

# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Tuesday, July 3, 2018**

**7:00 PM**

**Council Chambers**

## **City Council**

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

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

Certificate of Commendation: The Kids Breakfast Club

**PUBLIC COMMENTS**

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

**ACTION ITEMS**

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

**CONSENT**

1. [MIN 18-091](#) Minutes of the City Council Meeting on June 19, 2018  
**Attachments:** [Attachment I Draft Minutes of 06/19/2018](#)
2. [CONS 18-460](#) Exchange of Property Taxes Related to Adjustment of Water Service Boundaries Between the City of Hayward and East Bay Municipal Utility District  
**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution](#)

**PUBLIC HEARING**

3. [PH 18-062](#) Hayward Executive Airport Hangar Rental Rates - Amendment to FY 2019 Master Fee Schedule (Continued to July 24, 2018)

**LEGISLATIVE BUSINESS**

4. [LB 18-036](#) Downtown Parking Management Plan - Amendments to Section 3.80 and 3.95 of Hayward Traffic Regulations (Report from Interim Public Works Director Ameri)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution Amending Section 3.08](#)  
[Attachment III Resolution Amending Section 3.95](#)

5. [LB 18-037](#) Neighborhood Traffic Calming Program - Program Adoption (Report from Interim Public Works Director Ameri)

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

**INFORMATION ITEMS**

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

6. [RPT 18-118](#) Street Selection for the FY 2018 Pavement Preventive Maintenance & Resurfacing Project and the FY 2018 Pavement Rehabilitation Project

**Attachments:** [Attachment I Staff Report](#)

**CITY MANAGER'S COMMENTS**

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

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

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

**ADJOURNMENT****NEXT SPECIAL MEETING, July 10, 2018, 7:00 PM****PUBLIC COMMENT RULES**

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

**PLEASE TAKE NOTICE**

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

**PLEASE TAKE FURTHER NOTICE**

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

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

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

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



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** MIN 18-091

---

**DATE:** July 3, 2018

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Minutes of the City Council Meeting on June 19, 2018

**RECOMMENDATION**

That the City Council approves the minutes of the City Council meeting on June 19, 2018.

**SUMMARY**

The City Council held a meeting on June 19, 2018.

**ATTACHMENTS**

Attachment I Draft Minutes of 06/19/2018



**MINUTES OF THE MEETING OF THE CITY COUNCIL**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, June 19, 2018, 7:00 p.m.**

---

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

**ROLL CALL**

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

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced the City Council convened in closed session at 4:30 p.m., to discuss four items: (1) conference with legal counsel pursuant to Government Code 54956.9 regarding one anticipated litigation; (2) conference with property negotiators pursuant to Government Code 54956.8 regarding State owned parcels along the Route 238 Bypass Alignment; (3) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; and (4) public employment pursuant to Government Code 54957 regarding the City Attorney's and City Clerk's annual performance evaluations. City Attorney Lawson noted there was no reportable action related to Items 1, 2, and 3. Mayor Halliday noted there was no reportable action related to Item 4.

**PRESENTATIONS**

Council Member Lamnin read a Proclamation on behalf of the City Council declaring 2018 as the Bicentennial of Frederick Douglass and encouraged residents from across Hayward to honor his memory. Mr. Kevin McGary accepted the proclamation on behalf of the Frederick Douglass Institution. Ms. Freddy Davis, President of the Hayward South Alameda County Chapter of the National Association for the Advancement of Colored People, and Ms. Vanessa Scott, Executive Director of Love Never Fails, were also in attendance. Mr. McGary presented the City of Hayward with a painting of Frederick Douglass by artist Tomokazu.

Mayor Halliday read a Certificate of Commendation presented to Captains John and Kyna Kelley for their commitment and dedication to the Hayward Salvation Army's mission.

Mayor Halliday announced that Public Hearing Items 16, 17, and 18 were continued to June 26, 2018, and noted that individuals wishing to address the Council on these items could do so during public comments.

## **PUBLIC COMMENTS**

Ms. Lisa Tealer, Hayward resident, expressed concern for the significant increases related to the Landscaping and Lighting Assessment for Benefit Zone 16, and the lack of lights on Meek Avenue.

Ms. Theresa Pedrosa, Chabot College student, spoke about the AC Transit bus service in Hayward and advocated for a bus route from Chabot College to South Hayward.

Ms. Wynn Grcich, Hayward resident, spoke about a Climate Action Plan video and submitted related materials.

Ms. Jenna Carlsson, Koshland Opportunity Scholarship representative, spoke about the Jackson Triangle Harder/Tennyson Koshland Opportunity Scholarship for the South Hayward community.

Ms. Peggy Guernsey, Hayward resident, spoke about AC Transit's bus fare increase and reduction of bus routes; and reported that her street has not been resurfaced and there are no wheelchair ramp sidewalks.

Ms. Amanda Guernsey, Hayward resident, noted she did not get responses from staff about the Paratransit Program or Hayward's taxi service.

Mr. Kim Huggett, Hayward Chamber of Commerce President, announced the Downtown Hayward Street Parties on June 21, July 19, and August 16, 2018, and the State of the City on June 29, 2018, at Chabot College.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about electric vehicles and provided related documents.

Mr. Jim Drake, Hayward resident, acknowledged the good deed done by a Police officer; and spoke about the ingredients in toothpaste.

City Attorney Lawson spoke about the public comment section on the agenda and read California Government Code Section 54954.2.

Council Member Mendall disclosed that his daughter was one of the Hayward Youth Commission nominees and he was going to recuse himself from participating on Item No. 1.

## **ACTION ITEMS**

1. Appointment and Reappointment to the Hayward Youth Commission (Report from City Clerk Lens) **APPT 18-001**

Staff report submitted by City Clerk Lens, dated June 19, 2018, was filed.



**MINUTES OF THE MEETING OF THE CITY COUNCIL**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, June 19, 2018, 7:00 p.m.**

---

City Clerk Lens provided a synopsis of the staff report.

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

AYES:	COUNCIL MEMBERS Zermeño, Márquez, Peixoto, Lamnin, Salinas MAYOR Halliday
NOES:	NONE
ABSENT:	COUNCIL MEMBER Mendall
ABSTAIN:	NONE

Resolution 18-105, "Resolution Confirming the Appointment and Reappointment of Members of the Hayward Youth Commission"

City Clerk Lens administered the oath to the newly appointed and reappointed members of the Hayward Youth Commission.

Council Member Mendall returned to the dais at approximately 7:58 p.m.

Consent Items 5 and 6 were removed for separate vote.

**CONSENT**

2. Minutes of the City Council Meeting on May 15, 2018 **MIN 18-079**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on May 15, 2018.

3. Minutes of the Special Joint Meeting of the City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority on May 22, 2018 **MIN 18-082**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special Joint Meeting of the City Council/Hayward Redevelopment Successor Agency/Hayward Housing Authority on May 22, 2018.

4. Minutes of the Special City Council Meeting on May 29, 2018 **MIN 18-087**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special City Council Meeting on May 29, 2018.



Council Member Salinas disclosed he works with the Hayward Promise Neighborhood and California State University East Bay and would be recusing himself from voting on Item No. 5.

5. Authorize the City Manager to Accept Sub-Recipient Grant Funding in the Total Amount of \$876,875.29 to be Received in Increments over Five Years from California State University East Bay for Services to be Performed by the City of Hayward in Relation to the South Hayward Promise Neighborhood Grant Award **CONS 18-386**

Staff report submitted by Library Services Director Reinhart, dated June 26, 2018, was filed.

It was moved by Council Member Márquez, seconded by Council Member Mendall, and carried with the following vote, to adopt the resolution:

AYES:	COUNCIL MEMBERS Zermeño, Márquez, Mendall, Peixoto, Lamnin MAYOR Halliday
NOES:	NONE
ABSENT:	COUNCIL MEMBER Salinas
ABSTAIN:	NONE

Resolution 18-115, “Resolution Authorizing the City Manager to Accept Sub-Recipient Grant Funding in the Total Amount of \$876,875.29 to be Received in Increments Over Five Years from California State University East Bay for Services to be Performed by the City of Hayward in Relation to the South Hayward Promise Neighborhood Grant Award”

6. Downtown Business Improvement Area Annual Report and Proposed Budget for FY 2019 **CONS 18-388**

Staff report submitted by Economic Development Manager Hinkle, dated June 19, 2018, was filed.

Mr. Nick Harvey, Hayward resident, suggested that the City consider a vacancy tax on vacant commercial property.

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

Resolution 18-116, “Resolution Accepting the Annual Report and Declaring Intention Not to Levy Annual Charges for the Downtown Hayward Business Improvement Area (DBIA) for Fiscal Year 2019”



**MINUTES OF THE MEETING OF THE CITY COUNCIL**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, June 19, 2018, 7:00 p.m.**

---

**7. Resolution Approving the Designation of Subrecipient's Agent for Disaster Assistance**  
**CONS 18-394**

Staff report submitted by Management Analyst James, dated June 19, 2018, was filed.

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

Resolution 18-106, "Resolution Designating the City of Hayward's Agent for Disaster Assistance"

**8. Authorization for the City Manager to Negotiate and Execute Two Annual MOUs with the Hayward Unified School District for School Resource Officer and School Based Counseling Services** **CONS 18-396**

Staff report submitted by Police Chief Koller, dated June 19, 2018, was filed.

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

Resolution 18-107, "Resolution Authorizing the City Manager to Negotiate and execute Two Annual MOUS with the Hayward Unified School District for School Resource Officer and School-Based Counseling Services"

**9. Water Pollution Control Facility Final Clarifier and Gravity Belt Thickener Sludge Blending Tank Rehabilitation Project: Approval of Addendum No. 1 and Award of Construction Contract, and Appropriation of Funds** **CONS 18-404**

Staff report submitted by Utilities and Environmental Services Director Ameri, dated June 19, 2018, was filed.

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

Resolution 18-108, "Resolution Awarding Contract to GSE Company, Inc. for the Water Pollution Control Facility Final Clarifier and Gravity Belt Thickener Sludge Blending Tank Rehabilitation, Project No. 07703"

Resolution 18-109, "Resolution Appropriating \$68,100 from the Sewer Replacement Fund (611) to the Water Pollution Control Facility Final Clarifier and Gravity Belt Thickener Sludge Blending Tank Rehabilitation, Project No. 07703"

10. Hazardous Material Testing Reports for Route 238 Bypass Property Project - Authorization to Establish a Professional Services Agreement with EnviroNova, LLC.; and Appropriation of Funds **CONS 18-414**

Staff report submitted by Interim Public Work Director Ameri, dated June 19, 2018, was filed.

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

Resolution 18-110, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Environova, LLC., for the Hazardous Material Testing Reports for the Route 238 Bypass Property Project; And Appropriation of \$353,000 from Fund 100 – General Fund to Fund 411 – 238 Property Development"

11. Resolution Approving a Memorandum of Understanding between the City of Hayward and Hayward Association of Management Employees and Authorizing Staff to Execute the Agreement **CONS 18-419**

Staff report submitted by Human Services Director Collins, dated June 19, 2018, was filed.

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

Resolution 18-111, "Resolution Approving a Memorandum of Understanding Between the City of Hayward and Hayward Association of Management Employees and Authorizing Staff to Execute the Agreement"

12. Adoption of a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Management Partners for Route 238 Property Development and Disposition Project Management Services **CONS 18-430**

Staff report submitted by Management Analyst II Stefanski, dated June 19, 2018, was filed.

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



**MINUTES OF THE MEETING OF THE CITY COUNCIL**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, June 19, 2018, 7:00 p.m.**

---

Resolution 18-112, "Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Professional Services Agreement with Management Partners to Route 238 Property Development and Disposition Project Management Services Increasing the Not to Exceed Amount by \$75,000"

**13. Amendment to the First Responder Advanced Life Support (FRALS) Agreement **CONS 18-420****

Staff report submitted by Fire Chief Contreras, dated June 19, 2018, was filed.

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

Resolution 18-113, "Resolution Authorizing the City Manager to Negotiate and Execute Amendment Three to the First Responder Advanced Life Support Provider Agreement with the County of Alameda, Extending the Agreement Through June 30, 2019"

**14. Adoption of a Resolution to Amend the FY2018 Mural Art Program Budget to Increase the Revenues in the Amount of \$4,000 and Authorize a Corresponding Expenditure Authority Increase to Appropriate Funds for Two Mural Art Program Projects **CONS 18-444****

Staff report submitted by Interim Development Services Director Bristow, dated June 19, 2018, was filed.

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

Resolution 18-114, "Resolution Authoring the Finance Department to Amend the FY18 Mural Art Program Budget by Increasing the Revenue in the Amount of \$4,000 and Authorizing the Corresponding Expenditure Authority to Appropriate Funds for: 1) Book-to-Action Mural Located on Tennyson Road; and 2) Two Utility Cabinets Located at 808 A Street"

## **PUBLIC HEARING**

15. Proposed Development of a 13 Lot Subdivision at 24765 Hesperian Boulevard  
Applicant/Owner: Three Cedars, LLC Requiring Introduction of an Ordinance and Resolution to Approve Zone Change and Tentative Map (8359), and Related Environmental Review (Application No. 201605551) (Report from Interim Development Services Director Bristow) **PH 18-044**

Staff report submitted by Interim Development Services  
Director Bristow, dated June 19, 2018, was filed.

Senior Planner Schmidt provided a synopsis of the proposed project and Associate Transportation Planner Chang provided an overview of traffic access and circulation through the proposed site, and presented a before/after traffic simulation video.

Discussion ensued among Council Members and City staff regarding: Accessory Dwelling Units (ADUs); mural art on the new sound wall; Condition of Approval No. 58 regarding the mailboxes; affordable housing; features and decorative paving; and concerns related to traffic impact.

Mayor Halliday opened the public hearing at 8:36 p.m.

Mr. Robert Hofford, Hayward resident, noted the proposed project will disrupt the quality of life for the neighborhood.

Mr. Eugene Felice, Hayward resident, expressed concern with the proposed ADUs and parking impact and the lack of privacy for neighboring homes.

Mr. John Trebble, Applicant/Owner representative, spoke about a pedestrian path out to Hesperian Boulevard; and addressed questions related to ADUs, education of rainwater used for irrigation, and traffic during construction.

Mayor Halliday closed the public hearing at 8:50 p.m.

Council Member Mendall offered a motion per staff's recommendation with an amendment to Condition of Approval No. 58 to include that mailboxes will be locking mailboxes.

Council Member Salinas seconded the motion.

Council Members expressed they were sympathetic to the neighborhood and the project's impact to parking and the character of the neighborhood, but were supportive of the mural wall, ADU component, solar panels, affordable by design elements, and walkability next to retail and schools.

Council Member Salinas seconded the motion and was amenable to the amendment to Condition of Approval No. 58. Council Member Salinas noted his hesitation about ADUs related to parking.



**MINUTES OF THE MEETING OF THE CITY COUNCIL**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, June 19, 2018, 7:00 p.m.**

Council Member Zermeño indicated he would be voting against the motion because the proposed land could have been better used for student and faculty housing, the project lacked a retail component, and the neighborhood was not supportive of the proposal.

Council Member Márquez expressed support for the project because of its ADU component.

Council Member Peixoto noted he would be supporting the motion because of the needed housing but with hesitation about ADUs.

Council Member Lamnin noted she would be supporting the project because it had affordable by design elements; and suggested that parking for construction workers could be arranged at Southland Mall to preserve street parking and have staff consider traffic mitigation measures for the neighborhood.

Mayor Halliday expressed support for the project because it met the need for housing. She recommended that neighbors be notified of when the construction was scheduled to begin.

It was moved by Council Member Mendall, seconded by Council Member Salinas, and carried with the following vote, to adopt the resolution with an amendment to Condition of Approval No. 58 and introduce the ordinance:

AYES:	COUNCIL MEMBERS Márquez, Mendall, Peixoto, Lamnin, Salinas MAYOR Halliday
NOES:	COUNCIL MEMBER Zermeño
ABSENT:	NONE
ABSTAIN:	NONE

Resolution 18-117, "Resolution Approving Zone Change and Vesting Tentative Map (Tract 8359) to Construct a 13 Lot Subdivision at 24765 Hesperian Boulevard; And Approving the Related Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; Three Cedars LLC (Applicant/Owners)"

Introduction of Ordinance 18-\_, "An Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map Application No. 201605551 at 24765 Hesperian Boulevard "

16. Adopt Resolutions to Approve the Engineer's Report, Reconfirm the Assessment Diagrams and Assessments, and Order the Levy and Collection of Assessments, Approve Funding Recommendations, and Appropriate Special Revenue Funds for Fiscal Year 2019 for Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 16 (Report from Maintenance Services Director Rullman) **PH 18-047**

**Item continued to June 26, 2018.**

17. Adopt Resolutions to Approve the Engineer's Report, Reconfirm Base Maximum Assessment Amount, Confirm the Assessment Diagram and Fiscal Assessment, Order the Levy and Collection of Fiscal Assessments, and Approve Funding Recommendations and Appropriate Special Revenue Funds for Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - for Fiscal Year 2019 (Report from Maintenance Services Director Rullman) **PH 18-048**

**Item continued to June 26, 2018.**

18. Adopt Resolutions to Approve the Engineer's Report, Reconfirm the Assessment Diagrams and Assessments, Order the Levy and Collection of Assessments, Approve Funding Recommendations, and Appropriate Special Revenue Funds for Fiscal Year 2019 for Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer (Report from Maintenance Services Director Rullman) **PH 18-049**

**Item continued to June 26, 2018.**

## **LEGISLATIVE BUSINESS**

19. Introduction of an Ordinance for a Previously Approved Zone Change to Planned Development District Associated with Vesting Tentative Tract Map No. 8432 and Site Plan Review No. 201706285 Located at 25941 Gading Road; Tony Dutra (Applicant) on behalf of Dutra Enterprises (Owner) (Report from Interim Development Services Director Bristow) **LB 18-031**

Staff report submitted by Interim Development Services Director Bristow, dated June 19, 2018, was filed.

Planning Manager Buizer provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:17 p.m.

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

Introduction of Ordinance 18-, "An Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code Rezoning Certain Property to Planned Development District in Connection with Zone Change and



**MINUTES OF THE MEETING OF THE CITY COUNCIL**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, June 19, 2018, 7:00 p.m.**

---

Vesting Tentative Map Application No. 201806285 to Accommodate 18-Single Family Dwellings at 25941 Gading Road”

20. Approval to Issue a Commercial Cannabis Permit to Harrens Lab, Inc. for a Cannabis Testing Laboratory (Report from City Manager McAdoo) **LB 18-025**

Staff report submitted by Management Analyst II Stefanski, dated June 19, 2018, was filed.

City Manager McAdoo provided a synopsis of the staff report and responded to questions related to the staff report.

Mayor Halliday opened the public hearing at 9:26 p.m.

Mr. Kim Huggett, Hayward Chamber of Commerce President, expressed support for Harrens Lab, Inc., and urged the Council to support staff’s recommendation.

Ms. Kaitlyn White, Harrens Lab’s Business Development Manager, responded to questions noting that Harrens has been in Hayward for about 3.5 years, is accredited by the Drug Enforcement Agency (DEA) to test cannabinoids, has 12-15 employees, and is an existing Hayward business.

Mayor Halliday closed the public hearing at 9:36 p.m.

Council Member Zermeño offered a motion per staff’s recommendation.

Council Member Peixoto seconded the motion.

Council Member Mendall expressed support for the motion.

Council Member Salinas indicated he was consistently voting against cannabis because it aggravates the unequal distribution of health risk factors in the City; however, he expressed he was impressed by Harrens Lab’s business.

Mayor Halliday expressed she would be supporting the motion.

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



Resolution 18-118, “Resolution Awarding a Commercial Cannabis Permit to Harrens Lab, Inc. for a Cannabis Testing Laboratory”

City Manager McAdoo left the Council Chambers.

21. Adoption of a Resolution Approving an Extension and Modification to Employment Agreement with the City Manager and Authorizing the Mayor to Execute the Agreement (Report from Mayor Halliday and Director of Human Resources Collins) **LB 18-028**

Staff report submitted by Human Resources Director Collins, dated June 19, 2018, was filed.

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

There being no public comments, Mayor Halliday opened and closed the public hearing at 9:49 p.m.

Council Members spoke highly of City Manager McAdoo’s work performance and expressed their desire to extend her employment agreement.

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

Resolution 18-119, “Resolution Approving the Extension and Modification of the City Manager’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council”

City Manager McAdoo returned to the Council Chambers.

#### **CITY MANAGER’S COMMENTS**

City Manager McAdoo thanked the City Council for approving the extension to her employment agreement.

City Manager McAdoo announced the demolition of the old Kaiser Permanente’s pedestrian overpass on Tennyson Road was expected to be completed by June 22, 2018, and there would be a lane closure on Tennyson Road from June 18 through June 22, 2018.

#### **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Zermeno made two announcements: the Downtown Hayward Street Party on June 21, 2018; and the June 2018 Beautification Event on June 23, 2018 at the Hayward Community Gardens.



**MINUTES OF THE MEETING OF THE CITY COUNCIL**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, June 19, 2018, 7:00 p.m.**

---

Council Member Salinas announced the Hayward Promise Neighborhood's Words for Lunch Program would begin June 26 and continue to August 2, 2018, on Tuesdays and Thursdays, at Weekes Community Park.

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 9:59 p.m., in memory of Mr. Don Murphy.

It was noted that Mr. Don Murphy received the Presidential Volunteer Service Gold Award in 2014 for serving over 525 volunteer hours and accumulating over 3,450 lifetime hours for the Hayward Police Department; was a part of the Hayward Police Department's Volunteers in Police Service, joining the Downtown Ambassador Program from its inception in 1999; and worked in the Police Department on a statewide database, inputting field interview information, to help the Special Duty Unit develop gang related intelligence information.

Mayor Halliday asked staff to work with the Police Department and Don Murphy's family to find a suitable place to plant a tree in memory of Don Murphy.

**APPROVED**

---

Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

---

Miriam Lens  
City Clerk, City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** CONS 18-460

---

**DATE:** July 3, 2018

**TO:** Mayor and City Council

**FROM:** Director of Utilities & Environmental Services

**SUBJECT**

Exchange of Property Taxes Related to Adjustment of Water Service Boundaries Between the City of Hayward and East Bay Municipal Utility District

**RECOMMENDATION**

That Council adopts a resolution authorizing the City Manager to execute an agreement with the East Bay Municipal Utility District (EBMUD) regarding the exchange of property taxes related to adjustment of water service boundaries.

**SUMMARY**

On January 26, 2016, the City Council approved a water service area rearrangement with EBMUD to resolve issues related to the provision of water service to properties within both the City of Hayward corporate boundaries and the EBMUD service area. The rearrangement was formalized in a letter agreement. On July 18, 2017, the City Council consented to EBMUD's filing of a Change of Organization application to the Alameda County Local Agency Formation Commission (LAFCo) to update EBMUD's service area boundaries. In order to complete the application, it is necessary for the City and EBMUD to execute a property tax revenue exchange agreement so that Alameda County may appropriately allocate property tax revenue to the water service provider. The net impact of the proposed tax exchange agreement is expected to be an increase to the City of about \$700 in property tax revenue.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



DATE: July 3, 2018

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT Exchange of Property Taxes Related to Adjustment of Water Service Boundaries  
Between the City of Hayward and East Bay Municipal Utility District

#### RECOMMENDATION

That Council adopts a resolution authorizing the City Manager to execute an agreement with the East Bay Municipal Utility District (EBMUD) regarding the exchange of property taxes related to adjustment of water service boundaries.

#### SUMMARY

On January 26, 2016, the City Council approved a water service area rearrangement with EBMUD to resolve issues related to the provision of water service to properties within both the City of Hayward corporate boundaries and the EBMUD service area. The rearrangement was formalized in a letter agreement. On July 18, 2017, the City Council consented to EBMUD's filing of a Change of Organization application to the Alameda County Local Agency Formation Commission (LAFCo) to update EBMUD's service area boundaries. In order to complete the application, it is necessary for the City and EBMUD to execute a property tax revenue exchange agreement so that Alameda County may appropriately allocate property tax revenue to the water service provider. The net impact of the proposed tax exchange agreement is expected to be an increase to the City of about \$700 in property tax revenue.

#### BACKGROUND

Hayward provides water service to residents and businesses within the corporate City limits, as well as a limited number of properties outside of the City boundaries. EBMUD serves other municipalities in Alameda and Contra Costa Counties. However, EBMUD's service area also includes some properties within the City of Hayward, generally located in the northern and eastern areas. Utility districts, like EBMUD, are permitted to serve properties that are included in their official service area. Cities that provide utility services are permitted to serve properties within their corporate city limits. Agencies are encouraged to find mutually agreeable solutions when overlaps occur.

As developments are proposed on parcels in certain parts of the eastern and northern areas of Hayward, where both agencies have water facilities and can serve the developments, EBMUD and City staffs determine which agency is best positioned to serve the development without undue hardship and significant financial repercussions. In 2015, City staff negotiated with EBMUD regarding three such properties and reached an amicable solution, which was approved

by the City Council on January 26, 2016. A copy of the staff report for this action can be obtained at:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=2555227&GUID=B4AA1707-4085-4CA6-9CBD-015C2D3A2442>

In brief, the three affected parcels are:

- 1818 Hill Avenue and 22788 Templeton Street – to be served by Hayward
- Southwest corner of 2<sup>nd</sup> and Walpert (Parkside Heights Development) – to be served by Hayward
- Former Mervyns site at 22301 and 1155 Hazel Avenue (Lincoln Landing Development) – to be served by EBMUD

In addition to the three properties listed above, there were several properties that were wholly or partially in EBMUD's service area but served by Hayward, as well as several properties that were outside of EBMUD's service area but served by EBMUD, and some that were bisected by EBMUD's service area boundary line.

The City and EBMUD entered into an Agreement on Water Service Boundary Within the City of Hayward, dated May 4, 2016, to effectuate the agreed-to service area rearrangement. The document also reflects actual water service conditions for properties along EBMUD's service area. In all, the agreement resulted in the detachment of approximate 170 acres from EBMUD's service area and the attachment of about 100 acres.

Once agreement between the two entities was reached, the next step was EBMUD's filing of a Change of Organization application with the Alameda County Local Agency Formation Commission (LAFCo) to obtain a formal service area boundary adjustment. On July 18, 2017, the City Council consented to EBMUD's filing of the application, the staff report for which can be obtained at:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3103135&GUID=A61D649D-6399-405C-A76F-2BC05F53E9C9&Options=&Search=>

## DISCUSSION

As part of the Change of Organization application process, pursuant to §99 of the California Revenue and Tax Code, it is necessary for the City and EBMUD to execute a property tax revenue exchange agreement, under which property tax allocations for the properties affected by the service area boundary change would be assigned to the appropriate water service provider. EBMUD receives about 1.5% of the tax revenue for properties within the EBMUD service area. This percentage would be allocated to Hayward for properties that are detached from EBMUD's service area. Similarly, for properties that are attached to EBMUD service area as a result of the boundary adjustment, 1.5% of the City's allocation that is currently received for water service would be redirected to EBMUD.

Alameda County prepared a preliminary analysis of the revenue impacts for each entity, based on current assessed property values. The loss of revenue by EBMUD would be about \$2,300, while the City's loss would be approximately \$1,600. The City would, therefore, realize a net gain of about \$700.

## ECONOMIC IMPACT

There are no property tax assessment impacts or other economic impacts to Hayward property owners as a result of the proposed action. The service area rearrangement itself allows the developers of the Hill and Templeton and the 2<sup>nd</sup> and Walpert properties to benefit from paying much lower connection fees, since the City's fees for single-family homes are significantly less than EBMUD's water connection fees. Service to the former Mervyn's site by EBMUD does not result in appreciably higher connection fees since the EBMUD fees for multi-family and commercial development are comparable to those charged in Hayward.

## FISCAL IMPACT

As stated above, the net gain in property tax revenue to Hayward as a result of the proposed action is approximately \$700.

## STRATEGIC INITIATIVES

This agenda item does not directly relate to one of Council's Strategic Initiatives.

## SUSTAINABILITY FEATURES

Developments on any of the affected properties must conform to similar strict water efficiency and conservations requirements.

## PUBLIC CONTACT

No public contact was undertaken regarding the proposed action. The service area rearrangement and property tax exchange will not result in changes in existing water service to customers.

## NEXT STEPS

If Council concurs, staff will execute the Agreement with EBMUD. EBMUD will provide a copy to LAFCo to complete the Change of Organization application. The property tax exchange will go into effect most likely in 2019.

Prepared and Recommended by: Alex Ameri, Director of Utilities & Environmental Services

Approved by:



---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING EXECUTION OF AN EXCHANGE OF PROPERTY  
TAX REVENUE AGREEMENT IN CONNECTION WITH THE WATER SERVICE  
AREA REARRANGEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT  
REGARDING SERVICE TO SPECIFIC PARCELS WITHIN THE CITY OF  
HAYWARD CITY LIMITS

WHEREAS, the City of Hayward (“City”) provides water service to properties located within its city limits and East Bay Municipal Utility District (“EBMUD”) provides water service to properties within its service area; and

WHEREAS, the EBMUD service area includes a number of parcels located within the City of Hayward corporate city boundaries; and

WHEREAS, the City and EBMUD reached a mutually agreeable resolution regarding water service for three such properties: 1818 Hill Street and 22788 Templeton Street; the southeast corner of 2<sup>nd</sup> and Walpert Street; and 22301 Foothill Boulevard and 1155 Hazel Street; and

WHEREAS, additionally, along EBMUD’s service area boundary there are several properties that are wholly or partially in EBMUD’s service area but served by the City, several properties outside of EBMUD’s service area but served by EBMUD, and several properties that are bisected by EBMUD’s service area boundary line; and

WHEREAS, the Hayward City Council approved Resolution No. 16-011 on January 26, 2016 approving the water service rearrangement for these three properties and adjustment to EBMUD’s service area boundaries to reflect current service to properties along EBMUD’s service area boundary line; and

WHEREAS, on May 4, 2016 the City and EBMUD entered into an “Agreement on Water Service Boundary within the City of Hayward” to effectuate changes to EBMUD’s service area within Hayward; and

WHEREAS, the Hayward City Council approved Resolution 17-118 consenting to EBMUD’s filing of a Change of Organization application with the Alameda County Local Agency Formation Commission (“LAFCo”); and

WHEREAS, pursuant to the Revenue and Taxation Code § 99, the City and EBMUD must enter into a property tax revenue exchange agreement with respect to the properties identified in the “Agreement on Water Service Boundary within the City of Hayward”; and

WHEREAS, the City and EBMUD have agreed upon an exchange of property tax.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby agrees that with respect to the approximately 170.3 acres of property proposed for detachment from EBMUD, the property tax revenues apportioned to EBMUD by the County Auditor shall be apportioned to the City of Hayward in an amount determined by the County Auditor.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby agrees that with respect to the approximately 99.5 acres of property proposed for annexation to EBMUD, the property tax revenues currently apportioned to the City related to the provision of water service shall be reapportioned to EBMUD in an amount determined by the County Auditor.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to execute an Exchange of Property Tax Revenue Agreement with EBMUD pursuant to this matter.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2018

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](http://www.Hayward-CA.gov)

---

**File #:** PH 18-062

---



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** LB 18-036

---

**DATE:** July 3, 2018

**TO:** Mayor and City Council

**FROM:** Interim Director of Public Works

**SUBJECT**

Downtown Parking Management Plan - Amendments to Section 3.80 and 3.95 of Hayward Traffic Regulations

**RECOMMENDATION**

That Council adopts the resolutions amending Section 3.80 (Attachment II) and 3.95 (Attachment III) of the Traffic Regulations for the implementation of the Downtown Parking Management Plan.

**SUMMARY**

The Downtown Parking Management Plan provides strategy recommendations to efficiently utilize the parking supply in Downtown Hayward. The plan was adopted by Council on April 24, 2018. Revisions and amendments to the Traffic Regulations are necessary for the implementation of the adopted plan.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution Amending Section 3.80
Attachment III	Resolution Amending Section 3.95



DATE: July 3, 2018

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT: Downtown Parking Management Plan – Amendments to Section 3.80 and 3.95 of Hayward Traffic Regulations

#### RECOMMENDATION

That Council adopts the resolutions amending Section 3.80 (Attachment II) and 3.95 (Attachment III) of the Hayward Traffic Regulations for the implementation of the Downtown Parking Management Plan.

#### SUMMARY

The Downtown Parking Management Plan provides strategy recommendations to efficiently utilize the parking supply in Downtown Hayward. The plan was adopted by Council on April 24, 2018. Revisions and amendments to the Traffic Regulations are necessary for the implementation of the adopted plan.

#### BACKGROUND

The Downtown Parking Management Plan provides guidance, regulations, and long-term policies to effectively manage the parking supply in Downtown Hayward. The plan also protects valuable City-provided parking resources from day-long use by BART patrons and other private park-and-ride users.

Key components of the plan include:

**Parking Time Restrictions:** The plan implements time restrictions for both on-street and off-street parking. On-street restrictions are a combination of two and four-hour parking on Downtown streets and in all of the Municipal (Muni) parking lots. The restrictions will simplify the current complex system at the Muni lots.

**Permit Parking:** The plan establishes a Downtown parking permit program for both residents and businesses.

Residents who choose to participate in the Residential Permit Program (RPP) will not be subject to on-street time restrictions. The objective is to protect on-street parking in residential zones from intrusion by BART patrons or those who park their cars in Downtown

and take a company shuttle bus to places of employment on the Peninsula and South Bay. The number of permits per household are limited to discourage multiple vehicle ownership in Downtown, which is a transit-oriented development environment. Because Hayward has taken the initiative to implement the Downtown RPP zone, the Council Infrastructure Committee (CIC) recommended that the first permit offered be free of charge for the first year.

Costs of residential permits are as follows:

- First permit free for first year, second permit \$50 per year
- Limit of two permits per household
- Guest permits – 5-day limit - \$5.00 per permit

City businesses that choose to participate in the new Business Parking Permit program will not be subject to time restrictions in off-street facilities and designated zones west of the BART station. The cost of business permits are as follows:

- \$50 per year, per permit
- Limit of 20 permits per business

Enforcement: Enhanced enforcement efforts aided by new technology and adequate staffing is a necessary component of a successful parking management system. On [February 27, 2018](#), Council recommended purchasing one enforcement vehicle accommodated with License Plate Recognition (LPR) equipment or retrofitting an existing vehicle with LPR equipment during the initial year. The LPR system would enhance enforcement efforts by replacing the conventional “chalking the tire” method. Staff research indicated that the existing vehicles are not suitable for LPR retrofitting so a new vehicle will be purchased.

Council also recommended evaluating the efficiency of the new equipment before considering hiring additional personnel or purchasing a second enforcement vehicle. This will occur over the first year of implementation of the new program.

Wayfinding: A coordinated wayfinding system, better directional signage, and signs identifying parking lots and structures would improve the use of the off-street parking. Council recommended expeditious prioritization and funding for the installation of wayfinding signs.

## DISCUSSION

The following issues have come up after the last Council meeting held April 24, 2018<sup>1</sup>:

1. The Cinema Place tenants contend that they already contribute toward parking in Muni parking lots and that contribution should be recognized.

---

<sup>1</sup> **April 24, 2018 Agenda item:** <https://hayward.legistar.com/LegislationDetail.aspx?ID=3484151&GUID=6B1C5865-29D0-487E-B83D-34209460B19C>

Staff met and discussed the issue with some of the affected tenants of the Cinema Place retail building. While staff explained that the contribution is in-lieu of the parking spaces that the Cinema Place tenants would have been required to have, and not for employee parking, staff believes some accommodations would be appropriate. Therefore, in recognition of the in-lieu parking fees paid by Cinema Place tenants, staff recommends that each Cinema Place tenant receive two parking permits per year free of charge.

2. In some of the meetings with Downtown businesses, they have stressed that their main problem is with parking scarcity in the evenings and weekends, which the proposed program does not currently address. Staff agrees that this issue should and will be explored and discussed with the CIC after the implementation of the current program and evaluation of its impact on Downtown parking.
3. Staff has also been recently contacted by the developer of the former Green Shutter building advising staff that the tenants' demand for parking is more than expected and requested permission to have the tenants park overnight in Muni Lot 3. Currently, overnight parking is prohibited there. While staff considers this a reasonable request, none of the practical or financial considerations have been considered at this time. Staff is requesting Council direction on the concept, and if agreeable, staff will research the issue, vet it with Downtown businesses, and bring a plan for such overnight use to Council for consideration in the near future.

In order to implement the adopted plan, amendments to Section 3.80 and 3.95 of the Hayward Traffic Regulations are necessary. Section 3.80 will be amended to add the Municipal Parking lots to the list of City-owned facilities that are subject to specific posted parking requirements. Section 3.95 will be amended to establish a residential preferred permit parking area in Downtown, define the Downtown permit parking zone, permit eligibility, and set time restrictions in accordance with the adopted Downtown Parking Management Plan (Resolution 18-070).

#### ECONOMIC IMPACT

The Downtown Parking Management Plan will support and enhance Downtown as a place where local employees, customers, residents, and visitors can find convenient parking to contribute to economic vibrancy.

#### FISCAL IMPACT

The Downtown Parking Management Plan has an estimated capital expense of \$120,000.

As recommended by Council, permit implementation for residents and businesses, wayfinding signage installation, and purchase of one LPR vehicle with related technology will occur in FY 2018-19. The estimated capital expense of \$120,000 includes Downtown Hayward permit implementation costs (\$25,000), one LPR equipped vehicle (\$80,000), and a Wayfinding Signage program (\$15,000). Funding for a portion (\$100,000) of these expenses was

appropriated as part of the FY 2018 Capital Improvement Program (CIP). However, funding to cover the cost for the LPR equipped vehicle has not been identified. If the plan is approved by Council, staff will return for an appropriation to purchase the equipment and fund start-up costs. None of the costs in this portion of the plan are ongoing.

## STRATEGIC INITIATIVES

This agenda item supports the Complete Streets Strategic Initiative. The purpose of the Complete Streets initiative is to build streets that are safe, comfortable, and convenient for everyone regardless of age or ability, including motorists, pedestrians, bicyclists, and public transportation riders. This item supports the following goal and objective:

Goal 2: Provide Complete Streets that balance the diverse needs of users of the public right-of-way.

Objective 1: Increase walking, biking, transit usage, carpooling, and other sustainable modes of transportation by designing and retrofitting streets to accommodate all modes.

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

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

Objective 4: Create resilient and sustainable neighborhoods.

## SUSTAINABILITY FEATURES

The Downtown Parking Management Plan supports sustainability and mobility goals identified in the City's 2040 General Plan. The plan proposes policies to efficiently manage public parking Downtown. The recommended Residential and Business Permit Parking Programs will minimize the adverse effects of spill over parking from BART patrons. The proposed policies will also discourage multiple vehicle ownership in Downtown, which is a transit-oriented zone. Transit-oriented development is a key strategy for reducing greenhouse gas emissions in Hayward. The plan supports the following goals and policies:

Goal M-9: Provide and manage a balanced approach to parking that meets economic development and sustainability goals.

Policy M-9.5: Identify Parking Deficiencies and Conflicts.

## PUBLIC CONTACT

Staff presented results of the preliminary parking analysis related to the BART action to charge for parking to the Council Economic Development Committee (CEDC) on April 6, 2015.

In October 2016, staff solicited comments from visitors to the Downtown area via surveys; 134 surveys were completed. To compliment this effort, a more detailed survey was posted on-line on the City's website, Facebook page, Nextdoor, and sent via e-mail. Approximately 840 on-line surveys were completed.

In summer of 2017, staff interviewed Downtown merchants and residents who lived near the Hayward BART station.

Staff presented the recommendations to the CIC on January 24, 2018, the Chamber's Government Relations Council (GRC) on February 2, 2018, full Council on [February 27, 2018](#), and United Merchants of Downtown Hayward on April 2, 2018.

On April 24, 2018, staff presented the final Downtown Parking Study plan to Council, and the plan was adopted.

In June 2018, staff met with merchants, including those at Cinema Place, who expressed concerns about the plan and requested that staff implement their feedback into the plan where feasible. Staff believes the recommendations contained in this report address most of the concerns expressed by the merchants at this time.

## NEXT STEPS

If Council approves the amendments to the Traffic Code, staff will begin work to implement the Downtown Parking Management Plan recommendations. Revisions to the City's Master Fee Schedule will be necessary and staff will seek separate Council approval for those revisions as well as appropriation of funds to purchase the LPR-equipped vehicle once the required public hearing processes have occurred. Staff anticipates that the Downtown Parking Management Plan will be fully implemented by fall 2018.

Prepared by: Steven Chang, Associate Transportation Planner  
Fred Kelley, Transportation Manager

Recommended by: Alex Ameri, Interim Director of Public Works

Approved by:



---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD AMENDING  
SECTION 3.80 OF THE HAYWARD TRAFFIC REGULATIONS RELATING TO  
PARKING RESTRICTIONS ON PROPERTY POSSESSED AND USED BY THE CITY

WHEREAS, California Vehicle Code section 22507 allows local authorities to enact ordinances or resolutions that prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day; and

WHEREAS, California Vehicle Code section 22507 authorizes local agencies to enact ordinances or resolutions that designate certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which the residents and their guests may be issued a permit or permits that exempt them from existing parking prohibitions or restrictions; and

WHEREAS, the City of Hayward Traffic Regulations were adopted pursuant to the provisions of the California Vehicle Code; and

WHEREAS, the Hayward City Council adopted the Downtown Parking Management Plan (Resolution 18-070) during the Council Meeting of April 24, 2018; and

WHEREAS, the Downtown Parking Management Plan calls for enactment of specific parking policies within the downtown area, including but not limited to implementation of restricted parking hours in all municipal parking lots; and

WHEREAS, Section 3.80 of the Hayward Traffic Regulations contains a list of City owned facilities where the parking or standing of vehicles shall be in accordance with the signs or makings posted in the facilities pursuant to Section 5.24 of the Hayward Traffic Code; and

WHEREAS, the amendments to Section 3.80 will add Municipal Parking lots 1A, 1B, 2, 3, 4, 5, 6, 7, 11, D, E and Five Flag West to the list of facilities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward hereby amends Section 3.80 of the Hayward Traffic Regulations as reflected in Exhibit A hereto.



IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2018

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

## Exhibit A

Section 3.80 PARKING RESTRICTIONS ON PROPERTY POSSESSED AND USED BY THE CITY. The following is a list of off-street properties possessed and used by the City where the parking or standing of vehicles shall be in accordance with the signs or markings posted thereon in compliance with Section 5.24 of the Hayward Traffic Code. The City Manager shall cause this list to be kept current when any change in the use or ownership of off-street properties possessed or used by the City has occurred.

1. All of the area commonly referred to as City Hall/Centennial Hall complex, which consists of the City Center Parking Structure, the upper surface of the Safeway Store contiguous to Centennial Hall, and the rear of Centennial Hall. (As amended by Resolution No. 83-136 C.S., adopted April 26, 1983.)
2. The Hayward Police Department at 330 West Winton Avenue;
3. Hayward Fire Station No. 1 at 22700 Main Street;
4. Hayward Fire Station No. 2 at 360 West Harder Road;
5. Hayward Fire Station No. 3 at 31983 Medinah Avenue;
6. Hayward Fire Station No. 4 at 27836 Loyola Avenue;
7. Hayward Fire Station No. 5 at 28595 Hayward Boulevard;
8. Hayward Fire Station No. 6 at 1401 West Winton Avenue;
9. Hayward Corporation Yard at 24505 Soto Road;
10. Multipurpose facility at 16 Barnes Court;
11. Hayward Sewage Treatment Plant at 3700 Enterprise Avenue;
12. Hayward Air Terminal at 20301 Skywest Drive;
13. Annex No. 2 at 22730 Mission Boulevard;
14. Annex No. 3 at 22738 Mission Boulevard;
15. Parking lot to the rear of the Eggert Building, "C" Street at Main Street. (As added by Resolution No. 78-307 C.S., adopted Sept. 5, 1978.)
16. Municipal Lot #1A at Mission Blvd and A St;

17. Municipal Lot #1B at 22550 Mission Blvd (Open to Mission Blvd, A St and Main St, between A St and B St);
18. Municipal Lot #2 at 1027 A St and 1142 B St (Open to A St and B St, between Foothill Blvd and Main St);
19. Municipal Lot #3 at 22645 and 22651 Main St, between Mission Blvd and Main St;
20. Municipal Lot #4 Open to B St and C St, between Foothill Blvd and Second St;
21. Municipal Lot #5 at 22444, 22456, 22466 & 22482 Maple Ct (Open to A St and Maple Ct, between Foothill Blvd and Maple Ct);
22. Municipal Lot #6 Open to A St and Russell Way, between Foothill Blvd and Second St;
23. Municipal Lot #7 at 22678 Mission Blvd (Open to Mission Blvd and Main St, between B St and C St);
24. Municipal Lot #11 at 1154 and 1166 Russell Way between Foothill Blvd and Second St;
25. Municipal Lot D at 1168 and 1178 D St between Foothill Blvd and Second St;
26. Municipal Lot E at 22724 Foothill Blvd (at corner of and open to, Foothill Blvd and D St);
27. Five Flag West at 22850 Mission Blvd (at corner of and open to, Mission Blvd and D St).

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD  
AMENDING SECTION 3.95 OF THE HAYWARD TRAFFIC REGULATIONS  
RELATING TO A DOWNTOWN RESIDENTIAL PREFERENTIAL PARKING  
PERMIT PROGRAM

WHEREAS, California Vehicle Code section 22507 allows local authorities to enact ordinances or resolutions that prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day; and

WHEREAS, California Vehicle Code section 22507 authorizes local agencies to enact ordinances or resolutions that designate certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which the residents and their guests may be issued a permit or permits that exempt them from existing parking prohibitions or restrictions; and

WHEREAS, the City of Hayward Traffic Regulations were adopted pursuant to the provisions of the California Vehicle Code; and

WHEREAS, the Hayward City Council adopted the Downtown Parking Management Plan (Resolution 18-070) during the Council Meeting of April 24, 2018; and

WHEREAS, the Downtown Parking Management Plan calls for enactment of specific parking policies within the downtown area, including but not limited to implementation of a Residential Preferential Permit Parking program for the downtown area; and

WHEREAS, Section 3.95 of the Hayward Traffic Regulations contains regulations for establishment of preferential permit parking programs and issuance of permits pursuant to those programs; and

WHEREAS, the amendments to Section 3.95 establishing the regulations for the Downtown Residential Preferential Permit Parking Program and the map reflecting the boundaries of the Downtown Residential Preferential Permit Parking Area are contained in Exhibit A of this resolution and are hereby incorporated herein.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward hereby amends Section 3.95 of the Hayward Traffic Regulations as reflected in Exhibit A hereto.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2018

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

Exhibit A

Section 3.95 PREFERENTIAL PERMIT PARKING PROGRAM – REGULATIONS.

(As Added by Resolution No. 87-349 C.S., adopted November 17, 1987)

(As Amended by Resolution No. 13-012, adopted February 19, 2013)

(a) Definitions.

1. "Designated Preferential Permit Parking Area," sometimes referred to as "Preferential Permit Parking Area," shall mean any adjacent areas upon which the Council imposes parking limitations pursuant to the authority granted by California Vehicle Code Section 22507, or any successor legislation thereto, or this section.
2. "Non-residential vehicle" shall mean a motor vehicle not eligible to be issued a preferential parking permit, pursuant to the terms and conditions of this section, for the specific areas in which it is parked.
3. "Preferential Parking permit" shall mean a permit issued under this section which, when displayed upon a motor vehicle, as described herein, shall exempt said motor vehicle from parking time restrictions established pursuant to this section.
4. "Visitor" shall mean an individual who calls upon a resident in the designated preferential permit parking area with specific intent to spend time in or about that resident's residence for the purpose of social intercourse or to provide a service.
5. "Visitor parking permit" shall mean a parking permit issued pursuant to this section which, when displayed upon a motor vehicle, as described herein, shall exempt the motor vehicle from parking restrictions established pursuant to this section for any date within the period indicated upon the face of said permit.
6. "Motor vehicle" shall include automobile, truck, motorcycle, or other motor driven form of transportation not in excess of 9,000 pounds gross weight.
7. "Block face" shall mean any street segment intersected by two other streets; street segments over 800 feet in length, but less than 1,600 feet in length shall be considered two block faces; street segments over 1,600 feet in length shall be considered three block faces.
8. "Resident" shall mean an emancipated minor or any other person 18 years of age or older whose legal residential address is in the designated preferential permit parking area.
9. "Business" shall mean an enterprise or establishment used for the purpose of conducting business located in the designated preferential permit parking area.
10. "Person" shall include, but shall not be limited to, individuals, corporations, businesses, partnerships, hospitals, schools, and churches.

11. "Preferential Permit Parking Area" means any Permit Parking Area, including any Transit Oriented Development Preferential Permit Parking Area.

12. "Transit Oriented Development Preferential Permit Parking Area," also referred to as "TOD-PPP Area," shall mean any Preferential Permit Parking Area in the vicinity of a transit-oriented development upon which the Council imposes parking limitations for residents or BART commuters pursuant to the authority granted by California Vehicle Code Section 22507, or any successor legislation thereto, or this section.

13. "Transit Oriented Development Preferential Residential Permit Parking Area," also referred to as a "TOD PRPP Area," shall mean any TOD PPP Area upon which the Council imposes parking restrictions that allows parking only by residents and merchants pursuant to the authority granted by California Vehicle Code Section 22507, or any successor legislation thereto, or this section.

14. "Transit Oriented Development BART Commuter Preferential Permit Parking Area," also referred to as "TOD BART Commuter PPP Area," shall mean any TOD PPP Area upon which the Council imposes parking restrictions that allows parking only by BART commuters, pursuant to California Vehicle Code Section 22507, or any successor legislation thereto, or this section.

15. "Downtown Residential Preferential Permit Parking Area" refers to that area of downtown Hayward designated by resolution of the City Council upon which the Council imposes parking limitations pursuant to the authority granted by California Vehicle Code Section 22507, or any successor legislation thereto, or this section. A map indicating the boundaries of the Downtown Residential Preferential Permit Parking Area shall be maintained in the Department of Public Works.

(b) Preferential Parking Permit Scope.

1. A motor vehicle on which is displayed a valid preferential parking permit, as provided for herein, shall be permitted to stand or be parked in the preferential permit parking area for which the permit has been issued without being limited by restrictions established pursuant to this section. Any motor vehicle which does not display such permit shall be subject to the preferential parking regulation and consequent penalties in effect for such area.

2. A preferential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated preferential permit parking area.

3. This section shall not be interpreted or applied in a manner which shall abridge or alter regulations established by authority other than this section.

4. This section shall not exempt the permit parking holder from other traffic controls and regulations existing in the designated preferential permit parking area.

5. This section shall not permit the preferential permit parking holder to leave standing his or her vehicle for more than 72 hours.

(c) Designation of a Preferential Permit Parking Area.

1. The City Council shall consider for designation as preferential permit parking area:

(i) Any proposed area for which a petition has been submitted which meets and satisfies the following:

A. The petition shall be on a form provided by the City and be completed to the satisfaction of the City.

B. The aforementioned petition shall contain in the space provided the signature, printed name, address, and date of signing of the petition by residents qualified under subsection (a)(8) representing at least 55% of the addresses within each proposed area. The petition shall contain a description or map showing the proposed preferential permit parking area.

C. The proposed preferential permit parking areas should include at least six adjacent block faces and at least 80% of the block faces must be residentially zoned under the City's zoning regulations, and at a minimum 75% of all on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 8:00 a.m. and 6:00 p.m. or such other hours determined appropriate by the Director of Public Works. Both sides of a residentially zoned street should be included in each area.

(ii) Or, a proposed area which has been recommended by the Director of Public Works to further the objectives and purposes of this program, including the establishment of a TOD PPP Area. Upon receipt by the Director of Public Works of a petition as described in subsection (c)(1)(i) of this section, the Director of Public Works shall undertake or cause to be undertaken such surveys or studies deemed necessary.

2. The Director of Public Works shall recommend to the City Council enactment, amendment, or rejection of the proposed area in any manner, including but not limited to, modification of boundaries of the proposed area and the restrictions imposed on such proposed area. The City Council shall thereafter conduct a public hearing on the proposed preferential permit parking area. Notice of the hearing



shall be provided to residences and businesses on all block faces proposed to be included in the preferential permit parking area at least ten days prior to the hearing. Notice of public hearing will also be provided in a newspaper of general circulations in the City.

3. Following the public hearing the City Council may approve, modify, or deny the establishment of preferential permit parking the area specified in a qualifying petition or as otherwise recommended by the Director of Public Works.

(d) Modifications After Designation of a Preferential Permit Parking Area. Upon satisfaction of the requirements as provided in subsection (c) hereof or upon recommendation by the Director of Public Works, the City Council may, by appropriate resolution, modify a designated preferential permit parking area in any manner that would further the objectives and purposes of this program.

(e) Issuance of Permit. With the exception of permits for a TOD BART Commuter PPP Area, preferential parking permits shall be issued by the Finance Department in accordance with requirements set forth in the subsection (e).

1. Each permit shall be designated to state or reflect thereon the identification of the particular preferential permit parking area or TOD PRPP Area, as well as the license number of the motor vehicle for which it is issued. No more than one preferential parking permit shall be issued to each motor vehicle owned or leased for which application is made.

2. The Finance Department is authorized to issue such rules and regulations, not inconsistent with this section, governing the issuance and display of preferential parking permits.

3. A preferential parking permit may be issued for a motor vehicle only upon application of the following person:

(i) The applicant must demonstrate that he or she is currently a resident of the area for which the permit is to be issued; and

(ii) The applicant must demonstrate that he or she has ownership or continuing custody of the motor vehicle for which the permit is to be issued, as evidenced by registration of the vehicle at the resident's address or some other evidence satisfactory to the Finance Department.

4. A preferential parking permit may, in addition, be issued for any vehicle owned or leased in the area by a person who owns or leases commercial property and engages in business activity within the particular preferential area. However, no more than three parking permits may be issued for each business establishment or motor vehicles registered to or under the control of such an establishment. In areas where

it appears that the number of permits issued would exceed the number of legal on-street parking spaces, the initial sale would be limited to two or possibly one permit per business.

5. Any person to whom a preferential parking permit or a visitor permit has been issued pursuant to this section shall be deemed a parking permit holder.

6. Reissuance of preferential parking permits shall be subject to the same charges and conditions imposed on new permits.

7. Issuance and renewal of preferential parking permits shall be subject to the charges set forth in the Master Fee Schedule. Renewed permits are subject to the same conditions imposed on new permits.

8. Preferential parking permits shall be issued with a term of two years from January 1 to December 31 of the following year, regardless of when during the two-year term a resident purchases the parking permit. With the exception of a TOD PRPP Area, the biennial fee for new permits issued anytime during the first year of the two-year term will be the full biennial fee. The fee for permits issued after December 31 of the first year will be half the biennial fee.

9. There is no fee for the first four preferential parking permits issued for an address in a TOD PRPP Area. Additional permits are subject to biennial fees referenced in subsection (e) (8) above.

10. Permits and/or parking validation for a TOD BART Commuter PPP Area shall be issued by the San Francisco Bay Area Rapid Transit District, in accordance with the parking parameters established from time to time by the South Hayward BART Station Access Authority Joint Powers Authority, upon direction from the City of Hayward and BART.

11. Residents of any development within the boundaries of a TOD PPP Area constructed after the effective date of this section shall not be eligible for residential parking permits.

12. Permits within the Downtown Residential Preferential Permit Parking Area shall be subject to the following regulations:

- (i) No more than two (2) residential permits shall be issued per residential unit;
- (ii) No more than twenty (20) permits shall be issued to each business;
- (iii) Permits issued to businesses may only be used in municipal parking lots and/or designated areas within municipal parking structures;

(iv) Visitor permits shall be valid for a period of no longer than five (5) days;

(v) With the exception of the first year of a residential permit, which shall be free of charge, issuance and renewal of permits within the Downtown Preferential Permit Parking Area shall be subject to the charges set forth in the Master Fee Schedule. Renewed permits are subject to the same conditions imposed on new permits.

(f) Visitor Permits. The Finance Department shall issue visitor parking permits in accordance with this subsection. A visitor permit shall be used by visitors to a resident of the permit parking area and shall provide the motor vehicle displaying the permit all the rights and privileges of a regular preferential parking permit. All references to preferential parking permits in subsection (h) of this section and section 6.36 of the Hayward Traffic Code shall apply as well to visitor permits.

Any person eligible to obtain a preferential parking permit pursuant to criteria set forth in subsection (e) is an eligible applicant for a visitor parking permit, but no more than three visitor parking permits per residential unit shall be issued at any one time.

The Finance Department is authorized to establish rules and regulations, not inconsistent with this section, concerning the issuance and display of visitor parking permits.

(g) Fees. With the exception of the first four permits issued to each TOD PRPP Area address, the fees for each preferential parking permit and visitor permit issued will be as set forth in the City of Hayward Master Fee Schedule.

(h) Revocation of Permit. The Chief of Police is authorized to revoke the preferential parking permit of any person in violation of this section or Section 6.36 of the Hayward Traffic Code. There will be no refunds for revoked permits.

Revocations shall be proceeded by written notice of intent to revoke and such notice shall state the grounds for revocation and the date, time, and place set for a hearing at least ten days hence. Persons wishing to contest the proposed revocation must file a written request to do so with the Chief of Police within five days of receipt of the notice of proposed revocation. Failure to do so constitutes a waiver of the hearing. At the hearing, before the Chief of Police or his or her designee, the permittee shall have the right to present evidence and a written or oral argument or both.

The Chief or Police or his or her representative shall not be bound in the conduct of such hearing by the common law or statutory rules of evidence and procedures, but inquiry shall be made in such a manner as to ascertain the substantial rights of the public and the permittee.

No decision shall be invalidated because of the admission into the record and the use of any proof of any fact in dispute of any evidence not admissible under the common law or statutory rules of evidence.

Within five days after close of hearing, the Chief of Police shall enter a decision based upon the record presented and notify the permittee in writing of such decision. The decision of the Chief of Police shall be final. Upon written notification of the revocation, the permittee shall surrender such permit to the Chief of Police. Failure, when so requested, to surrender a preferential parking permit so revoked and any visitor permit issued to such permittee shall constitute a violation of this section.

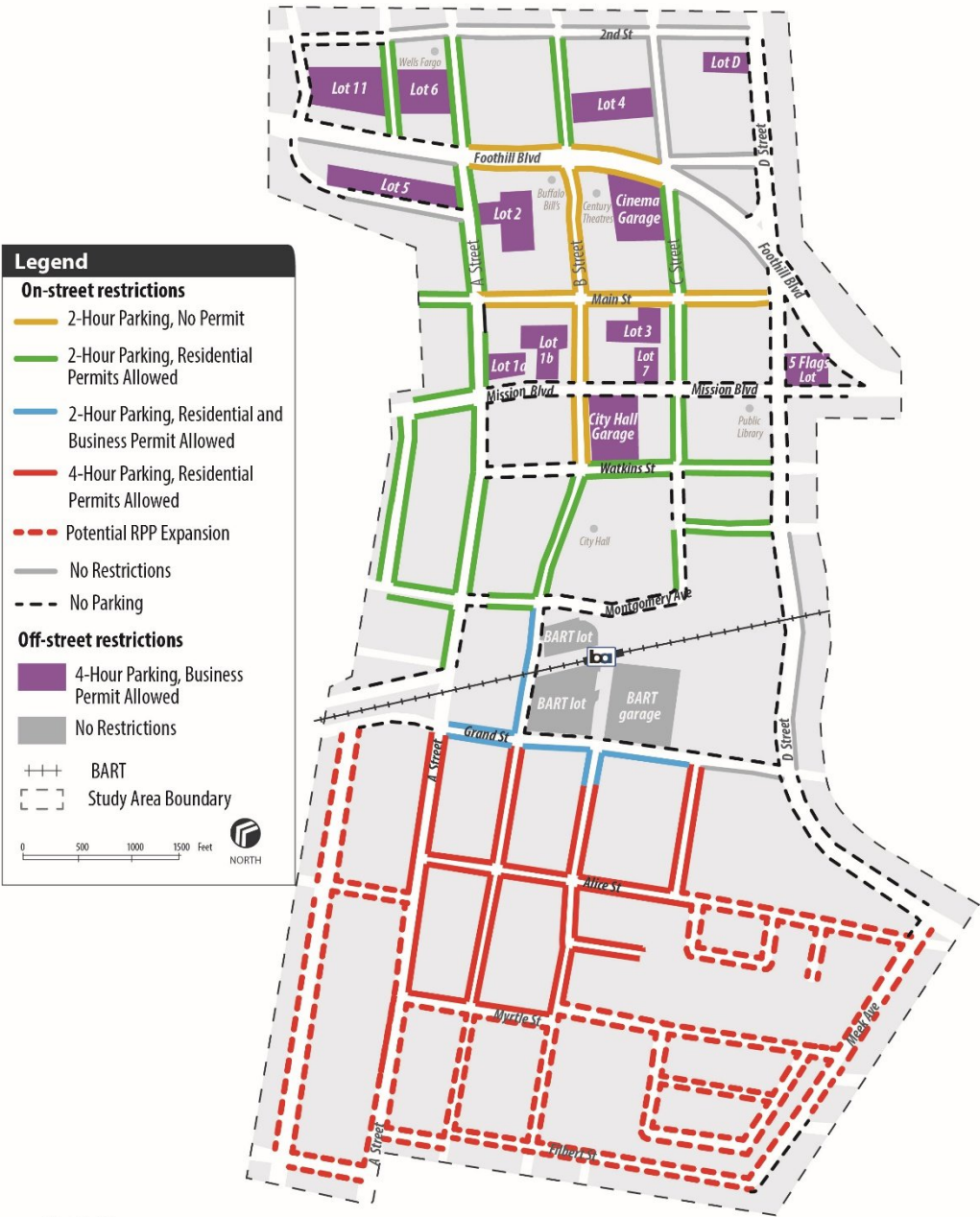
(i) Penalties. Violations of these regulations are as provided in Section 6.36 of the Hayward Traffic Code and are subject to enforcement by duly authorized City officials, as set forth therein.

(j) Visitor Parking Permits for Publicly Operated Facilities. Notwithstanding the forgoing, a publicly operated facility within a designated preferential permit parking area may apply for and obtain visitor parking permits for its employees provided:

- (1) At the time of designation of the area the number of off-street parking spaces subject to the facility control, on-site or adjacent thereto, is less than its then current number of employees;
- (2) The number of visitor permits shall be limited to the difference between the number of employees and parking spaces set forth in the subsection (j) (1) or 15 visitor parking permits, whichever is less."

BOUNDARES OF DOWNTOWN RESIDENTIAL PREFERENTIAL PERMIT PARKING AREA

Figure 2 - Proposed Parking Restrictions





# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** LB 18-037

---

**DATE:** July 3, 2018

**TO:** Mayor and City Council

**FROM:** Interim Director of Public Works

**SUBJECT** Neighborhood Traffic Calming Program - Program Adoption

## RECOMMENDATION

That Council adopts the Neighborhood Traffic Calming Program (NTCP).

## SUMMARY

The NTCP provides a robust and comprehensive approach to address traffic concerns. By utilizing this comprehensive approach, staff can address these concerns with the most effective and least intrusive solutions first, and seek out costlier physical improvements if necessary.

## ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: July 3, 2018

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT: Neighborhood Traffic Calming Program – Program Adoption

#### RECOMMENDATION

That Council adopts the Neighborhood Traffic Calming Program (NTCP).

#### SUMMARY

The NTCP provides a robust and comprehensive approach to address traffic concerns. By utilizing this comprehensive approach, staff can address these concerns with the most effective and least intrusive solutions first, and seek out costlier physical improvements if necessary.

#### BACKGROUND

City residents frequently voice traffic safety concerns to staff and elected officials. Speeding through residential neighborhoods, cut-through traffic, and bicycle and pedestrian safety continue to be sources of concern for the community. Although City staff continues to address these issues, the lack of a comprehensive traffic calming program has resulted in an uneven approach in implementing traffic calming strategies. In the absence of a broad range of solutions, residents have typically requested the installation of speed lumps, STOP signs or police enforcement, some of which are not warranted, practical, or cost effective. To overcome these issues, a NTCP was developed. It will provide a well-defined toolbox to effectively utilize the most appropriate solutions combined with flexible policies to better address neighborhood traffic calming concerns.

The purpose of the program is to develop a guide for City staff, elected officials, and residents to become acclimated with the policies and procedures for the successful implementation of traffic calming strategies, evaluation and prioritization criteria, and processes that will benefit City residents and businesses.

Staff presented a draft NTCP to Council on September 20, 2016. Based on feedback from Council members at the meeting, minor changes were made on ways to prioritize criteria.

## Council Infrastructure Committee

Considering the amount of time that passed since Council reviewed the program, the item was discussed before the Council Infrastructure Committee (CIC) on May 23, 2018. The CIC had no additional feedback.

## DISCUSSION

A comprehensive NTCP can bring added value to the City, including fulfilling its overall transportation vision and priorities as outlined in various planning documents and Council directives. This proposed program is supportive of the Mobility element M-4.7 (Neighborhood Traffic Calming) and M-10 (Traffic Calming Measures) of the City's 2040 General Plan. Implementation of a NTCP will bring numerous benefits that include improved driver awareness and attention, modified driver behavior to achieve long term benefits, enhanced safety for all users, and enhanced livability of residential neighborhoods.

To eliminate inconsistencies in the application of traffic calming strategies, the NTCP is formulated based on a collaborative approach of extensive public outreach and benchmarking. A well-crafted NTCP and active engagement of neighborhoods is key to documenting traffic related problems, and jointly developing solutions that benefit a community, minimizing the risk of creating unintended consequences. One primary objective of the program is to mitigate the City's traffic related issues by developing a robust traffic calming toolbox that will assist in addressing the community's concerns.

A comprehensive summary of the NTCP was developed to provide the community with information about key policies, procedures, implementation processes, and the types of measures considered to address various issues. This document will be published online and made available to the public once adopted by Council.

Key development goals of the NTCP are:

- Utilize a four "E's" approach – Education, Empowerment, Enforcement, and Engineering to expand available strategies to address traffic calming concerns;
- Formulate effective policies that can be applied consistently throughout the City while reviewing traffic related complaints and making necessary improvements;
- Develop a systematic process to prioritize allocation of limited City funds to traffic calming improvements; and
- Address traffic calming concerns with the most effective and least intrusive solutions first, and seek out costlier physical improvements when appropriate through a tiered approach.

## Four "E's" Of Traffic Calming:

Previously, agencies were narrowly focused on Engineering solutions. Over time, additional strategies were developed and implemented. These concepts included Education,



Enforcement, and Empowerment as exhibited in the City's proposed NTCP, and briefly discussed below.

**Education:** The intent of this component is to educate the community to safely use public streets and enjoy their travel experience. It is also intended to inform the public of the pros and cons of various traffic calming devices, their applicability, and associated costs. In the future, it is anticipated that the City will adopt a Street Smarts program, which is a traffic safety campaign to educate drivers, bicyclists, and pedestrians on issues related to traffic safety through outreach programs.

**Enforcement:** The NTCP provides options for enforcement to ensure that effective deployment of resources continues in a collaborative manner. The program explores various enforcement strategies while remaining fully cognizant of the effectiveness, resource constraints, and the public image of enforcement efforts. The issuance of warning citations, targeted enforcement, and the utilization of radar speed trailers are specific examples.

**Engineering:** Engineering solutions will include physical improvements, roadway diet strategies (i.e. lane narrowing), signage, and physical improvements. Pros and cons of each strategy, an approximate cost range, and a thorough description of the evaluation process and project prioritization criteria will be provided as part of the overall program.

**Empowerment:** While traditional traffic calming strategies rely heavily on "Three E's", the fourth "E" (Empowerment) has proven to be far more effective and the least expensive. The NTCP recommends effective public empowerment strategies where community members take an active role in solving neighborhood traffic related problems, such as the PACE car program that allows users to commit to driving the speed limit. This fourth "E" can also provide residents with the tools necessary to conduct safety education workshops and meetings in their neighborhood without the City's direct participation.

#### Implementation Process:

The NTCP aims to address traffic and safety related concerns through collaborative partnership with the community. Hayward residents are active and well engaged in various City services and programs. Staff will continue to accept traffic related concerns from the community and will conduct necessary field reviews, complete investigations, receive community feedback, design improvements, and identify funding for necessary improvements. A formal petition process is proposed in key stages of the implementation process to garner the support of the neighborhood. The draft NTCP implementation process flow chart is intended to provide a clear, graphical representation so that the general public can clearly understand the process. The key steps of the proposed process are described below.

#### Identification of Solutions:

The NTCP proposes a three-tier system to classify problematic traffic conditions and associated remedies. Each tier incorporates elements of one or more of the 4E's. Through this

system, traffic safety observations made by the public are assessed and assigned a level of severity. A three-tier system allows for implementation of traffic calming measures in a timely manner, allowing problems to be resolved with routine solutions. When dealing with more complex issues, the process allows for effective management and allocation of resources by prioritizing project areas.

Tier I measures can be quickly implemented, are cost-effective, and promote awareness while Tiers II and III involve comprehensive analysis and design. By utilizing this broader approach, the City can begin addressing traffic calming concerns with the most effective and least intrusive solution first, such as Tier I, and seek out costlier improvements only when appropriate and feasible, such as Tier II and Tier III.

#### Prioritization:

The City has limited funds available through the annual budgetary process, and the number of requests for improvements far exceeds the number of projects that can be funded. Therefore, the goal of the program is to seek out low-cost, high-return improvements before implementing high-cost alternatives, and to maximize the use of available resources. Establishing a project priority list is essential to allocating resources more appropriately. The NTCP outlines a priority system that places heavy emphasis on speeds, accidents, volumes, schools, and pedestrian generators pertinent to traffic calming. With a prioritization system, the City can budget funding more efficiently, and provide improvements at the most needed locations.

#### ECONOMIC IMPACT

The action taken for this agenda report will not result in physical development, purchase or service. Any physical work will depend upon future Council action.

#### FISCAL IMPACT

In the past several years, the City's total budget for traffic calming ranged from \$130,000 to \$140,000. Unfortunately, requests far outpace the available resources needed to address each potential improvement. While this program provides a well-defined set of traffic calming measures, it can only be as successful as the level of funding allocated to it. The NTCP outlines several methods proposed to help reduce the ongoing funding challenges. Those methods may include:

- Community Funding/Public Private Partnerships: Public agencies are exploring the option of community funded projects. Some agencies do not require, but encourage, community participation to fully or partially fund traffic calming projects.
- Capital Improvement Program (CIP) Budget: Increase funding for traffic calming so that more projects on the priority list can be accommodated in a timelier fashion.
- Grants: Regional and state transportation agencies may have grant programs that support traffic calming and neighborhood vitalization efforts. For example,

Metropolitan Transportation Commission's (MTC) Transportation for Livable Communities (TLC) Program provides funding for eligible community-driven projects that benefit broader neighborhoods as opposed to one or two blocks. However, these funds are not guaranteed, and require a minimum of one year's lead time to realize.

Although additional funding will make the NTCP more effective, no level of funding will eliminate speeding in any community. The goal of the NTCP is to mitigate this behavior where possible.

## STRATEGIC INITIATIVES

This agenda item supports the Complete Streets Strategic Initiative. The purpose of the Complete Streets initiative is to build streets that are safe, comfortable, and convenient for travel for everyone, regardless of age or ability, including motorists, pedestrians, bicyclists, and public transportation riders. This item supports the following goal and objective:

Goal 2: Balance the diverse needs of users of the public right-of-way.

Objective 1: Increase walking, biking, transit usage, carpooling, and other sustainable modes of transportation by designing and retrofitting streets to accommodate all modes.

## SUSTAINABILITY FEATURES

The project will provide complete streets that balance the diverse needs of users of the public right-of-way by reducing speeds and fostering a pedestrian and bicycle friendly environment.

## PUBLIC CONTACT

Active engagement of the community was an invaluable component in the overall development of the NTCP. In addition to the ongoing feedback received through the City's existing community involvement mechanisms, staff held two well-attended community workshops in October (at City Hall) and November (at Matt Jimenez Community Center). In these meetings, residents reiterated their concerns regarding speeding and pedestrian safety, and expressed their appreciation for the City starting this study.

In addition, based on Lean Innovation principles, staff conducted experiments utilizing the components of this program to gauge feedback from the community, and overall effectiveness of the proposed program. During this period, staff addressed numerous speeding and traffic calming concerns.

## NEXT STEPS

Following adoption, staff will take necessary action to implement the program by fall 2018.

Prepared by: Fred Kelley, Transportation Manager

Recommended by: Alex Ameri, Interim Director of Public Works

Approved by:

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

---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member \_\_\_\_\_

RESOLUTION FOR THE ADOPTION OF THE NEIGHBORHOOD TRAFFIC  
CALMING PROGRAM

WHEREAS, The Neighborhood Traffic Calming Program (NTCP) will provide a well-defined toolbox to effectively utilize the most appropriate solutions combined with flexible policies to better address neighborhood traffic calming concerns; and

WHEREAS, The purpose of the program is to develop a guide for City staff, elected officials and residents to become acclimated with the policies and procedures for the successful implementation of traffic calming strategies, evaluation and prioritization; and

WHEREAS, The NTCP will utilize the four “E’s” approach – Education, Empowerment, Enforcement, and Engineering to address traffic calming concerns; and

WHEREAS, The NTCP will provide the community with information about key policies, procedures, implementation processes, and the types of measures considered to address traffic calming concerns.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby adopts Neighborhood Traffic Calming Program.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2018

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](http://www.Hayward-CA.gov)

---

**File #:** RPT 18-118

---

**DATE:** July 3, 2018

**TO:** Mayor and City Council

**FROM:** Interim Director of Public Works

**SUBJECT**

Street Selection for the FY 2018 Pavement Preventive Maintenance & Resurfacing Project and the FY 2018 Pavement Rehabilitation Project

**RECOMMENDATION**

That Council receives this informational report on the street segment selection processes for the FY 2018 Pavement Preventive Maintenance & Resurfacing Project and for the FY 2018 Pavement Rehabilitation Project.

**SUMMARY**

The City's Pavement Preventative Maintenance and Resurfacing, and the Pavement Rehabilitation projects aim to refurbish and rehabilitate City streets and extend their useful life. The street segments selected for inclusion are based on a set of criteria including staff's analysis of the Pavement Condition Indices (PCI) identified through the City's Pavement Management Program (PMP), field examination, and the functional classification of each street. The project list then is reviewed and approved by Council.

From time to time, when funding allows, such as when a contractor is expected to complete a project well below the contract award amount, staff adds one or more street segments to the project, following the criteria outlined above, to take advantage of the remaining funds to get more done.

This informational report outlines this process.

**ATTACHMENTS**

Attachment I      Staff Report



DATE: July 3, 2018

TO: Mayor and Council Members

FROM: Interim Director of Public Works

SUBJECT Street Selection for the FY 2018 Pavement Preventive Maintenance & Resurfacing Project and the FY 2018 Pavement Rehabilitation Project

#### RECOMMENDATION

That Council receives this informational report on the street segment selection processes for the FY 2018 Pavement Preventive Maintenance & Resurfacing Project and for the FY 2018 Pavement Rehabilitation Project.

#### SUMMARY

The City's Pavement Preventative Maintenance and Resurfacing, and the Pavement Rehabilitation projects aim to refurbish and rehabilitate City streets and extend their useful life. The street segments selected for inclusion are based on a set of criteria including staff's analysis of the Pavement Condition Indices (PCI) identified through the City's Pavement Management Program (PMP), field examination, and the functional classification of each street. The project list then is reviewed and approved by Council.

From time to time, when funding allows, such as when a contractor is expected to complete a project well below the contract award amount, staff adds one or more street segments to the project, following the criteria outlined above, to take advantage of the remaining funds to get more done.

This informational report outlines this process.

#### BACKGROUND

On June 20, 2017, Council awarded DeSilva Gates Construction LP the construction contract for the FY 2018 Pavement Preventive Maintenance & Resurfacing Project in the not-to-exceed amount of \$1,967,339, which was 10.32% below the engineer's estimate of \$2,193,741. Council also awarded DeSilva Gates Construction LP the construction contract for the FY 2018 Pavement Rehabilitation Project in the not-to-exceed amount of \$7,894,079.70, which was 10.35% below the engineer's estimate of \$8,805,411.

The Council is advised that Montgomery Street, on which a member of the Council lives, was one of the streets added by staff to the Pavement Preventative Maintenance & Resurfacing



Project after Council approved the selection of the contractor on June 20, 2017. As explained in this report, Montgomery Street and several other street segments were added in the normal course of administering this type of project and no member of Council had input into the technical selection of these additional streets.

## DISCUSSION

The City's Pavement Preventive Maintenance & Resurfacing Program utilizes the application of micro-surfacing for protecting, preserving, and extending the pavement life of City streets in fair condition with low to moderate distress and narrow cracks. Pavement Preventive Maintenance treatment is typically applied every five to seven years after a street has received a new surface treatment and before the street begins to deteriorate to the point where more costly rehabilitation or reconstruction work will be needed.

The City's Pavement Rehabilitation Program repairs severely deteriorated streets. This may involve one of three types of treatments: 1) standard overlay of the existing street pavement with new Hot Mix Asphalt surfacing; 2) Cold-In-Place Recycling (CIR), which involves removing the top layer of asphalt, mixing the removed aggregates with a recycling agent and other additives on-site, replacing this pavement material onto the same roadway, then applying a Hot Mix Asphalt overlay; or 3) Full Depth Reclamation (FDR), which consists of pulverizing and mixing distressed asphalt and underlying pavement materials with or without the addition of stabilizing agents; using the resulting material as a base for the renewed pavement structure and adding a new Hot Mix Asphalt cap.

The streets for the FY 2018 Pavement Preventive Maintenance & Resurfacing and Pavement Rehabilitation Projects were selected based on staff's analysis of the Pavement Condition Indices (PCI) identified through the City's computerized Pavement Management Program (PMP), field examination, and the functional classification of each street.

Prior to start of the work for the projects, staff from the Utilities & Environmental Services Department requested a postponement of work on four street segments that were identified within the scope of the FY 2018 Pavement Preventive Maintenance & Resurfacing and the Pavement Rehabilitation Projects. This request was due to the forthcoming recycled water line installation project and a desire to avoid the no-dig moratorium period.

Street segments that were removed from the Pavement Preventative Maintenance & Resurfacing Project were:

- Panama St. between Hesperian Blvd. and Calaroga Ave.
- West Winton Ave. between 2803 West Winton Ave. (Beavix) and Cabot Blvd.
- West Winton Ave. between Regional Shoreline Gate and 2803 West Winton Ave. (Beavix)

Street segments that were removed from the Pavement Rehabilitation Project were:

- Hesperian Blvd. between Industrial Blvd. and the south City limit.

Because there were cost savings due to the low bids, the postponement of street segments, and the availability of unspent change order funds, staff was able to add segments to each project. These street sections were originally planned to be included in the FY 2019 Pavement Rehabilitation & Preventive Maintenance Project.

Street segments that were added to the Pavement Preventative Maintenance & Resurfacing Project were:

- Hancock St. between Mission Blvd. and East 16th
- Main St. between Warren St. and Hazel Ave.
- Manon Ave. between Harris Rd. and Schafer Rd.
- Montgomery St. between B St. and the County line
- Schafer Rd. between Gading Rd. and Huntwood Ave.
- Prospect St. between Warren St. and the cul-de-sac

Street segments that were added to the Pavement Rehabilitation Project were:

- Soto Rd. between Harder Rd. and Orchard Ave.
- Sunset Blvd. between the County limits and Mission Blvd.
- Revere Ave. between Carroll Ave. and Pulaski Dr.

A similar process has been followed in the past where street segments have been deleted or added to approved projects. If Council feels that this process may need to be amended or revised, staff will schedule this item on a future Council meeting agenda for Council discussion and staff direction.

## ECONOMIC IMPACT

This project and the action that staff took to add additional street segments to the project had no negative economic impact to residents or businesses. Residents and businesses benefitted from the addition of street segments identified for treatment due to the fact that the lowest bid was 10% lower than engineer's estimate. The additions ultimately enhanced the overall appearance and safety of the added streets.

## FISCAL IMPACT

Funding for these projects came from Measure B, Measure BB, Vehicle Registration, Gas Tax, and Street System Improvement. There is no fiscal impact on the General Fund associated with this project.

## STRATEGIC INITIATIVES

This project supports the Complete Streets Strategic Initiative. The purpose of the Complete Streets Strategic Initiative is to build and maintain streets that are safe, comfortable, and convenient for travel for everyone, regardless of age or ability; including motorists, pedestrians, bicyclists, and public transportation riders. This project supports the following goal and objectives:

Goal 1: Prioritize safety for all modes of travel.

Objective 1: Reduce the number of fatal and non-fatal traffic accidents in the City through engineering evaluation of major intersection and corridors. The existing bicycle facilities, sidewalk, and street lighting were maintained during construction, and existing bike lanes and markers were re-striped and widened and green paint for bike lanes were installed. The project also installed new curb ramps where they were missing at street corners and reconstruct existing curb ramps that were not ADA compliant.

Objective 3: Ensure that roadway construction and retrofit programs include complete streets elements. This project ensured that consideration was given to all users of the street, including pedestrians, bicyclists, transit users, senior citizens, and school children, in addition to vehicular traffic.

## SUSTAINABILITY FEATURES

Cold-In-Place Recycling (CIR) was utilized, which involves removing the top layer of asphalt, mixing the removed aggregates with a recycling agent and other additives on-site, replacing this pavement material onto the same roadway, then applying a Hot Mix Asphalt overlay which reuses existing asphalt and minimizes waste.

## PUBLIC CONTACT

Immediately after the construction contract was awarded, a preliminary notice explaining the project was posted and distributed to all residents and businesses along affected streets. Signs on barricades were posted seventy-two hours prior to commencement of work, indicating the date and time of work for each street. The notice explained the necessity for allowing the micro-surfacing coats to dry (approximately one hour) before the streets could be reopened to traffic. Residents were advised to park their vehicles on side streets outside of the work area while the streets were being treated.

## NEXT STEPS

If Council feels that this process needs to be amended, staff will schedule this item for a future Council or Council Committee meeting to discuss any changes prior to the street selection process for future Pavement Rehabilitation & Preventive Maintenance Projects.

Prepared by: Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Interim Director of Public Works

Approved by:

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

---

Kelly McAdoo, City Manager