's discount). The Underwriter shall also be responsible for payment of the fee due to the California Debt and Investment Advisory Commission (CDIAC) related to the Certificates.

11. USE OF DOCUMENTS.

The City and the Authority hereby authorize the Underwriter to use, in connection with the public offering and sale of the Certificates, this Purchase Agreement, the Preliminary

Official Statement, the Official Statement and the Legal Documents, and the information contained herein and therein.

12. QUALIFICATION OF SECURITIES.

The City and the Authority will furnish such information, execute such instruments and take such other action in cooperation with the Underwriter as the Underwriter may reasonably request to qualify the Certificates for offer and sale under the Blue Sky or other securities laws and regulations of such states and other jurisdictions of the United States as the Underwriter may designate and to provide for the continuance of such qualification; *provided, however*, that neither the City nor the Authority will be required to qualify as a foreign corporation or to file any general or special consents to service of process under the laws of any state.

13. NOTICES.

Any notice or other communication to be given to the City or the Authority under this Purchase Agreement may be given by delivering the same in writing to City of Hayward, 777 B Street, 4th Floor, Hayward, CA 94541, Attention: Dustin Claussen, and any such notice or other communication to be given to the Underwriter may be given by delivering the same in writing to BofA Securities, Inc., 555 California Street, Suite 1160, San Francisco, California 94104, Attention: Holly Vocal, Managing Director.

14. BENEFIT.

This Purchase Agreement is made solely for the benefit of the City, the Authority and the Underwriter (including their successors or assigns) and no other person, partnership, association or corporation shall acquire or have any right hereunder or by virtue hereof. Except as otherwise expressly provided herein, all of the agreements and representations of the City and the Authority contained in this Purchase Agreement and in any certificates delivered pursuant hereto shall remain operative and in full force and effect regardless of: (i) any investigation made by or on behalf of the Underwriter; (ii) delivery of and payment for the Certificates hereunder; or (iii) any termination of this Purchase Agreement, other than pursuant to Section 8.

15. GOVERNING LAW. THIS PURCHASE AGREEMENT SHALL BE DEEMED TO BE A CONTRACT UNDER, AND FOR ALL PURPOSES SHALL BE GOVERNED BY, AND CONSTRUED AND INTERPRETED IN ACCORDANCE WITH, THE LAWS OF THE STATE OF CALIFORNIA WITHOUT REGARD TO CHOICE OF LAW RULES.

16. WAIVER OF JURY TRIAL. THE CITY AND THE AUTHORITY HEREBY IRREVOCABLY WAIVE TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, ANY AND ALL RIGHT TO TRIAL BY JURY IN ANY LEGAL PROCEEDING ARISING OUT OF OR RELATING TO THIS PURCHASE AGREEMENT OR THE TRANSACTIONS CONTEMPLATED HEREBY.

17. MISCELLANEOUS.

(a) This Purchase Agreement contains the entire agreement between the parties relating to the subject matter hereof and supersedes all oral statements, prior writings and representations with respect thereto.

(b) This Purchase Agreement may be executed in several counterparts, each of which shall be deemed an original hereof.

[Signature page follows]

Very truly yours,

BOFA SECURITIES, INC.,
as Underwriter

By: _____
Authorized Officer

Approved and Agreed to: [Sale Date]

CITY OF HAYWARD

By: _____
Authorized Officer

**HAYWARD PUBLIC FINANCING
AUTHORITY**

By: _____
Authorized Officer

SCHEDULE I

Maturities, Principal Amounts, Interest Rates, Yields, Prices and Redemption Provisions

**\$(Principal Amount)
CITY OF HAYWARD
2023 CERTIFICATES OF PARTICIPATION
(Lease Refinancing)**

Maturity Date (August 1)	Principal Amount	Interest Rate	Yield	Price
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[^c Priced to first par optional call date of _____.]

Redemption Provisions:

Optional Redemption. The Certificates maturing on or before November 1, 20[___], are not subject to optional prepayment before their respective stated maturities.

The Certificates maturing on or after November 1, 20[___], are subject to prepayment prior to their respective stated maturities, at the option of the City, in whole, or in part among maturities on such basis as designated by the City and by lot within any one maturity, on November 1, 20[___], or on any date thereafter, upon 45 days' prior written notice to the Trustee and payment of a prepayment price equal to 100% of the principal amount to be prepaid, together with accrued interest to the date fixed for prepayment, without premium.

EXHIBIT A

[\$[Principal Amount] CITY OF HAYWARD 2023 CERTIFICATES OF PARTICIPATION (Lease Refinancing)

ISSUE PRICE CERTIFICATE

The undersigned, on behalf of BofA Securities, Inc. (“BofA Securities”) hereby certifies as set forth below with respect to the execution and delivery and sale of the above-captioned obligations that are listed on Schedule A (the “Certificates”).

1. ***Sale of the General Rule Maturities.*** As of the date of this certificate, for each Maturity of the General Rule Maturities, the first price at which at least 10% of such Maturity of the Certificates was sold to the Public is the respective price listed in Schedule A.

2. ***Initial Offering Price of the Hold-the-Offering-Price Maturities.***

(a) BofA Securities offered the Hold-the-Offering-Price Maturities to the Public for purchase at the respective initial offering prices listed in Schedule A (the “Initial Offering Prices”) on or before the Sale Date. A copy of the pricing wire or equivalent communication for the Certificates is attached to this certificate as Schedule B.

(b) As set forth in the Purchase Agreement, BofA Securities has agreed in writing that, (i) for each Maturity of the Hold-the-Offering-Price Maturities, it would neither offer nor sell any of the unsold Certificates of such Maturity to any person at a price that is higher than the Initial Offering Price for such Maturity during the Holding Period for such Maturity (the “hold-the-offering-price rule”), and (ii) any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any retail distribution agreement shall contain the agreement of each broker-dealer who is a party to the retail distribution agreement, to comply with the hold-the-offering-price rule. BofA Securities has not offered or sold any unsold Certificates of any Maturity of the Hold-the-Offering-Price Maturities at a price that is higher than the respective Initial Offering Price for that Maturity of the Certificates during the Holding Period.

3. ***Defined Terms.***

(a) *General Rule Maturities* means those Maturities of the Certificates listed in Schedule A hereto as the “General Rule Maturities.”

(b) *Hold-the-Offering-Price Maturities* means those Maturities of the Certificates listed in Schedule A hereto as the “Hold-the-Offering-Price Maturities.”

(c) *Holding Period* means, with respect to a Hold-the-Offering-Price Maturity, the period starting on the Sale Date and ending on the earlier of (i) the close of the fifth business day after the Sale Date ([FIVE DAYS AFTER SALE DATE]), or (ii) the date on which

the BofA Securities has sold at least 10% of such Hold-the-Offering-Price Maturity to the Public at prices that are no higher than the Initial Offering Price for such Hold-the-Offering-Price Maturity.

(d) *Issuer* means the City of Hayward.

(e) *Maturity* means Certificates with the same credit and payment terms. Certificates with different maturity dates, or Certificates with the same maturity date but different stated interest rates, are treated as separate maturities.

(f) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term "related party" for purposes of this certificate means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(g) *Underwriter* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Certificates to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Certificates to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Certificates to the Public).

The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents BofA Securities' interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Tax Certificate and with respect to compliance with the federal income tax rules affecting the Certificates, and by Jones Hall, A Professional Law Corporation in connection with rendering its opinion that the interest on the Certificates is excluded from gross income for federal income tax purposes, the preparation of Internal Revenue Service Form 8038-G, and other federal income tax advice it may give to the Issuer from time to time relating to the Certificates. The certifications contained herein are not necessarily based on personal knowledge of the undersigned but may instead be based on either inquiry deemed adequate by the undersigned or institutional knowledge (or both) regarding the matters set forth herein.

BOFA SECURITIES, INC.

By: _____

Name: _____

Dated: [Closing Date]

SCHEDULE A

**SALE PRICES OF THE GENERAL RULE MATURITIES AND
INITIAL OFFERING PRICES OF THE HOLD-THE-OFFERING-PRICE MATURITIES**

**[\$[Principal Amount]
CITY OF HAYWARD
2023 CERTIFICATES OF PARTICIPATION
(Lease Refinancing)**

Maturity Date (August 1)	Principal Amount	Interest Rate	Yield	Price
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 [^c Priced to first par optional call date of _____.]

* General Rule Maturities

** Hold-the-Offering Price Maturities

SCHEDULE B
PRICING WIRE OR EQUIVALENT COMMUNICATION
(Attached)



CITY OF HAYWARD

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

File #: RPT 23-086

DATE: September 12, 2023

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Informational Report on Cal Cities 2023 Annual Conference Scheduled for September 20-22, 2023

RECOMMENDATION

That the Council receives this informational report on the Cal Cities 2023 Annual Conference scheduled for September 20-22, 2023.

SUMMARY

The Cal Cities Annual Conference is scheduled for September 20-22, 2023 in Sacramento at the SAFE Credit Union Convention Center. On August 15, 2023, Council designated Mayor Mark Salinas as the voting delegate and Council Members Daniel Goldstein and George Syrop as the alternates for the Annual Business Meeting (General Assembly), scheduled for Friday, September 22, 2023.

While the General Assembly is typically where various municipalities' voting delegates vote on resolutions considered by Cal Cities, there are no resolutions proposed for a vote this year.

ATTACHMENTS

Attachment I Staff Report



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Informational Report on Cal Cities 2023 Annual Conference Scheduled for September 20-22, 2023

RECOMMENDATION

That the Council receives this informational report on the Cal Cities 2023 Annual Conference scheduled for September 20-22, 2023.

SUMMARY

The Cal Cities Annual Conference is scheduled for September 20-22, 2023 in Sacramento at the SAFE Credit Union Convention Center. On August 15, 2023, Council designated Mayor Mark Salinas as the voting delegate and Council Members Daniel Goldstein and George Syrop as the alternates for the Annual Business Meeting (General Assembly), scheduled for Friday, September 22, 2023.

While the General Assembly is typically where various municipalities' voting delegates vote on resolutions considered by Cal Cities, there are no resolutions proposed for a vote this year.

BACKGROUND AND DISCUSSION

The Cal Cities Annual Conference is scheduled for September 20-22, 2023 in Sacramento at the SAFE Credit Union Convention Center. On August 15, 2023 Council designated Mayor Mark Salinas as the voting delegate and Council Member Daniel Goldstein as the alternate and Council Member George Syrop as a backup for the Annual Business Meeting (General Assembly), scheduled for Friday, September 22, 2023.

While the General Assembly is typically where various municipalities' voting delegates vote on resolutions considered by Cal Cities, there are no resolutions proposed for a vote this year. However, there is still the possibility that petitioned resolutions may be introduced onsite at the conference by members. Because there are no resolutions for Council to take action on at this time, staff is providing this informational report as an update to Council.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the six priorities outlined in the Council's Strategic Roadmap.

FISCAL IMPACT

There is no fiscal or economic impact associated with this report.

NEXT STEPS

Mayor Salinas and Council Member Goldstein will attend the General Assembly at the Cal Cities conference on September 22, 2023.

Prepared and Recommended by: Regina Youngblood, Assistant City Manager

Approved by:



Kelly McAdoo, City Manager



CITY OF HAYWARD

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

File #: RPT 23-091

DATE: September 12, 2023

TO: Mayor and City Council

FROM: Council Members Zermeno and Syrop

SUBJECT

City Council Referral: Adopting a Resolution to Enter into a Sister City Agreement with the City of Arandas, Jalisco, México, as Requested by the Hayward-Arandas Sister City Committee

RECOMMENDATION

That the Council directs staff to prepare a report to Council that would authorize the Mayor to enter into a Sister City Agreement with the City of Arandas, Jalisco, Mexico.

SUMMARY

This referral requests that Council direct staff to:

1. Review the Hayward-Arandas Sister City Bylaws to ensure it is agreement with the City's policies;
2. Develop a staff report to ask Council to adopt a resolution authorizing the Mayor to enter into a Sister City Agreement with the City of Arandas, Jalisco, Mexico; and
3. Draft, review, and finalize a resolution authorizing the Mayor to enter into a Sister City Agreement with the City of Arandas.

ATTACHMENTS

Attachment I Referral Memorandum



COUNCIL REFERRAL MEMORANDUM

DATE: September 12, 2023

TO: Mayor and Council

FROM: Francisco Zermeño and George Syrop

SUBJECT: Council Referral – Adopting a Resolution to Enter into a Sister City Agreement with the City of Arandas, Jalisco, México, as requested by the Hayward-Arandas Sister City Committee

BACKGROUND:

The Hayward-Arandas Sister City committee has been meeting for the past several months with the goal of establishing a formal Sister City relationship between Hayward and Arandas, Jalisco, México. While this Sister City relationship is yet to be formalized, the committee had its first meeting in 2018 and has cultivated this relationship over the years. This can be seen at the Downtown Library where the City of Arandas is included in its Sister City section and when the City of Hayward gifted a retired firetruck to Arandas's Fire Department in 2020. With this resolution and agreement, the City of Hayward will formally commemorate the City of Arandas as one of our Sister Cities.

SUMMARY:

This referral requests that Council direct staff to:

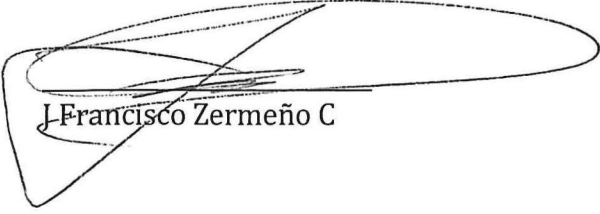
1. Review the Hayward-Arandas Sister City Bylaws to ensure it is agreement with the City's policies
2. Develop a staff report to ask Council to adopt a resolution authorizing the Mayor to enter into a Sister City Agreement with the City of Arandas, Jalisco, México
3. Draft, review, and finalize a resolution authorizing the Mayor to enter into a Sister City Agreement with the City of Arandas

STRATEGIC ROADMAP:

This referral supports the Strategic Priorities to: Enhance Community Safety & Quality of Life. Specifically, regarding areas around:

- Library and educational programs
- Celebrate heritage & confront inequities

Prepared and Submitted by:



J. Francisco Zermeño C



George Syrop