

CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, May 14, 2019

7:00 PM

Council Chambers

City Council

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

Affordable Housing Week Proclamation

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 19-064](#) Minutes of the Special City Council Meeting on April 27, 2019

Attachments: [Attachment I Draft Minutes of 04/27/2019](#)

2. [CONS 19-235](#) Authorize Amendment to Resolution 18-091 to Appropriate an Additional \$398,512 in Grant Funds to the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project and Authorize the City Manager to Increase the T.B. Penick & Sons, Inc. Contract Amount to \$52,948,512

Attachments: [Attachment I Staff Report](#)
[Attachment II Appropriation Resolution](#)
[Attachment III Contract Increase Resolution](#)

3. [CONS 19-268](#) Authorize the City Manager to Establish a Police Trainee/Entry Level/Academy Graduate (TEAG) Hiring Bonus Program & Lateral Hiring Bonus Program and the Establishment of a Hiring Incentive Referral Program (HIRP)

Attachments:

[Attachment I Staff Report](#)

[Attachment II Resolution: Police Trainee](#)

[Attachment III Resolution: Lateral Officer Hiring Bonus](#)

[Attachment IV Resolution: Police Hiring Incentive Referral](#)

[Attachment V TEAG Hiring Bonus Program Agreement](#)

[Attachment VI Lateral Officer Hiring Agreement](#)

[Attachment VII HIRP Referral Application](#)

4. [CONS 19-329](#) Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Assessments for Fiscal Year 2020; and set June 4, 2019 as the Public Hearing Date for Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 16

Attachments:

[Attachment I Staff Report](#)

[Attachment II Resolution](#)

[Attachment III Engineer's Report](#)

[Attachment IV Cadence Maintenance Plan](#)

[Attachment V Vicinity Map - Parkside Heights](#)

[Attachment VI Vicinity Map - SoHay](#)

5. [CONS 19-330](#) Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2020 for Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit Located at Pacheco Way, Stratford Road and Ruus Lane, and Set June 4, 2019 as the Public Hearing Date

Attachments:

[Attachment I Staff Report](#)

[Attachment II Resolution](#)

[Attachment III Engineer's Report](#)

6. [CONS 19-331](#) Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2020 for Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer, and Set June 04, 2019 as the Public Hearing Date

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Engineer's Report](#)

7. [CONS 19-360](#) Transportation Development Act Article 3 Funds FY 2018/2019 and FY 2019/2020 - Authorization for the City Manager to Submit an Application to Secure Funding for Americans with Disabilities Act (ADA) Compliant Accessible Curb Ramps

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Draft Findings Resolution](#)
 [Attachment IV Application](#)
 [Attachment V Location Map](#)

WORK SESSION

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

8. [WS 19-027](#) Discussion on the FY 2020 Proposed Operating Budget, the City Issued Debt Annual Report, and Consideration of the Proposed Modifications to the City's "Use of One-Time Revenue for One-Time Expenses" Policy (Report from Finance Director Claussen)

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

9. [WS 19-031](#) Recommended FY 2020 and FY 2021 Water and Sewer Rates and Connection Fees (Report from Public Works Director Ameri)
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Water Maintenance & Operations Fund](#)
 [Attachment III Wastewater Operating Fund](#)
10. [WS 19-035](#) Recommended FY 2020 and FY 2021 Recycled Water Rates and Connection Fees (Report from Public Works Director Ameri)
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Recycled Water Maintenance & Operation Fund](#)

PUBLIC HEARING

11. [PH 19-044](#) Approval of FY 2020 Community Agency Funding Recommendations and FY 2020 Community Development Block Grant Annual Action Plan (Report from Deputy City Manager Ott)
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II CDBG and Social Services Final Funding](#)
 [Attachment III Resolution](#)

12. [PH 19-045](#) Application to Amend Chapter 10, Article 1 (Zoning Ordinance) and Article 2 (Off-Street Parking Regulations) related to the creation of new Industrial District Regulations within the Hayward Municipal Code and the Adoption of Industrial District Design Guidelines (Report from Development Services Director Simpson)

Attachments:

[Attachment I Staff Report](#)
[Attachment II Industrial Regulations Ordinance](#)
[Attachment II Exhibit A Industrial Districts Map](#)
[Attachment II Exhibit B HMC Industrial Districts](#)
[Attachment II Exhibit C HMC Definitions](#)
[Attachment II Exhibit D HMC Small Recycling Facilities](#)
[Attachment II Exhibit E HMC Air Terminal Districts](#)
[Attachment II Exhibit F HMC Off Street Parking](#)
[Attachment II Exhibit G HMC Major Site Plan Review](#)
[Attachment II Exhibit H HMC Food Vendor Permit](#)
[Attachment III Industrial Regulations Resolution](#)
[Attachment IV Industrial Design Guidelines](#)
[Attachment V Draft Planning Commission Meeting Minutes](#)

CITY MANAGER'S COMMENTS

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

COUNCIL REPORTS AND ANNOUNCEMENTS

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

COUNCIL REFERRALS

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

ADJOURNMENT

NEXT MEETING, May 21, 2019, 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
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File #: MIN 19-064

DATE: May 14, 2019

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Minutes of the Special City Council Meeting on April 27, 2019

RECOMMENDATION

That the City Council approves the minutes of the Special City Council meeting on April 27, 2019.

SUMMARY

The City Council held a special meeting on April 27, 2019.

ATTACHMENTS

Attachment I Draft Minutes of 4/27/2019



MINUTES OF THE SPECIAL CITY COUNCIL MEETING
Conference Room 2A
777 B Street, Hayward, CA 94541
Saturday, April 27, 2019, 9:00 a.m.

The meeting of the Special City Council was called to order by Mayor Halliday at 9:00 a.m., followed by the Pledge of Allegiance led by Council Member Mendall.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lamnin, Wahab, Salinas
MAYOR Halliday
Absent: NONE

PUBLIC COMMENTS

Ms. Cheryl Penick, IFPTE Local 21 president, recommended that in the future, Council members should be identified when they participate in exercises that require their vote; and to keep in mind, during City Council salary discussions, that City employees made concessions during negotiations.

Council Member Zermeño urged staff to schedule the next Council Budget Work Session on the third Saturday in April to avoid a conflict with the Annual Citywide Clean-Up event.

WORK SESSION

1. Council Budget Work Session on the Proposed FY 2020 Operating Budget: Review of the Five-Year Plan and Receive and Discuss department Budget Presentations (Report from City Manager McAdoo) **WS 19-020**

City Manager McAdoo provided a PowerPoint presentation on the General Fund five-year forecast-October 2017, General Fund reserves, General Fund five-year forecast FY 2019 mid-year, Council-supported budget balancing options, FY 2020 Proposed Operating Budget-Option 1, and General Fund Five-Year Plan impacts of Option 1.

Finance Director Claussen provided a PowerPoint presentation on the FY 2020 Proposed Operating Budget-Option 2, General Fund Five-Year Plan impacts of proposed changes in Option 2, FY 2020 Proposed Operating Budget-Option 3, and General Fund Five-Year Plan impacts of changes proposed in Option 3.

Members of the City Council offered preliminary input about the FY 2020 Proposed Operating Budget options: consider using one-time funds to tackle OPEB obligations; Option 1 was fine; prepayment of a fire apparatus lease was fine; add 2.0 FTE Groundskeeper I in Maintenance Services out of Measure C or Measure T funds; consider adding the 1.0 FTE Management Analyst for homeless services coordination and 1.0 FTE Emergency Services Specialist for community and organizational disaster preparedness at mid-year; General Fund monies

should target Measure T promises; complete Fire Station 6 and Training Center from passage of Measure C; track closely revenue from Real Property Transfer Tax; have the Council Budget and Finance Committee further discuss OPEB contributions and the use of one-time funds; consider prepayment of the lease with one-time funds; consider adding the 1.0 FTE Management Analyst for homeless services coordination and 1.0 FTE Groundkeeper I in Maintenance Services at mid-year; and consider adding 1.0 FTE Emergency Services Specialist for community and organizational disaster preparedness and 1.0 FTE Groundkeeper I in Maintenance Services; there was some preference for not adding positions at mid-year; have Bay Area Community Services (BACS) and current staff manage the Navigation Center and items related to homeless service coordination; support options that are in alignment with the City's Priorities: Clean, Green, Safe, and Fiscal.

Members of the City Council commended City departments on their service delivery and commitment to the City of Hayward. The information provided below captures comments related to the FY 2020 Proposed Operating Budget.

City Manager

City Manager McAdoo provided an overview of the City Manager's Office budget: significant changes planned for FY 2020, organization chart, status of select FY 2019 goals, and goals for FY 2020.

Council members had the following comments: positions that are budget neutral are fine; reservations were noted for adding a 1.0 FTE Senior Secretary to the department; calculate the proposed additional staff positions and provide it to Council for the May 14, 2019 Council meeting; provide cost for a 0.5 FTE and 1.0 FTE Senior Secretary; adjust the FY 2020 Measure Goal #4 (Caltrans/Route 238 project) to indicate "all properties should be out to bid and at least two of them sold."; adjust FY 2020 Measure Goal #10 (Annual Report) to indicate "September 2019"; add to FY 2020 under Economic Development a goal to evaluate appropriate staffing levels; and add to FY 2020 a Census goal to ensure everyone is counted.

Maintenance Services

Maintenance Services Director Rullman provided an overview of the Maintenance Services Department budget: significant changes planned for FY 2020, organization chart, status of select FY 2019 goals, and goals for FY 2020.

Members of the City Council had the following comments: create a report showing the number of reports issued in Access Hayward before and after the interface changed; add 2.0 FTE Groundskeeper I in Maintenance Services out of Measure C; consider partnering with Alameda County Workforce Development, Abode Services and other agencies to engage interns and create a homegrown workforce pipeline; hold Waste Management of Alameda County accountable to its contract; provide public education about trees and how they are replaced when removal is required; have more sensitivity around homeless encampments.



MINUTES OF THE SPECIAL CITY COUNCIL MEETING
Conference Room 2A
777 B Street, Hayward, CA 94541
Saturday, April 27, 2019, 9:00 a.m.

Library

Library Director Addleman provided an overview of the Library Department budget: significant changes planned for FY 2020, organization chart, status of select FY 2019 goals, and goals for FY 2020.

Members of the City Council had the following comments: assess programming for kids when school is not in session during the Strategic Plan discussion for library services ; include as a goal to open the library seven days a week and consider Sunday hours; offer the library after hours for business meetings as a way to generate revenue; add 21st century electronic and IT equipment to the library for use by disenfranchised populations; ensure there is a multicultural section at the library; update the mission statement as the Strategic Plan is developed and consider language as literacy, youth, and books; provide information on how the Adult Literacy Plus and After-School Homework Support programs will be funded; include in the Strategic Plan partners to provide STEM opportunities; provide an opportunity for commissions and task forces to tour the library; add a first goal to FY 2020 Goals that reads, "Smoothly and successfully open the new Library by Summer 2019"; add to FY 2020 Goal #1 the following, "..., including a plan to extend Library hours of operation."; and add a new FY 2020 goal that reads, "Open all parts of the Library including the maker space, media center, coffee shop, the friends store, etc."

Mayor Halliday called a recess at 11:30 a.m., and reconvened the meeting at 11:41 a.m.

Public Works and Utilities Department

Public Works Director Ameri provided an overview of the Public Works and Utilities Department (Engineering, Transportation, Airport, and Environmental Services) budget: significant changes planned for FY 2020, organization chart, status of select FY 2019 goals, and goals for FY 2020.

Members of the City Council had the following comments: add an additional FY 2020 goal that reads, "Perform a detailed review or deep dive into four to six CIP policy areas with the Council Infrastructure Committee"; update FY 2019 Goal #11 with the level of trash reduction achieved; consider a press release and/or ribbon cutting ceremony when the Recycled Water Project is complete; hold Alameda County Waste Management accountable to its contract to ensure that bulky pick ups occur in hot spots and provide an update to the Council Infrastructure Committee; and continue to engage the Friends of San Lorenzo Creek related to the Sulphur Creek Improvement project.

Police Department

Police Chief Koller introduced Police Department Captain Matthews who provided an overview of the Police Department budget: significant changes planned for FY 2020, organization chart, status of select FY 2019 goals, and goals for FY 2020.

Members of the City Council congratulated Chief Koller on his upcoming retirement and thanked him for his 38 years of service to the City. Police Captain Martinez was also congratulated on his upcoming retirement and acknowledged for his service.

Members of the City Council had the following comments: ensure new community representation when appointing members to the Chief's Community Advisory Panel; consider expanding the Junior Giants Program; consider adding more detail to FY 2020 Goal #11 related to mental health and internal/external focus; consider post call tagging to capture types of crime; consider revising FY 2020 Goal #1 to increase the number of meetings to at least three; consider tracking and evaluating response time for abandoned vehicles; consider expanding the Neighborhood Alert Program to other neighborhoods and partnering with Fire for disaster preparedness; continue to diversify the organization and improve cultural awareness; review the budget document and replace the word "citizen" with "resident" or "community member"; consider expanding FY 2020 Goal #13 to include more than three programs related to juvenile diversion, life skills, and restorative justice; consider modifying FY 2020 Goal #19 to indicate "achieved"; consider reviewing FY 2020 Measures to include more concrete numbers; and in future years, consider challenging to fill vacancies with non-sworn positions.

Mayor Halliday called a recess at 12:53 p.m., and reconvened at 1:10 p.m.

Information Technology

Information Technology Director Kostrzak provided an overview of the Information Technology Department budget: significant changes planned for FY 2020, organization chart, status of select FY 2019 goals, and goals for FY 2020.

Members of the City Council had the following comments: consider adding to FY 2020, key services from FY 2019; provide an update about the new interface for Access Hayward; measure the success with the haybot and assess the use of this type of technology in other parking facilities; consider partnering with HUSD to add increased network connectivity in Hayward schools; and consider having Wi-Fi extenders in City owned building to expand free coverage to the public and close the gap for marginalized communities.

Development Services Department

Development Services Director Simpson provided an overview of the Development Services Department budget: significant changes planned for FY 2020, organization chart, status of select FY 2019 goals, and goals for FY 2020.



MINUTES OF THE SPECIAL CITY COUNCIL MEETING
Conference Room 2A
777 B Street, Hayward, CA 94541
Saturday, April 27, 2019, 9:00 a.m.

Members of the City Council had the following comments: evaluate the effectiveness of the City's Form-Based Codes; continue to review development fees and consider removing outdated fees; consider providing information/facts to the Council about the impact to the department related to proposed housing legislation and provide some level of comparison with neighboring cities; and continue efforts that support community initiatives such as vacant property and density bonus ordinances.

Fire Department

Fire Chief Contreras provided an overview of the Fire Department budget: significant changes planned for FY 2020, organization chart, status of select FY 2019 goals, and goals for FY 2020. Chief Contreras provided a copy of the Hayward Fire Department Annual Report 2018 for Council's review.

Members of the City Council had the following comments: the revenue neutral swapping of a Firefighter with a Staff Captain for emergency preparedness planning was fine; consider adding 1.0 FTE Emergency Services Specialist at mid-year; consider placing the 1.0 FTE Emergency Services Specialist on hold until revenue sources are firmed up; consider changing "churches" with "faith communities" in the scope of services; promote how residents can achieve EMT-P certification to diversify the workforce; and consider modifying FY 2020 Goal #6 by considering partnering with Kaiser Hospital and other non-profits, and regarding the trainings, include both internal and external focus.

Mayor Halliday called a recess at 2:42 p.m., and reconvened the meeting at 2:52 p.m.

Human Resources Department

Human Resources Director Collins provided an overview of the Human Resources Department budget: significant changes planned for FY 2020, organization chart, status of select FY 2019 goals, and goals for FY 2020.

Members of the City Council had the following comments: diversify existing workforce and develop a leadership pipeline; add a 1.0 FTE Human Resources Analyst; adding a 1.0 FTE Human Resources Analyst could be based on the assessment of the entire proposed budget; provide information to employees on how to achieve promotions and reevaluate wages; continue to build on professional development and training inhouse; work toward becoming an organization that reflects the community.

Finance Department

Finance Director Claussen provided an overview of the Finance Department budget: significant changes planned for FY 2020, organization chart, status of select FY 2019 goals, and goals for FY 2020.

City Clerk's Office

City Clerk Lens provided an overview of the City Clerk's Office budget: significant changes planned for FY 2020, organization chart, status of select FY 2019 goals, and goals for FY 2020.

Members of the City Council had the following comments: continue to partner with the City Manager's Office to target completing and delivering agendas and reports by the Thursday before City Council meetings; for FY 2020 Goal #10, track the number of interpretation service requests received as well as type of language; utilize YouTube videos and the City's newsletter to increase subscription to Council agendas; for FY 2020 Goal #2, consider AdobeSign in addition to DocuSign.

City Attorney's Office

City Attorney Lawson provided an overview of the City Attorney's Office budget: significant changes planned for FY 2020, organization chart, status of select FY 2019 goals, and goals for FY 2020. City Attorney Lawson provided additional information on revised measures. There was a suggestion for more advocacy of disenfranchised communities.

Mayor's Office

Mayor Halliday provided an overview of the Mayor and City Council budget: significant changes planned for FY 2020, organization chart, status of select FY 2019 goals, and goals for FY 2020.

City Manager McAdoo offered closing remarks noting the second budget work session was scheduled for May 14, 2019 and the budget public hearing and adoption for either May 21 or May 28, 2019.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 4:03 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

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

File #: CONS 19-235

DATE: May 14, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Authorize Amendment to Resolution 18-091 to Appropriate an Additional \$398,512 in Grant Funds to the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project and Authorize the City Manager to Increase the T.B. Penick & Sons, Inc. Contract Amount to \$52,948,512

RECOMMENDATION

That the City Council adopts the attached resolutions:

1. Authorizing an amendment to Resolution 18-091 allowing for the appropriation of an additional \$398,512 of grant funds within Fund 406 (Measure C Capital) and allocating it to the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project, Project No. 06988; and
2. Authorizing the City Manager to increase the contract amount with T.B. Penick & Sons, Inc., by \$398,512 to the amount of \$52,948,512.

SUMMARY

The State of California awarded a \$398,512 grant to the City of Hayward to support the Heritage Plaza restoration phase of the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project (Project). Utilizing the grant funding requires that the award amount be appropriated from Fund 406 (Measure C Capital) and allocating it to the Project. Additionally, staff requests that the construction contract with T.B. Penick & Sons, Inc. be increased by \$398,512 to the amount of \$52,948,512.

ATTACHMENTS

Attachment I Staff Report
Attachment II Appropriation Resolution
Attachment III Contract Increase Resolution

File #: CONS 19-235



DATE: May 14, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Authorize Amendment to Resolution 18-091 to appropriate an Additional \$398,512 in Grant Funds to the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project and Authorize the City Manager to Increase the T.B. Penick & Sons, Inc. Contract Amount to \$52,948,512

RECOMMENDATION

That the City Council adopts the attached resolutions:

1. Authorizing an amendment to Resolution 18-091 allowing for the appropriation of an additional \$398,512 of grant funds within Fund 406 (Measure C Capital) and allocating it to the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project, Project No. 06988; and
2. Authorizing the City Manager to increase the contract amount with T.B. Penick & Sons, Inc., by \$398,512 to the amount of \$52,948,512.

SUMMARY

The State of California awarded a \$398,512 grant to the City of Hayward to support the Heritage Plaza restoration phase of the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project (Project). Utilizing the grant funding requires that the award amount be appropriated from Fund 406 (Measure C Capital) and allocating it to the Project. Additionally, staff requests that the construction contract with T.B. Penick & Sons, Inc. be increased by \$398,512 to the amount of \$52,948,512.

BACKGROUND

On September 15, 2015, the City entered into an agreement with T.B. Penick & Sons, Inc. for construction of the Project at a not to exceed amount of \$52,550,000. On February 21, 2017, the Council authorized Resolution 17-016, authorizing the City Manager to apply for Housing Related Parks Program (HRPP) grant funding offered by the State of California Department of Housing and Community Development (DHCD), and to execute all documents necessary for

the acceptance of the funds, if awarded.¹ The City Manager was also authorized to apply these funds toward the Heritage Plaza restoration phase of the Project.

On November 7, 2017, the City was officially awarded HRPP grant funds in an amount of \$398,512 to be used toward the Project. These funds can be used to reimburse the City for Heritage Plaza construction project expenses incurred prior to June 30, 2019.

DISCUSSION

The Heritage Plaza restoration phase of the Project recently began and improvements will include the installation of an underground rainwater storage and recycling system and the development of a park and civic space.

In order to utilize the \$398,512 in reimbursement-based HRPP grant funds, the award amount must be appropriated from the fund balance in Fund 406 (Measure C Capital) and allocated to the Project, which requires that Resolution 18-019 be amended to reflect this additional appropriation amount. The contract with T.B. Penick & Sons, Inc., must also be amended to reflect the additional \$398,512, increasing the contract amount to \$52,948,512. The contract amendment will also cover anticipated construction cost increases over the original contract amount. These increases will be reconciled with the contractor at the conclusion of the project.

ECONOMIC IMPACT

The Heritage Plaza restoration project will be a significant asset for residents and visitors in downtown Hayward, a rapidly developing area for major new housing and other urban uses, where the need for outdoor community gathering spaces, recreation, and celebration activities is projected to grow significantly in the coming years.

FISCAL IMPACT

This item will have no net impact on the City's General Fund or Capital Improvement Program Funds, as the additional \$398,512 will be reimbursed as per terms of the grant agreement.

STRATEGIC INITIATIVES

The Heritage Plaza restoration project 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. Using grant funds to enhance the Heritage Plaza restoration project supports the following goal and objective:

¹ <https://hayward.legistar.com/MeetingDetail.aspx?ID=530955&GUID=10ABDA99-1F23-493A-929E-C39C664814CD&Options=&Search=>

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

Objective 1: Foster a sense of place and support neighborhood pride.

SUSTAINABILITY FEATURES

Heritage Plaza will function as a rainwater catchment and underground rainwater storage and filtration system. Constructed from the walls and floor of the old library basement, the system will collect and reuse up to 200,000 gallons of rainwater annually from the garage roof, library roof, C Street, and the library plaza. The captured water will be treated and reused for irrigation and graywater uses in the new library building and plaza.

The catchment and storage system is an important component of the new library's environmental sustainability plan and is required to enable the project to become LEED Platinum eligible.

PUBLIC CONTACT

There is no public contact required for this item.

NEXT STEPS

Should the City Council adopt the attached resolutions, staff will proceed with appropriating the necessary funds, increasing the contract amount with T.B. Penick & Sons, Inc., and invoicing DHCD for reimbursement on all relevant expenses.

Prepared by: Kevin Briggs, Senior Civil Engineer

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AMENDING RESOLUTION 18-091 TO AUTHORIZE THE APPROPRIATION OF AN ADDITIONAL \$398,512 WITHIN FUND 406 (MEASURE C CAPITAL) FOR CONSTRUCTION OF THE 21ST CENTURY LIBRARY AND COMMUNITY LEARNING CENTER AND HERITAGE PLAZA ARBORETUM PROJECT, PROJECT NO. 06988

WHEREAS, on February 21, 2017, via Resolution 17-016, the City Council of the City of Hayward authorized the City Manager to apply for a Housing Related Parks Program (HRPP) grant offered by the State of California Department of Housing and Community Development (DHCD) and to accept all funds if awarded; and

WHEREAS, on February 21, 2017, via Resolution 17-016, the City Council of the City of Hayward also authorized the use of these funds, if awarded, to support the 21st Century Library Project's Heritage Plaza restoration phase; and

WHEREAS, on November 7, 2017, an HRPP grant was awarded to the City of Hayward by DHCD in the amount of \$398,512 and the City Manager executed the necessary documents to accept these funds; and

WHEREAS, on May 22, 2018, via Resolution 18-091, which is the budget resolution for Capital Improvement Projects for Fiscal Year 2019, the City Council of the City of Hayward authorized that \$20,487,000 be appropriated within Fund 406 (Measure C Capital), and the HRPP funds were not included in this original appropriation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Resolution 18-091 is hereby amended to reflect an additional appropriation of \$398,512 within Fund 406 (Measure C Capital) for use in the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project, Project No. 06988.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH T.B. PENICK & SONS, INC. TO INCREASE THE CONTRACT AMOUNT BY \$398,512 TO THE AMOUNT OF \$52,948,512 FOR CONSTRUCTION OF THE 21ST CENTURY LIBRARY AND COMMUNITY LEARNING CENTER AND HERITAGE PLAZA ARBORETUM PROJECT, PROJECT NO. 06988

WHEREAS, on September 15, 2015, the City of Hayward entered into a contract with T.B. Penick & Sons, Inc. for the construction of the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project, Project No. 06988 (Project) in the amount of \$52,550,000; and

WHEREAS, on November 7, 2017, the State of California Department of Housing and Community Development awarded a Housing Related Parks Program grant to the City of Hayward in the amount of \$398,512, which the City Council of the City of Hayward previously authorized for use for the Heritage Plaza restoration phase of the Project via Resolution 17-016; and

WHEREAS, the City of Hayward requires additional construction services relating to the Heritage Plaza restoration phase of the Project; and

WHEREAS, T.B. Penick & Sons, Inc., can provide the additional construction services for the Project at a cost not-to-exceed \$398,512; and

WHEREAS, Fund 406 (Measure C Capital) includes sufficient funding for the contract with T.B Penick & Sons, Inc., for the additional construction services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to amend the agreement with T.B. Penick & Sons, Inc., to increase the contract amount by \$398,512, to the amount of \$52,948,512, for additional construction services relating to the Project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

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

File #: CONS 19-268

DATE: May 14, 2019

TO: Mayor and City Council

FROM: Chief of Police

SUBJECT

Authorize the City Manager to Establish a Police Trainee/Entry Level/Academy Graduate (TEAG) Hiring Bonus Program & Lateral Hiring Bonus Program and the Establishment of a Hiring Incentive Referral Program (HIRP)

RECOMMENDATION

That the City Council adopts the attached resolutions authorizing the City Manager to establish a Police Trainee/Entry Level/Academy Graduate (TEAG), Lateral Hiring Bonus Program, and a Hiring Incentive Referral Program (HIRP). The Lateral Hiring Bonus Program and TEAG Hiring Bonus Program offer hiring bonuses in the amount of \$10,000 per qualified candidate hired. The HIRP offers current police department employees a \$2,000 incentive or 40 hours of leave time for referring qualified employees for full-time permanent positions within the police department.

The Hayward Police Department has experienced a diminished pool of well-qualified police officer applicants due to the competitive market and other factors. To attract more qualified applicants, staff recommends the development of a Police Trainee/Entry Level/Academy Graduate (TEAG) Hiring Bonus Program and Lateral Hiring Bonus Program in the amount of \$10,000 distributed over a three to four-year period in a four-phased approach. Additionally, the usage of a word-of-mouth recruitment strategy utilizing current departmental employees to refer potential candidates for full-time positions within the department can be done by instituting a Hiring Referral Incentive Program (HIRP). HIRP will offer a \$2,000 incentive or 40 hours of leave time to a current full-time police department employee who refers a hired candidate for any police department full-time position.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution - Police Trainee / Entry Level / Academy Graduate (TEAG) Hiring Bonus Program
Attachment III	Resolution - Lateral Officer Hiring Bonus Program
Attachment IV	Resolution - Police Hiring Incentive Referral Program (HIRP)

File #: CONS 19-268

Attachment V	TEAG Hiring Bonus Program Agreement
Attachment VI	Lateral Officer Hiring Bonus Program Agreement
Attachment VII	HIRP Referral Application



DATE: May 14, 2019

TO: Mayor and City Council

FROM: Chief of Police

SUBJECT: Authorize the City Manager to Establish a Police Trainee/Entry Level/Academy Graduate (TEAG) Hiring Bonus Program & Lateral Hiring Bonus Program and the Establishment of a Hiring Incentive Referral Program (HIRP)

RECOMMENDATION

That the City Council adopts the attached resolutions authorizing the City Manager to establish a Police Trainee/Entry Level/Academy Graduate (TEAG), Lateral Hiring Bonus Program, and a Hiring Incentive Referral Program (HIRP). The Lateral Hiring Bonus Program and TEAG Hiring Bonus Program offer hiring bonuses in the amount of \$10,000 per qualified candidate hired. The HIRP offers current police department employees a \$2,000 incentive or 40 hours of **leave** time for referring qualified employees for full-time permanent positions within the police department.

SUMMARY

The Hayward Police Department has experienced a diminished pool of well-qualified police officer applicants due to the competitive market and other factors. To attract more qualified applicants, staff recommends the development of a Police Trainee/Entry Level/Academy Graduate (TEAG) Hiring Bonus Program and Lateral Hiring Bonus Program in the amount of \$10,000 distributed over a three to four-year period in a four-phased approach. Additionally, the usage of a word-of-mouth recruitment strategy utilizing current departmental employees to refer potential candidates for full-time positions within the department can be done by instituting a Hiring Referral Incentive Program (HIRP). HIRP will offer a \$2,000 incentive or 40 hours of **leave** time to a current full-time police department employee who refers a hired candidate for any police department full-time position.

BACKGROUND

The Hayward Police Department (HPD), like many other municipalities across the United States, has experienced a diminished pool of well-qualified police officer applicants. Industry standards in police recruiting have seen many law enforcement agencies

incorporating creative means to attract more qualified candidates for police officer and professional staff positions. There are many agencies that have incorporated incentive programs to assist in increasing their pool of eligible candidates for jobs. Hiring bonuses are now industry standard and are commonly used by departments to engage and attract the best talent. Staff research has shown that utilizing two types of hiring bonus programs can aid in attracting talent to HPD by offering monetary bonuses to new police officers. One program targets incentives towards entry-level officers via a Trainee/Entry Level/Academy Graduate (TEAG) hiring bonus and the other program targets incentives directed toward experienced officers already working as police officers in the Lateral Officer Hiring Bonus Program. Additionally, word-of-mouth recruiting is also a tested recruitment strategy that nearly all agencies continue to utilize. Staff's research has shown that implementing an incentive program that focuses on rewarding already existing employees within the organization who help in recruiting talent can be extremely beneficial and is outlined in staff's proposed Hiring Incentive Referral Program (HIRP).

DISCUSSION

TEAG PROGRAM: Across the United States, very few agencies utilize a Signing Bonus program for TEAG candidates. Table 1 below shows some jurisdictions where the entry level classification positions that qualify for a signing bonus are primarily individuals who qualified as Entry Level/Academy Graduates. There were no agencies found who utilized a Bonus Program for police officer trainee or police officer recruit classifications.

TABLE 1: JURISDICTIONS OFFERING SIGNING BONUSES FOR ENTRY LEVEL/ACADEMY GRADUATES

JURISDICTION	EXAMPLE OF SIGNING BONUSES OFFERED
Eureka Police Department Eureka, CA	<ul style="list-style-type: none"> • \$5,000 Total Signing Bonus – Entry Level (Academy Graduate) • \$2,500 upon hire • \$2,500 upon successful completion of probation
BART Police Department SF Bay Area	<ul style="list-style-type: none"> • \$10,000 Total Signing Bonus – Entry Level (Academy Graduates) • \$5,000 upon hire • \$5,000 upon completion of FTO
Farmington Police Department Farmington, NM	<ul style="list-style-type: none"> • \$3,000 Total Signing Bonus – Entry Level (Academy Graduate) • \$3,000 paid upon completion of hiring process

To attract more qualified TEAG applicants, staff recommends that the City adopt a Police Trainee/Entry Level/Academy Graduate (TEAG) Hiring Bonus Program. Based on surveying local agencies within California and the Western United States, staff recommends that a \$10,000 hiring bonus incentive for qualifying TEAG candidates. This amount is competitive relative to the cost of living in San Francisco Bay Area and provides for a substantial recruitment advantage as compared to agencies recruiting in the region. The employee hired would make a three-year commitment or repay the City on a prorated

basis. Staff further recommends that the TEAG signing bonus be distributed over four (4) phases as illustrated in Table 2 below:

TABLE 2: ELIGIBILITY AND BONUS DISTRIBUTION FOR TEAG CANDIDATES

PHASE	QUALIFICATION	BONUS AMOUNT
1 – 25%	Successful Completion of the testing process and acceptance of a final offer of employment to be paid on first pay period	\$2,500
2 – 25%	Successful Completion of Officer Field Training Program	\$2,500
3 – 25%	Successful Completion of the Officer Probationary Period	\$2,500
4 – 25%	Two years after the completion of Probationary Period	\$2,500
TOTAL BONUS (Distributed Over a Four-Year Period):		\$10,000

LATERAL OFFICER HIRING BONUS PROGRAM: The Hayward Police Department, like many other municipalities across the United States, has also experienced a diminished pool of well-qualified “Lateral” police officer applicants. Industry standards in police recruiting have seen many law enforcement agencies incorporating Lateral Bonus Programs to help attract more qualified Lateral Police Officer candidates. An effectively managed Lateral Bonus Program, coupled with other Lateral Officer hiring incentives, could potentially help in expanding HPD’s pool of well-qualified Lateral Police Officer applicants.

Across the United States, there are several agencies that have initiated Lateral Officer Bonus Programs that offer monetary incentives to qualified applicants. Most aggressively, staff found these programs in the Western Region of the United States. Uniquely, law enforcement agencies in the San Francisco Bay Area are using this recruitment technique to counter several economic factors such as housing costs, general cost of living and people moving out of the area in search of cheaper housing and decreased amounts of commuting.

TABLE 3: JURISDICTIONS OFFERING SIGNING BONUSES FOR LATERAL POLICE OFFICERS

JURISDICTION	EXAMPLE OF SIGNING BONUSES OFFERED
Salinas Police Department Salinas, CA	<ul style="list-style-type: none"> • \$20,000 Signing Bonus
Palm Springs Police Department Palm Springs, CA	<ul style="list-style-type: none"> • \$10,000 Signing Bonus • 30% paid upon successful completion of thirty (30) days of employment; and • 30% paid upon successful completion of twelve (12) months of employment; and • 40% paid upon successful completion of the probationary period
Palo Alto Police Department Palo Alto, CA	<ul style="list-style-type: none"> • \$25,000 Signing Bonus
Antioch Police Department Antioch, CA	<ul style="list-style-type: none"> • \$10,000 Signing Bonus • \$2,500 Upon employment • \$2,500 Upon completion of probation

	<ul style="list-style-type: none"> • \$5,000 Upon three years of service
Modesto Police Department	<ul style="list-style-type: none"> • \$15,000 Signing Bonus
El Segundo Police Department	<ul style="list-style-type: none"> • \$25,000 Signing Bonus
San Francisco Police Department	<ul style="list-style-type: none"> • \$5,000 Signing Bonus

To attract more qualified Lateral Police Officer applicants, staff recommends that the Hayward Police Department implement a Lateral Police Officer Hiring Bonus Program. Based on the results of the survey of local agencies within California and the Western United States, staff recommends a **\$10,000** hiring bonus incentive for qualifying Lateral Police Officer applicants. This amount is competitive relative to the cost of living in San Francisco Bay Area and provides for a substantial recruitment advantage as compared to agencies recruiting in the region. Staff further recommends that the Lateral Bonus Program allow for an incremental distribution of funds over four (4) phases as illustrated in Table 4 below:

TABLE 4: ELIGIBILITY AND BONUS DISTRIBUTION FOR LATERAL POLICE OFFICER CANDIDATES

PHASE	QUALIFICATION	BONUS AMOUNT
1 – 25%	Successful Completion of the testing process and acceptance of a final offer of employment to be paid on first pay period	\$2,500
2 – 25%	Successful Completion of Lateral Officer Field Training Program	\$2,500
3 – 25%	Successful Completion of the Lateral Officer Probationary Period	\$2,500
4 – 25%	Two years after the completion of Probationary Period	\$2,500
TOTAL BONUS (Distributed Over a Three to Four-Year Period):		\$10,000

HIRP PROGRAM: A recruitment strategy that utilizes its current employees to provide word-of-mouth recruiting can be an effective tool to engage and recruit new employees. Employee incentive plans have been around for years and often highlight new employees who have an interaction with a current departmental employee. This engagement can often provide some of the best candidates to fill vacancies within the Police department. To help supplement this word-of-mouth type of recruiting, staff recommends a Hiring Incentive Referral Program (HIRP) to help achieve recruitment/hiring goals of the department.

The HIRP pays a total of \$2,000 or forty (40) hours of Compensatory Leave Time (see schedule options below) to current departmental employees who refer non-City employees to the City of Hayward Police Department for employment into a full-time, permanently budgeted position. The new employee must have no prior work history with the City and notification of the referral must be provided to the Personnel and Training Unit via written notification.

ELIGIBILITY GUIDELINES:

- a. The Referrer must be a current employee of the Hayward Police Department.
- b. The new employee must be hired into a vacant full-time, permanently budgeted position.
- c. The new employee must pass probation to obtain full benefits of the HIRP.
- d. The new employee must have no prior work history with the City of Hayward.
- e. Written notification regarding the employee referral must be provided to the Personnel and Training Unit from the referring employee prior to any formal offer of employment.
- f. Only one (1) incentive award can be granted per new employee referral.

INELIGIBILITY GUIDELINES:

- a. A referring employee cannot be at the Executive level or above.
- b. Department employees assigned to the Personnel and Training Unit are not eligible for this program.
- c. Department employees assigned to the Recruitment Team are ineligible for referrals made during any Department sponsored recruiting event.
- d. Departmental employees may opt for incentive awards in cash or leave time but may not receive a combination of both.

TABLE 5: EXTERNAL AND INTERNAL MONITORING PROCEDURE FOR SIGNING BONUS IMPLEMENTATION

EMPLOYEE/LEAD DEPARTMENT	PROCEDURE
Employee	<ul style="list-style-type: none">○ Refers potential candidates to apply for open positions with the City of Hayward Police Department.
Police Department: Personnel & Training Unit Division	<ul style="list-style-type: none">○ Offers referral information from the new hire's job application.○ Notifies the referring employee if they are eligible to participate in the program.○ Confirms new employee provided a formal offer of employment. If all eligibility requirements are met, notification to Payroll to process payment for HIRP incentive award.○ Any disputes or interpretations of the program will be handled through Special Operations Division Commander.
Finance Department: Payroll	<ul style="list-style-type: none">○ Process HIRP incentive award payment as taxable income.

Payment/Award options for the HIRP are illustrated in Table 6:

TABLE 6: PAYMENT AND AWARD OPTIONS

OPTION	PROCEDURE
Cash/Monetary Award	<ul style="list-style-type: none"> ○ Referring Employee receives a \$2,000 total cash incentive phased as follows: <ul style="list-style-type: none"> ▪ Referring employee receives \$1,000 of award after formal offer of employment has been given to new employee. ▪ Referring employee receives the remaining \$1,000 of the award upon completion of probationary period by new employee.
Comp Time	<ul style="list-style-type: none"> ○ Referring employee receives forty (40) hours of comp leave time upon formal offer of employment being given to new employee.

FISCAL IMPACT

The Trainee/Entry Level/Academy Graduate (TEAG) Bonus Program will cost up to \$10,000 per hire, which will be paid over four years following the hire date. Based on hiring trends from 2016 and 2017, the Police Department anticipates hiring up to 10 officers eligible for TEAG Bonuses per year. The estimated biennial cost anticipated for the TEAG Bonus Program if all 10 officers are hired in a single year is up to \$100,000 (*cost spread over four years*). Staff anticipates that the cost of this program will be funded using salary savings from vacancies of currently budgeted positions; therefore, no additional General Fund impact is anticipated in the near term.

The Lateral Bonus Program will cost up to \$10,000 per hire and will be paid over three to four years after the employee's hiring date according to the Bonus Distribution discussed above. Based on hiring trends from 2016 and 2017, the Police Department anticipates hiring up to nine (9) lateral officers per year. The annual cost for the Lateral Bonus Program if all nine officers are hired in a single year is up to \$90,000, with payments spread over three to four years. Staff anticipates that the program will be funded through salary savings from vacant positions for the foreseeable future and will not require additional appropriation in the General Fund.

The Hiring Incentive Referral Program (HIRP) will cost up to \$2,000 per referral leading to a hire and will be paid over one to two years according to the payment schedule discussed above. Based on the hiring trends of the department from 2016 to 2017, the Police Department anticipates hiring 30 employees over the next two years. The annual costs of the HIRP assuming 15 employees hired through the program per year is \$30,000. This is likely to be offset by salary savings but may require additional appropriations depending on the success of the program.

STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

NEXT STEPS

If the Council authorizes this action, staff will reallocate existing funding within the Police Department's budget to fund the Trainee/Entry Level/Academy Graduate (TEAG) Hiring Bonus Program, Lateral Hiring Bonus Program, and Hiring Referral Program (HIRP).

Prepared by: Ryan Cantrell, Lieutenant – Program Manager, Recruiting

Recommended by: Mark Koller, Chief of Police

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH A
HAYWARD POLICE DEPARTMENT TRAINEE / ENTRY LEVEL / ACADEMY
GRADUATE (TEAG) HIRING BONUS PROGRAM.

WHEREAS, the recruitment of well-qualified police officers in today's workforce has become very competitive; and,

WHEREAS, the City of Hayward has experienced that the pool of well-qualified candidates has deteriorated compared to past generations of recruits; and,

WHEREAS, hiring incentive programs will help the City of Hayward to be competitive in recruiting well-qualified Police Department officers; and,

WHEREAS, the Police Department anticipates hiring up to 10 officers eligible for TEAG program per year; and,

WHEREAS, the TEAG Bonus Program will offer \$10,000 per candidate over a four-year four (4) phased approach; and,

Whereas, this program will be funded with currently appropriated Police Department budgeted salary and benefit savings that result from vacant positions.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager to establish a Police Department Trainee / Entry Level / Academy Graduate (TEAG) Bonus Program.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH A HAYWARD
POLICE DEPARTMENT LATERAL OFFICER HIRING BONUS PROGRAM IN THE
AMOUNT OF \$10,000 PER QUALIFIED CANDIDATE HIRED.

WHEREAS, recruitment of well-qualified lateral police officers in today's workforce has become very competitive; and,

WHEREAS, the City of Hayward has experienced a diminished pool of well-qualified lateral police officer applicants; and,

WHEREAS, hiring incentive programs will help the City of Hayward to be competitive in recruiting well-qualified lateral police officers; and,

WHEREAS, the Police Department anticipates hiring up to 9 lateral officers eligible for the Lateral Officer Hiring Bonus Program per year; and,

Whereas, this program will be funded with currently appropriated Police Department budgeted salary and benefit savings that result from vacant positions.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager to establish a Police Department Lateral Officer Bonus Program in the amount of \$10,000 per qualified candidate hired.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH A HAYWARD
POLICE DEPARTMENT HIRING INCENTIVE REFERRAL PROGRAM (HIRP) IN
THE AMOUNT OF \$2,000 TO QUALIFIED REFERRING EMPLOYEES.

WHEREAS, recruitment of well-qualified police officers in today's workforce has become very competitive; and,

WHEREAS, the City of Hayward has experienced that the pool of well-qualified candidates has deteriorated compared to past generations of recruits; and,

WHEREAS, hiring incentive programs will help the City of Hayward to be competitive in recruiting well-qualified Police Department staff; and,

WHEREAS, the Police Department anticipates hiring 30 employees over the next two years; and,

Whereas, this program will be funded with currently appropriated Police Department budgeted salary and benefit savings that result from vacant positions.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager to establish a Police Department Hiring Incentive Referral Program (HIRP) in the amount of \$2,000 to qualified referring employees.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

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
HIRING BONUS AGREEMENT
TRAINEE/ENTRY LEVEL/ACADEMY GRADUATE (TEAG)**

This Agreement is made between the CITY OF HAYWARD ("City") and
_____ ("Employee").

WHEREAS the Employee begins employment with the City in the Police Department ("Department") for the first time as a POLICE OFFICER who meets the City requirements as a Trainee/Entry Level/Academy Graduate Officer;

WHEREAS the Department wishes to bestow upon the Employee a hiring bonus ("Hiring Bonus") as an incentive for the Employee to accept employment at the City and remain satisfactory employed in the Department for at least three (3) full years;

WHEREFORE, City and the Employee agree to the following terms.

1. City, acting through the Department, agrees to bestow upon the Employee the amount of \$10,000 as a Hiring Bonus in return for the Employee accepting City's offer of employment. This amount shall be paid directly to the Employee on the Employee's paycheck as follows:

- a. 25% paid upon successful completion of the testing process and accept a final offer of employment (to be paid on first pay period of employment).;
- b. 25% paid upon successful completion of Field Training Program;
- c. 25% paid upon successful completion of Probationary Period;
- d. 25% paid upon two (2) years after the completion of Probationary Period.

2. City will apply all required federal and state tax deductions and will report all payments made under this Agreement as required by federal and state law. Taxes shall be withheld as bonus earnings from the Hiring Bonus and reported to the Internal Revenue Service as income on the Employee's W-2. The Hiring Bonus is not considered "salary" and shall not be included for the purposes of retirement benefit calculations or salary increases.

3. Department will adhere to all relevant City and Department policies during the hiring process and in making bonus payments to employees.

4. In return for accepting the Hiring Bonus as provided in paragraphs 1 and 2 above, the Employee agrees to work for the Department, on a regular and full-time basis for at least 3 years beginning on _____ and ending on _____. Should the Employee resign, quit, or be terminated for cause before the above stated ending date the Employee shall repay a prorated amount of the Hiring Bonus as provided in the following paragraphs.

5. The Employee's failure to remain employed by the Department for three years, will trigger the Employee's duty to repay, pro-rata, the amount paid by the Department pursuant to paragraph 1, above. (This amount may be more than the Employee received due to tax or other withholdings.) For example, if the Employee leaves one year prior to the end date, he/she will repay 12/36 of such amount. To facilitate the repayment, the Employee, by signing below, expressly gives City a lien on all his/her salary, wages, and other sums payable to him/her by City. In addition, the Employee hereby authorizes City to withhold all amounts so due from any sum payable to the Employee by the Department and City. The Employee also agrees that any tax consequences borne as a result of the repayment of the Hiring Bonus or any portion thereof will be the sole and exclusive responsibility of the Employee.

6. If the Employee fails to remain employed by the Department for three years for reasons beyond his/her control (e.g. injury, illness or death), other than just cause termination, the Department may in its sole discretion waive all or part of the liability owed by the Employee. Any such waiver must be approved in writing by the Employee's Department Head, the Director of Human Resources and the City manager.

7. In the event the Employee is unable or unwilling to work, is taken off work, or is placed on leave of absence at any time during the period that this Agreement is effective, any payment owed or due to be owed to Employee shall be delayed the same amount of time as the Employee remains off work. For purposes of this section, any period in excess of 10 consecutive days that the Employee does not work during the time period of the Agreement shall delay the bonus payment periods owed to Employee by this Agreement.

8. In the event the Employee leaves the Department to work at another Department within City during the three-year period noted above, the Department and the Department to which the employee is transferring ("New Department") shall negotiate in good faith for the re-payment, pro-rata, of the Hiring Bonus by the New Department. Unless the New Department affirmatively agrees to reimburse the Department for the pro-rated portion of the Hiring Bonus, the Employee remains responsible for repaying the Department.

9. If any part of this Agreement is found to be invalid or unenforceable, the other parts shall remain valid and enforceable and Employee agrees, represents, and warrants that he/she will be held to any applicable repayment of Hiring Bonus.

BY SIGNING BELOW, the Employee certifies that he/she has not accepted a financial incentive for accepting employment at City, other than described in this Agreement.

IN WITNESS THEREOF:

By: _____ Date: _____
Employee

By: _____ Date: _____
Chief of Police

By: _____ Date: _____
City Manager

Attest:

By: _____ Date: _____
City Clerk

Approved as Form:

By: _____ Date: _____
City Attorney



CITY OF HAYWARD HIRING BONUS AGREEMENT LATERAL OFFICER

This Agreement is made between the CITY OF HAYWARD ("City") and
_____ ("Employee").

WHEREAS the Employee begins employment with the City in the Police Department ("Department") for the first time as a POLICE OFFICER who meets the City requirements as a Lateral Officer;

WHEREAS the Department wishes to bestow upon the Employee a hiring bonus ("Hiring Bonus") as an incentive for the Employee to accept employment at City and remain satisfactory employed in the Department for at least three (3) full years;

WHEREFORE, City and the Employee agree to the following terms.

1. City, acting through the Department, agrees to bestow upon the Employee the amount of \$10,000 as a Hiring Bonus in return for the Employee accepting City's offer of employment. This amount shall be paid directly to the Employee on the Employee's paycheck as follows:

- a. 25% paid upon successful completion of the testing process and accept a final offer of employment (to be paid on first pay period of employment).;
- b. 25% paid upon successful completion of Field Training Program;
- c. 25% paid upon successful completion of Probationary Period;
- d. 25% paid upon two (2) years after the completion of Probationary Period.

2. City will apply all required federal and state tax deductions and will report all payments made under this Agreement as required by federal and state law. Taxes shall be withheld as bonus earnings from the Hiring Bonus and reported to the Internal Revenue Service as income on the Employee's W-2. The Hiring Bonus is not considered "salary" and shall not be included for the purposes of retirement benefit calculations or salary increases.

3. Department will adhere to all relevant City and Department policies during the hiring process and in making bonus payments to employees.

4. In return for accepting the Hiring Bonus as provided in paragraphs 1 and 2 above, the Employee agrees to work for the Department, on a regular and full-time basis for at least 3 years beginning on _____ and ending on _____. Should the Employee resign, quit, or be terminated for cause before the above stated ending date the Employee shall repay a prorated amount of the Hiring Bonus as provided for in the following paragraphs.

5. The Employee's failure to remain employed by the Department for three years, will trigger the Employee's duty to repay, pro-rata, the amount paid by the Department pursuant to paragraph 1, above. (This amount may be more than the Employee received due to tax or other withholdings.) For example, if the Employee leaves one year prior to the end date, he/she will repay 12/36 of such amount. To facilitate the repayment, the Employee, by signing below, expressly gives City a lien on all his/her salary, wages, and other sums payable to him/her by City. In addition, the Employee hereby authorizes City to withhold all amounts so due from any sum payable to the Employee by the Department and City. The Employee also agrees that any tax consequences borne as a result of the repayment of the Hiring Bonus or any portion thereof will be the sole and exclusive responsibility of the Employee.

6. If the Employee fails to remain Employed by the Department for three years for reasons beyond his/her control (e.g. injury, illness or death), other than just cause termination, the Department may in its sole discretion waive all or part of the liability owed by the Employee. Any such waiver must be approved in writing by the Employee's Department Head, the Director of Human Resources and the City manager.

7. In the event the employee is unable or unwilling to work, is taken off work, or is placed on leave of absence at any time during the period that this Agreement is effective, any payment owed or due to be owed to Employee shall be delayed the same amount of time as the Employee remains off work. For purposes of this section, any period in excess of 10 consecutive days that the Employee does not work during the time period of the Agreement shall delay the bonus payment periods owed to Employee by this Agreement.

8. In the event the Employee leaves the Department to work at another Department within City during the three-year period noted above, the Department and the Department to which the employee is transferring ("New Department") shall negotiate in good faith for the re-payment, pro-rata, of the Hiring Bonus by the New Department. Unless the New Department affirmatively agrees to reimburse the Department for the pro-rated portion of the Hiring Bonus, the Employee remains responsible for repaying the Department.

9. If any part of this Agreement is found to be invalid or unenforceable, the other parts shall remain valid and enforceable and Employee agrees, represents, and warrants that he/she will be held to any applicable repayment of Hiring Bonus.

BY SIGNING BELOW, the Employee certifies that he/she has not accepted a financial incentive for accepting employment at City, other than described in this Agreement.

IN WITNESS THEREOF:

By: _____ Date: _____
Employee

By: _____ Date: _____
Chief of Police

By: _____ Date: _____
City Manager

Attest:

By: _____ Date: _____
City Clerk

Approved as Form:

By: _____ Date: _____
City Attorney



HAYWARD POLICE DEPARTMENT
HIRING INCENTIVE REFERRAL PROGRAM
REFERRAL APPLICATION



Applicant Eligibility

_____ has been determined to be eligible for:
(Name of Applicant)

- ☐ Lateral Police Officer
☐ Entry-Level/Academy Graduate
☐ Police Officer Trainee
☐ Other: _____

Referring Employee

_____ has referred this Candidate.
(Name of Employee)

By agreeing to serve as a Referring Employee for the Applicant, this employee is eligible to receive the following incentive (select one):

- ☐ \$2000 \$1000 effective after candidate is hired and an additional \$1000 after employee completes probationary period.
☐ (40) hours of Compensation Time (20) hours effective after candidate has accepted a formal job offer, (20) hours after completion of probation.

Referring Employee Signature: _____ Date: _____

Routing/Approvals

Personnel and Training Lieutenant: _____ Date: _____

Special Operations Captain: _____ Date: _____

Chief of Police: _____ Date: _____



CITY OF HAYWARD

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

File #: CONS 19-329

DATE: May 14, 2019
TO: Mayor and City Council
FROM: Maintenance Services Director

SUBJECT

Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Assessments for Fiscal Year 2020; and set June 4, 2019, as the Public Hearing Date for Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 16

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II).

SUMMARY

The City of Hayward has sixteen Landscape and Lighting District Benefit Zones. The Landscaping and Lighting Act of 1972 requires that a review and update of the Engineer's Report for these zones be prepared annually to set assessment amounts for each zone. The assessment amounts may or may not change from fiscal year to fiscal year, depending upon the operation and maintenance needed to be performed in each zone, and the funding levels required for the operating and capital reserves. The recommended assessment cannot exceed the maximum base annual assessment rate established when the zones were originally formed. The annual Engineer's Report is included as Attachment III and includes a summary for each benefit zone.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Engineer's Report
Attachment IV	Cadence Maintenance Plan
Attachment V	Vicinity Map - Parkside Heights
Attachment VI	Vicinity Map - SoHay



DATE: May 14, 2019

TO: Mayor and City Council

FROM: Maintenance Services Director

SUBJECT: Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Assessments for Fiscal Year 2020; and set June 4, 2019, as the Public Hearing Date for Such Actions for Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 16

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II).

SUMMARY

The City of Hayward has sixteen Landscape and Lighting District Benefit Zones. The Landscaping and Lighting Act of 1972 requires that a review and update of the engineer's report be prepared annually to set assessment rates for each zone. The assessment amounts may or may not change from fiscal year to fiscal year, depending upon operation and maintenance needs and the funding required for the operating and capital requirements. The recommended assessment rates cannot exceed the Maximum Base Assessment Rate established when the zones were originally formed. The annual engineer's report is included as Attachment III and includes a summary for each benefit zone.

BACKGROUND

The Landscaping and Lighting Act of 1972 (Streets and Highways Code §22500) is a flexible tool used by local government agencies to form Landscaping and Lighting Districts to finance the cost and expense of operating, maintaining, and servicing landscaping (including parks), and lighting improvements in public areas. In 1996, six separate Landscaping and Lighting Districts, Benefit Zones 1-6, were consolidated into one district, Consolidated Landscaping and Lighting District No. 96-1, by the adoption of Resolution No. 96-63. In subsequent years, Benefit Zones 7-16 were individually created and annexed into the District. This staff report and attached engineer's report provide assessment, benefit, and budget details for each of the established sixteen zones. Table 1 provides a summary of the benefit zones, including the year in which each zone was formed and the number of assessable parcels within each zone.

TABLE 1: DESCRIPTION OF EXISTING BENEFIT ZONES				
<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>
Zone	Name/Location	Year Formed	Type of Development	Number of Assessed Parcels
Current Assessments - Year Formed and Number of Parcels Per Zone				
1	Huntwood Ave. & Panjon St.	1990	Residential	30
2	Harder Rd. & Mocine Ave.	1991	Residential	85
3	Prominence	1992	Residential	155
4	Stratford Village	1995	Residential	174
5	Soto Rd. & Plum Tree St.	1995	Residential	38
6	Pepper Tree Park	1982	Industrial	11
7	Twin Bridges	1998	Residential	348
8	Capitola St.	1999	Residential	24
9	Orchard Ave.	2000	Residential	74
10	Eden Shores- Residential	2003	Residential	534
11a	Stonebrae Country Club - Developed	2006	Residential	550
11b	Stonebrae Country Club - Future Development	2006	Residential	84
12a	Eden Shores East	2007	Residential	261
12b	Eden Shores - Spindrift - Developed	2016	Residential	54
12c	Eden Shores - Spindrift - Future Development	2016	Residential	64
13	Cannery Place	2008	Residential	599
14a	La Vista - Developed	2016	Residential	118
14b	La Vista - Future Development	2016	Residential	61
16a	Blackstone - Developed	2016	Residential	157
Total Assessed Parcels:				3,421
For Reference ONLY				
15	Cadence	2017	Residential	206
Total Assessed Parcels:				206

DISCUSSION

Recommended changes to a zones annual assessment rate are based on the current and future estimated expenses and the zone's account balance. When determining the annual assessment rate, staff looks at two things:

- (1) **Maximum Base Assessment (MBA)** – The MBA is the maximum assessment rate that a parcel can be charged annually. This amount is established during the original formation of the zone. The MBA can only be increased if an inflation factor was included in the annual calculation when the zone was originally formed.

(2) **Assessment Revenue** – The assessment revenue is the annual amount of revenue collected by charging each parcel an assessment rate. The assessment rate recommendation depends on review of the following four items:

- a. **Annual Operating Expenses** – Annual operating expenses are estimated based on past years experience and future years estimates.
- b. **Future Capital Expenses** – Future capital expenses are estimated based on an inventory of capital items, their annual life span, and their future replacement cost.
- c. **Operating Reserve** - This is the amount of “cash flow” needed to pay monthly invoices when revenue (assessment rates are received through property tax) is received three times a year (January, May, and June).
- d. **Capital Reserve** – This is the “savings account” where funds are collected and reserved each year in order to fund future capital replacement items.

Table 2 on the following page summarizes assessment information by zone. The table summarizes each benefit zone describing the number of parcels, Maximum Base Assessment Rate, if there is an annual CPI adjustment, and the difference between the FY 2019 adopted assessment vs the FY 2020 recommended assessment.

For FY 2020, staff recommends no change to five zones (zone 2, 4, 6, 7, 13), one decrease (zone 12), and nine increases (zone 1, 3, 5, 8, 9, 10, 11, 14, 16), based on current and future estimated expenses, and current and future zone account balances needed to fund operations and capital replacement.

For FY 2020, two zones are proposed to be levied at their MBA rate (zone 6 and 16). Of note, five of the sixteen benefits zones did not include an inflation factor as part of their original MBA calculation (zone 1, 2, 4, 5, 6), which could limit their ability to keep up with increases in expenses in the future.

TABLE 2: ASSESSMENT AMOUNTS BY BENEFIT ZONE

A	B	C	D	E	F	G	H	I	J
Zone	Name/Location	# Parcels	FY 2020 Max Base Assessment (MBA)	MBA Incl CPI	FY 2019 Assessment	FY 2020 Assessment	Chg from last year		
Year Over Year Assessment Comparison									
1	Huntwood Ave. & Panjon St.	30	\$295.83	No	\$192.94	\$202.58	Increase	\$10	5%
2	Harder Rd. & Mocine Ave.	85	\$193.39	No	\$122.86	\$122.86	None	\$0	0%
3	Prominence	155	\$933.07	Yes	\$853.83	\$883.97	Increase	\$30	4%
4	Stratford Village	174	\$180.00	No	\$116.16	\$202.58	None	\$86	74%
5	Soto Rd. & Plum Tree St.	38	\$258.67	No	\$212.49	\$254.99	Increase	\$42	20%
6 ^(1,2)	Pepper Tree Park	11	\$11.00	No	\$2.61	\$2.61	None	None	N/A
7	Twin Bridges	348	\$975.95	Yes	\$591.70	\$591.70	None	\$0	0%
8	Capitola St.	24	\$673.74	Yes	\$157.50	\$181.13	Increase	\$24	15%
9	Orchard Ave.	74	\$179.90	Yes	\$31.06	\$34.19	Increase	\$3	10%
10	Eden Shores- Residential	534	\$1,072.71	Yes	\$221.38	\$265.66	Increase	\$44	20%
11a	Stonebrae Country Club (Developed)	550	\$1,631.91	Yes	\$210.55	\$273.72	Increase	\$63	30%
11b	Stonebrae Country Club (future development)	84	\$1,631.91	Yes	\$111.51	\$145.07	Increase	\$34	30%
12a ⁽⁴⁾	Eden Shores East	261	\$201.61	Yes	\$112.00	\$95.00	Decrease	(\$17)	-15%
12b ⁽⁴⁾	Spindrift (Developed)	54	\$213.06	Yes	\$112.00	\$95.00	Decrease	(\$17)	-15%
12c ⁽⁴⁾	Spindrift (Future Development)	64	\$213.06	Yes	\$33.60	\$28.50	Decrease	(\$5)	-15%
13	Cannery Place	599	\$620.14	Yes	\$361.00	\$361.00	None	\$0	0%
14a ⁽⁴⁾	La Vista (Developed)	118	\$644.41	Yes	\$15.00	\$525.00	Increase	\$510	3500%
14b ⁽⁴⁾	La Vista (Future Developed)	61.00	\$644.41	Yes	\$4.50	\$157.50	Increase	\$153	3500%
16a ⁽⁴⁾	Blackstone (Zone A)	133	\$445.66	Yes	\$200.00	\$445.66	Increase	\$246	223%
16c ⁽⁴⁾	Blackstone (Zone B)	24	\$467.94	Yes	\$210.00	\$467.94	Increase	\$258	223%
Self Maintained Benefit Zone - For Reference ONLY									
15 ⁽³⁾	Cadence	206	\$628.86	Yes	N/A	N/A	N/A	N/A	N/A

Notes: ⁽¹⁾ Shaded items reflect Fiscal Year 2020 assessment amounts levied at the base maximum assessment amounts.

⁽²⁾ Zone 6 is in the industrial district and is assessed based upon street frontage.

⁽³⁾ Zone 15 was presented to the City Council separately as a new zone, which maintains their own benefits.

⁽⁴⁾ All zones with a CPI update use the SF/OAK/HAY Feb CPI date except for zones 12, 14, 16, whose CPI month is DEC.

Zone Updates

The following updates are provided for five zones in which there have been changes to the developed properties, or acknowledgment of changes to maintenance requirements.

- (1) **Stonebrae (Zone 11)** – In 2017, the City approved a Stonebrae subdivision for Village C, updating the total number of parcels from 576 to 634. Build out of the zone is anticipated by 2021. Once the remaining 84 undeveloped parcels are developed, they will contribute the “developed rate” towards the overall account balance.
- (2) **Spindrift (Zone 12)** – In 2016, this zone annexation was formed and is currently under construction by the developer. Build out of the zone is anticipated by 2020. Once the remaining 64 undeveloped parcels are developed, they will aid in reducing the annual assessment rate for all parcels within Zone 12, as all parcels would be paying the “developed” rate towards expenses.
- (3) **La Vista (Zone 14)** – In 2016, this zone was formed and is currently under construction by the developer. Currently, 61 undeveloped parcels are estimated to be in construction. Build out of the zone is anticipated by December 2019. Staff has budgeted for six months of maintenance in FY 2020 in anticipation of the maintenance area being turned over to the City in January 2020.
- (4) **Cadence (Zone 15)** – This zone is self-maintained, as the property owner is responsible for the park maintenance and is required to submit an annual park maintenance plan (Attachment IV).
- (5) **Blackstone (Zone 16)** – Formed in 2016, the developers’ period of planting and plant establishment has continued into FY 2019. Pending inspection and approval, the City anticipates acceptance of the maintenance responsibility late in FY 2019 and has budgeted a full twelve months of services for FY 2020.

New Zones

Two new Landscape and Lighting District zones were presented to the City Council on May 7, 2019 and will be included in future annual reports. They include:

- (1) **Parkside Heights (Zone 17)** - The Parkside Heights development is located on a 10.68-acre site at the southern corner of 2nd Street and Wolpert Street (see Attachment V - Vicinity Map) and consists of 97 single family residences and a public trail. The formation and annexation of the Parkside Heights property into Benefit Zone No. 17 of the District is proposed to provide funding for operations, maintenance, and servicing of landscaping and lighting improvements to the public trail and undeveloped public open space along Ward Creek.
- (2) **SoHay (Zone 18)** - The SoHay development is located on 25 acres across various parcels located on the northwestern corner of Mission Boulevard and Industrial Parkway (see Attachment VI - Vicinity Map) and consists of 472 residential units, 20,000 square feet of ground floor retail space, and a 1.9-acre public park. The formation and annexation of SoHay properties into Benefit Zone No. 18 of the District is proposed to provide funding for operations, maintenance, and servicing of landscaping and lighting improvements to the new 1.9-acre public park.

Proposition 218 Compliance

For FY 2020, all assessments are proposed to be levied in compliance with Proposition 218 and do not require the noticing and balloting of property owners to obtain their approval. Any future increases in assessment amounts that exceed the maximum base assessment amount would require the noticing and balloting of property owners.

FISCAL AND ECONOMIC IMPACT

There is no fiscal impact to the City's General Fund from this recommendation because expenditures are to be paid by assessment rates in each respective zone.

STRATEGIC INITIATIVES

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

PUBLIC CONTACT

City staff: 1) mailed a notice to all affected property owners to provide detail of their recommended FY 2020 assessment rate, and to alert them to three community meetings where they could provide input (April 11, May 14, and June 4); 2) held a community engagement meeting on April 11; 3) provided an online survey to measure maintenance satisfaction; and 4) will be publishing a legal notice in the East Bay Times on May 17, 2019.

NEXT STEPS

Following this City Council meeting, the City is proposing to hold a public hearing on June 4, 2019, to provide an opportunity for any interested person to be heard. After the public hearing, the City Council may adopt a resolution setting the annual assessment amounts as originally proposed or as modified. Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Auditor's office to be included on the FY 2020 tax roll. Payment of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

If the City Council adopts the attached resolution of intention, it will hold a noticed public hearing on June 4, 2019, to consider approving the Engineer's Report and order the levy of assessments for FY 2020.

Prepared by: Denise Blohm, Management Analyst II

Recommended by: Todd Rullman, Maintenance Services Director

Approved by:



Kelly McAadoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-_____

Introduced by Council Member _____

RESOLUTION PRELIMINARILY APPROVING ENGINEER'S REPORT,
DECLARING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2020
FOR CONSOLIDATED LANDSCAPING AND LIGHTING DISTRICT NO. 96-1,
ZONES 1-16, AND SETTING JUNE 4, 2019, AS THE PUBLIC HEARING
DATE

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

1. On May 7, 1996, the Consolidated Landscaping and Lighting District No. 96-1, Zones 1-6 (the "District") was established by the adoption of Resolution No. 96-93 and, subsequently, Zones 7-16 were respectively annexed to the District.
2. SCI Consulting Group is hereby designated as Engineer of Work for purposes of these proceedings and was ordered to prepare an Engineer's Report in accordance with Article XIID of the California Constitution.
3. SCI Consulting Group is hereby designated as Engineer of Work for purposes of these proceedings and was ordered to prepare an Engineer's Report in accordance with Article 4 of Chapter 1 of the Act and Article XIID of the California Constitution.
4. The Engineer of Work has prepared a report in accordance with the provisions of Article XIID, Section 4, of the California Constitution, provisions of the Landscaping and Lighting Act of 1972, Section 22500 et seq. of the California Streets and Highways Code. Said report has been made, filed, and duly considered by this City Council and is hereby deemed sufficient and preliminarily approved. Said report shall stand as the report for all subsequent proceedings relating to the proposed levy of District assessments for Fiscal Year 2020.
5. It is the intention of the City Council to order the levy and collection of assessments within the District for Fiscal Year 2020.
6. The improvements consist of the construction, operation, maintenance, rehabilitation, and servicing of landscaping, street lighting, open space facilities, parks, trails, and appurtenant (pertaining to something that attaches) facilities including but not limited to; personnel, electrical

energy, utilities such as water, materials, contractual services, and other items necessary for the satisfactory operation of these services and facilities.

7. Maintenance means the furnishing of services and materials for the ordinary and usual operation, maintenance and servicing of the landscaping, public lighting facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public lighting facilities or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping improvements, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; and the removal of trimmings, rubbish, debris and other solid waste; the cleaning, sandblasting, and painting of street lights and other improvements to remove graffiti.
8. The proposed assessments for Zones 2, 4, 6, 7, 13, and 15 are unchanged from the previous year's assessments.
9. The proposed assessments for Zone 12 are less than the previous year's assessments.
10. The proposed assessments for Zones 1,3, 5, 8, 9, 10, 11, 14, 16 are more than the previous year's assessments.
11. Reference is hereby made to the aforementioned report on file with the City Clerk for a full and detailed description of the improvements, the boundaries of the proposed District, and the proposed assessments upon assessable lots within said District.
12. On June 4, 2019, at the hour of 7:00 p.m., in the regular meeting place of this City Council, City Council Chambers, 777 B Street, Hayward, California, a public hearing will be held on the levy of the proposed assessments. Prior to the conclusion of said public hearing, any interested person may file a written protest with the City Clerk, or having previously filed a protest, may file a written withdrawal of that protest. A written protest by a property owner shall contain a description sufficient to identify the property owned by such owner.
13. The City Clerk is hereby directed to cause a notice of said meeting and hearing to be made in the form and manner provided by applicable laws.

IN COUNCIL, HAYWARD, CALIFORNIA May 14, 2019

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

CONSOLIDATED LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT No. 96-1

PRELIMINARY ENGINEER'S REPORT

FISCAL YEAR 2020

MAY 2019

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

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

CITY OF HAYWARD

CITY COUNCIL

Barbara Halliday, Mayor
Elisa Márquez, Council Member
Al Mendall, Council Member
Sara Lamnin, Council Member
Mark Salinas, Council Member
Aisha Wahab, Council Member
Francisco Zermeño, Council Member

CLERK OF THE COUNCIL

Miriam Lens

CITY MANAGER

Kelly McAdoo

CITY ATTORNEY

Michael Lawson

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

OVERVIEW

In 1996 there were six (6) separate Landscaping & Lighting Assessment Districts throughout the City of Hayward. On May 7, 1996, Landscaping & Lighting Assessment District No. 96-1 ("Assessment District" or "District") was formed which consolidated each of the assessment districts and designated them as six (6) separate zones of benefit. From FY 1998 through FY 2017, Benefit Zones No. 7 through No. 16 were annexed to Landscaping & Lighting Assessment District No. 96-1. Each zone of benefit has a separate budget pertaining to its respective improvements being maintained, but the administrative costs for the preparation of the Engineer's Report, Council Reports, Resolutions, etc. are shared proportionately among the zones.

To ensure the proper flow of funds for the ongoing operation, maintenance, and servicing of improvements that were constructed as a condition of development within various subdivisions, the City Council, through the Landscaping and Lighting Act of 1972 (1972 Act), formed the City of Hayward Landscaping and Lighting Assessment District No. 96-1. The 1972 Act also permits the creation of benefit zones within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22547). Therefore, because there are varying degrees of benefit within the various subdivisions, the City Council established sixteen (16) benefit zones.

BENEFIT ZONES ASSESSMENT OVERVIEW

The following table summarizes the number of parcels per benefit zone, as described throughout this report.

TABLE 1- DESCRIPTION OF EXISTING BENEFIT ZONES

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A	B	C	D	E
Zone	Name/Location	Year Formed	Type of Development	Number of Assessed Parcels
Current Assessments - Year Formed and Number of Parcels Per Zone				
1	Huntwood Ave. & Panjon St.	1990	Residential	30
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16a	Blackstone - Developed	2016	Residential	157
Total Assessed Parcels:				3,421
For Reference ONLY				
15	Cadence	2017	Residential	206
Total Assessed Parcels:				206

LEGISLATIVE ANALYSIS

PROPOSITION 218 COMPLIANCE¹

On November 5, 1996, California voters approved Proposition 218 entitled "Right to Vote on Taxes Act," which added Articles XIIC and XIID to the California Constitution. While its title refers only to taxes, Proposition 218 establishes new procedural requirements for the formation and administration of assessment districts. These new procedures stipulate that even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessment was anticipated in the assessment formula (e.g., to reflect the CPI or an assessment cap) then the City would be in compliance with the provisions of Proposition 218 if assessments did not exceed the assessment formula. The FY 2020 assessments proposed within the Engineer's Report are equal to or less than the maximum base assessment amount authorized; therefore, the vote requirements of Section 4 of Article XIID do not apply to these proceedings.

Automatic CPI Increase

Five of the sixteen benefits zones did not include an inflation factor when the zones were originally established (1, 2, 4, 5, 6), however, eleven of the zones (3, 7-16) have an allowance within their respective assessment formulas to increase their Maximum Base Assessment amount based upon the change in the prior year's CPI.

The CPI for benefit zones (3, 7-13) which is used for this calculation is the **CPI-U for the San Francisco-Oakland-Hayward MSA for February**², as published by the Bureau of Labor and Statistics on a bi-monthly basis (CPI-U). For those benefit zones with CPI Index adjustments, the CPI-U increase from **February 2018 to February 2019** was **3.53%**, therefore the maximum base assessment amounts have been increased by **3.53%** for FY 2020.

The CPI for benefit zones (12 annexation, 14-16) which is used for this calculation is the **CPI-U for the San Francisco-Oakland-Hayward MSA for December**³, as published by the Bureau of Labor and Statistics on a bi-monthly basis (CPI-U) and is capped at 3.00% per fiscal year. Any change in the CPI in excess of 3.00% shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 3.00%. For those benefit zones with CPI Index adjustments, the CPI-U increase from **December 2017 to December 2018** was **4.49%**. Future CPI increases in the maximum base assessment amount **do not** require the noticing and balloting of property owners per the requirements of Proposition 218.

¹ http://www.lao.ca.gov/1996/120196_prop_218/understanding_prop218_1296.html

² <https://www.bls.gov/regions/west/cpi-summary/ro9xg01a.htm> (Feb 2018 to Feb 2019)

³ https://data.bls.gov/timeseries/CUURS49BSA0?amp%253bdata_tool=XGtable&output_view=data&include_graphs=true (Dec 2017 to Dec 2018)

PLANS & SPECIFICATIONS

INTRODUCTION

As required by the Landscaping and Lighting Act of 1972, the annual Engineer's Report includes: (1) a listing of the proposed assessment amount for each assessable lot or parcel; 2) a description of the improvements to be operated, maintained and serviced; and (3) an estimated budget.

MAXIMUM BASE ASSESSMENT VERSUS ANNUAL CHARGE

Table 2 on the following page summarizes assessment information by zone. The table describes assessments by zone, number of parcels, Maximum Base Assessment amount, if there is an annual CPI adjustment, and difference between the FY 2019 vs FY 2020 assessment. *Fourteen* of the sixteen benefit zones are proposed to be levied *below* their Maximum Base Assessment amount (1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16), while *two* benefit zones are proposed to be levied *at their maximum* base assessment amount (6 and 16).

TABLE 2- ASSESSMENT AMOUNTS PER BENEFIT ZONE

TABLE 2: ASSESSMENT AMOUNTS BY BENEFIT ZONE									
A	B	C	D	E	F	G	H	I	J
Zone	Name/Location	# Parcels	FY 2020 Max Base Assessment (MBA)	MBA Incl CPI	FY 2019 Assessment	FY 2020 Assessment	Chg from last year		
Year Over Year Assessment Comparison									
1	Huntwood Ave. & Panjon St.	30	\$295.83	No	\$192.94	\$202.58	Increase	\$10	5%
2	Harder Rd. & Mocine Ave.	85	\$193.39	No	\$122.86	\$122.86	None	\$0	0%
3	Prominence	155	\$933.07	Yes	\$853.83	\$883.97	Increase	\$30	4%
4	Stratford Village	174	\$180.00	No	\$116.16	\$116.16	None	\$0	0%
5	Soto Rd. & Plum Tree St.	38	\$258.67	No	\$212.49	\$254.99	Increase	\$42	20%
6 ^(1,2)	Pepper Tree Park	11	\$11.00	No	\$2.61	\$2.61	None	None	N/A
7	Twin Bridges	348	\$975.95	Yes	\$591.70	\$591.70	None	\$0	0%
8	Capitola St.	24	\$673.74	Yes	\$157.50	\$181.13	Increase	\$24	15%
9	Orchard Ave.	74	\$179.90	Yes	\$31.06	\$34.19	Increase	\$3	10%
10	Eden Shores- Residential	534	\$1,072.71	Yes	\$221.38	\$265.66	Increase	\$44	20%
11a	Stonebrae Country Club (Developed)	550	\$1,631.91	Yes	\$210.55	\$273.72	Increase	\$63	30%
11b	Stonebrae Country Club (future development)	84	\$1,631.91	Yes	\$111.51	\$145.07	Increase	\$34	30%
12a ⁽⁴⁾	Eden Shores East	261	\$201.61	Yes	\$112.00	\$95.00	Decrease	(\$17)	-15%
12b ⁽⁴⁾	Spindrift (Developed)	54	\$213.06	Yes	\$112.00	\$95.00	Decrease	(\$17)	-15%
12c ⁽⁴⁾	Spindrift (Future Development)	64	\$213.06	Yes	\$33.60	\$28.50	Decrease	(\$5)	-15%
13	Cannery Place	599	\$620.14	Yes	\$361.00	\$361.00	None	\$0	0%
14a ⁽⁴⁾	La Vista (Developed)	118	\$644.41	Yes	\$15.00	\$525.00	Increase	\$510	3500%
14b ⁽⁴⁾	La Vista (Future Developed)	61.00	\$644.41	Yes	\$4.50	\$157.50	Increase	\$153	3500%
16a ⁽⁴⁾	Blackstone (Zone A)	133	\$445.66	Yes	\$200.00	\$445.66	Increase	\$246	223%
16c ⁽⁴⁾	Blackstone (Zone B)	24	\$467.94	Yes	\$210.00	\$467.94	Increase	\$258	223%
Self Maintained Benefit Zone - For Reference ONLY									
15 ⁽³⁾	Cadence	206	\$628.86	Yes	N/A	N/A	N/A	N/A	N/A

- Notes: ⁽¹⁾ Shaded items reflect Fiscal Year 2020 assessment amounts levied at the base maximum assessment amounts.
⁽²⁾ Zone 6 is in the industrial district and is assessed based upon street frontage.
⁽³⁾ Zone 15 was presented to the City Council separately as a new zone, which maintains their own benefits.
⁽⁴⁾ All zones with a CPI update use the SF/OAK/HAY Feb CPI date except for zones 12, 14, 16, whose CPI month is DEC.

Public Comment:

In order to receive public comment, City staff 1) mailed a notice to property owners to let them know of the community input meeting and two Council dates; 2) held a community input meeting on April 11, 3) conducted an online survey to measure maintenance satisfaction; and 4) will be publishing a legal notice in the East Bay Times on May 17, 2019.

The City of Hayward is proposing to hold a public hearing on June 4, 2019, to provide an opportunity for any interested person to be heard. At the conclusion of the public hearing, the City Council may adopt a resolution setting the annual assessment amounts as originally proposed or as modified. Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Auditor's office to be included on the FY 2020 tax roll. Payment of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

DESCRIPTION OF IMPROVEMENTS

The facilities, which have been constructed within the City of Hayward, and those which may be subsequently constructed, will be operated, maintained and serviced as generally described as follows:

The improvements consist of the construction, operation, maintenance, rehabilitation, and servicing of landscaping, street lighting, open space facilities, parks, trails, and appurtenant (pertaining to something that attaches) facilities including but not limited to; personnel, electrical energy, utilities such as water, materials, contractual services, and other items necessary for the satisfactory operation of these services and facilities as described below:

Landscaping Facilities - Landscaping facilities consist of, but are not limited to: operation, maintenance and servicing of landscaping, irrigation, planting, shrubbery, ground cover, trees, pathways, hardscapes, decorative masonry and concrete walls, fountains, bus shelters, entry gate structures, graffiti removal, fences, and other appurtenant facilities required to provide landscaping within the public rights-of-way and easements within the boundaries of the Assessment District.

Street Lighting Facilities - Street lighting facilities consist of, but are not limited to: operation, maintenance and servicing of poles, fixtures, bulbs, conduits, equipment including guys, anchors, posts and pedestals, metering devices and other appurtenant facilities within the public rights-of-way and easements within the boundaries of the Assessment District.

Open Space Facilities - Open space facilities consist of, but are not limited to: operation, maintenance and servicing of drainage areas, creeks, ponds, etc. including the removal of trash and debris, sediment, natural and planted vegetation and other appurtenant facilities within the public rights-of-way and easements within the boundaries of the Assessment District.

Park/Trail Facilities - Park/Trail facilities consist of, but are not limited to: operation, maintenance and servicing of landscaping, irrigation systems, pedestrian access, asphalt bike pathways, parkways, and the removal of trash and debris, rodent control, used for the support of recreational programs and other appurtenant facilities within the public rights-of-way and easements within the boundaries of the Assessment Districts.

Maintenance means the furnishing of services and materials for the ordinary and usual operation, maintenance and servicing of the landscaping, public lighting facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public lighting facilities or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping improvements, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; and the removal of trimmings, rubbish, debris and other solid waste; the cleaning, sandblasting, and painting of street lights and other improvements to remove graffiti.

Zone 1 (Huntwood Avenue & Panjon Street)

Tract No. 06041
Formed: November 13, 1990
Resolution Number: 90-256

FY 2020

Assessment Amount per Parcel: \$202.58
Number of Parcels: 30
Annual Revenue: \$6,077



FY 2020 Assessment and Income

- | |
|---|
| <p>1. Maximum Base Assessment (highest rate that can be charged per parcel).</p> <ul style="list-style-type: none">• Originally set when the zone was created in 1990.• At the maximum, unchanged from the previous year at \$295.83 per parcel.• Includes an annual inflation increase: No.• Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218. |
|---|

Assessment Rate (annual charge per parcel) and Income

- The annual assessment rate is recommended to be increased based on the City's analysis of the financial stability of the zone.
- The per parcel charge will increase from \$192.94 to \$202.58 (5%).
- The total annual assessment income will equal \$6,077.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

1. **Landscaping and irrigation:** Includes an 8-foot-wide landscaped strip along Huntwood Avenue within a landscape easement; and
2. **Surface maintenance of the street side:** Includes a 600-foot masonry wall along Huntwood Avenue. The maintenance includes painting, cleaning, graffiti removal, and minor surface repair.
3. **One-time maintenance:** A budget of \$3,000 is included for irrigation repair and bark chip replenishment.

Note: the ownership and responsibility of the masonry wall as a structure remains with the individual property owners.

City of Hayward
Landscape and Lighting District Zone 1 - Huntwood Avenue & Panjon Street
Fund 266, Project 3740
Established 1990, 30 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. Maximum Base Assessment Amount	296	296	296	296	296
b. Annual Per Parcel Assessment	266	175	184	193	203
c. # of Parcels	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
d. Total Amount Assessed for the District:	7,969	5,250	5,513	5,788	6,077
Income					
a. Annual Assessment Revenue	7,969	5,250	5,513	5,788	6,077
b. Minus County Tax Collection Fee (1.7%)	(135)	(135)	(94)	(98)	(103)
c. Adjustment for Delinquencies	(118)	358	133	-	-
d. Other	<u>-</u>	<u>289</u>	<u>120</u>	<u>200</u>	<u>200</u>
e. Total Revenue:	7,716	5,762	5,672	5,890	6,174
Services					
a. Utilities: Water	777	231	232	300	309
b. Utilities: PGE	244	233	236	250	258
c. Landscape Maintenance	1,620	1,620	1,620	1,620	1,669
d. One-Time Project/Maintenance	-	-	1,876	500	3,000
e. Property Owner Noticing	41	86	38	65	67
f. Annual Reporting	560	534	893	1,479	1,150
g. City Administration	<u>1,719</u>	<u>2,060</u>	<u>2,081</u>	<u>2,000</u>	<u>2,060</u>
h. Total Expenditures:	4,960	4,764	6,976	6,214	8,512
Account Balance					
a. Beginning Account Balance	19,723	22,479	23,477	22,173	21,849
b. Net Change (Revenue - Expenditures)	<u>2,756</u>	<u>998</u>	<u>(1,304)</u>	<u>(324)</u>	<u>(2,338)</u>
c. Ending Account Balance:	22,479	23,477	22,173	21,849	19,511

Zone 2 (Harder Road & Mocine Avenue)

Tract No. 6042
Formed: July 25, 1991
Resolution Number: 91-137

FY 2020

Assessment Amount per Parcel: \$122.86

Number of Parcels: 85

Annual Revenue: \$10,443



FY 2020 Assessment and Income

1. **Maximum Base Assessment** (highest rate that can be charged per parcel).

- Originally set when the zone was created in 1991.
- At the maximum, unchanged from the previous year at \$193.39 per parcel.
- Includes an annual inflation increase: No.
- Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218.

2. **Assessment Rate (annual charge per parcel) and Income**

- The annual assessment rate is recommended to be increased based on the City's analysis of the financial stability of the zone.
- The per parcel charge will remain the same at \$122.86.
- The total annual assessment income will equal \$10,443.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

1. **Landscaping and irrigation:** Includes the area between the sidewalk and wall along Harder Road and Mocine Avenue within a landscape easement;
2. **Surface maintenance of the street side:** Includes maintenance of a 1,000-foot-long masonry wall along Harder Road, Mocine Avenue, and a segment of Sunburst Drive. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair; and
3. **Surface maintenance of wall:** Includes maintenance of an 800-foot-long masonry wall adjacent to the railroad tracks located on the southwest side of Tract No. 6042. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair.
4. **One-time maintenance:** A budget of \$5,000 is included for trimming of trees and plant material, and bark chip replenishment.

Note: the ownership and responsibility of the masonry wall as a structure remains with the individual property owners.

City of Hayward
Landscape and Lighting District Zone 2 - Harder Road & Mocine Avenue
Fund 267, Project 3741
Established 1991, 85 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. Maximum Base Assessment Amount	193	193	193	193	193
b. Annual Per Parcel Assessment	93	154	154	123	123
c. # of Parcels	85	85	85	85	85
d. Total Amount Assessed for the District:	7,912	13,054	13,054	10,443	10,443
Income					
a. Annual Assessment Revenue	7,912	13,054	13,054	10,443	10,443
b. Minus County Tax Collection Fee (1.7%)	(135)	(222)	(222)	(178)	(178)
c. Adjustment for Delinquencies	143	42	11	-	-
d. Other	-	102	52	100	80
e. Total Revenue:	7,921	12,976	12,895	10,366	10,346
Services					
a. Utilities: Water	4,851	2,008	287	300	2,200
b. Utilities: PGE	126	127	127	135	139
c. Landscape Maintenance	1,620	1,620	1,620	1,620	3,400
d. One-Time Project/Maintenance	-	-	2,654	500	5,000
e. Property Owner Noticing	116	157	83	100	103
f. Annual Reporting	560	534	893	1,479	1,150
g. City Administration	1,499	2,060	2,081	2,000	2,060
h. Total Expenditures:	8,773	6,506	7,745	6,134	14,052
Account Balance					
a. Beginning Account Balance	5,316	4,463	10,933	16,083	20,315
b. Net Change (Revenue - Expenditures)	(853)	6,470	5,150	4,232	(3,706)
c. Ending Account Balance:	4,463	10,933	16,083	20,315	16,608

Zone 3 (Prominence - Hayward Boulevard & Fairview Avenue)

Tract No. 4007
Formed: June 23, 1992
Resolution Number: 92-174

FY 2020

Assessment Amount per Parcel: \$883.97
Number of Parcels: 155
Annual Revenue: \$137,015



FY 2020 Assessment and Income

- | |
|--|
| <p>1. Maximum Base Assessment (highest rate that can be charged per parcel).</p> <ul style="list-style-type: none">• Originally set when the zone was created in 1992.• Increased from the previous year from \$933.07 to \$966.01 per parcel by CPI.• Includes an annual inflation increase: Yes, includes CPI-U for the San Francisco-Oakland-San Jose MSA (3.53% for the period February 2018 to February 2019).• Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218. |
|--|

2. **Assessment Rate (annual charge per parcel) and Income**

- The Prominence Landscape Committee has requested that the City increase the assessment annually by the CPI percentage increase.

The per parcel charge will increase, from \$853.83 to \$883.97 (3.53%).

- The total annual assessment income will equal \$137,015.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

1. **Landscaping and irrigation:** Include approximately one mile of landscaped frontage along Hayward Boulevard and Fairview Avenue, with significant slope areas along the street;
2. **Surface maintenance of the sound wall (street side):** of a mile-long masonry wall along Hayward Blvd. and Fairview Ave. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair; and
3. **Maintenance of several open space areas:** many are maintained within the tract; however, there are no funds budgeted for maintenance of the non-irrigated, non-landscaped open space areas.
4. **One-time maintenance:** A budget of \$50,000 for projects to be determined.

Note: the ownership and responsibility of the masonry wall as a structure remains with the individual property owners.

Note: As part of the roadway modifications for the Stonebrae Development, the landscaped corner of Benefit Zone No. 3 at Hayward Blvd. and Fairview Blvd. was substantially reduced in

size and modified. Concurrently, it was determined that the modified corner would provide a greater benefit for the residents of the Stonebrae Development than for the residents of Benefit Zone No. 3. This corner is a visually vital part of the Stonebrae entrance while the only benefit it provides the residents of Benefit Zone No. 3 is as a general streetscape improvement not normally seen by the residents. By mutual agreement of the Stonebrae developer and the members of the Prominence Landscape Committee (Benefit Zone No. 3), the corner was removed from Benefit Zone No. 3 and was assessed to the Stonebrae LLAD Benefit Zone (Benefit Zone No. 11). The Stonebrae developer modified the corner as necessary to separate the irrigation and plantings so that the residents of Benefit Zone No. 3 can be assured that they are not bearing any of the ongoing costs for the maintenance of this area.

History of Changes to Annual Assessment Amounts

- This zone was established in 1992 and the **maximum base assessment amount was set at \$328.82** per parcel without an escalation clause allowing for an annual increase based upon the prior year's change in the CPI.
- In FY 2004, a group of property owners formed a Landscape Committee for the purpose of addressing the substandard landscaping conditions that had arisen in Benefit Zone No. 3. The Landscape Committee developed a comprehensive landscape plan and presented the plan to City staff and property owners within Benefit Zone No. 3. After receiving City and property owner support, the Landscape Committee proposed to increase assessments to fund the construction of additional landscape improvements and to increase the level of maintenance for the existing and proposed landscaping within Benefit Zone No. 3.
- In FY 2006 the City conducted a mailed ballot election to determine if there was sufficient support to increase assessments. The assessment increase was approved by a majority of the property owners who voted. Therefore, in FY 2006 the annual assessment amount per parcel was increased **from \$328.82 to \$1,023.56** per parcel (\$694.52/yr. for maintenance and \$329.04/yr. for capital improvements.) The maximum base assessment amount for the capital improvement portion was charged **for three (3) years only**, from FY 2006 thru 2008.
- Starting in FY 2009, the maximum base assessment amount for the maintenance component was set at **\$694.52** and is increased annually based upon the prior year's change in the CPI for the San Francisco-Oakland-San Jose Area.

History of Capital Improvements

FY 2006: Bus Stop and Open Area across the Street on Fox Hollow Drive

- In the Bus Stop Area weeds were removed and the soil was amended and prepared for new plantings. Improvements in drainage were made. The existing sprinkler system was repaired and/or upgraded as necessary. Grass was planted in flat locations. Trees were replaced as needed. Bunch grasses and shrubs were planted on the slopes.

- In the Open Area across from the Bus Stop, weeds were removed and the soil was amended and prepared for new plantings. The existing sprinkler system was repaired and/or upgraded as necessary. Deer resistant, drought tolerant, low maintenance plants were planted on the flat area and down the slope. Low maintenance plants of various colors were used.

FY 2007: Open Area South of 28525 Fox Hollow Drive

- In the Open Area, weeds were removed, and the soil was prepared for new plantings. The existing sprinkler system was repaired and/or upgraded as necessary. Deer resistant, drought tolerant, low maintenance plants were planted on the flat area and down the slope. Assorted low maintenance plants of various colors were also used.

FY 2008: Hayward Blvd., Fairview Drive & Barn Rock Drive

- In FY 2008, the Landscape Committee decided to spread the last phase of the capital replacements over two years in order to coordinate the Prominence improvements with planned work by the Stonebrae Development. During FY 2008 along Barn Rock Drive and Hayward Blvd, weeds were removed, and the soil was prepared for new plantings. The existing sprinkler system was upgraded as necessary. Deer resistant, drought tolerant, low maintenance plants were planted on the flat area and down the slope. Assorted low maintenance plants of various colors were also used.

FY 2009: Hayward Blvd., Fairview Drive & Barn Rock Drive

- In FY 2009 along Fairview Drive, weeds and dead trees and foliage were removed. The soil was amended and prepared for new trees and plants. Trees, bushes and ground cover were planted to fill in the bare areas around the perimeter of the development on both the flat and sloped areas. Deer resistant, drought tolerant, low maintenance plants of various colors was used. The existing sprinkler system was repaired and/or upgraded as necessary. In addition, large trees were planted along Fairview Drive to visually screen Prominence homeowners from Stonebrae homes. This work was funded by the Stonebrae Development.

FY 2011 - FY 2013: Irrigation Controller Upgrade Project

- Between FY 2011 through FY 2013, the existing sprinkler system was upgraded to provide a more water efficient/conservative system, which is intended to cut back on water waste and reduce the costs for annual maintenance.

FY 2013: Landscape Upgrade Projects

- In FY 2013, the following improvements were completed: 1) mulch placement; 2) bunch grass removal and replants, and sprinkler repair along Fox Hollow; and 3) cleanup, enhance irrigation and plants above the V-ditch along Hayward Blvd. as part of multi-year capital improvement project.

FY 2014: Landscape Upgrade Projects

- In FY 2014, the following improvements were completed: 1) entrance sign painting, 2) clean cobblestone drainage borders, 3) paint bus stop, 4) annual replanting, major mulching, and modify drip sprinkler lines.

FY 2015: Landscape Upgrade Projects

- In FY 2015, the following improvements were completed: 1) entrance sign painting, 2) cleaning cobblestone drainage borders, 3) Irrigation controller upgrades, 4) annual replanting, major mulching, tree removal, graffiti abatement and modify drip sprinkler lines.

FY 2016: Landscape Upgrade Projects

- In FY 2016, the following improvements were completed: 1) Irrigation controller upgrades, 2) irrigation retrofitting, and 3) annual replanting.

FY 2017: Landscape Upgrade Projects

- In FY 2017, the following improvements were completed: 1) install 3 dog stations, 2) irrigation retrofitting and repairs, 3) annual replanting, 4) Drainage for V-ditch on Hayward Blvd, and 5) Paint backflow cages and controller boxes.

FY 2018: Landscape Upgrade Projects

- In FY 2018, replaced mulch, planted 94 plants along Hayward Blvd, and trimmed trees.

FY 2019: One-Time Projects

- In FY 2019, the following improvements were completed: 1) spring and fall plantings. 2) upgraded irrigation above the V ditch and at the bus stop. 3) mulch replenishment. 4) tree health evaluation.

FY 2020: One-Time Projects

- In FY 2020, the following improvements are planned: 1) Tree trimming and fertilizer. 2) Other items to be identified.

City of Hayward
Landscape and Lighting District Zone 3 - Hayward Boulevard & Fairview Avenue
Fund 268, Project 3742
Established 1992, 155 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. Maximum Base Assessment Amount	846	871	901	933	966
b. Annual Per Parcel Assessment	797	797	824	854	884
c. # of Parcels	155	155	155	155	155
d. Total Amount Assessed for the District:	123,544	123,544	127,745	132,344	137,015
Income					
a. Annual Assessment Revenue	123,544	123,544	127,745	132,344	137,015
b. Minus County Tax Collection Fee (1.7%)	(2,100)	(2,100)	(2,172)	(2,250)	(2,329)
c. Adjustment for Delinquencies	1,111	(908)	(106)	-	-
d. Other	-	2,456	989	1,200	1,236
e. Total Revenue:	122,555	122,992	126,456	131,294	135,922
Services					
a. Utilities: Water	24,557	17,452	30,557	26,000	26,780
b. Utilities: PGE	1,563	1,511	1,544	1,600	1,648
c. Landscape Maintenance	44,640	44,640	40,920	44,640	45,979
d. One-Time Project/Maintenance	30,190	26,006	35,533	40,000	50,000
e. Spring and Fall Planting	-	-	-	7,000	7,000
f. Tree Evaluation and Trimming	-	-	-	5,000	10,000
g. Mulch Replacement	-	-	-	18,585	-
h. Irrigation Upgrade and Repair	-	-	-	10,000	10,000
i. Property Owner Noticing	212	249	137	150	155
j. Annual Reporting	1,120	1,067	1,237	1,665	1,290
k. City Administration	3,696	5,640	5,202	4,000	4,120
l. Total Expenditures:	105,978	96,565	115,130	158,640	156,972
Account Balance					
a. Beginning Account Balance	163,505	180,082	206,509	217,835	190,489
b. Net Change (Revenue - Expenditures)	16,577	26,427	11,326	(27,346)	(21,050)
c. Ending Account Balance:	180,082	206,509	217,835	190,489	169,439

Zone 4 (Stratford Village - Pacheco Way, Stratford Road, Ruus Lane, Ward Creek)

Tract Nos. 6472, 6560, 6682 & 6683

Formed: May 23, 1995

Resolution Number: 95-96

Annexed Tract No. 6682: January 23, 1996

FY 2020

Assessment Amount per Parcel: \$116.16

Number of Parcels: 174

Annual Revenue: \$20,212



FY 2020 Assessment and Income

1. **Maximum Base Assessment** (highest rate that can be charged per parcel).
 - Originally set when the zone was created in 1995.
 - At the maximum, unchanged from the previous year at \$180.00 per parcel.
 - Includes an annual inflation increase: No
 - Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218.

2. **Assessment Rate** (annual charge per parcel) **and Income**

- The annual assessment rate is recommended to be increased based on the City's analysis of the financial stability of the zone.
- The per parcel charge will remain the same at \$116.16.
- The total annual assessment income will equal \$20,212.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

1. **Landscaping and irrigation:** Include approximately 21,000 square feet adjacent to the Ward Creek Bike Pathway, including an irrigation system with electrical controllers;
2. **Median landscaping:** Includes approximately 2,100 square feet along Stratford Road and Ruus Lane;
3. **Landscaping:** Includes approximately 7,500 square feet along Pacheco Way;
4. **Landscaping, irrigation and appurtenances:** on the median island on Ruus Lane;
5. **Surface maintenance** of the street side of a masonry wall along Pacheco Way and along the southern and eastern property boundaries. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair;
6. **Asphalt bike pathway:** Includes approximately 2,100 linear feet adjacent to Ward Creek between Pacheco Way and Folsom Avenue, and bike path striping on pathway;
7. **Chain link fencing:** Includes approximately 50 linear feet of 4-foot-high black vinyl clad fencing at two locations between Ward Creek and the asphalt pathway;

8. **Gate:** Includes a 14-foot-wide entry gate structure, an 8-foot-wide swing gate, and a 12-foot-wide swing gate;
9. **Bridge:** Includes 32 linear feet of 8-foot-wide prefabricated steel bridge with wood deck; and
10. **Pedestrian access:** between Rosecliff Lane and Ward Creek Pathway.
11. **One-time maintenance:** A budget of \$3,000 is included for tree trimming.

Note: the ownership and responsibility of the masonry wall as a structure remains with the individual property owners.

Note: FY 2019 included a large water leak which was not discovered until the City received the bi-monthly water bill.

City of Hayward

Landscape and Lighting District Zone 4 - Stratford Village - Pacheco Wy., Stratford Rd., Russ Ln., & Ward Crk.

Fund 269, Project 3743

Established 1995, 174 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. Maximum Base Assessment Amount	180	180	180	180	180
b. Annual Per Parcel Assessment	121	145	145	116	116
c. # of Parcels	174	174	174	174	174
d. Total Amount Assessed for the District:	21,054	25,265	25,265	20,212	20,212
Income					
a. Annual Assessment Revenue	21,054	25,265	25,265	20,212	20,212
b. Minus County Tax Collection Fee (1.7%)	(358)	(430)	(430)	(344)	(344)
c. Adjustment for Delinquencies	521	151	(196)	-	-
d. Other	-	1,158	529	550	567
e. Total Revenue:	21,217	26,144	25,168	20,418	20,435
Services					
a. Utilities: Water	2,488	2,786	4,357	15,500	4,000
b. Utilities: PGE	1,072	1,031	1,205	1,200	1,236
c. Landscape Maintenance	6,415	6,415	6,415	6,415	6,608
d. One-Time Project/Maintenance	-	315	3,523	500	3,000
e. Irrigation Repair	-	-	-	500	3,000
f. Graffiti Abatement	-	-	-	500	500
g. Property Owner Noticing	239	212	84	100	103
h. Annual Reporting	1,120	1,067	1,159	1,479	1,150
i. City Administration	2,158	3,312	3,344	2,000	2,060
j. Total Expenditures:	13,493	15,138	20,087	28,194	21,657
Account Balance					
a. Beginning Account Balance	77,947	85,672	96,678	101,759	93,983
b. Net Change (Revenue - Expenditures)	7,724	11,006	5,081	(7,776)	(1,222)
c. Ending Account Balance:	85,672	96,678	101,759	93,983	92,761

Zone 5 (Soto Road & Plum Tree Street)

Tract Nos. 6641 & 6754

Formed: May 23, 1995

Resolution Number: 95-97

Annexed Tract No. 6754: October 17, 1995

FY 2020

Assessment Amount per Parcel: \$255.17

Number of Parcels: 38

Annual Revenue: \$9,696



FY 2020 Assessment and Income

1. **Maximum Base Assessment** (highest rate that can be charged per parcel).
 - Originally set when the zone was created in 1995.
 - At the maximum, unchanged from the previous year at \$258.67 per parcel.
 - Includes an annual inflation increase: No
 - Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218.

2. **Assessment Rate** (annual charge per parcel) **and Income**

- The annual assessment rate is recommended to be increased based on the City's analysis of the financial stability of the zone.
- Increased the per parcel rate from the previous year from \$212.64 to \$255.17 (20%).
- The total annual assessment income will equal \$9,696.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

1. **Landscaping:** within the 10-foot-wide setback area between the masonry wall and the sidewalk (approximately 360 lineal feet);
2. **Landscaping and appurtenances:** within the 5.5-foot-wide planter strip between the sidewalk and the curb return areas across the frontage of Tract 6641; located within the 10-foot-wide setback area between the masonry wall and the sidewalk (approximately 440 lineal feet); and within the 5.5-foot-wide planter strip between the sidewalk and the curb across the Soto Road frontage of Final Map Tract 6754.
3. **Surface maintenance of the masonry wall** (street side): of a masonry wall along Soto Road. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair; and
4. **The curb return areas:** at the intersection of Soto Road and Plum Tree Street.
5. **One-time maintenance:** A budget of \$1,500 is included for bark chip replenishment.

Note: the ownership and responsibility of the masonry wall as a structure remains with the individual property owners.

City of Hayward
Landscape and Lighting District Zone 5 - Plum Tree Street - Soto Road
Fund 272, Project 3744
Established 1995, 38 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. Maximum Base Assessment Amount:	259	259	259	259	259
b. Annual Per Parcel Assessment:	199	199	205	213	255
c. # of Parcels	38	38	38	38	38
d. Total Amount Assessed for the District:	7,543	38	7,799	8,080	9,696
Income					
a. Annual Assessment Revenue	7,543	7,543	7,799	8,080	9,696
b. Minus County Tax Collection Fee (1.7%)	(128)	(128)	(133)	(137)	(165)
c. Adjustment for Delinquencies	12	2	(203)		-
d. Other	-	110	40	45	45
e. Total Revenue:	7,427	7,527	7,504	7,988	9,577
Services					
a. Utilities: Water	854	832	2,885	3,300	3,399
b. Utilities: PGE	244	234	236	250	258
c. Landscape Maintenance	1,620	1,620	1,620	1,620	1,669
d. One-Time Project/Maintenance	-	2,448	1,374	500	1,500
e. Irrigation	-	-	-	-	1,500
f. Property Owner Noticing	52	96	44	70	72
g. Annual Reporting	560	534	580	741	600
h. City Administration	1,499	1,638	1,638	1,500	1,545
i. Total Expenditures:	4,829	7,402	8,377	7,981	10,542
Account Balance					
a. Beginning Account Balance:	6,298	8,896	9,021	8,148	8,155
b. Net Change (Revenue - Expenditures)	2,598	125	(873)	7	(966)
c. Ending Account Balance:	8,896	9,021	8,148	8,155	7,189

Zone 6 (Peppertree Park)
Tract Nos. 4420 & 3337 (Lot 2)
Formed: May 11, 1982
Resolution Number: 82-160

FY 2020

Assessment Amount per Parcel: \$2.61 per linear foot
Number of Parcels: 11
Annual Revenue: \$13,034



FY 2020 Assessment and Income

1. **Maximum Base Assessment** (highest rate that can be charged per parcel).
 - Originally set when the zone was created in 1982.
 - At the maximum, unchanged from the previous year at \$2.61 per linear foot.
 - Includes an annual inflation increase : No
 - Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218.

2. **Assessment Rate** (annual charge per parcel) **and Income**

- The per linear foot charge will remain the same at \$2.61.
- The total annual assessment income will equal \$13,034.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

1. **Landscaping and decorative paving:** within the median islands in San Clemente Street between Zephyr Avenue and San Antonio Street;
2. **Landscaping:** in the fountain area; and
3. **Various:** the identification sign, lighting, and landscaping in the main entrance median at San Clemente Street and San Antonio Street.
4. **One-time maintenance:** A budget of \$15,000 is included to repair the stamped concrete section of the roadway.

City of Hayward
Landscape and Lighting District Zone 6 - Peppertree Business Park
Fund 273, Project 3730
Established 1982, 11 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. <i>Maximum Base Assessment Amount:</i>	3	3	3	3	3
b. Annual Per Parcel Assessment:	3	3	3	3	3
c. # of Parcels	11	11	11	11	11
d. <u>Length of Assessable Street Frontage</u>	4,994	4,994	4,994	4,994	4,994
Total Amount Assessed for the District	13,034	13,034	13,034	13,034	13,034
Income					
a. Annual Assessment Revenue	13,034	13,034	13,034	13,034	13,034
b. <i>Minus County Tax Collection Fee (1.7%)</i>	(222)	(222)	(222)	(222)	(222)
c. Adjustment for Delinquencies	3	64	3	-	-
d. <u>Other</u>	-	797	323	450	375
e. Total Revenue:	12,816	13,674	13,139	13,263	13,188
Services					
a. Utilities: Water	873	1,136	1,838	3,200	3,296
b. Utilities: PGE	139	120	110	120	124
c. Landscape Maintenance	4,000	4,000	4,000	4,000	4,120
d. One-Time Project/Maintenance	4,306	4,150	2,322	2,000	15,000
e. Property Owner Noticing	15	61	21	55	57
f. Annual Reporting	560	534	893	1,479	1,150
g. <u>City Administration</u>	2,000	2,000	2,000	2,000	2,060
h. Total Expenditures:	11,893	12,001	11,184	12,854	25,806
Account Balance					
a. Beginning Account Balance:	61,774	62,696	64,369	66,324	66,733
b. <u>Net Change (Revenue - Expenditures)</u>	923	1,673	1,955	409	(12,618)
c. Ending Account Balance:	62,696	64,369	66,324	66,733	54,114

Zone 7 (Twin Bridges - Mission Blvd., Industrial Pkwy, Arrowhead Way)

Tract Nos. 7015

Formed: July 28, 1998

Resolution Number: 98-153

FY 2020

Assessment Amount per Parcel: \$591.70

Number of Parcels: 348

Annual Revenue: \$205,912



FY 2020 Assessment and Income

1. **Maximum Base Assessment** (highest rate that can be charged per parcel).
 - Originally set when the zone was created in 1998.
 - Increased from the previous year from \$975.95 to \$1,010.40 per parcel by CPI.
 - Includes an annual inflation increase: Yes, includes CPI-U for the San Francisco-Oakland-San Jose MSA (3.53% for the period February 2018 to February 2019).
 - Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218.

2. **Assessment Rate** (annual charge per parcel) **and Income**

- The per parcel charge will remain the same at \$591.70.
- The total annual assessment income will equal \$205,912.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

1. **Park:** Includes a two-acre neighborhood park, maintained by the Hayward Area Recreation District through a Memorandum of Understanding with the City.
2. **Landscaping:** Includes: planting, irrigation, the multi-use pathway, landscape lighting and other associated improvements located within the landscape easements and street right-of-way along Mission Boulevard and Industrial Parkway.;
3. **Medians:** Includes medians and abutting landscaping along the Arrowhead Way entrance roads and traffic circles, including the bridge structure, signs, and decorative entry paving;
4. **Bus shelters;**
5. **Walls and fences** that face Mission Blvd., Industrial Parkway, the Arrowhead Way entrance roads, the golf course and along the Line N drainage channel (including graffiti removal);
6. **Specialty street lighting;** and
7. **One-time maintenance:** A budget of \$10,000 for tree trimming.

In FY 2019, the following improvements were completed: 1) Installed a weather-based irrigation controller to monitor and adjust water. The controller was identified in response to a large water leak that occurred this year. 2) Trimmed trees along both main entrances.

City of Hayward

Landscape and Lighting District Zone 7 - (Twin Bridges - Mission Blvd., Industrial Pkwy, Arrowhead Way)

Fund 274, Project 3746

Established 1998, 348 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. Maximum Base Assessment Amount:	884	911	942	976	1,010
b. Annual Per Parcel Assessment:	564	564	564	592	592
c. # of Parcels	348	348	348	348	348
d. Total Amount Assessed for the District	196,105	196,105	196,105	205,911.60	205,912
Income					
a. Annual Assessment Revenue	196,105	196,884	196,105	205,912	205,912
b. Minus County Tax Collection Fee (1.7%)	(3,334)	(3,347)	(3,334)	(3,500)	(3,500)
c. Adjustment for Delinquencies	(3,877)	(1,983)	(1,623)	-	-
d. Other	-	5,330	2,331	3,000	4,000
Total Revenue:	188,894	196,884	193,479	205,411	206,411
Services					
a. Utilities: Water	14,540	20,125	44,373	65,000	47,000
b. Utilities: PGE	2,157	1,522	2,432	2,600	2,678
c. Landscape Maintenance	29,796	29,875	27,313	29,796	30,690
d. Park Maintenance - HARD	73,771	44,800	44,800	46,144	47,528
e. Tree Trimming/Replacement	-	-	-	10,000	10,000
f. Street Light Maintenance	-	-	-	1,000	1,030
g. Graffiti Abatement	-	-	-	1,000	1,030
h. Weatherbased Irrigation Ctrlr	-	-	-	18,000	-
i. One-Time Project/Maintenance	15,138	22,940	80,230	-	10,000
j. Property Owner Noticing	476	500	290	300	309
k. Annual Reporting	1,750	1,668	1,537	1,665	1,290
l. City Administration	3,696	5,150	5,202	4,000	4,120
m. Total Expenditures:	141,324	126,580	206,177	179,505	155,675
Account Balance					
a. Beginning Account Balance:	334,960	382,530	452,834	440,137	466,043
b. Net Change (Revenue - Expenditures)	47,570	70,304	(12,697)	25,906	50,736
c. Ending Account Balance:	382,530	452,834	440,137	466,043	516,779

Zone 8 (Capitola Street)
Tract Nos. 7033
Formed: March 2, 1999
Resolution Number: 99-030

FY 2020

Assessment Amount per Parcel: \$181.13
Number of Parcels: 24
Annual Revenue: \$4,347



FY 2020 Assessment and Income

1. **Maximum Base Assessment** (highest rate that can be charged per parcel).
 - Originally set when the zone was created in 1999.
 - Increased from the previous year from \$698.00 to \$722.64 per parcel by CPI.
 - Includes an annual inflation increase: Yes, includes CPI-U for the San Francisco-Oakland-San Jose MSA (3.53% for the period February 2018 to February 2019).
 - Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218.

2. **Assessment Rate** (annual charge per parcel) **and Income**

- The annual assessment rate is recommended to be increased based on the City's analysis of the financial stability of the zone.
- The per parcel charge will increase, from \$157.50 to \$181.13 (15%).
- The total annual assessment income will equal \$4,347
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

1. **Landscaping:** a 10-foot-wide landscaped area, between the wall and the Hesperian Blvd. frontage, to be improved with landscaping, irrigation, and other associated improvements located within the landscaped area.
2. **Surface maintenance:** of the 8-foot-high decorative concrete wall along the tract's Hesperian Blvd. frontage. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair; and
3. **One-time maintenance:** A budget of \$2,000 for additional maintenance as required.

Note: the ownership and responsibility of the masonry wall as a structure remains with the individual property owners.

City of Hayward
Landscape and Lighting District Zone 8 - Capitola Street
Fund 275, Project 3748
Established 1999, 24 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. Maximum Base Assessment Amount:	632	652	674	698	723
b. Annual Per Parcel Assessment:	250	150	150	158	181
c. # of Parcels	24	24	24	24	24
d. Total Amount Assessed for the District:	6,000	3,600	3,600	3,780	4,347
Income					
a. Annual Assessment Revenue	6,000	3,600	3,600	3,780	4,347
b. Minus County Tax Collection Fee (1.7%)	(102)	(61)	(61)	(64)	(74)
c. Adjustment for Delinquencies	149	8	23	-	-
d. Other	-	112	-	-	-
e. Total Revenue:	6,047	3,659	3,562	3,716	4,273
Services					
a. Utilities: Water	1,216	189	229	340	350
b. Utilities: PGE	-	-	-	-	-
c. Landscape Maintenance	2,212	976	1,588	2,000	2,060
d. One-Time Project/Maintenance	-	0	-	500	2,000
e. Property Owner Noticing	33	64	33	70	72
f. Annual Reporting	560	534	580	741	600
g. City Administration	2,112	2,000	2,020	2,000	2,060
Total Expenditures:	6,133	3,763	4,450	5,651	7,142
Account Balance					
a. Beginning Account Balance:	52,526	52,440	52,336	51,448	49,513
b. Net Change (Revenue - Expenditures)	(86)	(104)	(888)	(1,935)	(2,869)
c. Ending Account Balance:	52,440	52,336	51,448	49,513	46,644

Zone 9 (Orchard Avenue)
Tract Nos. 7063
Formed: April 25, 2000
Resolution Number: 00-050

FY 2020

Assessment Amount per Parcel: \$34.19
Number of Parcels: 74
Annual Revenue: \$2,530



FY 2020 Assessment and Income

- | |
|--|
| <p>1. Maximum Base Assessment (highest rate that can be charged per parcel).</p> <ul style="list-style-type: none">• Originally set when the zone was created in 2000.• Increased from the previous year from \$186.37 to \$192.95 per parcel by CPI.• Includes an annual inflation increase: Yes, includes CPI-U for the San Francisco-Oakland-San Jose MSA (3.53% for the period February 2018 to February 2019).• Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218. |
|--|

2. **Assessment Rate** (annual charge per parcel) **and Income**

- The annual assessment rate is recommended to be increased based on the City's analysis of the financial stability of the zone.
- The per parcel charge will increase from \$31.08 to \$34.19 (10%).
- The total annual assessment income will equal \$2,530.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

1. **Surface maintenance:** of the 10-foot-high decorative concrete wall along the railroad and along the south property line abutting Lot 40. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair. To minimize this maintenance work, Boston Ivy is planted and maintained along most of the surface of the wall.
5. **One-time maintenance:** A budget of \$500 is included for additional maintenance as required.

Note: the ownership and responsibility of the masonry wall as a structure remains with the individual property owners.

City of Hayward
Landscape and Lighting District Zone 9 - Orchard Ave.
Fund 276, Project 3749
Established 2000, 74 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. Maximum Base Assessment Amount:	169	174	180	186	193
b. Annual Per Parcel Assessment:	10	20	30	31	34
c. # of Parcels	74	74	74	74	74
d. Total Amount Assessed for the District	740	1,480	2,220	2,300	2,530
Income					
a. Annual Assessment Revenue	740	1,480	2,220	2,300	2,530
b. Minus County Tax Collection Fee (1.7%)	(13)	(25)	(38)	(39)	(43)
c. Adjustment for Delinquencies	742	2	2	-	-
d. Other	-	81	30	40	30
e. Total Revenue:	1,469	1,538	2,214	2,301	2,517
Services					
a. One-Time Project/Maintenance	-	-	-	-	500
b. Graffiti Abatement	-	-	-	500	500
c. Property Owner Noticing	101	143	73	100	103
d. Annual Reporting	560	534	580	741	600
e. City Administration	1,280	1,458	1,200	1,200	1,236
f. Total Expenditures:	1,941	2,135	1,853	2,541	2,939
Account Balance					
a. Beginning Account Balance:	7,188	6,717	6,120	6,481	6,241
b. Net Change (Revenue - Expenditures)	(472)	(597)	361	(240)	(422)
c. Ending Account Balance:	6,717	6,120	6,481	6,241	5,819

Zone 10 (Eden Shores Residential)

Tract Nos. 7317, 7360 & 7361

Formed: June 24, 2003

Resolution Number: 03-083

FY 2020

Assessment Amount per Parcel: \$265.66

Number of Parcels: 534

Annual Revenue: \$141,862



FY 2020 Assessment and Income

1. **Maximum Base Assessment** (highest rate that can be charged per parcel).
 - Originally set when the zone was created in 2003.
 - Increased from the previous year from \$1,072.71 to \$1,111.33 per parcel by CPI.
 - Includes an annual inflation increase: Yes, includes CPI-U for the San Francisco-Oakland-San Jose MSA (3.53% for the period February 2018 to February 2019).
 - Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218.

2. **Assessment Rate (annual charge per parcel) and Income**

- The annual assessment rate is recommended to be increased based on the City's analysis of the financial stability of the zone.
- Increased the per parcel rate from the previous year from \$221.38 to \$265.66 (20%).
- The total annual assessment income will equal \$141,862.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

The Eden Shores Homeowners Association (HOA) administers the landscape maintenance contract for the zone. The HOA invoices the City quarterly for reimbursement of this authorized expense thru the benefit district zone budget. The City manages the park maintenance contract, which is under a Memorandum of Understanding with the Hayward Area Recreation District.

1. **Park:** A 5.58-acre park within the development which includes landscaping and irrigation and playground equipment. The City of Hayward has a Memorandum of Understanding with the Hayward Area Recreation Department (HARD) to maintain the park;
2. **Landscaping and irrigation:** of medians, park strips, and parkway within the development; and
3. **Surface maintenance:** of the decorative concrete and masonry walls along the perimeter and within the tract. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair.
4. **One-time maintenance:** A budget of \$25,000 is allocated for planting to be identified.

Note: the ownership and responsibility of the masonry wall as a structure remains with the individual property owners.

In FY 2019, the following improvements were completed: 1) Resurfaced three tennis courts and increased the fence height between courts two and three.

City of Hayward
Landscape and Lighting District Zone 10 - Eden Shores
Fund 277, Project 3750
Established 2003, 534 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. Maximum Base Assessment Amount:	1,007	1,037	1,073	1,111	1,111
b. Annual Per Parcel Assessment:	356	175	193	221	266
c. # of Parcels	534	534	534	534	534
d. Total Amount Assessed for the District:	190,211	93,450	102,795	118,217	141,862
Income					
a. Annual Assessment Revenue	190,211	93,450	102,795	118,217	141,862
b. Minus County Tax Collection Fee (1.7%)	(3,234)	(1,589)	(1,748)	(2,010)	(2,412)
c. Adjustment for Delinquencies	1,566	1,815	798	-	-
d. Other	-	9,338	3,937	3,000	2,500
e. Total Revenue:	188,543	103,014	105,782	119,207	141,951
Services					
a. Utilities: Water	12,965	20,050	29,877	40,000	32,000
b. Utilities: PGE	394	363	353	375	386
c. Landscape Maintenance - ES HOA	26,880	26,880	27,000	31,000	31,930
d. Park Maintenance - HARD	106,588	71,200	71,200	73,336	75,536
e. Graffiti Abatement	-	-	-	500	515
f. One-Time Project/Maintenance	6,033	28,121	56,817	140,000	25,000
g. Property Owner Noticing	730	551	230	250	258
h. Annual Reporting	1,925	1,835	1,621	1,665	1,290
i. City Administration	4,165	5,150	5,202	4,000	4,120
j. Total Expenditures:	159,680	154,150	192,300	291,126	171,035
Account Balance					
a. Beginning Account Balance:	740,828	769,691	718,555	632,038	460,119
b. Net Change (Revenue - Expenditures)	28,863	(51,136)	(86,517)	(171,919)	(29,084)
c. Ending Account Balance:	769,691	718,555	632,038	460,119	431,035

Zone 11 (Stonebrae Country Club)

Tract Nos. 5354, 8356

Formed: July 18, 2006

Resolution Number: 06-096

FY 2020

Assessment Amount per Parcel (Developed): \$273.72

7Assessment Amount per Parcel (Future Development): \$145.07

Number of Parcels: 634

Annual Revenue: \$161,059



FY 2020 Assessment and Income

1. Maximum Base Assessment (highest rate that can be charged per parcel).

- Originally set when the zone was created in 2006.
- Increased from the previous year from \$1,576.26 to \$1,631.91 per parcel by CPI.
- Includes an annual inflation increase: Yes, includes CPI-U for the San Francisco-Oakland-San Jose MSA (3.53% for the period February 2018 to February 2019).
- Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218.

2. Assessment Rate (annual charge per parcel) and Income

- The annual assessment rate is recommended to be increased based on the City's analysis of the financial stability of the zone.
- Increased the per parcel rate from the previous year from \$210.55 to \$273.72 (30%).
- In FY 2017, the assessment rate was reduced 58% from \$379 to \$156, as expenses were stable, and the account balance was healthy. Since that time, expenses have increased, to include water, general maintenance, and ongoing upkeep of the district. The increase in costs, along with use of the account balance has necessitated the need to increase rates annually since the initial decrease in FY 2016.
- The total annual assessment income will equal \$161,059.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

The Stonebrae Homeowners Association (HOA) administers the landscape maintenance contract for the zone. The HOA invoices the City quarterly for reimbursement of this authorized expense thru the benefit district zone budget.

1. **Landscaping and irrigation:** of median, park strips, parkway improvements, and multi-use pathway improvements along Fairview Ave., Carden Lane, Hayward Blvd., Stonebrae Country Club Drive, and the access road to the City water tank;
2. **Slope maintenance:** along Carden Lane, Fairview Ave., Hayward Blvd., and Stone Country Club Drive;

3. **Wall maintenance:** of decorative walls facing Fairview Ave. and Hayward Blvd. but not including the view fence of the lots along Fairview Ave. This maintenance includes painting, cleaning, graffiti removal, and replacement of the improvements if needed;
4. **Street and landscape lighting:** along Fairview Ave., Carden Lane, Hayward Blvd.; and along the frontage of the school at the intersection of Hayward Blvd/Stonebrae Country;
5. **Club Drive and Carden Lane:** this maintenance includes electrical costs, and replacement of the improvements if needed;
6. **One-time maintenance:** The following improvements are planned: 1) Installation of weather-based irrigation controllers to better schedule and monitor water usage. 2) Annual tree fertilization and tree trimming. 3) Annual replenishment of mulch.

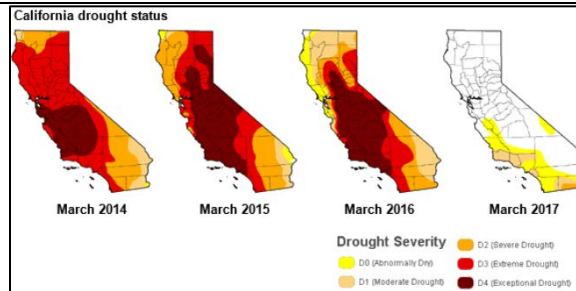
Note: As part of the roadway modifications for the Stonebrae Development, the landscaped corner at Hayward Blvd. and Fairview Blvd., previously located in benefit Zone No. 3, was substantially reduced in size and modified. The modified corner provides a benefit for the residents of the Stonebrae Development and is visually a vital part of the entrance to the development. By agreement of the Stonebrae developer and the City and following consultation with the Prominence Landscape Committee (Benefit Zone No. 3), the corner was removed from Benefit Zone No. 3 and annexed into the Stonebrae Benefit Zone (Benefit Zone No. 11). The Stonebrae developer modified the corner as necessary to separate the irrigation and plantings so that the residents of Benefit Zone No. 3 can be assured that they are not bearing any of the future ongoing costs for the maintenance of this area.

Note: The Stonebrae project is proposed to be developed in multiple phases (Villages A-E). Pursuant to the original 2002 Vesting Tentative Map for Stonebrae, Village C was anticipated to have 71 single-family lots. On July 5, 2017, the Final Map for Village C was recorded, which updated the number of single-family lots to 96. It should be noted that the Stonebrae development was originally approved for 650 total units. A total of 538 lots have been previously created. With the addition of the 96 Village C lots and the existing 538 lots in the other Villages, the total number of lots will be **634**, 16 less than what was approved with the 2002 Vesting Tentative Map. The current development phase consists of **537** single-family parcels (increased from 516 in FY 2019). The future development phases will consist of the remaining **97** single-family parcels (decreased from 118 in FY 2019).

For FY 2019, the following information is provided:

In FY 2019, there was a large water increase. The HOA provided the following information regarding water usage over the past several years.

	FY 2016	FY 2017	FY 2018	FY 2019 Est
Water Usage	\$52,233	\$14,911	\$90,086	\$130,000



In 2016 water usage was limited to two days per week due to drought restrictions. In addition, the meter at 27 Stonebrae was broken and recorded no usage for the year.

In 2017 water usage was limited to two days per week due to drought restrictions. In addition, the meter at 27 Stonebrae was broken and recorded no usage for five months.

In 2018 drought restrictions were no longer in effect and water usage increased. Some fescue grass and turf were replaced with lower water demand plant material; however, watering was increased to ensure good rooting. Going forward, after the plant establishment period, overall water to the area will be decreased.

Fiscal year 2019 saw a large water leak. In order to better monitor and manage water usage, weather-based irrigation controls will be installed in 2020 and 2021.

In FY 2019, the following improvements were completed: 1) Replenished mulch. 2) Completed Country Club Drive drainage mitigation. 3) Installed a french drain installation along four areas on Fairview Avenue. 4) Completed Fairview Avenue decomposed granite pathway renovation. 5) Began Tree Fertilizer Program, which will continue annually.

City of Hayward
Landscape and Lighting District Zone 11 - Stonebrae Country Club
Fund 279, Project 3731
Established 2006, 634 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. Developed Parcels					
b. <i>Maximum Base Assessment Amount:</i>	1,428	1,471	1,573	1,575	1,632
c. <i>Annual Per Parcel Assessment:</i>	379	156	168	211	274
d. <i># of Parcels</i>	429	429	448	516	537
e. Total Amount Assessed:	162,771	66,907	75,460	108,644	146,988
f.					
g. Future Development Parcels					
h. <i>Maximum Base Assessment Amount:</i>	1,428	1,471	1,573	1,575	1,632
i. <i>Annual Per Parcel Assessment</i>	201	83	89	112	145
j. <i># of Parcels</i>	147	147	128	118	84
k. Total Amount Assessed:	29,561	12,142	11,419	13,158	12,186
l.					
m. Total Amount Assessed for the District:	192,332	79,049	86,878	121,802	159,174
Income					
a. <i>Annual Assessment Revenue</i>	192,332	79,049	86,878	121,802	159,174
b. <i>Minus County Tax Collection Fee (1.7%)</i>	(3,270)	(1,344)	(1,477)	(2,071)	(2,706)
c. <i>Adjustment for Delinquencies</i>	(541)	6,190	2,843	-	-
d. <i>Other</i>	-	8,169	3,493	3,600	2,900
e. Total Revenue:	188,521	92,064	91,737	123,331	159,368
Services					
a. <i>Utilities: Water</i>	52,233	14,911	90,086	130,000	110,000
b. <i>Utilities: PGE</i>	7,396	8,018	8,703	8,800	9,064
c. <i>Landscape Maintenance</i>	35,652	35,652	35,652	35,652	35,652
d. <i>Plant Replacement</i>	3,509	-	283	-	2,000
e. <i>Flower Bed Planting</i>	6,128	6,326	4,136	5,000	5,150
f. <i>Irrigation Repair/Replacement</i>	2,236	855	-	1,500	1,545
g. <i>Drainage</i>	-	-	1,681	-	-
h. <i>Welcome Sign</i>	-	-	6,992	-	-
i. <i>Vehicle Damage</i>	-	-	3,975	-	-
j. <i>Tree Trimming</i>	1,430	9,555	9,109	-	10,000
k. <i>Tree Fertilizer</i>	-	-	-	6,400	6,592
l. <i>Gopher Control</i>	-	3,937	762	4,000	4,120
m. <i>Grass Conversion Project</i>	-	-	-	-	-
n. <i>Mulch</i>	27,257	-	-	10,000	10,300
o. <i>One-Time Project/Maintenance</i>	-	-	-	35,000	-
p. <i>Weather Based Irrigation System</i>	-	-	-	-	20,000
q. <i>Street Light Maintenance</i>	2,496	18,186	7,374	2,000	2,500
r. <i>Property Owner Noticing</i>	762	682	410	425	500
s. <i>Annual Reporting</i>	1,925	1,835	1,621	1,665	1,150
t. <i>City Administration</i>	1,939	3,058	3,089	3,181	3,277
u. Total Expenditures:	142,962	103,015	173,872	243,623	221,850
Account Balance					
a. <i>Beginning Account Balance:</i>	596,970	642,530	631,579	549,444	429,152
b. <i>Net Change (Revenue - Expenditures)</i>	45,559	(10,951)	(82,135)	(120,292)	(62,482)
c. Ending Account Balance:	642,530	631,579	549,444	429,152	366,670

Zone 12 (Eden Shore East - Alden E. Oliver Sports Park & Spindrift Annexation)

Tract Nos. 7489, 7708 & 8148

Formed: May 15, 2007

Annexed Tract No. 8148: June 21, 2016

Resolution Number: 07-031 & 16-065

FY 2020

Assessment Amount per Parcel (Developed): \$95.00

Assessment Amount per Parcel (Future Development): \$28.50

Number of Parcels: 379

Annual Revenue: \$32,547



Annexation to Zone 12 – Spindrift at Eden Shores (Tract 8148)

On May 24, 2016⁴, the City Council approved the Notice of Intent to Levy Assessments and set the Public Hearing for receipt of ballots for June 21, 2016 for the annexation of the Spindrift at Eden Shores project into existing Zone 12 of LLAD 96-1. The City Council approved the assessments for the annexation of Zone 12 at their June 21, 2016⁵ meeting. A total of 118 new lots are scheduled to be created and added to existing Zone 12 (Phase I, which was previously approved, created 66 new lots, while Phase II (project pending) is scheduled to approve 52 additional lots.) The new additions to Zone 12 will be assessed in a manner like the existing 261 lots in Zone 12 once developed, which currently pay for the maintenance of improvements at the Alden E. Oliver Sports Park.

⁴ <http://hayward.legistar.com/gateway.aspx?m=l&id=/matter.aspx?key=2030>

⁵ <http://hayward.legistar.com/gateway.aspx?m=l&id=/matter.aspx?key=2153>

FY 2020 Assessment and Income

1. **Maximum Base Assessment** (highest rate that can be charged per parcel).

- Originally set when the zone was created in 2007.
- **Eden Shores East:** Increased from the previous year from \$208.87 to \$216.24 per parcel by CPI.
- Includes an annual inflation increase: Yes, includes CPI-U for the San Francisco-Oakland-San Jose MSA, (3.56% for the period December 2017 to December 2018).
- **Spindrift Annexation:** Increased from the previous year from \$206.85 to \$213.06 per parcel by CPI.

Includes an annual inflation increase: Yes, includes CPI-U for the San Francisco-Oakland-San Jose MSA, (4.49% for the period February 2018 to February 2019). As the maximum annual CPI adjustment can not to exceed 3.00% per fiscal year, any change in the CPI in excess of 3.00% shall be cumulatively reserved as the "unused CPI" and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 3.00%. For FY 2020, 1.49% will be cumulatively reserved).

- Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218.

2. **Assessment Rate** (annual charge per parcel) **and Income**

- The annual assessment rate is recommended to be decreased based on the City's analysis of the financial stability of the zone.
- Decreased the per parcel rate for *developed* properties from the previous year from \$112.00 to \$95.00 (15%).
- Decreased the per parcel rate for *future development* from the previous year from \$33.60 to \$28.50 (15%).
- The total annual assessment income will equal \$32,547.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

1. **Minor Portion of Sports Park:** The City of Hayward has an agreement with the Hayward Area Recreation and Park District (HARD) to maintain the Alden E. Oliver Sports Park which benefits parcels within this benefit zone. The annual assessment pays for a minor portion of the Sports Park maintenance cost and City administrative costs associated with managing the benefit assessment program for this benefit zone. Maintenance of the neighborhood serving features of the Alden E. Oliver Sports Park include picnic tables, basketball courts, barbeque areas, soccer fields, etc.

City of Hayward
Landscape and Lighting District Zone 12 - Eden Shores East - Sports Park
Fund 278, Project 3732
Established 2007, 2016; 379 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
Original Zone, Established 2007, 261 parcels - CPI - Feb to Feb					
a. <i>Maximum Base Assessment Amount:</i>	189	195	202	209	210
b. <i>Annual Per Parcel Assessment:</i>	189	195	112	112	95
c. <i># of Parcels</i>	261	261	261	261	261
d. Total Amount Assessed:	49,397	50,890	29,232	29,232	24,795
Spindrift Annexation, Added FY 2017, 118 Parcels - CPI Dec to Dec					
e. Developed Parcels					
f. <i>Maximum Base Assessment (Developed)</i>	N/A	N/A	201	207	213
g. <i>Annual Per Parcel Assessment</i>	N/A	N/A	112	112	95
h. <i># of Parcels</i>	N/A	N/A	25	54	54
g. Total Amount Assessed:	N/A	N/A	2,800	6,048	5,130
h. Future Development Parcels					
i. <i>Maximum Base Assessment (Undeveloped)</i>	N/A	N/A	201	207	213
j. <i>Annual Per Parcel Assessment</i>	N/A	N/A	34	34	29
k. <i># of Parcels</i>	N/A	N/A	93	64	64
l. Total Amount Assessed:	N/A	N/A	3,125	2,150	1,824
m. Total Amount Assessed for the District:	49,397	50,890	35,157	37,430	31,749
Income					
a. <i>Annual Assessment Revenue</i>	49,397	50,890	35,157	37,430	31,749
b. <i>Minus County Tax Collection Fee (1.7%)</i>	(840)	(865)	(598)	(636)	(540)
c. <i>Adjustment for Delinquencies</i>	191	6,652	1,042	-	-
d. <i>Other</i>	-	155	90	150	150
e. Total Revenue:	48,748	56,832	35,691	36,944	31,359
Services					
a. <i>Park Maintenance - HARD</i>	41,000	31,000	31,000	31,930	32,888
b. <i>Property Owner Noticing</i>	361	391	272	268	350
c. <i>Annual Reporting</i>	1,260	1,201	1,225	1,479	1,150
d. <i>City Administration</i>	1,280	2,206	2,228	1,200	1,236
e. Total Expenditures:	43,901	34,798	34,725	34,877	35,624
Account Balance					
a. <i>Beginning Account Balance:</i>	(6,434)	(1,586)	20,447	21,414	23,481
b. <i>Net Change (Revenue - Expenditures)</i>	4,848	22,034	966	2,067	(4,265)
c. Ending Account Balance:	(1,586)	20,447	21,414	23,481	19,216

Zone 13 (Cannery Place)
Tract Nos. 7613, 7625, 7748 & 7749
Formed: June 17, 2008
Resolution Number: 08-0901

FY 2020

Assessment Amount per Parcel: \$361.00
582 Condominium Style Units, **16** Duets, and **One** Commercial Retail Parcel
Annual Revenue: \$261,239



FY 2020 Assessment and Income

1. **Maximum Base Assessment** (highest rate that can be charged per parcel).
 - Originally set when the zone was created in 2008.
 - Increased from the previous year from \$1,185.29 to \$1,227.13 per parcel by CPI.
 - Includes an annual inflation increase: Yes, includes CPI-U for the San Francisco-Oakland-San Jose MSA (3.53% for the period February 2018 to February 2019).
 - Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218.

2. Assessment Rate (annual charge per parcel) and Income

- The annual assessment rate is recommended to be increased based on the City's analysis of the financial stability of the zone.
- The per parcel rate will remain the same at \$361.00.
- The total annual assessment income will equal \$216,239.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

1. **Park Maintenance:** Includes approximately five (5) acres of park area encompassing landscaping and irrigation, and playground equipment, and maintenance of a historic water tower within the development;
2. **Landscaping and irrigation:** Includes park strips and parkway within the development;
3. **Surface maintenance:** of the decorative concrete walls within the tract. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair; and
4. **Maintenance:** of street trees;
5. **Maintenance:** of paved walkways;
6. **One-time maintenance:** A budget of \$2,000 is allocated for additional maintenance as required.

Note: the ownership and responsibility of the masonry wall as a structure remains with the individual property owners.

City of Hayward
Landscape and Lighting District Zone 13 - Cannery Place
Fund 281, Project 3733
Established 2008, 599 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. Maximum Base Assessment Amount:	1,074	1,106	1,144	1,184	1,220
b. Annual Per Parcel Assessment:	361	361	361	361	361
c. # of Parcels	599	599	599	599	599
d. Total Amount Assessed for the District:	216,239	216,239	216,239	216,239	216,239
Income					
a. Annual Assessment Revenue	216,239	216,239	216,239	216,239	216,239
b. Minus County Tax Collection Fee (1.7%)	(3,676)	(3,676)	(3,676)	(3,676)	(3,676)
c. Adjustment for Delinquencies	(1,992)	3,092	2,287	-	-
d. Other	-	4,013	1,706	2,000	2,100
e. Total Revenue:	210,571	219,668	216,556	214,563	214,663
Services					
a. Utilities: Water	59,773	70,422	84,800	88,000	90,640
b. Utilities: PGE	2,468	3,992	7,344	7,400	7,622
c. Landscape Maintenance	42,036	42,572	43,569	73,440	75,643
d. Street Light Maintenance	-	-	3,918	1,000	1,030
e. Graffiti Abatement	531	-	-	1,000	1,030
f. Tree Timming	-	-	10,593	12,000	5,000
g. Weather Based Irrigation Controller	17,982	-	-	-	-
h. One Time Project/Maintenance	18,076	12,066	-	12,000	2,000
i. Property Owner Noticing	819	827	492	520	536
k. Annual Reporting	1,750	1,668	1,517	1,479	1,150
l. City Administration	3,699	5,271	7,866	4,000	4,120
m. Total Expenditures:	147,134	136,818	160,099	200,839	188,771
Account Balance					
a. Beginning Account Balance:	219,417	282,854	365,704	422,161	435,885
b. Net Change (Revenue - Expenditures)	63,437	82,850	56,457	13,724	25,892
c. Ending Account Balance:	282,854	365,704	422,161	435,885	461,777

Zone 14 (La Vista)
Tract Nos. 7620
Formed: June 14, 2016
Resolution Number: 16-044

FY 2020

Assessment Amount per Developed Parcel: \$525.00
Assessment Amount per Future Development Parcel: \$157.50
Number of Parcels: 179
Annual Revenue: \$71,558



The La Vista Development will be constructed in three phases. Currently, the first phase is under construction and the City is expected to assume full maintenance responsibility in December 2019. The vacant lots can be assessed at 30% of the maximum base assessment.

FY 2020 Assessment and Income

- | |
|---|
| <p>1. Maximum Base Assessment (highest rate that can be charged per parcel).</p> <ul style="list-style-type: none">• Originally set when the zone was created in 2016.• Increased from the previous year from \$625.64 to \$644.41 per parcel by CPI.• Includes an annual inflation increase: Yes, includes CPI-U for the San Francisco-Oakland-San Jose MSA, (4.49% for the period February 2018 to February 2019). As the maximum annual CPI adjustment can not to exceed 3.00% per fiscal year, any change in the CPI in excess of 3.00% shall be cumulatively reserved as the “unused CPI” and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 3.00%. For FY 2020, 1.49% will be cumulatively reserved).• Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218. |
|---|

2. **Assessment Rate (annual charge per parcel) and Income**

- In FY 2020, the City anticipates accepting the maintenance responsibility in January 2020.
- The annual assessment rate is recommended to be increased based on the City's analysis of the financial stability of the zone and the acceptance of the landscape maintenance in January 2020.
- Increased the per parcel Developed rate from the previous year from \$15.00 to \$525.00 (3400%).
- Increased the per parcel Future Development rate from the previous year of \$4.50 to \$157.50 (3400%)
- The total annual assessment income will equal \$71,558.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

1. **Landscaping and irrigation:** of the public right of ways of Tennyson Road, Vista Grande Drive, Cantera Drive, Mountain View Drive, Fortuna Way and Alquire Parkway, and firebreak landscaping along the perimeter of the backside of the development. Such landscaping consists of the care for groundcover, shrubs, trees, weed abatement in planted areas, upkeep and servicing of the irrigation system, and utility costs to service the landscaping;
2. **Surface maintenance:** of the decorative concrete walls within the tract. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair;
3. **Maintenance:** of street trees;

4. **Maintenance:** of bioswales and Fitera Tree Filters;
5. **Maintenance:** of street lighting;
6. **Maintenance:** of private paved trails east of Alquire Parkways;

City of Hayward
Landscape and Lighting District Zone 14 - La Vista
Fund 282, Project 3751
Established 2016, 179 Parcels

	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment				
a. Developed Parcels				
b. <i>Maximum Base Assessment Amount:</i>	590	607	626	644
c. <i>Annual Per Parcel Assessment:</i>	N/A	N/A	15	525
d. <i># of Parcels</i>	N/A	N/A	52	118
e. Total Amount Assessed:	N/A	N/A	780	61,950
f.				
g. Future Development Parcels				
h. <i>Maximum Base Assessment Amount:</i>	590	607	626	644
i. <i>Annual Per Parcel Assessment:</i>	177	15	5	158
j. <i># of Parcels</i>	179	179	127	61
k. Total Amount Assessed:	31,669	2,685	572	9,608
l.				
m. Total Amount Assessed for the District:	31,669	2,685	1,352	71,558
Income				
a. <i>Annual Assessment Revenue</i>	31,669	2,685	1,352	71,558
b. <i>Minus County Tax Collection Fee (1.7%)</i>	(538)	(46)	(23)	(1,216)
c. <i>Adjustment for Delinquencies</i>	-	2	-	-
d. <i>Other</i>	298	163	200	-
e. Total Revenue:	31,428	2,804	1,529	70,341
Services				
a. <i>Utilities: Water</i>	N/A	-	-	8,000
b. <i>Utilities: PGE</i>	N/A	-	-	4,000
c. <i>Landscape Maintenance</i>	N/A	-	-	30,000
d. <i>Firebreak Landscape Area</i>	N/A	-	-	8,000
e. <i>Tree Maintenance</i>	N/A	-	-	1,000
f. <i>Street Light Maintenance</i>	N/A	-	-	1,000
g. <i>Graffiti Abatement</i>	N/A	-	-	1,000
h. <i>One-Time Capital Project/Maintenance</i>	N/A	-	-	1,000
i. <i>Property Owner Noticing</i>	N/A	38	50	120
j. <i>Annual Reporting</i>	N/A	626	645	1,150
k. <i>City Administration</i>	N/A	1,000	1,480	2,500
l. Total Expenditures:	N/A	1,664	2,175	57,770
Account Balance				
a. <i>Beginning Account Balance:</i>	-	31,428	33,214	32,568
b. <i>Net Change (Revenue - Expenditures)</i>	<u>31,428</u>	<u>1,140</u>	<u>(646)</u>	<u>12,571</u>
c. Ending Account Balance:	31,428	32,568	32,568	45,139

Zone 15 (Cadence)
Tract No. 8032
Formed: January 17, 2017
Resolution Number: 17-001

FY 2020

Assessment Amount per Parcel: \$N/A
Number of Parcels: 206
Annual Revenue: N/A

No Photo Available

This zone was established in 2017 and is self-maintained. The assessment district was created to ensure that adequate funding is available for the maintenance of the Park should the property owner not meet the maintenance standards, or if the property is sold, and the City must assume maintenance of the park. Thus, each of the 206 parcels will be assessed at **\$0.00** per parcel.

Background

The City Council approved a master plan, including a General Plan Amendment and Rezone, for the South Hayward BART station area in March of 2009, and approved a subsequent amendment, including rephrasing of the master plan, in 2011. A Precise Plan was approved for the master development by the Planning Commission in 2012. Also, an Owner Participation Agreement (OPA) and several other agreements were executed between the City of Hayward, Eden Housing, and the original project developers in 2012. Section 5.17 of that OPA requires that a Park Maintenance District, or new zone to the City's Landscape Lighting and Assessment District, be formed prior to issuance of a certificate of occupancy for the Amcal Housing (market rate) development. Staff expects a certificate of occupancy to be requested with final inspections in February of next year. The City approved the park improvement plans on September 25, 2014. The park construction was completed February 2017.

The Cadence Property, developed by Amcal Housing (Amcal) and subject to an Owner Participation Agreement (OPA), consists of a 206-unit rental complex (constructed on the property owned by Amcal) and a public park (constructed on adjacent property owned by the City). The Conditions of Approval for the South Hayward BART TOD Project (Planned Development District No. PL-2008-0547 PD) have been modified by the City in response to proposed project revisions, including but not limited to technical revisions made in response to the proposed rephrasing and minor modification of the South Hayward BART TOD Project issued on June 8, 2011, and pursuant to Resolution No. 11-140 adopted on July 26, 2011.

The Conditions of Approval required the construction of specified park improvements on the adjacent City owned parcel and the adoption of a landscape lighting and assessment district, or park maintenance district, to pay for the maintenance of the park. The formation of Benefit Zone No. 15 of the District is proposed to provide funding for the maintenance and improvements to the public

park serving the development, in compliance with the Conditions of Approval and in satisfaction of Section 5.17 of the OPA. As indicated on pages 6-7 of the attached Engineer's Report, improvements include all work associated to maintain improvements, landscaping, irrigation and lighting in the Public Park.

FY 2020 Assessment and Income

1. Maximum Base Assessment (highest rate that can be charged per parcel).

- Originally set when the zone was created in 2017.
- Increased from the previous year from \$607.06 to \$625.28 per parcel by CPI.
- Includes an annual inflation increase: Yes, includes CPI-U for the San Francisco-Oakland-San Jose MSA, (4.96% for December 2017 to December 2018). As the maximum annual CPI adjustment can not to exceed 3.00% per fiscal year, any change in the CPI in excess of 3.00% shall be cumulatively reserved as the "unused CPI" and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 3.00%. For FY 2020, 1.96% will be cumulatively reserved).
- Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218.

Zone 16 (Blackstone at Cannery Place)

Tract Nos. 7894

Formed: May 17, 2016

Resolution Number: 16-044

FY 2020

Assessment Amount per Parcel, Zone A: \$445.68

Assessment Amount per Parcel, Zone B: \$467.94

Number of Parcels: 157

Annual Revenue: \$70,506



The City anticipates a

FY 2020 Assessment and Income

1. **Maximum Base Assessment** (highest rate that can be charged per parcel).
 - Originally set when the zone was created in 2003.
 - Zone A: Increased from the previous year from \$432.68 to \$445.68 per parcel by CPI.
 - Zone B: Increased from the previous year from \$454.31 to \$467.94 per parcel by CPI.
 - Includes an annual inflation increase: Yes, includes CPI-U for the San Francisco-Oakland-San Jose MSA, with a maximum annual CPI adjustment not to

exceed **3.00%** per Fiscal Year. Any change in the CPI in excess of **3.00%** shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than **3.00%** (**3.00%** for the period December 2017 to December 2018, **1.49%** will be cumulatively reserved).

- Can be increased later: Future increases above the Maximum Base Assessment would require the noticing and balloting of property owners per the requirements of Proposition 218.

2. **Assessment Rate (annual charge per parcel) and Income**

- In FY 2020, the City anticipates funding a full twelve months of maintenance and capital reserve contribution.
- The annual assessment rate is recommended to be increased based on the City's analysis of the financial stability of the zone and the acceptance of the landscape maintenance and capital reserve contribution for a full twelve months.
- Increased the per parcel rate (Zone A) from the previous year from \$200.00 to \$445.68 (223%).
- Increased the per parcel rate (Zone B) from the previous year from \$210.00 to \$467.94 (223%).
- The total annual assessment income will equal \$70,506.
- The recommended assessment rate will generate revenues that are adequate to pay for the expected level of maintenance and to maintain a prudent capital reserve balance.
- Each of the parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by an individual parcel is indistinguishable from each other.
- The current assessment rate is below the Maximum Base Assessment and is sufficient for maintaining levels of service and for keeping a prudent capital reserve balance.
- In future years, if there is a need for additional funds, the assessment may be increased up to the Maximum Base Assessment amount.

FY 2020 Services

1. **Landscaping and irrigation:** of park strips and setback landscaping along frontages of Burbank Street and Palmer Avenue;
2. **Surface maintenance:** of the decorative concrete walls within the tract. This maintenance includes painting, cleaning, graffiti removal, and minor surface repair;
3. **Park Maintenance:** approximately two (2) acres of park area which includes landscaping and irrigation, exercise equipment, bocce ball courts, faux bridge, storm water basins and all other park amenities.
4. **Maintenance:** of street trees;
5. **Maintenance:** of street lights;
6. **Maintenance:** of paved walkways and cobblestone pathways.
7. **One-time maintenance:** A budget of \$1,000 is allocated for additional maintenance as required.

City of Hayward
Landscape and Lighting District Zone 16 - Blackstone
Fund 284, Project 3753
Established 2016, 157 Parcels

	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment				
a. Developed Parcels: Zone A				
b. Maximum Base Assessment Amount:	408	420	433	446
c. Annual Per Parcel Assessment:	N/A	315	200	446
d. # of Parcels	N/A	54	130	133
e. Total Amount Assessed:	N/A	17,010	26,000	59,275
f.				
g. Future Development Parcels: Zone A				
h. Maximum Base Assessment Amount:	122	126	130	-
i. Annual Per Parcel Assessment:	122	95	60	-
j. # of Parcels	133	79	3	-
k. Total Amount Assessed:	16,274	7,505	180	-
l.				
m. Developed Parcels: Zone B				
n. Maximum Base Assessment Amount:	428	441	454	468
o. Annual Per Parcel Assessment:	N/A	N/A	210	468
p. # of Parcels	N/A	N/A	24	24
q. Total Amount Assessed:	N/A	N/A	5,040	11,231
r.				
s. Future Development Parcels: Zone B				
t. Maximum Base Assessment Amount:	128	132	136	-
u. Annual Per Parcel Assessment:	128	100	63	-
v. # of Parcels	24	24	-	-
w. Total Amount Assessed:	3,084	2,394	-	-
x.				
y. Total Amount Assessed for the District:	19,357	26,909	31,220	70,506
Income				
a. Annual Assessment Revenue	19,357	26,909	52,685	70,506
b. Minus County Tax Collection Fee (1.7%)	(329)	(457)	(896)	(1,199)
c. Adjustment for Delinquencies	(1,641)	-	-	-
d. Other	85	-	250	150
e. Total Revenue:	17,473	26,452	52,040	69,457
Services				
a. Utilities: Water	-	-	3,000	24,000
b. Utilities: PGE	-	-	700	1,500
c. Landscape Maintenance	-	-	4,000	48,000
d. One-Time Project/Maintenance	-	-	-	1,000
e. Graffiti Abatement	-	-	500	515
f. Property Owner Noticing	-	500	100	105
g. Annual Reporting	-	1,038	1,479	1,150
h. City Administration	-	2,000	3,000	3,090
i. Total Expenditures:	-	3,538	12,779	79,360
Account Balance				
a. Beginning Account Balance	-	17,473	43,033	82,294
b. Net Change (Revenue - Expenditures)	17,473	22,914	39,261	(9,903)
c. Ending Account Balance:	17,473	43,033	82,294	72,391

FISCAL YEAR 2020 ESTIMATE OF COST**ESTIMATE OF COSTS**

The 1972 Act provides that the total cost of construction, operation, maintenance and servicing of the public landscaping, street lighting, open space facilities, parks, trails, etc. can be recovered by the District. Incidental expenses including administration of the district, engineering fees, legal fees and all other costs associated with the construction, operation, maintenance and servicing of the district can also be included.

The 1972 Act requires that a special fund be set up for the revenues and expenditures for the district. Funds raised by the assessments shall be used only for the purposes as stated herein. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year.

The estimated FY 2020 revenues and expenditures for the proposed district are itemized by zone below.

For a detailed breakdown on the operation, maintenance and servicing costs for each benefit zone, refer to the budget in each of the zone descriptions.

TABLE 3: REVENUE AND EXPENDITURE PER BENEFIT ZONE

TABLE 3: ESTIMATED FUND BALANCE CHANGES FOR FY 2020						
Zone	Name/Location	Est Beg Fund Balance FY 20	FY 2020 Est Revenue	FY 2020 Est Expenditure	Change	Est End Fund Balance FY 20
1	Huntwood Ave. & Panjon St.	21,849.08	6,174.08	8,512.05	(2,337.97)	19,511.11
2	Harder Rd. & Mocine Ave.	20,314.90	10,345.57	14,052.05	(3,706.48)	16,608.42
3	Prominence	190,488.81	135,922.12	156,971.70	(21,049.58)	169,439.23
4	Stratford Village	93,982.92	20,434.74	21,656.78	(1,222.04)	92,760.88
5	Soto Rd. & Plum Tree St.	8,154.95	9,576.62	10,542.20	(965.58)	7,189.37
6	Pepper Tree Park	66,732.76	13,187.76	25,806.25	(12,618.49)	54,114.26
7	Twin Bridges	466,043.10	206,411.10	155,675.20	50,735.90	516,779.01
8	Capitola St.	49,512.74	4,273.10	7,142.30	(2,869.20)	46,643.54
9	Orchard Ave.	6,240.82	2,516.90	2,939.00	(422.10)	5,818.72
10	Eden Shores - Residential	460,119.23	141,950.78	171,034.83	(29,084.05)	431,035.18
11	Stonebrae Country Club	429,152.04	159,367.57	221,849.75	(62,482.18)	366,669.86
12	Eden Shores - Sports Park	23,480.65	31,359.27	35,623.90	(4,264.63)	19,216.02
13	Cannery Place	435,884.53	214,662.94	188,770.80	25,892.14	461,776.66
14	La Vista	32,567.55	70,341.02	57,770.00	12,571.02	45,138.57
16	Blackstone	82,293.56	69,457.40	79,360.00	(9,902.60)	72,390.96
District Total:		2,386,817.64	1,095,980.97	1,157,706.81	(61,725.84)	2,325,091.80

METHOD OF ASSESSMENT APPORTIONMENT

METHOD OF APPORTIONMENT

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the operation, maintenance and servicing of landscaping and street lighting improvements.

Section 22573 of the Landscaping and Lighting Act of 1972 requires that maintenance assessments must be levied according to benefit rather than according to assessed value. This Section states:

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

The determination of whether or not a lot or parcel will benefit from the improvements shall be made pursuant to the Improvement Act of 1911 (Division 7 (commencing with Section 5000)) [of the Streets and Highways Code, State of California]."

Proposition 218 also requires that maintenance assessments must be levied according to benefit rather than according to assessed value. In addition, Article XIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property.

Because assessments are levied on the basis of benefit, they are not considered a tax, and, therefore, are not governed by Article XIII A of the California Constitution.

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22547). Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax."

Article XIID of the California Constitution provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways.

ZONE CLASSIFICATION

Each benefit zone is unique and distinguishable from other benefit zones located within the District. Each benefit zone is evaluated to determine which improvements are of a specific and direct benefit to the parcels in that benefit zone. Once the improvements have been identified, a method of spreading those costs to the benefiting parcels was developed.

As certain subdivisions develop throughout the City of Hayward, they may be annexed into an existing zone or there may be a new zone formed. Each new subdivision is evaluated to determine which improvements are of a specific and direct benefit to the parcels within the subdivision and then a determination is made whether to annex them into an existing zone or whether to form a new zone. The parcels, which benefit from the improvements, are identified and a benefit assessment spread methodology is developed to spread the costs of the improvements to the benefiting parcels.

Details of the various zones in the District, their corresponding number of parcels in each benefit zone, and the method of apportioning the costs of the improvements are located in the zone description section.

ASSESSMENT

WHEREAS, the City Council of the City of Hayward, County of Alameda, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively "the Act"), and in accordance with the Resolution of Intention, being Resolution No. 19-XXX, preliminarily approving the Engineer's Report, as adopted by the City Council of the City of Hayward, on May 14, 2019.

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

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

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the Assessment District. The distinctive number of each parcel or lot of land in the Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

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

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

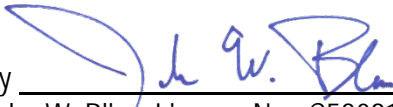
Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2020. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2020 for each parcel or lot of land within said Landscaping and Lighting Assessment District No. 96-1.

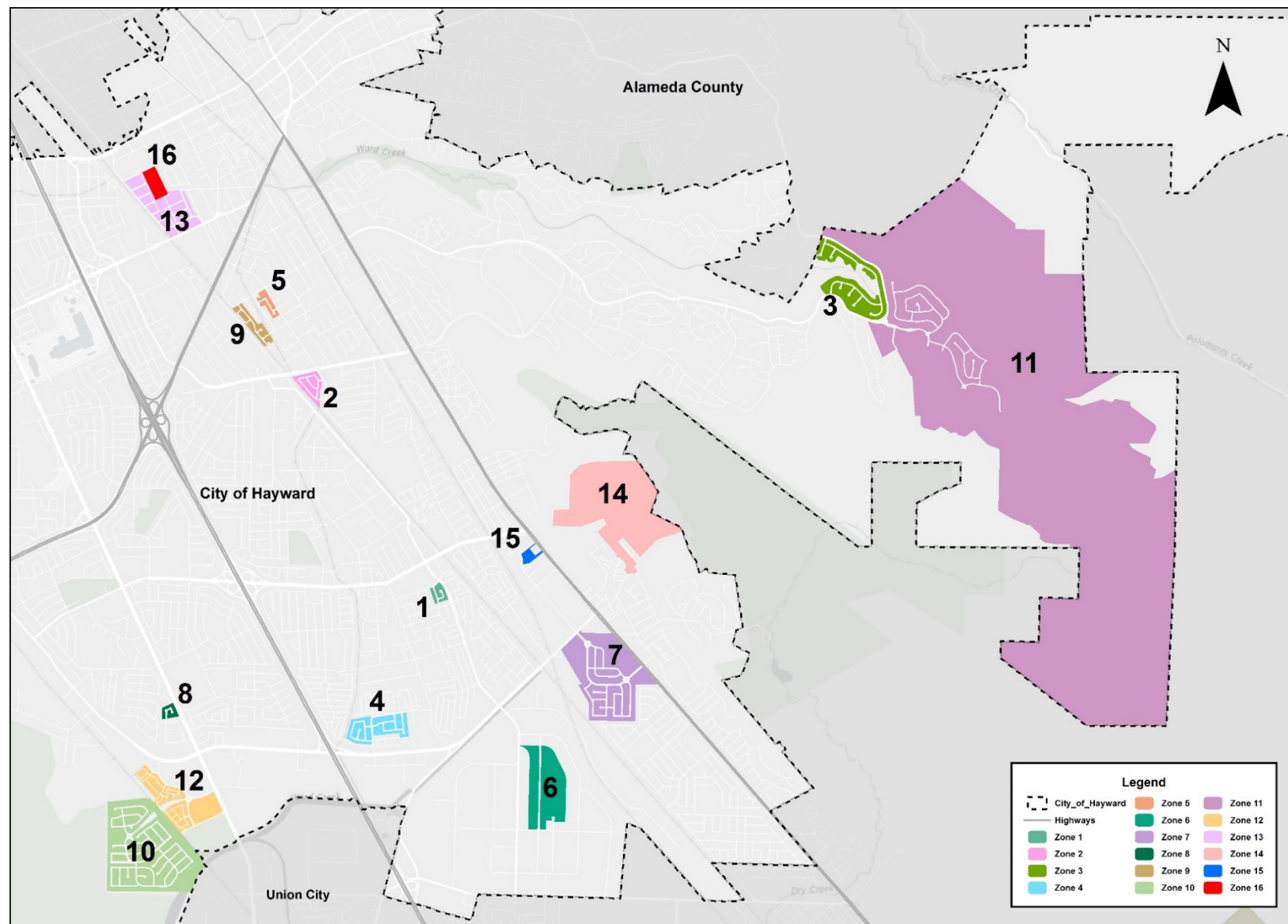
Dated: May 7, 2019



Engineer of Work

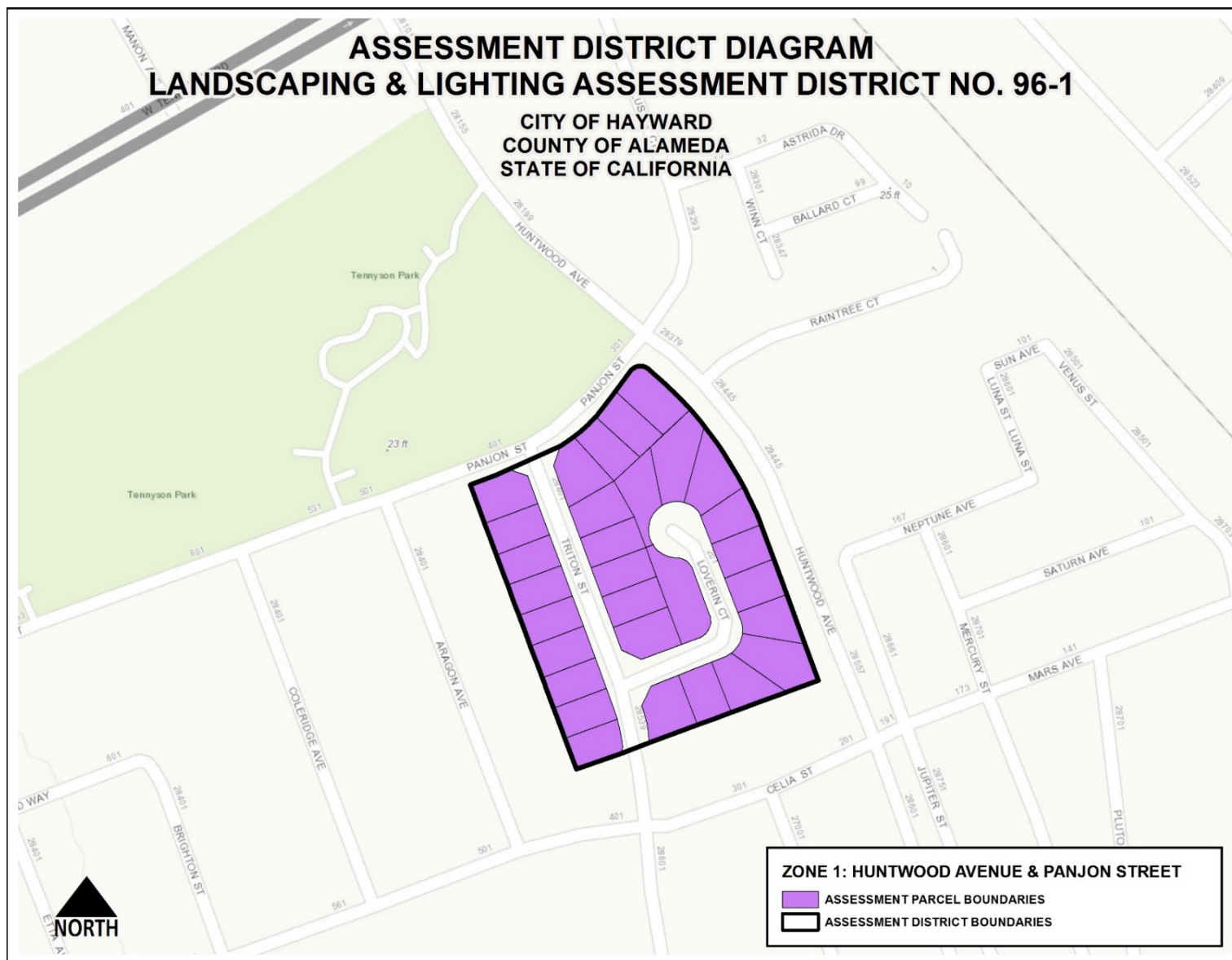
By 
John W. Bliss, License No. C52091

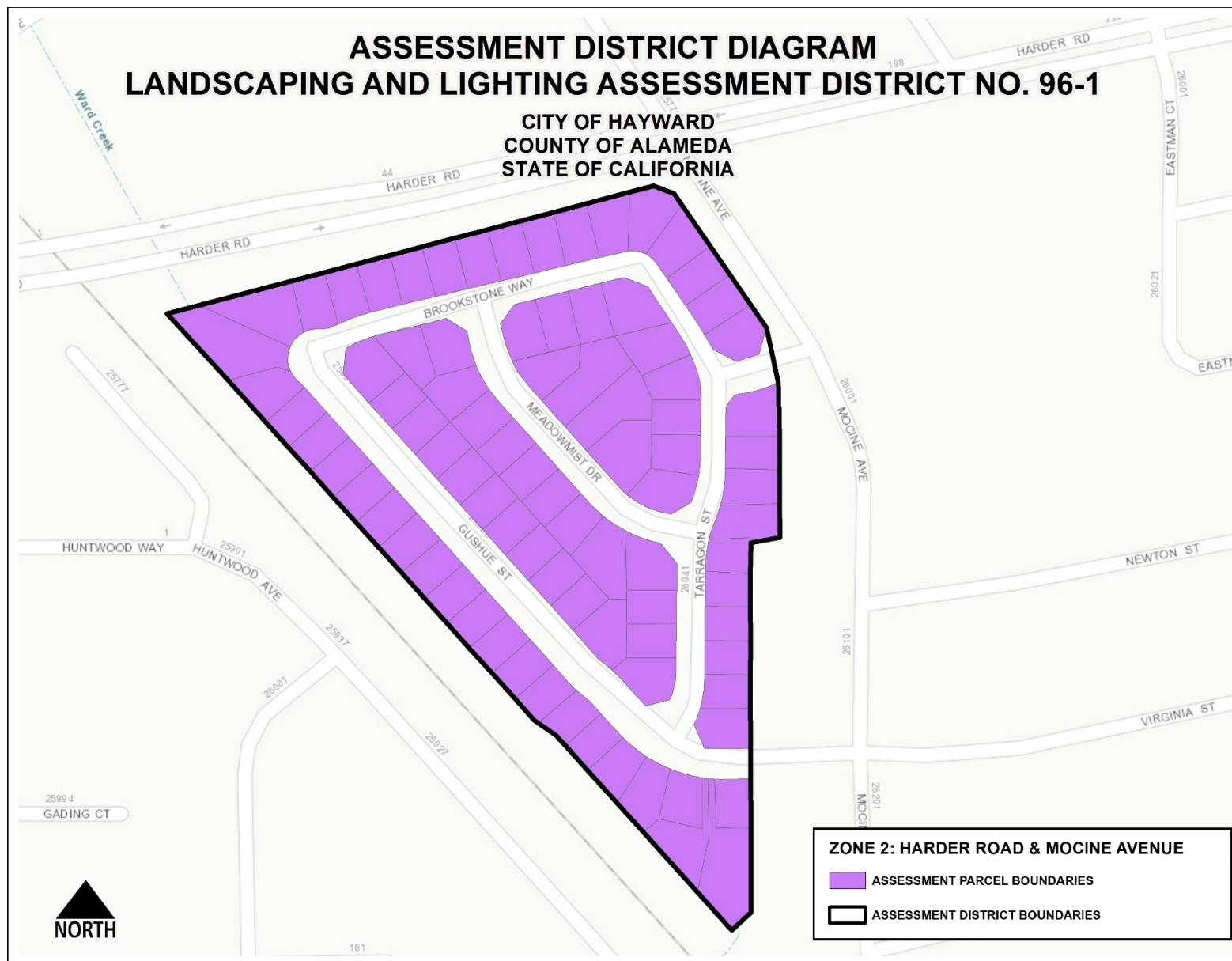
VICINITY MAP

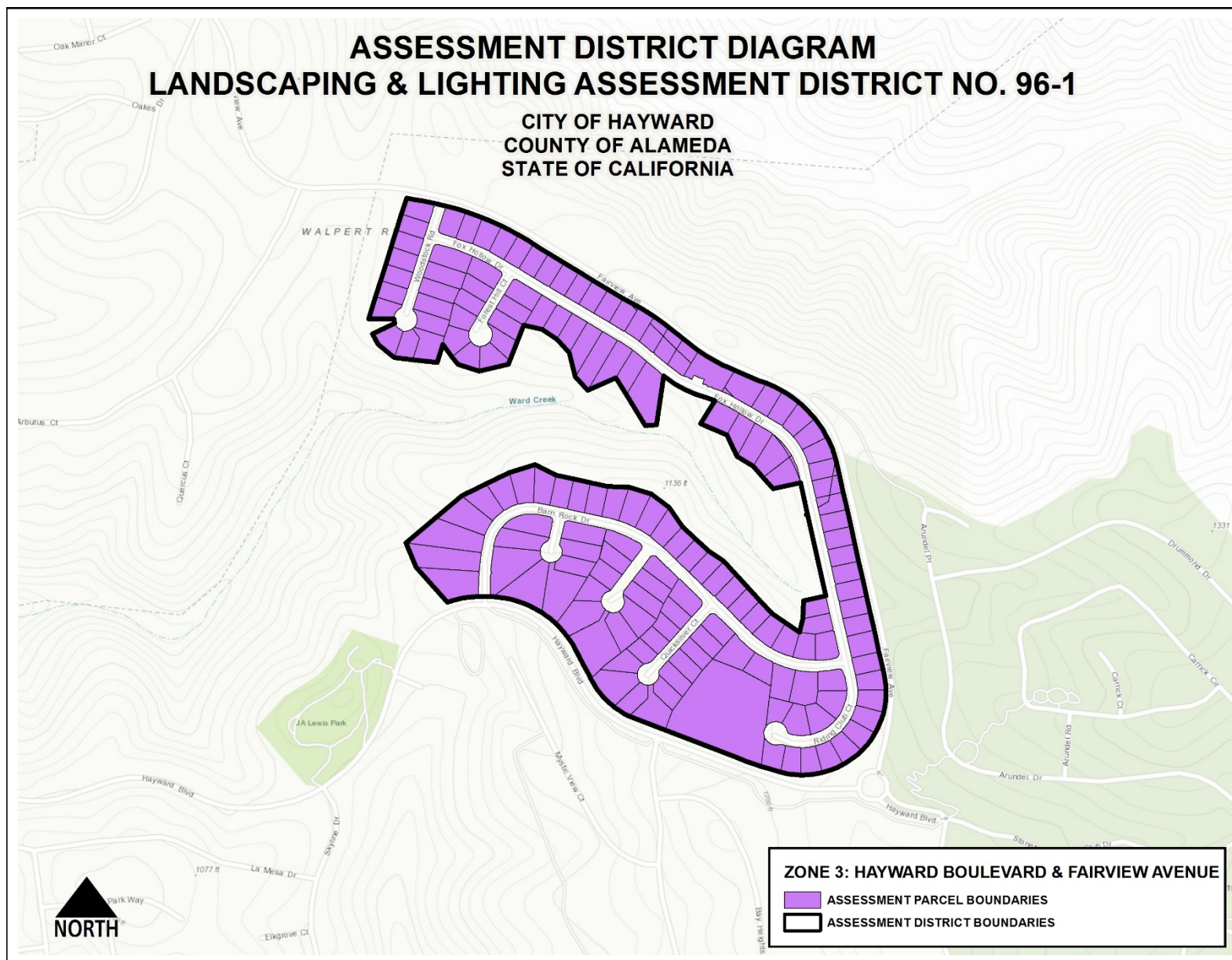


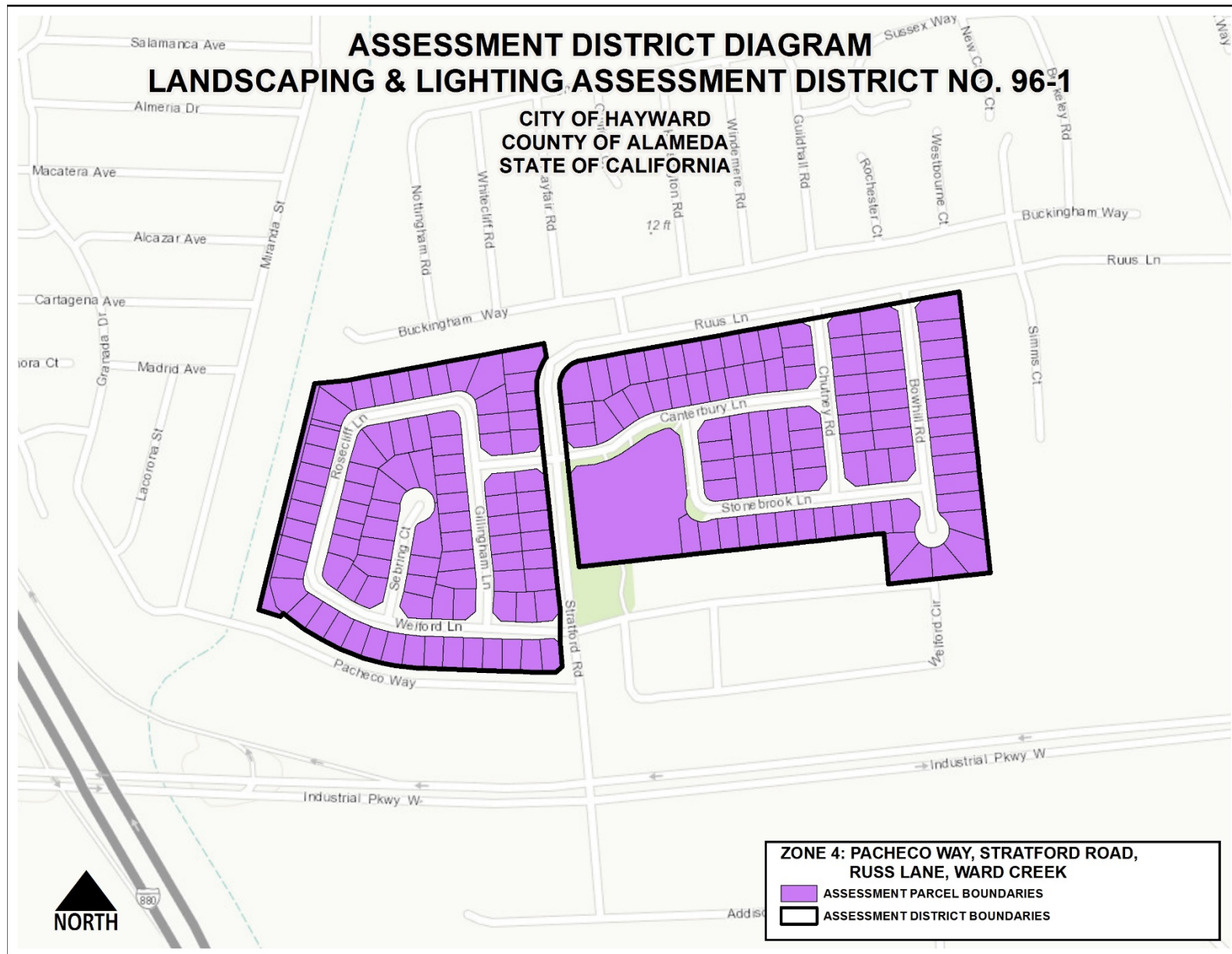
ASSESSMENT DIAGRAM

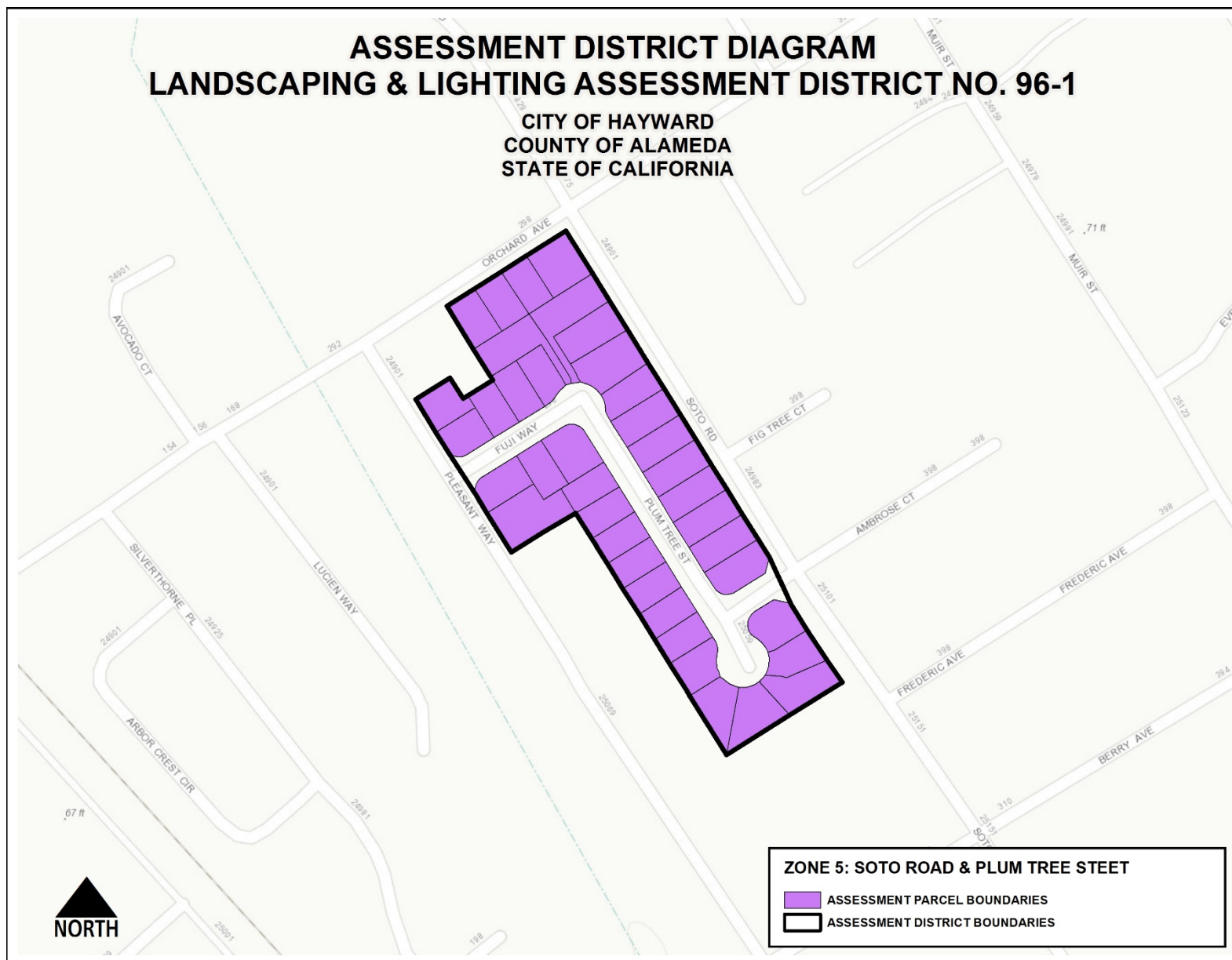
The boundary of the City of Hayward's Landscaping & Lighting Assessment District No. 96-1 is completely within the boundaries of the City of Hayward. The Assessment Diagram which shows the sixteen (16) zones is on file in the Office of the City Clerk of the City of Hayward. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Assessor of the County of Alameda, for the year when this report was prepared, and are incorporated by reference herein and made part of this report.

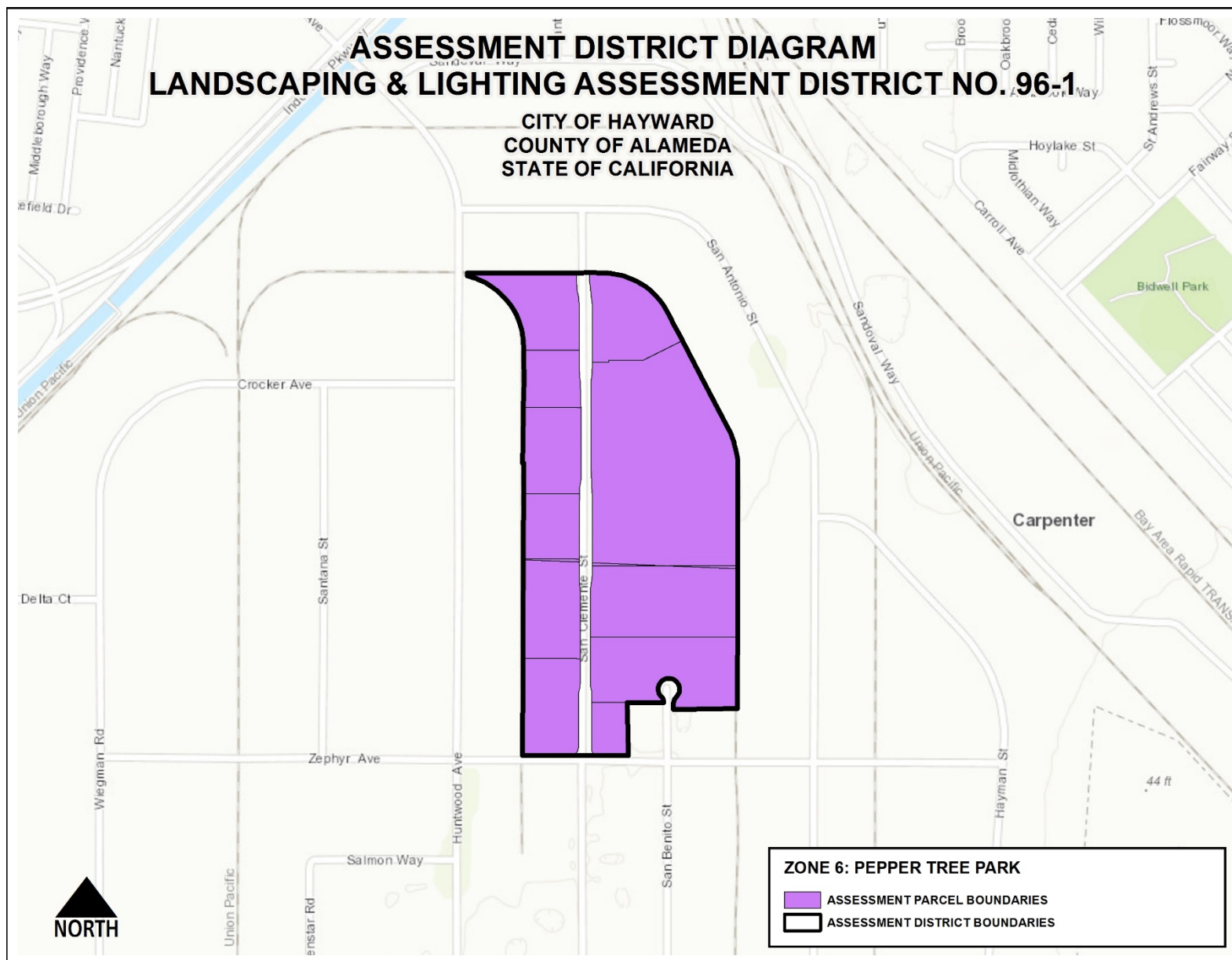


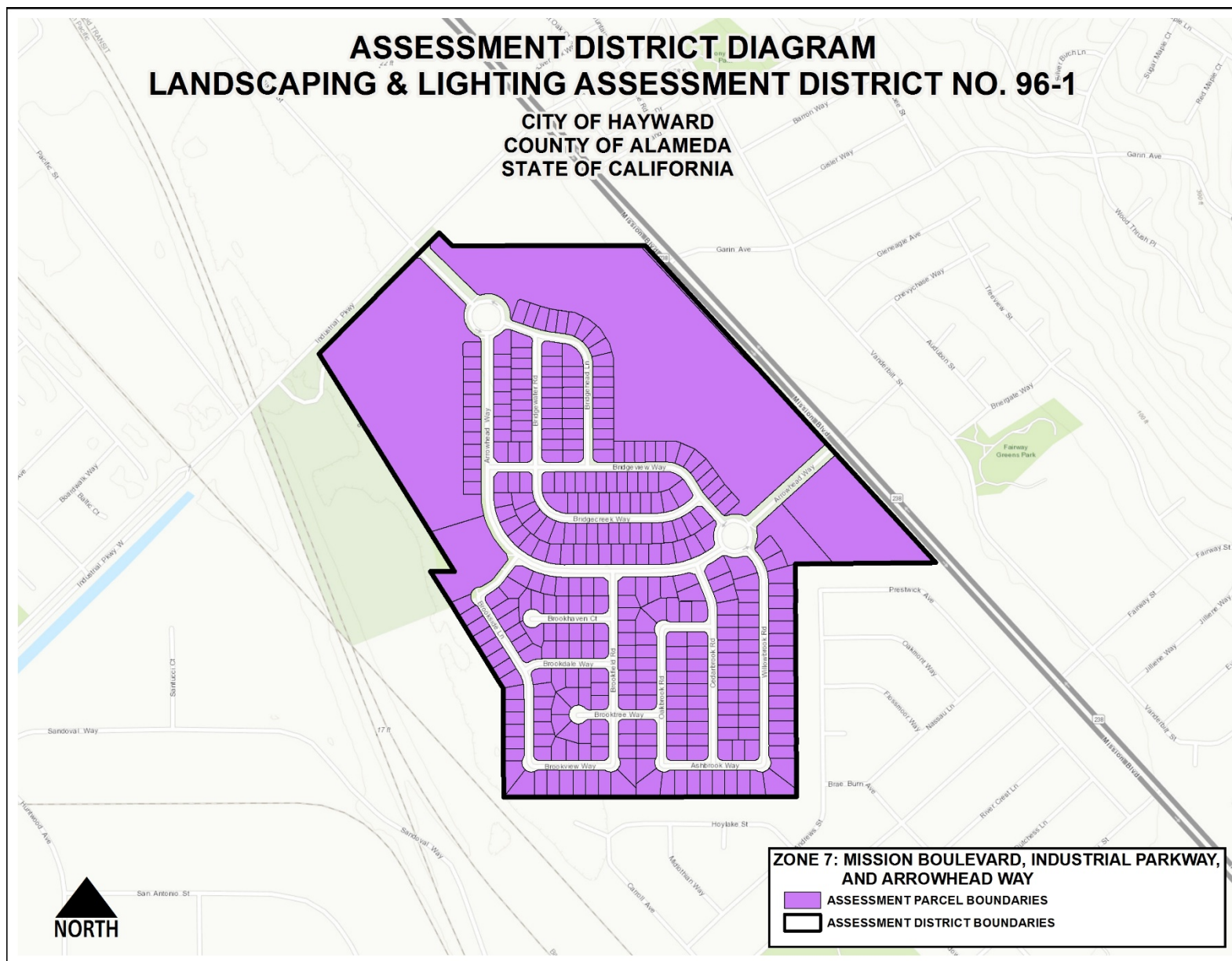


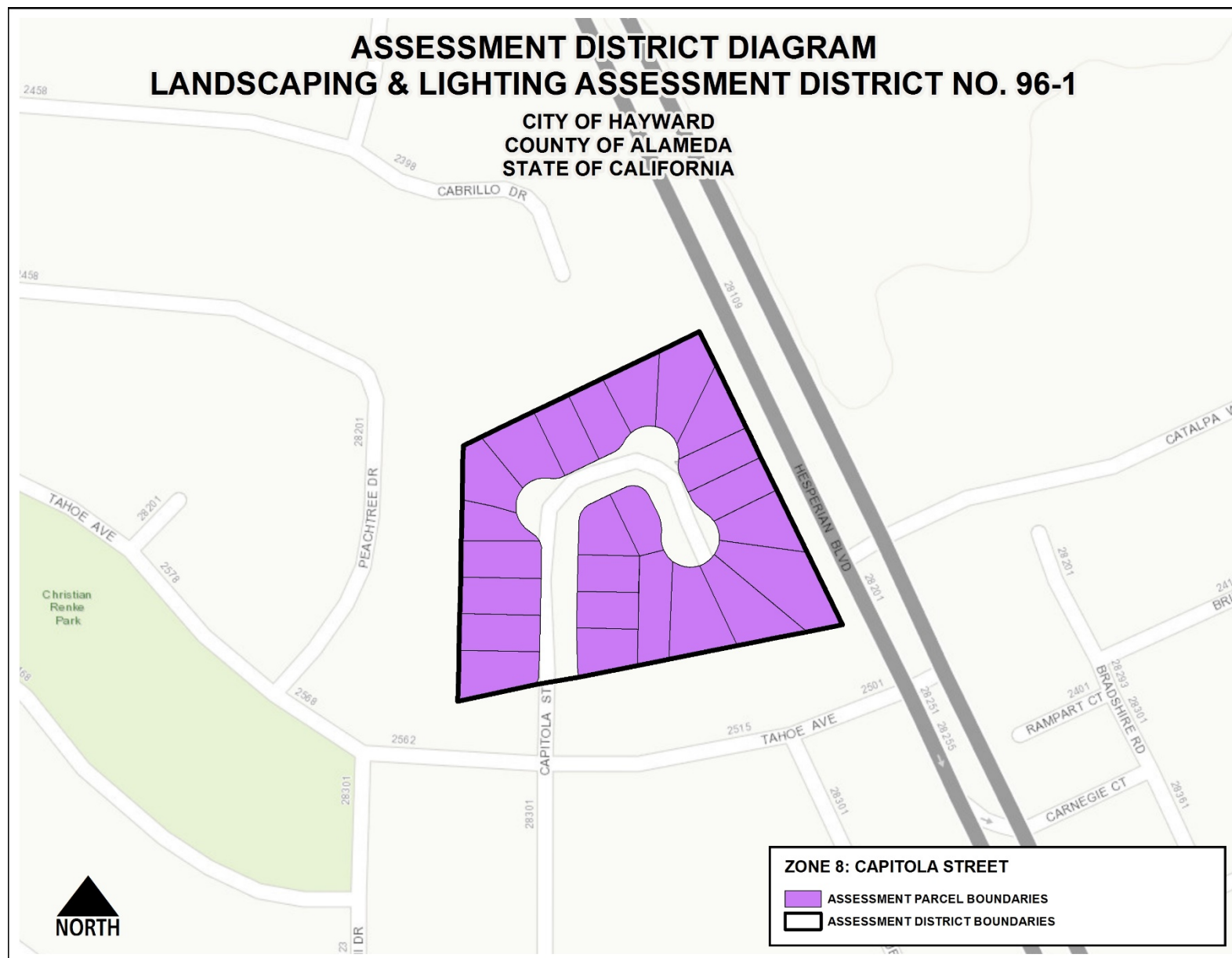


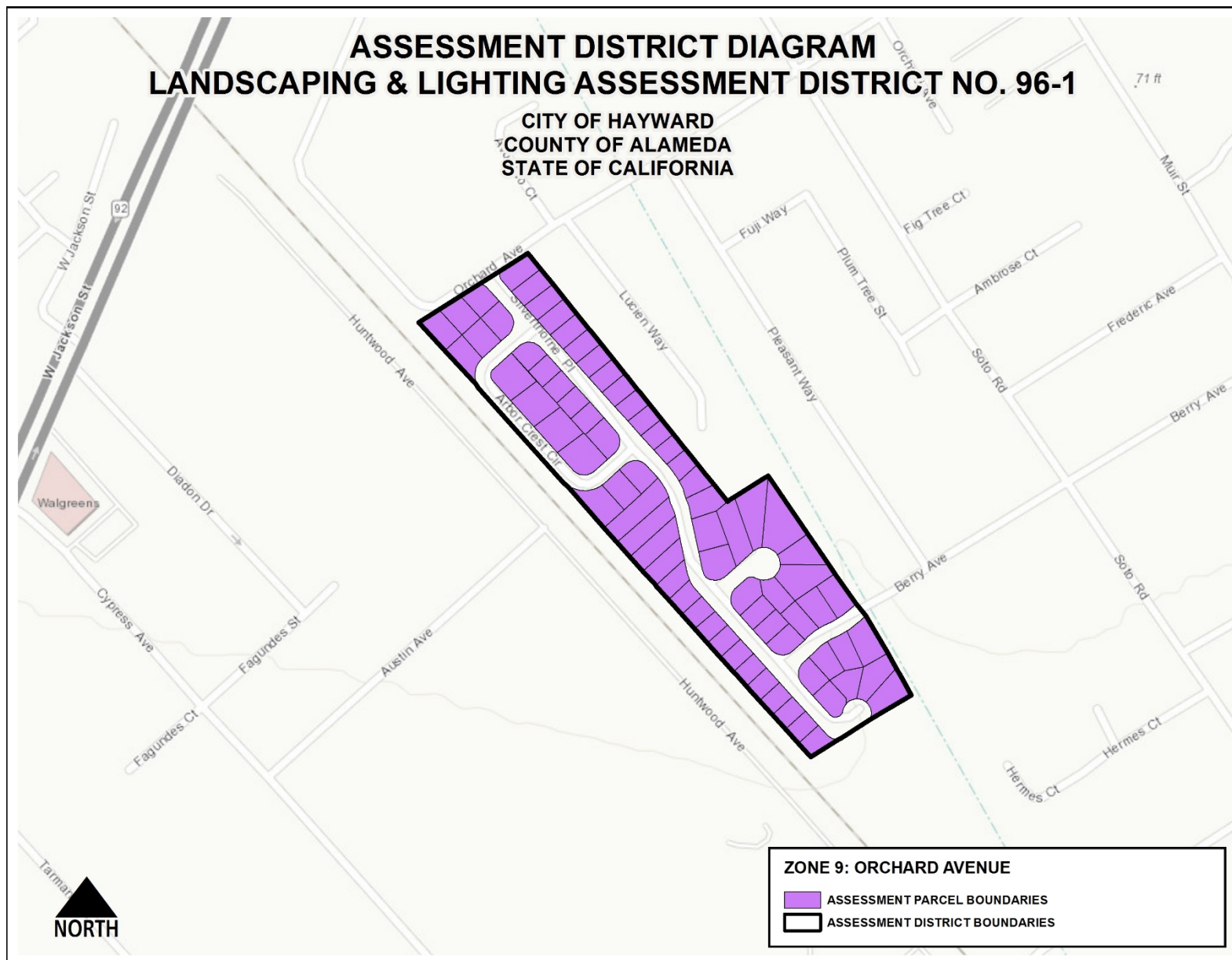


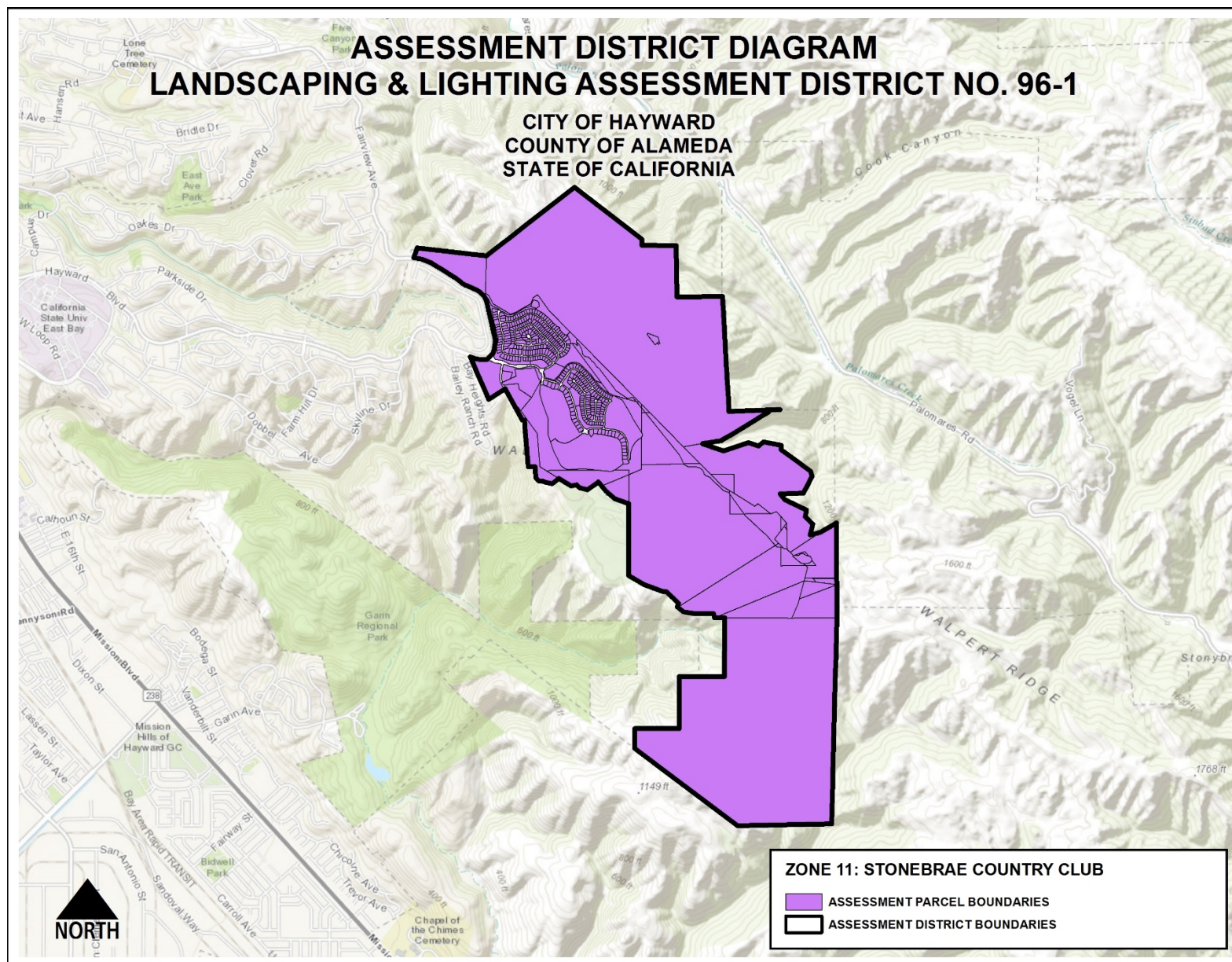


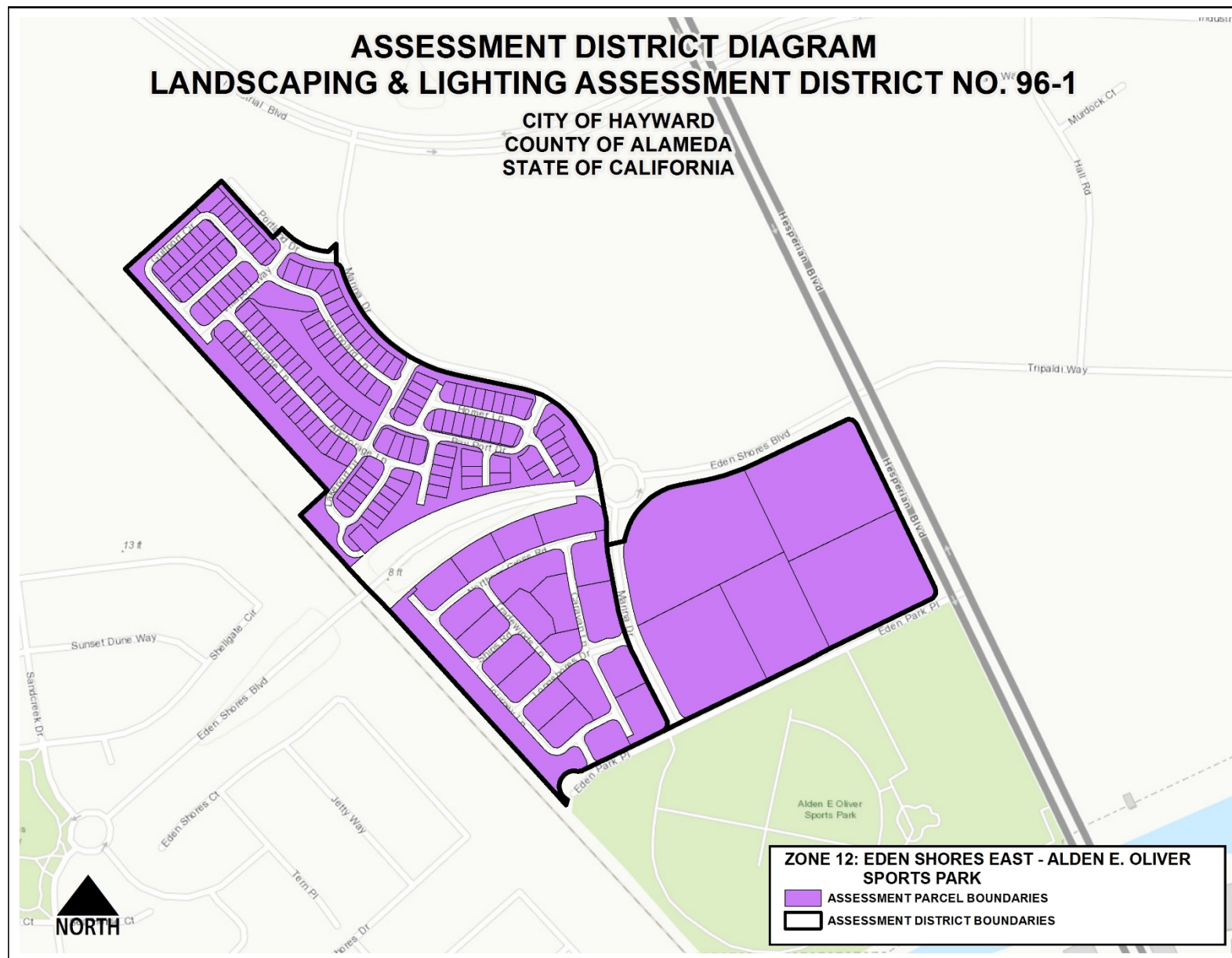


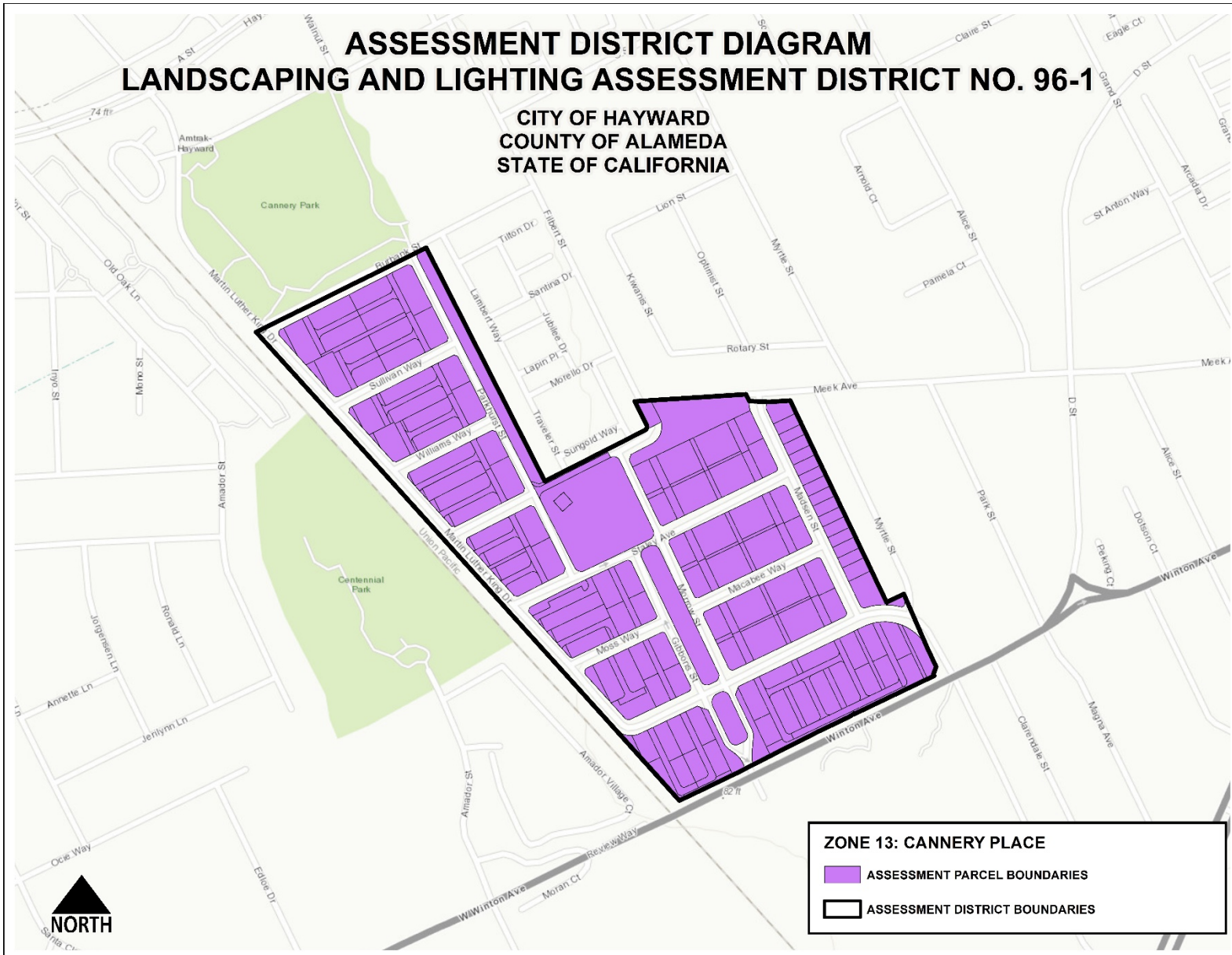


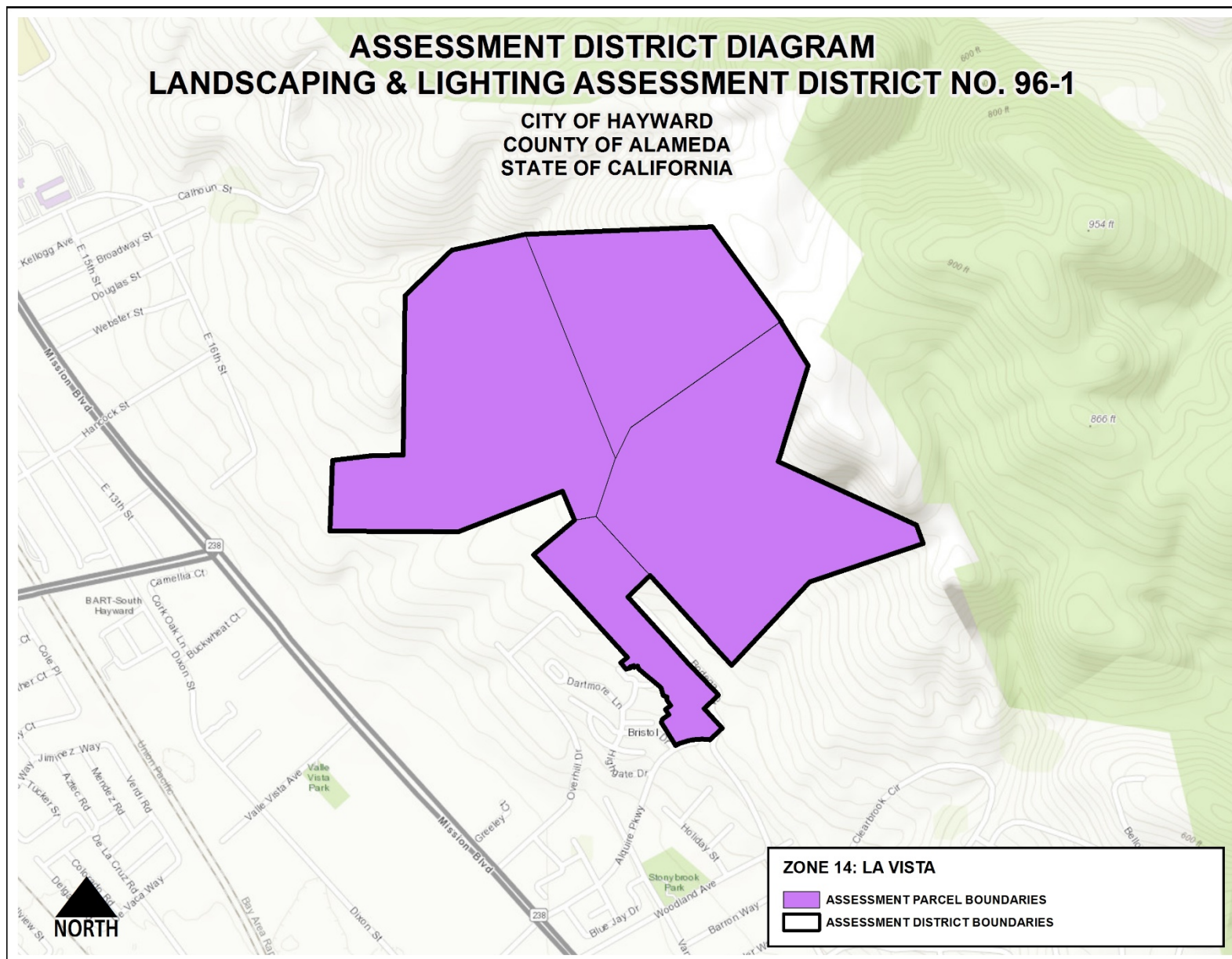


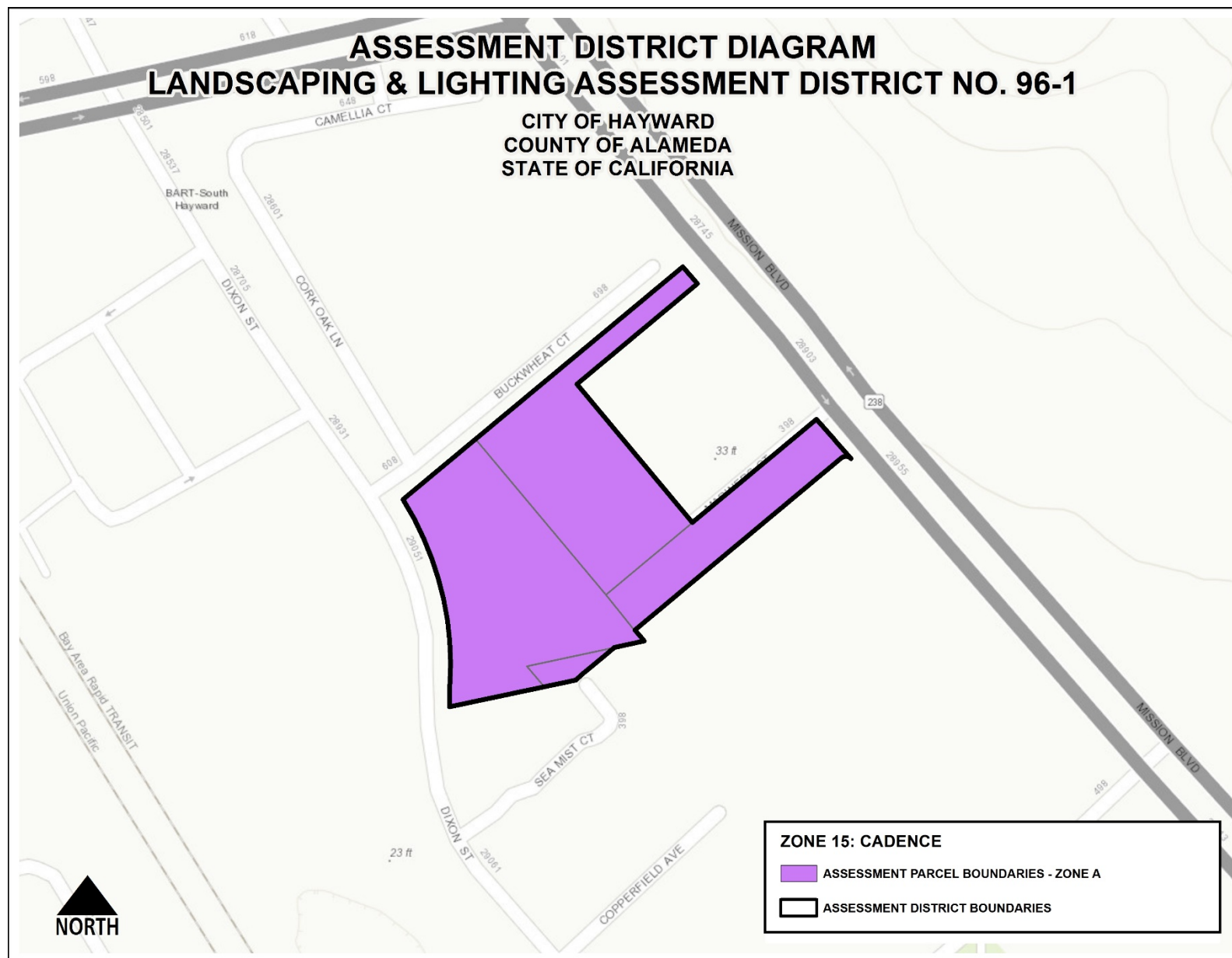


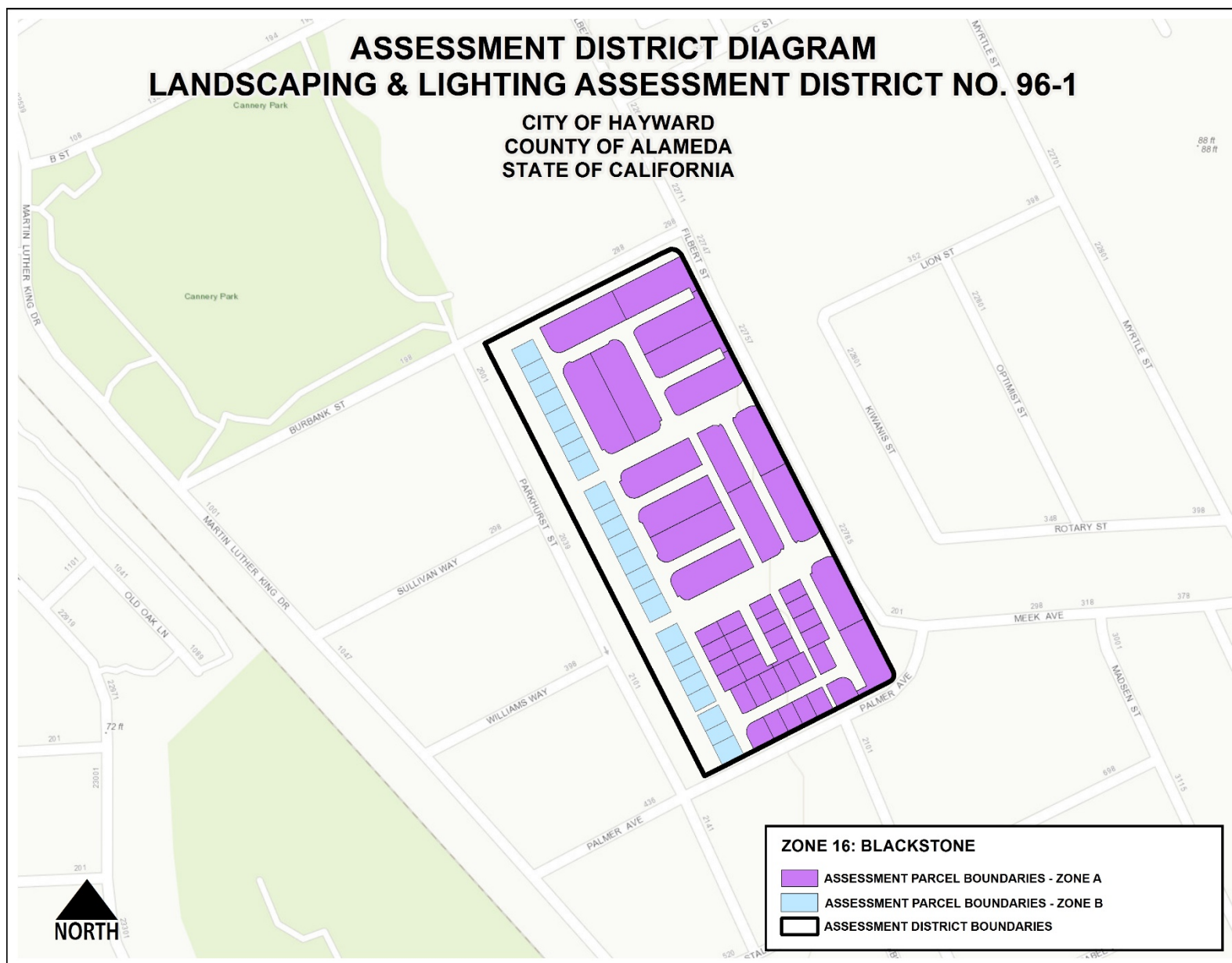












ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each lot or parcel within the City of Hayward's Landscaping & Lighting Assessment District No. 96-1 is shown on the last equalized Property Tax Roll of the Assessor of the County of Alameda, which by reference is hereby made a part of this report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for FY 2020 apportioned to each lot or parcel.

PARK MAINTENANCE PLAN

Cadence Public Park For Fiscal Year 2019-20 To Be Submitted On February 1, 2019

Pursuant to the Owners Participation Agreement (OPA) for the Cadence Development, AMCAL Hayward LLC (AMCAL) is responsible for the maintenance of the Cadence Public Park in perpetuity or for the life of the agreement. As detailed in Section 8.12 of the OPA, AMCAL is required to submit a Park Maintenance Plan annually to the City of Hayward for review and approval by City Council as part of the annual review. The following proposed Park Maintenance Plan includes a maintenance budget, a schedule of maintenance activities, and reimbursement process specific to the Cadence Apartments.

Maintenance Budget

Total Costs

Total Annual Landscaping Costs (From Table 1)

Total Annual Hardscape and Other Costs (From Table 2)

Total Annual Management Costs (From Table 3)

Total Maintenance and Servicing and Related Expenditures

**Total
Budget**

\$22,311

\$13,891

\$12,952

\$49,154



Maintenance Budget Tables (Detailed Costs)

Table 1

Task	Quantity	Units	Annual Maintenance Rate	Annual Maintenance Costs	Annual Replacement Rate	Annual Replacement Costs	Total Costs	Replacement Years	Unit Replacement Costs
<i>Landscaping</i>									
Grass Area (Sod)	4,495	sqft	\$0.76	\$3,416.20	\$0.06	\$266.70	\$3,682.90	15	\$0.89
Landscaped Area	13,596	sqft	\$0.53	\$7,205.88	\$0.05	\$679.80	\$7,885.68	15	\$0.75
Trees	46	each	\$77.00	\$3,542.00	\$14.00	\$644.00	\$4,186.00	25	\$350.00
Chipping	1	ls	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$1,000.00	0	\$0.00
Soil	1	ls	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$1,000.00	0	\$0.00
Irrigation System	1	ls	\$2,000.00	\$2,000.00	\$2,555.95	\$2,555.95	\$4,555.95	20	\$51,119.00
			Sub Totals	\$18,164.08		\$4,146.45	\$22,310.53		
			Total Annual Costs				\$22,310.53		

Table 2

Task	Quantity	Units	Annual Maintenance Rate	Annual Maintenance Costs	Annual Replacement Rate	Annual Replacement Costs	Total Costs	Replacement Years	Unit Replacement Costs
<i>Paving & Lights</i>									
Concrete Walkway	3,874	sqft	\$0.06	\$232.44	\$0.02	\$77.48	\$309.92	50	\$1.00
Paving	3,349	sqft	\$0.06	\$200.94	\$0.02	\$66.98	\$267.92	50	\$1.00
Rubberized Play Sur	1,400	sqft	\$0.05	\$70.00	\$1.25	\$1,750.00	\$1,820.00	10	\$12.50
Park Lights (include	28	each	\$180.00	\$5,040.00	\$0.00	\$0.00	\$5,040.00	25	\$0.00
<i>Park Improvements</i>									
Picnic Tables	4	each	\$50.00	\$200.00	\$65.67	\$262.67	\$462.67	15	\$985.01
On-grade Benches	6	each	\$50.00	\$300.00	\$56.67	\$340.00	\$640.00	15	\$850.00
Trash Cans	15	each	\$35.00	\$525.00	\$7.50	\$112.50	\$637.50	10	\$75.00
Park Signs	2	each	\$50.00	\$100.00	\$16.67	\$33.33	\$133.33	15	\$249.98
Play Structure	1	ls	\$100.00	\$100.00	\$1,466.67	\$1,466.67	\$1,566.67	15	\$22,000.05
Play Equipment	1	ls	\$1,000.00	\$1,000.00	\$1,013.33	\$1,013.33	\$2,013.33	15	\$15,199.95
Graffiti Removal	1	ls	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$1,000.00		\$0.00
			Sub Totals	\$8,768.38		\$5,122.96	\$13,891.34		
			Total Annual Costs				\$13,891.34		

Table 3

Task	Quantity	Units	Annual Rate	Annual Costs	Total Costs
<i>Utilities and Administration</i>					
Water	717	HCF	\$6.21	\$4,452.22	\$4,452.22
District Manager	1	ls	\$5,000.00	\$5,000.00	\$5,000.00
Engineer's Report	1	ls	\$3,500.00	\$3,500.00	\$3,500.00
			Sub Totals	\$12,952.22	\$12,952.22
			Total Annual Costs		\$12,952.22

Schedule of Maintenance Activities

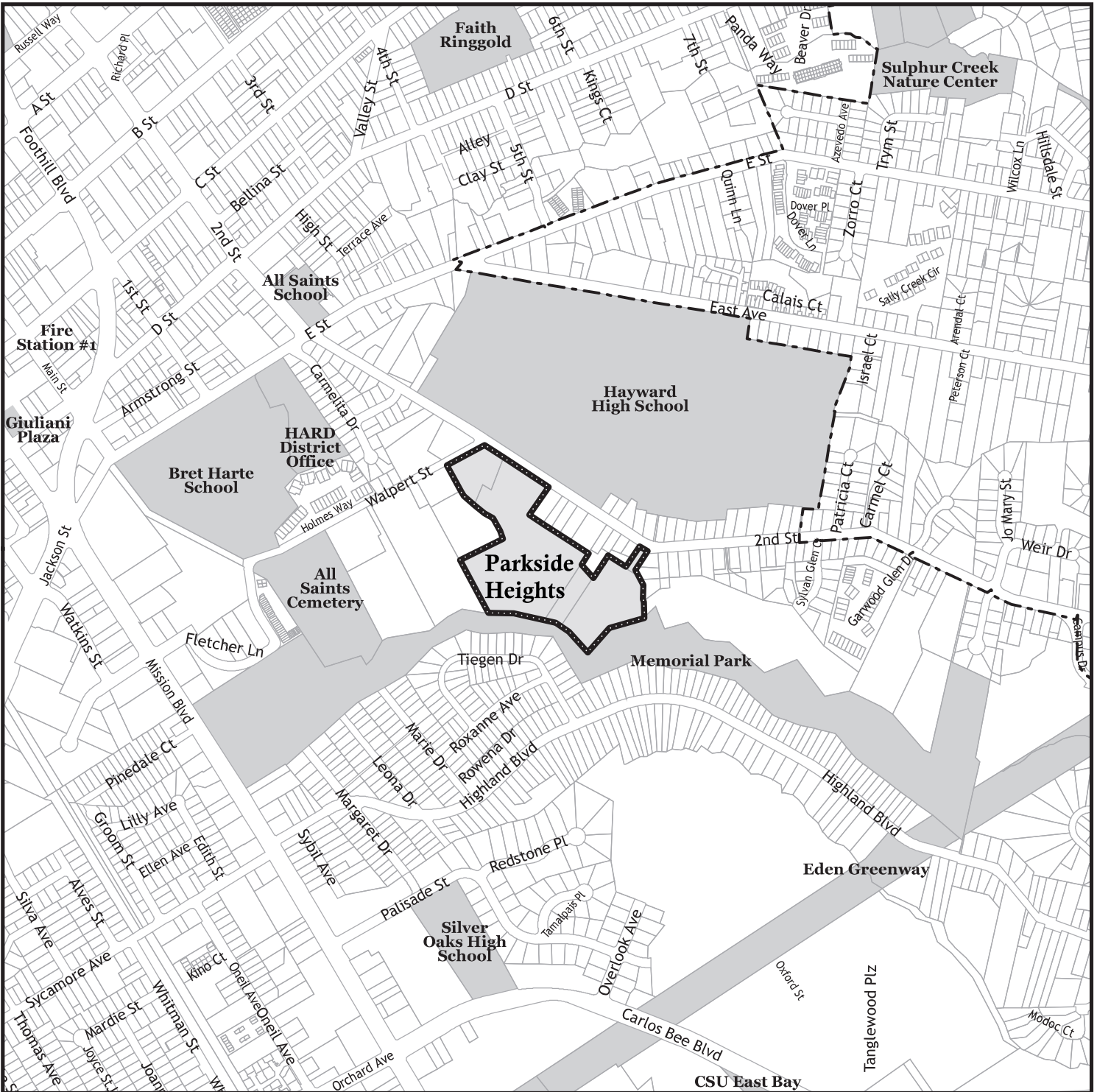
Projected Annual Work Frequency												
Task	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Turf												
Mowing	All	All	All	3	2	2	2	2	3	All	All	All
Edging	All	All	All	3	2	2	2	2	3	All	All	All
Chemical Edging	1	1	1	1	1	1	1	1	1	1	1	1
Vacuum/Blowing	All	All	All	All	All	All	All	All	All	All	All	All
Fertilizing		X		X	X			X		X		X
Crabgrass/Poa Pre-emergent			X						X			
Broadleaf Weed Control	Z			Z							X	
Aeration										X		
Dethatching										Extra		
Reseed Shade / Traffic Areas										Extra		
Ground Cover												
Edging/Trimming	Z	X	Z	X	Z	Z	Z	X	Z	X	Z	X
Fertilization	X								X			
Post-emergent Weed Control	1	1	1	1	1	1	1	1	1	1	1	1
Pre-emergent Weed Control			X						X			
Trees and Shrubs												
Pruning - Vines						X						
Pruning - Shrubs	Z	Z	X	Z	Z	Z	Z	Z	X	Z	Z	X
Pruning - Trees						X						
Pedestrian/ Vehicle Clearance	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Staking and Tying	Z	Z			Z				Z	Z	Z	Z
Fertilizing - Shrubs/Vines	X								X			
Deep Root Fertilizing - Trees										Extra		
Irrigation												
Programming				X					X			X
Cleaning / Adjusting	Z	Z	Z	Z	Z	Z	X	X	Z	Z	Z	Z
All Repairs	Extra	Extra	Extra	Extra	Extra	Extra	Extra	Extra	Extra	Extra	Extra	Extra
Annual Color												
Change color planting	Extra	Z	Z	Z	Extra	Z	Z	Z	Extra	Z	Z	Z
Insect and Disease Control												
Chemical Applications		Z	Z			Z		Z	Z	Z	Z	
Debris / Hardscape												
Driveway/Sidewalks	All	All	All	All	All	All	All	All	All	All	All	All
Litter/Refuse												
Landscaped Areas	All	All	All	All	All	All	All	All	All	All	All	All
Compost												
Compost / Bark										Extra		
1-3 = times per month												
All = weekly												
X = one time application												
Z = spot treatment												

Reimbursement Process

Per a meeting with Allen Baquilar, Senior Civil Engineer, City of Hayward Development Services and the City of Hayward Park Maintenance Staff, it was decided that in-lieu of the Landscaping and Lighting Assessment District #96-1 process described in the OPA that AMCAL would hire a contractor to maintain the park to the City of Hayward's satisfaction. AMCAL has entered in contract with Bella Vista Landscape Services, Inc. (CCL # 805462) to maintain the Park in good repair and working order, and in a neat, clean and orderly condition. AMCAL is responsible for the annual payment of the District Management cost and reimbursement to the City for the Engineer's Report.



Vicinity Map

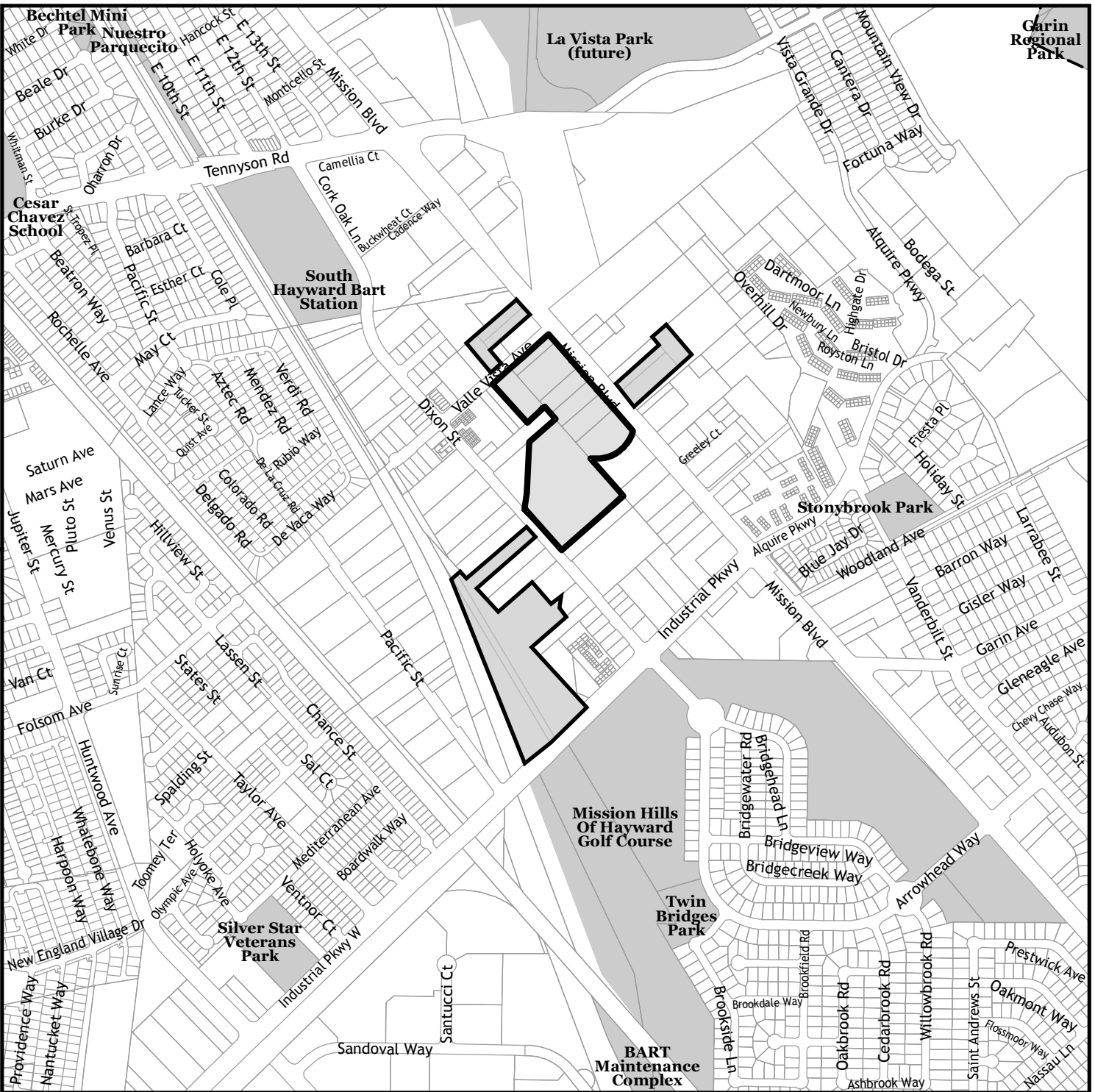


Benefit Zone Formation and Annexation for Parkside Heights





Vicinity Map



Benefit Zone Formation and Annexation for SoHay

0 250 500 750 Feet



CITY OF HAYWARD

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

File #: CONS 19-330

DATE: May 14, 2019
TO: Mayor and City Council
FROM: Maintenance Services Director

SUBJECT

Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2020 for Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit Located at Pacheco Way, Stratford Road and Ruus Lane, and Set June 4, 2019, as the Public Hearing Date

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II).

SUMMARY

Maintenance District No. 1 (MD 1) was established in 1995 to pay for the operation, maintenance, repair, and replacement of a storm drain pumping facility near Stratford Road and Ruus Lane. The City subsequently signed an agreement with the Alameda County Flood Control and Water Conservation District (County) to transfer ownership of the facility to the County, and for the County to operate and maintain the facility. The City acts as an intermediary, whereas the City established the maintenance district and receives the annual assessment revenue, and then annually reimburses the County for their operation, maintenance, repair, and replacement services.

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Engineer's Report



DATE: May 14, 2019

TO: Mayor and City Council

FROM: Maintenance Services Director

SUBJECT: Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2020 for Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit Located at Pacheco Way, Stratford Road and Ruus Lane, and Set June 4, 2019, as the Public Hearing Date

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SUMMARY

Maintenance District No. 1 (MD 1) was established in 1995 to pay for the operation, maintenance, repair, and replacement of a storm drain pumping facility near Stratford Road and Ruus Lane. The City subsequently signed an agreement with the Alameda County Flood Control and Water Conservation District (County) to transfer ownership of the facility to the County, and for the County to operate and maintain the facility. The City acts as an intermediary, whereas the City established the maintenance district and receives the annual assessment revenue, and then annually reimburses the County for their operation, maintenance, repair, and replacement services.

BACKGROUND

On May 23, 1995, the City Council ordered the formation of MD 1 to provide for the maintenance, operation, and capital replacement of storm drainage improvements. The Storm Water Lift Station (SWLS) was constructed to pump storm water run-off for the District. The drainage basin includes 29.1 acres, of which 24.7 acres are residential, 1.9 acres are for a park site, and 2.5 acres are for the collector streets of Stratford Road and Ruus Lane. Pacheco Way does not drain into this basin system nor does the industrial property to the south. The total number of lots in the drainage basin is 174.

Because the County operated similar facilities within the City, the County was asked to take over ownership, maintenance, and operation of the storm water pumping facility. The agreement signed by both parties calls for the City to reimburse the County for annual maintenance and operations costs and for the City to make an annual capital contribution to a capital replacement account maintained by the County. The storm water pumping facility includes a masonry building that houses the Supervisory Control and Data Acquisition (SCADA) System, generator, and four pumps.

In compliance with Section 10-10.25 of the Hayward Municipal Code, an annual Engineer's Report is required to be submitted to the City Council. The report is attached (Attachment III) and includes:

- (1) a description of the improvements to be operated, maintained, and serviced;
- (2) the FY 2020 recommended budget;
- (3) the FY 2020 recommended assessment rate; and
- (4) a map of the benefit zone (assessment diagram).

DISCUSSION

In FY 2018, the County invoiced the City for \$108,000 for consultant studies, which the County entered into an agreement without communicating this added expense to the City. The consultant was hired to assess the condition of all County pump station facilities and design and construct a new countywide SCADA system. This same fiscal year, the FY 2018 maintenance and operation expense tripled from the prior two fiscal years. In response to these unexpected and unbudgeted cost increases, the City delayed the FY 2018 payment pending further discussions with the County.

The City and the County have been in discussions over the past year regarding the increased cost of maintenance and operation, facility consultant studies, and the design and construction of a new SCADA system. The two parties agreed that in FY 2019, the City will issue payment for FY 2018 and FY 2019 maintenance and operating costs (\$45,379 and \$34,624 respectively) and that the \$65,115 in consultant costs incurred will be paid from the District's capital account (resulting in a remaining capital account balance of \$22,195). The two parties have agreed that the City will not make annual \$5,500 capital contributions to the District's capital account until all consultant and SCADA costs have been paid.

Moving forward, the County estimates that the SCADA construction cost for this District's single pump station will be \$270,000. Discussions between the City and County regarding the large SCADA construction cost and payment options are ongoing. The SCADA upgrade is anticipated to be constructed in 2020.

For FY 2020, the budget includes maintenance and operation expense, along with the expense for a Proposition 218 election. The budget does not include the \$270,000 cost for the SCADA construction. Including only the operational expenses in the FY 2020 budget, FY 2020 is estimated to end the year in the negative (-\$24,298). The negative account balance estimate is based in part on the volatile nature of maintenance and operation charges, which can vary greatly from year to year. Secondly, the negative balance is due to the lack of including an annual inflation factor in the original establishment of the Maximum Base Assessment (MBA) rate calculation in 1995.

As part of a district formation, a base annual maintenance and operation budget is established, along with a capital replacement estimate. These figures form the base MBA rate, which is the legal maximum charge that a parcel can be assessed annually. As costs generally increase over the years with the aid of inflation, many MBAs include an annual inflation factor in the original calculation so that charge rates can keep up with increases in expenses. In the case of this district, an inflation adjustment factor was not included in the original calculation; therefore, the MBA can not be increased without holding a Proposition 218 Ballot election. In order for the ballot measure to pass, a total of 50% plus 1 of the weighted ballots returned to the City would need to be approved by property owners within the District.

To address this maintenance district's negative account balance, the City will:

1. **Request a Payment Plan Options** – The City will request that the County spread the payments for the estimated \$270,000 SCADA construction costs over several years. In 2001, the County did allow the City to repay a \$37,001 SCADA cost over eight years.
2. **Community Engagement** – In partnership with the County, the City will conduct community meetings with the maintenance district's property owners to inform them of the reason for the proposed increased in their annual assessment rate.
3. **Proposition 218 Election** – The City will conduct a Proposition 218 election next fiscal year to request property owners vote on whether the annual assessment rate can be increased.

Staff has retained SCI as the Engineer of Record to conduct the Proposition 218 election this winter, and is prepared to perform community engagement, along with the City's Community and Media Relations Office.

FISCAL AND ECONOMIC IMPACT

Staff has evaluated the District's operating and capital account balances and concurs that the combined account balances are not adequate. The fiscal impact to the City could be as much as \$270,000, depending on the outcome from a Proposition 218 election of the 174 property owners; and agreement, acceptance, and approval by the County to allow a multi-year repayment plan for the new SCADA system. Should this item require additional funding in the future, staff would present a recommendation and funding options to the City Council for approval.

STRATEGIC INITIATIVES

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

PUBLIC CONTACT

City staff: 1) mailed a notice to property owners to inform them of the recommended FY 2020 assessment rate and to alert them of the community meetings scheduled (April 11, May 14, and June 4); 2) held a community engagement meeting on April 11; 3) provided an online survey to measure maintenance satisfaction; and 4) will publish a legal notice in the East Bay Times on May 17, 2019.

NEXT STEPS

Following this City Council meeting, the City of Hayward is proposing to hold a public hearing on June 4, 2019, to provide an opportunity for any interested person to be heard. After the public hearing, the City Council may adopt a resolution setting the annual assessment amount as originally proposed or as modified. Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Auditor's office to be included on the FY 2020 tax roll. Payment of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All revenue collected through the assessment must be placed in a special account and can only be used for the purposes stated within this report.

If the City Council adopts the attached resolution of intention, it will hold a noticed public hearing on June 4, 2019, to consider approving the Engineer's Report and order the levy of assessments for FY 2020.

Prepared by: Denise Blohm, Management Analyst II

Recommended by: Todd Rullman, Maintenance Services Director

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written over a horizontal line.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION OF INTENTION PRELIMINARILY APPROVING THE ENGINEER'S REPORT; DECLARING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2020; AND SETTING JUNE 4, 2019, AS THE PUBLIC HEARING DATE CONCERNING MAINTENANCE DISTRICT NO. 1 - STORM DRAINAGE PUMPING STATION AND STORM DRAIN CONDUIT - PACHECO WAY, STRATFORD ROAD, AND RUUS LANE

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

1. Maintenance District No. 1- Storm Drainage Pumping Station and Storm Drain Conduit –Pacheco Way, Stratford Road, and Ruus Lane (the District) was established by the adoption of Resolution No. 95-103 to provide funds to operate, maintain, and service a storm drainage pumping station and storm drain conduit constructed to provide a means of handling storm water runoff for Tracts 6472, 6560, 6682, and 6683. The District consists of properties as shown on the Assessment Roll which will be available on file in the Office of the Hayward City Clerk on June 4, 2019.
2. SCI Consulting Group is hereby designated as the Engineer of Work for purposes of these proceedings and is hereby ordered to prepare Engineer's Report in accordance with Section 10-10.25 of the Hayward Municipal Code.
3. The Engineer's Report has been made, filed with the City Clerk, and duly considered by this City Council and is hereby deemed sufficient and preliminarily approved. Said report shall stand as the report for all subsequent proceedings relating to the proposed levy of the District assessments for Fiscal Year 2020.
4. It is the intention of the City Council to order the levy and collection of assessments for the maintenance of the storm drainage pumping station and storm drain conduit pursuant to Part 3, Chapter 26 of Division 7 of the California Streets and Highways Code (commencing with Section 5820 thereof).
5. The proposed assessment for Fiscal Year 2020 is at the maximum base assessment amount of \$243.92 per parcel.

6. Reference is hereby made to the aforementioned Engineer's Report on file with the City Clerk for a full and detailed description of the improvements, the boundaries of the proposed District, and the proposed assessments upon assessable lots within said District.
7. Public property owned by any public agency and in use in the performance of a public function within said District shall not be assessed, except for Stratford Park, owned by the City of Hayward, which is the only publicly owned property, which will receive a special benefit from the maintenance of the pumping station and storm drains financed by the District.
8. On June 4, 2019, at the hour of 7:00 p.m., in the regular meeting place of this City Council, City Council Chambers, 777 B Street, Hayward, California, a public hearing will be held on the levy of the proposed assessment. Prior to the conclusion of said public hearing, any interested person may file a written protest with the City Clerk, or having previously filed a protest, may file a written withdrawal of that protest. A written protest by a property owner shall contain a description sufficient to identify the property owned by such owner.
9. The City Clerk is hereby directed to cause a notice of said meeting and hearing to be made in the form and manner provided by applicable laws.

IN COUNCIL, HAYWARD, CALIFORNIA, May 14, 2019

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

MAINTENANCE DISTRICT No.1

PRELIMINARY ENGINEER'S REPORT

FISCAL YEAR 2020

MAY 2019

PURSUANT TO CHAPTER 26 OF PART 3 OF DIVISION 7 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND CHAPTER 10, ARTICLE 10, SECTION 10-10.25 OF THE HAYWARD MUNICIPAL CODE AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

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

CITY OF HAYWARD

CITY COUNCIL

Barbara Halliday, Mayor
Elisa Márquez, Council Member
Al Mendall, Council Member
Sara Lamnin, Council Member
Mark Salinas, Council Member
Aisha Wahab, Council Member
Francisco Zermeño, Council Member

CLERK OF THE COUNCIL

Miriam Lens

CITY MANAGER

Kelly McAdoo

CITY ATTORNEY

Michael Lawson

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

OVERVIEW

On January 5, 1993, by Resolution No. 93-010, the City Council approved the vesting tentative map of Tract 6472 for a 148-lot single-family residential subdivision located on the northerly side of Industrial Parkway West adjacent to the collector streets of Pacheco Way, Stratford Road and Ruus Lane. The final subdivision consisted of 143 lots.

Conditions of approval for Tentative Map Tract 6472, which included Final Tract Maps 6472, 6560, 6682 and 6683, included provisions for storm drainage improvements and construction of an approved stormwater pumping facility. The drainage area and the stormwater pumping facility were analyzed in documents prepared by Wilsey & Ham, Civil Engineers. These documents indicated the following: the drainage basin includes 29.1 acres, of which 24.7 acres are residential, 1.9 acres are for a park site, and 2.5 acres are for the collector streets associated with Stratford Road and Ruus Lane. Pacheco Way does not drain into this drainage basin system nor does the industrial property to the south.

In addition to the 143 lots identified above, final Tract Map 6682, with a total of 31 lots located immediately to the east of Chutney Road, was also approved. Therefore, the total number of residential lots in the drainage basin is 174. In addition to the residential lots, there is a park located on one parcel of land.

On June 6, 1995, by Resolution No. 95-103, the City Council ordered the formation of Maintenance District No. 1 to provide for the operation and maintenance of the storm drainage improvements and the stormwater pumping facility to serve the drainage basin. The FY 1996 Engineer's Report (formation report) included a FY 1996 budget which proposed \$22,557.36 in expenditures which equated to \$129.64/parcel (174 assessable parcels). This is the maximum annual assessment rate and it may not be increased to reflect change in the Consumer Price Index.

A Storm Water Lift Station (SWLS) has been constructed to pump storm water run-off for the developed area which is adjacent to the Alameda County Flood Control and Water Conservation District's ("Flood Control District") Line B, Zone No. 3A. The plans for the lift station were approved by the City and the Flood Control District. The SWLS was designed with capacity for only the development of the area encompassing the 174 parcels. No added capacity was constructed for run-off from other areas such as the Georgian Manor and Spanish Ranch Mobile Home Parks, which are presently served by a privately owned and operated pumping facility located within each park.

An agreement between the City and the Flood Control District transferred ownership of the SWLS to the Flood Control District. The agreement states that the Flood Control District concurred with the SWLS transfer subject to the City providing the Flood Control District with

the funds to operate, maintain, and provide for capital equipment replacement and for modifications that may become necessary for the optimal performance of the SWLS.

Each year the City will be evaluating the need to increase assessments to ensure there are adequate funds to continue to provide proper operation, maintenance, and capital replacement of the storm water pumping facilities within Maintenance District No. 1. As part of this effort, the County of Alameda updated their capital replacement study to determine if the Maintenance District No. 1 is adequately funded. Currently there are not currently sufficient funds to replace the Maintenance District No. 1 capital facilities when they reach the end of their useful lives.

LEGISLATIVE ANALYSIS

PROPOSITION 218 COMPLIANCE

On November 5, 1996, California voters approved Proposition 218 entitled "Right to Vote on Taxes Act," which added Articles XIIC and XIID to the California Constitution. While its title refers only to taxes, Proposition 218 established new procedural requirements for the formation and administration of assessment districts.

Proposition 218 stated that any existing assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems, or vector control on or before November 6, 1996 shall be exempt from the procedures and approval process of Proposition 218, unless the assessments are increased. Maintenance District No. 1 imposes an assessment exclusively for flood control and drainage improvements.

Proposition 218 defines increased, when applied to an assessment, as a decision by an agency that does either of the following:

- a) Increases any applicable rate used to calculate the assessment.
- b) Revises the methodology by which the assessment is calculated, if that revision results in an increased amount being levied on any person or parcel.

For Fiscal Year 2020, the collection rate is proposed to be \$243.92 per parcel, which is the same rate as the previous fiscal year. The Fiscal Year 2020 collection rate is at the maximum base assessment rate of \$243.92 per parcel, which was established at the time the District was formed.

Based upon the review of the formation documents by the City Attorney, since the formation budgeted assessment rate was set at \$243.92 per assessable parcel and the proposed FY 2020 assessment rate will be at the budgeted formation rate of \$243.92 per assessable parcel, the proposed FY 2020 assessment rate is not considered an increase and does not require Proposition 218 proceedings.

PLANS & SPECIFICATIONS

INTRODUCTION

The agreement between the City and the Flood Control District calls for the City each year to deposit with the Flood Control District the funds to maintain, operate, and set aside assessment revenue to provide for a capital replacement fund.

Each year, no later than December 1, the Flood Control District furnishes the City with an itemized estimate of the cost to operate, maintain and supplement the capital equipment replacement fund for the fiscal year commencing on the next July 1. Should the capital equipment replacement fund be inadequate to cover unscheduled/emergency repairs, equipment replacement or modifications that are found to be necessary for the normal and safe performance of the Storm Water Lift Station (SWLS), the Flood Control District will provide the City with written notice of the need for additional funding.

The annual Engineer's Report includes: (1) a description of the improvements to be operated, maintained and serviced, (2) an estimated budget, and (3) a listing of the proposed collection rate to be levied upon each assessable lot or parcel.

In order to receive public comment, City staff 1) mailed a notice to property owners to let them know of the April 11 community input meeting and two Council dates; 2) held a community input meeting on April 11, and 3) conducted an online survey to measure maintenance satisfaction.

The City of Hayward is proposing to hold a public hearing on **June 4, 2019**, to provide an opportunity for any interested person to be heard. At the conclusion of the public hearing, the City Council may adopt a resolution setting the annual assessment amounts as originally proposed or as modified. Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Auditor's office to be included on the FY 2020 tax roll.

Payment of the assessment levied upon each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

DESCRIPTION OF IMPROVEMENTS

The facilities, which have been constructed within the City of Hayward's Maintenance District No. 1 boundaries, and those which may be subsequently constructed, will be operated, maintained and serviced and are generally described as follows:

Maintenance District No. 1

Tract No. 6472, 6560, 6682, 6683 & 6682

Formed: June 6, 1995

Resolution Number: 95-103

174 Parcels

FY 2020 Assessment Amount per Parcel: **\$243.92**

The following is an overview of the FY 2020 District assessment, along with a description of any one-time items budgeted in FY 2020:

- **Maximum base assessment amount:** is unchanged from the original amount of **\$243.92** per parcel, set when the District was created.
- **Annual CPI increase:** the maximum base assessment amount cannot be increased annually based upon the prior year's change in the CPI.
- **Assessment revenue:** the FY 2020 amount needed to operate and maintain the facilities and contribute to the capital reserve is: **\$42,442.08**.
- **Annual assessment charge:** Each of the **174** parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by the individual parcels is indistinguishable from each other. The FY 2020 per parcel charge **will remain the same** as the FY 2019 amount of **\$243.92** per parcel. This amount is at the maximum base assessment, and is sufficient for maintaining levels of service and for keeping a reserve balance.
- **Proposition 218:** Future increases in the assessment amount **above** the maximum base assessment amount would require the noticing and balloting of property owners per the requirements of Proposition 218.
- **FY 2019: Alameda County Maintenance Contract, Facility Evaluation, and SCADA Upgrade**
The City and Alameda County Flood Control District "County" have been in discussions over the past year regarding the increased cost of maintenance, facility consultant studies, and the design and construction of a new SCADA system. The two parties have agreed that the City will issue payment for FY 2018 and FY 2019 maintenance and operating costs (\$45,379, \$34,624) costs in May 2019. The two parties have agreed that the FY 2018 and FY 2019 consultant costs totaling \$65,115 will be paid from the District's capital account (maintained by the County), resulting

in a capital account balance of \$22,195. The two parties have agreed that the City will not make any capital contributions to the District's capital account until all consultant and SCADA costs have been paid. The County estimates that the SCADA construction cost for this District's pump station will be \$270,000. Discussions between the City and County regarding the large SCADA construction cost and payment options are ongoing. The SCADA upgrade is anticipated to be constructed in FY 2020.

- **FY 2020: Proposition 218 Election**

For FY 2020, the following tasks are planned: 1) conduct a Proposition 218 Ballot Election to request an increase to the annual special assessment fee per parcel.

The following improvements are proposed to be operated, maintained and serviced in Maintenance District No. 1 for Fiscal Year 2020:

The Stratford Village Storm Water Lift Station (SWLS):

The facilities include:

- 2 - 15 H.P. Pumps
- 1 - 5 H.P. Pump
- 1 - 3 H.P. Dewatering Pump
- 1 - Generator
- 1 - Supervisory Control and Data Acquisition (SCADA) System
- 1 - Masonry Building to House the SCADA System and Generator

The operation and servicing of these facilities include, but are not limited to: personnel; electrical energy; materials, including diesel fuel and oil; hazardous materials clean up; and appurtenant facilities as required to provide sufficient run-off capacity.

Maintenance means the furnishing of services and materials for the ordinary and usual operations, maintenance and servicing of the SWLS, including repair, removal or replacement of all or part of any of the SWLS.

In FY 2001 the Flood Control District staff evaluated and approved the purchase of a Supervisory Control and Data Acquisition (SCADA) system. This system allows Alameda County Flood Control staff to respond much faster in emergencies and allows staff to remotely observe, troubleshoot, and operate the facility. For instance, during heavy rains, the operator can observe pumping actions, start and stop the pumps, and reset alarms remotely. The cost of purchasing this system has been spread over an eight (8) year period. The last payment for the SCADA system was paid from the FY 2009 assessment proceeds.

For Fiscal Year 2020, the collection rate remains at the same rate from the previous fiscal year, which is \$243.92 per parcel. This amount is the maximum base assessment amount for the District, and it is not indexed to the Consumer Price Index. Any future increases in

the assessment rate would require noticing and balloting of property owners per the requirements of Proposition 218.

FISCAL YEAR 2020 ESTIMATE OF COST AND BUDGET

ESTIMATE OF COSTS

Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code and as supplemented by the provisions of Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California provides that the total cost of operation, maintenance and servicing of the storm drainage improvements and storm water pumping station can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with these improvements can also be included.

The costs for Fiscal Year 2020 are summarized in the table on the following page. These cost estimates are based on Alameda County budget projections for Fiscal Year 2020.

FIGURE 1 – 2020 COST ESTIMATE

City of Hayward
Maintenance District No. 1 - Pacheco Wy., Stratford Rd., Russ Ln., & Ward Crk.
Fund 270, Project 3745
Established 1993, 174 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. Maximum Base Assessment Amount	244	244	244	244	244
b. Annual Per Parcel Assessment	244	244	244	244	244
c. # of Parcels	174	174	174	174	174
d. Total Amount Assessed for the District:	42,442	42,442	42,442	42,442	42,442
Income					
a. Annual Assessment Revenue	42,442	42,442	42,442	42,442	42,442
b. Minus County Tax Collection Fee (1.7%)	(722)	(722)	(722)	(722)	(722)
c. Adjustment for Delinquencies	-	-	(330)	-	-
d. Other	-	-	-	-	-
e. Total Revenue:	41,721	41,721	41,391	41,721	41,721
Services					
a. Utilities: PGE	1,512	1,745	1,542	1,800	1,854
b. Pump Station O&M - ACFCD	14,374	14,044	-	85,000	40,000
c. Pump Station One-Time Repair - ACFCD	-	-	-	-	-
d. Pump Station - ACFCD Capital Reserve	-	5,500	-	-	-
e. Proposition 218 Election	-	-	-	-	27,500
f. Property Owner Noticing	159	177	84	105	108
g. Annual Reporting	1,120	1,067	1,159	1,479	1,150
h. City Administration	1,939	4,064	2,000	4,000	3,500
i. Total Expenditures:	19,103	26,597	4,785	92,384	74,112
Account Balance					
a. Beginning Account Balance	(19,528)	3,812	19,657	57,314	7,372
b. Net Change (Revenue - Expenditures)	23,339	15,845	37,657	(49,942)	(31,670)
c. Ending Account Balance:	3,812	19,657	57,314	7,372	(24,298)

METHOD OF ASSESSMENT APPORTIONMENT

METHOD OF APPORTIONMENT

Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code and as supplemented by the provisions of Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California permits the establishment of assessment districts by agencies to finance the maintenance and operation of drainage and flood control services, which include the operation, maintenance and servicing of pump stations.

Article XIID of the California Constitution provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways.

The land uses within Maintenance District No. 1 consist of 174 residential parcels and one park parcel. These parcels receive a special benefit in that the pumping station and the storm drains protect the residential parcels and park parcel from storm water flooding. Even though there are only minor structures located on the park parcel it does receive special benefit from flood control improvements and services.

It is estimated that all residential and park parcels derive similar benefits from the flood control improvements and services, therefore the method for spreading the annual costs is on a per parcel basis.

The projected Fiscal Year 2020 operation, maintenance and capital replacement costs, including funds allocated to operating and capital reserve funds, are estimated to be \$42,442.08. Therefore, the collection rate for Fiscal Year 2020 will be at the maximum assessment rate of \$243.92 per parcel.

ASSESSMENT

WHEREAS, the City Council of the City of Hayward, County of Alameda, California, Pursuant to Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California, and Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code, and in accordance with the Resolution of Intention, being Resolution No. XX, preliminarily approving the Engineer's Report, as adopted by the City Council of the City of Hayward, on May 14, 2019, and in connection with the proceedings for:

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

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

As required, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the Assessment District. The distinctive number of each parcel or lot of land in the Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

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

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

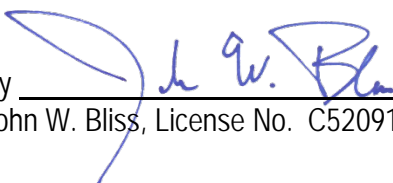
Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2020. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

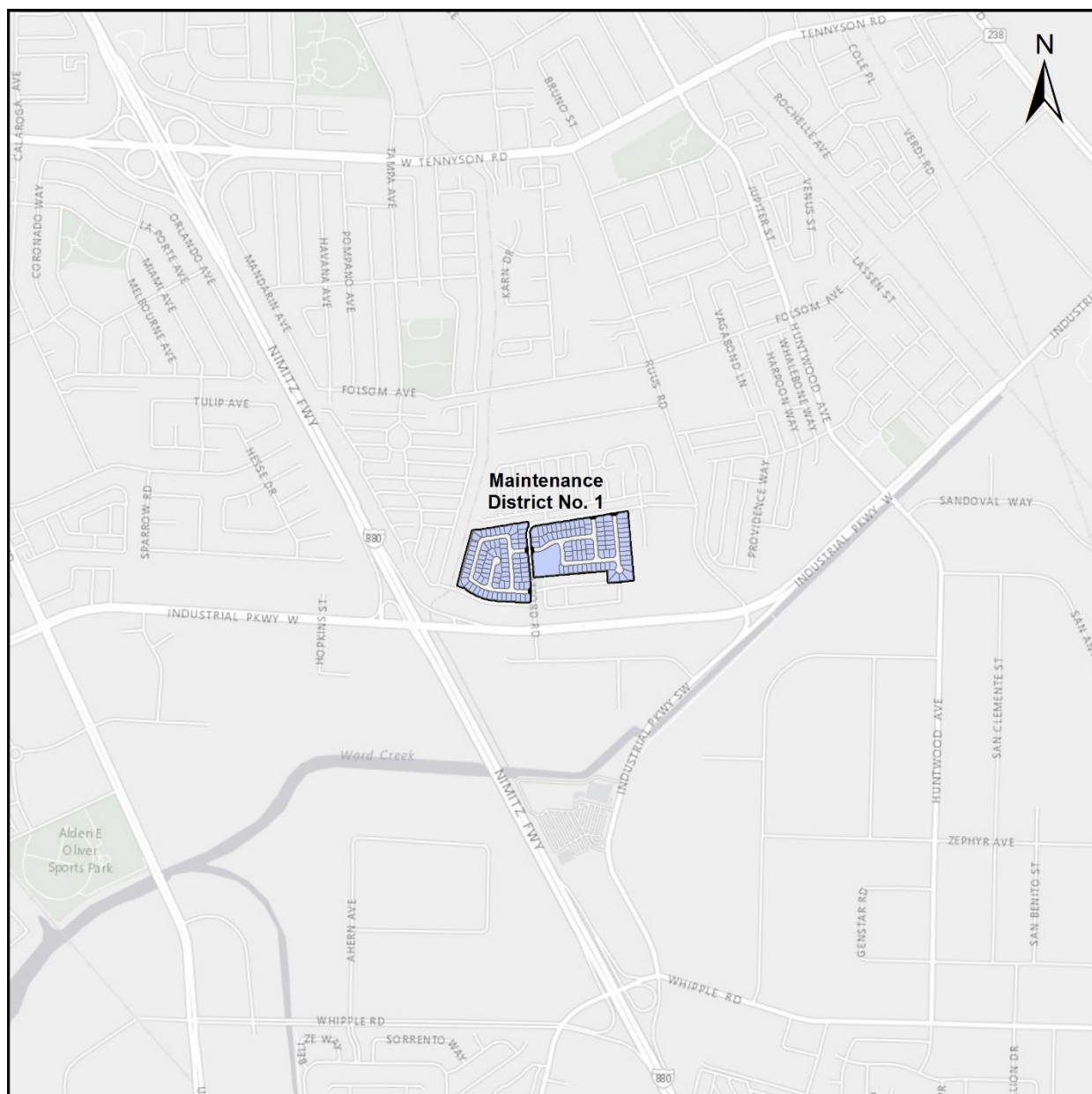
I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2020 for each parcel or lot of land within said Maintenance District No. 1.

Dated: April 30, 2019



Engineer of Work

By 
John W. Bliss, License No. C52091

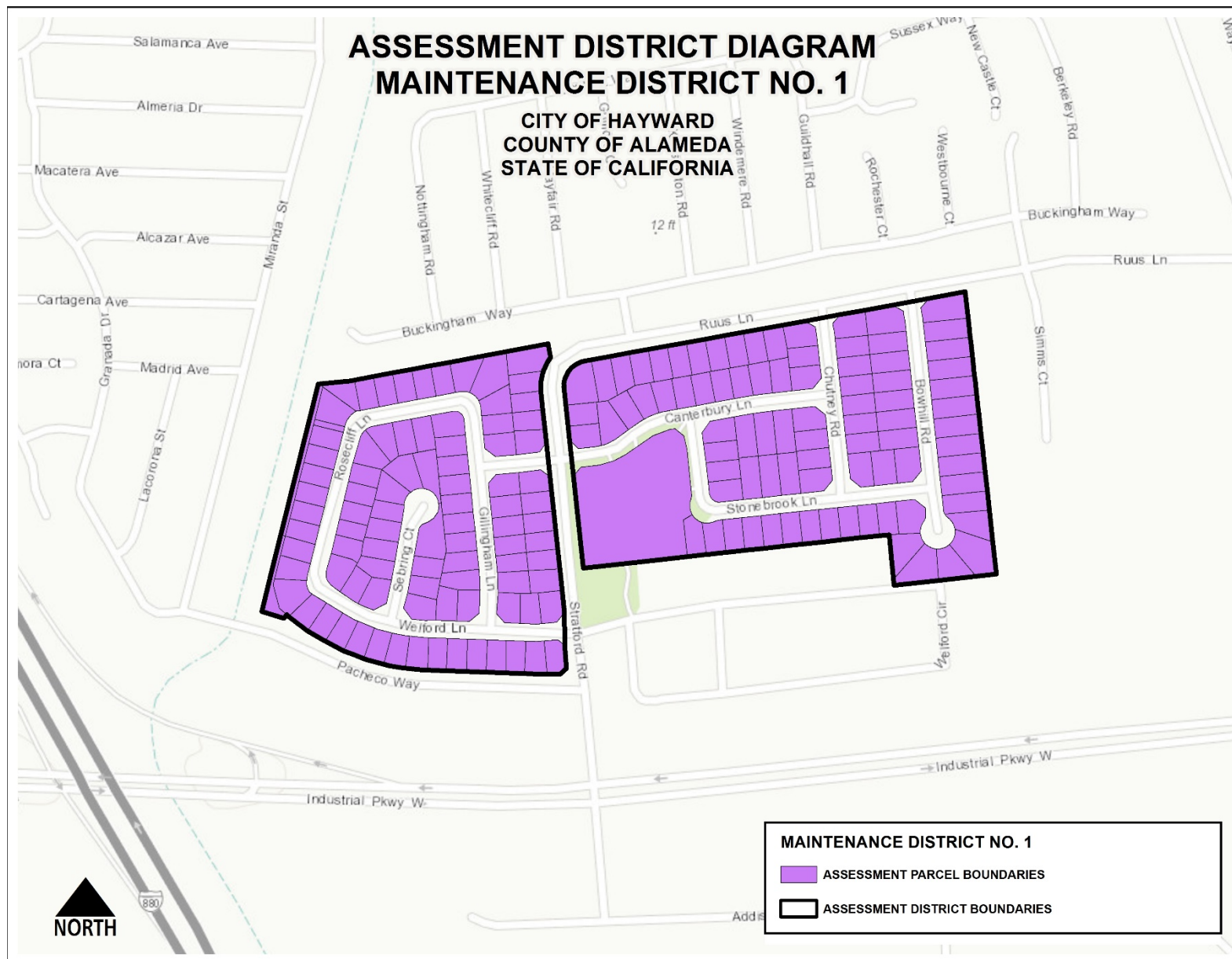


ASSESSMENT DIAGRAM

The boundary of the City of Hayward's Maintenance District No. 1 is on file in the Office of the Hayward City Clerk and is incorporated in this report in Appendix "B".

A detailed description of the lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Alameda for Fiscal Year 2020.

For additional information as to the bearings, distances, monuments, easements, etc. of subject subdivisions, reference is hereby made to Final Tract Maps No. 6472, 6560, 6682 and 6683 filed in the Office of the Recorder of Alameda County.



ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels within the City of Hayward's Maintenance District No. 1 is shown on the last equalized Property Tax Roll of the Assessor of the County of Alameda, which is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the Office of the Hayward City Clerk.

The proposed collection rate and the amount for Fiscal Year 2020 apportioned to each lot or parcel, as shown on the latest roll at the Assessor's Office, are on file in the Office of the City Clerk. The description of each lot or parcel is part of the records of the Assessor of the County of Alameda and these records are, by reference, made a part of this report.

The total assessment amount proposed to be collected for Fiscal Year 2020 is \$42,442.08.



CITY OF HAYWARD

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

File #: CONS 19-331

DATE: May 14, 2019
TO: Mayor and City Council
FROM: Maintenance Services Director
SUBJECT:

Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2019 for Maintenance District No.2 - Eden Shores Storm Water Facilities and Water Buffer, and Set June 4, 2019, as the Public Hearing Date

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II).

SUMMARY

Maintenance District No. 2 (MD 2) was formed in 2003 to fund the operation, maintenance, and replacement of the water buffer and storm water facility that borders the Eden Shores residential community. Based on staff's review of the district's financial position, staff is recommending no change to the FY 2020 assessment rate from the previous year, set at \$198.95.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Engineer's Report



DATE: May 14, 2019

TO: Mayor and City Council

FROM: Maintenance Services Director

SUBJECT: Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2019 for Maintenance District No.2 – Eden Shores Storm Water Facilities and Water Buffer, and Set June 4, 2019, as the Public Hearing Date

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II).

SUMMARY

Maintenance District No. 2 (MD 2) was formed in 2003 to fund the operation, maintenance, and replacement of the water buffer and storm water facility that borders the Eden Shores residential community. Based on staff's review of the district's financial position, staff is recommending no change to the FY 2020 assessment rate from the previous three years, set at \$198.95.

BACKGROUND

MD 2 was formed on June 24, 2003 to pay for the maintenance and operation of a water buffer and storm water pre-treatment facility. The water buffer consists of landscaping, recirculating pumps and filters, maintenance roads, pedestrian bridge, and anti-predator and perimeter fencing. The benefit zone includes three residential tracts in Eden Shores (7317, 7360, 7361), totaling 534 homes. Assessment rates collected pay for annual maintenance and operation and contribute to future capital replacement. In compliance with Section 10-10.25 of the Hayward Municipal Code, an annual Engineer's Report is required to be submitted to the City Council. The report is attached (Attachment III), and includes:

- (1) a description of the improvements to be operated, maintained, and serviced;
- (2) the FY2020 recommended budget;
- (3) the FY 2020 recommended assessment rate; and
- (4) a map of the benefit zone (assessment diagram).

DISCUSSION

During the past year, staff has completed the following improvements: 1) Installed a weather-based irrigation controller to monitor and adjust water distributed into the water buffer. The

controller was identified in response to a large water leak that occurred this year; 2) Completed a one-time thorough clean-up of the east side of the water buffer; 3) Installed gates on the north and south side of the water buffer to allow for easier equipment access to complete maintenance activities; and 4) Removed silt build along the floor of the water buffer. In FY 2020, staff will be completing a one-time thorough clean-up of the west side of the water buffer.

FISCAL AND ECONOMIC IMPACT

There is no fiscal impact to the City's General Fund from this recommendation because expenditures are to be paid by assessment rates in each respective zone.

STRATEGIC INITIATIVES

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

PUBLIC CONTACT

City staff: 1) mailed a notice to property owners to let them know of their recommended FY 2020 assessment rate, and to alert them to three meetings where they could provide input (April 11, May 14, and June 4); 2) held a community engagement meeting on April 11; 3) provided an online survey to measure maintenance satisfaction; and 4) will publish a legal notice in the East Bay Times on May 17, 2019.

NEXT STEPS

Following this Council meeting, the City is proposing to hold a public hearing on June 4, 2019, to provide an opportunity for any interested person to be heard. After the public hearing, the City Council may adopt a resolution setting the annual assessment amount as originally proposed or as modified. Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Auditor's office to be included on the FY 2020 tax roll. Payment of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report. If the City Council adopts the attached resolution of intention, it will hold a noticed public hearing on June 4, 2019, to consider approving the Engineer's Report and order the levy of assessments for FY 2020.

Prepared by: Denise Blohm, Management Analyst II

Recommended by: Todd Rullman, Maintenance Services Director

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-_____

Introduced by Council Member _____

RESOLUTION OF INTENTION PRELIMINARILY APPROVING ENGINEER'S REPORT, DECLARING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2020, AND SETTING JUNE 4, 2019, AS THE PUBLIC HEARING DATE CONCERNING MAINTENANCE DISTRICT NO. 2 - EDEN SHORES STORM WATER FACILITIES AND WATER BUFFER

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

1. Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer (the "District") was established by the adoption of Resolution No. 03-102 to provide funds to operate, maintain, and service a storm water facility and the water buffer bordering the residential portion of Eden Shores, which encompasses the three residential tracts 7316, 7360, and 7361 in the Eden Shores development, totaling 534 homes.
2. SCI Consulting Group is hereby designated as Engineer of Work for purposes of these proceedings and was ordered to prepare an Engineer's Report in accordance with Article XIIID of the California Constitution.
3. The Engineer of Work has prepared a report in accordance with Section 10-10.25 of the Hayward Municipal Code. Said report has been made, filed, and duly considered by this City Council and is hereby deemed sufficient and preliminarily approved. Said report shall stand as the report for all subsequent proceedings related to the proposed levy of District assessments for Fiscal Year 2020.
4. It is the intention of the City Council to order the levy and collection of assessments for the maintenance of the storm water facility and water buffer pursuant to Part 3, Chapter 26 of Division 7 of the California Streets and Highways Code (commencing with Section 5820 thereof).
5. The proposed assessment for the District for Fiscal Year 2020 is \$198.95, which is the same as the previous fiscal year's assessment. The maximum base assessment amount for the District is subject to an annual adjustment equal to the change in the San Francisco-Oakland-Hayward the Consumer Price Index for All Urban Consumers (CPI-U) from the previous year. The maximum base assessment amount for the District for Fiscal Year 2020 has been increased from the previous year's maximum

base assessment amount of \$906.59 by 3.53%, which is equal to the percentage increase in CPI-U from February 2018 to February 2019. The maximum base assessment amount for the District for Fiscal Year 2020 is \$972.38.

6. Reference is hereby made to the aforementioned report on file with the City Clerk for a full and detailed description of the improvements, the boundaries of the proposed District, and the proposed assessments upon assessable lots within said District.
7. On June 4, 2019, at the hour of 7:00 p.m., in the regular meeting place of this City Council, City Council Chambers, 777 B Street, Hayward, California, a public hearing will be held on the levy of the proposed assessment.
8. Prior to the conclusion of said public hearing, any interested person may file a written protest with the City Clerk, or having previously filed a protest, may file a written withdrawal of that protest. A written protest by a property owner shall contain a description sufficient to identify the property owned by such owner.
9. The City Clerk is hereby directed to cause a notice of said meeting and hearing to be made in the form and manner provided by applicable laws.

IN COUNCIL, HAYWARD, CALIFORNIA, May 14, 2019

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

MAINTENANCE DISTRICT No.2

PRELIMINARY ENGINEER'S REPORT

FISCAL YEAR 2020

MAY 2019

PURSUANT TO CHAPTER 26 OF PART 3 OF DIVISION 7 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND CHAPTER 10, ARTICLE 10, SECTION 10-10.25 OF THE HAYWARD MUNICIPAL CODE AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

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

CITY OF HAYWARD

CITY COUNCIL

Barbara Halliday, Mayor
Elisa Márquez, Council Member
Al Mendall, Council Member
Sara Lamnin, Council Member
Mark Salinas, Council Member
Aisha Wahab, Council Member
Francisco Zermeño, Council Member

CLERK OF THE COUNCIL

Miriam Lens

CITY MANAGER

Kelly McAdoo

CITY ATTORNEY

Michael Lawson

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

OVERVIEW

On April 16, 2002, by Resolution No. 02-043, the City Council approved the Final Map of Tract 7317 for a 114 lot residential subdivision, with 109 single-family homes, located on the northerly side of Eden Shores Boulevard and westerly of the Union Pacific Railroad.

On November 26, 2002, by Resolution No. 02-171, the City Council approved the Final Map of Tract 7361 for a 120 lot residential subdivision, with 116 single-family homes, located on the southerly side of Eden Shores Boulevard and westerly of the Union Pacific Railroad.

On June 3, 2003, by Resolution No. 03-083, the City Council approved the Final Map for Tract 7360, for a 318-lot residential subdivision, with 309 single-family homes located on the southwesterly side of Eden Shores Drive and westerly of the Union Pacific Railroad. The additional lots in each subdivision, 27 total, will be landscaped areas, parks, wetlands or buffer areas.

Conditions of approval for Tracts No. 7317, 7360 and 7361, included provisions for construction of a water buffer channel and storm-water pretreatment pond, masonry walls, anti-predator fences, and landscaping within the proposed development area. Maintenance District No. 2 will provide a funding source to operate and maintain these improvements, including the furnishing of water and electrical energy along with debris removal, weeding, trimming and pest control spraying.

On June 24, 2003, by Resolution No. 03-102, the City Council ordered the formation of Maintenance District No. 2 to provide the funding for the operation and maintenance of these facilities. The FY 2004 Final Engineer's Report (formation report) included a FY 2004 budget which proposed \$343,875.00 in expenditures at buildout for an anticipated 525 assessable parcels which equated to maximum assessment rate of \$655.00/parcel. This maximum annual assessment rate which may be levied is increased each fiscal year by the prior year's change in the Consumer Price Index.

LEGISLATIVE ANALYSIS

PROPOSITION 218 COMPLIANCE

On November 5, 1996, California voters approved Proposition 218 entitled "Right to Vote on Taxes Act," which added Articles XIIC and XIID to the California Constitution. While its title refers only to taxes, Proposition 218 established new procedural requirements for the formation and administration of assessment districts.

Proposition 218 stated that any existing assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems, or vector control on or before November 6, 1996 shall be

exempt from the procedures and approval process of Proposition 218, unless the assessments are increased. Proposition 218 defines increased, when applied to an assessment, as a decision by an agency that does either of the following:

- a) Increases any applicable rate used to calculate the assessment.
- b) Revises the methodology by which the assessment is calculated, if that revision results in an increased amount being levied on any person or parcel.

The formation methodology used to calculate the maximum annual assessment that could be levied in any given year allows the maximum assessment rate from the prior year to be increased by the prior year's change in the Consumer Price Index. Therefore, based upon the review of the City Attorney, imposing the assessment adjustment each year based upon the prior year's increase in the Consumer Price Index does not require Proposition 218 proceedings.

The FY 2004 formation documents set the maximum assessment rate at \$655.00 per parcel, which increased each fiscal year by the prior year's change in the Consumer Price Index. Therefore, the FY 2020 maximum assessment rate is now set at \$972.38 per parcel.

In FY 2008 the rate was \$155.00 per parcel. For FY 2009 through FY 2011 the collection rate was reduced to \$100.00 per parcel at the request of the Eden Shores Homeowners' Association (HOA) due to downturn economic conditions and the fact that there were sufficient reserves available to supplement the annual operation and maintenance costs for those fiscal years. For FY 2012 through FY 2013, the collection rate increased to \$130.00 per parcel to cover increased maintenance and utility costs. For FY 2014, the collection rate increased by 10% to \$143.00 per parcel to cover increased maintenance and utility costs. For FY 2015, the collection rate increased to \$157.30 per parcel to cover increased maintenance and utility costs. For FY 2016, the collection rate increased to \$173.00 per parcel to cover increased maintenance and utility costs. For FY 2017, the collection rate increased to \$198.95 per parcel to cover increased maintenance and utility costs.

For Fiscal Year 2020, the estimated operating costs, including funds allocated for operation and capital reserves, are \$106,239.30. Based on these estimated operating costs, the assessment rate needed to cover the FY 2020 operating expenses is \$198.95 per parcel. This proposed assessment rate is the same from the previous year's assessment rate of \$198.95. The proposed FY 2020 assessment is below the maximum base assessment of \$972.38 per parcel, therefore it does not require Proposition 218 proceedings. In future years, if there is a need for additional funds to cover any major repairs or replacements, the assessment amount may be increased up to their maximum base assessment amount.

PLANS & SPECIFICATIONS

INTRODUCTION

The annual Engineer's Report includes: (1) a description of the improvements to be operated, maintained and serviced, (2) an estimated budget, and (3) a listing of the proposed collection rate to be levied upon each assessable lot or parcel.

In order to receive public comment, City staff 1) mailed a notice to property owners to let them know of the April 11 community input meeting and two Council dates; 2) held a community input meeting on April 11, and 3) conducted an online survey to measure maintenance satisfaction.

The City of Hayward is proposing to hold a public hearing on **June 4, 2019**, to provide an opportunity for any interested person to be heard. At the conclusion of the public hearing, the City Council may adopt a resolution setting the annual assessment amounts as originally proposed or as modified. Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Auditor's office to be included on the FY 2020 tax roll.

Payment of the assessment levied upon each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

DESCRIPTION OF IMPROVEMENTS

The facilities, which have been constructed within the City of Hayward's Maintenance District No. 2 boundaries, and those which may be subsequently constructed, will be operated, maintained and serviced and are generally described as follows:

Maintenance District No. 2

Tract No. 7317, 7360 & 7361

Formed: June 24, 2003

Resolution Number: 03-102

534 Parcels

FY 2020 Assessment Amount per Parcel: **\$198.95**

The following is an overview of the FY 2020 District assessment, along with a description of any one- time items budgeted in FY 2020:

- **Maximum base assessment amount:** was increased from the prior year's maximum base assessment amount of **\$939.23 to \$972.38** by applying CPI-U for the San Francisco-Oakland-San Jose MSA (3.53% for the period February 2018 to February 2019).
- **Annual CPI increase:** the maximum base assessment amount *does increase* annually based upon the prior year's change in the CPI.
- **Assessment revenue:** the FY 2020 amount needed to operate and maintain the facilities and contribute to the capital reserve is: **\$106,239.30**.
- **Annual assessment charge:** each of the **534** parcels shall be apportioned an equal share of the total assessment for this zone as the special benefit derived by the individual parcels is indistinguishable from each other. The FY 2020 per parcel charge *will remain the same* as the FY 2019 amount of **\$198.95** per parcel. This amount is below *the* maximum base assessment, and is sufficient for maintaining levels of service and for keeping a reserve balance. In future years, if there is a need for additional funds, the assessment amount may be increased up to the maximum base assessment amount.
- **Proposition 218:** Future increases in the assessment amount *above* the maximum base assessment amount would require the noticing and balloting of property owners per the requirements of Proposition 218.

FY 2019: Irrigation Controller Upgrade, Landscape Maintenance, Swinging Gates, Silt Removal

- In FY 2019, the following improvements were completed: 1) Installed a weather-based irrigation controller to monitor and adjust water distributed into the water buffer. The controller was identified in response to a large water leak that occurred

this year. 2) A one-time landscape maintenance clean-up of the east side of the water buffer was completed. 3) Installed swinging gates on the north and south side of the water buffer to allow for easier equipment access to complete maintenance activities. 4) Removed silt build along the bottom of the water buffer.

FY 2020: Landscape Maintenance

- For FY 2020, the following improvements are planned: 1) A one-time landscape maintenance clean-up of the west side of the water buffer.

The following improvements are proposed to be operated, maintained and serviced in Maintenance District No. 2 for Fiscal Year 2020:

- Water Buffer Channel;
- Storm-water Pre-Treatment Pond;
- Masonry Walls;
- Anti-predator Fences; and
- Miscellaneous Landscaping

The operation, maintenance and servicing of these improvements include, but are not limited to: personnel; water, for irrigation and buffer replenishment; electrical energy; materials, including diesel fuel and oil, debris removal, weeding, trimming, pest control spraying, etc.

FISCAL YEAR 2020 ESTIMATE OF COST AND BUDGET

ESTIMATE OF COSTS

Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code and as supplemented by the provisions of Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California provides that the total cost of operation, maintenance and servicing of the water buffer channel, water treatment pond, masonry walls, anti-predator fences and landscaping can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with these improvements can also be included.

The costs for Fiscal Year 2020 are summarized in the following table:

FIGURE 1 – 2020 COST ESTIMATE

City of Hayward
Maintenance District No. 2 - Eden Shores
Fund 271, Project 3718
Established 2003, 534 Parcels

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 EOY Est	FY 2020 Projected
Assessment					
a. Maximum Base Assessment Amount	851	877	907	939	972
b. Annual Per Parcel Assessment	173	199	199	199	199
c. # of Parcels	534	534	534	534	534
d. Total Amount Assessed for the District:	92,382	106,239	106,239	106,239	106,239
Income					
a. Annual Assessment Revenue	92,382	106,239	106,239	106,239	106,239
b. Minus County Tax Collection Fee (1.7%)	(1,570)	(1,806)	(1,806)	(1,806)	(1,806)
c. Adjustment for Delinquencies	675	789	513	-	-
d. Other	-	4,485	2,006	3,000	2,800
e. Total Revenue:	91,487	109,707	106,952	107,433	107,233
Services					
a. Utilities: Water	30,170	22,170	19,838	55,000	23,000
b. Utilities: PGE	14,433	13,409	10,557	11,000	11,330
c. Maintenance - Landscaping - ES HOA	-	3,600	3,600	3,600	7,000
d. Maintenance - Pond - Solitude	29,968	35,900	24,024	31,328	32,268
e. Maintenance - One-Time Project/Maintenance	-	-	-	14,000	50,000
f. Maintenance Pre-Treatment Pond - ACPCD	3,458	3,103	-	4,600	3,700
g. Weather Based Irrigation Controllers	-	-	-	20,000	-
h. Property Owner Noticing	484	445	230	240	247
i. Annual Reporting	1,925	1,835	1,541	1,479	1,150
j. City Administration	1,939	3,394	3,907	2,500	2,575
k. Total Expenditures:	82,376	83,856	63,697	143,747	131,270
Account Balance					
a. Beginning Account Balance	338,261	347,371	373,222	416,478	380,164
b. Net Change (Revenue - Expenditures)	9,110	25,851	43,256	(36,314)	(24,037)
c. Ending Account Balance:	347,371	373,222	416,478	380,164	356,127

METHOD OF ASSESSMENT APPORTIONMENT

METHOD OF APPORTIONMENT

Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code and as supplemented by the provisions of Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the operation, maintenance and servicing of water buffer channels, water treatment ponds, masonry walls, predator fences and landscaping.

Proposition 218 requires that maintenance assessments must be levied according to benefit rather than according to assessed value. In addition, Article XIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property.

Because assessments are levied on the basis of benefit, they are not considered a tax, and, therefore, are not governed by Article XIII A of the California Constitution.

Article XIID of the California Constitution provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways.

The properties benefiting from the operation, maintenance and servicing of water buffer channels, water treatment ponds, masonry walls, predator fences and landscaping consist of the 534 single- family residential lots located within Tracts No. 7317, 7360 and 7361.

Each of the 534 single-family residential lots receive a special benefit in that they are able to be developed because protection to the adjacent open space has been provided through the construction of these improvements. The special benefit derived by the individual parcels is indistinguishable between parcels. Therefore, all residential parcels derive the same benefit and the corresponding method of assessment for residential land uses is based on a per parcel basis.

The estimated Fiscal Year 2020 proposed assessment revenue is \$106,239.30. The proposed assessment for the District for Fiscal Year 2020 is \$198.95 per parcel, which is the same amount as the previous fiscal year's assessment. The maximum base assessment amount for the District is subject to an annual adjustment equal to the change in the applying CPI-U for the San Francisco-Oakland-San Jose MSA from the previous year. The maximum base assessment amount for the District for Fiscal Year 2020 has been increased from the previous year's maximum base assessment amount of \$939.23 by 3.53%, which is equal to

the percentage increase in CPI-U from February 2018 to February 2019. The maximum base assessment amount for the District for Fiscal Year 2020 is \$972.38.

ASSESSMENT

WHEREAS, the City Council of the City of Hayward, County of Alameda, California, Pursuant to Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California, and Chapter 10, Article 10, Section 10-10.25 of the Hayward Municipal Code, and in accordance with the Resolution of Intention, being Resolution No. XX, preliminarily approving the Engineer's Report, as adopted by the City Council of the City of Hayward, on May 14, 2019, and in connection with the proceedings for:

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

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

As required, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the Assessment District. The distinctive number of each parcel or lot of land in the Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

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

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

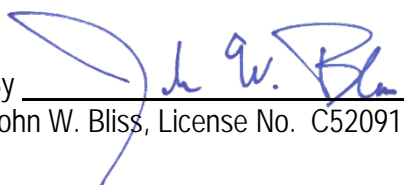
Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2020. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2020 for each parcel or lot of land within said Maintenance District No. 2.

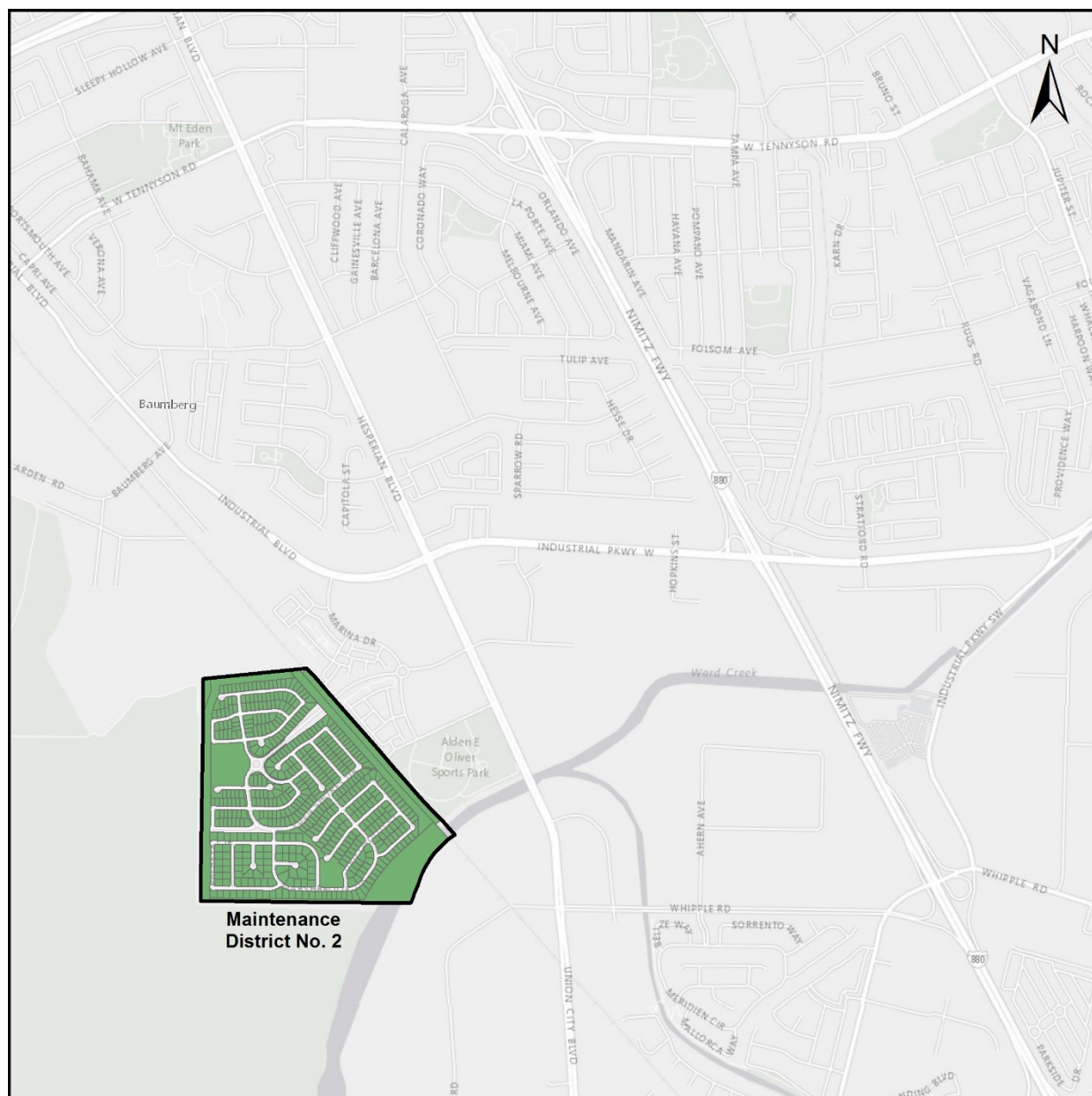
Dated: April 30, 2019



Engineer of Work

By 
John W. Bliss, License No. C52091

VICINITY MAP

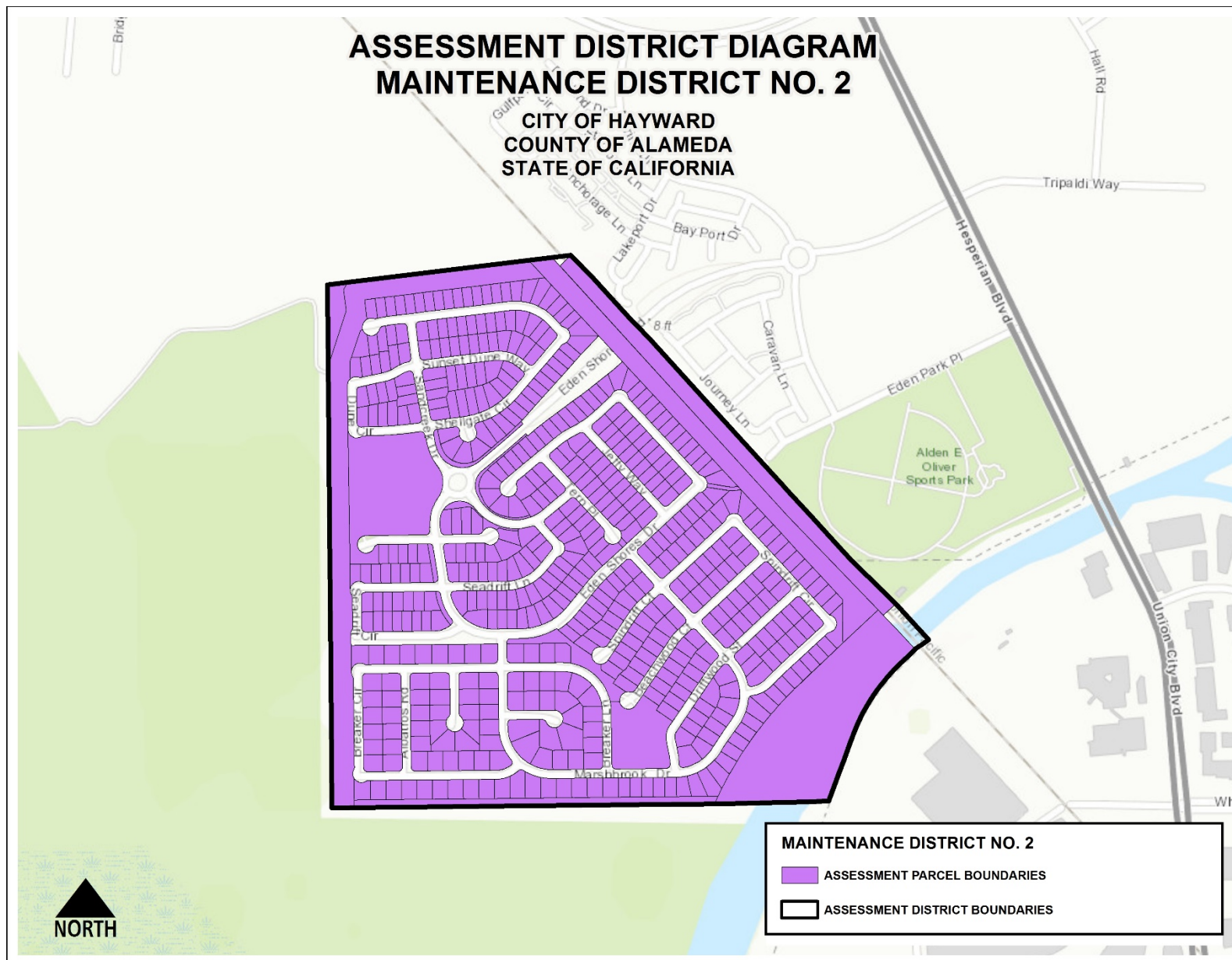


ASSESSMENT DIAGRAM

The Assessment District Diagram for the City of Hayward's Maintenance District No. 2 (Eden Shores) is on file in the Office of the Hayward City Clerk and is incorporated in this report in Appendix "B".

A detailed description of the lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Alameda for Fiscal Year 2020.

For additional information as to the bearings, distances, monuments, easements, etc. of subject subdivisions, reference is hereby made to Final Tracts Maps No. 7317, 7360 and 7361 filed in the Office of the Recorder of Alameda County.



ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels within the City of Hayward's Maintenance District No. 2 is shown on the last equalized Property Tax Roll of the Assessor of the County of Alameda, which is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the Office of the Hayward City Clerk.

The proposed collection rate and the amount for Fiscal Year 2020 apportioned to each lot or parcel, as shown on the latest roll at the Assessor's Office, are on file in the Office of the City Clerk. The description of each lot or parcel is part of the records of the Assessor of the County of Alameda and these records are, by reference, made a part of this report.

The total amount proposed to be collected for Fiscal Year 2020 is \$106,239.30.



CITY OF HAYWARD

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

File #: CONS 19-360

DATE: May 14, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Transportation Development Act Article 3 Funds FY 2018/2019 and FY 2019/2020 - Authorization for the City Manager to Submit an Application to Secure Funding for Americans with Disabilities Act (ADA) Compliant Accessible Curb Ramps

RECOMMENDATION

That Council adopts the attached resolution (Attachment II):

- 1) Authorizing the filing of an application with the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) Article 3 funding in FY 2018/2019 and FY 2019/2020, to construct Americans with Disabilities Act (ADA) compliant accessible curb ramps at various locations in the City; and
- 2) Authorizing the City Manager to execute the agreement with MTC once funding is approved.

SUMMARY

Each year, TDA funds are made available to cities in Alameda County for transit improvements or for the construction of bicycle paths, sidewalks, accessible curb ramps, and other pedestrian facilities. One of the conditions for MTC's approval of TDA funding is the submittal of a resolution by the governing body of the City authorizing the filing of an application for funds. Alameda County has provided a preliminary estimate of \$149,920 for FY 2018/2019 and \$168,064 for FY 2019/2020 available in TDA Article 3 funds for the City.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Draft Findings Resolution
Attachment IV	Application

File #: CONS 19-360

Attachment V

Location Map



DATE: May 14, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Transportation Development Act Article 3 Funds FY 2018/2019 and FY 2019/2020 – Authorization for the City Manager to Submit Application to Secure Funding for Americans with Disabilities Act (ADA) Compliant Accessible Curb Ramps

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SUMMARY

Each year, TDA funds are made available to cities in Alameda County for transit improvements or for the construction of bicycle paths, sidewalks, accessible curb ramps, and other pedestrian facilities. One of the conditions for MTC's approval of TDA funding is the submittal of a resolution by the governing body of the City authorizing the filing of an application for funds. Alameda County has provided a preliminary estimate of \$149,920 for FY 2018/2019 and \$168,064 for FY 2019/2020 available in TDA Article 3 funds for the City.

BACKGROUND

The Transportation Development Act, or TDA, is a state law that allows each county to establish a quarter-cent sales tax to finance transportation projects, such as improvements to transit, and pedestrian and bicycle facilities. Every year, MTC, who is responsible for allocating and distributing TDA funds, prepares a Fund Estimate to estimate how much funding will be available through the program. In past funding cycles, Hayward has utilized these funds solely for the installation of curb ramps.

DISCUSSION

Consistent with past City practice and Council direction, staff plans to apply to MTC for the construction of ADA compliant accessible curb ramps at various locations for FY 2018/2019 and FY 2019/2020. Various curb ramp locations were selected in accordance with the Curb Ramp Guidelines established in the City's Americans with Disabilities Act (ADA) Transition Plan. With these additional funds for FY 2018/2019 and FY 2019/2020, the City can continue to upgrade existing curb ramps to current ADA standards or install new accessible curb ramps. The proposed accessible curb ramp installations are located citywide at various intersections, refer to Attachment V for specific locations. Sixty-six curb ramps will be installed to the latest ADA standards.

Alameda County has provided a preliminary estimate of \$149,920 for FY 2018/2019 and \$168,064 for FY 2019/2020 available in TDA Article 3 funds for the City of Hayward to construct the projects. The TDA funds will be approved by MTC upon receipt of the City's final project application. The application materials will be submitted no later than May 31, 2019 to the Alameda County Public Works Agency and the Alameda County Transportation Commission. The County Board of Supervisors is expected to review and approve all applications on June 25, 2019 and submit the approved applications to MTC. Action by MTC is expected in August 2019, and the funds are anticipated to be available this fall. Funds for FY 2018/2019 expire June 2021 and funds for FY 2019/2020 expire 2022.

ECONOMIC IMPACT

Active transportation options like bicycling and walking foster economic health by creating dynamic, connected communities with a high quality of life that helps support small business development, decreases transportation and healthcare costs and increases property values, employment, and tourism. ADA compliant accessible curb ramps provide seniors and pedestrians with disabilities an option to utilize Hayward streets independently, offering an alternative that reduces single lane occupancy vehicles and reduces congestion and costs related to automobile-oriented infrastructure maintenance and construction. It also makes the overall transportation system more efficient.

FISCAL IMPACT

In the past, the City has supplemented TDA funds with Gas Tax funds, when needed; however, no match is required for this application. Thus, there is no impact to the City's General Fund.

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 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

ADA compliant accessible curb ramps provide pedestrians convenient and safe access to sidewalks, street crossings, and other pedestrian facilities within the public right-of-way. ADA compliant pedestrian facilities promote walking as an alternative mode of transportation. This would result in a reduction in vehicular trips and greenhouse gas emissions while also improving public health.

All material generated during demolition and construction will be sent to designated facilities for recycling. Recycled Portland Cement Concrete is specified for use as an aggregate base for any new concrete curb, gutter, ramps and sidewalk.

PUBLIC CONTACT

Past installation of accessible curb ramps has been very well received by the public. The accessible curb ramp process stems from ongoing requests from the public to improve access to sidewalks for pedestrians with disabilities.

Construction of accessible curb ramps will coincide with the City's sidewalk repair and rehabilitation projects scheduled for 2020 and 2021. When a construction schedule is determined, property owners in the affected neighborhoods will be appropriately notified of the project schedule.

NEXT STEPS

Upon approval of the TDA funding and execution of the agreement with MTC, construction plans and specifications will be prepared for City Council's authorization to advertise for bids.

The anticipated project schedule is:

Request for Bids	September 2019
Award	November 2019
Construction Start	January 2020
Construction Completion	May 2020

Prepared by: Liliana Ventura, Associate Transportation Engineer

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-_____

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD
AUTHORIZING SUBMISSION OF AN APPLICATION TO THE METROPOLITAN
TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FY 2018/2019
AND FY 2019/2020 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE
3 PEDESTRIAN/BICYCLE PROJECT FUNDING FOR INSTALLATION OF
AMERICANS WITH DISABILITIES ACT COMPLIANT ACCESSIBLE CURB RAMPS

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No.4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of Hayward desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment IV to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW, THEREFORE BE IT RESOLVED, that the City of Hayward declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.

BE IT FURTHER RESOLVED, that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment IV to this resolution, or that might impair the ability of the City of Hayward to carry out the project.

BE IT FURTHER RESOLVED, that the project has been reviewed by the countywide Bicycle Advisory Committee and has been approved by MTC to use the countywide BAC and the countywide BAC provides for expanded representation of City of Hayward and the designated representative is familiar with the bicycle and pedestrian needs of City of Hayward.

BE IT FURTHER RESOLVED, that the City of Hayward attests to the accuracy of and approves the statements in attachments to this resolution.

BE IT FURTHER RESOLVED, that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to execute any documents necessary to accept the grant funds requested herein from the MTC.

The City of Hayward adopted this resolution on _____, 2019.

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

Resolution No. (COH Approved Reso. No.)

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2018/2019 and 2019/2020 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

Page 1 of 1

1. That the City of Hayward is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Hayward legally impeded from undertaking the project(s) described in Attachment IV of this resolution.
2. That the City of Hayward has committed adequate staffing resources to complete the project(s) described in Attachment IV.
3. A review of the project(s) described in Attachment IV has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment IV have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment IV comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment IV, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment IV are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of Hayward within the prior five fiscal years.
8. That the project(s) described in Attachment IV is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.

9. That any project described in Attachment IV that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment IV will be completed before the funds expire.
11. That the City of Hayward agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment IV, for the benefit of and use by the public.

Resolution No. **(COH Approved Reso No.)****TDA Article 3 Project Application Form**

Fiscal Year of this Claim: FY 2018/2019 & FY 2019/2020 Applicant: City of Hayward

Contact person: Liliana Ventura

Mailing Address: 777 B Street, Hayward, CA, 94541

E-Mail Address: Liliana.ventura@hayward-ca.gov

Telephone: (510) 583-4792

Secondary Contact (in event primary not available): Mir Ali

E-Mail Address: Mir.Ali@hayward-ca.gov

Telephone: (510) 583-4764

Short Title Description of Project: Installation of ADA compliant curb ramps

Amount of claim: \$158,769 for FY 2018/2019 & \$168,064 for FY 2019/2020

Functional Description of Project:

Installation of curb ramps in accordance with ADA requirements in order to provide greater mobility to seniors and disabled pedestrians

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project. Planning funds may only be used for comprehensive bicycle and pedestrian plans. Project level planning is not an eligible use of TDA Article 3.

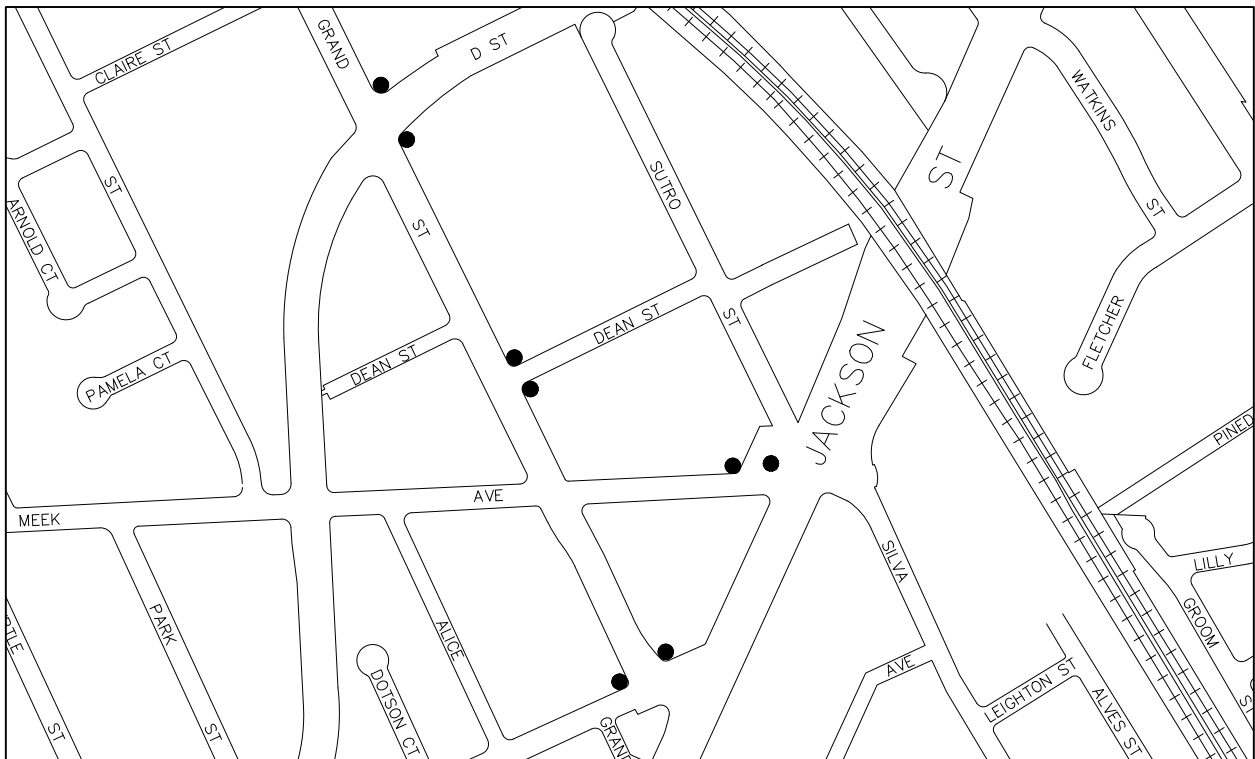
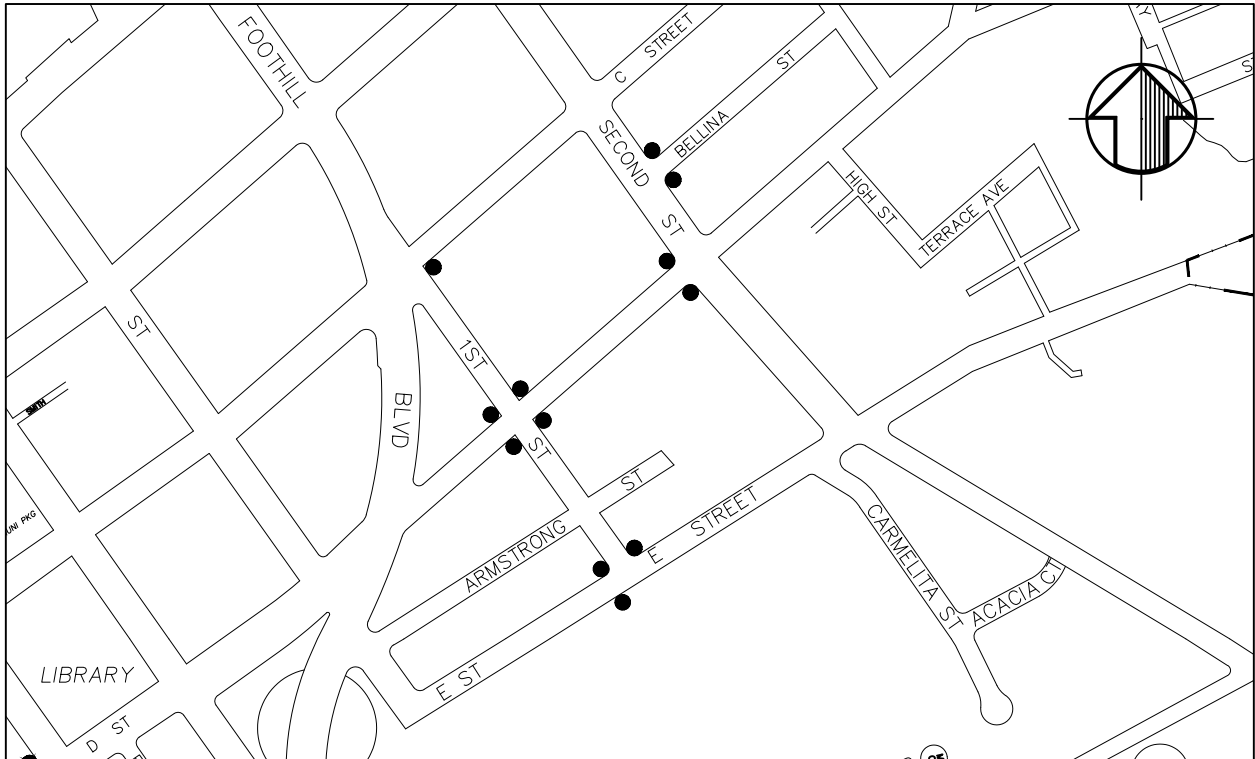
Project Elements: Construction

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3	-	\$158,769 & \$168,064	-	-	\$326,833
list all other sources:	-	-	-	-	--
1.					
2.					
3.					
4.					
Totals		\$326,833			\$326,833

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	No
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	N/A
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: FY 2018/2019: March 29, 2018; FY 2019/2020: May 16, 2019	Yes
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) Work funded by FY 2018/2019 will be completed by June 2021; work funded by FY 2019/2020 will be completed by June 2022	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes

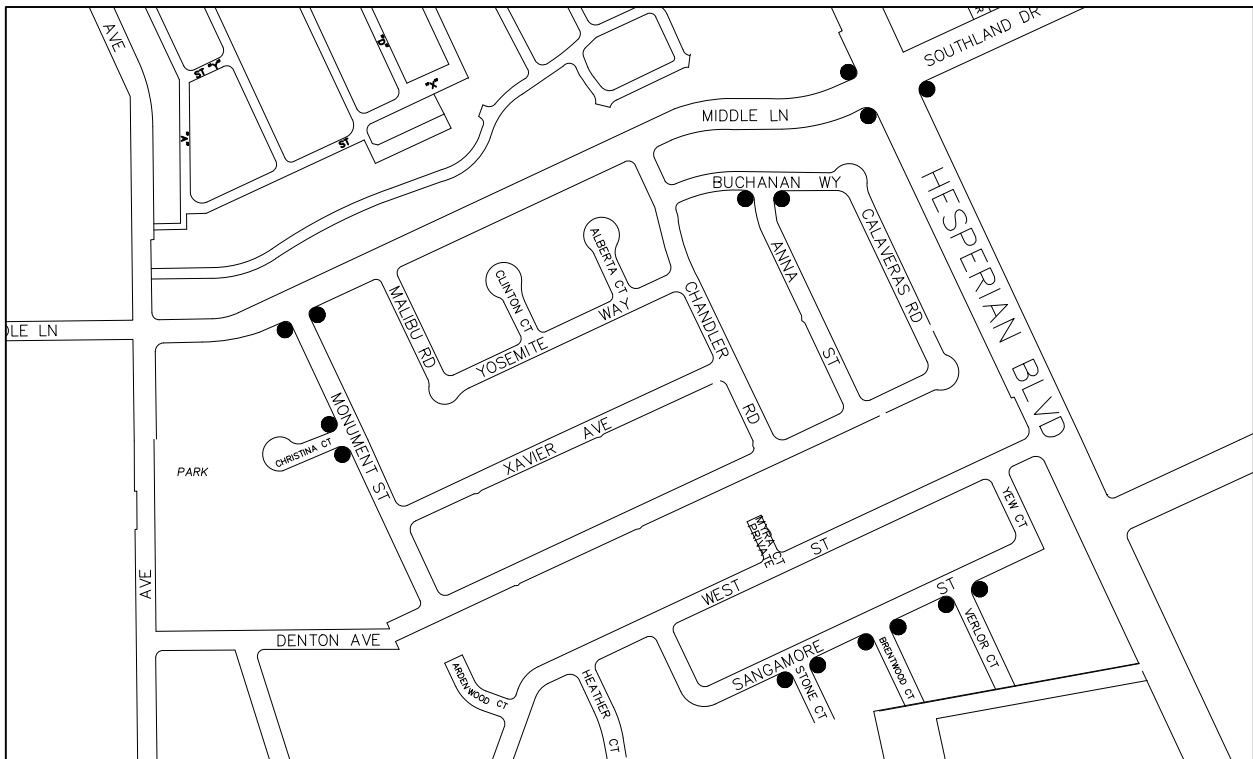
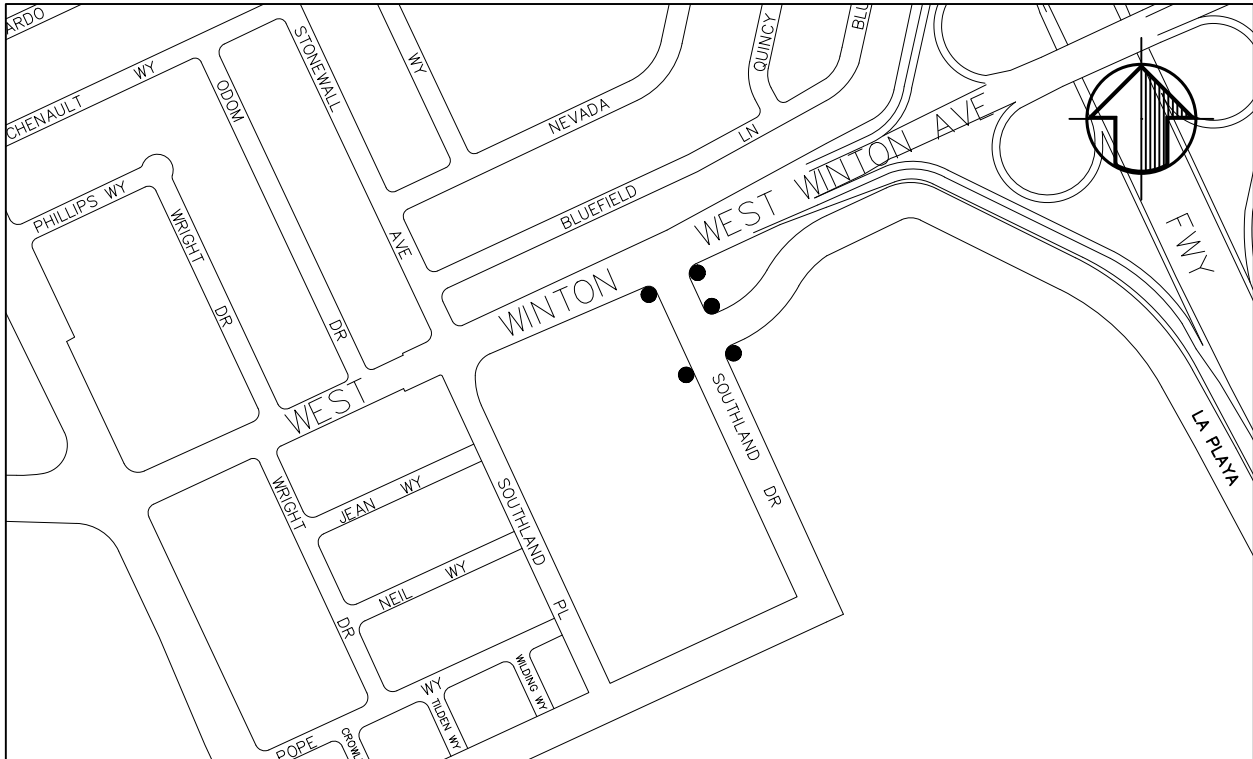
ADA COMPLIANT
ACCESSIBLE CURB RAMPS
LOCATION MAPS

DISTRICT NO. 1



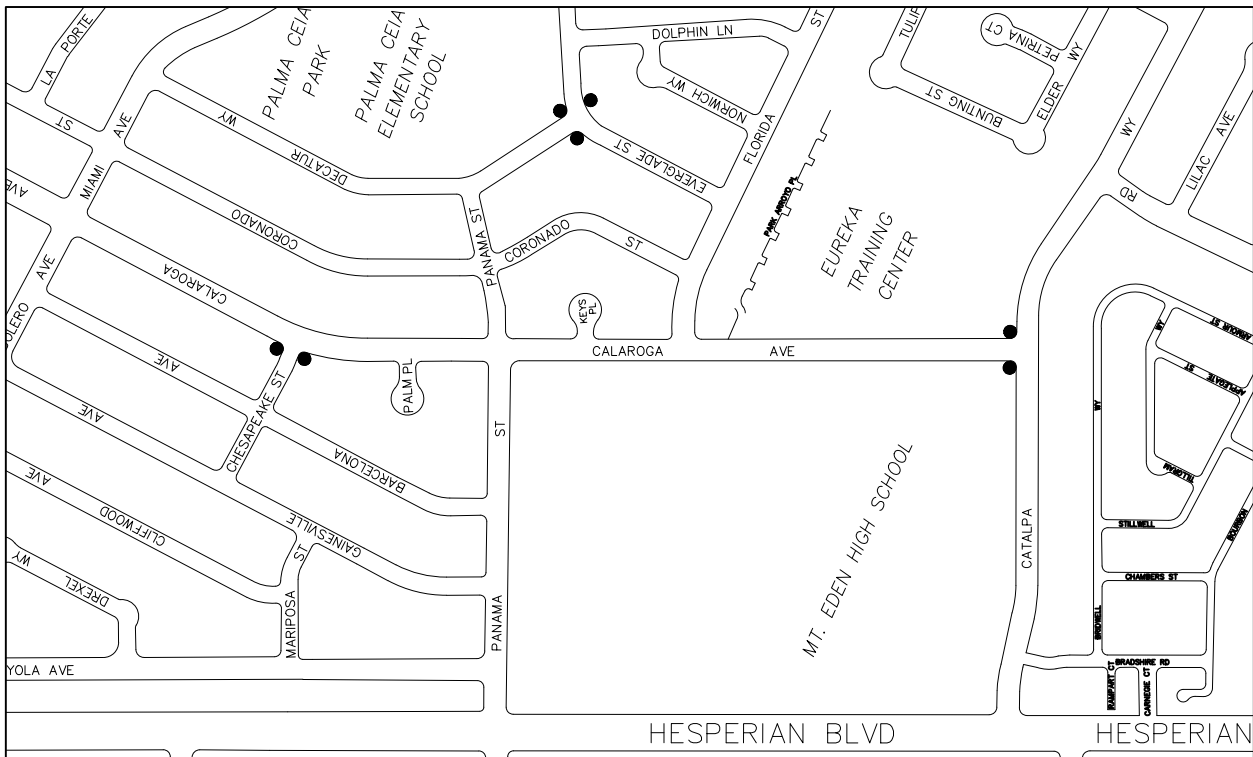
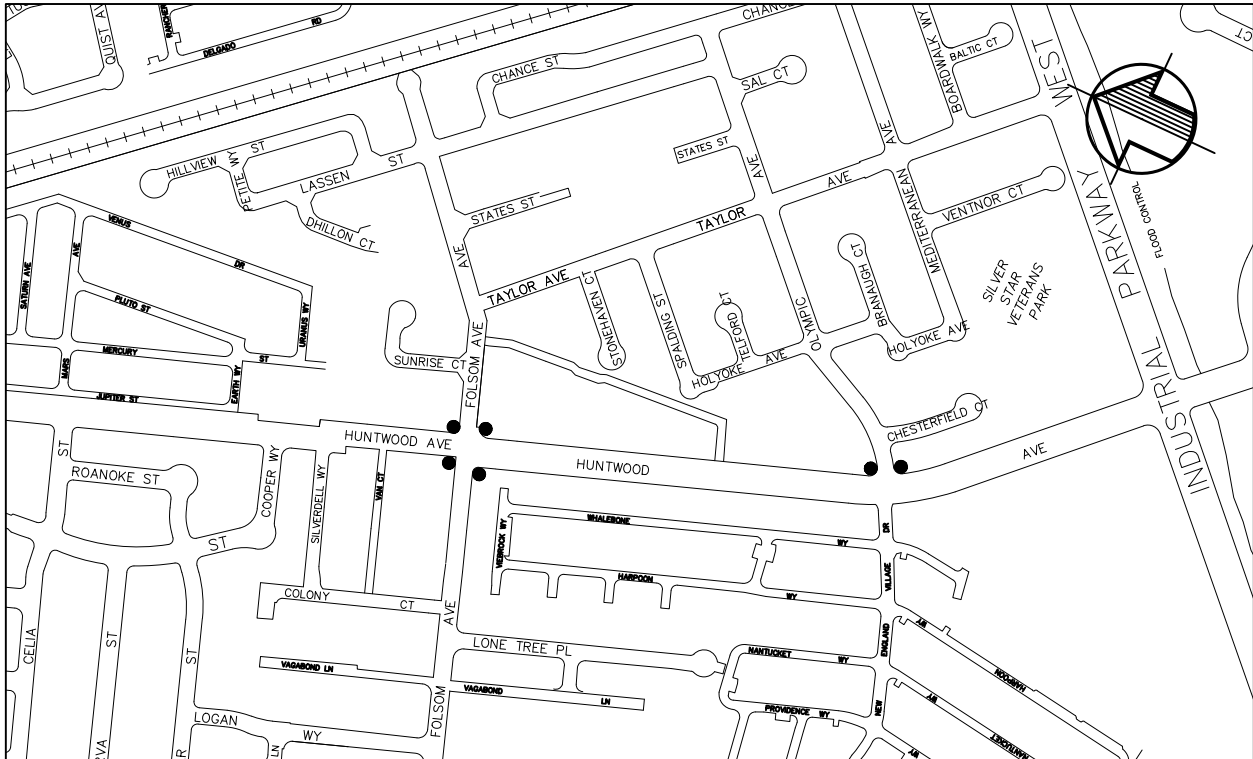
ADA COMPLIANT ACCESSIBLE CURB RAMPS LOCATION MAP

DISTRICT NO. 8



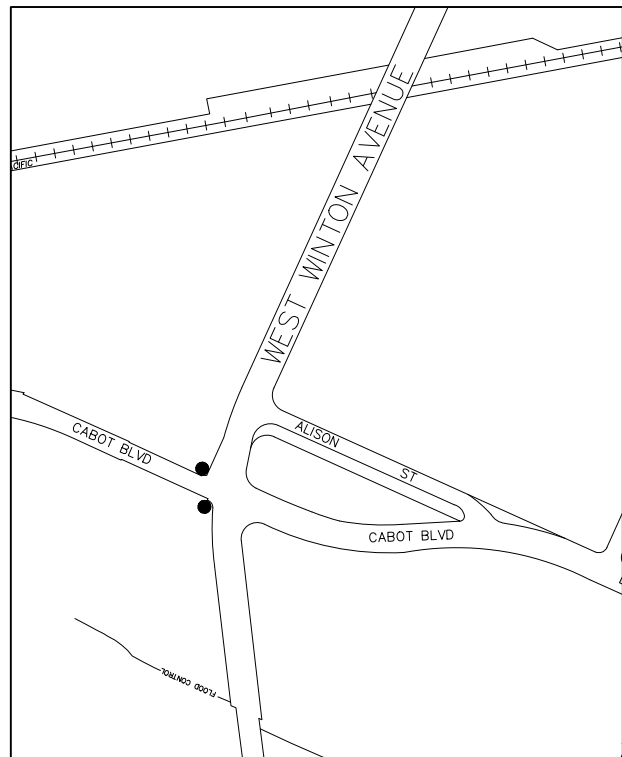
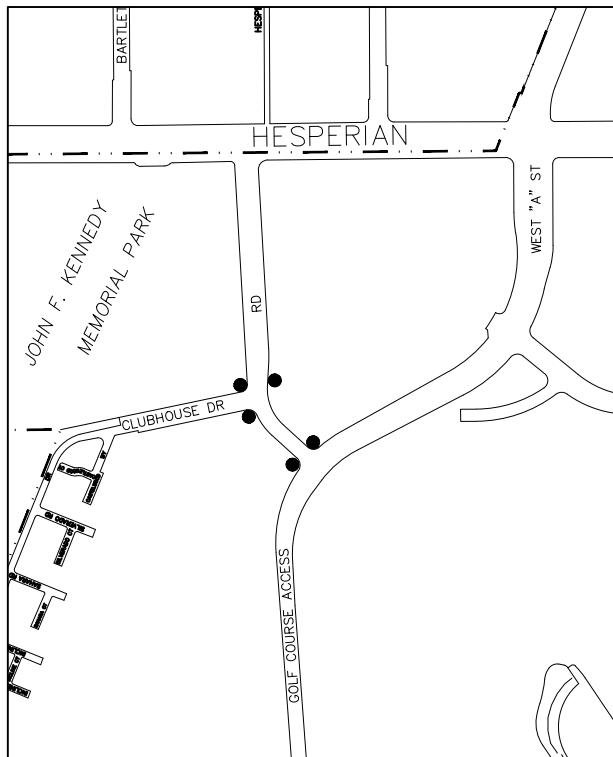
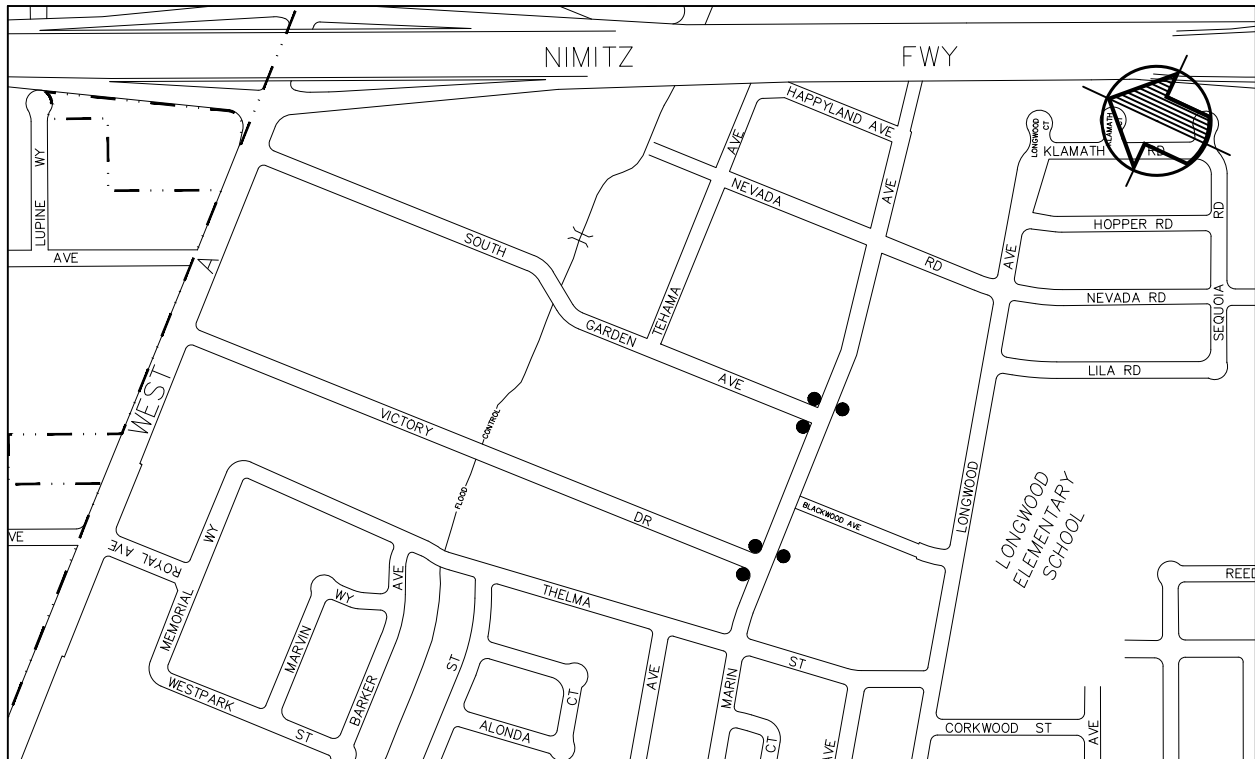
ADA COMPLIANT ACCESSIBLE CURB RAMPS LOCATION MAP

DISTRICT NO. 6



ADA COMPLIANT ACCESSIBLE CURB RAMPS LOCATION MAP

DISTRICT NO. 9



ADA COMPLIANT ACCESSIBLE CURB RAMPS LOCATION MAP



CITY OF HAYWARD

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

File #: WS 19-027

DATE: May 14, 2019

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT

Discussion on the FY 2020 Proposed Operating Budget, the City Issued Debt Annual Report, and Consideration of the Proposed Modifications to the City's "Use of One-Time Revenue for One-Time Expenses" Policy

RECOMMENDATION

That the Council provides direction on the Proposed FY 2020 Operating Budget, receives the City Issued Debt annual report, and considers potential changes to the City's "Use of One-Time Revenue for One-Time Expenses" policy.

SUMMARY

This agenda item continues the Proposed FY 2020 Operating Budget discussion from the Saturday, April 27, 2019 budget work session and staff seeks final direction in preparation for adoption of the FY 2020 Operating Budget scheduled for May 21, 2019. Additionally, staff presents the City issued debt annual report and the proposed modifications to the City's "Use of One-Time Revenue for One-Time Expenses" policy recommended by the Council Budget and Finance Committee for Council consideration.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Debt Summary



DATE: May 14, 2019

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT: Discussion on the FY 2020 Proposed Operating Budget, the City Issued Debt Annual Report and Consideration of the Proposed Modifications to the City's "Use of One-Time Revenue for One-Time Expenses" Policy

RECOMMENDATION

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SUMMARY

This agenda item continues the Proposed FY 2020 Operating Budget discussion from the Saturday, April 27, 2019 budget work session and staff seeks final direction in preparation for adoption of the FY 2020 Operating Budget scheduled for May 21, 2019. Additionally, staff presents the City issued debt annual report and the proposed modifications to the City's "Use of One-Time Revenue for One-Time Expenses" policy recommended by the Council Budget and Finance Committee for Council consideration.

BACKGROUND

The Council Budget and Finance Committee (CBFC) and City Council began holding budget-related meetings in January 2019. On April 27, 2019¹, the Council held a special budget work session to review the FY 2020 Proposed Operating Budget, received department presentations, and considered General Fund expenditure options and the impacts on the General Fund Five Year Plan.

On April 17, 2019, the CBFC discussed the City's policy on "Use of One-Time Revenue for One-Time Expenses"² and proposed modifications for Council consideration, which are outlined in the Discussion Section of this report.

¹ Hayward City Council Budget Work Session - FY 2020 Proposed Operating Budget on Saturday, April 27, 2019

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3926698&GUID=045AF251-8300-455E-9FC8-141DEC5E515A&Options=&Search=>

² Council Budget and Finance Committee meeting held on April 17, 2019

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3920697&GUID=2DADE33D-8FD7-4876-BDA9-81E125CC03D4&Options=&Search=>

On March 20, 2019, the CBFC reviewed the City Issued Debt³ Annual Report. The City of Hayward, like most cities and municipal agencies, incurs and manages debt as part of the normal course of business, leveraging different financing instruments to provide immediate access to funding for significant capital projects, equipment, and other specific projects. City staff prepares informational sections included in the City's annual budget document and the annual financial statements that include sections summarizing the City's debt. This report provides a comprehensive summary of the debt portfolio.

DISCUSSION

This agenda item is Council's second budget work session regarding the City's FY 2020 Operating Budget. During the Saturday, April 27, 2019 budget work session, Council discussed the FY 2020 Proposed Operating Budget, received department presentations, and considered three General Fund expenditure options, along with service-level impacts and fiscal impacts on the General Fund Five Year Plan. The proposed expenditure options are described below and show the FTE requests by department and classifications, along with the fiscal impact of each expenditure request.

OPTION ONE:

Option One includes expenditure increases in the amount of \$4.1 million over what was projected in February 2019. These expenditures include \$2.1 million in personnel related expenses, \$1.3 million in internal service charges, \$650 thousand to fund General Fund CIP projects. Table 1 below illustrates the proposed changes, which includes the addition of 5.0 FTEs in the General Fund.

TABLE 1: OPTION ONE: PROPOSED FTEs BY DEPARTMENT AND CLASSIFICATION

Department - Net Impact	Position	FTE	Position Expense	Expense Offset
Fire - \$55,545	Add Staff Captain	+1.0	\$ 268,461	
	Delete Firefighter	-1.0		\$ (212,916)
City Manager's Office - (\$29,298)	Add Community Program Specialist	+0.5	\$ 76,901	\$ (66,078) *
	Add Senior Secretary	+1.0	\$ 119,807	
	Add Management Fellow	+0.5	\$ 44,821	
	Delete Assistant to the City Manager	-1.0		\$ (204,748)
Development Services - \$38,037	Add Management Analyst	+1.0	\$ 162,915	
	Add Jr. Landscape Architect	+1.0	\$ 165,075	
	Delete Deputy Director of Development Services	-1.0		\$ (245,132)
	Delete Management Fellow	-0.5		\$ (44,821)
Human Resources - (\$543)	Add HR Analyst	+0.5	\$ 81,457	\$ (82,000) *
Library - \$134,487	Add Librarian II (Technology)	+1.0	\$ 134,487	
Maintenance Services - \$0	Add Lead Sweeper Operator	+2.0	\$ 274,228	\$ (166,480)
	Delete Maintenance Worker I	-1.0		\$ (107,748)
Police - \$136,471	Add Records Supervisor	+1.0	\$ 136,471	

*Off-sets result of a reduction in services and supplies budget.

³ Council Budget and Finance Committee meeting held on March 20, 2019

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3892006&GUID=F0699AB1-17E2-44AC-B59B-FA609FB27BCB&Options=&Search=>

OPTION TWO:

Option Two included requests outlined in Option One, plus the following:

1. \$147,836 for a Management Analyst (1.0 FTE) to serve as the Homelessness Services Coordinator within the Community Services Division of the City Manager's Office;
2. \$154,742 for Emergency Services Coordinator (1.0 FTE) in the Fire Department to assist in community and organizational disaster preparedness. At the work session on April 27, 2019, staff noted this request could be reconsidered at mid-year or in FY 2021;
3. \$34,500 for a Senior Secretary (1.0) in the Maintenance Services Department to support the Facilities Division;
4. \$100,000 of additional funding for the Community Agency funding, and
5. \$20,000 of additional funding for temporary staffing at the Library.

OPTION 3:

Option Three included requests outlined in Options One and Two, plus the following:

1. \$236,038 for Groundskeepers (2.0 FTEs) in the Maintenance Services Department for additional litter pick- and assistance with homeless encampments. At the work session on April 27, 2019, staff noted Council's support to add these positions in the Measure C fund.
2. Prepayment of a Lease the City is currently paying over time; early payment would increase the FY 2020 debt service expense by approximately \$530 thousand, but would result in a long-term savings to the City which is estimated at approximately \$197 thousand total, and debt service payments would be reduced by approximately \$73 thousand annually through FY 2030, over the remaining life of the lease.

SUMMARY OF OPTION DISCUSSION:

During the Council discussion of the FY 2020 Proposed Operating Budget and Options at the April 27 work session, Council expressed general support for some, but not all of the proposed positions outlined in the Options above. During that discussion, Council offered feedback on some of the proposed positions and requested additional detail to review before making a final recommendation. Specifically, staff heard, but would like to confirm the following:

1. Council does not currently support the increased budgeted expense of \$154,742 for an Emergency Services Coordinator (1.0 FTE) in the Fire Department at this time: Council discussed potentially postponing this request to midyear FY 2020 or potentially considering it in FY 2021 once the Emergency Services Office in the Fire Department has been functioning again for some time;
2. Council supports the use of Measure C funds to provide the additional budgeted expense of \$236,038 for two Groundskeepers (2.0 FTEs) in the Maintenance Services Department for additional litter pick- and assistance with homeless encampments.

Table 2 below lists the expenditure requests where there was not clear support for or against the request and staff would like to provide additional cost-offset information to Council so that a recommendation supporting or denying these requests can be included as part of the budget adoption process currently scheduled for May 21, 2019. Staff requests direction on the items listed here.

**TABLE 2: SUMMARY OF SPECIFIC PROPOSED GENERAL FUND EXPENDITURES FOR COUNCIL
CONSIDERATION & DIRECTION**

Department	Options	Budget Request	Impact	Off-set to Impact
City Manager's Office	Option 1	Add 1.0 FTE - Senior Secretary	\$ 119,807	\$ (149,105)
	Option 2	Add 1.0 FTE - Management Analyst (Homeless Services Coordinator)	\$ 147,836	
	Option 2	Additional Community Agency Funding	\$ 100,000	
Human Resources	Option 1	Add 0.5 FTE - Human Resources Analyst (0.5 FTE budgeted in Risk Mgmt Fund)	\$ 81,457	\$ (82,000)
Maintenance Services	Option 2	Add 1.0 FTE - Senior Secretary (GF Impact of Facilities ISF Charges)	\$ 34,500	

PROPOSED CHANGES TO THE USE OF ONE-TIME REVENUE POLICY

In the normal course of business, the City receives a variety of one-time funds such as the sale of City owned property, settlements, and various other one-time revenues. The City's Use of One-Time Revenue for One-Time Expenditures policy affirms current financial practices that align one-time resources with one-time (not on-going operational) expenditures. As part of the FY 2020 budget process, the CBFC considered potential modifications to the policy as it relates to appropriation of one-time revenues with a focus on long-term fiscal sustainability.

The Committee recommended that the policy could be modified to provide clear guidelines on appropriating one-time revenues. As a top priority, the Committee highlighted the importance of sustaining a General Fund reserve balance congruent with its policy of *"no less than two months of city operating costs or at least 20% of budgeted General Fund operating expenditures."* Additional priorities included (1) funding the City's unfunded liabilities, (2) capital infrastructure needs, (3) emerging needs, and (4) funding for economic development.

The Committee then developed two options based on General Fund Reserves below and above the 20% reserves policy guidelines. Table 3 and Table 4 summarize the proposed policy modifications:

TABLE 3: GENERAL FUND RESERVES *AT OR ABOVE* 20%

%	PROPOSED DESIGNATION
50%	95% would be allocated to fund the City's unfunded liabilities
	5% would be allocated to build General Fund Reserves
50%	70% would be programmed for capital infrastructure needs
	20% would be appropriated for emerging needs
	10% or up to \$1M would be appropriated for economic development needs

TABLE 4: GENERAL FUND RESERVES *BELOW 20%*

%	PROPOSED DESIGNATION
100%	100% would be used to restore General Fund Reserves until funding levels were at or above the City's policy of <i>"no less than two months of city operating costs or at least 20% of budgeted General Fund operating expenditures"</i>

The CBFC Committee recommends Council consideration of the proposed modification to the "Use of One-Time Revenue for One-Time Expenditures" policy.

ANNUAL REVIEW OF CITY ISSUED DEBT

Annually, City staff presents a review of City issued debt to both the CBFC and full City Council. The City uses debt to finance the cost of capital improvements through various debt instruments (see list below). Debt service payments are generally made on an installment basis, typically annually or semiannually. This document contains debt service information for the General Fund and all other funds, including anticipated debt issuances that will be issued prior to the end of the fiscal year as have been approved by Council during the FY 2019 budget process or separate resolution. Debt service payments of previously issued debt, as well as planned issuances, are budgeted and approved annually by City Council – these obligations are funded through identified tax and/or fee supported revenues that include the General Fund, Enterprise Funds, and Internal Service Funds.

Debt Instruments – The City and Successor Agency of the Hayward Redevelopment Agency currently maintain the following types of debt:

- Certificates of Participation
- Revenue Bonds
- Private Placement Bonds
- California Energy Commission (CEC) Loan
- Lease-Purchase Agreements
- State Water Resources Control Board (SWRCB) Loan
- Special Tax Bonds (CFD only) & Limited Obligation Improvement Bonds (LID only)
- Internal Fund to Fund Loans
- Tax Allocation Bonds (Successor Agency only)

City-Issued Long-Term Debt	Debt as of 6/30/2019
Certificate of Participation	\$ 79,058,939
Revenue Bonds	\$ 4,000,000
Private Placement Bonds	\$ 4,086,667
California Energy Commission (CEC) Loan	\$ 2,584,237
Lease-Purchase Agreements	\$ 2,170,579
State Water Resources Control Board (SWRCB) Loan	\$ 48,502,095
Special Tax Bonds (CFDs only) & Limited Obligation Improvement Bonds (LID only)	\$ 5,851,643
Internal Fund to Fund Loans	\$ 3,167,508
Tax Allocation Bonds (Successor Agency Only)	\$ 37,834,019
Total City-Issued Long-Term Debt	\$ 187,255,688

City-Issued Debt

Attachment II provides a basic summary of the debt the City currently maintains. The City's Comprehensive Financial Report (CAFR) and annual budget document both contain further detail on the various debt issuances with explanations of uses and sources of funds. Hayward is a charter city and, as such, legally does not have a debt limit. A useful tool for comparison to peer agencies who are subject to this limit is to calculate what the legal debt limit and margin would be *if* Hayward were a general law city. This calculation and information are described below.

Legal Debt Limit & Margin

- The legal bonded debt limit for the City is \$3.4 billion. The City does not have any bonded debt that is subject to this limitation – resulting in a legal bonded debt margin of the entire \$3.4 billion. However, if the City's debts were subject to this limit, the City has issued \$90.4 million of outstanding debt, which is approximately \$3.3 billion below the limit.
- The City's projected General Bonded Debt Outstanding as of June 30, 2019 will total \$90.4 million and represents .40% of taxable property value or \$558 per capita.

Debt Limit Computation (projected June 30, 2019) –

Total FY 2019 projected assessed valuation (less exemptions)	\$ 22,385,452,432
Debt limit (15% of assessed value)	\$ 3,357,817,865
Amount of legal debt applicable to the debt limit	\$ 90,350,182
<u>Legal debt margin (if Hayward were a general law city)</u>	<u>\$ 3,357,817,865</u>
Amount above or (below) Legal Debt Margin	(\$ 3,267,467,682)

New Debt

While the City acted as a conduit on issuing debt for other agencies, it has not authorized or issued new debt of its own in FY 2019.

Credit Ratings

Credit ratings are opinions about credit risk; they are published by a rating agency that has analyzed the City's ability and willingness to meet its financial obligations in accordance with the terms of the debt obligations. Credit ratings have a significant impact on the interest rate the City will pay when issuing debt. In May 2018, Moody's Investor Service issued a rating of AA- assigning a negative outlook primarily attributed to the City's large and growing pension related liabilities and future projected pension cost increases in coming year. Many agencies across the state and country have experienced similar rating actions. Prior to the May 2018 rating, Fitch Ratings issued an AA rating for the Certifications of Participation (COPs) (Capital Projects).

ECONOMIC IMPACT

There is no economic impact associated with this report as it is informational only.

FISCAL IMPACT

The fiscal impacts of the information presented above is dependent on the elements of the proposed options which Council selects for inclusion in the Adopted FY 2020 Operating Budget. A more defined impact will be included in the staff report for the public hearing on the FY 2020 Operating Budget at the regularly scheduled City Council meeting on May 21, 2019.

STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not relate to any Council's Strategic Initiatives.

SUSTAINABILITY FEATURES

There are no sustainability features associated with this report as it is informational only.

PUBLIC CONTACT

The agenda for this item was posted in compliance with the California Brown Act.

NEXT STEPS

The Public Hearing and Adoption of the FY 2020 Operating and CIP Budgets are scheduled for May 21, 2019.

Prepared by: Nicole Gonzales, Budget Officer
Dustin Claussen, Director of Finance

Recommended by: Dustin Claussen, Director of Finance

Approved by:



Kelly McAdoo, City Manager

[illegible]



CITY OF HAYWARD

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

File #: WS 19-031

DATE: May 14, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Recommended FY 2020 and FY 2021 Water and Sewer Rates and Connection Fees

RECOMMENDATION

That Council reviews and provides feedback on this report and the changes to fees being considered.

SUMMARY

Staff has prepared cost of service analyses for providing water and sewer service to Hayward residents and businesses in order to calculate appropriate water and sewer rates and service charges for FY 2020 and FY 2021. This report provides an overview of cost of service issues, revenue requirements, and recommended FY 2020 and FY 2021 water and sewer service rates. Staff is bringing the proposed rates to Council to obtain Council's comments. After receiving and addressing Council's comments, staff will implement appropriate and necessary public noticing procedures in accordance with state law prior to a public hearing, currently scheduled for July 2, 2019. The approved rate adjustments would take effect on October 1, 2019 and 2020.

The recommended water rate adjustments would include no change to the water usage fee, which pays for the costs associated with water consumption. The proposed bimonthly fee for fixed water service, which is currently \$24 per bimonthly billing period for a typical 5/8" meter, is \$2 more per month in each of the next two years. That would bring the fee for the typical 5/8" meter to \$28 in FY 2020 and \$32 in FY 2021, with similar percentage increases proposed for larger meters. This \$2 per month increase would result in about a 3.1% increase for a single-family home with average water consumption.

Staff is also proposing increases of 4.4% in residential sewer rates in each of the two years, with non-residential increases between 3.1% to 7.3% per year. Commercial customers with very large volumes and/or varying degrees of complexity of the discharge to treat, will see increases between 3.1% to 7.3% per year. These rate adjustments will allow the City to keep pace with the cost of sewer service collection, treatment, and disposal.

Staff has also reviewed water and sewer connection fees, which are fees typically paid at the time a new

development requests water or sewer service. Although increases in both fees are warranted, in the interest of maintaining the economic recovery and fostering business development, staff is not recommending any adjustments in the next two years

ATTACHMENTS

Attachment I Staff Report
Attachment II Water Maintenance & Operations Fund
Attachment III Wastewater Operating Fund



DATE: May 14, 2019

TO: Mayor and City Council

FROM: Director of Public Works

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Staff has also reviewed water and sewer connection fees, which are fees typically paid at the time a new development requests water or sewer service. Although increases in both fees are warranted, in the interest of maintaining the economic recovery and fostering business development, staff is not recommending any adjustments in the next two years.

BACKGROUND

Water rates are established to pay for the costs of purchasing and delivering water to customers and are determined through an assessment of revenue requirements and anticipated water purchase volumes. Bimonthly water bills consist of two parts: 1) the fixed service fee, which pays for services that do not vary with the volume of water purchased, such as meter maintenance and debt service; and 2) the water usage fee, which pays for costs associated with water consumption, such as the purchase of water from SFPUC and energy related expenses. The Council approved water rate adjustments in July 2017 for FY 2018 and FY 2019, which included no changes to the water usage fee, and a modest increase to the fixed service fee. The fixed service fee was last adjusted in October 2018, when the bimonthly fee for a 5/8" meter (the standard size in most single-family residential homes) increased from \$20 to \$24. Similar percent increases were implemented for other meter sizes.

Sewer service charges are established to pay for the cost of collecting, treating, and disposing of wastewater. Rate calculations follow the guidelines developed by the State Water Resources Control Board, to ensure that sufficient revenues are collected to operate and maintain the system, cover all obligations of the Sewer Fund, and that the costs of providing service are equitably distributed among customer classes based on their use of the system. Sewer service charges are billed as standard fixed amounts for residential customers and as a cost per hundred cubic feet (ccf) of water consumed for non-residential customers, based on the strength of the discharged wastewater. The City last adjusted sewer service rates two years ago, which resulted in a 5% increase in residential rates in FY 2018 and FY 2019.

Water and sewer connection fees are paid to connect a new development to the public water and sewer system, and are used to fund improvement and expansion of the water and sewer systems to accommodate the development and to defray the expenses paid by customers over the recent years for development and improvement of the systems. The fees also cover an incremental cost of future expansion and improvements necessary to accommodate new developments. The connection fees are developed using accepted procedures to ensure that costs are allocated fairly to new developments. Water connection fees were last adjusted in October 2015, with the assessment methodology modified to distribute the cost of infrastructure improvements more equitably among new customers and commensurate with demand they place on the water system. Sewer connections fees have not been adjusted since October 2011.

DISCUSSION

Water Rates

Based on anticipated overall costs of providing service during the next two years, staff is recommending water rate adjustments in FY 2020 and FY 2021 that will result in average increases for the majority of customers of about 3.1% in each year. The adjustments are comprised of no increase to the water usage charges, which are based on the quantity of water delivered to the customer as measured by a water meter, and a \$2 per month (\$4 per bimonthly billing period) increase to the fixed service fee paid by typical residential and business customers, which is independent of the consumption.

Factors Considered in Water Rate Analysis

Wholesale Water Purchase Cost

Following a total 37% increase in FY 2016 and FY 2017, the San Francisco Public Utilities Commission (SFPUC), which is the City's sole water supplier, projects that wholesale water rates will stabilize and remain at the current rate of \$4.10 per hundred cubic feet (ccf) for FY 2020 and FY 2021. In addition to payments to the SFPUC, the overall cost of purchasing water also includes a separate annual payment of about \$2.6 million for prepayment of capital debt. This surcharge, which is administered by the Bay Area Water Supply and Conservation Agency (BAWSCA), is payable by wholesale agencies until 2034 and adds over 9% to the wholesale cost.

Water Consumption

Water consumption is a key component of the City's water usage fee calculation and difficult to forecast with certainty, given the impact of unknown and unknowable factors such as weather sources, business activity, and the effect of cost increases on customer's water use. For these reasons, staff has been conservative in estimating future water consumption and is projecting consumption in FY 2020 to remain consistent with estimated FY 2019 annual water usage. It should be noted that, although Hayward customers continue to be among the lowest per-capita water users in the Bay Area, water consumption has increased in FY 2019. This is the case with other agencies as well and is expected when droughts come to an end. Projected consumption for the planning period in its entirety assumes it will remain relatively flat, with small increases on the order of around one percent. Staff believes this is a reasonable assumption even with recent reductions in per-capita consumption. The level of business and residential development projected in the next few years may result in increases in the total volume of water consumed, even though the per-capita consumption will decrease with enhanced conservation.

Operating, Maintenance, and Replacement Costs

While some increases in operating, maintenance and replacement costs are normal and unavoidable, staff has implemented efficiencies to keep expenses as low as possible and additional measures are taken to reduce costs whenever the opportunity arises. At the same time, it is important to ensure that the water system remains robust, well maintained, and capable of delivering water where and when it is needed under normal operating conditions and during emergencies. There is a capital replacement transfer increase of \$820K in FY 2020 and \$400K in FY 2021 to cover recent cost escalations in water infrastructure replacement and renewal.

Proposed Water Rates

Water Service Fees

The fixed bimonthly service fee pays for costs that do not vary with water purchases, such as meter maintenance, customer service, debt service, and the like. Water service fees were last adjusted in October 2017. The current fee for a 5/8" meter, typical of most homes, is \$24 per bimonthly billing period, or \$12 per month. To keep pace with increasing costs, staff recommends adjusting the bimonthly fee to \$28 in FY 2020, with a further increase in FY 2021 to \$32. Similar percentage increases are proposed for larger meters. On average, most residential customers will see around a 3.1% increase in their total water bill. The following table summarizes the current and proposed bimonthly service fees for all meter sizes in use.

Current and Proposed Bimonthly Water Service Fees			
Meter Size	Current Fee	Proposed Fee FY 2020	Proposed Fee FY 2021
5/8" (Low Income)	\$8.40	\$9.80	\$11.20
5/8"	\$24.00	\$28.00	\$32.00
3/4"	\$32.63	\$38.07	\$43.51
1"	\$49.43	\$57.67	\$65.91
1 1/2"	\$108.23	\$126.27	\$144.31
2"	\$190.50	\$222.25	\$254.00
3"	\$480.75	\$560.88	\$641.00
4"	\$952.35	\$1,111.08	\$1,269.80
6"	\$1,680.00	\$1,960.00	\$2,240.00
8"	\$2,325.75	\$2,713.38	\$3,101.00

Hayward has traditionally maintained a low service fee to provide customers with greater control over their water bills. Because the highest portion of the bill is based on water usage, customers can manage their costs through efficient water usage. Even with the proposed adjustments, Hayward's fixed fee is still very low when compared to nearby water agencies, as illustrated in the following table.

Comparison of Current and Proposed Bimonthly Water Service Fees

Agency	Bimonthly Service Fee ($\frac{5}{8}$ " Meter)
Alameda County Water District	\$56.61
East Bay Municipal Utility District	\$52.46
Contra Costa Water District	\$39.85
Dublin San Ramon Services District	\$36.45
Hayward (Proposed FY 2020)	\$28.00
Hayward (Current)	\$24.00

Comparisons with Other Water Agencies

Figure A and Figure B below show how the City's current and proposed water rates compare to other nearby agencies. While this comparison is provided in keeping with a long-standing practice and the Council's desire to know how the City's rates compare with neighboring agencies, some factors should be kept in mind when considering this information. First and foremost, the agencies in "Figure A – Immediate Area Agencies" either use no SFPUC water as part of their water supply (e.g., East Bay Municipal Utility District or SFPUC comprises only a small fraction of their total supply (e.g., Alameda County Water District). Therefore, they are unaffected, or affected to a lesser degree, by the significant wholesale water rate increases that have been and will continue to be implemented by SFPUC.

Immediate Area Water Agencies - Bimonthly Water Bill Comparison

Figure A1

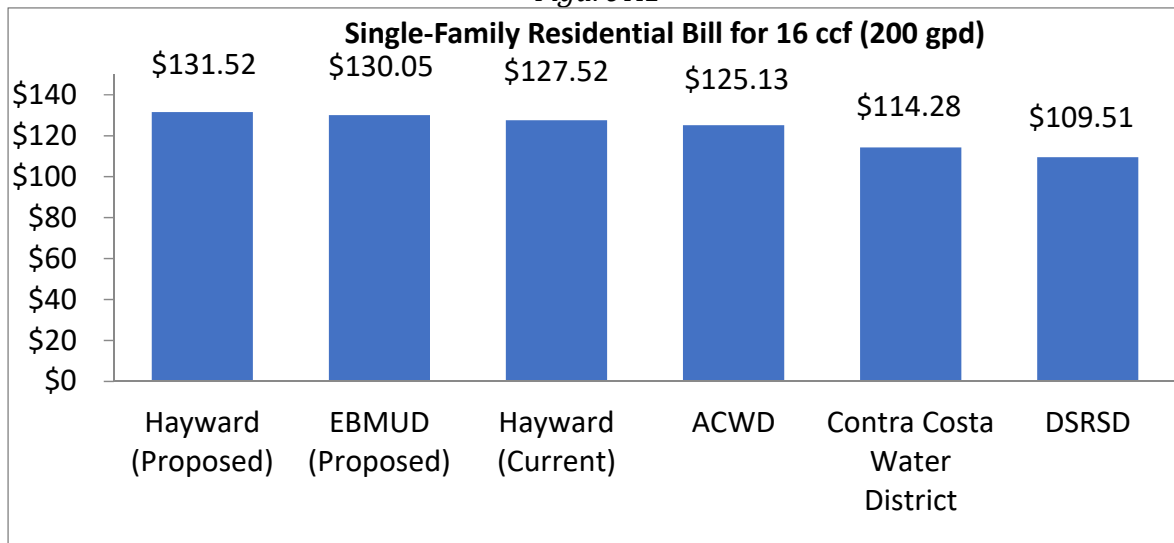
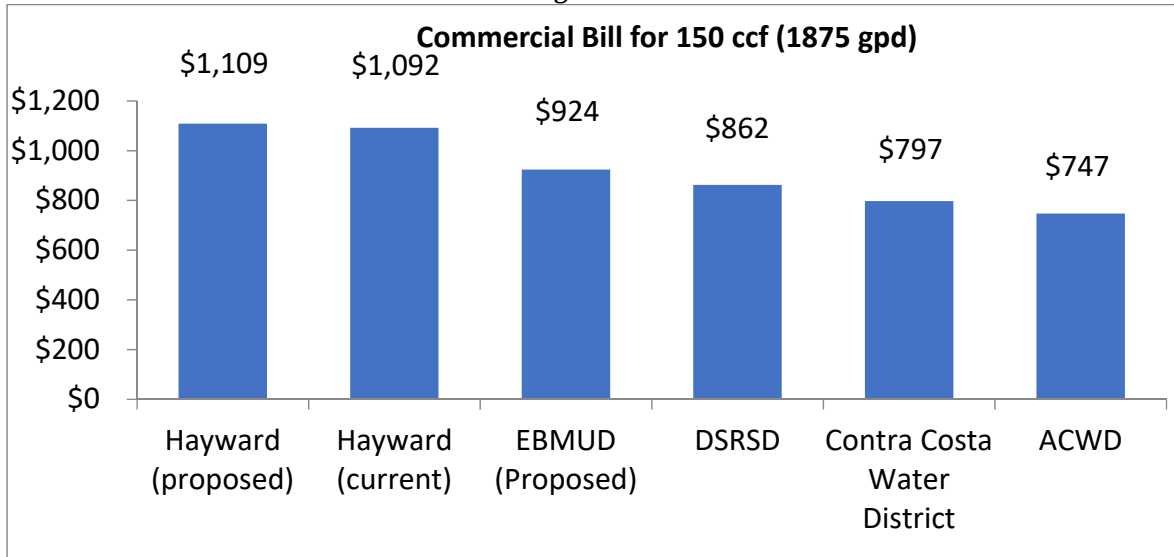


Figure A2



“Figure B – 100% SFPUC Wholesale Agencies” compares the City’s water rates to those agencies with the same water supply conditions. System size also plays a role in rate setting since large agencies benefit from economies of scale. Offering discounts to low income residents, as the City does, which is not common, also affects the rates. Finally, a water agency’s rate should be considered in light of the system’s performance, its operational robustness, and its flexibility to operate in both normal and emergency situations.

100% SFPUC Wholesale Agencies - Bimonthly Water Bill Comparison

Figure B1

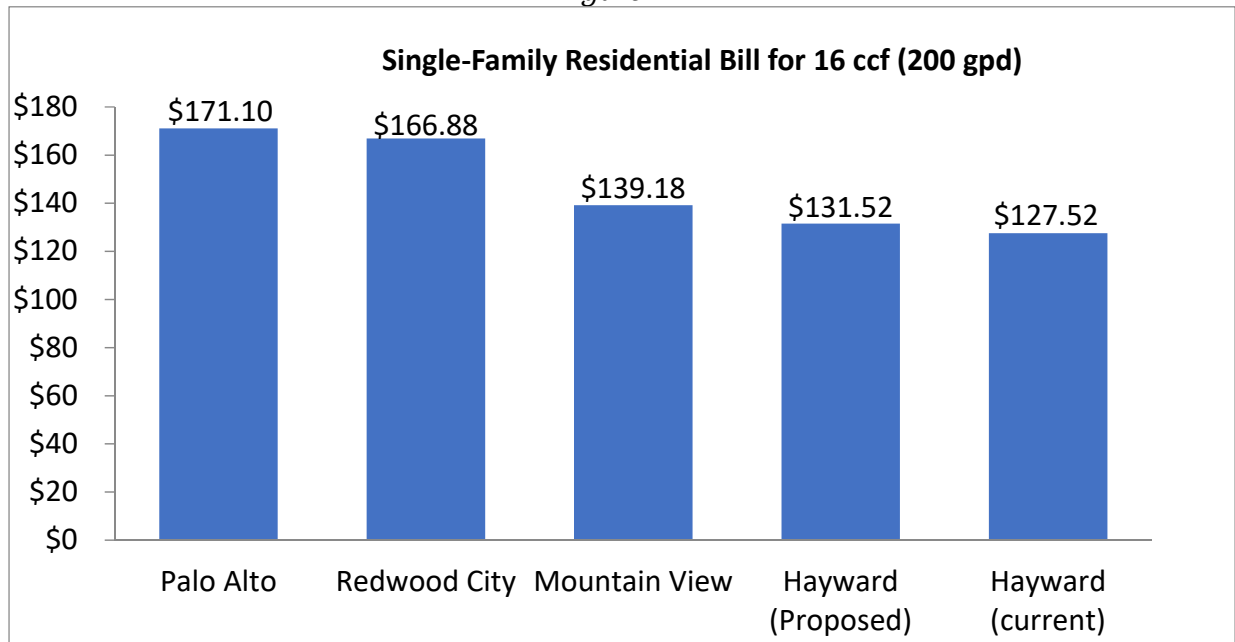
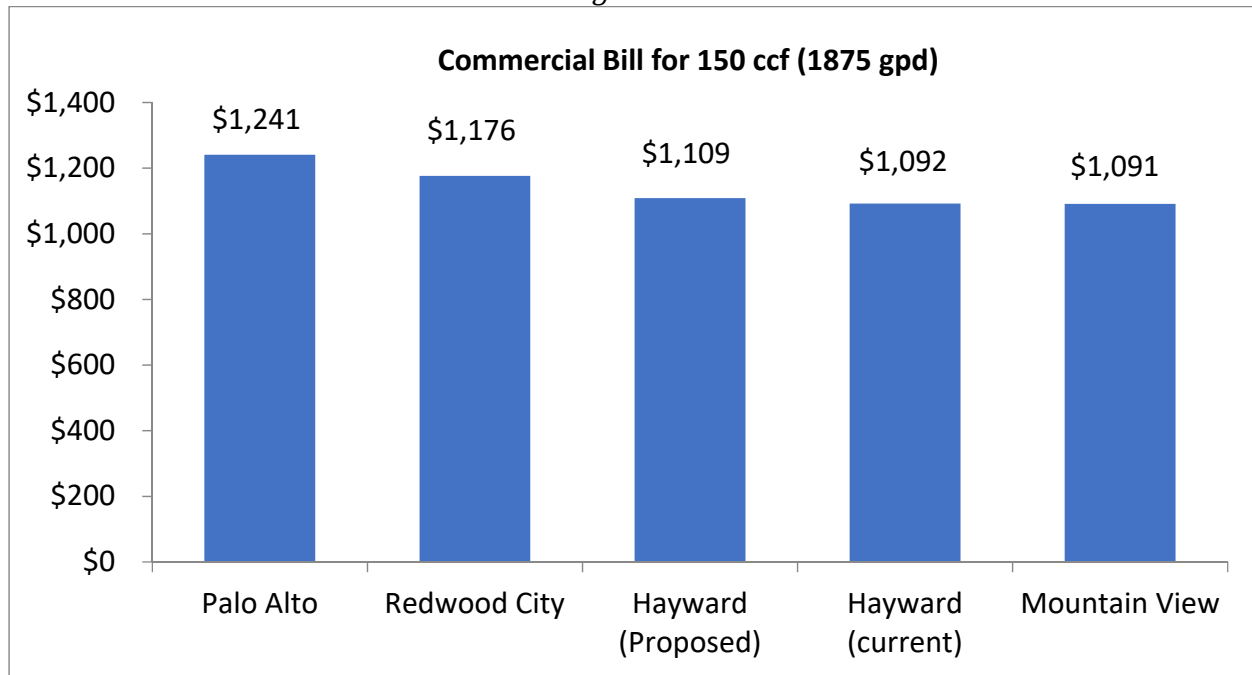


Figure B2



Sewer Service Charge

Staff is recommending increases in residential sewer rates in FY 2020 and FY 2021 of 4.4% in each year. The current monthly charge for a single-family residential property is \$32.85. The proposed increase would bring this charge to \$34.30 in FY 2020 and \$35.81 in FY 2021. The same percent increases are proposed for multi-family and mobile home community customers.

Staff is recommending a reduction of 4.3% in the two lower single-family rates known as economy and lifeline. These two reduced rates encourage water conservation and reward customers who use low amounts of water. The current rates are automatically applied to single-family bills when water usage during a billing period is 0-4 ccf (lifeline) or 5-8 ccf (economy) and are not dependent on the income level of the customer. The current monthly charge for the economy rate is \$18.33 and the lifeline rate is \$9.16. The proposed reduction would bring economy charge to \$17.54 in FY 2020 and \$16.78 in FY 2021 and lifeline charge to \$8.77 in FY 2020 and \$8.39 in FY 2021.

Non-residential customers would see increases over the two-year period between 3.1% to 7.3%, depending on the volume and strength of their wastewater discharge. Staff uses actual and anticipated sampling data to measure the impact of large industrial users and calculates appropriate rates based on their contribution to the wastewater system. Appropriate fees for other business customers, such as restaurants, are based on water consumption and standard waste strengths.

Factors Affecting Sewer Rates

Operating, Maintenance, and Replacement Costs

The sewer service rate adjustments result primarily from the rising cost of providing wastewater collection, treatment, and disposal services. Staff anticipates that the 4.4% increases in each of the next two years for most residential customers and increases between 3.1% to 7.3% each year for non-residential customers, will be sufficient to cover the additional expenses based on estimated costs through FY 2021.

Changes in Industrial Wastewater Discharge

A critical factor that affects sewer rates is ongoing changes in the industrial wastewater strengths and volume. Some industries are discharging less wastewater due to water conservation or making changes to their pretreatment processes, such that the discharged wastewater has less waste strength. Given that most sewer collection and treatment costs are fixed and not affected by flow volume and strength, these changes have the effect of shifting more of the cost to other customers to achieve the overall revenue target.

Proposed Sewer Service Charges

The following table summarizes current and proposed monthly residential sewer service fees.

<i>Residential Monthly Sewer Service Fees (Per Dwelling Unit)</i>					
Customer	Current	Proposed FY 2020	% Change	Proposed FY 2021	% Change
Single Family	\$32.85	\$34.30	4.40%	\$35.81	4.40%
Multi-Family	\$29.24	\$30.53	4.40%	\$31.87	4.40%
Mobile Home	\$22.99	\$24.00	4.40%	\$25.06	4.40%
Economy	\$18.33	\$17.54	-4.31%	\$16.78	-4.31%
Lifeline	\$9.16	\$8.77	-4.30%	\$8.39	-4.30%

The table below summarizes current and proposed non-residential wastewater component costs, as well as examples of impacts on businesses.

<i>Non-Residential Sewer Service Fees</i>					
Customer	Current	Proposed FY 2020	% Change	Proposed FY 2021	% Change
Volume (per ccf of water) Carbonaceous Biochemical	\$2.69187	\$2.88165	7.05%	\$3.08518	7.05%
Oxygen Demand (per pound)	\$0.71758	\$0.71887	0.18%	\$0.72029	0.18%
Suspended Solids (per pound)	\$0.83300	\$0.89564	7.52%	\$0.96338	7.52%

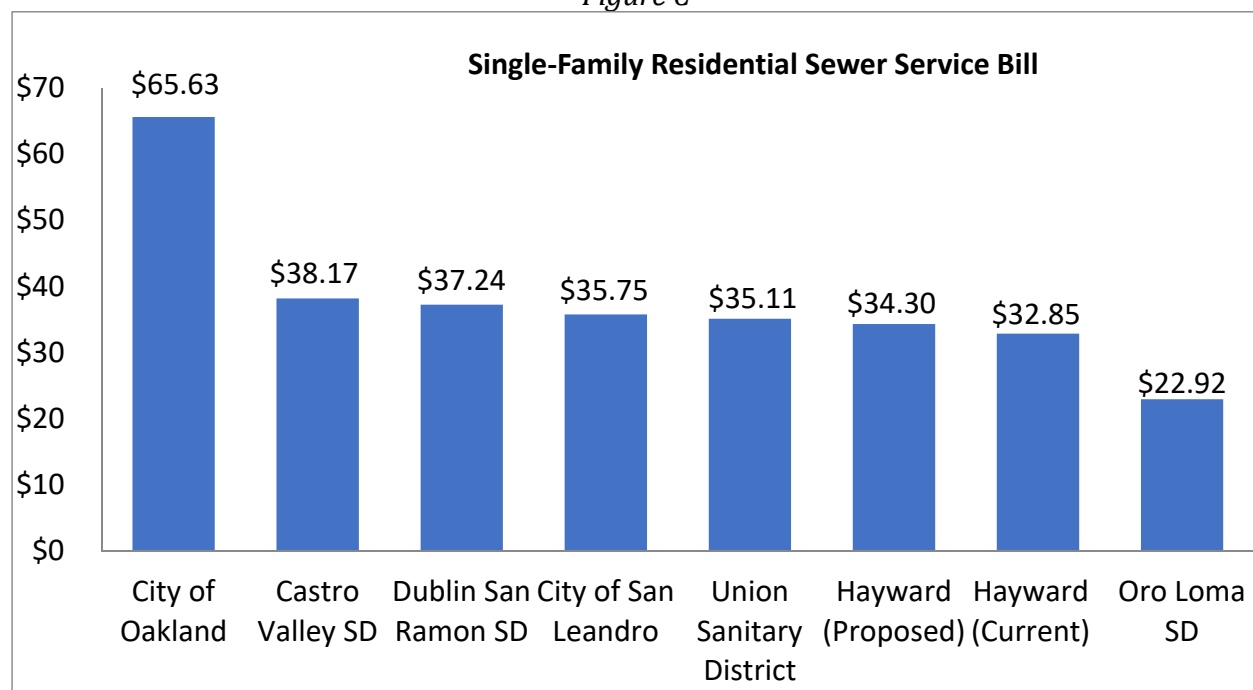
Comparisons with other Wastewater Agencies

As shown in the table and Figure C below, the proposed FY 2020 rates would continue to place Hayward in the low-range compared to other nearby agencies. It must be noted that unlike the overwhelming majority of other sewer agencies, the City not only provides a lower rate for multi-family and mobile home units, but also in effect offers tiered sewer rates to all single-family customers, based on water usage. While we compare the City's standard rate to the other agencies, the overall average payment by all customers in the City is always less than the top rate.

<i>Comparison of Current and Proposed Single-Family Sewer Service Fees</i>	
Agency	Monthly Single-Family Sewer Service Fee
City of Oakland	
Collection (Oakland) – \$40.08	\$65.63
Treatment (EBMUD) – \$25.55	
Castro Valley Sanitary District	\$38.17
City of San Leandro	\$35.75
Union Sanitary District	\$35.11
Dublin San Ramon Services District	\$37.24
City of Hayward (Proposed)	\$34.30
City of Hayward (Current)	\$32.85
Oro Loma Sanitary District*	\$22.92

**Oro Loma SD also receives a lump sum payment from Castro Valley Sanitary District*

Figure C



ECONOMIC IMPACT

The typical single-family resident will see an increase of \$2 per month in water cost and a \$1.45 increase per month in the first year, and \$1.51 increase per month in the second year in sewer cost. This is a total of \$3.45 per month on an average bill of \$100.06 or about 3.45% in the first year and a total of \$3.51 per month on an average bill of \$103.57 or about 3.39% in the second year. Commercial and industrial customers will see modest increases as well. While staff recognizes that any rate increase will affect customers and should be minimized, it is critical that the City maintain reliable and robust utilities systems in the interest of economic viability, quality of life, maintaining public health, and meeting increasingly stringent environmental regulations. Given the significant water conservation that residents and businesses have achieved in Hayward, their water bill may not increase under the new rates.

FISCAL IMPACT

The Water and Wastewater Funds maintain a working capital balance, or fund balance, in order to manage emergencies, maintain positive cash flows, the Fund's credit worthiness and, at times, smooth out needed rate adjustments so that the City is not forced to implement a significant increase in a single year, which can result in customer discontent. It must be noted that the fiscal impacts discussed below are based on current projections and as always are subject to change based on a variety of factors such as consumption trends, new regulations, and future changes in wholesale water rates.

Water Fund

While there is no simple formula that can apply to all water agencies, the City has been advised by various financial consultants in the past that reserves equal to 50% of annual expenditures are appropriate targets for the Water Fund. While this percentage is a good goal, it is not always practical to maintain, particularly when mitigating the long-term effect of significant wholesale water rate increases.

Under current water use projections, the recommended rates are expected to generate about \$52.0 million and \$52.9 million in total revenue in FY 2020 and FY 2021 respectively, including interest and miscellaneous fees, and result in a year-end fund balance of \$21.4 million in FY 2020, a reduction of about \$760,000 from the projected FY 2019 year-end balance. The Water Fund is projecting a \$1.3 million surplus in FY 2019, and a \$761K and \$699K deficit for FY 2020 and FY 2021 respectively, due in large part to the \$1.2 million increase in water purchase budget for the post-drought increase in water consumption that we are currently experiencing and additional transfer of \$820K to capital replacement fund as water system infrastructure deteriorates. Attachment II depicts year-end working capital balances in the recent past and projected through FY 2024.

Wastewater Fund

For the Wastewater Fund, given the stringent current and anticipated regulations and the wastewater treatment plant operation, a more appropriate target is 100% of annual expenditures, a challenging target to meet without significant rate adjustments. Although the current and projected working capital balances do not always meet the targets, staff believes that they are sufficient to maintain reliable utilities operations in the next few years.

The proposed rates are expected to generate about \$22.8 million and \$23.8 million, including interest and miscellaneous fees, in FY 2020 and FY 2021 respectively. Staff anticipates a \$2.2 million contribution to working capital in FY 2020, with an ending fund balance of \$27 million. Revenues are expected to meet expenditures in FY 2019, ending the year with a fund balance of \$24.8 million. As with the Water Fund, the working capital balance was utilized strategically over the past years to minimize the need for sewer rate adjustments at a time when significant water rate adjustments were anticipated. The ten-year Sewer Fund forecasts indicate that a further 3% rate adjustment will be needed in FY 2022 and then every year thereafter. Based on these projections, the fund would remain in a positive situation. Attachment III illustrates the working capital balances in the recent past projected through FY 2024.

STRATEGIC INITIATIVES

This agenda item 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. Setting water and wastewater service rates at reasonable levels to fund the necessary operations and maintenance allows the City to provide safe and reliable water and wastewater services to ensure communities thrive.

SUSTAINABILITY FEATURES

Water conservation programs, such as the high efficiency fixture replacement and lawn replacement rebate programs, are funded through water rate revenue and provide customers with the tools to assist them in efficiently managing water usage. These, and other conservation programs, will continue to be funded in FY 2020 and FY 2021 (projected annual budget of \$500,000).

The proposed sewer rates will allow the City to continue to operate and maintain the sewer collection system and WPCF in a manner to meet all legal and regulatory requirements to protect public health and the environment. It will also enable the City to continue the operation of the existing green and renewable energy generation systems in sewer utility and their expansion over time.

Environmental Review

The California Environmental Quality Act (CEQA) includes an exemption for revisions to rates and charges that are for the purpose of 1) meeting operating expenses; 2) purchasing or leasing supplies, equipment, and materials; 3) meeting financial reserve requirements; or 4)

obtaining funds for capital projects necessary to maintain services and system reliability within existing service areas. No additional CEQA review is required.

PUBLIC CONTACT

With the Council's concurrence with the proposed rates, staff will implement the legal noticing requirements of Proposition 218, which mandates written notice of the proposed rates to all affected property owners at least forty-five days in advance of the public hearing, currently scheduled for July 2, 2019. In instances where a party other than the property owner is the account holder of record, notice will also be sent to that party. The notice describes the proposed increases and lists current and proposed rates. The notice will also discuss the property owners' right to protest the rates. Council may not take action on the rates if a majority of affected property owners file written protests. Staff will also post the information on the City's website and publish the required notice in the newspaper.

NEXT STEPS

Council is scheduled to consider the rate adjustments and hold a public hearing at its July 2, 2019 meeting. If adopted, the rate adjustments would be effective on October 1, 2019 and October 1, 2020. Council has traditionally used October 1 as an effective date, rather than July 1 when the wholesale rate adjustment takes effect, in order to avoid increasing rates during the time that water use is highest.

Prepared by: Elli Lo, Management Analyst

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'Kelly McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager

Water Maintenance & Operations Fund 605

	FY 2018 Actual	FY 2019 Adjusted	FY 2019 Est. Actual	FY 2020 Proposed	FY 2021 Projected	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected
Beginning Fund Balance	17,066,501	20,854,774	20,854,774	22,189,235	21,428,100	20,728,800	22,034,800	22,346,400
Program Revenues								
Water Sales	45,301,698	43,100,000	45,000,000	45,000,000	45,000,000	47,025,000	49,140,000	51,950,000
Service Charges	6,399,928	5,800,000	6,000,000	6,480,000	6,998,000	7,560,000	8,160,000	8,200,000
Installation Fees	393,998	250,000	250,000	250,000	250,000	250,000	250,000	300,000
Other Revenues	739,547	200,000	500,000	200,000	200,000	200,000	200,000	200,000
Interest	96,739	105,000	175,000	105,000	444,000	415,000	441,000	447,000
Transfers In	405,593	397,341	397,341	396,941	398,300	397,500	398,500	399,300
Total Revenues	53,337,503	49,852,341	52,322,341	52,431,941	53,290,300	55,847,500	58,589,500	61,496,300
Expenditures								
Personnel	7,446,011	8,337,121	8,337,122	8,179,351	8,465,500	8,888,800	9,288,900	9,706,800
Non-Personnel	5,301,124	5,659,612	5,657,773	5,850,753	5,468,820	5,553,890	5,645,360	5,738,530
Water Purchases	32,316,131	30,800,000	32,300,000	33,500,000	33,500,000	33,500,000	36,700,000	39,400,000
Transfers Out	4,485,964	4,692,985	4,692,985	5,662,985	6,555,300	6,598,800	6,643,600	6,689,700
Total Expenditures	49,549,230	49,489,718	50,987,880	53,193,089	53,989,620	54,541,490	58,277,860	61,535,030
Annual Surplus/(Shortfall)	3,788,273	362,623	1,334,461	(761,148)	(699,320)	1,306,010	311,640	(38,730)
Ending Fund Balance	20,854,774	21,217,397	22,189,235	21,428,087	20,728,800	22,034,800	22,346,400	22,307,700

Wastewater Operating Fund 610

	FY 2018 Actual	FY 2019 Revised	FY 2019 Est. Actual	FY 2020 Proposed	FY 2021 Projected	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected
Beginning Fund Balance	18,217,896	22,283,005	22,283,005	24,802,330	26,983,999	30,080,900	31,742,600	33,580,700
Program Revenues								
Sewer Service Charges	22,441,737	21,200,000	22,000,000	22,600,000	23,600,000	24,300,000	25,000,000	25,700,000
Sewer Connection Fees	3,179,420	0	0	0	0	0	0	0
Other Revenues	31,776	96,000	150,000	96,000	96,000	96,000	96,000	96,000
Interest	116,038	66,000	150,000	66,000	135,000	150,000	159,000	168,000
Transfers In	1,730,354	1,583,463	1,583,463	1,583,464	1,583,500	1,583,500	1,583,500	1,363,800
Total Revenues	27,499,325	22,945,463	23,883,463	24,345,464	25,414,500	26,129,500	26,838,500	27,327,800
Expenditures								
Personnel	7,355,052	9,187,582	8,350,000	8,438,587	8,739,200	9,183,700	9,603,700	10,042,600
Non-Personnel	7,746,043	7,485,849	7,485,949	7,512,019	7,333,379	9,014,057	9,092,661	8,952,944
Transfers Out	8,333,122	5,528,189	5,528,189	6,213,189	6,245,000	6,270,000	6,304,000	6,331,000
Total Expenditures	23,434,217	22,201,620	21,364,138	22,163,795	22,317,579	24,467,757	25,000,361	25,326,544
Annual Surplus/(Shortfall)	4,065,109	743,843	2,519,325	2,181,669	3,096,921	1,661,743	1,838,139	2,001,256
Ending Fund Balance	22,283,005	23,026,848	24,802,330	26,983,999	30,080,900	31,742,600	33,580,700	35,582,000



CITY OF HAYWARD

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

File #: WS 19-035

DATE: May 14, 2019

TO: Mayor and City Council

FROM: Public Works Director

SUBJECT

Recommended FY 2020 and FY 2021 Recycled Water Rates and Connection Fees

RECOMMENDATION

That Council receives this report and provides comments.

SUMMARY

The City is implementing Phase I of the Recycled Water Project, which will provide a locally sustainable and drought-proof supply of recycled water to customers for irrigation and industrial uses. Recycled water deliveries to customers are anticipated to begin in March 2020. Therefore, a recycled water rate structure needs to be established and included in the Master Fee Schedule for Fiscal Year 2020.

Staff has prepared a cost of service analysis for providing recycled water service to calculate appropriate rates and charges for FY 2020 and FY 2021. This report provides an overview of cost of service issues, revenue requirements, and a recommended recycled water service rate. The recommended recycled water rate structure would include a uniform volume charge of \$5.16 per hundred cubic feet (CCF), which pays for the costs associated with recycled water production and deliveries, and a fixed bimonthly water service fee for recycled water, which is proposed to be the same rate as the water service fee for potable water. Staff is proposing the same rate for FY 2020 and FY 2021. The recommended recycled water commodity rate at \$5.16 per CCF is 25.8% lower than the current potable water rate at \$6.95 per CCF for the first 200 CCF of usage. The proposed recycled water rate structure is anticipated to result in an annual cost savings for Phase I customers ranging from 17% to 36%, or an average savings of approximately 30% for all Phase I customers.

Due to the lack of sufficient data to calculate a supportable recycled water connection fee, at this time, staff is proposing to use the same connection fee that is charged for potable water connections for new Hayward water customers who will be connecting to the recycled water system. Further analysis will be conducted as the system comes online and begins deliveries of recycled water.

ATTACHMENTS

File #: WS 19-035

Attachment I
Attachment II

Staff Report
Recycled Water Maintenance & Operation Fund



DATE: May 14, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Recommended FY 2020 and FY 2021 Recycled Water Rates and Connection Fees

RECOMMENDATION

That Council receives this report and provides comments.

SUMMARY

The City is implementing Phase I of the Recycled Water Project, which will provide a locally sustainable and drought-proof supply of recycled water to customers for irrigation and industrial uses. Recycled water deliveries to customers are anticipated to begin in March 2020. Therefore, a recycled water rate structure needs to be established and included in the Master Fee Schedule for Fiscal Year 2020.

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Due to the lack of sufficient data to calculate a supportable recycled water connection fee, at this time, staff is proposing to use the same connection fee that is charged for potable water connections for new Hayward water customers who will be connecting to the recycled water system. Further analysis will be conducted as the system comes online and begins deliveries of recycled water.

BACKGROUND

The City is implementing the Recycled Water Project to deliver disinfected tertiary treated recycled water for irrigation and industrial uses. The use of recycled water will reduce the demand for potable water and improve the reliability and availability of potable water, while providing a sustainable and drought-resistant water supply for customers that connect to the recycled water system. Customers include parks, schools, businesses, and industrial parks within a three-mile radius of the Water Pollution Control Facility (WPCF). Recycled water deliveries to customers are anticipated to begin in March 2020.

Recycled water rates are established to pay for the costs of treatment and delivery of recycled water to customers and are determined through an assessment of revenue requirements and anticipated recycled water purchase volumes. The proposed bimonthly recycled water bills would consist of two parts: 1) the fixed service fee, which pays for services that do not vary with the volume of recycled water purchased, such as meter maintenance; and 2) the recycled water usage fee, which pays for costs associated with water consumption, such as the pipeline maintenance and energy related expenses.

Connection fees are fees paid by those wishing to connect a new development to the recycled water system to pay for improvement and expansion of the recycled water systems to accommodate the development. Existing water customers that will be converted to recycled water for irrigation needs would not be required to pay a connection fee since a potable water connection fee was paid in their initial water set up. The City intends to develop a Recycled Water Master Plan to guide implementation of future phases. Once the costs of expanding the use of recycled water are better known, connection fees may be adjusted appropriately.

In order to meet the requirements of Proposition 218, a Recycled Water Enterprise Fund would be established and operated as separate enterprise to ensure that revenues are commensurate with the costs of operating the Recycled Water Program. Revenue and expenses for delivering recycled water will be tracked separately from water and sewer transactions.

DISCUSSION

Staff recommends a rate structure that offers an incentive to recycled water customers while adequately recovering costs over the life of the project. In general, the cost of service analysis considered the following principles for developing potable water rates.

Factors Considered in Recycled Water Rate Analysis

Operating, Maintenance, and Replacement Costs

The operating, maintenance and replacement costs ensure the recycled water system remains robust, well maintained, and capable of delivering recycled water where and when it is needed under normal operating conditions. Treatment, storage, and pump station and pipeline operation and maintenance costs were developed by staff. Capital replacement costs

allow the renewal of infrastructure as it reaches the end of its useful life. The total annual operating cost is estimated at \$654,000.

Debt Service

The City executed a financing agreement with the State Water Resources Control Board in the form of a low-interest Clean Water State Revolving Fund loan. The debt service cost incorporated into the FY 2020 and 2021 rate calculation is an average of the first two years of principal and interest payments. The total annual debt service cost is estimated at \$759,000, which is the average of the first year of \$639,068 and second year at \$824,771. Going forward, staff will utilize the actual annual debt service cost.

Transfer from Water Fund

Recycled water use delays the increasing costs of water and wastewater by improving water supply reliability, conserving potable water supplies, and reducing wastewater discharges to the environment. Staff recommends a \$600,000 water operating fund transfer to offset the recycled water expenditures as a result of the potential savings and benefits of recycled water use.

Recycled Water Consumption

Staff has developed demand projections for the quantity of recycled water to be delivered to customers. However, like potable water consumption, it is difficult to estimate recycled water usage since consumption, especially irrigation demand, varies based on climate conditions and other factors. Staff's best estimate is that the project will deliver about 260,000 gallons per day (gpd), or nearly 126,900 hundred cubic feet (CCF) per year.

Summary of Revenue Requirements

The following table summarizes the revenue requirements to be recovered from recycled water customers. At this time, staff recommends that 100% of the costs be allocated to the volumetric rate, because of the low number of meters, allocating a portion of the costs to the fixed rate results in a disproportionately high service fee.

Description	Amount
Employee Services, Maintenance and Supplies	\$ 312,600
Capital Replacement	\$ 182,800
Debt Service ⁽¹⁾	\$ 758,900
Total Operating Costs	\$1,254,300
Transfer from Water Operating Fund	(\$ 600,000)
Recycled Water Revenue Requirement	\$ 654,300

⁽¹⁾ Average of first two years of repayment

Proposed Recycled Water Rates

Recycled Water Service Fees

The fixed bimonthly service fee pays for costs that do not vary with recycled water consumption, such as on-going fixed costs like customer billing. Staff is proposing to charge the same meter fees as potable water. The following table summarizes the proposed bimonthly service fees for all meter sizes in use.

Proposed Bimonthly Water Service Fees

Meter Size	Proposed Fee FY 2020	Proposed Fee FY 2021
5/8"	\$28.00	\$32.00
3/4"	\$38.07	\$43.51
1"	\$57.67	\$65.91
1 1/2"	\$126.27	\$144.31
2"	\$222.25	\$254.00
3"	\$560.88	\$641.00
4"	\$1,111.08	\$1,269.80
6"	\$1,960.00	\$2,240.00
8"	\$2,713.38	\$3,101.00

Recycled Water Usage Rate

Staff is proposing a uniform tier commodity rate at \$5.16 per CCF in FY 2020 and FY 2021, which would yield revenues of about \$654,000 annually. The recommended recycled water commodity rate at \$5.16 per CCF is 25.8% lower than the current potable water rate at \$6.95 per CCF for the first 200 CCF and 37.8% lower than potable water rate at \$8.29 for over 200 CCF. The following table summarizes usage rate difference between non-residential and the proposed recycled water rate.

Usage Rate Difference

Current Non-Residential Rate (\$/CCF)	Proposed Recycled Water Rate (\$/CCF)	% Difference
\$6.95 (1-200 CCF)		25.8%
\$8.29 (200+ CCF)	\$5.16	37.8%

Recycled Water Connection Fee

At this time, the vast majority of recycled water customers are existing water customers who are being retrofitted to use recycled water at no upfront cost to the customer. There may be a handful of new customers who will be required to connect to the recycled water system as required by the City's Recycled Water Use Ordinance. Due to the lack of sufficient data to calculate a supportable recycled water connection fee, staff is proposing to use the same connection fee for potable water for the minimal number of new recycled water customers. Appropriate connection fees will be calculated after development of Recycled Water Master Plan.

Comparisons with Other Water Agencies

Figure A1 and A2 below show how Hayward's proposed recycled water usage rate compares to other nearby agencies. The proposed FY 2020 and FY 2021 rates would place Hayward in the mid to high-range of reduction from non-residential potable usage rate at 26% for the first 200 CCF and at 38% for over 200 CCF. Other nearby agencies reduction differences range from 0% to 45%, with an average reduction of 22%. It must be noted that most of the compared agencies charge the same fixed bimonthly service fee as potable water.

Usage Rate Difference between Potable and Recycled Water
Figure A1

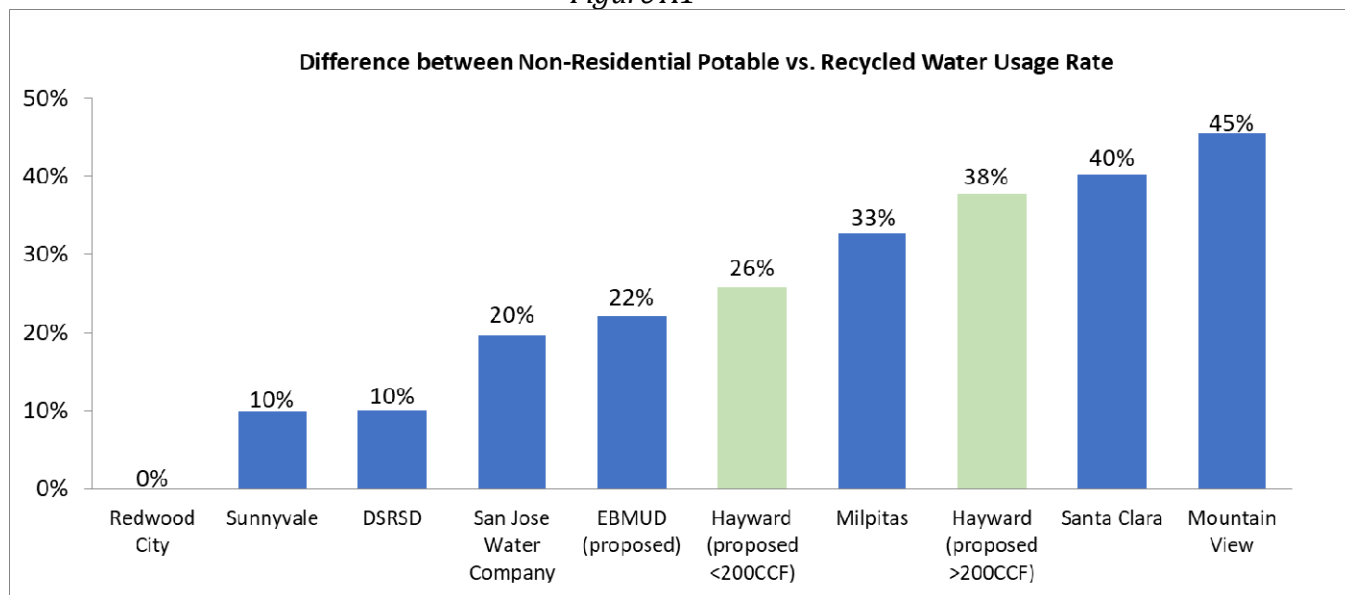
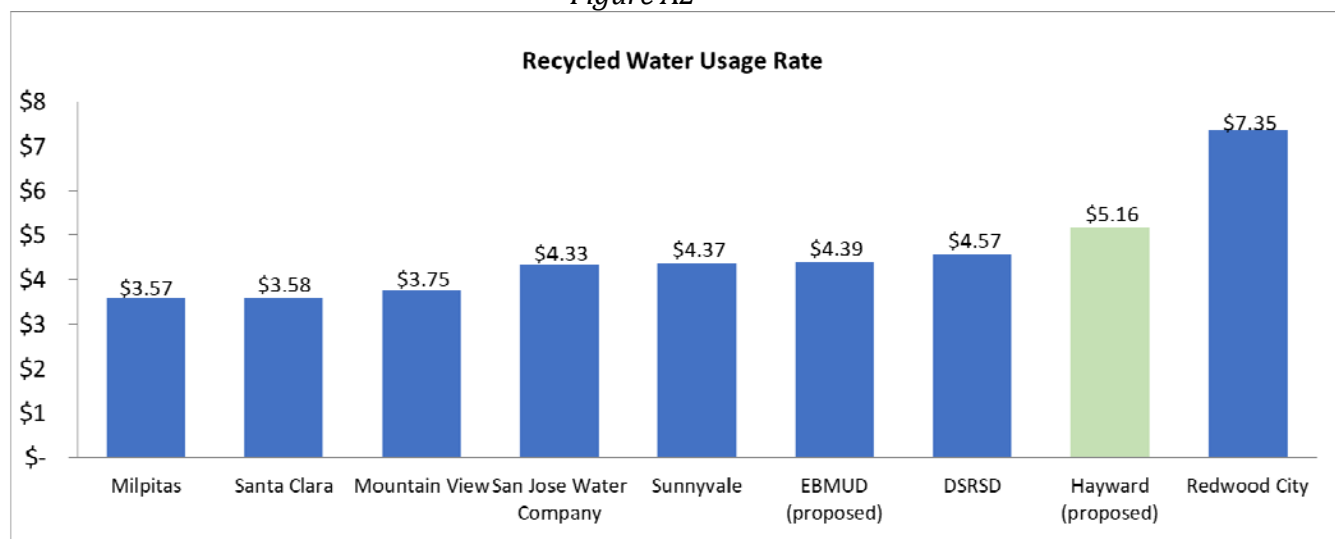


Figure A2



ECONOMIC IMPACT

The recommended recycled water commodity rate at \$5.16 per CCF is 25.8% lower than the current potable water rate at \$6.95 per CCF for the first 200 CCF, and 37.8% lower than potable water rate at \$8.29 for over 200 CCF. The proposed recycled water rate structure is anticipated to result in an annual cost savings for Phase I customers ranging from 17% to 36%, or an average savings of approximately 30%, based on their average irrigation demand.

FISCAL IMPACT

Recycled Water Fund

A Recycled Water Enterprise Fund would be operated as a separate enterprise with its rate structure in FY 2020 Budget. Revenue and expense for delivering recycled water would be tracked separately from water and sewer transactions. While the expenses and revenues in the Recycled Water Fund would be modest initially, they would increase as new customers are added and future project phases are implemented.

The proposed rates are expected to generate about \$179,000 and \$654,000, including service charges, in FY 2020 and FY 2021 respectively. Staff anticipates a \$150,000 transfer from the Water Fund to working capital in FY 2020, and a \$600,000 transfer from the Water Fund in FY 2021, due in large part to the \$693,000 repayment of the low-interest Clean Water State Revolving Fund loan. The Water Fund is projecting a \$196K and a \$65K surplus in FY 2020 and FY 2021, respectively. It must be noted that the fiscal impacts discussed are based on current projections, and as always, are subject to change based on a variety of factors such as consumption trends, new regulations, and future changes in water rates. Attachment II illustrates the working capital balances projected through FY 2024.

STRATEGIC INITIATIVES

This agenda item does not relate to strategic initiatives.

SUSTAINABILITY FEATURES

The use of recycled water will reduce the demand for drinking water and improve the reliability and availability of drinking water, while providing a sustainable and drought-proof water supply for some irrigation uses. It will also reduce the volume of wastewater and associated nutrients and residual pollutants discharged to San Francisco Bay, which is required to meet increasingly stringent discharge regulations.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) includes an exemption for revisions to rates and charges that are for the purpose of: 1) meeting operating expenses; 2) purchasing or leasing supplies, equipment, and materials; 3) meeting financial reserve requirements; or 4) obtaining funds for capital projects necessary to maintain services and system reliability within existing service areas. No additional CEQA review is required.

PUBLIC CONTACT

With the City Council's concurrence with the proposed recycled water rates, staff will implement the legal noticing requirements of Proposition 218, which mandates written notice of the proposed rates to all affected property owners at least forty-five days in advance of the public hearing, currently scheduled for July 2, 2019. In instances where a party other than the property owner is the account holder of record, notice will also be sent to that party. The notice describes the proposed rates. The notice will also discuss the property owners' right to protest the rates. Council may not take action on the rates if a majority of affected property owners file written protests. Staff will also post the information on the City's website and publish the required notice in the newspaper.

NEXT STEPS

Council is scheduled to consider the recycled water rate and hold a public hearing at its July 2 meeting. If adopted, the rates would be effective on October 1, 2019 and October 1, 2020; however, as a practical matter, recycled water rates would be implemented in March 2020.

Prepared by: Elli Lo, Management Analyst
Marilyn Mosher, Senior Management Analyst

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAadoo', written over a horizontal line.

Kelly McAadoo, City Manager

Recycled Water Maintenance & Operations Fund 630

	FY 2018 Actual	FY 2019 Adjusted	FY 2019 Est. Actual	FY 2020 Proposed	FY 2021 Projected	FY 2022 Projected	FY 2023 Projected	FY 2024 Projected
Beginning Fund Balance			0	0	195,800	261,333	221,772	212,649
Program Revenues								
Water Sales	0	0	0	165,000	597,300	639,111	683,849	731,718
Service Charges	0	0	0	14,250	56,700	56,700	56,700	56,700
Installation Fees	0	0	0	0	0	0	0	0
Other Revenues	0	0	0	0	0	0	0	0
Interest	0	0	0	0	0	0	0	0
Transfers In	0	0	0	150,000	600,000	600,000	600,000	600,000
Total Revenues	0	0	0	329,250	1,254,000	1,295,811	1,340,549	1,388,418
Expenditures								
Personnel	0	0	0	126,755	299,299	314,300	328,400	343,200
Non-Personnel	0	0	0	6,700	706,368	838,271	838,471	838,771
Water Purchases	0	0	0	0	0	0	0	0
Transfers Out	0	0	0	0	182,800	182,800	182,800	182,800
Total Expenditures	0	0	0	133,455	1,188,467	1,335,371	1,349,671	1,364,771
Annual Surplus/(Shortfall)	0	0	0	195,795	65,533	(39,560)	(9,123)	23,647
Ending Fund Balance	0	0	0	195,795	261,333	221,772	212,649	236,296



CITY OF HAYWARD

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

File #: PH 19-044

DATE: May 14, 2019

TO: Mayor and City Council

FROM: Deputy City Manager

SUBJECT

Approval of FY 2020 Community Agency Funding Recommendations and FY 2020 Community Development Block Grant Annual Action Plan

RECOMMENDATION

That Council:

1. Affirms the Community Services Commission's FY 2020 community agency funding recommendations as outlined in Attachment II, with final Council authorization of funding allocations for the Social Services and Arts and Music categories made within the context of the Council's FY 2020 budget to be adopted in May 2019;
2. Adopts a resolution (Attachment III) authorizing the City Manager to submit an application for the Community Development Block Grant (CDBG) Program for U.S. Department of Housing and Urban Development (HUD) Program Year 2019, including the City of Hayward Fiscal Year 2020 CDBG Annual Action Plan with the FY 2020 CDBG funding allocations; and
3. Reviews recent projects completed to meet timeliness.

SUMMARY

FY 2020 Community Agency Funding

The total funding available as part of the FY 2020 Community Agency Funding process is \$1,686,847. Listed below is a summary of the funding recommendations.

Table 1: Summary of FY 2020 Recommended Funding (All Sources)

Category	Funding for	Available Funding	Recommended Amount
<i>Competitive Funds Pool</i>			
Infrastructure, Econ Dev, & Public Serv	Community Agencies & City-Operated Programs	\$1,201,710	\$848,551
Arts & Music	Community Agencies	\$86,000	\$86,000
Social Services	Community Agencies	\$399,137	\$399,137
Total CSC Recommendations		\$1,686,847	\$1,343,688
<i>Noncompetitive Funds</i>			
Referral Services	Eden I&R	\$51,813	\$51,813
HUD Required Fair Housing Services	Community Agency	\$25,000	\$25,000
Total Referral & Fair Housing Services		\$76,813	\$76,813

In total, \$873,551 of CDBG funds are recommended in the Infrastructure, Economic Development, Public Services, and Fair Housing categories, and \$536,950 from General Fund is recommended for funding in the Arts & Music, Social Services, and Referral Services categories. Attachment II provides a more detailed summary of the Community Services Commission recommendations by category, agency, program, and funding amounts. The funding recommendations in this report include Council's feedback from the April 2, 2019 Council work session.

In April 2019, the City was notified of its FY 2020 CDBG entitlement in the amount of \$1,502,138. Table 2 provides a summary of all anticipated CDBG resources for FY 2020.

Table 2: Anticipated Resources

Anticipated Resources	Program Year 2019 Funding Amount
Annual Allocation	\$1,502,138
Program Income:	\$188,205
Prior Year Resources	\$515,000
Total:	\$2,205,343

FY 2020 CDBG Annual Action Plan

In the City's draft Annual Action Plan, staff proposes to allocate CDBG funding as follows:

Table 3: Summary Funding by Project Category

1. Administration & Planning	\$300,427
2. Acquisition, Disposition, Clearance & Relocation	\$571,366
3. Economic Development	\$339,999
4. Housing	\$300,000
5. Public Facilities & Infrastructure Improvements	\$440,000

6. Public Services	\$253,551
Total	\$2,205,343

FY 2019 Timeliness Update

The CDBG program annually provides formula entitlement grants to states and local governments with populations greater than 50,000. Annually on May 2, HUD conducts a point-in-time measure to assess an entitlement community's timely use of CDBG funds. To meet this "timeliness ratio," communities must have no more than 1.49 times their current program year entitlement in fund reserves.

In December 2018, staff sought guidance from Council and approval of a contingency plan to re-allocate up to \$1.75M in available CDBG funds to eligible projects. After successfully spending down the City's CDBG fund balance, the City's current timeliness ratio is 1.27, and by the end of the Fiscal Year will be below 1.0. In total across FY 2019, the City of Hayward spent \$4.6M in CDBG funds to create and maintain affordable housing, prevent homelessness, provide services for low-income and individuals and families, improve public facilities, and create economic development opportunities for all.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	CDBG and Social Services Final Funding
Attachment III	Resolution



DATE: May 14, 2019

TO: Mayor and City Council

FROM: Deputy City Manager

SUBJECT: Approval of FY 2020 Community Agency Funding Recommendations and FY 2020 Community Development Block Grant Annual Action Plan

RECOMMENDATION

That Council:

1. Affirms the Community Services Commission's FY 2020 community agency funding recommendations as outlined in Attachment II, with final Council authorization of funding allocations of the Social Services and Arts and Music categories made within the context of the Council's FY 2020 budget to be adopted in May 2019;
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3. Reviews recent projects completed to meet timeliness.

SUMMARY

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The total funding available as part of the FY 2020 Community Agency Funding process is \$1,686,847. Listed below is a summary of the funding recommendations.

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HUD Required Fair Housing Services	Community Agency	\$25,000	\$25,000
Total Referral & Fair Housing Services		\$76,813	\$76,813

In total, \$873,551 of CDBG funds are recommended in the Infrastructure, Economic Development, Public Services, and Fair Housing categories, and \$536,950 from General Fund is recommended for funding in the Arts & Music, Social Services, and Referral Services categories. Attachment II provides a more detailed summary of the Community Services Commission recommendations by category, agency, program, and funding amounts. The funding recommendations in this report include Council's feedback from the April 2, 2019 Council work session.

In April 2019, the City was notified of its FY 2020 CDBG entitlement in the amount of \$1,502,138. Table 2 provides a summary of all anticipated CDBG resources for FY 2020.

Table 2: Anticipated Resources

Anticipated Resources	Program Year 2019 Funding Amount
Annual Allocation	\$1,502,138
Program Income:	\$188,205
Prior Year Resources	\$515,000
Total:	\$2,205,343

FY 2020 CDBG Annual Action Plan

In the City's draft Annual Action Plan, staff proposes to allocate CDBG funding as follows:

Table 3: Summary Funding by Project Category

No.	Project Category	Program Year 2019 Funding Allocation
1.	Administration & Planning	\$300,427
2.	Acquisition, Disposition, Clearance & Relocation	\$571,366
3.	Economic Development	\$339,999
4.	Housing	\$300,000
5.	Public Facilities & Infrastructure Improvements	\$440,000
6.	Public Services	\$253,551
Total		\$2,205,343

FY 2019 Timeliness Update

The CDBG program annually provides formula entitlement grants to states and local governments with populations greater than 50,000. Annually on May 2, HUD conducts a point-in-time measure to assess an entitlement community's timely use of CDBG funds. To meet this "timeliness ratio," communities must have no more than 1.49 times their current program year entitlement in fund reserves.

In December 2018, staff sought guidance from Council and approval of a contingency plan to re-allocate up to \$1.75M in available CDBG funds to eligible projects. After successfully spending down the City's CDBG fund balance, the City's current timeliness ratio is 1.27, and by the end of the Fiscal Year will be below 1.0. In total across FY 2019, the City of Hayward spent \$4.6M in CDBG funds to create and maintain affordable housing, prevent homelessness, provide services for low-income and individuals and families, improve public facilities, and create economic development opportunities for all.

BACKGROUND

FY 2020 Community Agency Funding

Annually, the City funds approximately \$1.5 million in social programs that serve the most vulnerable populations within the City through a combination of federally awarded CDBG funds and allocations from the City's General Fund. As the advisory body to the Hayward City Council on community service issues, the Community Services Commissions (CSC) makes recommendations to Council regarding the distribution of CDBG and General Fund social services.

The Fiscal Year 2020 Community Agency Funding process was initiated on September 28, 2018, when the Notice of Funding Availability was published. In October 2018, the City posted the application for funding and hosted a public Bidder's Conference to provide information about the application process. In total, 35 applications totaling \$1,799,981 were received and considered for the Fiscal Year 2020 Community Agency Funding process.

The CSC reviewed all eligible applications across three Application Review Committees (ARCs) which were held over two Saturdays in January and February. The CSC discussed funding recommendations at open meetings held on February 20, 2019 and March 20, 2019. From February 20, 2019 through March 20, 2019, the Public Comment period for the recommendations in all categories were in effect. During the public comment period, eight agency representatives submitted statements of thanks, and two agency representatives requested additional information about the funding process.

On Wednesday, March 20, 2019, the Community Services Commission held a public meeting in which the Commission voted to approve the FY 2020 funding recommendations. On Tuesday, April 2, 2019, Council held a work session to discuss the preliminary FY 2020 funding recommendations set forth by the Community Services Commission.

Additional background information on the Community Agency Funding process can be found online from the April 2, 2019 Council meeting.¹

FY 2020 CDBG Annual Action Plan

The CDBG program annually provides formula “entitlement” grants to states and local governments with populations greater than 50,000, including Hayward. As part of administering the CDBG program, the City must complete a five-year planning document, the Consolidated Plan, and for each year of this plan, must create an Annual Action Plan.

Action Plans provide a concise summary of the actions, activities, and federal resources that will be used to address the priority needs and specific goals identified in the five-year Consolidated Plan. Formula funding is provided annually upon HUD’s approval of Council’s CDBG allocations, which form the substantive portion of the City’s Annual Action Plan. The CDBG funded activities that are allocated through the Community Agency Funding Process are outlined as a portion of the Annual Action Plan.

FY 2019 Timeliness Update

Annually on May 2, HUD conducts a point-in-time measure to assess an entitlement community’s timely use of CDBG funds. To meet this “timeliness ratio,” communities must have no more than 1.49 times their current program year entitlement in fund reserves.

In December 2018, with a timeliness ratio of over 3.5, staff sought guidance from Council and approval of a contingency plan to re-allocate up to \$1.75M in available CDBG funds to eligible projects in order to reach timeliness. Under Council direction, several projects were funded, bringing the City’s current timeliness ratio down to 1.27.

Additional background information on timeliness can be found online from the December 18, 2018² City Council meeting.

DISCUSSION

The City is designated as a HUD CDBG Entitlement Jurisdiction; therefore, on an annual basis, administers CDBG funds from HUD. CDBG Entitlement funding is a formula determined by Congressional budget appropriation to HUD and is calculated according to each Entitlement jurisdiction’s population size and poverty level, which are derived from the most recent

¹ **April 2, 2019 Hayward City Council Meeting,**

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3906527&GUID=D2128B57-CE33-4736-A0F5-D14A618BE0B7&Options=&Search=>

² **December 18, 2018 Hayward City Council Meeting:**

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3784503&GUID=EB7476E1-71C0-4A22-805C-FF6BFFEC3484&Options=&Search=>

Census data. Formula funding is provided annually upon HUD's approval of Council's CDBG allocations, which form the substantive portion of the City's Annual Action Plan³.

FY 2020 Community Agency Funding

While Council discussed the funding recommendations put forth at the April 2, 2019 meeting, there were no directed modifications made to the CSC FY 2020 funding recommendations. To estimate the City's upcoming CDBG entitlement award, staff used past allocations to project the upcoming award. Staff had conservatively estimated the City's FY 2020 entitlement at \$1,200,000 and budgeted accordingly.

In anticipation of receiving a larger entitlement, the CSC recommended that if the City receives an entitlement that exceeds \$1,200,000, available public services funds should be prioritized as follows:

1. 70% of additional funding to Centro Legal de la Raza for legal services related to housing rights for low-income, immigrant communities;
2. 15% of additional funding to the City of Hayward Public Library's Family Education Program for education support services for youth and families; and
3. 15% of additional funding to Abode Services for homeless outreach.

Council supported these recommendations at the April 2, 2019 Work Session. In April 2019, Entitlement awards were announced with the City of Hayward being awarded \$1,502,138 for FY 2020. Therefore, the Community Agency funding updated recommendations are included in Attachment II.

FY 2020 CDBG Annual Action Plan

The City's Annual Action Plan is developed each year in accordance with the housing and community development goals and objectives articulated in the City's five-year HUD-approved Consolidated Plan.

The Annual Action Plan serves the following purposes:

- Identifies projects and activities to receive CDBG funds;
- Serves as an application for HUD funding; and
- Certifies the City's compliance with a variety of federal regulations.

In April 2019, the City was notified of its FY 2020 CDBG entitlement in the amount of \$1,502,138. Table 2 provides a summary of all anticipated resources for FY 2020.

³ City of Hayward's Draft CDBG Annual Action Plan: <https://www.hayward-ca.gov/sites/default/files/documents/fy19-20-cdbg-annual-action-plan.pdf>

Table 4: Anticipated Resources

Anticipated Resources	Program Year 2019 Funding Amount
Annual Allocation	\$1,502,138
Program Income:	\$188,205
Prior Year Resources	\$515,000
Total:	\$2,205,343

For the CDBG program, entitlement cities may allocate funds as follows:

- **Administration:** up to 20% of annual allocation
- **Public Services:** up to 15% of the annual allocation plus program income
- **Infrastructure and Economic Development:** all remaining funds

Staff proposes to allocate funding as follows:

Table 5: Funding by Project Category

No.	Project Category	Program Year 2019 Funding Allocation
<i>Capped Categories (35%)</i>		
1.	Administration & Planning (20%)	\$300,427
2.	Public Services (15%)	\$253,551
<i>Uncapped Categories: Infrastructure and Economic Development (65%)</i>		
3.	Acquisition, Disposition, Clearance & Relocation	\$571,366
4.	Economic Development	\$339,999
5.	Housing	\$300,000
6.	Public Facilities & Infrastructure Improvements	\$440,000
	Total	\$2,205,3334

At the April 2019 Council meeting, Council advised that additional uncapped funds for Infrastructure and Economic Development should be allocated to any remaining projects from the December 2018 Public Hearing. Staff recommends allocating available funds to the following projects:

1. **St. Rose Hospital Foundation Infrastructure and Facility Improvements (\$400,000):** In December 2018, Council approved funding up to \$400,000 in CDBG funds to eligible public facility and infrastructure projects for the St. Rose Hospital. These funds were not awarded in FY 2019 and staff recommends awarding these funds in FY 2020.
2. **Planning costs related the development of affordable housing (\$50,000):** In December 2018, Council approved up to \$380,000 in planning and administration costs associated with the development of affordable housing. Abode Services/Allied Development and EAH Housing were awarded these funds, for a total of \$330,351, leaving \$49,649 available for planning and administrative costs related to the development of other affordable housing projects.

3. **Economic Development Microenterprise Grants (\$75,000):** The Microenterprise Grant program was approved by Council in July 2017 as a two-year pilot program. In FY2018-19, the Economic Development Division successfully awarded 15 small, minority or women owned businesses with \$5,000 grants. This was a successful program and staff recommends awarding \$75,000 to the Economic Development Division to administer this program again.

Staff will further explore using available CDBG funds for the Hayward Housing Navigation Center, including planning costs and acquisition costs. Staff has reserved \$571,366 for Acquisition, Disposition, Clearance, and Relocation projects, including potential projects with the Hayward Housing Navigation Center.

FY 2019 Timeliness Update

Annually on May 2, HUD conducts a point-in-time measure to assess an entitlement community's timely use of CDBG funds. To meet this "timeliness ratio," communities must have no more than 1.49 times their current program year entitlement in fund reserves.

In December 2018, with a timeliness ratio of over 3.5, staff sought guidance from Council and approval of a contingency plan to re-allocate up to \$1.75M in available CDBG funds to eligible projects in order to reach timeliness. Under Council direction, the following are key projects that were funded, bringing the City's current timeliness ratio down to 1.27:

- **Mia's Dream Come True Playground (\$1,096,000):** Mia Vasquez was born with a severe form of Cerebral Palsy. In 2016, Mia's parents approached HARD and the HARD Foundation to consider building an all-inclusive playground for children like Mia to be able to play. The Mia's Dream playground is an all-inclusive playground for children of all abilities to enjoy. Mia's Dream has been master-planned for the Tennyson Park site in the Tennyson Corridor, one of the most disadvantaged areas in Alameda County and a priority of the City Council. The purpose of building the one-acre all-inclusive playground is to provide health, wellness, and safety to 'all' with an emphasis on those with disabilities who lack resources and ability to be mobile, exercise, and play. In FY 2019, the City awarded a total of \$1,096,000 in CDBG funds for development and construction of the Mia's Dream Playground.
- **Matsya Family Villas (\$238,951):** Matsya Family Villas will create 57 apartments for low-income and extremely low-income households. Of these 57 units, 11 will be set-aside for extremely low-income and/or homeless units. In FY 2019, the City awarded a \$238,951 in CDBG funds for clearance and demolition of the site to become Matsya Family Villas.
- **Depot Road Micro Apartments (\$91,400):** The Depot Road Micro Apartments project will create 126 micro apartments for low-income and extremely low-income people with on-site coordination of mental-health, addiction, employment, and other social and support services. To be developed by Abode Services development affiliate

Allied Housing, the project would reserve 31 units for homeless people and 31 for people living with mental-health disabilities. In FY 2019, the City awarded \$91,400 for planning costs related to the development of the Depot Road Micro Apartments.

- **2019 EveryOne Home Point-in-Time Homeless Count (\$28,200):** Every two years, during the last 10 days of January, communities across the country conduct comprehensive counts of the local population experiencing homelessness. The biennial Point-in-Time Count is the only source of nationwide data on sheltered and unsheltered homelessness, and it is required by the U.S. Department of Housing and Urban Development (HUD) of all jurisdictions that are receiving federal funding to provide housing and services for individuals and families experiencing homelessness. The City worked with EveryOne Home to receive a comprehensive report on homelessness in Hayward to better inform our policies and services moving forward. In FY 2019, the City awarded \$28,200 for a comprehensive report from EveryOne Home on the results of the 2019 Point-in-Time Count.

In addition to the above projects approved by Council in December 2018, the City administered CDBG funds for public services, infrastructure improvements, housing rehabilitation, acquisition of real property, and economic development activities. Thus far, through FY 2019, the City spent \$4.6M in CDBG funds to create and maintain affordable housing, prevent homelessness, provide services for low-income and individuals and families, improve public facilities, and create economic development opportunities for all.

FISCAL IMPACT

The total competitive community agency funding availability for FY 2020 is estimated at \$1,686,847, of which \$536,950 is a General Fund appropriation request currently included in the City's FY 2020 Proposed Operating Budget. The remaining \$1,201,710 is the estimated amount available for Infrastructure, Economic Development, and Public Services from the CDBG Entitlement Grant.

STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative and the Tennyson Corridor 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 goals:

Complete Communities:

- Goal 1: Improve the quality of life for residents, business owners, and the community members in all Hayward neighborhoods.
- Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

Tennyson Corridor:

Goal 4: Foster a Cohesive Sense of Place

Goal 5: Increase Community Resiliency

PUBLIC CONTACT

On **September 28, 2018**, a Notice of Funding Availability was published in English and Spanish in the Daily Review newspaper and on the City's website, posted at the Hayward Public Library, and City Hall, and emailed to a number of agencies (currently funded agencies, previously funded agencies, applications from previous years, and all other interested parties on the Community Agency Funding mailing list).

On **October 30, 2018**, application materials were published and readily accessible by logging onto the City Data Services web-based system, or downloadable from the City's website and a public Bidder's Conference was held to provide information about the application process.

The Community Services Commission discussed funding recommendations at open meetings held on **February 20, 2019** and **March 20, 2019**.

From **February 20, 2019 through March 20, 2019**, the Public Comment period for the recommendations in all categories were in effect. During the public comment period, eight agency representatives submitted statements of thanks, and two agency representatives requested additional information about the funding process.

On Wednesday, **March 20, 2019**, the Community Services Commission held a public meeting in which the Commission voted to approve the FY 2020 funding recommendations and present them to the City Council as shown in Attachment II of this report.

On Tuesday, **April 2, 2019**, the Council held a work session to discuss the preliminary FY 2020 funding recommendations set forth by the Community Services Commission.

On Tuesday, **May 14, 2019**, a Public hearing will be held regarding the funding recommendations at the City Council Meeting

NEXT STEPS

Staff recommends that Council:

1. Adopts the attached resolution (Attachment III) authorizing an application for Federal Assistance under the Community Development Block Grant (CDBG Program for HUD Program Year 2019 and approving the City of Hayward Fiscal Year 2020 CDBG Annual Action Plan including the FY 2020 CDBG funding allocations; and

2. Affirms preliminary funding decisions in the FY 2020 Social Services and Arts and Music categories with final Council authorization of funding allocations in those categories to be made within the context of Council's FY 2020 budget to be adopted in May 2019.

Prepared by: Jessica Lobedan, Management Analyst II
Monica Davis, Community Services Manager

Recommended by: Jennifer Ott, Deputy City Manager

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written over a horizontal line.

Kelly McAdoo, City Manager

Table 1

COMMUNITY SERVICES COMMISSION COMMUNITY AGENCY FUNDING RECOMMENDATIONS FY2020							
SOURCE	CATEGORY	AGENCY NAME	PROJECT	FY2019 FUNDING	FY2020 REQUESTS	FY2020 RECOMMENDATIONS	ADDITIONAL GF FUNDING CONSIDERATION
CDBG	Public Serv - Housing & Homelessness	A-1 Housing	Housing Counseling	\$ -	\$ 65,000	\$ -	\$ -
CDBG	Public Serv - Housing & Homelessness	Abode Services	Homeless Services	\$ 40,000	\$ 51,822	\$ 48,108	\$ -
CDBG	Public Serv - Housing & Homelessness	Centro Legal de la Raza****	Tenants Rights / Housing Counseling	\$ 54,000	\$ 134,128	\$ 82,836	\$ 15,000
CDBG	Public Serv - Housing & Homelessness	CRIL	Housing Counseling	\$ -	\$ 100,704	\$ 20,000	\$ -
CDBG	Public Serv - Housing & Homelessness	BOSS	Homeless Services	\$ -	\$ 38,999	\$ -	\$ -
CDBG	Public Serv - Housing & Homelessness	ECHO	Tenants / Landlord Services	\$ 57,000	\$ 26,000	\$ 25,000	\$ -
CDBG	Public Serv - Youth & Family	COH - Library Family Education Program	Education Services - Afterschool Tutoring	\$ 163,320	\$ 90,040	\$ 77,608	\$ -
CDBG	Econ Dev	4Cs of Alameda County	Microenterprise Childcare Provide Training	\$ 30,000	\$ 30,000	\$ 30,000	\$ -
CDBG	Econ Dev	Downtown Streets, Inc.	Homeless / Job Training	\$ 149,999	\$ 234,999	\$ 234,999	\$ -
CDBG	Infrastructure	La Familia / FESCO Marquis House	Facility Fencing, Exterior Paint and Electrical Upgrades	\$ -	\$ 40,000	\$ 40,000	\$ -
CDBG	Infrastructure	COH - Housing Rehab. Program	Habitat for Humanity HRP & Rebuilding Together HRP	\$ 300,000	\$ 300,000	\$ 300,000	\$ -
			TOTAL FY2020 CDBG RECOMMENDATIONS*	\$ 794,319	\$ 1,111,692	\$ 858,551	\$ 15,000
GF	Arts & Music	Hayward Area Historical Society ***	Hayward Arts and Music Fiscal Sponsor	\$ 8,200	\$ 9,660	\$ 8,600	\$ -
GF	Arts & Music	Hayward Arts Council ***	Art Galleries and Education Program	\$ 16,500	\$ 25,000	\$ 20,000	\$ -
GF	Arts & Music	Hayward Arts Council ***	Hayward Band & Orchestra Festival	\$ 7,550	\$ 7,920	\$ 7,920	\$ -
GF	Arts & Music	Hayward Municipal Band ***	Public Music Performances in HARD Operated Park	\$ 8,850	\$ 18,076	\$ 7,231	\$ -
GF	Arts & Music	Pacific Chamber Symphony ***	Music is Fun! School Based Program	\$ 8,800	\$ 8,800	\$ 8,800	\$ -
GF	Arts & Music	Sun Gallery ***	Art Gallery and Education Program	\$ 28,000	\$ 33,000	\$ 29,654	\$ -
GF	Arts & Music	Youth Orchestra of Southern Alameda County ***	Scholarships for Advanced Instruction for Youth Musicians	\$ 4,100	\$ 3,795	\$ 3,795	\$ -
			TOTAL FY2020 ARTS & MUSIC RECOMMENDATIONS *	\$ 82,000	\$ 106,251	\$ 86,000	\$ -
GF	Services - Food Security	Alameda County Community Food Bank	Food Scholarships for Pantries and Shelters	\$ 40,000	\$ 40,000	\$ 35,000	\$ 4,250
GF	Services - Youth & Family	East Bay Agency for Children (EBAC)	Hayward HUB Family Resource Center Coordination Project	\$ -	\$ 50,000	\$ 30,000	\$ 8,500
GF	Services - Youth & Family	Eden Youth and Family Center	Youth Clubhouse	\$ 20,000	\$ 49,136	\$ 20,000	\$ 8,500
GF	Services - Legal	Family Violence Law Center	Family Violence and Homelessness Prevention Project	\$ 30,000	\$ 60,000	\$ 45,000	\$ 8,500
GF	Services - Housing & Homelessness	HERA	Financial Counseling	\$ -	\$ 15,000	\$ 12,000	\$ 2,550
GF	Services - Youth & Family	Horizon Services, Inc.	School Based Risk Reduction Program for LBGTQ Youth	\$ 15,000	\$ 30,000	\$ 20,000	\$ 4,250
GF	Services - Youth & Family	HUSD Adult School	Raising Leaders Workshop	\$ -	\$ 44,699	\$ 35,000	\$ -
GF	Services - Youth & Family	HUSD Adult School	Youth Enrichment Services (YES)	\$ -	\$ 25,500	\$ 10,000	\$ -
GF	Services - Legal	International Institute of the Bay Area	Legal Services for Immigrants	\$ 10,000	\$ 20,000	\$ 15,000	\$ 4,250
GF	Services - Housing & Homelessness	La Familia / FESCO	Les Marquis House - Shelter Services	\$ 30,000	\$ 50,000	\$ 45,000	\$ 4,250
GF	Services - Legal	Legal Assistance for Seniors (LAS)	Legal Services & Education to Hayward Seniors	\$ 17,000	\$ 20,000	\$ 17,000	\$ -
GF	Services - Housing & Homelessness	New Haven Unified School District	Union City Family Center	\$ -	\$ 30,573	\$ -	\$ 17,000
GF	Services - Housing & Homelessness	Ruby's Place	Shelter and Childrens Program Operations	\$ 30,000	\$ 45,000	\$ 40,000	\$ 4,250
GF	Services - Housing & Homelessness	South Hayward Parish	Case Management Services	\$ 38,000	\$ 38,000	\$ 33,000	\$ 4,250
GF	Services - Food Security	Spectrum Community Services	Meal Program for Seniors	\$ 15,000	\$ 20,250	\$ 15,000	\$ 4,463
GF	Services - Health	Tiburcio Vasquez Health Center, Inc.	CAFÉ	\$ -	\$ 23,880	\$ 12,137	\$ 5,738
GF	Services - Health	Tri-City Health Center	HIV Program - Early Intervention Services	\$ 10,000	\$ 20,000	\$ 15,000	\$ 4,250
			TOTAL FY2020 SOCIAL SERVICES RECOMMENDATIONS *	\$ 255,000	\$ 582,038	\$ 399,137	\$ 85,000
			TOTAL FY2020 ARC RECOMMENDATIONS *	\$ 1,131,319	\$ 1,799,981	\$ 1,343,688	\$ 100,000
GF	Services - Referral **	Eden I&R	211 System	\$ 50,000	\$ 51,813	\$ 51,813	\$ -
CDBG	Admin - Housing & Homelessness **	TBD (RFP pending)	Fair Housing	\$ 57,000	\$ 25,000	\$ 25,000	\$ -
			TOTAL FY2020 OTHER RECOMMENDATIONS *	\$ 107,000	\$ 76,813	\$ 76,813	\$ -
			TOTAL FY2020 RECOMMENDATIONS *	\$ 1,238,319	\$ 1,876,794	\$ 1,420,501	\$ 100,000

* All amounts are preliminary and subject to change. Final award amounts will be authorized by Hayward City Council in May 2019.

** These allocations were reserved from the annual entitlement award amount and therefore were not reviewed by the Community Services Commission during their annual community agency application review process.

*** Agencies are represented by a fiscal administrator

Table 2

COMMUNITY DEVELOPMENT BLOCK GRANT FY 2020 ANNUAL ACTION PLAN FUNDING ALLOCATION	
CDBG PROJECT CATEGORY	FUNDING ALLOCATION
Administration & Planning	\$ 300,427.00
Acquisition, Disposition, Clearance & Relocation	\$ 571,366.00
Economic Development	\$ 339,999.00
Housing	\$ 300,000.00
Public Facilities & Infrastructure Improvements	\$ 440,000.00
Public Services	\$ 253,551.00
Total	\$ 2,205,343.00

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION APPROVING AND APPROPRIATING THE COMMUNITY AGENCY FUNDING RECOMMENDATIONS FOR FISCAL YEAR 2020.

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR FEDERAL ASSISTANCE UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM; APPROVING AND APPROPRIATING THE COMMUNITY AGENCY FUNDING RECOMMENDATIONS FOR FISCAL YEAR 2020.

WHEREAS the Housing and Community Development Act of 1974 makes funds available to qualified cities for certain community development activities, and the City of Hayward is qualified to receive certain funds pursuant to said act; and

WHEREAS the City Council has considered public testimony and the CDBG Program recommendations prepared by staff and the Community Services Commission, a copy of which is attached and hereby referred to for further particulars; and

WHEREAS the Council has considered the environmental impact of the program and hereby finds and determines that the program is composed of projects that are categorically excluded from the National Environmental Protection Act or will be subject to later environmental review and finds and determines that the activities funded by the program are either not subject to the California Environmental Quality Act or will be subject to later environmental review;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby approves the Community Development Block Grant Program and authorizes the City Manager on behalf of the City of Hayward to execute and submit the required applications and all implementing documents in connection therewith.

BE IT FURTHER RESOLVED that the City Council of Hayward hereby approves and appropriates the Community Agency Funding recommendations for Fiscal Year 2020 as shown in Exhibit A, in a total amount not to exceed \$1,520,501 which is incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Council of Hayward hereby approves and appropriates the Community Development Block Grant funding allocations recommendations for Fiscal Year 2020 as shown in Exhibit B, in a total amount of \$2,205,343, including \$848,551 in recommended funds as part of the Community Agency Funding Process.

BE IT FURTHER RESOLVED that except as may be otherwise provided, any and all expenditures relating to the objectives described in the Community Agency budget are hereby

approved and authorized and payments therefore may be made by the Director of Finance of the City of Hayward without further action of Council.

IN COUNCIL, HAYWARD, CALIFORNIA_____, 2019.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS: ABSENT:
COUNCIL MEMBERS:

COMMUNITY SERVICES COMMISSION COMMUNITY AGENCY FUNDING RECOMMENDATIONS FY2020							
SOURCE	CATEGORY	AGENCY NAME	PROJECT	FY2019 FUNDING	FY2020 REQUESTS	FY2020 RECOMMENDATIONS	ADDITIONAL FUNDING CONSIDERATION
CDBG	Public Serv - Housing & Homelessness	A-1 Housing	Housing Counseling	\$ -	\$ 65,000	\$ -	\$ -
CDBG	Public Serv - Housing & Homelessness	Abode Services	Homeless Services	\$ 40,000	\$ 51,822	\$ 48,108	\$ -
CDBG	Public Serv - Housing & Homelessness	Centro Legal de la Raza****	Tenants Rights / Housing Counseling	\$ 54,000	\$ 134,128	\$ 82,836	\$ 15,000
CDBG	Public Serv - Housing & Homelessness	CRIL	Housing Counseling	\$ -	\$ 100,704	\$ 20,000	\$ -
CDBG	Public Serv - Housing & Homelessness	BOSS	Homeless Services	\$ -	\$ 38,999	\$ -	\$ -
CDBG	Public Serv - Housing & Homelessness	ECHO	Tenants / Landlord Services	\$ 57,000	\$ 26,000	\$ 25,000	\$ -
CDBG	Public Serv - Youth & Family	COH - Library Family Education Program	Education Services - After-school Tutoring	\$ 163,320	\$ 90,040	\$ 77,608	\$ -
CDBG	Econ Dev	4Cs of Alameda County	Microenterprise Childcare Provide Training	\$ 30,000	\$ 30,000	\$ 30,000	\$ -
CDBG	Econ Dev	Downtown Streets, Inc.	Homeless / Job Training	\$ 149,999	\$ 234,999	\$ 234,999	\$ -
CDBG	Infrastructure	La Familia / FESCO Marquis House	Facility Fencing, Exterior Paint and Electrical Upgrades	\$ -	\$ 40,000	\$ 40,000	\$ -
CDBG	Infrastructure	COH - Housing Rehab. Program	Habitat for Humanity HRP & Rebuilding Together HRP	\$ 300,000	\$ 300,000	\$ 300,000	\$ -
			TOTAL FY2020 CDBG RECOMMENDATIONS*	\$ 794,319	\$ 1,111,692	\$ 858,551	\$ 15,000
GF	Arts & Music	Hayward Area Historical Society ***	Hayward Arts and Music Fiscal Sponsor	\$ 8,200	\$ 9,660	\$ 8,600	\$ -
GF	Arts & Music	Hayward Arts Council ***	Art Galleries and Education Program	\$ 16,500	\$ 25,000	\$ 20,000	\$ -
GF	Arts & Music	Hayward Arts Council ***	Hayward Band & Orchestra Festival	\$ 7,550	\$ 7,920	\$ 7,920	\$ -
GF	Arts & Music	Hayward Municipal Band ***	Public Music Performances in HARD Operated Park	\$ 8,850	\$ 18,076	\$ 7,231	\$ -
GF	Arts & Music	Pacific Chamber Symphony ***	Music is Fun! School Based Program	\$ 8,800	\$ 8,800	\$ 8,800	\$ -
GF	Arts & Music	Sun Gallery ***	Art Gallery and Education Program	\$ 28,000	\$ 33,000	\$ 29,654	\$ -
GF	Arts & Music	Youth Orchestra of Southern Alameda County ***	Scholarships for Advanced Instruction for Youth Musicians	\$ 4,100	\$ 3,795	\$ 3,795	\$ -
			TOTAL FY2020 ARTS & MUSIC RECOMMENDATIONS *	\$ 82,000	\$ 106,251	\$ 86,000	\$ -
GF	Services - Food Security	Alameda County Community Food Bank	Food Scholarships for Pantries and Shelters	\$ 40,000	\$ 40,000	\$ 35,000	\$ 4,250
GF	Services - Youth & Family	East Bay Agency for Children (EBAC)	Hayward HUB Family Resource Center Coordination Project	\$ -	\$ 50,000	\$ 30,000	\$ 8,500
GF	Services - Youth & Family	Eden Youth and Family Center	Youth Clubhouse	\$ 20,000	\$ 49,136	\$ 20,000	\$ 8,500
GF	Services - Legal	Family Violence Law Center	Family Violence and Homelessness Prevention Project	\$ 30,000	\$ 60,000	\$ 45,000	\$ 8,500
GF	Services - Housing & Homelessness	HERA	Financial Counseling	\$ -	\$ 15,000	\$ 12,000	\$ 2,550
GF	Services - Youth & Family	Horizon Services, Inc.	School Based Risk Reduction Program for LBGTQ Youth	\$ 15,000	\$ 30,000	\$ 20,000	\$ 4,250
GF	Services - Youth & Family	HUSD Adult School	Raising Leaders Workshop	\$ -	\$ 44,699	\$ 35,000	\$ -
GF	Services - Youth & Family	HUSD Adult School	Youth Enrichment Services (YES)	\$ -	\$ 25,500	\$ 10,000	\$ -
GF	Services - Legal	International Institute of the Bay Area	Legal Services for Immigrants	\$ 10,000	\$ 20,000	\$ 15,000	\$ 4,250
GF	Services - Housing & Homelessness	La Familia / FESCO	Les Marquis House - Shelter Services	\$ 30,000	\$ 50,000	\$ 45,000	\$ 4,250
GF	Services - Legal	Legal Assistance for Seniors (LAS)	Legal Services & Education to Hayward Seniors	\$ 17,000	\$ 20,000	\$ 17,000	\$ -
GF	Services - Housing & Homelessness	New Haven Unified School District	Union City Family Center	\$ -	\$ 30,573	\$ -	\$ 17,000
GF	Services - Housing & Homelessness	Ruby's Place	Shelter and Childrens Program Operations	\$ 30,000	\$ 45,000	\$ 40,000	\$ 4,250
GF	Services - Housing & Homelessness	South Hayward Parish	Case Management Services	\$ 38,000	\$ 38,000	\$ 33,000	\$ 4,250
GF	Services - Food Security	Spectrum Community Services	Meal Program for Seniors	\$ 15,000	\$ 20,250	\$ 15,000	\$ 4,463
GF	Services - Health	Tiburcio Vasquez Health Center, Inc.	CAFÉ	\$ -	\$ 23,880	\$ 12,137	\$ 5,738
GF	Services - Health	Tri-City Health Center	HIV Program - Early Intervention Services	\$ 10,000	\$ 20,000	\$ 15,000	\$ 4,250
			TOTAL FY2020 SOCIAL SERVICES RECOMMENDATIONS *	\$ 255,000	\$ 582,038	\$ 399,137	\$ 85,000
			TOTAL FY2020 ARC RECOMMENDATIONS *	\$ 1,131,319	\$ 1,799,981	\$ 1,343,688	\$ 100,000
GF	Services - Referral **	Eden I&R	211 System	\$ 50,000	\$ 51,813	\$ 51,813	\$ -
CDBG	Admin - Housing & Homelessness **	TBD (RFP pending)	Fair Housing	\$ 57,000	\$ 25,000	\$ 25,000	\$ -
			TOTAL FY2020 OTHER RECOMMENDATIONS *	\$ 107,000	\$ 76,813	\$ 76,813	\$ -
			TOTAL FY2020 RECOMMENDATIONS *	\$ 1,238,319	\$ 1,876,794	\$ 1,420,501	\$ 100,000

* All amounts are preliminary and subject to change. Final award amounts will be authorized by Hayward City Council in May 2019.

** These allocations were reserved from the annual entitlement award amount and therefore were not reviewed by the Community Services Commission during their annual community agency application review process.

*** Agencies are represented by a fiscal administrator

Exhibit B

COMMUNITY DEVELOPMENT BLOCK GRANT FY 2020 ANNUAL ACTION PLAN FUNDING ALLOCATION	
CDBG PROJECT CATEGORY	FUNDING ALLOCATION
Administration & Planning	\$ 300,427.00
Acquisition, Disposition, Clearance & Relocation	\$ 571,366.00
Economic Development	\$ 339,999.00
Housing	\$ 300,000.00
Public Facilities & Infrastructure Improvements	\$ 440,000.00
Public Services	\$ 253,551.00
Total	\$ 2,205,343.00



CITY OF HAYWARD

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

File #: PH 19-045

DATE: May 14, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Application to Amend Chapter 10, Article 1 (Zoning Ordinance) and Article 2 (Off-Street Parking Regulations) related to the creation of new Industrial District Regulations within the Hayward Municipal Code and the Adoption of Industrial District Design Guidelines

RECOMMENDATION

That the City Council approves the proposed Zoning Map and Text Amendments to Chapter 10, Planning, Zoning and Subdivision, of the Hayward Municipal Code Related to the City's Industrial District Regulations, including the Adoption of new Industrial District Design Guidelines.

SUMMARY

This is a public hearing on the Industrial District Regulations Update involving Zoning Map and Text Amendments (Amendments) to the Hayward Municipal Code (HMC). The proposed Amendments would impact all land with *Industrial Corridor* and *Mixed Industrial* General Plan land use designations, and all properties that are zoned I (Industrial) District.

Proposed Amendments include development of industrial sub-districts with more appropriate land uses and the creation of development standards that are tailored to each sub-districts' purpose, including the establishment of development, design, and performance standards for all industrial development. The Amendments would: bring the City's Industrial District Zoning regulations into conformance with Industrial-related General Plan Goals and Policies to promote well-designed, amenity-rich industrial development for employees and visitors to the area; address and minimize compatibility issues between industrial and adjacent sensitive uses; and encourage establishment and expansion of advanced manufacturing and high employee generating uses and discourage low-employment intensity, high-impact uses.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Ordinance

File #: PH 19-045

Attachment III	Resolution
Attachment IV	Industrial District Design Guidelines
Attachment V	Draft Planning Commission Meeting Minutes April 25, 2019



DATE: May 14, 2019

TO: Mayor and City Council

FROM: Development Services Director

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BACKGROUND

The industrial areas of Hayward encompass approximately 3,200 acres that are primarily located at the western edge of the City as well as scattered sites along Jackson Street and along the Southern Pacific railroad right-of-way that runs in an east-west direction through the City. Approximately 80% of land with an Industrial General Plan land use designation is located within the Industrial District with the remaining 20% of the land area split among Planned

Development District, Air Terminal Districts, Business Park District, and Light Manufacturing District¹.

According to City records, the Industrial District regulations have not been significantly updated since the early 1990s. This “one size fits all” approach to industrial development, established nearly 30 years ago, treats nearly all industrial land in the same way, subject to the same use regulations and development standards regardless of location, context, and surrounding uses.

The Hayward 2040 General Plan² recognizes the *Industrial Technology and Innovation Corridor (Industrial Corridor)* and the *Mixed Industrial* General Plan land use designations as important economic assets that must be protected and enhanced. Adopted in 2014, the General Plan contains goals and policies to support land use changes that will help Hayward expand from a primarily warehousing and manufacturing-based economy to an information, technology, and advanced manufacturing-based economy. The General Plan also includes Implementation Program Land Use (LU-11), which recommends updates to the industrial regulations sometime between 2017-2019, to achieve Industrial-related General Plan goals and policies.

The Economic Development Strategic Plan 2014-2018³ (EDSP) also contains goals related to the Industrial District. These include but are not limited to: IS4.A, to ensure that current zoning allows for desired uses; and IS4.D, to develop preferential zoning areas that support the desired business types, which include advanced manufacturing and research and technology-based uses.

In 2015, the Economic Development Division prepared an Industrial Technology and Innovation Corridor Baseline Profile⁴: to provide a snapshot of industrial businesses located in Hayward; to create a database of major employers and trends; to identify locations of industry clusters; and to determine the most effective and efficient way to implement General Plan and EDSP goals and policies outlined above. Key recommendations from the Baseline Profile included: exploring land use and zoning policies to attract advanced industries; to encourage development and redevelopment of flexible industrial spaces; to develop infrastructure and amenities to attract advanced industries; and, to foster partnerships to grow certain industry sectors.

On April 11, 2017, the City Council adopted Resolution No. 17-037, authorizing the City Manager to execute an agreement with RRM Design Group to prepare a comprehensive update to the City’s Industrial Zoning District regulations⁵. In the summer of 2017, RRM held meetings with City staff and stake holder interviews with industrial brokers, property and

¹ City of Hayward GIS Webmap: <http://webmap.hayward-ca.gov/>

² General Plan Goal 6, Industrial Technology and Innovation Corridor: <https://www.hayward2040generalplan.com/goal/LU6>

³ Economic Development Strategic Plan: https://www.hayward-ca.gov/sites/default/files/documents/Economic_Development_Strategic_Plan.pdf

⁴ Economic Development Baseline Profile: <https://www.hayward-ca.gov/sites/default/files/Industrial%20CorridorBaseline%20Industrial%20Profile.pdf>

⁵ April 11, 2017 City Council Meeting Materials: <https://hayward.legistar.com/LegislationDetail.aspx?ID=3015793&GUID=264231A4-D534-40D4-9A4F-963F450F81CC>

business owners, other jurisdictions, and subject matter experts involved in industrial development. Following this outreach, RRM developed the Industrial District Regulations Update - Research and Recommendations Report⁶. Appendix A to the Report contains a Stakeholder Interview Summary, and Appendix B to the Report contains a Business Survey Report. The Appendices detail specific comments heard during the outreach effort.

In December 2017, the findings and recommendations contained in the Research and Recommendations Report were presented to the Council Economic Development Committee (CEDC). In January 2018, the same materials were presented to the Chamber of Commerce Board of Directors, and at a community meeting which was attended by approximately 60 members of the industrial and surrounding community. Materials from those meetings can be found on the project website⁷.

On October 11, 2018, the Planning Commission⁸ held a Work Session on Draft Regulations and provided comments related to formation of an Assessment or Improvement District to improve connectivity throughout the industrial areas, to provide for flexibility in various service and retail uses such as restaurants, food trucks, and schools, and to include stronger building-related design guidelines. Please see further discussion about Improvement and Assessment District formation in the Staff Analysis section below.

On October 11, 2018, Planning staff presented the Draft Regulations to the Hayward Area Shoreline Planning Agency (HASPA), who recommended: that all circulation planning be coordinated with master planning efforts for parks and the shoreline; that special design emphasis be placed on shoreline building elevations; and that the City explore formation of a Geologic Hazard Abatement District (GHAD) to mitigate future impacts of sea level rise. Please see further discussion about GHAD formation in the Staff Analysis section below.

On December 7, 2018, Planning staff presented the Draft Map and Zoning Text Amendments to the Chamber of Commerce Government Relations Committee (GRC), who recommended: that staff clarify employee amenity requirements; provide hardship waivers to property owners who cannot comply with the new development and design standards; allow childcare facilities and schools in the area to support working parents; limit expansion of big-box retail into industrial areas; and, allow for taller and more intense office development along State Route 92.

On December 18, 2018, the City Council⁹ held a Work Session on the Draft Zoning Map and Text Amendments and generally expressed support for the proposed amendments. The City Council generally favored the comments and recommendations made by the Planning Commission, HASPA, and the Chamber Board. The Council further recommended: more flexibility for renewable energy uses; that staff review definitions of passenger terminal

⁶ Industrial District Regulations Update Research and Recommendations Report: https://www.hayward-ca.gov/sites/default/files/Research%20and%20Recommendations%20Report_final.pdf

⁷ Project Website: <https://www.hayward-ca.gov/content/industrial-district-regulations-update>

⁸ October 11, 2018 Planning Commission Work Session: <https://hayward.legistar.com/LegislationDetail.aspx?ID=3693911&GUID=E20E9518-8F71-480A-B34B-17F6FF46E415&Options=&Search=>

⁹ December 18, 2018 City Council Work Session: <https://hayward.legistar.com/LegislationDetail.aspx?ID=3693911&GUID=E20E9518-8F71-480A-B34B-17F6FF46E415&Options=&Search=>

stations vs. railroad yard to ensure that uses supporting multi-modal transportation be permitted; that kennels be subject to Conditional Use Permit approval in the IL (Light-Industrial) sub-district; that staff explore allowances for higher Floor Area Ratios for office buildings in the Industrial Park sub-district; that bicycle parking standards be added to the section; and, to consider being less permissive for warehouses under 150,000 square feet in size.

On April 12, 2019, notice of this public hearing was mailed out to approximately 13,768 property owners and occupants with the Industrial Corridor and Mixed Industrial General Plan land use designations and interested parties who requested to be notified about the project. The notice was also published in The Daily Review.

On April 25, 2019, the Planning Commission held a duly noticed public hearing and received public testimony from nine public speakers. Speakers raised concerns about their properties or businesses being made non-conforming due to the proposed regulations, concerns about the lack of maintenance along roadways, and appreciation for the performance standards adjacent to residential properties. One developer requested that decision makers reconsider the 10% open space requirement for all new industrial development stating that such a standard would be burdensome for very largescale developments. Following the public hearing, the Commission recommended 6:0:0 that the City Council adopt the proposed regulations subject to the following amendments: that the Design Guidelines be updated to include images for large scale office development, particularly along Route 92; and, that all projects that request an FAR bonus above 0.8 be subject to Major Site Plan Review (Attachment IV).

DISCUSSION

The proposed project would include amendments to the Zoning Map and various sections of the Hayward Municipal Code (HMC), as briefly outlined below. NEW Sections contain entirely new text while REVISED Sections provide updates to existing HMC regulations with new text indicated with underlined font and old text proposed to be deleted in ~~striketrough~~ font.

- REVISED Zoning Map (Attachment II, Exhibit A). The updated Zoning Map would subdivide the existing industrial areas (Industrial District, Light Manufacturing District and Business Park District) into three subdistricts (Limited Industrial, Industrial Park, and General Industrial) to accommodate differences in character and context and to allow establishment of sub-district purposes, uses, and development standards. Generally, 11% of the industrial area would be IL (Limited Industrial) District; 46% would be IP (Industrial Park) District; and 30% would be IG (General Industrial) District. Areas zoned Air Terminal (AT) District and PD (Planned Development) District (total of 54 parcels) would retain their current zoning.
- NEW HMC Section 10-1.1600, Industrial District (Attachment II, Exhibit B). This attachment contains the most substantive modifications to the industrial areas within

the City and would replace the existing HMC Section 10-1.1600, Industrial District¹⁰; HMC Section 10-1.1700 Business Park District¹¹; and HMC Section 10-1.1800, Light Manufacturing District¹². The text within this Attachment would comprise a new HMC Section 10-1.1600. Structured like other zoning district regulations within the HMC, this new section contains purpose, uses, development, supplemental, and performance standards for the Industrial sub-districts. All modifications to this section as a result of comments heard during Planning Commission and City Council Work Sessions are shown in track changes. Generally, changes were related to uses, an allowance for an increased Floor Area Ratio (FAR) for office uses in the IP District provided that development within the Industrial District as a whole does not exceed a district-wide average of 0.8 FAR, outdoor storage provisions were clarified and tiered according to sub-district, among other minor changes. Please see Staff Analysis for further discussion of various recommendations not included in this section.

- NEW Industrial District Design Guidelines (Attachment IV). The Industrial Design Guidelines would provide clear visual and written guidance to developers regarding on site planning, architecture, landscaping, utilitarian equipment, among other areas. The Guidelines would be adopted by Resolution and replace the existing City of Hayward Design Guidelines¹³ sections related to industrial development. Following the Work Sessions, this Attachment was modified to require that dock doors and bays facing the shoreline be hidden or minimized in the Shoreline Development section; and, to add minimum building plane off-sets occurring at minimum intervals in the Building Design, Massing, and Articulation section.
- REVISED HMC Section 10-1.3500, Definitions (Attachment II, Exhibit C). This section contains definitions for uses and other terms utilized throughout the HMC. To the greatest extent possible, industrial uses and definitions were updated for internal consistency with the revised HMC Section 10-1.1600, as well as other districts within the HMC. Minor modifications were made to this Section since the Planning Commission and City Council Work Sessions to ensure consistency with the updated Section 10-1.1600.
- REVISED HMC Section 10-1.2735(j), Small Recycling Collection Facilities (Attachment II, Exhibit D). This sub-section of HMC Section 10-1.2700, General Regulations, contains specific standards and requirements for small recycling facilities that do not exceed 500 square feet. The proposed updates would simplify definitions related to recycling collection facilities and eliminate unnecessary text related to unattended collection boxes.

¹⁰ Current HMC Section 10-1.1600, Industrial District:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.1600INDII

¹¹ Current HMC Section 10-1.1700, Business Park District:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.1700BUPADIBP

¹² Current HMC Section 10-1.1800, Light Manufacturing, Planning/Research and Development District:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.1800LIMAPLREDEDILM

¹³ City of Hayward Design Guidelines: <https://www.hayward-ca.gov/sites/default/files/COH%20Design%20Guidelines.pdf>

- REVISED HMC Section 10-1.1900, Air Terminal Districts (Attachment II, Exhibit E). Updates to this section include updated industrial uses and definitions for internal consistency in the HMC.
- REVISED HMC Section 10-2.350, Wholesale, Manufacturing, Storage, Transportation and Similar Uses (Attachment II, Exhibit F). This section contains modifications to the industrial uses listed in the Off-Street Parking Regulations. This Article is also updated to include a new Section 10-2.408 related to credits for Carsharing Programs.
- NEW HMC Section 10-1.3075, Major Site Plan Review (Attachment II, Exhibit G). Pursuant to updated HMC Section 10-1.1605(B), Major Site Plan Review would be required for industrially-zoned sites of 10 or more acres. Major Site Plan Review is a new entitlement type and follows the structure of other entitlements including purpose, application and submittal requirements, findings, appeals, among others. The Major Site Plan Review process deviates from standard Site Plan Review in that it would require Planning Commission approval of large-scale developments.
- NEW HMC Section 10-1.2735(m), Food Vendor Permit (Attachment II, Exhibit H). The Food Vendor Permit is currently embedded within the existing Industrial District regulations (HMC Section 10-1.1645(k)). This Section would be removed from the Industrial District regulations, and placed in HMC Section 10-1.2700, General Regulations, which contains standards and requirements for uses throughout the City. This modification would allow the HMC to be easily modified in the future to allow Food Vendors outside of industrial sub-districts. Following the Work Sessions, this Section was modified to allow for more than one food vendor to occupy a property subject to approval of a Food Vendor Permit.

Staff Analysis

Staff believes that the City Council can make the findings to support the proposed project including amendments to the Zoning Map and Zoning Ordinance, adoption of new Industrial District Design Guidelines, and related environmental analysis based on the findings set forth in the attached Resolution (Attachment III).

The industrial areas of the City of Hayward encompass approximately 3,200 acres. Approximately 80% of that land is zoned Industrial District with a single purpose and undifferentiated uses and development standards regardless of the current uses or adjacent land use district. The current Industrial District regulations were adopted in 1993, and do not reflect changes in the General Plan, which was adopted in 2014, nor do they recognize current advanced technology uses, prioritize desired uses, or allow supportive commercial and service uses, which are a major factor when companies consider workplace location.

The proposed regulations are designed to strengthen the City's economic and employment base by encouraging advanced manufacturing and other uses that provide high quality employment opportunities for people at all education levels while discouraging space

intensive warehousing uses that provide minimal, lower paying jobs. Although warehousing and logistics is not prioritized in the proposed regulations, it is important to note that such uses are essential to the Hayward industrial economy due to its proximity to the I-880 corridor and the Oakland Airport and Port. Additionally, with the changing nature of retail and growth of e-commerce, demand for distribution facilities in close proximity to urban areas is expected to grow. Therefore, the proposed regulations provide a balanced mix of employee-intensive, high-amenity, productive uses with warehousing and distribution uses by allowing warehousing and distribution activities according to size. Average warehousing operations are generally characterized as those with 50,000 to 150,000 square feet, which would be permitted in all industrial sub-districts subject to Site Plan Review. Facilities over 150,000 square feet, which are considered large, would be subject to Conditional Use Permit approval within the IP and IG sub-districts.

Modifications to the Proposed Regulations following the Planning Commission Public Hearing:

- Per the Commission motion, provisions were added to require Major Site Plan Review for applications requesting the FAR Bonus.
- Per the Commission motion, an exhibit to the Industrial District Design Guidelines was developed to provide examples of high quality, large scale offices.
- In response to public testimony at the Planning Commission public hearing, staff recommends that additional flexibility be added to allow for the deciding authority to reduce the 10% Open Space requirement for all industrial development (Attachment I, Exhibit II, proposed HMC Section 10-1.1605(Q)), upon the finding that the reduction in open space would be off-set by employee or public amenities that enhance the quality of the open space provided. This provision would incentivize developers to provide high quality landscaping and employee amenities in exchange for flexibility on the amount of area that must be set aside for open space.
- Based on recent meetings with business owners who want to locate in the industrial area, staff recommends that General Manufacturing, which includes various Advanced Manufacturing uses, be permitted in the IP (Industrial Park) District. Many start-ups, which use 3D printing and modeling, fall under General Manufacturing. Requiring them to get a CUP would be burdensome and, in some cases, prohibitive. It is essential to note that any use that utilizes hazardous materials in the manufacturing process would be required to get an Administrative or Conditional Use Permit, depending on the chemical inventory submitted with the project description; therefore, any sensitive uses would be adequately screened, reviewed and conditioned appropriately.

Environmental Review

On July 1, 2014, the City Council adopted Resolution No. 14-108, approving the Hayward 2040 General Plan Update and related Program Environmental Impact Report (EIR)¹⁴.

In accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162

¹⁴ Hayward 2040 General Plan Draft and Final EIR: <https://www.hayward-ca.gov/your-government/documents/planning-documents>

calling for preparation of a subsequent EIR have occurred. Under Section 15162, a subsequent EIR need not be prepared unless the lead agency determines one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed regulations would likely result in beneficial impacts such as reduced noise, dust, glare, odors, increased landscape areas that could reduce stormwater and flooding impacts, reduced air quality impacts, and enhanced standards for hazardous materials that could prevent accidents and contamination.

One modification to the proposed zoning standards would increase the allowable Floor Area Ratio (FAR) above the 0.8 FAR limit set forth in the General Plan. Specifically, a higher FAR would be permitted on IP (Industrial Park) District properties for Administrative and Professional Offices and Research and Development where the approving authority finds that the collective FAR across all industrial sub-districts does not exceed 0.8 FAR, thereby ensuring consistency with the General Plan maximum FAR standard. Currently, the FAR across the Industrial General Plan land use designations is 0.36 FAR, which is well below the 0.8 permitted under the General Plan. The proposed FAR bonus would not result in new or unanticipated environmental impacts that were not disclosed in the General Plan Program EIR because the bonus is limited to a specific use within a certain sub-district, which narrows the potential that the area-wide 0.8 FAR would be exceeded for areas with Industrial General Plan land use designations during the life of the General Plan. Further, according to the proposed regulations, each project would be required to go through CEQA specific review, and

staff would be required to monitor area-wide FAR and make a specific finding that the collective FAR across all sub-districts would not exceed 0.8. Otherwise, the bonus would not be permitted.

Based on the draft regulations and the analysis provided in this staff report, no new or unanticipated levels of development are anticipated that were not previously identified in the General Plan and General Plan EIR, and no new or unanticipated traffic, employment density, or construction impacts are expected to be generated as a result of adoption of these regulations. Therefore, the proposed Amendments substantially conform to the Goals and Policies set forth in the General Plan, and that were analyzed in the related Program EIR. No further environmental review is necessary.

ECONOMIC IMPACT

The vacancy rate for the industrial area is hovering around 3.7%, and industrial rents average about \$11.47 per square foot per year, which is a historic high for Hayward. This is despite the fact that the average age of development within the Industrial District is about 40 years old (average building effective year is 1979), where the majority of industrial sites and buildings are low-intensity, concrete tilt-up construction with little to no building articulation and minimal site improvements, landscaping, or frontage improvements. The very low vacancy rate and high rents suggest that the area is poised to transform and redevelop to accommodate the pressure and demand for space throughout the Bay Area, so it is essential the City have appropriate regulations in place to encourage high quality development.

It is conceivable that implementation of some of these recommendations would result in disincentives to locating in Hayward. As noted in the Research and Recommendations Report, stakeholders consider the low cost of doing business, the relatively flexible development standards, and avoidance of a discretionary review process as incentives to locating in Hayward. However, the recommended zoning map amendments and regulations updates are in line with or slightly more flexible than surrounding jurisdictions (see Table 5, Sample Industrial District Standards of Other Bay Area Cities, of the Research and Recommendations Report).

Despite these potential drawbacks, staff believes that implementing the proposed zoning map and text amendments will result in a higher quality development and a more robust mix of advanced and logistics industries with higher sales tax generation and higher employment numbers that will result in beneficial economic impacts for the City. Further, upgrading the physical environment and requiring installation of infrastructure and amenities within the industrial areas will serve to attract other businesses which also lead to positive economic and social impacts. Given the relatively high rents and low industrial inventory, this is a good time to implement new regulations.

FISCAL IMPACT

The costs associated with the Industrial District Regulations Update are included in the Development Service Department FY 2018-2019 operating budget.

STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities Strategic 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 love, work and play for all. This item supports the following goal and objective:

- Goal 3. Develop a Regulatory Toolkit for Policy Makers.
- Objective 3 Update, streamline, and modernize zoning codes.

SUSTAINABILITY FEATURES

The proposed project includes zoning map and text amendments. According to the proposed regulations, all applications for new development or redevelopment of a site would be required to submit a Sustainability Plan that incorporates best practices of sustainability for site specific improvements and business operations. See Attachment I, Exhibit II, proposed HMC Section 10-1.1606(R), for additional information.

PUBLIC CONTACT

Please see the Background Section and the Research and Recommendations Report for a thorough description of outreach efforts to date.

NEXT STEPS

If the City Council approves the findings set forth in the attached resolution and introduces the attached ordinance and this evening, the ordinance with the accompanying resolution will be brought back for adoption at the following Council meeting on May 21, 2019. The zoning map and text amendments will be effective upon adoption.

Prepared by: Leigha Schmidt, Senior Planner

Recommended by: Laura Simpson, Development Services Director

Approved by:



Kelly McAdoo, City Manager

ORDINANCE NO. 19-_____

AN ORDINANCE AMENDING THE ZONING MAP AND CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE) AND ARTICLE 2 (PARKING REGULATIONS) OF THE HAYWARD MUNICIPAL CODE RELATED TO A COMPREHENSIVE UPDATE OF THE INDUSTRIAL DISTRICT REGULATIONS

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

Section 1. Provisions. The City Council incorporates by reference the findings contained in Resolution No. 19-__ approving the Zoning Map and Zoning Text Amendments to the Hayward Municipal Code as detailed in Application No. 201800269.

Section 2. The Zoning Map is hereby amended to rezone properties with an Industrial Corridor and Mixed Industrial General Plan land use designations from Industrial District, Business Park District, Light Manufacturing, Planning/Research and Development District to Limited Industrial District, Industrial Park District and General Industrial District; and, to rezone two parcels (APNs 456-0054-007-05 and 456-0054-005-04) from Industrial District to RS (Single Family Residential District) to match the Low Density Residential General Plan land use designation, as illustrated in the attached Exhibit A, introduced herewith and as specifically shown in this Ordinance.

Section 3. Chapter 10, Planning, Zoning, and Subdivisions of the Hayward Municipal Code, which establishes development standards and regulations for all zoning districts within City boundaries, is hereby amended to add certain text (as indicated by underline) and delete certain provisions (as indicated by strikethrough) in the attached Exhibits B thorough H, related to the following: elimination of Hayward Municipal Code Sections 10-1.1700, Business Park District, and Section 10-1.1800, Light Manufacturing, Planning/Research and Development District and replacement of the existing Section 10-1.1600, Industrial District; and miscellaneous revisions to regulations related to Section 10-1.3500, Definitions; Section 10-1.1900, Air Terminal Districts; Section 10-2.350, Wholesale, Manufacturing, Storage, Transportation and Similar Uses; Section 10-1.2735(j), Small Recycling Collection Facilities; and establishment of new Sections 10-1.27353(m), Food Vendor Permit, and Section 10-1.3075, Major Site Plan Review, introduced herewith and as specifically shown in this Ordinance.

Section 4. Severance. Should any part of this Ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this Ordinance, which shall continue in full force and effect, provided that the remainder of the Ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. Effective Date. In accordance with the provisions of Section 620 of the City Charter, the Ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 14th day of May 2019, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____th day of _____ 2019, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

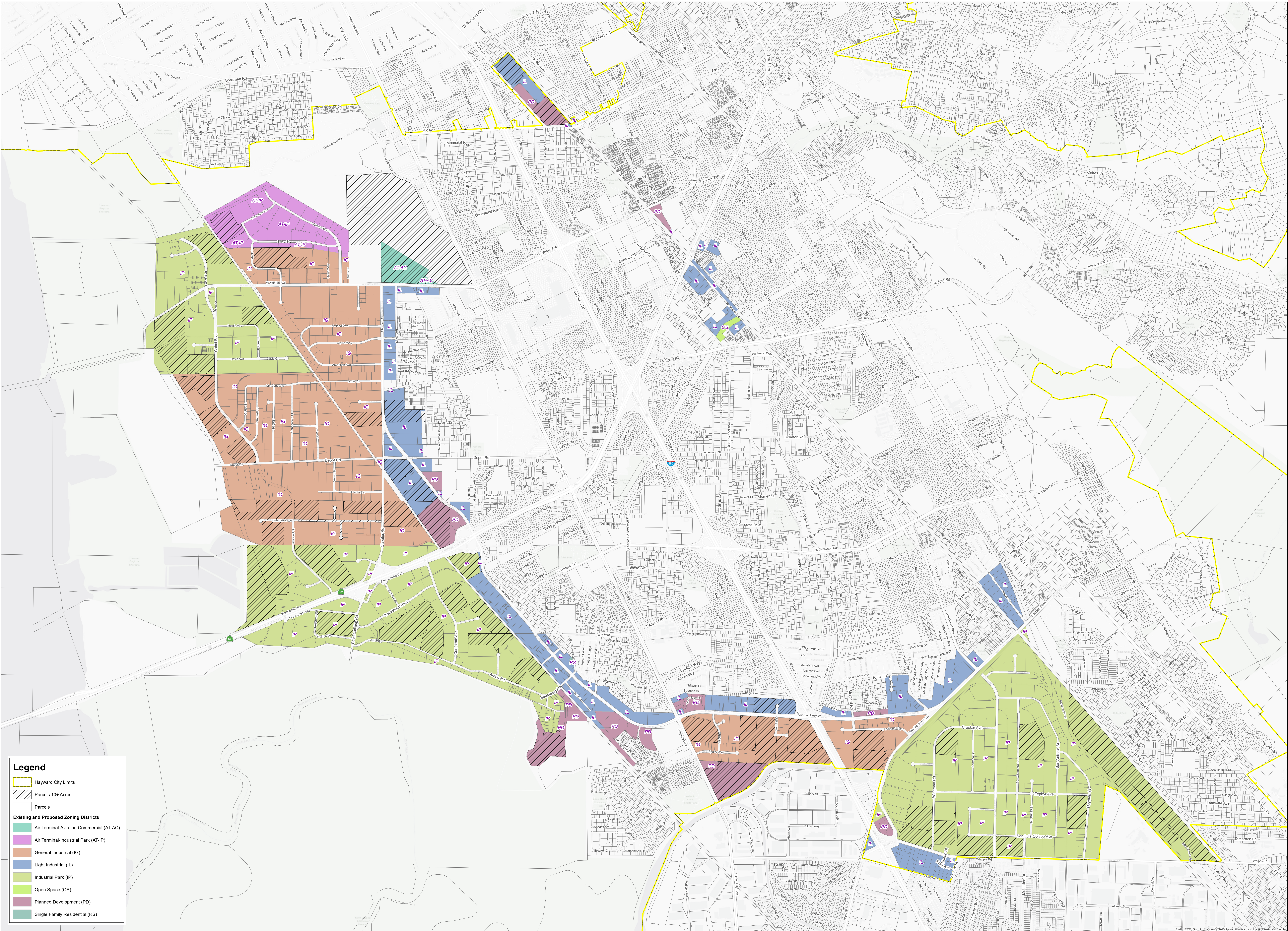
City Attorney of the City of Hayward

Conceptual Industrial Subdistricts

ATTACHMENT II EXHIBIT A

0 0.25 0.5 1 Miles

1:10,000
1 inch = 833 feet
Date: 4/10/2019



Legend

- Hayward City Limits
- Parcels 10+ Acres
- Parcels
- Existing and Proposed Zoning Districts
 - Air Terminal-Aviation Commercial (AT-AC)
 - Air Terminal-Industrial Park (AT-IP)
 - General Industrial (IG)
 - Light Industrial (IL)
 - Industrial Park (IP)
 - Open Space (OS)
 - Planned Development (PD)
 - Single Family Residential (RS)

Sec. 10-1.1600 Industrial Districts

Sec. 10-1.1601 Purpose

The purpose of the Industrial District is to:

- A. Provide a thriving employment center supportive of innovation and advanced manufacturing uses;
- B. Designate adequate land for a range of manufacturing, industrial processing, research and development, professional office, distribution and storage, service, and other workplace uses consistent with the General Plan;
- C. Strengthen the City's economic employment base and provide a range of employment opportunities to meet the needs of current and future residents;
- D. Provide high quality employment opportunities for people at all education levels;
- E. Provide a suitable environment for various types of industrial uses, and protect them from the encroachment of uses that would impair industrial operations or create future land use conflicts;
- F. Ensure that sensitive uses adjacent to industrial areas are protected through appropriate limitations on uses and appropriate design and development standards; and,
- G. Ensure high quality site and building design and the provision of employee amenities to provide a desirable working environment and so that the appearance and effects of development is compatible with the character of the area in which it is located.

Sec. 10-1.1602 Subdistricts

The Industrial District is divided into the following subdistricts:

- A. Light Industrial (IL). The Light Industrial (IL) Subdistrict, applies to areas that generally contain small parcels located in relatively close proximity to residential areas, accommodates a wide variety of light industrial uses taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. It is most restrictive of all the Industrial Subdistricts on outdoor use and storage, heavy industry, and warehousing and distribution and the most permissive on non-industrial uses such as office, retail, and service commercial uses. Uses with combined small-scale or custom manufacturing and retail components, such as breweries, furniture making, and food production uses, are allowed. In areas adjacent to residential districts, development standards address potential incompatibilities and are intended to minimize impacts and nuisances.
- B. Industrial Park (IP). The Industrial Park (IP) Subdistrict, applies to areas with generally larger parcel sizes and uniform streetscapes, as well as areas with existing or potential industrial park development, is intended to provide areas for high technology, research and development, and industrial activities in an industrial park or campus-like atmosphere. A variety of industrial, manufacturing, and high technology uses are allowed, but this Subdistrict is more restrictive with regard to heavy industrial uses than the General Industrial Subdistrict. Warehousing and distribution uses are allowed, provided buildings and site development are designed with an office appearance from right-of-way, or with flexibility to transition to a manufacturing or research and

development use. Retail and service uses that serve local employees and visitors are also permitted either as part of a larger development or as stand-alone uses on smaller sites. Development standards focus on creating and maintaining frontages that give the look and feel of integrated development, consistent with an industrial park or campus-like atmosphere.

- C. General Industrial (IG). The General Industrial (IG) Subdistrict, applies to areas with a variety of parcel sizes and where a wide range of general industrial uses already exist, is intended to accommodate the widest variety of industrial uses including heavy industrial and warehousing/distribution uses. Development standards focus on well-designed frontages along key corridors and screening with more flexibility in other areas.

Sec. 10-1.1603 Use Regulations—Industrial Subdistricts

Table 10-1.1603, Land Use Regulations—Industrial Subdistricts, sets the land use regulations for Industrial Subdistricts by letter designation as follows unless a use or activity is prohibited or subject to a higher level of permit pursuant to other parts of this Section, other requirements of the Hayward Municipal Code, or other applicable regulations:

"P" designates permitted uses.

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

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

"-" designates uses that are not allowed.

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

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

Land uses are defined in Article 1, Section 10-1.3500, Definitions. In cases where a specific land use or activity is not defined, the Planning Director or other approving authority shall assign the land use or activity to a classification that is substantially similar in character. Land uses defined in the Hayward Municipal Code and not listed in the table or not found to be substantially similar to the uses below are prohibited. Unless otherwise explicitly stated, all uses shall be conducted indoor.

TABLE 10-1.1603: USE REGULATIONS—INDUSTRIAL SUBDISTRICTS

<u>"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed (unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)</u>				
<u>Use</u>	<u>Subdistrict</u>			<u>Additional Regulations</u>
	<u>IL</u>	<u>IP</u>	<u>IG</u>	
<u>Residential Uses</u>				
<u>Caretakers Quarters</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Limited to one dwelling per parcel unit no greater than 1,200 square feet in size for a caretaker or</u>

TABLE 10-1.1603: USE REGULATIONS—INDUSTRIAL SUBDISTRICTS

<p><u>"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</u> (unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)</p>				
<u>Use</u>	<u>Subdistrict</u>			<u>Additional Regulations</u>
	<u>IL</u>	<u>IP</u>	<u>IG</u>	
				security employee necessary and incidental to the primary use on-site.
<u>Administrative and Professional Offices/Services</u>				
<u>Architectural Service, Drafting Service, Engineering Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Banks</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Financial Institutions</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Medical/Dental Laboratory</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Office</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Automobile Related Uses</u>				
<u>Automobile Brokerage Office</u>	<u>P</u>	<u>P</u>	<u>P</u>	See definition. Maximum of two vehicles on site.
<u>Automobile Dismantling Facility</u>	-	-	<u>C</u>	
<u>Automobile Parts Store</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Automobile Rental</u>	-	-	<u>A</u>	
<u>Automobile Repair, Major</u>	-	-	<u>P</u>	
<u>Automobile Repair, Minor</u>	<u>A</u>	<u>P</u>	<u>P</u>	
<u>Automobile Service Station</u>	-	-	<u>A</u>	See Section 10-1.1045, Minimum Design and Performance Standards, for special requirements
<u>Automobile Storage Facility</u>	-	-	<u>A</u>	
<u>Automobile Storage Yard</u>	-	-	<u>C</u>	
<u>Automobile Towing Yard</u>	-	-	<u>C</u>	
<u>Automobile Wholesale</u>	<u>P</u>	<u>P</u>	<u>P</u>	See definition. No vehicles permitted on-site.
<u>Car Wash</u>	<u>A</u>	<u>A</u>	<u>A</u>	If applicable, see Section 10-1.1045, Minimum Design and Performance Standards, for special requirements

TABLE 10-1.1603: USE REGULATIONS—INDUSTRIAL SUBDISTRICTS

<p><u>"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</u> (unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)</p>				
<u>Use</u>	<u>Subdistrict</u>			<u>Additional Regulations</u>
	<u>IL</u>	<u>IP</u>	<u>IG</u>	
<u>Drive-In Establishments</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>See Section 10-1.1045, Minimum Design and Performance Standards, for special requirements</u>
<u>Recreational Vehicle Storage Facility</u>	<u>-</u>	<u>-</u>	<u>C</u>	
<u>Industrial Uses</u>				
<u>Brewery</u>	<u>A</u>	<u>P</u>	<u>P</u>	<u>See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations</u>
<u>Cannabis</u>	<u>See below</u>			
<u>Commercial Cannabis Cultivation (5,000 square feet or less)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>See Section 10-1.3600, Cannabis</u>
<u>Commercial Cannabis Cultivation (more than 5,000 square feet)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>See Section 10-1.3600, Cannabis</u>
<u>Commercial Cannabis Delivery</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Section 10-1.3600, Cannabis</u>
<u>Commercial Cannabis Distribution</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>See Section 10-1.3600, Cannabis</u>
<u>Commercial Cannabis Medical and Non-Medical Manufacturing, Level 1</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>See Section 10-1.3600, Cannabis</u>
<u>Commercial Medical and Non-Medical Cannabis Testing Laboratory</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Section 10-1.3600, Cannabis</u>
<u>Contractor Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Note A</u>
<u>Storage Yard</u>	<u>-</u>	<u>-</u>	<u>A</u>	
<u>Distillery</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations</u>
<u>Industrial Equipment Sales, Rental & Service</u>	<u>-</u>	<u>-</u>	<u>P</u>	
<u>Manufacturing</u>	<u>See below</u>			
<u>Custom Manufacturing</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>General Manufacturing</u>	<u>-</u>	<u>P</u>	<u>P</u>	
<u>Light Manufacturing</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Micro-Brewery</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations</u>

TABLE 10-1.1603: USE REGULATIONS—INDUSTRIAL SUBDISTRICTS

<p>"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed (unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)</p>				
Use	Subdistrict			Additional Regulations
	IL	IP	IG	
<u>Passenger Transportation Terminal</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Railroad Yard</u>	-	-	<u>C</u>	
<u>Recycling Facilities</u>	See below			
<u>Small Recycling Collection Facilities</u>	See Section 10-1.2735(j), Small Recycling Collection Facilities and Unattended Collection Boxes			
<u>Large Recycling Collection Facilities</u>	-	-	<u>A</u>	
<u>Recycling Processing Facilities</u>	-	-	<u>C</u>	
<u>Renewable Electric Power Generation, Transmission, and Distribution</u>	<u>C</u>	<u>A</u>	<u>A</u>	
<u>Research and Development</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Truck Terminal</u>	-	-	<u>C</u>	
<u>Warehouse and Distribution Facility, less than 150,000 square feet of floor area</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Warehouse and Distribution Facility, 150,000 square feet or more of floor area</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Waste Treatment Facility</u>	-	-	<u>C</u>	
<u>Waste Transfer/Handling Facility</u>	-	-	<u>A</u>	
<u>Wholesale Establishment, less than 150,000 square feet of floor area</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Wholesale Establishment, 150,000 square feet or more of floor area</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Wind Energy Conversion System</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Personal Services</u>				
<u>Barber, Beauty Shop</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Dry Cleaner/Laundry</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Shoe Repair Shop</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Tailor/Seamstress Shop</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Tattoo Parlor</u>	<u>A</u>	-	-	
<u>Retail Commercial Uses</u>				
<u>Appliance Store</u>	<u>P</u>	-	-	

TABLE 10-1.1603: USE REGULATIONS—INDUSTRIAL SUBDISTRICTS

<p><u>"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</u> (unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)</p>				
<u>Use</u>	<u>Subdistrict</u>			<u>Additional Regulations</u>
	<u>IL</u>	<u>IP</u>	<u>IG</u>	
<u>Bar, Cocktail Lounge</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>See Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations</u>
<u>Building Materials (Sales)</u>	<u>-</u>	<u>-</u>	<u>P</u>	
<u>Carpet/Draperies Store</u>	<u>P</u>	<u>-</u>	<u>-</u>	
<u>Convenience Market</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Furniture Store</u>	<u>P</u>	<u>-</u>	<u>-</u>	
<u>Nursery (Plants)</u>	<u>P</u>	<u>-</u>	<u>-</u>	
<u>Restaurant</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Retail</u>	<u>P</u>	<u>P</u>	<u>Sale of goods produced on site: P; otherwise C</u>	
<u>Service Commercial Uses</u>				
<u>Appliance Repair Shop</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Contractor Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Copying or Reproduction Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Equipment Rental Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Hotel</u>	<u>P</u>	<u>P</u>	<u>A</u>	
<u>Mailing or Facsimile Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Motel</u>	<u>P</u>	<u>P</u>	<u>A</u>	
<u>Upholstery Shop</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Other Uses</u>				
<u>Animal Hospital</u>	<u>P</u>	<u>-</u>	<u>-</u>	
<u>Broadcasting Studio</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Catering Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Christmas Tree and Pumpkin Patch Lots</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Section 10-1.2735.c, Christmas Tree and Pumpkin Patch Lot Regulations</u>
<u>Commercial Amusement Facility</u>	<u>A</u>	<u>A</u>	<u>-</u>	

TABLE 10-1.1603: USE REGULATIONS—INDUSTRIAL SUBDISTRICTS

<p><u>"P" Permitted Use; "A" Administrative Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</u> (unless prohibited or subject to a higher level of permit pursuant to other parts of this Section or other applicable regulations)</p>				
<u>Use</u>	<u>Subdistrict</u>			<u>Additional Regulations</u>
	<u>IL</u>	<u>IP</u>	<u>IG</u>	
<u>Cultural Facility</u>	<u>A</u>	<u>-</u>	<u>-</u>	
<u>Day Care Center</u>	<u>A</u>	<u>A</u>	<u>C*</u>	<u>*Only permitted in IG District if day care center is intended to serve employees of a large-scale business or business park.</u>
<u>Educational Facilities</u>	<u>A</u>	<u>A</u>	<u>A*</u>	<u>*Only permitted in IG District if included within business park development.</u>
<u>Food Vendor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Subject to Food Vendor Permit. See Section 10-1.2735(m), Food Vendor Permit</u>
<u>Industrial/Vocational Trade School</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Limited to programs serving persons 18 years or older</u>
<u>Health Club</u>	<u>See below</u>			
<u>Facilities that are only available for use by employees</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Facilities that may be used by the public</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Homeless Shelter</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>*Permitted on city-owned property.</u>
<u>Kennel</u>	<u>C</u>	<u>A</u>	<u>A</u>	
<u>Public Agency Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Media Production</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Recreational Facility</u>	<u>See below</u>			
<u>Facilities that are only available for use by employees</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Facilities that may be used by the public</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Religious Facility</u>	<u>A</u>	<u>-</u>	<u>-</u>	
<u>Taxi Company</u>	<u>-</u>	<u>-</u>	<u>A</u>	
<u>Temporary Uses</u>	<u>A</u>	<u>A</u>	<u>A</u>	

A. Outdoor Storage. Refer to Section 10-1.1605(L) for Outdoor Storage regulations.

- B. Adult Entertainment Activity. Refer to General Regulations Section 10-1.2735.a. for Adult Entertainment Activity Regulations.
- C. Alcoholic Beverage Outlets. Refer to General Regulations Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations.
- D. Antennas and Satellite Dishes and Telecommunications Devices. Refer to Chapter 10, Article 13 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.
- E. Hazardous Materials Use and Storage. All uses allowed in the Industrial Subdistricts pursuant to Table 10-1.1603 shall comply with all applicable code and regulation requirements pertaining to hazardous materials and the following permit requirements.
1. Permitted. The following hazardous materials use and storage activities are permitted:
 - a. Production, storage, and/or handling, utilizing Group B hazardous materials less than 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
 - b. Production, storage, and/or handling, utilizing Group C hazardous materials less than 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
 2. Administrative Use Permit. The following hazardous materials use and storage activities are subject to Administrative Use Permit approval:
 - a. Production, storage, and/or handling, utilizing Group B hazardous materials which exceed the following thresholds: 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
 - b. Production, storage, and/or handling, utilizing Group C hazardous materials which exceed the following thresholds: 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
 3. Conditional Use Permit. Conditional Use Permit approval is required for the production, storage, handling, or similar activities utilizing any amount of hazardous materials classified as Group A hazardous materials by the Fire Chief or his or her designee.

Sec. 10-1.1604 Development Standards

Table 10-1.1604, Development Standards-Industrial Subdistricts, prescribes the development standards for Industrial Subdistricts.

<u>TABLE 10-1.1604: DEVELOPMENT STANDARDS—INDUSTRIAL SUBDISTRICTS</u>			
<u>Standard</u>	<u>IL</u>	<u>IP</u>	<u>IG</u>
<u>Minimum Lot Size (sf unless otherwise indicated)</u>	<u>10,000</u>	<u>1.5 acres</u>	<u>20,000</u>
	<u>See also Section 10-1.2720 for Special Lot Requirements</u>		
<u>Minimum Lot Frontage (ft)</u>	<u>35</u>	<u>250</u>	<u>70</u>
	<u>See also Section 10-1.2720 for Special Lot Requirements</u>		

TABLE 10-1.1604: DEVELOPMENT STANDARDS—INDUSTRIAL SUBDISTRICTS

Standard	IL	IP	IG			
Minimum Average Lot Width (ft)	70	250	70			
Maximum Floor Area Ratio (FAR)	.8	.8*	.8			
	<p>*A greater FAR may be approved for Administrative and Professional Offices/Services and Research and Development uses through Major Site Plan Review approval where the approving authority finds that the collective FAR across all Industrial sub-districts will not exceed .8.</p> <p>Building area that is designed and utilized exclusively for on-site employee child daycare shall not count towards maximum FAR calculations.</p>					
Maximum Height (ft)	<ul style="list-style-type: none">• Within 20 feet of an R, MH, C, or residential PD zoning district: 20 (see Figure 10-1.1604)• Within 45 feet of an A, OS, or FP zoning district: No portion of a structure may extend above a line of a 1:1 slope extending upward from the boundary of the A, OS, or FP zoning district. (see Figure 10-1.1604)• Other areas as follows: <table><tr><td>45</td><td>75</td><td>75</td></tr></table> <p>See also Section 10-1.2730 for Special Height Requirements</p>			45	75	75
45	75	75				
Minimum Yards (ft)	See also Section 10-1.2725 for Special Yard Requirements					
Front Yard	<ul style="list-style-type: none">• Parcels fronting Industrial Boulevard, Industrial Parkway, Industrial Parkway SW, Clawiter Road, and West Winton Avenue: 20• Buildings with facades in excess of 100 feet in length and/or greater than 20 feet in height: 20• Other areas and buildings: 10					
Side Yard	<ul style="list-style-type: none">• Abutting an A, OS, FP, R, MH, C, or residential PD zoning district: 10• Other areas: 0					
Street Side Yard	10	10	10			
Rear Yard	<ul style="list-style-type: none">• Abutting an A, OS, FP, R, MH, C, or residential PD zoning district: 10• Other areas: 0					
Minimum Landscaping (% of site)	5	15	5			

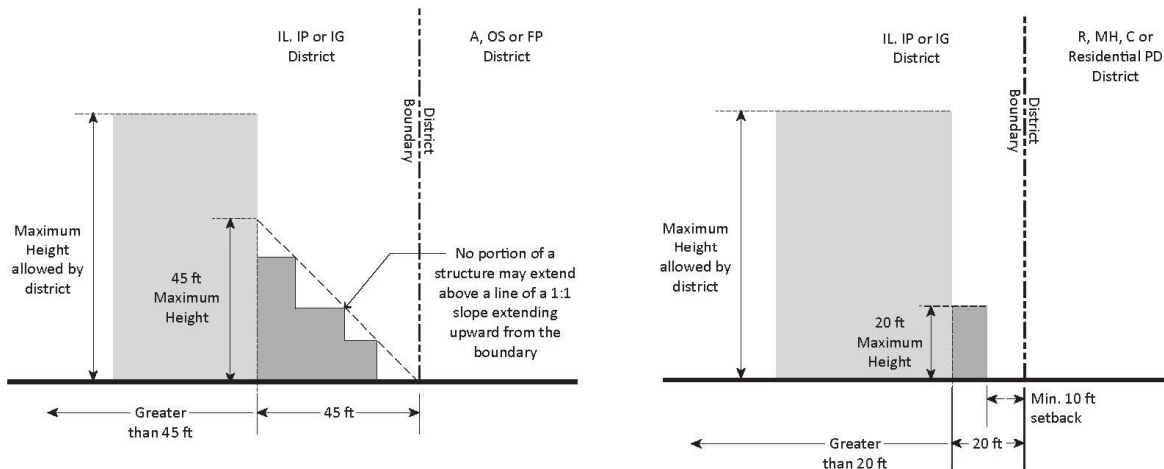


FIGURE 10-1.1604: MAXIMUM HEIGHT, INDUSTRIAL SUBDISTRICTS

Sec. 10-1.1605 Review Procedures

- A. Site Plan Review. Site Plan Review, pursuant to Sec.10-1.3000, Site Plan Review, is required for the following development projects and uses unless the project otherwise requires Planning Commission approval.
 1. Development of new structures greater than 5,000 square feet in size.
 2. Additions, or partial demolitions with reconstruction, adding or affecting 10 percent of the existing gross floor area and resulting in a structure greater than 5,000 square feet in size.
 3. Any site modification affecting 5,000 square feet or 10 percent of the site area, whichever is greater.
- B. Major Site Plan Review. On sites of 10 or more acres, Major Site Plan Review, pursuant to Sec. 10-3075, shall be obtained prior to any subdivision or other approval for new development.

Sec. 10-1.1606 Supplemental Standards Applicable to All Properties with the Industrial Districts

- A. Design Guidelines. All development shall be consistent with the Industrial District Design Guidelines.
- B. Sidewalks and Street Frontage Improvements. Sidewalks, curbs, and gutters shall be provided if none already exist, or repaired if the existing sidewalks are in poor condition, to the satisfaction of the City Engineer. Other street frontage improvements shall be installed consistent with City standards and specifications.
- C. Primary Building Entrance.
 1. All buildings shall be designed with a primary building entrance.
 2. A minimum of one building per site shall orient the primary building entrance to face or be oriented to within 45 degrees of parallel to the street frontage. Where a site is located on two public streets, a primary entrance shall be oriented toward the street with the higher

classification. If a site fronts two public streets of equal classification, the applicant may choose which frontage on which to meet the requirement.

- a. Exception. The entrance orientation requirement may be modified or waived where the Planning Director or other approving authority finds that the intended use of the property or the location of or shape of the site warrant a variation, that street-facing building walls will exhibit architectural relief and/or detail in such a way as to create visual interest at the street frontage, and there are specific features of the site and design of the building such that strict application of the orientation requirement is not necessary to create or enhance visual interest.

D. Facade Transparency at Primary Entrance. A minimum of 50 percent of the building wall area located within 20 feet of the midpoint of a primary building entrance shall be comprised of transparent windows or openings. Glass is considered transparent where it has a transparency higher than 80 percent and external reflectance of less than 15 percent.

1. Exception. The building transparency at primary entrance requirement may be modified or waived where the Planning Director or other approving authority finds that the intended use has unique operational characteristics with which providing the required windows and openings is incompatible and street-facing building walls will exhibit architectural relief and/or design detail, or will be enhanced with landscaping or art, in such a way as to create visual interest.

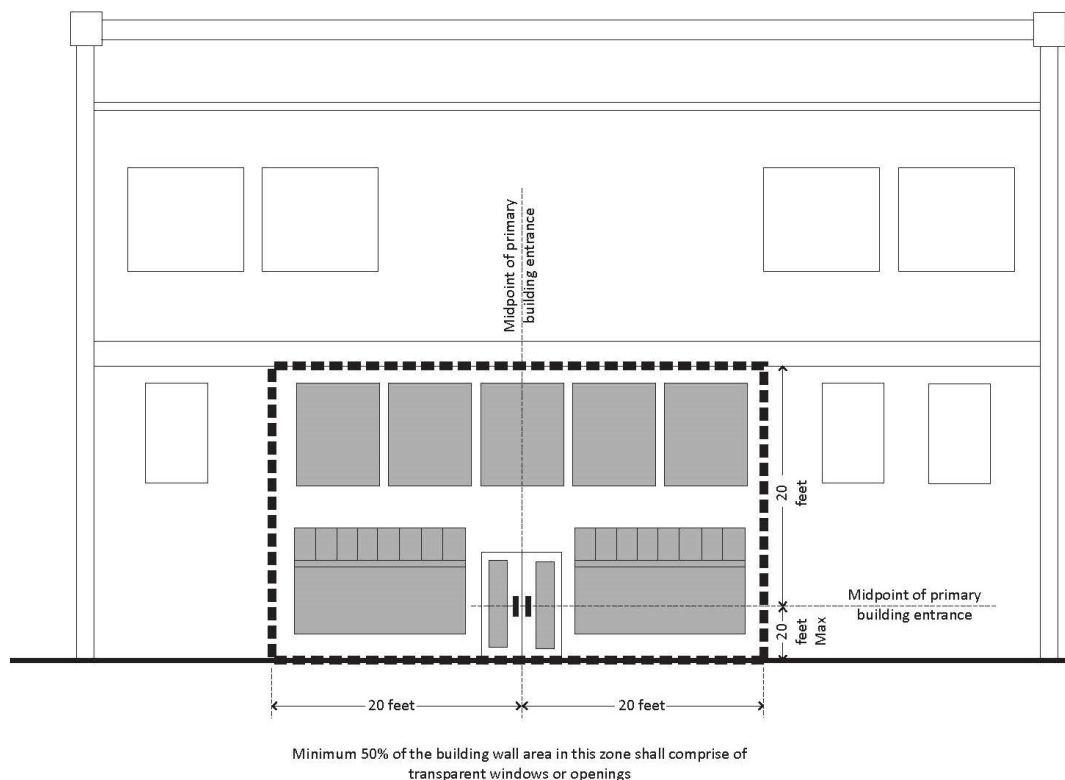


FIGURE 10-1.1606.D: ELEVATION FAÇADE TRANSPARENCY AT PRIMARY ENTRANCE

- E. Pedestrian Access. ADA compliant pedestrian walkways shall be provided according to the following standards.

1. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space or employee amenity areas.
 2. To Street and Sidewalk Network. Pedestrian walkways shall connect the primary building entry or entries to a public sidewalk on each street frontage.
 3. To Transit. Pedestrian walkways shall be provided from transit stops to building entrances.
 4. To Trails and Trail Access Points. Pedestrian walkways shall provide a connection from the site to any adjacent publicly accessible trails and shall provide a connection to trail access points or to off-site facilities that provide connection to nearby trail access points.
- F. Detached Accessory Buildings. Detached accessory buildings are permitted subject to the following requirements:
1. Shall not exceed one story or 14 feet in height.
 2. Shall be located to the side or rear of the primary building
 3. Shall be a minimum of 20 feet from any property line abutting an A, OS, R, MH, C or residential PD District.
 4. Shall be permanent in nature and composed of the same or complementary materials and colors utilized on the primary building. Tents, fabric canopies, and temporary trailers and containers may not be used as permanent accessory structures.
- G. Yard Exceptions. Required yards shall be at every point open and shall not be obstructed with non-movable features from the ground upward, except as specifically identified in another section of this Zoning Ordinance or as provided below:
1. Architectural Projections. Architectural features such as bay windows, cornices and eaves may extend up to two feet into any required yard.
 2. Decks and Ramps. Decks and ramps less than 30 inches in height and screened with landscaping on all sides may be located within required yards as follows:
 - a. Decks and ramps 12 inches or less in height may be located in any required yard.
 - b. Decks and ramps between 12 to 30 inches in height may be located in any required rear or side yard but no closer than three feet to the rear or side property line.
- H. Fences, Walls, and Hedges.
1. Maximum Fence Height. Fences, hedges and walls shall not exceed a height of four feet, measured at grade on either side of the fence, in a required front or side street yard or in a required landscape area along the perimeter of the site; and shall not exceed eight feet in height along rear and interior side yards.
 2. Required Walls Between Industrial and Other Districts. A solid masonry screening wall shall be provided where an Industrial District abuts any A, C, FP, MH, OS, R, or residential PD District.
 - a. Timing. The screening wall shall be provided at the time of new construction or expansion of buildings, or changes from one use to another use that requires a use permit.

- b. Height. The screening wall shall not be less than eight feet in height, measured on both sides of the wall.
- c. Location. Screening walls shall be located interior to any required landscape area along the perimeter of the site and shall be arranged so as to substantially hide the building, facility, or activity required to be screened from adjoining lots.
- d. Design. Shall be constructed of split face or other decorative masonry material with a cap that is visible on both sides of the wall.

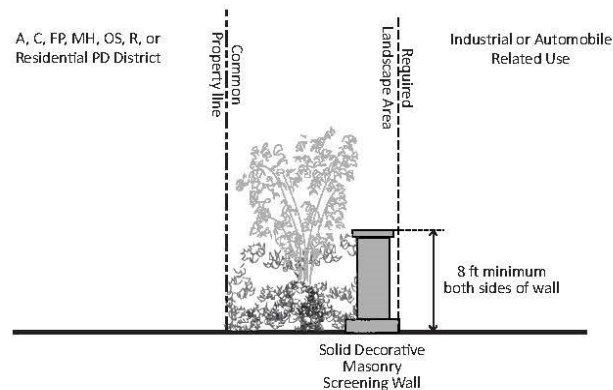


FIGURE 10-1.1606.H: WALLS BETWEEN INDUSTRIAL AND OTHER DISTRICTS

3. Security Fencing.
 - a. Barb, razor wire or electric security fencing shall not be located within any required front or street side yard or within 20 feet of an A, OS, FP, R, MH, C, or residential PD district boundary.
 - b. The portion of the fence consisting of barb or razor wire or similar security fencing shall not exceed three feet in height and shall be angled inward toward the subject property.
 4. Intersection Visibility. Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, pursuant to Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.
- I. Screening.
1. Mechanical and Electrical Equipment. All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from public rights-of-way. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, emergency generators, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building. Exceptions may be granted by the Planning Director or other approving authority where screening is infeasible due to existing development or health and safety or utility requirements.

J. Trash and Recycling Facilities.

1. Trash and recycling facilities shall be located within an enclosure with a roof and gate. The enclosure shall be constructed of decorative wood or masonry wall or combination thereof (unless waived by the Planning Director or other approving authority) that is compatible with the design of the primary building on the site.
2. Trash and recycling facilities shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.

K. Window Coverage.

1. Transparent windows and doors of buildings occupied by businesses engaging in retail sales, all or a portion of which are within five vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores.
2. Retail goods intended for sale, or goods being stored, or other coverings or materials shall be located no closer than five feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public right-of-way or pedestrian walkways or are otherwise visible by the general public.
3. This section shall not apply to signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director or other approving authority.

L. Outdoor Storage. Storage of goods, materials, machines, equipment, cargo structures, vehicles, trucks or parts outside of a building for more than 72 hours is allowed in conformance with the following:

1. Accessory Use. The materials, products, or equipment stored shall be accessory to and necessary for the operation of a permitted use being conducted within a building on the site.
2. No Activity Outside of a Building. All land uses and activities other than passive storage shall be conducted wholly within enclosed buildings. No processing or activities other than storage is permitted outside of the building(s).
3. Materials. Hazardous or toxic materials shall not be stored outdoors. All goods, materials, machines, equipment, and other shall be contained or covered and shall not result in chemical or polluted stormwater run-off.
4. Location Limitations. Storage shall be located outside of required yards, parking and circulation areas, and required landscaped areas. Outdoor storage shall be located a minimum of 20 feet from residentially zoned land.
5. Screening. Storage shall be screened from view from any public street or freeway; existing or planned residential area; or publicly accessible open space area. The height of stacked materials shall not exceed the height of the screen.
6. Surfacing. Storage shall be located on a paved or other surface approved by the City Engineer.

7. Compatibility. The nature of the items being stored and its location, screening, and extent shall be compatible with adjoining uses, as determined by the Planning Director or other approving authority.
8. Permit Requirements.
 - a. Outdoor Storage 25 Percent or Less of Site Area. Outdoor storage in combination with a permitted primary use and occupying 25 percent or less of the total open site area is permitted on IL, IP and IG District properties, subject to standards contain in this section. Open site area includes all area not developed with a structure(s), including required yards, parking areas, landscaped areas and driveways.
 - b. Outdoor Storage Over 25 and less than 50 Percent of Site Area. Administrative Use Permit approval is required for all outdoor storage occupying 25 percent or more of the total open site area on IL, IP and IG District properties.
 - c. Outdoor Storage Over 50 Percent of Site Area. Conditional Use Permit approval is required for all outdoor storage occupying more than 50 percent of the total open site area on IG District properties.
- M. Lighting, Exterior. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is in keeping with the design of the development.
- N. Landscaping. Landscaping and irrigation shall be provided in accordance Chapter 10, Article 12 Bay-Friendly Water Efficient Landscaping Ordinance, and the following.
 1. Landscape Areas. The following areas shall be landscaped, and may count toward the total area of site landscaping required by the zoning district regulations.
 - a. Street Frontages. Street trees shall be planted along all street frontages at a minimum of one 24-inch box tree per 20 to 40 lineal feet of frontage or fraction thereof, except where space is restricted due to existing structures or site conditions.
 - b. Required Yards. Required front, side, side street, and rear yard areas shall be landscaped, except for permitted driveways, and walkways.

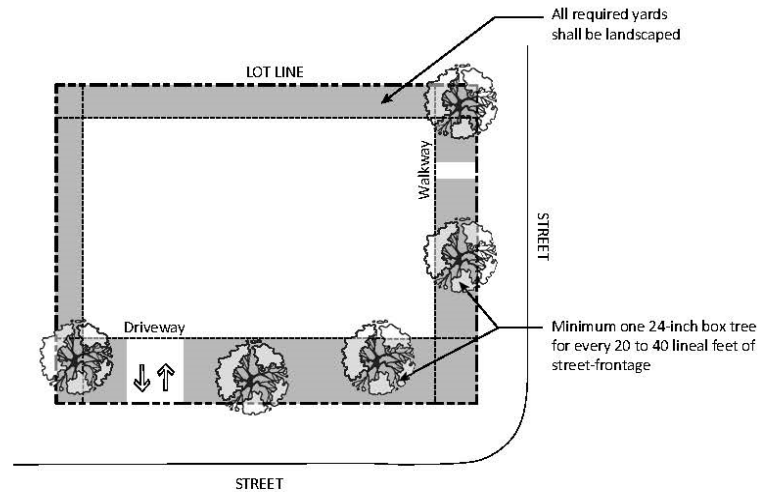


FIGURE 10-1.1606.N.1.B: STREET FRONTAGE AND REQUIRED YARD LANDSCAPING

c. Buffer Areas.

- i. A minimum 12-foot wide landscape buffer planted with a minimum of one 15-gallon evergreen tree per 20 linear feet shall be provided along all property lines abutting the BART and railroad right-of-way.
- ii. A minimum 10-foot-wide landscape buffer planted with a minimum of one 15-gallon evergreen tree per 20 linear feet shall be provided in the following locations:
 - (1) Along all property lines abutting an A, C, MH, OS, R, or Residential PD District.
 - (2) Along all property lines abutting a publicly accessible open space area or trail alignment.
 - (3) Along all property lines abutting an existing or future right-of-way.

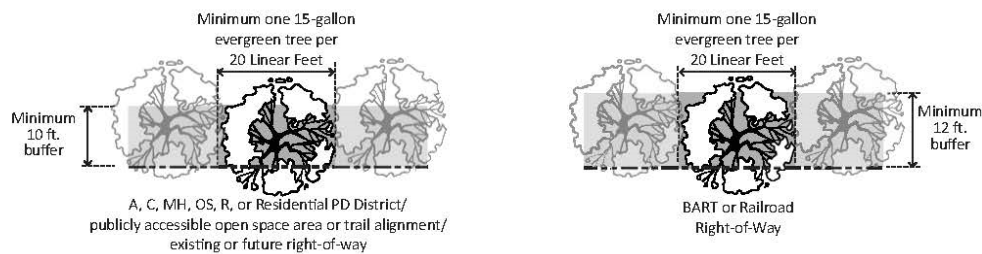


FIGURE 10-1.1606.N.1.C: BUFFER AREA LANDSCAPING

- d. Building Perimeters. Portions of buildings facing a public street shall have one or more landscaped areas with a minimum five-foot-wide landscaped area along a minimum 50 percent of the building face.

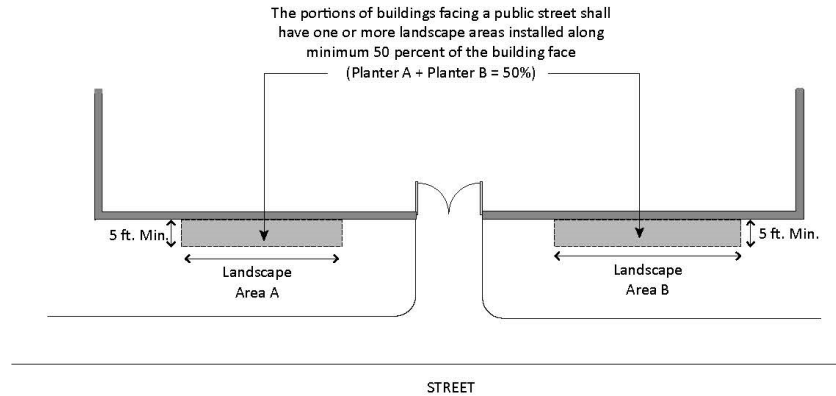


FIGURE 10-1.1606.N1.D: BUILDING PERIMETER LANDSCAPING

- e. Parking Areas. See minimum parking lot landscaping and design standards in Chapter 10, Article 2, Off-Street Parking Regulations.
 - f. Other Areas. All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.
2. Materials. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas unless approved through an Alternative Landscaping Plan.
 3. Tree Preservation. Trees shall be preserved in accordance with Chapter 10, Article 15, Tree Preservation Ordinance.
 4. Alternative Landscape Plan. Modifications or revisions to the requirements of this Section related to buffers, building perimeter, parking lot landscaping and materials may be approved by the Planning Director or other approving authority where it is demonstrated that the intent of the landscape requirements of this Section will still be met. However, in all cases, all required setbacks shall be landscaped and the minimum site landscaping requirement shall be met. An Alternative Landscape Plan shall be prepared and shall clearly detail the modifications being requested from the provisions of this Section.
 5. Maintenance.
 - a. Landscaping shall be maintained in a healthy, weed-free condition at all times and the irrigation system shall be designed and operated to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides.
 - b. The owner's representative shall inspect the landscaping on a monthly basis and replace dead or dying plants (plants that exhibit over 30% dieback) within ten days of the inspection.
 - c. Three-inch-deep mulch shall be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color.
 - d. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and subjected to protection under Chapter 10, Article 15, Tree Preservation Ordinance.

- e. Irrigation systems shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.
- O. Parking and Loading. The parking and loading provisions of Article 2, Off-Street Parking Regulations, apply in the Industrial Districts except as provided below.
 - 1. Change of Use of Existing Buildings. When a new use is established in an existing building and there is no alteration that would change the building square footage on-site, no additional parking spaces shall be required.
 - 2. Parking Area Adaption Plan. Where parking is provided on any site at a ratio of less than one space per 500 square feet of floor area, a plan shall be provided demonstrating that parking area, in conformance with the requirements of this section and Article 2, providing a minimum of one parking space per 500 square feet of floor area can be accommodated on site without alteration to any structure.
 - 3. Mixed and Accessory Uses. The total requirement for off-street parking spaces shall be the sum of the requirements of the various uses on the site except as provided in Section 10-2.401, Shared Parking, Section 10-2.402, Off-Site Parking, and below.
 - a. Square footage dedicated to accessory uses occupying no more than 30 percent of the gross floor area shall be subject to the same parking requirements of the primary use of the building in which it is located.
 - 4. Loading Area Orientation and Location. Truck loading areas shall not face the street.
 - a. Exception. The loading area orientation and location requirement may be modified or waived through Site Plan Review where the Planning Director or deciding authority finds that the intended use of the property or the location of or shape of the site and/or existing development warrant a variation, that street-facing loading areas will exhibit architectural treatment, or will be enhanced with landscaping, in such a way as to minimize the visual impact at the street frontage, and there are specific features of the site and design of the building such that strict application of the orientation requirement is impractical.
 - 5. Bicycle Parking and Placement. All development shall provide short- and long-term bicycle parking spaces in conformance with the Building Code. Short-term bicycle parking shall be located near the project entrance in a well-lit, easily accessible location that does not block walkways. Long-term bicycle parking may be located within lockers or within the building(s) provided all employees have access to the long-term bicycle parking area(s).
- P. Employee Amenity Areas. All new development and additions that expand existing floor area by 25 percent or more, resulting in at least 10,000 square feet of floor area and employing 10 people or more, shall provide an employee use area at least 300 square feet in size. The employee use area shall be identified and improved as passive or active recreational space, or indoor or outdoor amenities for the use and enjoyment of employees.
- Q. Open Space. All new development and additions that expand floor area by 25 percent or more on sites two acres or more in size shall provide open space areas equal to 10 percent of the site area, or as modified through the Major Site Plan Review process if the approving authority finds that the reduction in open space would be off-set by employee or public amenities that enhance the quality of open space area provided. The open space area shall provide gathering space or opportunities

for active or passive recreation, be centrally located, and include benches or other seating and other features that enhance the comfort, aesthetics, or usability of the space. The area provided to meet the open space requirement may count toward other site requirements such as landscaping, employee amenities, and stormwater retention and control if the area provided as open space also meets the criteria of those individual requirements.

- R. Sustainability Plan. All applications for new industrial development or redevelopment of a site shall include a Sustainability Plan that incorporates best practices of sustainability for the proposed Business operations and site-specific improvements. The Plan may include, but not limited to, recommendations for energy conservation and efficiency, green infrastructure, water conservation, reductions in air emissions, use of toxic materials, and recycling.

Sec. 10-1.1607 Performance Standards

- A. General Standard. Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.
- B. Uses/Activities Shall be Conducted Indoors. All land uses, other than outdoor storage consistent with Section 10-1.1606(L), shall be conducted wholly within enclosed buildings.
- C. Measurement of Impacts. Measurements necessary for determining compliance with the standards of this Section shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.
- D. Dust, Fumes and Odors. Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, odors, smoke, or particulate matter, unless authorized under federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the Bay Area Air Quality Management District.
- E. Electromagnetic Interference. No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.
- F. Fire and Explosive Hazards. All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Firefighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity.
- G. Glare. No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.
- H. Hazardous and Extremely Hazardous Materials. In addition to all other applicable requirements of this Zoning Ordinance, including Section 10.1603(E), Hazardous Materials Use and Storage, the use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic

Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.

- I. Heat and Humidity. In no case shall heat emitted by a use cause a temperature increase in excess of five degrees Fahrenheit on another property.
- J. Noise. All uses and activities shall comply with the Noise Regulations contained in Chapter 4 of the Municipal Code.
- K. Waste Disposal.
 - 1. Discharges to Water or Sewers. Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board and the requirements of the City of Hayward Public Works – Environmental Services Division.
 - 2. Containment. Wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling subject to the review and oversight of the Hayward Fire Department - Hazardous Materials Division. Closed containers shall be provided and used for the storage of any materials which by their nature are combustible, volatile, dust, or odor producing or edible or attractive to rodents, vermin, or insects.
- L. Vibration. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.
- M. Maintenance. The owner of each parcel shall, at all times, keep and properly maintain the entire premises in a safe, clean condition and in a good state of repair, complying in all respects with governmental, health, fire, and police requirements and regulations.

Sec. 10-1.1608 Nonconforming Uses, Structures, and Site Development

Uses, structures, and site development that were legally established but do not comply with the standards and requirements of this Ordinance are subject to the provisions of Section 10-1.2900, Nonconforming Uses, and the following.

- A. Additions and Alterations to Nonconforming Structures. Additions and alterations to nonconforming structures may be made provided the addition or alteration conforms with all the development standards of this Title and there is no increase in the nonconformity of the structure.
- B. Correction of Nonconforming Building Features and Discretionary Approvals. If any portion of a site or building are modified in conjunction with an application for a discretionary permit, then the site or building area that is the subject of the discretionary application shall be brought into substantial conformance with the Supplemental and Performance standards of this section.
- C. Correction of Nonconforming Building Features and Building Permit. For all projects requiring a building permit, structures that are nonconforming because they do not meet the requirements of Section 10-1.1605(C), Primary Building Entrance, or Section 10-1.1605(D), Façade Transparency at Primary Entrance, shall provide façade treatments, design details, or landscaping in such a way as to create or enhance visual interest from the street.

ARTICLE 1, SECTION 10-1.3500. DEFINITIONS.

SEC. 10-1.3505 - GENERAL.

For the purposes hereof certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from their context that a different meaning is intended.

SEC. 10-1.3510 - USES AND ACTIVITIES DEFINED.

ABUTS, ABUTTING, ADJACENT. Having a common property line or district line or separated only by a private or public street, alley or easement.

ACCESS. Safe, adequate, usable, and legal ingress or egress to a property or use.

ACCESSORY BUILDING. A detached, subordinate building or structure, the use of which is subordinate, and incidental to a lawfully permitted principal use or main building on the same lot and not used for sleeping quarters.

ACCESSORY USE. A use which is subordinate and incidental in height, bulk, volume and/or use to the lawfully permitted principal use on the same lot, and which does not alter the essential characteristics of said principal use and is in keeping with other uses permitted in the same district. Examples include:

- a. A garage, carport, shed, or building for domestic storage;
- b. A children's playhouse, gazebo, greenhouse, pool or recreation building;
- c. Storage of merchandise normally carried in stock on the same lot with any retail service or business use;
- d. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities; and
- e. Off-street parking.

AGRICULTURAL DISTRICT (A). A land use zoning district which preserves agricultural areas until such time as a change in zoning and land use designation occurs and orderly urban development may take place.

AGRICULTURE. The tilling of soil, horticulture, floriculture, viticulture, raising crops, livestock, farming, dairying, animal husbandry, including all uses customarily accessory and incidental thereto; but excluding slaughter houses, fertilizer works, bone yards, commercial feeding of garbage or offal to swine or other animals, or plants for the reduction of animal matter.

AIR TERMINAL DISTRICT (AT). A land use zoning district within which land uses may develop which provide commercial, industrial, and public land uses that are aviation-oriented. See Section 10-1.1900. This District includes the following Subdistricts:

- a. Air Terminal—Operations (AT-O)
- b. Air Terminal—Industrial Park (AT-IP)

- c. Air Terminal—Aviation Commercial (AT-AC)
- d. Air Terminal—Commercial (AT-C)
- e. Air Terminal—Recreational (AT-R)
- f. Air Terminal—Medium Density Residential (AT-RM)

ALLEY. A public way, less than 16 feet in width, but not less than 10 feet in width, which has been dedicated for public use.

ALTERATION. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

AMBULANCE SERVICE. Any business which provides a facility for emergency medical team staff members (EMTs), and which dispatches ambulances for emergency response. Usually located on major arterial streets where there is no detrimental impact to residential areas due to noise and parking.

AMUSEMENT FACILITY. See "RECREATIONAL FACILITY" or "COMMERCIAL AMUSEMENT FACILITY."

ANIMAL, EXOTIC. The words "exotic animal" shall mean any animals which are not customarily confined or maintained for domestic or commercial purposes and sometimes are kept as a pet or for display, including pot belly pigs, snakes, reptiles, emus, ostriches, or similar animals, as determined by the Planning Director based on criteria established by the State Department of Fish and Game.

ANIMAL, LIVESTOCK. See "LIVESTOCK."

ANIMAL, POULTRY. The word "poultry" shall mean domesticated birds customarily kept for eggs or meat, including chickens, turkeys, ducks, geese, or similar animals, as determined by the Planning Director.

ANIMAL FANCIER. A person or persons which use a lot, building, structure, enclosure or other premises to house and maintain more than four livestock animals (i.e., horses, goats), or more than four household pets (i.e., dogs or cats) up to 12 maximum, each of which is over the age of four months, for the following purposes:

- a. For showing in recognized shows (i.e., horse shows, dog shows, County Fair exhibits), or applicable obedience or field trials.
- b. For working or hunting.
- c. For improving the variety or breed with a view to exhibition in shows and trials.
- d. For household pets.
- e. Such activity requires an "Animal Fancier's Permit" from the City Animal Services Bureau. For the purposes hereof, the breeding and sale of a litter of animals kept and maintained as household pets and/or maintained by an animal fancier, shall not be deemed and considered a commercial kennel, provided they are less than one litter per year and litters do not occur every year.

ANIMAL HOSPITAL. Any buildings or portion thereof designed or used for the care, observation or treatment of cats, dogs or other household pets, with incidental boarding. (Also referred to as Veterinary Hospital)

ANIMAL, EXOTIC. Any animal, pure or hybrid, which is generally considered a non-domestic pet or livestock, that is poisonous; must be permitted by the State of California; has the propensity to be dangerous or aggressive to humans or other animals, is required to have an "Animal Fancier's Permit" from the City Animal Services Bureau.

ANTENNA. A device for transmitting or receiving radio, television, telecommunication, or any other transmitted signal. Usually mounted on a tower and/or rooftop. (Refer to Article 13, of Chapter 10 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.)

ANTIQUÉ STORE. A store engaged in the retail sales of goods, primarily works of art, furniture, or decorative objects, having the qualities of age or long existence or indicative of a specific period of craftsmanship and design. An antique store may include the retail sales of "collectible" items, which are goods typically associated with a hobby (for example, stamps, Kewpie dolls, Roy Rogers memorabilia).

APIARY. The word "apiary" shall mean any premises where bees, hives, and related appliances are located. See General Regulations Section 10-1.2735.e. "Livestock, Apiaries, and Household Pets" for regulations.

APPLIANCE REPAIR SHOP. An establishment engaged in the servicing and repair of home appliances (washers, dryers, etc.), including electronic appliances (televisions, video cam recorders, stereos, computers, etc.), with all materials and goods maintained within a building.

APPLIANCE STORE. An establishment engaged in the retail sales of home appliances and electronic appliances. These may include but not be limited to washers, dryers, refrigerators, microwave ovens, stoves, televisions, video cam recorders, stereos, cellular phones, beepers, and computers. May include ancillary repair.

ARCHITECTURAL SERVICE. An office that is occupied by an architect and their support staff and services (i.e., blueprint machine, computers, etc.) Also refer to "ENGINEERING SERVICE", "DRAFTING SERVICE,"

ART AND ART SUPPLIES STORE. An establishment engaged in the display and retail sales of art (i.e., paintings, sculpture) and art supplies (canvases, paints, easels, frames, etc.)

ARTIST'S LOFT. A live and work situation where a resident artisan lives, and displays and sells their work on a non-first floor level.

AUCTION. An establishment engaged in the public sale of commodities and/or property, excluding automobiles, to the highest bidder.

AUTOMOBILE BROKERAGE OFFICE. The business of engaging in, for a commission or fee, bargaining or negotiating between a potential purchaser of a vehicle(s) and another automobile sales establishment(s) for wholesale purchase of a vehicle(s). For purposes of

this ordinance, an automobile brokerage office consists of an office with no display or storage of vehicles for sale other than a maximum of two spaces which may serve to temporarily store the vehicle(s) which has been already secured for the purchaser of the vehicle(s). May include motorcycles, mopeds or other similar vehicles.

AUTOMOBILE DISMANTLING FACILITY. An establishment engaged in taking apart vehicles for storage, retail, recycling, or wholesale purposes.

AUTOMOBILE PARTS STORE. An establishment engaged in the retail sales of a variety of parts for vehicles of any kind.

AUTOMOBILE RENTAL An establishment engaged in the rental and leasing of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies, including storage of said vehicles.

AUTOMOBILE REPAIR:

- a. **Automobile Repair - Minor.** Minor automotive servicing and replacement of parts for passenger automobiles and/or motorcycles, usually in the same day. Services include, but are not limited to, engine tune-up, lubrication, and tire, muffler, brake, and electrical. Subject to Outdoor Storage limitations and performance standards within applicable Zoning District.
- b. **Automobile Repair - Major.** Repair garages and specialty establishments for motorcycles, and passenger automobiles and trucks of all sizes, such as machine, tire, body and fender, auto glass, radiator, transmission, motor tune-up, vehicle upholstery, and muffler shops. May also include repair of machinery and equipment. Subject to Outdoor Storage limitations and performance standards within applicable Zoning District.
- c. **Home repair - minor adjustments or the replacement of vehicle parts** where such adjustments or replacement may reasonably be expected to be accomplished within a forty-eight (48) hour period. No permit is required for such minor adjustments or replacement. Also see Section 10-1.2735.j. "Vehicle Parking, Repair, Display and Storage Requirements."

AUTOMOBILE SALES. An establishment engaged in the retail sales and services of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies. See **INDUSTRIAL EQUIPMENT SALES AND RENTAL** for farm or industrial equipment, machinery, and supplies.

AUTOMOBILE SERVICE STATION. A structure or area primarily designed and used for the retail sale of motor vehicle fuel and lubricants to the public by direct delivery into the user's vehicle and may include incidental motor vehicular services such as tire repair, battery charging, brake adjustment, motor tune-up and washing where no conveyor, blower or steam cleaning device is used. Sale of food, beverages and related items as determined by the Planning Director is permitted in conjunction with an automobile service station within commercial zoning districts.

AUTOMOBILE STORAGE FACILITY. An establishment engaged in the storage of passenger automobiles, passenger trucks, motorcycles, or similar vehicles inside a building.

This definition does not include storage of used, inoperative, junked or other vehicles stored for salvage purposes and shall not include the wrecking, dismantling, or repairing of vehicles which is defined as AUTOMOBILE DISMANTLING FACILITY. See also AUTOMOBILE STORAGE YARD for automobile storage outside of a building.

AUTOMOBILE STORAGE YARD. Outside storage of passenger cars and/or trucks of all sizes outside of a building . Does not include auto wrecking or towing yards. Such use shall not include the wrecking, dismantling, or repairing of vehicles which is defined as "AUTOMOBILE DISMANTLING FACILITY."

AUTOMOBILE TOWING YARD. An establishment engaged in towing motor vehicles, both local and long distance, and storage of such vehicles inside or outside of a building subject to applicable standards. for indeterminate periods of time. Such use shall not include the wrecking, dismantling, or repairing of vehicles which is defined as "AUTOMOBILE DISMANTLING FACILITY."

AUTOMOBILE WHOLESALE. A vehicle dealer who is exclusively involved in the sales of vehicles between licensed dealers and does not have any vehicles on-site. If a wholesale dealer does have vehicles on-site, see AUTOMOBILE STORAGE FACILITY if storing vehicles inside of a building or AUTOMOBILE STORAGE YARD if storing vehicles outside of a building.

BANK. See "FINANCIAL INSTITUTION."

BANQUET HALL. An establishment engaged in periodic events such as weddings, dances, and potlucks. Typically is rented out to private parties and/or special interest groups. Usually includes food preparation and/or serving, and live entertainment or recorded music.

BAR, COCKTAIL LOUNGE. Any on-sale alcohol-related establishment that engages primarily in the sale of alcoholic beverages and where food service, if any, is subordinate or incidental to the sale of alcoholic beverages. Bars include night clubs, taverns, pubs, cocktail lounges and similar establishments. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations.

BARBER, BEAUTY SHOP. An establishment where hair is washed, cut, dyed, and/or styled. May include ancillary services such as manicures or pedicures. Does not include massage or tanning services.

BATCH PLANTS. Any operation that involves sorting, crushing, reducing, refining, mixing, packaging or other processing of minerals for intermediate or final consumption.

BEDROOM. An enclosed space in a structure which is designed such that it could be used for sleeping purposes as determined by the Planning Director. A bedroom typically meets the room dimension requirements of the most recent edition of the Uniform Building Code, is not accessed directly from the garage, and has one or more windows.

BICYCLE SHOP. An establishment engaged in the retail sales and/or repair of bicycles. Does not include motorcycles or mopeds.

BOARDING HOME. A building where lodging or meals are provided for compensation for residents not functioning as a common household, usually for compensation.

BOOKSTORE. An establishment engaged in the retail sales of books, either used and/or new. May include a small area for coffee and bakery items (10 percent or less of floor area).

BREWERY. An establishment where malt liquors, wines or cider are manufactured and stored. Tasting may be included as an accessory use, but the brewery cannot operate as a bar. Also see "MICRO-BREWERY." Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

BROADCASTING STUDIO. An establishment where sound or images are transmitted by radio or television to the public.

BUILDABLE AREA. The space remaining on a zoning plot within which a building may be erected after the minimum lot and yard requirements of this Ordinance have been satisfied, notwithstanding all other applicable guidelines and Subdivision Map Act requirements of steeply sloped or unstable areas.

BUILDING. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, and which is designed or intended for the shelter, enclosure or protection of persons, animals or property of any kind. Also defined as follows:

- a. "Completely enclosed building" means a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
- b. "Detached or accessory building" means a building separated by at least six feet of space open to the sky from any other building on the same zoning plot.
- c. "Existing building" means a building erected prior to the effective date of this title, or one for which a legal building permit has been issued.
- d. "Primary building" means a building in which is conducted the primary use of the lot on which it is situated.
- e. "Public building" means a building principally occupied by the federal, state, county, or city government, or any political subdivision agency, or instrumentally thereof.
- f. "Temporary building" means a building not permanently attached to the ground by fixed foundation, piers or substructure.

BUILDING HEIGHT. The vertical distance at any point from the finished grade or existing grade, whichever is lower, to the highest point of the coping of a flat roof, to the top roof line of a mansard roof, or to the midpoint of the highest gable of a pitched or hip roof. Where unusual deviations occur on the existing grade, such as a small swale, the Planning Director may make minor adjustments in the building height envelope to permit reasonable building design consistent with the intent and purpose of the building height standard. Graded area entirely under a building and not visible from the exterior of the building, such as underground garages and basements, shall not be included for purposes of calculating height.

BUILDING MATERIALS (SALES). An establishment engaged in the retail and wholesale sales and storage of building materials such as lumber, masonry products, rock, soil, tile, and other similar materials needed to construct a structure and/or accessory structures and uses (fences, paved areas, retaining walls).

CABARET. Any establishment, event or place where live entertainment is provided by or for any patron or guest, including but not limited to singing, playing music, dancing, performing karaoke, acting, conducting a fashion show, performing pantomime, performing comedy or other act or performance, either as the main purpose for such gathering or as an ancillary activity to some other purpose. Please refer to Chapter 6, Article 2 of this Code for regulations regarding cabarets and to Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

CAMERA STORE. An establishment engaged in the retail sales of cameras and photographic supplies. May include ancillary repair.

CANNABIS. All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972, and amended by the California Control, Regulate and Tax Adult Use of Marijuana Initiative, and as defined by other applicable state law. "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.

CANNABIS DELIVERY. The commercial transfer of Cannabis or Cannabis Products to a customer, including Medical Cannabis or Cannabis Products, to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code. "Delivery" also includes the use of any technology platform owned and controlled by a Cannabis Business Operator that enables clients or patients to arrange for or facilitate the commercial transfer by a permitted Commercial Cannabis Retail dispensary.

CARD CLUB. Any building or structure, or any portion of a building or structure, wherein any person or persons are permitted to play a card game in return for a fee, charge, or other compensation. Refer to Chapter 4, Article 3 of the Hayward Municipal Code for regulations.

CARETAKERS QUARTERS. A dwelling unit located on an industrial or commercial property to be used exclusively as living quarters for the caretaker(s) of the subject property.

CARNIVAL. An establishment providing one or more non-coin-operated powered amusement rides, or providing two or more uses such as a tent, freak, or side show, a feat of daring, or an exhibition of two or more wild animals except within a public park or zoo, or providing other similar uses.

CARPET/DRAPERY STORE. An establishment engaged in the retail or wholesale sales of carpets and drapes. Does not include on-site manufacturing.

CARPORT. A permanent roofed structure not completely enclosed on the sides and used for vehicle parking.

CAR WASH. An establishment engaged in the washing of passenger vehicles for a fee.

CATERING FACILITY. An establishment engaged in the preparation of food to be served at an event held off-site, usually at a banquet hall or private facility, and establishments primarily engaged in the preparation of prepared food items in individual servings for off-premise consumption and/or sale by others. Typical uses include caterers, wholesale bakeries, commissary kitchens, and specialty food packaging and/or processing shops.

CATERING TRUCK. A commercially licensed motor vehicle, approved by the Alameda County 111, Department of Environmental Health Services, and the City of Hayward Police Department, from which food and beverages are sold, distributed, or otherwise provided to consumers on private property and which travels from place to place to conduct its operation. Does not include a Food Vendor cart. See Section 10-1.2735.b. for regulations.

CENTRAL BUSINESS DISTRICT (CB). A land use zoning district within which commercial and retail land uses may develop which provide a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity. See Section 10-1.1300.

CENTRAL CITY DISTRICT (CC). A land use zoning district in the center of the City, within which land uses may develop which promote the development of the downtown. These land uses include business, government, cultural, financial, residential, office, and entertainment uses. See Section 10-1.1500. This District includes the following Subdistricts:

- a. Central City—Commercial (CC-C).
- b. Central City—Residential (CC-R).
- c. Central City—Plaza (CC-P).

CHECK CASHING STORE. An establishment primarily engaged in the cashing of checks for customers who usually do not have a checking account at a bank or other financial institution. Is commonly found in areas with easy access and high visibility.

CHRISTMAS TREE AND PUMPKIN PATCH LOTS. Seasonal establishments engaged in the retail sales of Christmas trees and pumpkins. See Section 10-1.2735.c. for standards.

CITY COUNCIL. The City Council of the City of Hayward, California.

CLOTHING STORE ("APPAREL"). An establishment engaged in the retail sales of new clothing, such as shoes, hats, dresses, shirts, etc. For used clothing, see "THRIFT STORE."

COMMERCIAL AMUSEMENT FACILITY. A facility offering entertainment open to the public for a fee or by membership subscription, for example, ticket, door charge, amusement device fee. Said facility shall include, but not be limited to, internet access usage, theaters, arcades (place of business containing five or more amusement devices), billiard parlors, golf courses (including miniature golf), water slides, indoor soccer, batting cages, and bowling facilities. Four (4) or less manually or coin- or token- or slug-operated viewing or electronic or video game machines or other amusement devices (excluding jukeboxes) located in

association with other permitted uses and activities such as, but not limited to, taverns, restaurants, book stores, grocery stores, motels, hobby shops or toy stores, music or stereo stores, laundromats, barber or beauty shops, or computer stores shall be considered accessory to the permitted use. Under no circumstance, as a primary, permitted or accessory use, shall any Commercial Amusement Facility be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

COMMERCIAL CANNABIS BUSINESS. An entity engaged in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products for commercial purposes.

COMMERCIAL CANNABIS CULTIVATION. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis.

COMMERCIAL CANNABIS DISTRIBUTION. The procurement, sale, and transport of medical and non-medical adult recreational use Cannabis and medical and non-medical adult recreational use Cannabis Products between Commercial Cannabis Businesses.

COMMERCIAL CANNABIS MANUFACTURING. The production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by mean of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

COMMERCIAL CANNABIS MANUFACTURING - LEVEL 1. The manufacturing of cannabis products using nonvolatile solvents, or no solvents. A Commercial Cannabis Manufacturing Level 1 Operator shall only manufacture cannabis products for sale by a permitted Commercial Cannabis Retail facility.

COMMERCIAL CANNABIS MANUFACTURING - LEVEL 2. The manufacturing of cannabis products using volatile solvents. A Commercial Cannabis Manufacturing Level 2 Operator shall only manufacture cannabis products for sale by a permitted Commercial Cannabis Retail dispensary. For purposes of this section, "volatile solvents" shall include ethanol and all solvents described in paragraph (3) of subdivision (d) of Section 11362.3 of the Health and Safety Code, as such section may be amended.

COMMERCIAL CANNABIS OPERATOR OR OPERATOR. The person or entity that is engaged in the conduct of any commercial medical or non-medical adult recreational Cannabis use.

COMMERCIAL CANNABIS RETAIL DISPENSARY. A facility where Commercial Cannabis or Commercial Cannabis Products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical and non-medical adult recreational use Cannabis or medical and non-medical adult recreational use Cannabis Products as part of a retail sale.

COMMERCIAL CANNABIS TESTING LABORATORY. A laboratory, facility, or entity in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.

(2) Licensed by the Bureau of Cannabis Control.

COMMERCIAL OFFICE (CO). A land use zoning district within which administrative, professional, businesses and financial office land uses may exist, yet which are not detrimental to the residential use of adjacent properties. See Section 10-1.1100.

COMMERCIAL RETAIL DISTRICT (BP). A land use zoning district intended to provide for limited retail, service, and office commercial uses which serve the needs of workers within the Industrial Corridor. See Section 10-1.1400.

CONCESSION STAND. A small, ancillary retail use that provides food and beverages to a primary land use. May include light cooking and heating of food commodities.

CONSIGNMENT STORE. A retail establishment that sells good quality merchandise (for example, clean, not damaged, stained or frayed) that has been provided to the proprietor on a consignment basis as well as new merchandise. Sale of donated or otherwise second-hand merchandise is prohibited.

CONVALESCENT HOME. An establishment in which nursing, dietary and other personal services are furnished twenty-four (24) hours a day to convalescents, invalids, or the aged who are unable to or no longer want to care for themselves in a more traditional setting. Also referred to as nursing homes or intermediate care facilities. Does not include institutions which care for persons suffering from a mental disorder or communicable disease, or which offers surgery, maternity or other primary treatments.

CONVENIENCE MARKET. A retail food market which is typically less than 2,500 square feet in gross floor area and which caters to customers who buy a small number of items, is typically part of a larger chain or franchise system, often with long hours of operation, and as determined by the Planning Director.

CONSTRUCTION TRAILER. A temporary trailer used as an office, or an office/quarters combination with quarters for one security guard in connection with ongoing construction work associated with new construction of industrial, commercial, or multi-family development. See Section 10-1.2735.b.

CONTRACTOR SERVICES. An establishment providing general contracting and/or building construction services for other uses. This use classification includes general building, plumbing, electrical, air conditioning, carpentry, and other trade contractors.

COPYING OR REPRODUCTION FACILITY . An establishment which provides printing services to customers. Typically includes blueprint machines, reproduction machines, paper goods, and binding services (spiral binding, glue binding, stapling, etc.), and may include as an ancillary use, access to the internet. Under no circumstance, as a primary, permitted or

accessory use, shall any Copy or Reproduction Service be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

COURTYARD. The word "courtyard" shall mean an open unoccupied space bounded on two or more sides by the walls of a building. An inner courtyard is a court entirely within the exterior walls of a building. All other courts are outer courts.

CULTURAL FACILITY. Facilities maintained to develop, promote, or foster the arts or literature, as well as a clubhouse, lodge hall, and fraternal society meeting places, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses.

DANCE STUDIO. An establishment where dance classes and dance recitals are performed to recorded music.

DAY CARE CENTER. A facility which provides non-medical care to 15 or more children and/or adults in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. May include pre-schools, infant centers, and extended day care facilities.

DAY CARE HOME. A single-family residence which is occupied and used as such and provides non-medical day care on less than a 24-hour basis to children and/or adults. Day care home must be State-licensed, and may be either one of the following:

- a. **Small Day Care Home.** The use of a single-family residence to provide day care to eight (8) or fewer persons, including any children under the age of 10 years who reside at the home.
- b. **Large Day Care Home.** The use of a single-family residence to provide day care to 8-14 persons, including any children under the age of 10 years who reside at the home.

DISTILLERY. An alcoholic beverage sales establishment where distilled spirits are made. Tasting distilled spirits may be included as an accessory use, but the distillery cannot operate as a bar. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

DISTRICT. Means a zoning district established under the provisions of the Zoning Ordinance.

DORMITORY. A residence hall providing sleeping rooms, bathrooms, study and recreation rooms and a common kitchen for students.

DRAFTING SERVICE. An establishment which performs drafting services such as drawing of site plans or construction drawings of buildings. Is usually accompanied by drafting tables and blueprinting machines. Also refer to "ARCHITECTURAL SERVICE", "ENGINEERING SERVICE,"

DRIVE-IN ESTABLISHMENT. An establishment which accommodates the patrons' and their motor vehicles from which the occupants may watch, purchase or receive goods or services (i.e., a drive-through restaurant, drive-through coffee shop, drive-in theater, drive-

up photo finishing, car wash, gas station, mini-mart with gas, automobile lubrication facility, etc.).

DRY CLEANER/LAUNDRY. A dry cleaner/laundry is open to the general public for dry cleaning/laundry purposes. For purposes of this ordinance, a dry cleaner/laundry excludes a dry cleaning/laundry plant which serves solely to dry clean clothing processed for other dry cleaners and not open to the general public.

DWELLING UNIT. One or more rooms with a single kitchen, arranged, designed, used, or intended to be used exclusively for living and sleeping purposes by one family as an independent housekeeping unit. Other definitions include the following:

- a. Accessory dwelling unit: An attached, detached, or internal residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and shall be located on the same parcel an existing single-family dwelling is situated or to be situated with the proposed development of single-family dwelling(s). See Section 10-1.2740 for criteria and standards.
- b. Apartment/multiple family dwelling(s): Any building, group of buildings, or portion thereof which includes two or more dwelling units, and which are intended as ownership units, or in the case of apartments, rental or for lease units. Apartment/multiple family dwelling projects may include private recreational facilities. See Sections 10-1.400 and 10-1.500 for requirements.
- c. Condominium dwelling(s): Any building, group of buildings, or portion thereof which includes two or more dwelling units, and for which there is a final map or parcel map. Condominium dwelling projects are usually governed by a Homeowners Association (HOA) with Covenants, Codes and Restrictions (CC&R's), and may include private recreational facilities. See Sections 10-1.400 and 10-1.500 for requirements. Within a condominium, ownership consists of the airspace within a unit and the building(s) and all land within the development are under common ownership.
- d. Single-family dwelling: A detached building containing only one dwelling unit. See Section 10-1.200 for requirements.
- e. Second Single-family dwelling: A second single-family dwelling permitted on a parcel where there is one existing single-family dwelling already, provided minimum lot size and setbacks can be met for both dwellings separately. See Section 10-1.215.b.(1) (b) for requirements.
- f. Townhouse dwelling(s): Any building, group of buildings, or portion thereof which includes two or more attached dwelling units, and for which there is a final map or parcel map. Townhouse dwelling projects are usually governed by a Homeowners Association (HOA) with Covenants, Codes and Restrictions (CC&R's), and may include private recreational facilities. See Sections 10-1.400 and 10-1.500 for requirements. Townhouse ownership includes the building, the land beneath the building and

typically a patio or small yard adjacent to the structure. The remaining land within the development is under common ownership.

EDIBLE CANNABIS PRODUCT. A cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

EDUCATIONAL FACILITY. Facilities maintained to provide instruction to students for the purpose of developing their faculties and powers, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses. May include trade schools, a beauty college, or business college.

ENGINEERING SERVICE. An establishment which provides engineering services (i.e., structural calculations, construction drawings, consultation, etc.). Usually includes office and drafting equipment, including blueprint machines. Also refer to "ARCHITECTURAL SERVICES", "DRAFTING SERVICES,"

ENVIRONMENTAL DOCUMENT. Information within a written document which evaluates the environmental effects of a proposed project as required by the current City of Hayward and the California Environmental Quality Act (CEQA) environmental review guidelines.

ESTABLISHMENT. A separate place of business having the following characteristics:

- a. The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishment on the same or adjacent site;
- b. Direct public access is separate and distinct from direct access to any other business establishment;
- c. There is no direct public access from within such establishment to any other such establishment.

EQUIPMENT RENTAL SERVICE. An establishment which rents non-industrial machinery and equipment for a fee. May also include minor repair of equipment. See also **INDUSTRIAL EQUIPMENT SALES AND RENTAL.**

FABRIC STORE. An establishment which offers such commodities as fabrics, threads, and other sewing notions for sale at retail. Usually includes retail sales of sewing machines and craft items (silkscreening equipment, fabric paint, needlepoint materials, ribbons, etc.), and may include classes associated with the use of these commodities.

FAMILY. One or more persons living together as a single housekeeping unit, as distinguished from a group living in a boarding house, hotel, motel, or group or institutional living quarters such as a group home, day care home, or convalescent home.

FARMER'S MARKET. A periodic event where fresh produce, flowers, and hand made craft items are sold at retail. Typically held in a downtown area, outside.

FENCE. A linear structure constructed or erected to a maximum height of 6 feet unless otherwise provided herein, and which requires permanent location on the ground or is attached to something having location on the ground. Building materials used for a fence may include but are not limited to boards, bricks, wrought iron, chain link, or blocks, and do not include landscaping, such as hedges, bamboo sticks or bushes, and trees.

FENCE, HEIGHT OF. A height measured from ground level (or top of retaining wall) to top of fence. On sloping sites with a stepped fence, height may be measured at the midpoint of each fence section.

FINANCIAL INSTITUTION. An establishment which provides services to meet the financial needs of its customers (i.e., checking account services, mortgage broker services, etc.) Also refer to "CHECK CASHING STORE."

FIREARMS SALES. A person or entity engaged in the business of selling, transferring, or leasing; or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm and/or ammunition, either directly or indirectly; and/or engaged in the retail sale of ammunition, as defined in Hayward Municipal Code Section 6-11.01(d).

FLEA MARKET. One or more vendors selling new or used merchandise at retail, within a structure or open air setting where no individual building walls separate uses, or where sales areas are within stalls which are smaller in size than typical retail spaces, and that the character of the business is that typically associated with a flea market, and as determined by the Planning Director.

FLOOD PLAN (FP). A land use zoning district within which land is subject to tidal or flood water inundation. See Section 10-1.2100.

FLOOR AREA, GROSS. The area included within the surrounding walls of a building or portion thereof, exclusive of vent shaft, eaves, overhangs, atriums, covered entries and courts and any portion of a structure above ground used for parking, parking aisles or loading areas.

FLORAL SHOP. An establishment which provides flowers and floral arrangements at retail. Usually includes refrigeration units to keep flower fresh, and delivery vans.

FOOD VENDOR. The vending of food or beverages from a movable cart-type stand or vehicle which is located on the same lot as a permitted use in a zone that allows for such operation, and subject to the standards and process set forth in HMC Section 10-2700, General Regulations.

FRONTAGE. See "Lot Frontage."

FURNITURE STORE. An establishment engaged in the retail sales furnishings. These usually include chairs, tables, couches, beds, and accessories for the home. All activities occur within an enclosed structure.

GARAGE. A fully enclosed and covered attached or detached structure accessory to a residential use intended for storage of one or more motor vehicles used by the occupants of the premises; which does not have any permanent obstructions that would prevent vehicles

parking within; which has garage doors that are operable; and which does not have rugs, linoleum or other non-fire-resistant coverings on the floor. For purposes of determining the existence of a one or two car garage, the minimum dimensions of an existing single-car garage wherein no permanent obstructions may occur is 10' wide × 19' deep, and the minimum dimensions of an existing double-car garage in wherein no permanent obstructions may occur is 18' wide by 19' deep. For purposes of this ordinance a garage of any dimension shall not be used as a habitable space. Construction of new garages shall have minimum interior dimensions of 11' wide × 19' deep for single-car garages and 20' wide × 19' deep for double-car garages.

GARDEN SUPPLIES STORE. An establishment which provides supplies for gardening at retail. This usually includes flower and vegetable seeds, fresh flowers and vegetable plants, grass sod, soil, and tools, and typically includes a screened-in outdoor display and servicing area.

GENERAL COMMERCIAL DISTRICT (CG). A land use zoning district within which general commercial and retail land uses may develop which provide services for the support of primary business activities in the Central City District. See Section 10-1.1000.

GENERAL REGULATIONS. Specific regulations which apply to all zone districts and to all uses permitted in the districts. The regulations are found in Section 10-1.2700 of this Zoning Ordinance, and are intended to amplify and to supplement district regulations.

GOLF COURSE. A publicly or privately owned area of land laid out for the game of golf with a series of 9 or 18 holes each. Usually includes a club house and maintenance building. May include retail sales relating to golf (pro-shop) and a restaurant/bar.

GRADE. The degree of rise or descent of a sloping surface (also see "SLOPE").

- a. **Finished Grade.** The final elevation of the ground surface after completion of all site preparation work or after development.
- b. **Existing grade.** The ground elevation prior to grading for construction. Where walls are parallel to and within five feet of a sidewalk, the above-ground level grade shall be measured at the sidewalk.

GRANNY OR IN-LAW UNIT. See "Accessory Dwelling Unit."

GREENHOUSE. A permanent enclosed structure for the propagation and growing of plants, constructed with a translucent roof and/or walls.

GROUP HOME. The use of any single-family residence or other dwelling unit for a group residence where residents pay a fee or other consideration to the Group Home operator in return for residential accommodations. A Group Home includes a boarding home, a rooming house, as well as a group residence for the elderly, or mentally or physically disabled or handicapped persons, or other persons in need of care and supervision. Each dwelling unit so used shall be considered a single Group Home. The term Group Home includes both licensed and unlicensed Group Homes.

- a. **Licensed Group Home.** A licensed Group Home is any residential facility subject to State licensing requirements pursuant to the California Health and Safety Code

(HSC), implementing State regulations, and amendments thereto. Any Group Home which is subject to State licensing requirements shall be treated as an unlicensed Group Home if the facility's license has expired or such license has been suspended, revoked or terminated. Group Homes subject to State licensing requirements include the following:

- (1) Residential facilities providing non-medical residential care, specifically, any residential Community Care Facility (HSC section 1502), a Residential Care Facility for the Elderly (HSC section 1569.2) and a alcoholism or drug abuse recovery or treatment facility (HSC section 11834.11).
 - (2) The following types of Health Facilities (HSC section 1250, specifically, a Congregate Living Health Facility (HSC section 1250 (i)), an Intermediate Care Facility/Developmentally Disabled Habilitative (HSC section 1250 (e), an Intermediate Care Facility/Developmentally Disabled (HSC section 1250(g)), and an Intermediate Care Facility/Developmentally Disabled-Nursing (HSC section 1250(h)).
- b. Unlicensed Group Home. An unlicensed Group Home is the use of a dwelling unit by an owner or operator as a dormitory, boarding house, rooming house or similar use, where such residential facility is not subject to State licensing requirements or whose state license has expired, or has been suspended or revoked.

GUN SHOP. See "FIREARMS SALES."

HARDWARE STORE. An establishment which provides a variety of supplies and materials used for small construction or repair projects, at retail.

HAZARDOUS MATERIAL. A gas, material, or substance capable of posing a risk to health, safety, or property; provided, however, use of hazardous materials contained in consumer-sized containers purchased solely for on-site maintenance activities shall not be considered a hazardous materials use for the purpose of these regulations. The Fire Chief or his or her designee has the exclusive authority to develop and apply regulations which determine which, if any of the Group A, B, or C and included categories utilized in the Industrial District regulations is applicable to a user of any hazardous materials; such regulations may include reference to federal and state law, standards, and regulations applicable to hazardous materials. The Fire Chief or his or her designee also has the exclusive authority in conjunction with the Planning Division to exclude or reduce the category of prescribed Conditional or Administrative Uses in the Zoning Ordinance when it is found that the quantities are minor or additional mitigations are found to be acceptable.

Hazardous materials which belong to more than one group or category shall be subject to the most stringent regulations. In addition to the following classifications please refer to specific Zoning Districts for hazardous materials land use requirements.

- a. Group A. Hazardous materials which include any of the following:
 - (1) Explosives and blasting agents;
 - (2) Reactive materials;

- (3) Unstable materials;
 - (4) Radioactive materials;
 - (5) Class 3 and 4 oxidizing materials;
 - (6) Poisonous or highly toxic materials;
 - (7) Corrosive, poisonous, or unstable gases;
 - (8) State of California restricted hazardous wastes, including substances classified as extremely hazardous wastes.
- b. Group B. Hazardous materials which include any of the following:
- (1) Flammable liquids, namely liquids that have a flashpoint below 100° Fahrenheit'
 - (2) Flammable solids;
 - (3) Class 1 and 2 oxidizing materials;
 - (4) Flammable or oxidizing gases;
 - (5) Corrosive materials.
- c. Group C. Hazardous materials which include any of the following:
- (1) Combustible liquids, namely liquids that have a flashpoint at or above 100° Fahrenheit.
 - (2) Inert gases.
 - (3) Other regulated materials referred to in the following sources except Group A or B hazardous materials:
 - i) California Fire Code as adopted by the City of Hayward'
 - ii) 49 Code of Federal Regulations section 173.500, including amendments or successors thereto; and
 - iii) Hayward Municipal Code Section 3-8.06 except those materials exempted by Hayward Municipal Code Section 3-8.07, including amendments or successors to such provisions.

HEALTH CLUB. An establishment which provides physical fitness equipment, classes, and facilities such as racquetball and tennis courts and/or swimming pools for patrons to use for a fee. (Also see "PHYSICAL FITNESS STUDIO" for a smaller version of this type of facility.)

HIGH DENSITY RESIDENTIAL DISTRICT (RH). A land use zoning district which allows the development of multiple-family dwellings at a high density. See Section 10-1.500.

HOME OCCUPATION. Any occupation conducted within the living area of a dwelling unit by persons residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Also referred to as a "Mail and Telephone Business Listing." For purposes of this ordinance,

a licensed Group Home shall not be considered a "home occupation." A home occupation shall comply with the following standards:

- a. does not display or sell any commodities except those produced on the premises;
- b. does not use any accessory building, garage, yard space, or activity outside of the dwelling unit;
- c. does not generate a character and volume of vehicular traffic not normally associated with residential use;
- d. does not involve the use of more than 10 percent or more than 200 square feet of floor area of the dwelling unit, whichever is less;
- e. does not display signs or other matter which would indicate a business is operating within the home;
- f. does not allow for more than two customers/clients to visit the home each day and customers/clients are limited to visiting the house between the hours of 8 a.m. and 9 p.m.;
- g. where no repair work is permitted;
- h. where at least one parking stall is available for guest parking either in the driveway or on the street in front of the residence; if customers/clients visit the premises;
- i. where no employees, other than residents of the home, come to or work from the home; and
- j. which requires all applicable building and fire codes to be met.

HOME OCCUPATION - EXPANDED. An expansion of the provisions of or variance to a home occupation as defined above regarding numbers of customers, hours of operation, sale of commodities produced on the premises (excluding sale of guns), and minor repair only.

HOMELESS SHELTER. An institution that provides shelter for individuals and families with no limitation on the length of stay. Such use may also provide meals and supportive social services. May also include Housing Navigation Centers and Emergency Shelters (per Health and Safety Code 50801).

HOSPITAL. An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients for twenty-four hours or more. The term "hospital," as used in this title, does not apply to institutions operating solely for the treatment of mentally ill persons, drug addicts, liquor addicts, or other types of cases necessitating confinement of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter or boarding homes.

HOTEL. A building where lodging with or without meals is provided to the general public for compensation typically on a nightly basis, and where no provision is made for cooking in any individual guest room or suite, and where a maximum continuous length of stay is no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code, but shall not include institutions where human being are detained under legal restraint.

Extended Lodging Facilities, where kitchens, kitchenettes or other cooking facilities may be permitted within individual guest rooms, are allowed in any Zoning District where Hotels are permitted, subject to the following standards:

- a. Each guestroom shall be provided with voicemail, dataports, desk, color television, alarm clock or wake up service. Irons and ironing boards must also be made available to guests upon request.
- b. Self-service laundry facilities shall be accessible to all guests.
- c. Recreational facilities such as pool, whirlpool/spa/ and/or fitness room shall be provided.
- d. A 24-hour per day on-site supervisor shall be provided.
- e. Housekeeping services including cleaning and linen service shall be offered on a regular basis to every guestroom.
- f. Extended Lodging Facilities cannot be used for long term occupancy (i.e. apartments, care facilities, boarding houses, etc.). Leases of any duration are prohibited.
- g. Extended Lodging Facilities may have a maximum continuous length of stay no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.

HOUSEHOLD PETS. See "PETS, HOUSEHOLD."

INDUSTRIAL EQUIPMENT SALES RENTAL AND SERVICE An establishment which provides industrial equipment and related commodities to the public for sale or rental, and servicing of that equipment. Such equipment may include large scale vehicles, large truck and trailer rigs, fork lifts, conveyor belts, and loading dock facilities, and includes .

INDUSTRIAL/VOCATIONAL TRADE SCHOOL. A trade school that provides specialized training of skilled labor including plumbing, carpentry, truck driving, mechanics, machine operations, computer repair, tool and dye, and similar technical schools. This definition excludes beauty/barber schools, business schools, or degree programs.

JEWELRY STORE. An establishment which provides jewelry, watches, gemstones, and other related commodities to the public for sale at retail. Typically includes jewelry and/or watch repair and cleaning services.

KENNEL. A lot, building, structure, enclosure or premises where one or more dogs, cats, or other household pets are kept for commercial purposes, including boarding, breeding of more than one litter per year and/or a litter every year, sale of goods or animals, or the rendering of services for profit. For the purposes hereof, the breeding and sale of the litter of animals kept and maintained as household pets and/or maintained by an animal fancier, shall not be deemed and considered a commercial kennel, provided they are less than one litter per year and litters do not occur every year.

KITCHEN. A definable area or room for food preparation, typically consisting of a permanent cooking appliance for use in food preparation, a refrigerator, cabinets, and a sink, usually in close proximity to one another.

LANDSCAPING. An area devoted to or developed and maintained predominantly with native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements.

LIMITED ACCESS COMMERCIAL (CL). A land use zoning district within which commercial uses may develop which normally tend to locate apart from standard commercial areas or service industries, or uses on highways of major importance. See Section 10-1.1200.

LIQUOR STORE. "Liquor store" shall mean any alcoholic beverage sales establishment primarily involving the sale of alcohol where beer, wine or distilled spirits are sold for off-sale consumption and where more than five (5) percent of the floor area of the establishment is devoted to the sale, display or storage of beer, wine or distilled spirits. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

LIVESTOCK. Domesticated farm animals kept for use or profit (See Section 10-1.2735.e. for regulations of livestock) and further defined as follows:

- a. Large Livestock. Horses, cattle, llamas, or similar large animals, as determined by the Planning Director.
- b. Medium Livestock. Sheep, goats, and pigs, or similar medium animals, as determined by the Planning Director.
- c. Small Livestock. Hens, ducks, pigeons, rabbits and other similar small animals, as determined by the Planning Director, totaling five (5) or more such animals on a property.

LOT. A recorded parcel of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classification of lots are as follows:

- a. Average Lot Width. The mean horizontal distance between the longest lot lines of lots having regular geometric design, such as rectangular and parallelogram lots, and in the case of lots of irregular design, shall mean the diameter of the largest horizontal circle inscribable completely within lot boundaries.
- b. Corner Lot. A lot at the intersection of two or more streets which has an angle of intersection of 135° or less. Where the angle of intersection exceeds 135°, the area abutting the two streets shall be a front yard.
- c. Flag Lot. A parcel of land where the buildable portion of the lot is via a narrow extension of the lot (access strip) to a public or approved private street, utilizing a private or privately shared travelway. The area within an access strip shall not be counted as part of the lot area for purposes of complying with minimum lot area requirements.
- d. Interior Lot. A lot other than a corner lot.
- e. Lot Coverage. The area of a lot enclosed by exterior walls or similar roof-supporting devices of all structures, including accessory structures and patio covers.

- f. **Lot Depth.** The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line. In instances of a cul-de-sac where the front lot line is curved, the lot depth shall be measured off a drawn line which connects the two side lot lines that intersect the cul-de-sac.
- g. **Lot Frontage.** The common property line of a lot and the right-of-way line of a street.
- h. **Lot Line.** Any boundary of a lot. The classifications of lot lines are:
 - (1) **Front.** A line separating the lot from the street right-of-way. In the case of a corner lot, the owner may designate the front lot line of said lot at the time of initial construction of the primary use.
 - (2) **Rear.** The lot line which is opposite and most distant from the front lot line; and in the case of an irregularly shaped lot, a line 10 feet in length within the lot, and any line closest to being parallel to and at the maximum distance from the front lot line. In the case of a corner lot, the rear lot line is opposite the front property line unless the Planning Director determines otherwise where there is a reasonable alternative.
 - (3) **Side.** Any lot line not a front lot line or a rear lot line.
- i. **Lot Size (or lot area).** The total horizontal area within the lot lines of a lot, with the exception of flag-shaped lots where the lot area shall be calculated excluding the stem of the lot.
- j. **Through Lot.** A lot having frontage on two approximately parallel streets.
- k. **Zero Lot Line.** The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.

MAILING OR FACSIMILE SERVICE. An establishment which provides postal services and a facsimile machine available to the public for a fee. Typically includes packaging and weighing facilities, and may include related copy work or wrapping paper and greeting cards for sale at retail as an ancillary use, as well as internet access as an ancillary use. Under no circumstance, as a primary, permitted or accessory use, shall any Mailing or Facsimile Service be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

MANUFACTURED HOME. A factory built or manufactured home including mobile homes, as permitted by State of California and Federal laws. A manufactured home is synonymous with the definition of a "single family dwelling."

MANUFACTURING. Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Instruction, direct sales, or on-site consumption are incidental to the manufacturing operation. Toxic, hazardous, or explosive materials produced or used in conjunction with the manufacturing process are subject to use permits based on type and

quantity of hazardous materials storied, utilized or generated by the manufacturing process (see "HAZARDOUS MATERIALS"). All impacts generated by manufacturing activities related to noise, gas, odor, dust, or vibration shall conform to the performance standards contained within the Industrial District regulations and other applicable local, state and federal regulations.

- a. Custom Manufacturing. Establishments engaged in the on-site assembly of hand-fabricated parts, or engaged in the on-site hand manufacture or hand fabrication of custom or craft goods. Goods are predominantly manufactured and fabricated involving the use of hand tools or domestic-scaled mechanical equipment and kilns not exceeding 20 square feet in size. Typical uses include ceramic studios, fabrics, inlays, weaving, leather work, woodwork, metal or glass work, candle making, small batch food manufacturing, or custom jewelry. For beer and alcohol production, see BREWERY/MICRO-BREWERY and DISTILLERY.
- b. General Manufacturing. Establishments engaged in manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. This classification includes manufacturing for biomass energy conversion, cosmetics and perfumes, electrical appliances and explosives, film and photographic processing plants, apparel and textile mills, leather and allied products manufacturing, wood/paper products, glass products, chemical products, medical/pharmaceutical products, refining, plastics and rubber products, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.
- c. Light Manufacturing. Establishments engaged in manufacturing of products and finished parts primarily from prestructured materials or components by means of physical assembly or reshaping and does not produce or utilize in large quantities as an integral part of the manufacturing process, toxic, hazardous, or explosive materials. Because of the nature of its operation and products, little or no noise, odor, vibration, glare, and/or air or water pollution is produced.

MARIJUANA. See "CANNABIS".

MARKET. See "SUPERMARKET."

MARTIAL ARTS STUDIO. An establishment where martial arts classes, private lessons, and demonstrations are provided to the public for a fee.

MASSAGE PARLOR. An establishment where body massage is provided to members of the public for a fee. Refer to Chapter 6, Article 10 of the Hayward Municipal Code for regulations.

MEDIA PRODUCTION. Facilities for motion picture, television, video, sound, computer and other communications and media production. Use includes incidental rehearsal and broadcasting uses; however, use does not include transmission towers. This classification may also include incidental office use, retail sales, and indoor storage of equipment related to the recording uses.

MEDICAL/DENTAL LABORATORY. A facility which custom manufactures and distributes false teeth, dental crowns, braces, and other related dental equipment to dentists.

MEDIUM DENSITY RESIDENTIAL (RM). A land use zoning district which primarily allows the development of multiple-family dwellings at a set density and in a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible. See Section 10-1.400.

MICRO-BREWERY. A retail establishment where alcoholic beverages are produced and sold for consumption either on or off premises. Tasting alcoholic beverages may be included as an accessory use, but the micro-brewery cannot operate as a bar. Refer to Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations.

MICROBUSINESS. A commercial cannabis business holding a license issued by the State Bureau of Cannabis Control for the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer pursuant to Business and Professions Code Sections 26050 and 26070.

MISSION BOULEVARD RESIDENTIAL DISTRICT (MBR). Note— Repealed by Ordinance 11-12, Adopted October 11, 2011.

MOBILE HOME Same as "Manufactured Home," but subject to the National Manufactured Housing Construction and Safety Act of 1974.

MOBILE HOME PARK (MH). A land use zoning district designed for, used or intended to be used for the parking and occupancy of two or more mobile homes for dwelling or sleeping purposes. See Section 10-1.700.

MORTUARY. An establishment engaged in the preparation of human bodies and the arrangement and holding of funeral services prior to burial or final disposition. For the purposes of this Ordinance, a mortuary may include a crematory.

MOTEL. A group of attached or detached buildings containing individual sleeping or living units designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit where a maximum continuous length of stay is no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.

MULTIPLE-FAMILY DWELLING. See "DWELLING, MULTIPLE-FAMILY."

MUSIC STORE. An establishment which sells musical instruments, sheet music, and related commodities to the public at retail. Typically includes repair of musical instruments.

MUSIC STUDIO. An establishment which provides music classes and private music lessons to the public for a fee. Typically involves piano lessons and/or guitar lessons, both acoustical and amplified, and includes occasional music recitals by the studio students.

NAIL SALON. An establishment which provides nail manicures and pedicures to the public at retail for a fee. Does not include massage or tanning services.

NEIGHBORHOOD COMMERCIAL DISTRICT (CN). A land use zoning district which is carefully located in areas throughout the City in relationship to other commercial districts

and in relationship to nearby residential districts. Land uses created in the CN district are general commercial and retail uses which provide convenience goods and services purchased frequently, serving nearby residences. See Section 10-1.800.

NEIGHBORHOOD COMMERCIAL - RESIDENTIAL DISTRICT (CN-R). A land use zoning district with a mix of neighborhood serving businesses and residences along portions of certain arterials in order to provide options for housing with ready access to shops and transit. See Section 10-1.900.

NIGHT CLUB. See definition for "Bar". Any night club that permits dancing or live entertainment on a regular basis must obtain a cabaret license as required by Chapter 6, Article 2 of this Code. Please see Section 10-1.2750 "Alcoholic Beverage Outlets" for regulations regarding alcohol.

NONCONFORMING, ILLEGAL. A structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Ordinance.

NONCONFORMING LOT. A lot, the area, frontage or dimensions of which do not conform to the provisions of this Ordinance.

NONCONFORMING STRUCTURE. A structure which conformed to applicable laws when constructed but does not conform to the provisions of this Ordinance.

NONCONFORMING USE. A use complying with applicable laws when established but does not conform to the provisions of this Ordinance.

NUISANCE. An activity or land use which is determined to be detrimental or incompatible with adjacent properties, adjacent property owners or users, or the general public. Refer to Section 10-1.150.

NURSERY, PLANT. An establishment which grows flowers, shrubs, and trees and provides them for sale at retail to the public. Typically includes related items such as seeds, bulbs, pots, potting soil, etc.

OFFICE. An establishment where services are performed for predominately administrative, professional, medical, dental or clerical operations that function as a place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers, corporate offices, drafting services, dentists, doctors, financial institutions, development companies, engineers, surveyors and planners, insurance agencies, interior decorators and designers, landscape architects, psychiatrists, psychologists, notaries, typing and secretarial services, therapists, and internet publishing, broadcasting, and web search portal establishments, and other similar businesses and professions, not otherwise specifically defined in this Code. This use classification also includes software and internet content development and publishing; computer systems design and programming; data processing or call centers; facilities that broadcast exclusively over the Internet and have no live, in-building audiences participating in such broadcasts; and computer, technical, and informational services.. Under no circumstance, as a primary, permitted or accessory use, shall any Office be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

OPEN SPACE. Open space areas and recreational amenities providing gathering space or opportunities for active or passive recreation. This is further defined as follows:

- a. **Common Usable Open Space.** An on-site, ground level area of lawn, pool, garden court with paving, rooftop recreational area, or recreation room accessible to all dwelling units and used by residents. The space does not include the required front or side street yard, off-street parking, driveways, service areas, or areas of more than 5 percent slope. (Refer to appropriate sections of this ordinance for specific requirements.)
- b. **Private Usable Open Space.** An on-site area of lawn, or garden court with paving, patio, deck, or balcony directly accessible only to one dwelling unit from a living and non-service area, which is not more than four feet above or below the floor level. The space shall not include the required front or street side yard, areas devoted to off-street parking, driveways, service, or areas of more than 3 percent slope. (Refer to appropriate sections of this ordinance for specific requirements.)

OPEN SPACE/PARKS AND RECREATION DISTRICT (OS). A land use zoning district intended to promote and encourage a suitable environment devoted to parks, recreation, floodplain or passive or active open space uses for the enjoyment of all members of the community. The OS District may be used to preserve and protect land areas of special or unusual ecological or geographic interest. See Section 10-1.2200.

PAINT/WALLPAPER STORE. An establishment which provides paint, wallpaper, and related commodities to the public for a fee. Typically includes installation services.

PALM READING SERVICE. An establishment which provides psychic services, such as palm reading and fortune telling, to the public for a fee.

PARCEL. A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest equalized assessment roll.

PARKING. A parking area which provides the required parking for a use in accordance with the City of Hayward Off-Street Parking Regulations (Chapter 10, Article 2, Hayward Municipal Code). The following definitions relating to parking are also provided:

- a. **Covered Parking.** Parking space(s) which are contained within a carport or garage.
- b. **Parking Lot.** An off-street area, whether open or enclosed, other than a showroom or sales lot, used to store motor vehicles on a daily basis, but not including the storage of dismantled or wrecked motor vehicles or parts thereof. A parking lot may be commercial, public, or private.
- c. **Off-Street Parking.** Parking stalls provided beyond the right-of-way of a street or highway.
- d. **Off-Street Parking Space.** Refer to the definition contained in the City of Hayward Off-Street Parking Regulations (Chapter 10, Article 2, Hayward Municipal Code).
- e. **On-Street Parking.** Parking stalls provided within the right-of-way of a street or highway.

- f. Open or Uncovered Parking. Parking space(s) which are not contained within a carport or garage.

PASSENGER TRANSPORTATION TERMINAL. A facility which provides a loading, transfer, or drop-off point for public transportation (i.e., Amtrak, BART, Greyhound, and airport.) For single passenger pick-up and drop-off, refer to "Taxi Company."

PAWN SHOP. An establishment which provides monetary exchange for collateral, typically personal items such as watches, jewelry, musical instruments, weapons, etc., after which the collateral item is returned to its owner after the money is repaid. Typically includes a fee and retail sales of unclaimed items.

PAYDAY LOAN FACILITIES. An establishment primarily engaged in the business of advancing funds to customers in situations where the customer uses his or her entitlement to a future paycheck from some other source as collateral for the loan, and for which the customer pays a fee (percentage or otherwise) for the advancement.

PERMITTED USE. A specified use allowed in a land use zoning district and subject to the provisions applicable to that district.

PERSON. Any individual, business, company, corporation, both public and private, association, political or governmental subdivision or unit, or other group acting as a unit or entity.

PET GROOMING SHOP. An establishment which provides a grooming service of household pets to the public for a fee. Typically includes washing, hair trimming, and temporary boarding of animals being groomed (i.e., less than 24 hours).

PET STORE. An establishment which provides pets and pet supplies to the public for sale at retail. Pets for sale typically include dogs, cats, fish, reptiles, hamsters, birds, etc., and may include exotic pets, such as parrots, pot bellied pigs, and iguanas. Pet supplies usually include food, cages, leashes, etc. May include ancillary pet grooming.

PETS, HOUSEHOLD. Small animals ordinarily and customarily domesticated and permitted in a dwelling and kept for company or pleasure and not for profit, including the following subcategories:

- a. Traditional Household Pets. Dogs, cats, canaries, parakeets, fish, domestic mice, rats, guinea pigs, potbelly pigs, up to four (4) rabbits, or similar animals, as determined by the Planning Director. The keeping of more than four cats or dogs requires an "Animal Fancier's Permit" from the City Animal Control Officer.
- b. Other Household Pets. Hens, ducks, pigeons and other similar small animals, as determined by the Planning Director, where the total number on a property does not exceed four (4) of such animals. Other Household Pets are subject to approval of a Zoning Conformance Permit based on consistency with the standards prescribed in Section 10-1.2735 of the Hayward Municipal Code.

PHOTOGRAPHIC SUPPLY STORE. See "CAMERA STORE."

PHOTOGRAPHY STUDIO. An establishment where a professional photographer takes posed pictures of people for a fee at retail. Does not include retail sales of photographic supplies, except for picture frames and picture albums.

PHYSICAL FITNESS STUDIO. An establishment which provides physical exercise classes and/or personal one-on-one physical fitness training. Typically includes a weight room and/or an aerobics dance class room. Does not include facilities typically of the large health clubs, such as showers, a pool, racquetball or tennis courts.

PLANNED DEVELOPMENT DISTRICT (PD). A land use zoning district which permit a combination of land uses planned for a single tract of land to be developed as a unit according to a specific development plan approved by the City which result in efficient and attractive utilization of land in order to preserve open space areas, topographical features, ridge tops, and tree clusters. This district also permits the creation of a site-specific project which provides a mix of housing types as well as nonresidential development. See Section 10-1.2500.

PLANNING COMMISSION. The Planning Commission of the City of Hayward, California.

PLANNING DIRECTOR. The Director of the Community and Economic Development Department of the City of Hayward, California. This includes his or her staff members as appointed to represent him or her.

POINT OF BUSINESS SALE. An establishment which provides retail sales of commodities via internet, telephone, facsimile, and/or mail, with less than 10 percent of gross annual sales attributable to direct and physical customer contact on-site.

PREMISES. A continuous area of land and any structures thereon all under a single ownership or operation under a single direction, which premises may include one or more adjacent lots, or fractions of lots.

PRIMARY USE. The principal or predominant use of any lot, building or structure.

PUBLIC AGENCY FACILITIES. Facilities, structures and accessory uses which house public agencies such as federal, state, or local government, and other agencies such as utility and telephone companies governed by the Public Utilities Commission.

PUBLIC PARK/PUBLIC GATHERING. A park, playground, swimming pool, reservoir, golf course, or athletic field within the City which is under the control, operation or management of the City of Hayward, Hayward Area Recreation District, Alameda County, the East Bay Regional Park District, the State of California or Federal Government. For private golf course, see "GOLF COURSE, COUNTRY CLUB."

PUBLIC FACILITIES DISTRICT (PF). A land use zoning district within which typical land uses include public government buildings, public libraries, public community centers, and public parking lots, whether a fee is charged or not. See Section 10-1.2300.

QUARRY. Any premises from which any rock, sand, gravel, earth, or mineral is removed or excavated for the purpose of disposition away from the immediate premises, whether the disposition is immediate or in the future, and excepting excavations within public roads and highway rights-of-way.

RADIO TRANSMISSION TOWER. See "ANTENNA."

RAILROAD YARD. A facility where railroad cars and engines are stored, repaired, and transferred to different trains. Also includes a freight station where items carried by train are transported onto and/or from trucks for transport. Also see "PASSENGER TRANSPORTATION TERMINAL."

RECREATIONAL FACILITY. Those facilities maintained to provide a pastime, sport or exercise as a means to refresh one's body or mind, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses. May be a commercial or non-commercial facility. Under no circumstance, as a primary, permitted or accessory use, shall any Recreational Facility be allowed to operate Simulated Gambling Devices as defined in the City's Municipal Code. (See HMC Chapter 4, Article 16.)

RECREATIONAL VEHICLE. A vehicle primarily designed as temporary living quarters for recreational, camping, or travel use.

RECREATIONAL VEHICLE (RV) STORAGE FACILITY. A parcel or group of contiguous parcels upon which two or more recreational vehicles, camper trailers and boats may be stored for a fee when not in use.

RECYCLING FACILITIES.

- a. Small Recycling Collection Facilities/Recycling Collection Area. Small recycling facilities shall be incidental to a primary use on the site (i.e. shopping center). Accepts recyclable non-hazardous materials directly from the public by donation, redemption, or purchase at facilities no greater than five hundred (500) square feet in area and that generally do not use power-driven processing equipment. May include mobile recycling units, bulk reverse vending machines, kiosk type units, and/or unattended containers placed for the donation of recyclable materials (such as aluminum, glass, plastic, and bimetal for recycling). Small Recycling collection facilities may not process material except for limited bailing, batching, and sorting of materials.
- b. Large Recycling Collection Facilities. A facility accepting recyclable non-hazardous materials by donation, redemption, or purchase at facilities occupying an area greater than five hundred (500) square feet and that is not incidental to a primary use. Large Recycling Collection Facilities may use power driven equipment to sort and condense material for shipment to an intermediate processor or other user. Processing of materials is limited to sorting, bailing or similar activities and shall occur within an enclosed building. Storage of materials shall occur within an enclosed building or in sealed and covered containers outside of a building, subject to the Outdoor Storage screening requirements.

Recycling Processing Facilities. A facility that operates within an enclosed building used for the collection, processing and storage of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such

means as briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, composting and remanufacturing. Processing outside of a building is prohibited. **RECYCLABLE MATERIALS.** "Recyclable materials" or "recyclables" are discarded materials that are collected, separated, composted, and processed and that can be used as raw materials in the manufacture of new products and/or materials used as alternative daily cover as defined and permitted by the State of California. Recyclable materials are collected and treated in a manner different from Refuse.

REFUSE. Waste material intended for disposal and including: (1) non-putrescible wastes, whether in solid or liquid form, except liquid-carried industrial wastes or sewage hauled as an incidental part of septic tank or cesspool-cleaning service; and (2) rubbish (such as non-recyclable materials).

RELIGIOUS FACILITY. Those facilities maintained by a tax-exempt religious institution, a government agency, or other non-profit organization exempt from taxation under the Internal Revenue laws as an organized system of belief in or the worship of God or gods or an institutionalized system of religious attitudes, beliefs and practices, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses.

RENEWABLE ELECTRIC POWER GENERATION, TRANSMISSION, AND DISTRIBUTION. Facilities engaged in generating electric power from renewable resources or operating power transmission systems for renewable energy, including electrical lines, transformer stations, and meters. This definition does not include ancillary renewable energy systems associated with a primary industrial use. See also **WIND ENERGY CONVERSION SYSTEM.**

RESEARCH AND DEVELOPMENT. A facility engaged in conducting research and development to gain or apply scientific knowledge for product/process creation. Includes commercial testing and experimental laboratory environments.

RESIDENTIAL NATURAL PRESERVATION DISTRICT (RNP). A land use zoning district within which topographic configuration is a major consideration in determining the most appropriate physical development of the land. This district primarily allows the development of single-family homes only where they are subservient to and compatible with the preservation of major natural features of the land. See Section 10-1.300.

RESIDENTIAL-OFFICE (RO). A land use zoning district which allows the mix of office land uses with residential, the scale and form of which does not detract from adjacent or future residential land use in the same zone. See Section 10-1.600.

RESTAURANT. Any establishment, other than a boarding house or dormitory, where food and beverages are provided for consumption on-premises or off-premises, and where typically, but not necessarily, there are tables, counters, benches, or other public seating facilities provided, or where food is taken off-premises, disposal containers are provided. Examples include a sit-down dining facility, fast-food restaurant (no drive-through window), donut shop, pizza shop, cafe, bakery, cafeteria, coffee shop, lunchroom, delicatessen, and ice cream parlor. The serving of alcoholic beverages is subject to the regulations in the "Alcohol Beverage Outlets" regulations, Section 10-1.2750 of this Ordinance.

RESTAURANT—DRIVE-THROUGH. Any high-volume establishment serving food or beverages which utilizes a building design, site layout, or operating procedure whereby customers can drive onto the premises and remain in their vehicles while food or beverages are sold or dispensed. For regulations of drive-through restaurants see the "Drive-in Establishments-Special Standards and Conditions" contained in the Design and Performance Standards of various Sections of this Ordinance, including Sections 10-1.800 and 10-1.1000.

RETAIL. The sale of commodities or goods to ultimate consumers. This definition does not include AUTOMOBILE SALES for new and used vehicles.

REVERSE VENDING MACHINES. A mechanical device which accepts one or more types of empty beverage containers, including aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip. "Bulk reverse vending machines" are those machines which exceed 50 cubic feet in size or exceed 8 feet in height. See Section 10-1.2735.i. "RECYCLING FACILITIES."

RIDING STABLE OR ACADEMY. A facility where individuals board their horse(s) and or where horseback riding classes are taught. Typically includes public demonstrations, such as dressage or other equestrian events. Does not include any contest(s) resembling a rodeo (i.e., bronco riding, calf roping, and/or steer wrestling.)

RIGHT-OF-WAY. Means a strip of land used acquired by reservation, dedication, prescription or condemnation and intended to be used or occupied by a road, trail, water line, sanitary sewer and/or other public utility services and uses, or any combination thereof, and includes all and any part of the entire width or other area of designated right-of-way, whether or not such entire width or area is actually used. Right-of-way includes access, pedestrian, equestrian and utility easements. The following sub-definitions are provided:

- a. **Public right-of-way.** Means a right-of-way owned by the City or any other public entity or public utility.
- b. **Private right-of-way.** Means a right-of-way owned by and for the benefit of one or more persons, including a right-of-way offered for dedication to the City or to any other public entity which has not been accepted and which no improvements or maintenance has regularly been performed by the city or other public entity.
- c. **Railroad right-of-way.** A strip of land on which railroad tracks, spur tracks, sidings, switching equipment and signals are located, and includes the entire width or other area of the designated right-of-way, whether or not the entire width or area is actually used for such railroad facilities.

SETBACK. The required distance that a building, structure, parking or other designated item must be located from a lot line.

SHOE REPAIR SHOP. An establishment which repairs, shines, and polishes shoes. Typically includes machinery necessary to repair shoes, and may include retail sales of shoes.

SHOPPING CENTER. A continuous area of land under single ownership or operated under a single direction, developed for retail and general commercial purposes, and typically has at least one major tenant and several smaller shops. Typically has driveways and parking facilities which are shared between tenants.

SIGN SHOP. An establishment which produces general advertising signs of various shapes and sizes for sale at retail.

SINGLE-FAMILY DWELLING. See "DWELLING, SINGLE-FAMILY."

SINGLE-FAMILY RESIDENTIAL (RS). A land use zoning district primarily used for single-family homes where children and members of many families live as a neighborhood. See Section 10-1.200.

SLOPE. An inclined ground surface, the inclination of which may be expressed as a ratio of horizontal distance to a vertical distance, in degrees or as a percentage.

Slope Percentage = Rise/Run X 100 = %.

Slope Ratio = Run/Rise = (x) feet run to one foot rise = X : 1

% Grade	100%	50%	40%	33.3%	30%	25%	20%	15%	12%	10%	8%	6%
Degrees	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
Ratio	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

SPECIAL DESIGN OVERLAY DISTRICT (SD). A zoning overlay which promotes the conservation and compatibility of development in areas of historic or architectural character and has specific architectural requirements for new development which enhances these resources. This District is comprised of the following Subdistricts:

- a. "B" Street Special Design Streetcar District (SD-1).
- b. Mission Corridor Special Design District (SD-2).
- c. Cottage Special Design District (SD-3).

SPECIAL LOT STANDARDS COMBINING DISTRICT (B). An overlay zone which depicts specific development standards for the zoning district it is combined with. See Section 10-1.2400.

SPORTING GOODS STORE. An establishment which sells sporting goods to the public at retail. Typically includes sports equipment (i.e., balls, bats, tennis rackets, golf clubs, skis and ski poles), and may include related clothing (i.e., tennis shoes for running, walking, basketball, etc., and sweat pants, shorts, shirts, and hats.) May also include the ancillary sale of used sporting goods.

STATION AREA RESIDENTIAL DISTRICT (SAR). Note— Repealed by Ordinance 11-12, Adopted October 11, 2011

STATIONARY STORE. An establishment which sells office-related products to the public at retail. Products typically includes paper products, calendars, pens and pencils, and may include small office equipment, such as filing cabinets, brief cases, and calculators. Usually

includes the sale of greeting cards, wrapping paper, photo albums, picture frames, globes, maps, and other related products.

STORAGE. A space or place where goods, materials and/or personal property is put for more than 24 hours. The following subdefinitions are provided:

- a. b. **Minor Open Storage.** Outside storage that is accessory or ancillary to the primary or conditional use conducted on the site, which shall not exceed 25 percent of an open yard area, excluding any required yard or parking area.
- b. **Public Storage Facility.** A space or place within an enclosed building where goods, materials, and/or personal property may be put for more than 24 hours for a fee. Typically includes a manager's dwelling unit and customer parking.
- c. **Recreational Vehicle Storage Facility.** See definition for "Recreational Vehicle (RV) Storage Facility."

STORAGE YARD. Outdoor storage of goods, materials, equipment as well as storage of operating equipment for warehouses such as forklifts, pallets and racks for more than 24 hours as a primary use. **This classification may include but is not limited to construction trailers, outdoor sheds or accessory portable structures, secondary sites for storage of building materials that are not for resale on-site. This classification excludes auto-related outdoor storage uses otherwise defined in this section such as AUTOMOBILE STORAGE YARD, AUTOMOBILE DISMANTLING FACILITY and TOWING YARD.**

STORY. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused underfloor space shall be considered as a story. Maximum story height shall be 13 feet.

STREET. A publicly maintained right-of-way for use as a public thoroughfare by the public at large, or a private street, provided said private street has been approved by the City Council.

STRUCTURAL ALTERATIONS. Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

STRUCTURE. Anything constructed or erected, except fences not exceeding six feet in height, which requires permanent location on the ground or is attached to something having location on the ground.

SUBDIVISION. The division of land as regulated by the Subdivision Ordinance, Article 3, Chapter 10, of the Hayward Municipal Code.

SUBDISTRICT. A subcategory of a primary zoning district.

SUNTAN PARLOR. An establishment which provides tanning facilities for use by the public for a fee.

SUPERMARKET. An establishment which does retail sales of food, beverages, drugs, variety items, and similar goods. May include an automated teller machine or related financial facility.

TAILOR/SEAMSTRESS SHOP. An establishment which sews, alters, and/or mends clothing and costumes for the public for a fee. Typically includes sewing machines and sewing notions for use by the proprietor.

TANNING SALON. See "SUNTAN PARLOR."

TATTOO PARLOR. An establishment which provides a tattooing service to customers. May include body piercing as an ancillary use.

TAVERN. See "BAR, COCKTAIL LOUNGE."

TAXI COMPANY. An establishment which provides vehicle rides to the public for a fee. Typically includes automobile and/or van rides, for single passenger pick-ups and drop-offs. Minor automobile repair of vehicles used by the proprietor is permitted on-site (i.e., oil change, tune-ups).

TEMPORARY USE. A use established for a specific period of time, with the intent to discontinue the use at the end of the designated time period. Example includes retail sidewalk or tent sales. For animals, "temporary use" shall mean the keeping of animals for specified periods of time either following birth, for purposes of recovery by no-profit breed rescue organizations, or other reasons as determined by the Planning Director.

THEATER. A building or outdoor structure where films, motion pictures, video cassettes, slide or similar photographic reproductions are regularly shown, or an establishment regularly featuring live performance of dramatic productions, for any form of consideration.

- a. **SMALL MOTION PICTURE THEATER.** An establishment having two (2) or fewer screens or less than two hundred (200) seats.
- b. **LARGE MOTION PICTURE THEATER.** An establishment having three (3) or more screens or two hundred (200) or more seats and showing first run films. Large Motion Picture Theaters are also referred to as multi-plex or multi-screen theaters.
- c. **LIVE PERFORMANCE THEATER.** An establishment having one or more stages and featuring live or dramatic productions.

THRIFT STORE. An establishment engaged in the retail sales of used or donated goods (including clothing, furniture, appliances, etc.).

TRAILER. A vehicle without motor power used or adaptable for living, sleeping, business or storage purposes, having no function other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to

place. A permanent foundation shall not change its character unless the entire structure is erected and maintained in accordance with prevailing laws.

TOY STORE. An establishment which sells toys and games to the public at retail.

TRANSITIONAL AND SUPPORTIVE HOUSING. Transitional and supportive housing are more permanent housing options providing a more stable living situation for individuals and families that might otherwise be homeless with stay lengths that are typically six months or longer. Transitional and supportive housing uses are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone.

TRAVEL AGENCY. See "OFFICE."

TRUCK TERMINAL. A facility which provides a transfer, loading, and unloading point for trucks and automobiles carrying goods and products. Typically includes fuel and food facilities.

UNATTENDED COLLECTION BOXES. Unattended collection box shall mean any unattended container, receptacle or similar device that is located on any lot within the city that is used for soliciting and collecting donations of clothing and other salvageable personal property. See General Regulations "Recycling Facilities" for specific regulations.

UPHOLSTERY SHOP. A facility which re-upholsters household furnishings of all types (i.e., couches, chairs, footstools, pillows, etc.), for a fee (does not include automobile upholstery).

USE. The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

USE PERMIT. A land use permit termed a "discretionary entitlement" to operate a specified land use on a given parcel. Usually an activity or business. The following subcategories of use permit are provided:

- a. **Administrative Use Permit.** A Use Permit issued administratively by the Planning Director or his or her appointee. An Administrative Use Permit is typically subject to exactions and conditions of approval.
- b. **Conditional Use Permit.** A Use Permit issued by the Planning Commission or City Council through a public hearing process. A Conditional Use Permit is typically subject to exactions and conditions of approval.

VACANT BUILDING/SITE. A building, structure or real property that is undeveloped, unoccupied or occupied by a person without a legal right to occupy for at least 30 days. In determining whether a building or site is vacant, the Planning Director or designee may consider these factors among others:

- a. A building at which lawful residential or business activity has ceased.
- b. The building or site is substantially devoid of contents.
- c. The building or site lacks legally connected utility services, including but not limited to water, sewer, electrical or natural gas.

- d. This definition does not include building, structures or sites that are undergoing construction or renovation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

VARIANCE. A discretionary entitlement which permits the departure from the strict application of the development standards contained in this Zoning Ordinance.

VARIETY STORE. An establishment which provides a variety of goods to the public for sale at retail. Typically includes hair care products, a pharmacy, non-prescription drugs and hygiene products, cleaning supplies, toys, games, small household appliances, dishes, make-up, candy, etc.

VEHICLE. The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for sleeping purposes shall be prohibited except within an approved mobile home park.

VEHICLE RENTAL. See "AUTOMOBILE RENTAL."

VEHICLE REPAIR. See "AUTOMOBILE REPAIR."

VEHICLE SALES. See "AUTOMOBILE SALES."

VEHICLE SERVICING. For vehicle servicing such as same-day lube, oil, and filter, see "Automobile Repair - Minor." For major vehicle repairs such as engine overhauls, vehicle upholstery, auto glass, mufflers, etc., see "Automobile Repair - Major."

VIDEO SALES AND RENTAL STORE. An establishment which sells at retail and/or rents video tapes to the public.

WAREHOUSE AND DISTRIBUTION FACILITY. Establishments primarily engaged in the sale, storage, and distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for distribution in smaller lots. Does not include public storage facilities. **WASTE TREATMENT FACILITY.** A facility that treats hazardous waste, medical waste or other waste from offsite sources.

WASTE TRANSFER/HANDLING FACILITY. A facility that transports or handles hazardous waste, medical wastes or other wastes from offsite sources.

WHOLESALE ESTABLISHMENT. The sale of commodities and goods to an establishment for resale to the consumer.

WIND ENERGY CONVERSION SYSTEM. A machine that converts the kinetic energy in the wind into a usable form. A wind energy conversion system is commonly known as a windmill or wind turbine, and includes all parts of the system including the tower and the transmission equipment.

WINE SHOP. "Wine Shop" shall mean an alcoholic beverage sales establishment, managed by a certified sommelier or oenologist, primarily for the retail sales of wine from multiple wineries and distributors that involves no sales of liquor or distilled spirits. Wine tasting may be included as an accessory use, but the wine shop cannot operate as a bar.

YARD. The word "yard" shall mean an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided herein. A yard extends along a lot line or official plan line to a depth or width specified in the yard regulations for the District in which such lot is located.

- a. Front Yard. A yard extending along the full length of the front lot line between the side lot lines, except for flag-shaped lots where yard areas shall be calculated excluding the stem of the lot, and the front yard shall be parallel to the right-of-way unless determined otherwise by the Planning Director. The developer of a corner parcel may select as the front yard property facing either of the two rights-of-way at the time of initial development of the property.
- b. Rear Yard. A yard extending along the full length of the rear lot line between the side lot lines of an interior lot. The rear yard of a corner parcel shall be determined by the Planning Director and shall be opposite either of the two rights-of-way.
- c. Side Yard. A yard extending along a side lot line from the front yard to the rear yard, or from the front lot line to the rear yard where no front yard is required. In determining side yards based on a percentage of lot width where the lot is irregular in shape, the width shall be determined by calculating the lot width at a point of 20 feet from the front property line.
- d. Side Street Yard. A yard extending along a lot line, other than a front, rear, or interior side line, between the front yard and a side or rear lot line. The developer of a corner parcel may select the side street yard from property facing either of the two rights-of-way.

SEC. 10-1.2735 - SPECIAL STANDARDS AND CONDITIONS FOR CERTAIN USES.

Special standards and conditions as set forth below are applicable to uses enumerated in this Section and listed in the individual districts. Departure or variation from these standards is permitted only when it can be established by the applicant that the intent and purpose of the district or the necessary findings for permit approval, as specified in this ordinance, are not compromised. Where warranted by ordinance regulations or to implement official City policy, standards of development may be required that exceed those listed in this Section.

j. ~~Recycling Facilities and~~ Small Recycling Collection Facilities and Unattended Collection Boxes.

(1) Purpose and Intent.

- (a) The purpose of the sub-section related to facilities accepting recyclable material is to make redemption and recycling of reusable materials convenient to the consumer in order to reduce litter and increase the recycling of reusable materials in accordance with the 1986 California Beverage Container Recycling and Litter Reduction Act of 1986 (Pub. Res. Code § 14500, et seq.).
- (b) The purpose of the sub-section related to unattended collection boxes is to:
 - i. Promote community health safety and welfare by regulating the placement of unattended collection boxes for clothing and other salvageable personal property throughout the city;
 - ii. Recognize that placement of unattended collection boxes in a variety of conveniently accessible locations throughout the city encourages individuals to recycle textile goods rather than placing those items in the waste stream.
 - iii. Ensure that unattended collection boxes and the contents thereof do not pose a hazard or nuisance to pedestrian or vehicular traffic;
 - iv. Ensure that material is not allowed to accumulate outside of the unattended collection boxes where it may be scattered by adverse weather conditions, animal contact, or human activities; and,
 - v. Establish criteria that avoid attracting vermin, unsightliness and public health or safety hazards or nuisances.

(2) Definitions.

- (a) Recyclable Material: Recyclable materials” or “recyclables” are discarded materials that are collected, separated, and processed and that can be used as raw materials in the manufacture of new products. Recyclable materials are collected and treated in a manner different from refuse. ~~Material including but not limited to metals, glass, plastic, and paper,~~

~~which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form~~

- (b) Small Recycling Facility: A center for the collection and/or processing of recyclable materials. Small recycling facilities shall not exceed 500 square feet and shall be incidental to a primary use on the site (i.e. shopping center). Such facilities collect non-hazardous recyclable materials directly from the public by donation, redemption, or purchase. Small recycling facilities generally do not use power-driven processing equipment, except for reverse vending machines, and may include mobile recycling units, bulk reverse vending machines, kiosk type units, and/or unattended containers placed for the donation of recyclable materials (such as aluminum, glass, plastic, and bimetal for recycling). This definition does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. A certified recycling facility or certified processor is means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility Recycling facilities may include the following:

~~A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment except for reverse vending machines. Collection facilities may include the following:~~

- ~~a. Reverse vending machine(s) occupying an area of less than 50 square feet;~~
 - ~~b. Small collection facilities which occupy an area of not more than 500 square feet, and may include:~~
 - ~~aa. A mobile unit;~~
 - ~~bb. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet.~~
 - ~~c. Large collection facilities which may occupy an area of more than 500 square feet and may include permanent structures.~~
- (ii) ~~Reverse Vending Machine(s):~~
- ~~a. An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three~~

~~container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.~~

~~b. A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.~~

~~(iii) Mobile Recycling Unit: An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable material.~~

(c) Responsible Party: Responsible Party shall mean the owner of the Unattended Collection Box, the operator of the Unattended Collection Box, and the owner of the property upon which the Unattended Collection Box is placed,

(d) Unattended Collection Box: Unattended collection box shall mean any unstaffed drop-off container, receptacle or similar device that is located on any lot within the city that is used for soliciting and collecting donations of clothing and other salvageable personal property. This term does not include recycle bins for the collection of recyclable material and facilities described in (2)(b) above, or any unattended collection box located within a building.

~~(e) Inventory of Unattended Collections Boxes: The City's list of unattended collection boxes existing in the City of Hayward at the time of adoption of these regulations.~~

(3) Permit Issuance.

(a) Reverse Vending Machine(s) located within commercial buildings, or which are located upon commercial or industrial zoned property within a ½ mile radius of each supermarket which conducts \$2 million or more in sales a year, and meet the following criteria are primary uses and do not require permits by the City of Hayward.

(i) The reverse vending machine(s) is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986;

(ii) The reverse vending machine(s) is established in conjunction with a commercial use, community service facility, or industrial use provided the property is in compliance with the zoning, building and fire codes of the City of Hayward;

- (iii) The reverse vending machine(s) does not obstruct pedestrian or vehicular circulation, including the pathway required for the handicapped access;
- (iv) The reverse vending machine(s) does not occupy parking spaces required by the primary use;
- (v) The reverse vending machine(s) does not occupy more than 50 square feet of floor space per installation, including any protective enclosure, and is no more than 8 feet in height;
- (vi) The reverse vending machine(s) is clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
- (vii) The reverse vending machine(s) is maintained in a clean, litter-free condition on a daily basis;
- (viii) The operating hours are at least the operating hours of the host use;
- (ix) The area is illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;
- (b) An administrative use permit for Small Recycling Facility ~~collection facilities~~ located in commercial or industrial areas and within a ½ mile radius of each supermarket which conducts \$2 million or more in sales a year, shall be issued if the applicant shows that the following conditions have been met:
 - (i) The small collection facility shall be established in conjunction with an existing commercial use, community service facility, or industrial use which is in compliance with the zoning, building, and fire codes of the City of Hayward;
 - (ii) The small collection facility shall be no greater than 500 square feet and occupy no more than 5 parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;
 - (iii) The small collection facility shall be set back at least 200 feet from any property line adjacent to property developed with residential uses and shall not obstruct pedestrian or vehicular circulation. A smaller separation between a proposed facility and residential uses may be permitted with submittal of a noise study and installation of noise reducing equipment, to the satisfaction of the Planning Director or his/her designee;
 - (iv) The small collection facility shall accept only glass, metals, plastic containers, papers and reusable items, not including motor oil;

- (v) The small collection facility shall use no power-driven processing equipment except for reverse vending machines;
- (vi) The small collection facility shall be secured from unauthorized entry or removal of material, and a collection schedule shall be posted;
- (vii) All recyclable materials shall be stored in containers or in the mobile unit vehicle, and materials shall not be left outside of containers when attendant is not present;
- (viii) The small collection facility shall be maintained free of litter and any other undesirable materials, and the area about the machines shall be swept and cleared each day. Mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
- (ix) The small collection facility shall not exceed noise levels of 60 DBA as measured at the property line of residentially zoned or occupied property, other sites shall not exceed 70 DBA;
- (x) Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;
- (xi) Containers for the 24-hour donation of materials shall be at least 50 feet from any property zoned or occupied for residential use unless waived by the Planning Director;
- (xii) Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
- (xiii) Signs for recycling facilities may be provided as prescribed in Chapter 10, Article 7, Sign Regulations, of the Hayward Municipal Code;
- (xiv) The small collection facility shall not impair the landscaping required by the City for any concurrent use;
- (xv) No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space shall be provided for the attendant, if needed;
- (xvi) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
- (xvii) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the

minimum number required for the primary host use unless all of the following conditions exist:

- aa. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;
- bb. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;
- cc. The permit shall be reconsidered at the end of 18 months;
- dd. A reduction in available parking spaces in an established parking facility may then be allowed as follows:
 - For a commercial or industrial host use:

No. of Available Parking Spaces	Maximum Reduction
0—25	0
26—35	2
36—49	3
50—99	4
100+	5

- For a community facility host use:

A maximum of five spaces reduction will be allowed when not in conflict with parking needs of the host use.

(xviii) The area is illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;

- (c) Unattended Collection Box. A zoning conformance permit is required prior to placement of an unattended collection box on a property that is zoned General Commercial, Neighborhood Commercial, Mission Boulevard Form-Based Code (MB-T4 and MB-T5) and South Hayward BART Form-Based Code (S-T4 and S-T5) districts. An unattended collection box owned, operated and maintained by a currently operating primary or permitted use engaged in the collection of used textiles and that is located

on the site of that use shall not require zoning conformance permit approval. However, such box shall meet all other requirements and standards as set forth in this sub-section.

Approval of a zoning conformance permit for an unattended collection box shall be contingent upon fulfillment of the following requirements and standards:

- (i) Unattended collection boxes shall be placed on a site of an existing primary use that is in compliance with zoning, building and fire code of the City of Hayward.
- (ii) Unattended collection boxes shall be a minimum distance of 1,000 feet from any other permitted unattended collection box, unless of the following exceptions apply:
 - a. The unattended collection box owned, operated and maintained by a currently operating primary or permitted use engaged in the collection of used textiles and that is located on the site of that use; or
 - b. The unattended collection box is included on the Inventory of Unattended Collection Boxes referenced in subsection (e)(i) below; or
 - c. The unattended collection box has been approved as second box on the same parcel, pursuant to subsection (x).
- (iii) Unattended collection boxes are prohibited on the site of solely residential development.
- (iv) Unattended collection boxes shall be maintained in good condition, free of graffiti, with no structural damage, holes or visible rust.
- (v) The Responsible Party shall maintain a minimum of twenty feet of area surrounding the unattended collection box free of donated materials, junk, trash and debris or other salvageable personal property placed on the site.
- (vi) The Responsible Party shall be responsible for abatement and removal of all junk, garbage, trash, debris and other material from the unattended collection box and the immediate twenty feet surrounding the box within 24-hours of written notice from the City of Hayward. If abatement and removal is not accomplished within 24-hours of said notice, the Responsible Party shall be responsible for all costs related to abatement and removal of junk, garbage, trash, debris and other refuse material as defined above.
- (vii) Unattended collection boxes shall contain the following information in minimum two-inch font visible from the front of each facility: the name, address, telephone number, Internet Web address and email address of the unattended collection box owner and

operator; the type of material to be deposited in the box; and, a statement that the collection box is owned by either a for-profit or nonprofit organization. If a nonprofit organization owns the unattended collection box, then the box's front must also display a statement describing the charitable cause that will benefit from the donations.

- (viii) Unattended collection boxes shall be locked or otherwise secured.
- (ix) Unattended collection boxes' footprint shall not exceed 25 square feet in size, and shall not be taller than seven feet in height.
- (x) No more than one unattended collection box may be placed on a parcel. However, an operator with an approved box on a site that is in good standing may apply to amend their zoning compliance permit to allow the installation of a second box on the same parcel if the operator demonstrates that daily collection from the permitted unattended collection box fails to provide adequate storage capacity.
- (xi) Unattended collection boxes shall not obstruct pedestrian or vehicular circulation and shall not be placed in required parking spaces, setbacks or the public right-of-way as defined in Chapter 10 of the Hayward Municipal Code.
- (xii) Unattended collection boxes shall be visible from the public right-of way.
- (xiii) Unattended collection boxes shall be located no further than 10 feet from a continually operating light source of at least one foot candle.
- (xiv) Unattended collection boxes shall be free of any advertising which is unrelated to the business of the unattended collection box.
- (xv) Unattended collection boxes shall remain in the exact location for which a permit was issued and shall not be moved unless the box is replaced with an identical box in the same location or removed from the property.
- (xvi) The owner or operator of a permitted unattended collection box shall report the total number of tons of material collected within the city limits. Such reporting shall be submitted in writing on an annual basis to the City's Utilities and Environmental Services Department. Written reports shall be submitted by March 30 each year for the preceding calendar year.

~~(d) — Implementation.~~

- ~~i. — Inventory of Existing Unattended Collection Boxes: An owner or operator of an unattended collection box on the City's Inventory of Unattended Collections Boxes ("Inventory") shall apply for a zoning~~

~~compliance permit within thirty (30) days of the effective date of these regulations. Approval of a zoning conformance permit for an existing unattended collection box shall be contingent upon fulfillment of the requirements and standards set forth in these regulations, except for the minimum distance requirements.~~

~~ii. Inventory of Existing Nonconforming Unattended Collection Boxes: Any unattended collection box on the City's Inventory that is made non-conforming by adoption of these regulations may lawfully remain on the site listed in the Inventory for a period not to exceed twelve (12) months from the effective date of these regulations. However, a zoning conformance permit shall not be approved for such a box.~~

~~a. Notice: Upon adoption of these regulations, the City shall notify the owner or operator of such a box, in writing, that the non-conforming unattended collection box may remain on the site for a period not to exceed twelve (12) months from the effective date of these regulations.~~

~~b. Maintenance: The existing unattended collection box shall be maintained in good condition, free of graffiti, structural damage, holes, visible rust, and the twenty feet of area surrounding the box shall be kept free of donated materials, junk, trash and debris or other salvageable personal property placed on the site.~~

~~c. Replacement: The existing unattended collection box may be replaced with another box by the same owner or operator within the time frame established by this section, provided that the replacement box footprint does not exceed that of the original box.~~

~~iii. New Unattended Collections Boxes: Applications for zoning conformance permits to allow unattended collection boxes that are not included in the City's Inventory shall be accepted commencing sixty (60) days from the effective date of these regulations. Approval of a zoning conformance permit for a new unattended collection box shall be contingent upon fulfillment of all the requirements and standards set forth in these regulations.~~

(e) Removal of Unattended Collection Boxes and Liability. ~~Notwithstanding the Implementation provisions in subsection (e)(ii) below, upon discovering the existence of an~~ If an unattended collection box on private or public property that is lacking the requisite permit, the Planning Director or designee shall have the authority to cause the abatement and removal thereof in accordance with the procedures outlined in Chapter 5, Article 7 (Community Preservation and Improvement) of the Hayward Municipal Code.

- (f) Nothing in these regulations is intended to diminish or otherwise alter the requirements of any other federal, state or municipal law governing regulation of unattended collection boxes.

SEC. 10-1.1900 - AIR TERMINAL DISTRICT (AT)

SEC. 10-1.1905 - PURPOSE.

The purpose of the Air Terminal (AT) District is to provide the City with a unique special area occupied primarily by commercial, industrial, and public uses that are aviation-oriented. Additional high performance industrial and commercial facilities are to be encouraged provided they are not of a nature that might be hazardous to the Airport's operation.

SEC. 10-1.1910 - SUBDISTRICTS.

To encourage a functional and compatible association of uses in identifiable areas, this District is divided into the following subdistricts:

- a. Air Terminal—Operations (AT-O).
- b. Air Terminal—Industrial Park (AT-IP).
- c. Air Terminal—Aviation Commercial (AT-AC).
- d. Air Terminal—Commercial (AT-C).
- e. Air Terminal—Recreational (AT-R).
- f. Air Terminal—Medium Density Residential (AT-RM).

SEC. 10-1.1920 - AIR TERMINAL—OPERATIONS SUBDISTRICT (AT-O)

SEC. 10-1.1921 - AT-O PURPOSE.

The purpose of the AT-O Subdistrict is to provide facilities for aviation operations. These shall include, but not be limited to, runways, taxi-ways, ramps, and required clearances.

SEC. 10-1.1922 - AT-O USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-O Subdistrict, as primary uses.
 - 1) Aviation operations and facilities.
 - 2) Military facilities.
 - 3) Aircraft tie-downs.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-O District:
 - 1) Accessory buildings and uses. (See Sec. 10-1.1985)

SEC. 10-1.1923 - AT-O CONDITIONALLY PERMITTED USES.

None.

SEC. 10-1.1924 - AT-O LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: No limit.
- e. Minimum Lot Depth: None.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1925 - AT-O YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Street Yard: 10 feet.
- c. Minimum Side Yard: None.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - 1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - 2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1926 - AT-O HEIGHT LIMIT.

- a. Maximum Height Permitted: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
 - 1) Maximum Height for Fences/Hedges/Walls:
 - a. Front and Side Street Yard: 4 feet.
 - b. Side and Rear Yard: No Limit. (Also see Section 10-1.1985 for additional standards)
 - 2) Special Height Requirements and Exceptions: See Section 10-1.2730.

SEC. 10-1.1930 - AIR TERMINAL—INDUSTRIAL PARK SUBDISTRICT (AT-IP)

SEC. 10-1.1931 - AT-IP PURPOSE.

The purpose of the AT-IP Subdistrict is to provide for and encourage the development of industrial uses in areas suitable for same and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties and uses.

SEC. 10-1.1932 - AT-IP USES PERMITTED.

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

1) Industrial Uses.

- c. Research and development.
- d. Warehouse and distribution facility.
- e. Wholesale establishment.
- f. Hazardous materials use and storage subject to the following limitations:
 - i. Production, storage, and/or handling, utilizing Group B hazardous materials less than 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
 - ii. Production, storage, and/or handling, utilizing Group C hazardous materials less than 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
- g. Manufacturing; custom, general, and light.

2) Administrative and Professional Offices/Services.

- a. Architectural service.
- b. Banks and financial institutions.
- c. Drafting service.
- d. Engineering service.
- e. Medical/dental laboratory.
- f. Offices.

3) Automobile Related Uses.

Parking lot. (Requires Site Plan Review.)

4) Personal Services.

None.

5) Residential Uses.

None.

6) Retail Commercial Uses.

Retail. (Sale at retail of goods and merchandise distributed on-site, where the cumulative floor area of the retail activity does not exceed 10 percent of the first-floor area of the industrial building. Sale is of new commodities only, not used goods. Includes weekend sales of new commodities year-round.)

- 7) Service Commercial Uses.
 - a. Reverse vending machines(s). (When located within a convenience zone.)
 - b. Copying or reproduction facility.
 - c. Mailing or facsimile service.
- 8) Other Uses.
 - a. Ambulance service.
 - b. Broadcasting studio. (Radio and television.)
 - c. Christmas tree and pumpkin patch lots. (See Section 10-1.2735.c.)
 - d. Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-IP District:

- 1) Accessory buildings and uses. (See Sec. 10-1.1985.a-c.)

SEC. 10-1.1933 - AT-IP CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-IP Subdistrict subject to approval of an administrative use permit:
 - 1) Industrial Uses.
 - a. Industrial equipment sales and rental.
 - b. Hazardous materials use and storage subject to the following limitations:
 - i. Production, storage, and/or handling, utilizing Group B hazardous materials which exceed the following thresholds: 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
 - ii. Production, storage, and/or handling, utilizing Group C hazardous materials which exceed the following thresholds: 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
 - 2) Administrative and Professional Offices/Services.
 - None.
 - 3) Automobile Related Uses.
 - None.
 - 4) Personal Services.
 - None.
 - 5) Residential Uses.

None.

6) Retail Commercial Uses.

Restaurant. (No drive-through)

7) Service Commercial Uses.

None.

8) Other Uses.

Temporary use.

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

1) Industrial Uses.

a. Any AT-IP Use(s) located on a parcel(s) which abuts an A, MH, OS, R, or residential PD zoning district.

b. Hazardous materials use and storage subject to the following limitations: Production, storage, handling, or similar activities utilizing any amount of hazardous materials classified as Group A hazardous materials by the Fire Chief or his or her designee.

2) Administrative and Professional Offices/Services.

None.

3) Automobile Related Uses.

None.

4) Personal Services.

None.

5) Residential Uses.

None.

6) Retail Commercial Uses.

Bar, cocktail lounge. (See Sec. 10-1.2750 et seq. for regulations of alcohol)

7) Service Commercial Uses.

None.

8) Other Uses.

None.

SEC. 10-1.1934 - AT-IP LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 60 percent.
- e. Minimum Lot Depth: None.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1935 - AT-IP YARD REQUIREMENTS.

- a. Minimum Front Yard: 25 feet.
- b. Minimum Side Yard: 30 feet total both sides, 5 feet minimum one side, none where site abuts railroad spur.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - 1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - a. Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1936 - AT-IP HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - 1) Front and Side Street Yard: 4 feet.
 - a. Side and Rear Yard: No Limit. (Also see Section 10-1.1985m. for additional standards)
- c. Special Height Requirements and Exceptions: See Section 10-1.2730.

SEC. 10-1.1940 - AIR TERMINAL—AVIATION COMMERCIAL SUBDISTRICT (AT-AC)

SEC. 10-1.1941 - AT-AC PURPOSE.

The purpose of the AT-AC Subdistrict is to provide for commercial and service activities that are clearly related to or supportive of the operational aspects of the Air Terminal.

SEC. 10-1.1942 - AT-AC USES PERMITTED.

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

1) Aviation Commercial Uses.

- a. Air photography, survey, and map-making services.
- b. Air charter service.
- c. Aircraft repair.
- d. Aircraft storage (inside or outside).
- e. Aviation clubs.
- f. Aviation schools.
- g. Passenger transportation terminal.
- h. Retail sales within passenger transportation terminals.
- i. Retail sales of aviation equipment, aircraft, fuel and lubricants.

2) Administrative and Professional Offices/Services.

None.

3) Automobile Related Uses.

Parking lot.

4) Personal Services.

None.

5) Residential Uses.

None.

6) Retail Commercial Uses.

None.

7) Service Commercial Uses.

None.

8) Other Uses.

None.

SEC. 10-1.1943 - AT-AC CONDITIONALLY PERMITTED USES.

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

- 1) Aviation Commercial Uses.
None.
 - 2) Administrative and Professional Offices/Services.
None.
 - 3) Automobile Related Uses.
Automobile rental.
 - 4) Personal Services.
None.
 - 5) Residential Uses.
None.
 - 6) Retail Commercial Uses.
Restaurant. (No drive-through.)
 - 7) Service Commercial Uses.
None.
 - 8) Other Uses.
None.
- b. Conditional Uses. The following uses or uses determined to be similar by the Planning Director, are permitted in the AT-AC Subdistrict, subject to approval of a conditional use permit:
- 1) Aviation Commercial Uses.
None.
 - 2) Administrative and Professional Offices/Services.
None.
 - 3) Automobile Related Uses.
None.
 - 4) Personal Services.
None.
 - 5) Residential Uses.
None.
 - 6) Retail Commercial Uses.

Sales, rental, and service of non-aviation equipment, when compatible with aviation uses, for a period not to exceed one day less than five years in maximum duration. Non-aviation uses are limited to no more than 25 percent of the land area in leaseholds within the AT-AC Subdistrict.

7) Service Commercial Uses.

None.

8) Other Uses.

None.

SEC. 10-1.1944 - AT-AC LOT REQUIREMENTS.

- a. Minimum Lot Size: 50,000 square feet, except that 200,000 square feet shall be required for lots on which fueling activity occurs.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 30 percent, except 5 percent minimum, but never less than 5,000 square feet.
- e. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1945 - AT-AC YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 30 feet total both sides, 5 feet minimum one side, none where site abuts railroad spur.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
 - 1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
 - a. Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1946 - AT-AC HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/Hedges/Walls:
 - 1) Front and Side Street Yard: 4 feet.

- 2) Side and Rear Yard: No Limit. Also see Section 10-1.1985.m. for additional standards)
- c. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.1950 - AIR TERMINAL—COMMERCIAL SUBDISTRICT (AT-C)

SEC. 10-1.1951 - AT-C PURPOSE.

The purpose of the AT-C Subdistrict is to provide for certain specified commercial and service uses that are compatible with airport activity, in addition to simultaneously serving the general population of the City.

SEC. 10-1.1952 - AT-C USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-C District, as primary uses.
 - 1) Administrative and Professional Offices/Services.
 - b. Architectural service
 - c. Banks and financial institutions.
 - d.
 - e. Drafting service
 - f. Engineering service
 - g.
 - h. Offices,
 - i. Travel agency.
 - 2) Automobile Related Uses.
 - Parking lot. (Requires Site Plan Review.)
 - 3) Personal Services.
 - Health club.
 - 4) Residential Uses.
 - None.
 - 5) Retail Commercial Uses.
 - j. Restaurant . (No drive-through.)
 - k. Retail sales within a hotel or motel.
 - 6) Service Commercial Uses.
 - a. Copying or reproduction facility.

- b. Hotel or motel.
- c. Mailing or facsimile service.
- d. Reverse vending machines(s). (When located within a convenience zone.)
- 7) Other Uses.
 - a. Broadcasting studio. (Radio and television.)
 - b. Christmas tree or pumpkin patch lot. (See Section 10-1.2735.c. for standards.)
 - c. Public agency facilities.
 - d. Research and development.
 - e. Wholesale establishment.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-C Subdistrict:

- 1) Accessory buildings and uses. (See Sec. 10-1.1985.a-c.)

SEC. 10-1.1953 - AT-C CONDITIONALLY PERMITTED USES.

- a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-C Subdistrict, subject to approval of an administrative use permit:
 - 1) Administrative and Professional Offices/Services.
None.
 - 2) Automobile Related Uses.
Automobile Rental.
 - 3) Personal Services.
None.
 - 4) Residential Uses.
None.
 - 5) Retail Commercial Uses.
Retail sales of retail goods with a regional or sub-regional marketing base, including but not limited to discount retail or warehouse retail, on land not to exceed 8 acres which is visible to Hesperian Boulevard.
 - a. Apparel.
 - b. Appliances.
 - c. Art goods.
 - d. Bicycles.

- e. Cameras.
- f. Crafts.
- g. Electronics.
- h. Hardware.
- i. Household furnishings.
- j. Office supplies.
- k. Sporting goods
- l. Similar uses as determined by the Planning Director.

6) Service Commercial Uses.

None.

7) Other Uses.

- a. Industrial/Vocational Trade School. (For persons 18 years of age and older)
- b. Health club. (For persons 18 years of age and older)
- c. Temporary use.

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

None.

SEC. 10-1.1954 - AT-C LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 60 percent.
- e. Minimum Lot Depth: 100 feet.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1955 - AT-C YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: None.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:

1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.

a. Greater setbacks where required by the Uniform Building Code as adopted by the City.

f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1956 - AT-C HEIGHT LIMIT.

a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.

b. Maximum Height for Fences/Hedges/Walls:

1) Front and Side Street Yard: 4 feet.

2) Side and Rear Yard: No Limit. (Also see Section 10-1.1985.m. for additional standards)

c. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.1960 - AIR TERMINAL—RECREATIONAL SUBDISTRICT (AT-R)

SEC. 10-1.1961 - AT-R PURPOSE.

The purpose of the AT-R Subdistrict is to provide for outdoor recreational activities that are compatible with airport activity.

SEC. 10-1.1962 - AT-R USES PERMITTED.

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

1) Recreational Uses.

a. Golf course.

b. Health club.

c. Recreational facilities. (Maintained by a public agency)

d. Tennis and swim clubs.

2) Administrative and Professional Offices/Services.

None.

3) Automobile Related Uses.

None.

4) Personal Services.

None.

5) Residential Uses.

None.

6) Retail Commercial Uses.

Retail. (Which are within and/or ancillary to a public or private recreational facility, golf course, country club, or a health club)

7) Service Commercial Uses.

None.

8) Other Uses.

Christmas tree or pumpkin patch lot. (See General Regulations Sec. 10-1.2735.c. for standards)

b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-R Subdistrict:

1) Accessory building and use. (See Sec. 10-1.1985.a-c.)

SEC. 10-1.1963 - AT-R CONDITIONALLY PERMITTED USES.

a. Administrative Uses.

None.

b. Conditional Uses.

Any recreational uses located on a parcel which abuts an A, OS, R, MH, or residential PD zoning district.

SEC. 10-1.1964 - AT-R LOT REQUIREMENTS.

a. Minimum Lot Size: 10,000 square feet.

b. Minimum Lot Frontage: 35 feet.

c. Minimum Average Lot Width: 80 feet.

d. Maximum Coverage Permitted: 60 percent.

e. Minimum Lot Depth: 100 feet.

f. Special Lot Requirements and Exceptions: See General Regulations Section 10-1.2720.

SEC. 10-1.1965 - AT-R YARD REQUIREMENTS.

a. Minimum Front Yard: 20 feet.

b. Minimum Side Street Yard: 10 feet.

c. Minimum Side Yard: None.

d. Minimum Rear Yard: None.

e. Special Side and Rear Yard Provision:

- 1) 20 feet where abutting an A, OS, R, MH, or residential PD zoning district.
- 9) Greater setbacks where required by the Uniform Building Code as adopted by the City.

f. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.
SEC. 10-1.1966 - AT-R HEIGHT LIMIT.

a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.

b. Maximum Height for Fences/Hedges/Walls:

- 1) Front and Side Street Yard: 4 feet.
- 2) Side and Rear Yard: No Limit.

(Also see Section 10-1.1985 for additional standards)

c. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.1970 - AIR TERMINAL—MEDIUM DENSITY RESIDENTIAL SUBDISTRICT (AT-RM)

SEC. 10-1.1971 - AT-RM PURPOSE.

The purpose of the AT-RM Subdistrict is to provide residential land uses that are compatible with airport activity.

SEC. 10-1.1972 - AT-RM USES PERMITTED.

a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-RM District, when not specified as an administrative or conditional use.

1) Residential Uses.

- a. Multiple-family dwelling.
- b. Single-family dwelling.
- c. Group home. (See definitions)

2) Other Uses.

- a. Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
- b. Public agency facilities. (See definitions)

- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-RM District:

1) Residential Uses.

None.

2) Other Uses.

- a. Accessory buildings and uses. (See Section 10.1.1985)
- b. Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
- c. Home occupation. (See definitions)
- d. Household pets.

SEC. 10-1.1973 - AT-RM CONDITIONALLY PERMITTED USES.

a. Administrative Uses.

None.

b. Conditional Uses.

None.

SEC. 10-1.1974 - AT-RM LOT REQUIREMENTS.

- a. Minimum Lot Size: 5,000 square feet.
- b. Minimum Lot Area per Dwelling Unit: 2,500 square feet per multiple-family dwelling unit.
- c. Minimum Lot Frontage: 35 feet.
- d. Minimum Average Lot Width: 50 feet.
- e. Maximum Lot Coverage: 50 percent.
- f. Minimum Lot Depth: 80 feet.
- g. Special Lot Requirements and Exceptions: See General Regulations Section 10-1.2720.

SEC. 10-1.1975 - AT-RM YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 5 feet, or 10 percent of the lot width at the building line whichever is greater up to a maximum of 10 feet.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: 20 feet.
- e. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.1976 - AT-RM HEIGHT LIMIT.

- a. Maximum Building Height: Forty feet (40'), except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code as now in effect or may hereafter be amended or replaced.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/Hedges/Walls:
 - 1) Front and Side Street Yard: 4 feet.
 - 2) Side and Rear Yard: 6 feet. (See Section 10-1.1985.m. for additional standards).
- d. Special Height Requirements and Exceptions: See Sections 10-1.2730.

SEC. 10-1.1980 - SITE PLAN REVIEW REQUIRED.

Site Plan Review approval is required prior to issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences) in certain circumstances.

SEC. 10-1.1985 - MINIMUM DESIGN AND PERFORMANCE STANDARDS.

This Section establishes design and performance standards that shall apply to the construction of aviation, industrial and commercial buildings and uses in the AT District.

Residential Buildings and Uses.

For single-family and multi-family residential buildings and uses, refer to the Minimum Design and Performance Standards contained in the RS and RM District.

Commercial Buildings and Uses.

For commercial buildings and uses, refer to the Minimum Design and Performance Standards contained in the CN District.

Air Terminal and Industrial Buildings and Uses.

For air terminal and industrial buildings and uses refer to the following specific criteria and standards.

- a. Accessory Buildings, Detached.
 - 1) Detached accessory buildings shall meet the following criteria:
 - a. Shall not exceed one story.
 - b. Shall not be located in a required front yard or side street yard.
 - c. Shall be setback a minimum of 20 feet from a side or rear property line where abutting an A, C, FP, MH, OS, R, or residential PD zoning district.

- d. Shall not be located in front of a primary building, unless no other practical alternative exists.
 - e. Shall be setback a minimum of 10 feet from a primary building and any other accessory building. Greater setbacks may be necessary where required by the Uniform Building Code as adopted by the City.
- b. Accessory Structures, Decorative.
 - 1) Detached decorative accessory structures, including but not limited to arbors, shade covers, trellises, etc., shall meet the following criteria:
 - a. Shall not exceed one story.
 - b. Shall use exterior materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
 - c. Shall not be located in a required front yard or side street yard.
 - c. Additions and Accessory Structures Attached to Primary Building. Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building.
 - d. Aircraft Parking. Adequate on-site parking for aircraft shall be provided for tenants, customers, guests, and others as required. Hangar doors shall be set back at least 25 feet from property lines abutting taxiways.
 - e. Alcoholic Beverage Outlets. Refer to Section 10-1.2750 et seq. for Alcoholic Beverage Outlet Regulations.
 - f. Antennas and Satellite Dishes and Telecommunications Devices. Refer to Chapter 10, Article 13, of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.
- g. Architectural Design Principles.
 - 1) Refer to the City of Hayward Design Guidelines where applicable. Where abutting residential zoning districts, all structures shall be designed to:
 - a. Be appropriate for the proposed use(s);
 - b. Incorporate design elements that are harmonious and in proportion to one another;
 - c. Be compatible with the design of adjacent uses; and
 - d. Incorporate an appropriate use or mixture of color, texture, patterns, shadows, offsets and decorative siding, roofing, window and accent materials such as wood, tinted glass, plaster, tile or masonry.
- h. Architectural Projections into Yards. Architectural features such as bay windows, cornices and eaves may extend 2 feet into any required yard.

- i. Aviation Fuel Storage. Aviation fuel shall be stored in aircraft tanks, in delivery units approved by the Fire Department, or in aviation fuel storage areas reserved for such use as approved by the Fire Department.
- j. Decks and Ramps.
 - 1) Decks and ramps 12 inches or less in height may be located in any yard.
 - 2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than 3 feet to the rear or side property line.
 - 3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building.
 - 4) Landscape screening shall be provided along the sides of the ramp.
- k. Electronic and Radio Interference. No operation shall emit electrical, electronic, or radio emissions which will interfere with, obstruct, or adversely affect the operation of air navigation aids and radio communication.
- l. Fences, Hedges, Walls.
 - 1) Fences shall be installed so as to restrict access to airport operational areas or adjacent residential, industrial or commercial districts or uses as required by the Planning Director. Design and construction of fences and walls shall conform to appropriate commercial, industrial, or residential standards, and the following criteria.
 - 2) Fence, hedges and walls shall not exceed a height of 4 feet in a required front yard, side street yard or rear yard abutting a street.
 - 3) Fences and walls above 6 feet in height shall require approval by the Planning Director and a Building Permit.
 - 4) For fences limited to a maximum of 4 feet in height, the height limit shall not be exceeded at grade measured on either side of the fence. For fences and walls required to be at least 6 feet high or greater, the height shall be no higher than the height required on both sides of the fence or wall.
 - 5) Barb or razor wire or similar security fencing shall not be located less than 6 feet above ground along a common property line of a residential property. Such fencing shall not exceed 3 feet in height and where used shall be angled toward the industrial use.
 - 6) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.
- m. Fire Insurance Rating. No operation shall by its nature increase the fire insurance rating for adjoining or adjacent parcel(s).

n. Grading. All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, and Design Guidelines.

o. Landscaping.

1) Landscape Areas.

- a. Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.
- b. Parking is prohibited within required front and side street yards. Where no front or side street yards are required:
 - i. A landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the approving authority, shall be installed between parking areas and all existing or future street rights-of-way; and
 - ii. The area between all buildings and existing or future street rights-of-way shall be landscaped unless waived by the approving authority.
- c. Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.
- d. Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.

2) Buffer Trees/Landscaping.

- a. A minimum of one 15-gallon buffer tree shall be planted for every 20 to 40 lineal feet of property line where a required side or rear yard abuts an A, C, FP, MH, OS, R, or residential PD District.
- b. Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.

3) Parking Lot Trees/Planters.

- a. Parking areas shall include a minimum of one 15-gallon parking lot tree for every six parking stalls, except where restricted because of design constraints.
- b. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
- c. The minimum dimension of any tree well or landscape median shall be 5 feet, measured from back of curb.

- d. The end of parking rows shall be capped with landscape medians, except where space is restricted because of existing site conditions.
 - e. Parking and loading areas shall be buffered from the street with shrubs, walls, or earth berms, as determined by the Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous 30-inch-high screen within 2 years.
- 4) Street Trees. Street trees shall be planted along all street frontages at a minimum of one 24-inch or larger box tree per 20 to 40 lineal feet of frontage or fraction thereof, except where space is restricted due to existing structures or site conditions.
- 5) Irrigation. Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.
- 6) Tree Preservation.
- a. Trees shall be preserved in accordance with the Tree Preservation Ordinance with measures included for tree protection during the construction period.
 - b. A tree removal permit is required prior to removing any tree 30 inches or larger in trunk circumference (or approximately 10 inches or larger in trunk diameter), measured 2 feet above the ground.
- 7) Maintenance.
- a. After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.
 - b. Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).
- p. Lighting, Exterior. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way or interfere with airport operations or flight operations. Such lighting shall also be designed such that it is in keeping with the design of the development.
- q. Outdoor Storage. Storage of goods, materials, machines, equipment, cargo structures, vehicles, trucks or parts outside of a building for more than 72 hours is allowed in conformance with the following:
- 1) Accessory Use. The materials, products, or equipment stored shall be accessory to and necessary for the operation of a permitted use being conducted within a building on the site.
 - 2) No Activity Outside of a Building. All land uses and activities other than passive storage shall be conducted wholly within enclosed buildings. No processing or activities other than storage is permitted outside of the building(s).

- 3) Materials. Hazardous or toxic materials shall not be stored outdoors. All goods, materials, machines, equipment, and other shall be contained or covered and shall not result in chemical or polluted stormwater run-off.
- 4) Location Limitations. Storage shall be located outside of required yards, parking and circulation areas, and required landscaped areas. Outdoor storage shall be located a minimum of 20 feet from residentially zoned land.
- 5) Screening. Storage shall be screened from view from any public street or freeway; existing or planned residential area; or publicly accessible open space area. The height of stacked materials shall not exceed the height of the screen.
- 6) Surfacing. Storage shall be located on a paved or other surface approved by the City Engineer.
- 7) Compatibility. The nature of the items being stored and its location, screening, and extent shall be compatible with adjoining uses, as determined by the Planning Director or other approving authority.
- 8) Permit Requirements.
 - a. Outdoor Storage Less Than 25 Percent of Site Area. Outdoor storage in compliance with the standards of this Section and any other applicable requirements occupying a cumulative area of less than 50 percent of the total site area is permitted.
 - b. Outdoor Storage 25 Percent or More of Site Area. Administrative Use Permit approval is required for all outdoor storage occupying a cumulative area of 50 percent or more of the total site area.

Parking, Driveways and Paving. Parking, driveways and paving for air terminal, industrial and commercial uses shall be provided in accordance with the City of Hayward Off-Street Parking Regulations and Standard Details and Article 2, Off-Street Parking Regulations..

- r. Retaining Walls. Retaining walls which are not a part of walls of buildings shall require review and approval by the Planning Director.
- s. Not used.
- t. Not used.
- u. Not used.
- v. Not used.
- w. Roof-Mounted Equipment. Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view as required by the Planning Director or other approval authority.
- x. Signs. Signs shall be of a design in harmony with the environment, shall not constitute excessive visual impact, shall not be hazardous to vehicular traffic, and shall be of a

quality conducive to the development of commerce. (Refer to the City of Hayward Sign Ordinance for specific regulations.)

- y. Surfacing. All open areas not landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.
- z. Trash and Recycling Facilities.
 - 1) Trash and recycling facilities shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site.
 - 2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.
- aa. Window Coverage. Transparent windows and doors of buildings occupied by businesses engaging in retail sales, all or a portion of which are within 5 vertical feet of the floor and which are visible from public rights-of-way or pedestrian walkways or are otherwise visible by the general public from the exterior, shall remain free of coverings and materials that prevent views into or out of the stores. Retail goods intended for sale, or goods being stored, or other coverings or materials shall be located no closer than 5 feet from a transparent window or door, unless they are located beneath or above a window and are not visible from public right-of-way or pedestrian walkways or are otherwise visible by the general public. This section shall not apply to signs or retail goods that are presented within or adjacent to a window and that are a part of a decorative window display, as determined by the Planning Director.

ARTICLE 2 - OFF-STREET PARKING REGULATIONS

SEC. 10-2.350 - WHOLESALE, MANUFACTURING, STORAGE, TRANSPORTATION, AND SIMILAR USES.

The minimum requirements for wholesale, manufacturing, storage, transportation, and similar uses are:

USES	PARKING SPACES REQUIRED
Bakeries, wholesale Bottling establishments Canneries Communications equipment and service facilities Creameries Freight transportation terminals Laundry and/or dry cleaning plants Lumber yards Manufacturing, processing, or assembling uses Utility yards Wholesale or warehouse establishments <u>All wholesale, manufacturing, storage, transportation, and similar uses except as specifically identified below.</u>	1.0 for each 500 square feet of gross floor area, or If the building or structure has leasable bays of 2,500 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,000 square feet of gross floor area, or If a building or structure has leasable bays of 10,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,500 square feet of gross floor area, or If a building or structure has leasable bays of 20,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 2,000 square feet of gross floor area.
Mini-storage facilities	2.0 covered near the residential unit and 5.0 uncovered near the office
Salvage, wrecking and dump yards	5.0 spaces, plus 1.0 for each 20,000 square feet of outdoor areas under use, plus 1.0 space of adequate size for all rolling stock stationed on the premises.
Passenger terminal facilities and stations for airports, BART rail transit, railroads, or bus lines	1.0 for each 500 square feet of gross floor area, plus additional spaces for commuter traffic as determined by the City Engineer.

Research and development facilities	1.0 for each 500 350 square feet of gross floor area
T-hangars	1.0 for each based aircraft
Tie-downs (open)	1.0 for each 3 based aircraft

~~SEC. 10-2.351 - WHOLESALE, MANUFACTURING AND STORAGE USES ADDITIONAL PARKING.~~

~~Additional parking spaces in wholesale, manufacturing, and storage uses for those areas used for offices or other uses shall be required pursuant to Section 10-2.204, Mixed Uses. The amount of additional parking spaces required shall be pursuant to the appropriate "use" table.~~

SEC. 10-2.360 - GOVERNMENTAL OR OTHER PUBLIC USES.

All governmental or other public uses shall provide the minimum off-street parking requirements of the use most similar in nature, as determined by the Director of Community and Economic Development/Planning Director.

IV. - EXCLUSIONS, REDUCTIONS, EXCEPTIONS AND APPEALS

SEC. 10-2.408 – Carsharing Programs.

In the Industrial Districts, required parking spaces may be substituted with designated carshare vehicle parking spaces, pursuant to the following:

- a. Carshare vehicles shall be maintained for active use by a carshare service and not for other purposes.
- a. Carshare vehicles shall be made available to members of the carsharing service through an unattended, self-service operation 24 hours a day, seven days a week.

VI. - DESIGN STANDARDS FOR PARKING AND LOADING SPACES

SEC. 10-2.623 - PRIVATE DRIVEWAY STANDARDS.

Private driveway standards shall be constructed in accordance with the Standard Details of the City of Hayward Public Works Department. Driveways 40 feet or less in length shall be paved with Class B Portland Cement concrete.

On single-family residential lots, driveway width, regardless of the number of driveways, shall not exceed 20 feet in front of the garage. In addition, for access to a recreational vehicle storage area adjacent to a dwelling, a maximum 10-foot-wide driveway may be located on the opposite side of the lot from the garage, and outside the required side yard.

In multi-family residential zones, no more than 1/3 of the required front yard shall be devoted to driveway. An exception may be made for lots less than 72 feet in width, in which case driveway may be a maximum of 24 feet in width.

For lots 70 or more feet in width, the Director of Community and Economic Development/Planning Director may approve a greater driveway width if the Director of Community and Economic Development/Planning Director determines the design of the driveway is aesthetically pleasing and compatible with the lot terrain and adjacent development and will not create a pedestrian or vehicular hazard.

In industrial districts, in no case shall a driveway exceed one-third the width of the property frontage width or 35 feet, unless otherwise approved by the Planning Director.

SEC. 10-1.3075 – MAJOR SITE PLAN REVIEW

SEC. 10-1.3076 - PURPOSE.

Major site plan review ensures that new and redeveloped large-scale development will achieve General Plan and other City goals, policies and regulations; that circulation components will interconnect with the overall street, bicycle, and pedestrian network of the district; that the development will incorporate sustainability elements; and that the overall site, building, landscaping, circulation and architectural design of the buildings will make a positive contribution to the neighborhood and City.

SEC. 10-1.3077 - WHEN REQUIRED.

For development as specified in the zoning district regulations.

SEC. 10-1.3078 – CONCURRENT PROCESSING

- a. When an application for a major site plan review involves a major subdivision map requiring approval by an advisory agency, as that term is defined in the City's Subdivision Ordinance, the project shall be processed and reviewed concurrently by the Planning Commission. An application approved by the Planning Commission shall also be reviewed by the City Council on appeal or on a call-up basis. The action of the City Council is final.
- b. In the event a subdivision involves property for which a Site Plan Review has previously been approved, the Planning Director, the Commission or the City Council, as applicable, shall have the authority to modify said approved Site Plan Review approval and related conditions of approval to ensure that the Site Plan Review approval and subdivision are compatible.
- c. Use Permit. When applicable zoning district regulations require both Major site plan review and Conditional Use Permit approval, an application for a Conditional Use Permit constitutes an application for both. Information required for Major site plan review must be furnished by the applicant and considered in the approval of the Conditional Use Permit.

SEC. 10-1.3079 - APPLICATION FORM AND SUBMITTAL.

- a. An application for major site plan review shall be submitted as specified in Section 10-1.2815.

- b. Applications for major site plan review shall contain plans, sections, diagrams, renderings and narrative necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, employee amenities and open space and to demonstrate how the proposed development will comply with the General Plan, Zoning Ordinance, Design Guidelines and standards, and any other applicable plan or program, including:
- (1) Project Narrative. A project narrative describing existing conditions such as location of the site, acreage, existing character and use of the site and adjoining properties and the proposed development, uses and activities.
 - (2) Land Use Plan. A land use plan along with accompanying tables or other diagrams that identify proposed land uses.
 - (3) Development Schedule. An anticipated development schedule, including timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase, and percentage of such acreage to be devoted to particular uses.
 - (4) Context Map. A map showing the perimeter boundaries of the project site and all uses and structures within a 100-foot radius of the project area boundaries;
 - (5) Circulation Diagram. A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the site and to and from adjacent areas, including streets and driveways, transit stops, bicycle paths, sidewalks and pedestrian ways, and off-street parking and loading areas within and connecting to the site;
 - (6) Site Plan. A site plan indicating existing and proposed uses, location and dimension of buildings and structures, gross floor area of existing and proposed structures, identification of structures to be demolished or removed;
 - (7) Open Space and Landscaping Plan. An open space and landscaping plan including landscape concept and type of plant materials, proposed open space areas/amenities, and a description of intended improvements to and maintenance of the landscaping and open area of the property;
 - (8) Building Design. Dimensioned building elevations showing building design and architectural concepts;
 - (9) Sign Program. If applicable, a comprehensive sign program, including the size and location of all proposed signs;
 - (10) Other Information. Any other information deemed necessary by the Director to ascertain if the project meets the required findings for a major site plan review.

SEC. 10-1.3080 - ADMINISTRATIVE OPTIONS.

Major site plan review shall be reviewed by the Planning Commission. Director may refer a major site plan review application to the Planning Commission, with or without a recommendation. The Planning Commission may approve, conditionally approve, or disapprove the application based on the findings listed in Section 10-1.3081.

If, after filing an application for major site plan review, the applicant fails to provide changes or additional information necessary to make a decision on the project for a period of six months, the application shall be closed and the applicant so informed.

SEC. 10-1.3081 - FINDINGS.

The approving authority may approve or conditionally approve an application when all of the following findings are made:

- a. The proposed development is consistent with the General Plan, Zoning Ordinance, Design Guidelines, and any other applicable plan or program; and
- b. The proposed development is consistent with the purpose, intent, and standards of the applicable zoning district and General Plan or Specific Plan designation and applicable design guidelines; and
- c. The subject site is physically suitable for the type and intensity of the land use and development being proposed; and
- d. The proposed development will be compatible with the planned land use character of the surrounding area and make a positive impact to the site and surrounding area; and
- e. The proposed development will not have a substantial adverse effect on surrounding development and land uses.

SEC. 10-1.3082 - NOTICE OF DECISION AND EFFECTIVE DATE.

The decision of the Planning Commission shall take effect in accordance with the provisions of Section 10-1.2825 and notice shall be given pursuant to Section 10-1.2820.

SEC. 10-1.3083 - APPEALS.

Decision of Planning Commission Appealed to City Council.

- a. The decision of the Planning Commission may be appealed to the City Council in accord with the appeals process detailed in Section 10-1.2845. The Council may approve or conditionally approve, or disapprove the application based on the findings listed in Section 10-1.3081.

- b. In the event significant new evidence, which may include substantial changes in the proposal, is presented in conjunction with the appeal, the matter shall be returned to the Planning Commission for further consideration and adoption.

SEC. 10-1.3084 - REFERRALS.

- a. The Planning Commission may refer a major site plan review application to the City Council at any time, with or without a recommendation. The Council shall then conduct a public hearing, for which notice shall be given in accord with Section 10-1.2820.
- b. On referral, the Council, may approve or conditionally approve the application based on the findings listed in Section 10-1.3081. The Planning Commission or the Council must disapprove the application if it is unable to make any of the required findings.

SEC. 10-1.3085 - LAPSE OF APPROVAL.

- a. General. Major site plan review approval is void 36 months after the effective date of approval unless:
 - (1) Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of the approval has been granted by the Planning Director.
 - (2) If a building permit is issued for construction of improvements authorized by the major site plan review approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on the site plan review approval. A request for an extension must be submitted in writing to the Planning Division at least 15 days prior to the above date.
 - (3) Business operations have commenced in accordance with all applicable conditions of approval.
- b. 24-Month Extension.
 - (1) The Planning Director may grant an extension(s) for whatever time period is deemed appropriate, provided that the cumulative total of time extension(s) does not exceed 24 months. Decisions of the Planning Director regarding time extensions(s) may be appealed to the Planning Commission or the City Council, as appropriate.
 - (2) A request for an extension of time must be filed with the Planning Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days.
 - (3) Notice of said action shall be given pursuant to Section 10-1.2820.

- (4) In making a decision on approval of an extension, the following shall be considered:
 - (a) the cause for delay in submittal of the building permit; and
 - (b) whether the proposal is in conformance with existing development regulations.
- (5) Conditions of approval may be added or modified by the Planning Director as a result of the processing of an extension of time.

SEC. 10-1.3086 - REVOCATIONS AND MODIFICATIONS.

- a. In accord with the notice and hearing provisions detailed in Sections 10-1.2820 and 10-1.2825, the Planning Commission may revoke a major site plan review, or modify or add to the conditions of approval, or refer the matter to the City Council, with or without a recommendation, for failure to comply with or complete all conditions of approval or improvements indicated on the approved development plans.
- b. Requests for modifications may be approved by the Planning Director or Planning Commission without a public notice or hearing or notice of such item, if the deciding authority determines that such a proposed modification is of a minor nature.
- b. Major site plan review approval may be revoked when the Planning Commission or, upon referral, the City Council finds that:
 - (1) The use or the manner in which it is conducted, managed, or operated impairs the character and integrity of the zoning district and surrounding area; or
 - (2) The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan and modification of the conditions or plan would not be in the public interest, or would be detrimental to the public health, safety, or welfare.

SEC. 10-1.3087 - REAPPLICATION.

A major site plan review permit that has been disapproved or revoked may not be reapplied for within one year of the final decision to disapprove or revoke said application unless the Planning Director finds that new evidence, a change of conditions, or a change in the project justifies reconsideration.

Chapter 10, Article 1, Section 10-2700, General Regulations

INSERT NEW Section 10-1.2735 (m), Food Vendor Permit, and

(1) Permit Required.

- a. No vending of food or food products shall be permitted unless a food vendor's permit has first been obtained.
- b. A separate food vendor's permit shall be obtained for each approved location.

(2) Permitted Locations. Food Vendors may be located in all Industrial sub-districts subject to the permit requirements and standards set forth below. Permits for vendors in commercially zoned districts, who are operating at the date of adoption of this regulation, may be renewed pursuant to the provisions of this section. Otherwise, food vendors are not permitted.

(3) Definitions. This section shall apply to any mobile unit (as defined below) designed or used for the vending of food or food products from a fixed or stationary location. This Section shall not apply to Catering Truck operations or similar uses as defined in subsection (b) of this section.

- a. Approved Location - A site approved by the Planning Director from which a vendor operating from a mobile unit may sell his or her products.
- b. Mobile Unit - Any trailer, cart, wagon, conveyance or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed or pulled by hand, towed by a motor vehicle or carried upon or in a motor vehicle or trailer.
- c. Vending - The business of selling or causing to be sold for cash or consideration of any of the following items: food or food products whether hot, cold, freshly prepared, or packaged, such as hot dogs, sandwiches, and burritos, to be consumed for a meal or snack. This definition includes an offer for sale. All items sold shall be capable of being consumed on site without preparation or cooking other than done by the vendor.
- d. Vending Equipment - Tools, umbrellas, and chair for vendor only. No accessory equipment for dining at the site is permitted. Food or food products, etc., related to vending and approved by the Planning Director.
- e. Vendor - A person who is in the business of vending or his or her employee(s).

(4) Application.

- a. An application for food vendor's permit to vend food products shall be submitted to the Planning Director on a form provided for such purpose, accompanied by payment of the fee set by Resolution of the City Council.
- b. The application shall include the signature of the owner of the property upon which the applicant proposes to locate his or her mobile unit indicating the property owner's permission to use the site for the purpose set forth in the application.
- c. In addition to the completed application, the following information shall be submitted on a form acceptable to the Planning Director:

- i. Proposed location of a mobile unit plotted on a map drawn to a scale of 1 one-inch equals 20 feet or larger, which indicates the distance to adjacent landscaping, parking stalls, buildings driveways, signs, fences, utility poles, transformers, hydrants, etc., located within 50 feet of the location of the proposed mobile unit.
- ii. Plans for provisions to collect and store litter and dispose of it.
- iii. Scaled drawing or manufacturers information indicating the size of the mobile unit and vending equipment the applicant proposes to use. (See paragraph (i) for scale.)
- iv. Location where vendor intends to park personal motor vehicle, location of customer parking spaces, and location where vendor intends to store overnight mobile unit.
- v. Description of the nature of the business and the goods to be sold.
- vi. Any other information deemed necessary by the Planning Director to adequately review the application, for example, photograph or rendering of mobile unit.

(5) Standards. All applications for food vendor's permit shall comply with the following standards:

- a. Approved locations for food vending shall not be located within 300 yards of any school, nor within 300 yards from another mobile unit located on the same public or private street or driveway.
- b. A mobile unit shall not exceed the following dimensions: Six feet high, 6 feet wide, 8 feet long (ventilating duct may be 10 feet high). In addition, the Planning Director at his/her discretion may approve use of a separate detached umbrella and a (3 ft. x 3 ft. x 3 ft.) table or box and a chair for vendor's use only which do not create a safety hazard or are not aesthetically detrimental or incompatible with surrounding uses.
- c. All mobile units shall be set back from the public street right-of-way or a private street or driveway. A food vendor shall not locate a mobile unit or vending equipment or merchandise offered for sale in such way as to block or impede or any way hamper pedestrian or vehicular movement or to cause a hazard to any pedestrian or vehicle.
- d. Mobile units and vending equipment shall be self-supporting and shall not be attached temporarily or permanently to trees, hydrants, utility poles or transformers, or other vertical structures or benches.
- e. All mobile units with ventilating equipment shall be located 10 feet away from all buildings unless otherwise approved by the Planning Director.
- f. A food vendor shall not sell any food or food products between the hours of 7:00 p.m. and 7:00 a.m. if the approved location is zoned for commercial purposes unless otherwise authorized by the Planning Director.
- g. No food vendor shall use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound where said sound exceeds the background noise levels for adjacent uses.
- h. A food vendor shall not store overnight any vending equipment or food products other than in a commissary approved by the Alameda County Department of Environmental Health Services.

- i. A food vendor shall not display any signs or similar devices unless approved by the Planning Director. Signs painted on a mobile unit shall be approved by the Planning Director, and any other sign or device(s), for example, flag, pennant, balloon, may be approved at the discretion of the Planning Director if he/she finds that such sign or device does not create a safety hazard or is not aesthetically detrimental or incompatible with surrounding uses.
- j. Any exterior lighting shall be approved by the Planning Director and shall not create a safety hazard and shall be shielded or deflected away from adjacent properties.
- k. A food vendor shall maintain his or her approved location in a clean and hazard-free condition. The vendor shall provide at least one 30-gallon garbage container with a swing top nearby the mobile unit for public use and shall pick up all litter generated from his or her operation within a radius of 100 feet of the approved location. A vendor shall empty the garbage container(s) daily, or more often if necessary; disposal of garbage or trash into public trash containers is prohibited.
- l. The food vendor at all times shall be in compliance with all regulations of the Health Officer of Alameda County regarding operation of this use and all other applicable rules and regulations.
- m. Location of a mobile unit and vending equipment shall not reduce the number of parking spaces below which are required for the permitted primary or conditional use.

(6) Permit Issuance.

- a. A food vendor's permit shall be issued if the applicant satisfies the above standards and the Planning Director finds that said application complies with all pertinent regulations administered by these officials.
- b. A food vendor's permit is not transferable and shall be valid for one year from the date of issuance. The Planning Director shall renew said permit for additional periods of one year upon payment of 50 percent of the fee for a new permit if the Planning Director determines that the applicant is then in compliance with all conditions of his or her permit. Applications for renewal must be submitted 30 days prior to expiration of the current permit to qualify for renewal under the provisions of this Section.

(7) Permit Revocation.

- a. A food vendor's permit shall be subject to revocation if the conditions of the permit or the regulations set forth or incorporated herein are violated.
- b. Before taking any action to revoke a permit, the Planning Director shall give notice to the permittee in writing of the proposed revocation, the reasons therefor, and the time and place the permittee will be given an opportunity to show cause to the Planning Director why the permit should not be revoked. The written notice may be served personally upon the permittee or mailed to the permittee at the address shown on the application at least 10 days prior to the date of the hearing. Upon conclusion of the hearing, the Planning Director may revoke the permit upon finding non-compliance with the conditions of the permit or the regulations herein.
- c. The Planning Director's decision revoking a permit may be appealed in writing to the Planning Commission stating the reasons why the Planning Director's decision

was incorrect. The Planning Commission shall schedule a hearing within 30 days of said appeal, and its decision shall be final. Said appeals shall be filed in the Planning Division.

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION TO ADOPT AMENDMENTS TO THE ZONING MAP AND TEXT AMENDMENTS TO CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE) AND ARTICLE 2 (PARKING REGULATIONS) OF THE HAYWARD MUNICIPAL CODE AND ADOPTION OF INDUSTRIAL DISTRICT DESIGN GUIDELINES RELATED TO A COMPREHENSIVE UPDATE OF THE INDUSTRIAL DISTRICT REGULATIONS

WHEREAS, on July 1, 2014, the City Council adopted Resolution No. 14-108, adopting the Hayward 2040 General Plan which recognizes the Industrial Technology and Innovation Corridor (Industrial Corridor) and the Mixed Industrial General Plan land use designations as important economic assets that must be protected and enhanced.

WHEREAS, the Hayward 2040 General Plan contains goals and policies to support land use changes that will help Hayward expand from a primarily warehousing and manufacturing-based economy to an information, technology and advanced manufacturing-based economy, and Implementation Program Land Use (LU-11), to update the industrial regulations between 2017-2019, to achieve Industrial-related General Plan goals and policies.

WHEREAS, on March 19, 2019, the City Council adopted Resolution No. 13-032, adopting the Economic Development Strategic Plan (2014-2018), which contains goals related to the Industrial District. These include but are not limited to IS4.A, to ensure that current zoning allows for desired uses; and IS4.D, to develop preferential zoning areas that support the desired business types, which include advanced manufacturing and research and technology-based uses.

WHEREAS, in 2015, the Economic Development Division prepared an Industrial Technology and Innovation Corridor Baseline Profile to provide a snapshot of industrial businesses located in Hayward; to create a database of major employers and trends; to identify locations of industry clusters; and to determine the most effective and efficient way to implement General Plan and EDSP goals and policies outlined above. Key recommendations from the Baseline Profile included exploring land use and zoning policies to attract advanced industries; to encourage development and redevelopment of flexible industrial spaces; to develop infrastructure and amenities to attract advanced industries; and, to foster partnerships to grow certain industry sectors.

WHEREAS, on April 11, 2017, the City Council adopted Resolution No. 17-037, authorizing the City Manager to execute an agreement with RRM Design Group to prepare a comprehensive update to the City's Industrial Zoning District regulations.

WHEREAS, between June 2017 and December 2017, the consultant team met with industrial stakeholders, developed a Draft Research and Recommendations Report, and presented the findings from that Report to the Chamber of Commerce Board of Directors, the Council Economic Development Committee and at a Community Meeting.

WHEREAS, on October 11, 2018 and December 7, 2018, the Planning Commission and City Council, respectively, held public Work Sessions on the Draft Industrial District regulations.

WHEREAS, on April 25, 2019, the Planning Commission considered the proposed Zoning Map and Text Amendments and Industrial District Design Guidelines and voted (6-0-0), that the City Council approve the proposed Industrial District Design Guidelines and Zoning Text Amendments and recommended that the Design Guidelines be updated to include images for large scale office development, particularly along Route 92; and, that all projects that request an FAR bonus above 0.8 be subject to Major Site Plan Review.

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on May 14, 2019.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) was prepared for the Hayward 2040 General Plan. On July 1, 2014, the City Council adopted Resolution No. 14-108, approving the Hayward 2040 General Plan Update and related Program Environmental Impact Report (EIR).
2. In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. That the Program EIR covers the subject zone change as a subsequent action contemplated with the adoption of the Hayward 2040 General Plan Update and is consistent with the General Plan Land Use diagram.
3. A proposed Floor Area Bonus (FAR) for Administrative and Professional Offices and Research and Development on IP (Industrial Park) District properties where the approving authority finds that the collective FAR across all Industrial sub-districts does not exceed 0.8 would ensure consistency with the district-wide General Plan maximum FAR standard.
4. Based on the draft regulations and the analysis provided in this staff report, no new

or unanticipated levels of development are anticipated that were not previously identified in the General Plan and General Plan EIR, and no new or unanticipated traffic, employment density, or construction impacts are expected to be generated as a result of adoption of these regulations. Therefore, the proposed Amendments substantially conform to the Goals and Policies set forth in the General Plan, and that were analyzed in the related Program EIR. No further environmental review is necessary.

5. That the project complies with CEQA, and that the City Council has reviewed and considered the information prior to approving the project. The custodian of the record of proceedings upon which this decision is based in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.

FINDINGS FOR ZONING MAP AND TEXT AMENDMENTS TO THE HAYWARD MUNICIPAL CODE

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;

The proposed Zoning Map and Text Amendments and related design guidelines will promote public health, safety, convenience and general welfare of the residents and workers in Hayward in that the updated regulations will promote well-designed, amenity-rich industrial development and redevelopment to benefit employees and visitors to the industrial area; address and minimize compatibility issues between industrial and adjacent sensitive uses through the creation of sub-districts with specific purposes, uses, development and performance standards; and, encourage the establishment of and expansion of advanced manufacturing and high employee generating uses while discouraging low-employment intensity, high-impact uses. Overall, the proposed Amendments, in addition to the proposed design guidelines, would protect and enhance the industrial areas by providing clear expectations for future development within each of the industrial sub-districts.

2. The proposed change is in conformance with all applicable, officially adopted policies and plans;

The proposed Zoning Map and Text Amendments and related design guidelines are consistent with the goals and policies set forth in the Hayward 2040 General Plan in that the updated regulations are designed to protect and enhance the Industrial land use designations; expand Hayward's economic and employment base; and support a transition from a warehousing, logistical and manufacturing-based economy to an information, technology and advanced manufacturing based economy. The proposed regulations would continue to allow warehousing, transportation and logistics uses which are essential to the Hayward industrial economy; however, they would prioritize and incentivize advanced manufacturing uses, and development of

flexible industrial buildings that could transition from warehousing to other advanced manufacturing, research and development and similar uses.

The proposed Zoning Map Amendments would establish sub-districts to differentiate industrial areas based on context and character. Text Amendments include the development of a new Hayward Municipal Code Section 10-1.1600, Industrial Districts, as well amendments to various Sections of the Hayward Municipal to ensure internal consistency. The proposed Amendments are consistent with the following goals and policies set forth in the Hayward 2040 General Plan:

Goal LU-6: Enhance the Industrial Technology and Innovation Corridor to expand the economic and employment base of Hayward and to achieve a healthy balance between a manufacturing-based economy and an information- and technology-based economy.

Policy LU-6.1: Land Uses. The City shall encourage employee-intensive uses, such as professional office, corporate campuses, research and development, traditional and specialized manufacturing, throughout the Industrial Technology and Innovation Corridor.

Policy LU-6.2: Industrial and Warehouse Conversions. The City shall encourage the conversion of obsolete industrial and warehouse distribution space to a productive use, such as advanced manufacturing, professional office centers, corporate campuses, research and development parks, and flex space.

Policy LU-6.4: Incidental Commercial Uses. The City shall encourage incidental commercial uses that support employees and businesses within the Industrial Technology and Innovation Corridor, such as restaurants, business services, business hotels, gas stations, and similar uses.

Policy LU-6.5: Incompatible Uses. The City shall protect the Industrial Technology and Innovation Corridor from the encroachment of uses that would impair industrial operations or create future land use conflicts.

Policy LU-6.6: Property Upgrades. The City shall encourage property owners to upgrade existing buildings, site facilities, and landscaped areas to improve the economic viability of properties and to enhance the visual character of the Industrial Technology and Innovation Corridor.

Policy LU-6.7: Design Strategies. The City shall encourage developments within the Industrial Technology and Innovation Corridor to incorporate the following design strategies:

- Provide attractive on-site landscaping and shade trees along street frontages and within employee and visitor parking lots.
- Screen areas used for outdoor storage, processing, shipping and receiving, and other industrial operations with a combination of landscaping and decorative fences or walls.
- Encourage consistent architectural facade treatments on all sides of buildings.
- Screen roof-top equipment with roof parapets.
- Design shipping and receiving areas and driveways to accommodate the turning movements of large trucks.
- Develop coordinated and well-designed signage for tenant identification and way-finding.
- Incorporate attractive building and site lighting to prevent dark pockets on the site.
- Provide pedestrian walkways to connect building entrances to sidewalks.
- Use landscaped buffers with trees and attractive sound walls to screen adjacent residential areas and other sensitive uses.

Policy ED-1.5: Knowledge- and Innovation-Based Industry Clusters. The City shall encourage the establishment and expansion of knowledge- and innovation-based industry clusters to increase the number of professional, scientific, and technical service jobs within the local economy, and to attract venture capital funding to Hayward.

3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and

The proposed Zoning Map and Text Amendments and related design guidelines would refine the existing industrially-zoned land to create sub-districts with specific land use allowances and related development, design and performance standards that would apply to future development and redevelopment of industrial properties. The proposed uses are generally consistent with land uses envisioned in the Hayward 2040 General Plan Update and analyzed in the related Program Environmental Impact Report. While the Industrial District is generally built out and has adequate streets and public facilities to serve the area, each new project would be evaluated on a case-by-case for environmental impacts and would be required to install or upgrade utilities, upgrade roadways or install frontage improvements as standard conditions of approval to ensure that the future development or land use is adequately served.

4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

The proposed Zoning Map and Text Amendments and related design guidelines include the development of sub-districts with distinct purpose statements, allowable uses and development standards to ensure that future industrial uses are compatible with surrounding present and potential future users. The proposed

Amendments include the creation of a Light Industrial land use category to buffer higher impact industrial uses from adjacent residential and commercial uses; an Industrial Park sub-district to support large-scale, campus like development to house research and development and other advanced manufacturing and technology uses, and a General Industrial sub-district where higher intensity industrial uses would be permitted or conditionally permitted according to specific performance standards intended to minimize nuisances. The Amendments and new design guidelines would achieve a beneficial effect by promoting well-designed, amenity-rich development for employees and visitors to the industrial area; addressing and minimizing compatibility issues between industrial and adjacent sensitive uses; and encouraging establishment and expansion of advanced manufacturing and high employee generating uses while discouraging low-employment intensity, high-impact uses. Overall, the proposed Amendments would protect and enhance the industrial areas by providing coherent site-specific standards and expectations for future development within the area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the findings in support of Zoning Map and Text Amendment Application No. 201800269 and related Industrial District Design Guidelines, subject to the adoption of the companion Ordinance.

BE IT RESOLVED that this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 19-__) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

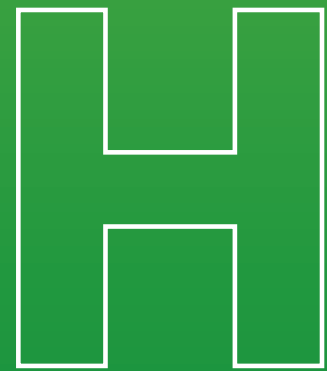
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



INDUSTRIAL DISTRICT DESIGN GUIDELINES

CITY OF HAYWARD

REVISED APRIL 2019
PUBLIC REVIEW DRAFT

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PURPOSE

The purpose of the Industrial District Design Guidelines is to facilitate the enhancement and improve the overall appearance of the Industrial Technology and Innovation Corridor by providing design direction for development. Design guidelines are intended to promote high quality site and building design, convey design expectations, and ensure consistent application of those expectations.

These Design Guidelines provide design direction for property owners, developers, designers, contractors, and architects as they are designing their projects so that they meet the intent of General Plan goals and policies. They also serve as the basis for project review by the City, assisting City staff and decision makers in evaluating projects. They are prescriptive to create a framework for design and to carry out the community's design vision—articulated in the General Plan—but flexible to allow for creativity and innovation in design and planning.

DESIGN INTENT

Development in the Industrial District is intended to be characterized by functional, well designed site and building development to improve the economic viability of properties and to enhance the visual character of the Industrial Technology and Innovation Corridor. Important features of development include coordinated landscaping along frontages and adjacent to open spaces, safe and clearly demarcated pedestrian connections, prominent entries with articulation and detailing, loading docks at the side or in the rear, and amenities such as recreational facilities, open space, benches, shelter and other features that enhance the employee experience.

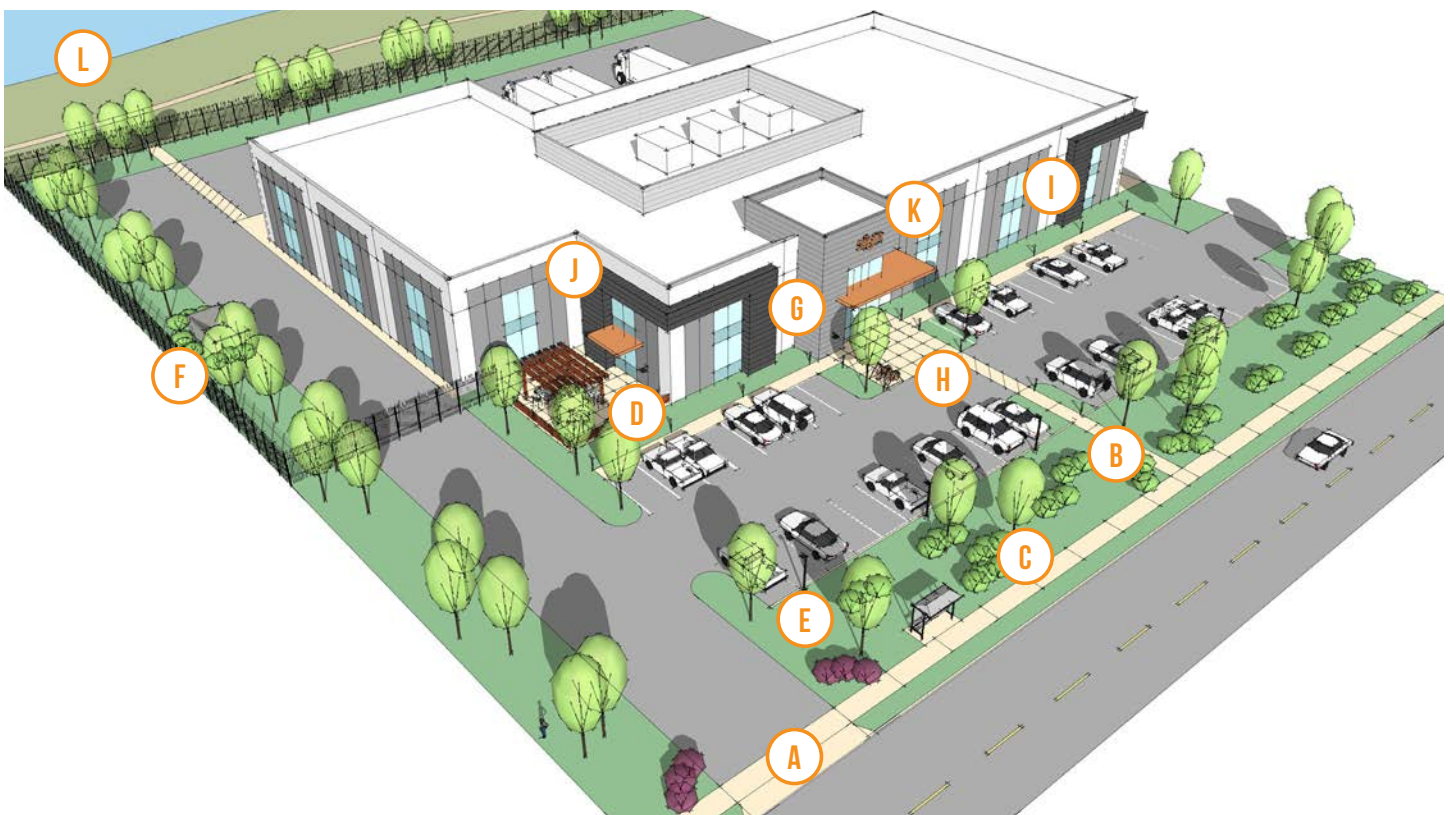


Example of recent industrial development reflecting current design characteristics.

DESIGN GUIDELINES

Design guidelines in this document address key design elements of development in the Industrial District highlighted in the illustration below. The letters in the illustration refer to corresponding sections of the Guidelines.

In certain cases, existing development, site characteristics, operational needs, or other factors may make strict application of design and development requirements impractical. Examples of design interventions to create visual interest and minimize visual impact in instances of such constraints are presented in *Section M, Design Interventions for Constrained Development*.



SITE ELEMENTS

- A** Site Planning
- B** Pedestrian Connections
- C** Landscaping, Walls, and Fencing
- D** Employee Amenities and Open Space
- E** Lighting
- F** Utilitarian

BUILDING DESIGN

- G** Massing and Articulation
- H** Entries
- I** Windows and Doors
- J** Colors and Materials
- K** Signage
- L** Shoreline Development

SITE ELEMENTS

A. SITE PLANNING

1. Highlight site entrances through driveway entry treatments such as unique paving treatments, accent landscaping, and signage that inform visitors of its location and enhances the overall project design.
2. Locate visitor parking to be clearly identifiable and provide ease of access to the primary entry of a building.
3. Connect site to surrounding amenities such as sidewalks, trails, or other opportunities to enhance area connectivity.
4. Orient buildings in order to allow for maximum daylighting, climactic, and other environmental condition opportunities to occur for interior work areas.
5. Where multiple buildings are located on a site, design buildings to create a cohesive visual relationship.
6. Where feasible, work with adjacent property and business owners to group employee amenities into nodes with pedestrian and other connections.
7. Incorporate unique design elements (such as decorative fencing, wall art and sculptures, creative bicycle racks, or benches and tables) as project features that complement building design or business.
8. Place bicycle racks and/or bicycle lockers adjacent to building entries where they are clearly visible in order to enhance safety and security.
9. Locate outdoor storage, loading docks, semi-truck bays, semi-truck parking, and other nuisance activities on the side of a building not directly abutting a residential use. If infeasible due to site constraints, angle outdoor storage, loading docks, semi-truck bays, semi-truck parking, and other nuisance activities away from residential uses. If infeasible due to site constraints, angle loading docks, semi-truck bays, and semi-truck parking away from residential uses.



Unique paving at driveway highlights site entry while building is oriented to allow for daylighting of interior work areas.



Bicycle rack placed near primary building entry as unique feature that complements adjacent business.



B. PEDESTRIAN CONNECTIONS

1. Provide easily identifiable pedestrian pathways that connect all buildings to parking areas, to the public sidewalk, trails, and trail access points, and to any open space areas or amenities, including transit stops.
2. Connect parking and building entries with landscape island walkways.
3. Design pedestrian paths with textured paving or other unique surface and accent lighting.
4. Ensure areas adjacent to pedestrian paths and connections provide for visual surveillance to enhance safety and security, especially at points of entry. Avoid dense hedges, dark corners, and other elements that can obstruct visibility.
5. Locate employee and visitor pathways throughout a site to minimize conflicts with truck driveways, storage, loading, and other operational areas.



Pedestrian pathways are easily identifiable and connect the building to parking areas and off-site sidewalks.



Landscaped islands provide clear pathways to primary building entry while minimizing pedestrian conflicts with vehicles.



Unique, colored paving clearly identifies pedestrian pathway through parking area.



Uniform landscape palette establishes streetscape character and complements adjacent property landscaping along the street.



Residential streetscape character (left) is maintained by industrial properties (right) through consistent tree and shrub type and placement.

C. LANDSCAPING, WALLS, AND FENCING

1. Use landscaping to complement and enhance the overall project design in order to provide an attractive frontage, screen or buffer adjacent sensitive land uses, frame building entrances or special design features, provide relief to continuous wall planes through use of trellises, green walls, and landscape frames, and to connect to adjacent development.
2. Use a uniform landscape palette to establish a coherent and consistent streetscape appearance in order to create a continuous street and landscape frontage. Where a continuous tree and landscape street frontage is not present, develop a landscape palette that can be continued along the street frontage of other properties in the future.
3. Ensure landscaping complements and extends the design of adjacent properties and amenities.
4. Use landscaping as a transitional element to continue the streetscape character of adjacent residential neighborhoods.
5. Maximize landscape areas on site with a mix of deciduous and evergreen trees and shrubs and locate to be balanced throughout the site.
6. Group trees and shrubs together to create strong accent points within the site, unless circumstances dictate otherwise.



7. Utilize accent landscaping to distinguish driveway entries, primary building entrances, employee amenity areas, trail access points, and other activity areas of a site.
8. Design landscaping adjacent to open space, trails, or trail access points to screen industrial development and operations but still maintain a sense of openness and visibility to allow for visual surveillance and enhance safety and security of users.
9. Use landscaping, fencing, walls or a combination of the two or other treatments to buffer sites when located adjacent to residential uses.
10. Design fencing as an integrated part of the site, rather than as a separate fence (i.e. planter wall, continuation of architectural wall), and ensure fencing design and material selection is as part of the overall development.
11. Minimize visual monotony in sound walls, masonry walls, or fences through changes in plane, height, material, or material texture or include significant landscape massing, where appropriate.



Accent landscaping utilized to create visual interest and highlight primary building entry.



Wall and fencing designed as integral part of a site through continuation of building materials, with landscape minimizing visual monotony.

- a Screening of industrial development maintained through appropriate spacing of trees.
- b Trees trimmed and up kept to maintain screening but also to allow for visual surveillance on trail.
- c Low shrubs maintain sense of openness and visibility to enhance safety.



Example landscaping adjacent to open space, trails, or trail access.



Outdoor eating area located adjacent to indoor break areas and enhanced through use of scored concrete.



Outdoor employee area located to take advantage of sun access, while providing facilities such as barbecue, recreation areas, and outdoor patio.



Half court basketball for games between employees on breaks.

D. EMPLOYEE AMENITIES AND OPEN SPACE

1. Incorporate unique paving treatments, such as scored or colored concrete, pavers, or tile to enhance the appearance of outdoor eating areas.
2. Locate employee outdoor areas adjacent to indoor break areas.
3. Design outdoor employee areas to have sunlight during at least part of the day and offer wind protection, comfort, and safety.
4. Provide facilities such as walking paths, patios, barbecue areas, recreational facilities, or other such improvements that allow convenient use for outdoor enjoyment and/or recreation for employees.
5. Locate open space along the east, west, or southern block or building face, where feasible, and design to maximize exposure to the sun, especially from the southwest while protecting from wind (often westerly).
6. Use trees and berms along the windward side of outdoor employee areas as windbreaks.
7. Provide ample seating areas and tables. Provide shaded seating areas, in addition to areas with full sun access.
8. Size recreational spaces to be of sufficient size and area to accommodate the intended activity.



E. LIGHTING



1. Integrate exterior lighting that is architecturally compatible with the building style, materials, and colors.
2. Design exterior lighting to be shielded downward to minimize direct off-site viewing and to ensure light does not overflow onto adjacent sites.
3. Mount light fixtures at a height appropriate to the setting and project design. For example, use lower mounting heights for settings adjacent to sensitive land uses (residential, bay lands, or trails) and low, bollard-type fixtures within pedestrian areas.
4. Use attractive and well-detailed raised light pole bases compatible with a project design. Color concrete, sculptural elements, and other creative elements at the base of lights are encouraged.
5. Maintain site area intended to be lighted by locating light poles within raised curb planter areas to avoid conflicts with any parking lot trees.
6. Use vandal resistant well lighting for pedestrian and signage lights.



Light fixtures mounted at appropriate height for setting adjacent to building entry and shielded downward.



Low, bollard light fixtures placed to provide lighting within pedestrian areas.



Trash enclosure providing pedestrian entries enhances ease of use.



Utility equipment unable to be screened has been enhanced through an art mural.

F. UTILITARIAN

1. Site trash enclosures to minimize visibility from the right-of-way through placement, landscaping, and/or other screening.
2. Provide well lighted trash enclosures. 
3. Include a pedestrian entrance to trash and recycling enclosures in order to minimize the need for opening the larger access gates.
4. Paint all vents, gutters, downspouts, flashing, and electrical conduits, to match the color of the adjacent surface, unless intended to be used expressly as a trim or accent element.
5. Locate roof access to a building on the interior, rather than the exterior of a building.
6. Utilize parapets or other building elements to screen all roof mounted equipment from view.
7. Place mechanical/utility equipment inside of a building or screen with landscaping or other materials consistent with building design. In instances where mechanical/utility equipment cannot be located within buildings or adequately screened, treat it with art.
8. Select noise generating equipment, such as HVAC systems, refrigeration units, exhaust fans, and other mechanical equipment based on minimizing overall noise production and locate them away from adjacent residential uses.

BUILDING DESIGN

G. MASSING AND ARTICULATION

1. Desirable massing on street facing building elevations includes variation in wall plane, variation in wall height, and roofs located at different levels in order to minimize the overall appearance of the elevation. In general, building wall planes visible from a public street should not continue for more than 50-feet without a change in building wall plane direction of 2-feet or more.
2. Design massing elements to be properly scaled and in proportion to one another in order to provide a balance between horizontal and vertical emphasis.
3. Organize street facing building massing so as to emphasize interior uses of a building, such as the primary entry, building corners, or office space, through the use of varying roof height, windows, variation in materials, and other design treatments.
4. Provide articulation and detailing on all elevations of a building and include elements such as recesses, columns, score lines, reveals, trellises, windows, lighting, or other features to create shadow patterns and depth on building elevations. Reuse of existing buildings may also include wall art or sculptural art elements.
5. Minimize blank wall planes on all elevations through the use of wall plane variation, trim or reveals, entry and window openings, and/or varying colors and materials.



Street facing building elevation includes variation in wall plane, wall height, and roofs at different levels.



Articulation and detailing continue on side elevation through use of windows, awnings, and other detailing.

- a Wall plane and roof height variation at corner creates emphasis on building massing.
- b Interior use emphasized through window, primary entry, and office space location adjacent to the street.
- c Blank walls minimized through use of reveals, window openings, and varying colors.



Current massing and articulation of industrial development.

G.2



Changes in height and massing provide variation and articulation. Vertical building elements break up what may otherwise be horizontal architectural composition.

J.1



Colors, materials, trim, windows, awning, and doors provide clear identification of building entry and reinforce building design.



Window proportions complement architectural style and clerestory windows are used to allow interior natural daylighting.

H. ENTRIES

1. Design entries so that they are clearly defined and distinguishable from street.
2. Incorporate architectural features such as awnings, canopies, trellises, and/or other treatments such as vertical architectural features or unique building colors or materials to clearly identify primary building entries.
3. Incorporate unique paving treatments, such as scored or colored concrete at primary building entries to enhance its appearance.

I. WINDOWS AND DOORS

1. Use window and door type, proportion, and colors and materials to complement the overall architectural style of the building.
2. Place windows on building elevations, such as clerestory windows, to allow for natural daylighting to occur within interior work areas and to break up massing and add articulation to a building.

J. COLORS AND MATERIALS

1. Select building colors and materials to reinforce building design, detailing, and architectural form in order to achieve harmony and continuity of the overall design.
2. Utilize accent colors for trim, windows, doors, and other key architectural elements, such as primary building entries, to add visual interest to a building.
3. Apply materials in a manner that corresponds to variation in building massing. Wrap outside corners to avoid a tacked-on appearance.
4. Use durable and high quality materials on building exteriors, especially in areas near ground level.

K. SIGNAGE

1. Coordinate project signage with the overall colors and materials palette for a project.
2. Reflect the type of business through sign design, shape, or graphic form.
3. Locate primary business signage prominently in relation to the primary building entry in order to be visible from the public right-of-way.
4. Design directional signage to be coordinated and clearly direct users to appropriate areas of a site, such as loading and receiving areas or visitor parking.



Project signage coordinated with overall colors and materials palette for the project.

L. SHORELINE DEVELOPMENT

Development abutting Open Space and Flood Plain Districts are visually and environmentally sensitive and warrant additional site, architectural, and environmental considerations.

1. Incorporate landscape to frame and integrate the development into the surrounding area and provide sensitive, natural screening where appropriate.
2. Use building surfaces, materials, and colors to minimize reflectivity and integrate into the natural surroundings.
3. Incorporate pedestrian trail linkages to the Bay Trail using pathways, landscaping, and interpretive signage.
4. Design building elevations fronting the shoreline with articulation, off-sets, varied rooflines, and varied materials to increase complexity.
5. Minimize visibility of truck loading bays and dock doors from shoreline.



Primary business signage located prominently above building entry to enhance visibility from the street.

M. DESIGN INTERVENTIONS FOR CONSTRAINED DEVELOPMENT

1. Use paint, materials, signage, landscaping, and other treatments to create or enhance visual interest, minimize visual impact at the street frontage, and otherwise meet the intent of the design and development requirements.

BEFORE



AFTER



Convenient bicycle parking provided near building entry.

Entry monument sign provides clear business identification, highlighted by accent landscaping.

Pedestrian pathway extended from building entry to sidewalk

Turf area replaced with bioswale to capture stormwater runoff.

New street tree continues existing streetscape character.

Site element improvements that could occur to enhance visual interest and minimize visual impact at the street frontage.

BEFORE



Entry enhancements provide clear identification and access.

Loading door enhanced through incorporation of art.

Simple landscaping treatments soften building.

Coordinated color and material palette enhances visual interest.

Deck creates usable employee or customer space.

AFTER



Street facing facade improvements that could occur to create and enhance visual interest.

BEFORE



AFTER

Recreational amenity for employees sized to accommodate intended activity.

Utility areas screened with low wall and vegetation.

A variety of seating provided with both shaded and sunny seating conditions.

Employee outdoor break area located adjacent to indoor break area.

Built up outdoor break area with accent paving and screening plantings.



Employee amenity improvements that could occur to enhance visual interest and otherwise meet the intent of design and development requirements.

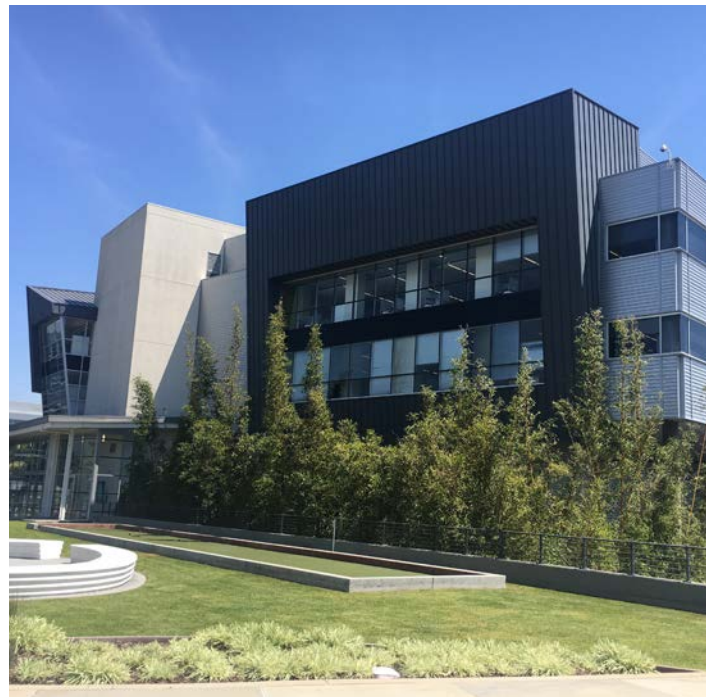
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APPENDIX A

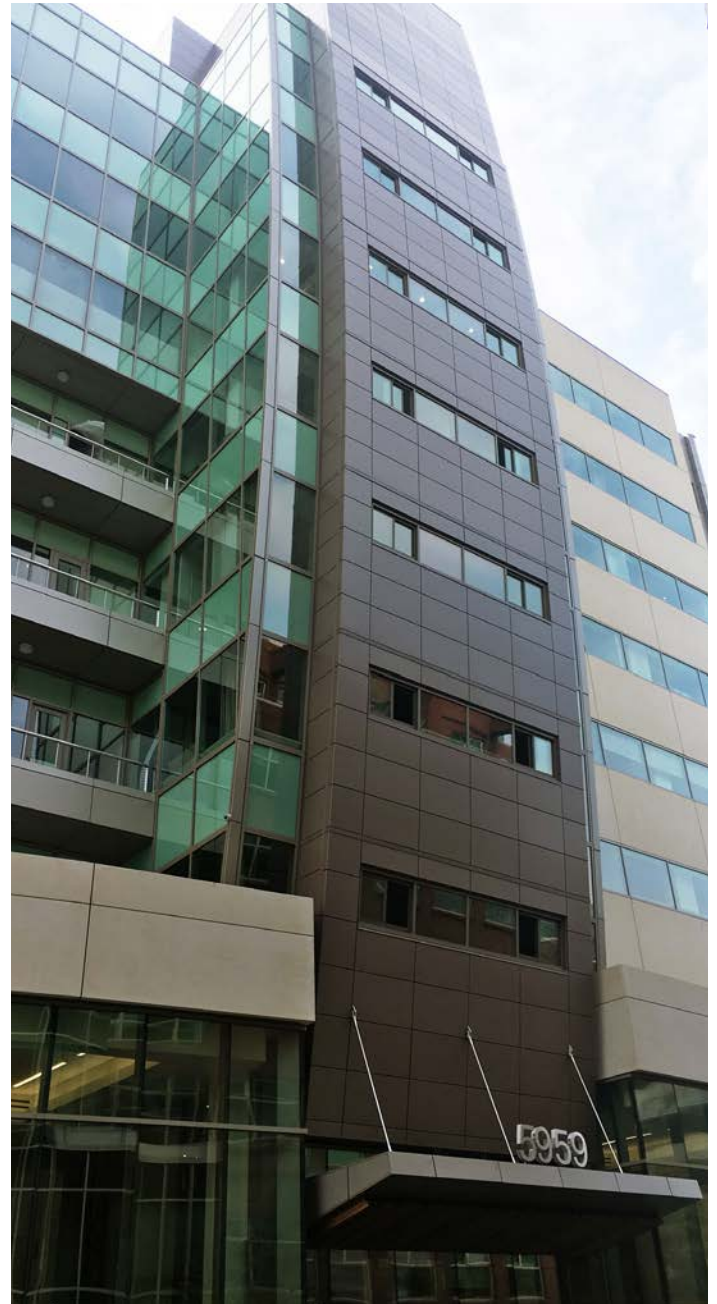


The following images convey examples of well-designed office development. These images are intended to be a point of reference for conveying desirable qualities of future office developments within the Industrial District area.

THREE- TO FOUR-STORY EXAMPLES



SEVEN- TO EIGHT-STORY EXAMPLES



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MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Faria.

CALL TO ORDER Pledge of Allegiance

Commissioner McDermott led in the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Willis, Andrews, Bonilla, Patton, McDermott
CHAIRPERSON: Faria
Absent: COMMISSIONER: Goldstein

Staff Members Present: Brick, Chan, Lochirco, Nguyen, Schmidt

General Public Present: 31

PUBLIC COMMENT:

There were none.

PUBLIC HEARINGS: For agenda item No. 1, the Planning Commission may make a recommendation to the City Council.

1. Application to Amend Chapter 10, Article (Zoning Ordinance) and Article 2 (Off-Street Parking Regulations) related to the creation of new Industrial District Regulations within the Hayward Municipal Code and the Adoption of Industrial District Design Guidelines

Senior Planner Schmidt provided a synopsis of the staff report and a PowerPoint Presentation.

Ms. Martha Miller, Project Manager consultant with Lisa Wise Consulting, provided a recap of the revisions to the new Industrial District Regulations.

Commissioner Patton referenced the correspondence from some stakeholders stating they did not receive the public notice mailers and requested staff to speak about the non-conforming uses. Senior Planner Schmidt responded that the City has one non-conforming use ordinance that covers the entire city, and that, per the ordinance, if the use was legally



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established via a use permit or business license, then the use is grandfathered-in and can continue to operate indefinitely. However, the use in this circumstance is limited, and if the owner wishes to expand, the expansion will need to be consistent with the new regulations. Ms. Schmidt shared that prior to the community meeting in January 2018, staff sent out 13,000 postcards to all property owners and business addresses within the Industrial District (ID) which includes a 300-foot buffer around the ID. Staff also emailed approximately 20,000 businesses who provided email addresses on their business licenses. Ms. Schmidt shared that staff also emailed persons on the interested parties list that staff maintained. Ms. Schmidt said the second public hearing notice for tonight's meeting was mailed to 13,700 property owners and business addresses within the ID which includes a 300-foot buffer around the ID. In response to Mr. Patton's questions about transferability of business uses, Mr. Brick responded that, in general, if a business is sold there should not be an issue as long as there is not a period greater than 6 months that the use is discontinued.

Commissioner Willis asked about the non-conforming use regulations, to which Senior Planner Schmidt responded that staff decided, for consistency, to stay with the City's current well-established standards for non-conforming uses. Ms. Schmidt added that staff considered a more aggressive approach of placing a moratorium on non-conforming uses but decided to allow the change to happen incrementally and organically.

In response to Commissioner Patton's question of how staff tracks the bonus Floor Area Ratio (FAR), Senior Planner Schmidt responded that this is a rare element and is only found in the Industrial Park sub-district (IP) for a very specific use. Ms. Schmidt shared that staff now has technology that assists with tracking the FAR and she is confident that the data staff has collected is accurate. Ms. Schmidt explained how she utilized the City's Geographic Information System (GIS) to view the thousands upon thousands of parcels to determine that the average FAR was .36 with a margin of error +/- .5. Ms. Schmidt shared that staff only looked at parcels that have development on the site.

Chair Faria opened the public hearing at 7:29 p.m.

Mr. Marc Fontana, Hayward property owner, has concerns that the new regulations will be damaging to him and his family and shared how they have been in business since 1988. Mr. Fontana said they did not receive proper notification and that a lot of the existing businesses are non-conforming under the new regulations. In response to Commissioner McDermott, Mr. Fontana responded that the business was established in 1916 making garden decor. In response to Mr. Willis, Mr. Fontana replied he only found out this morning about the new regulations that would affect his property.



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Mr. Jose Tejeda, Hayward resident, has concerns about the new regulations and asked staff to explain what is going to happen to the existing residents. Mr. Tejeda said the City has not done anything to improve the area even though they pay their taxes.

Mr. Ted Landauazo, Hayward business owner, said he did not receive the public notice, has concerns of how the changes will affect his business of 35 years, and that he employs 50 to 80 people per day. Mr. Landauazo said the City has neglected this area for all this time and feels what prompted the new regulations is the residential units that have come into the area.

Mr. George Clever, Partner with Hines, the new owners of the former Gillig site, said their company will be improving and investing about \$100 million into the site. Mr. Clever requested staff to reconsider the open space requirement for the General Industrial area because the 10% open space requirement for the General Industrial area of their site equates to the size of one-and-a-half football fields.

Mr. Khaira, Hayward resident, has concerns for residents that live in the industrial area as all day long there is constant flow of traffic and the large trucks raise a lot of dirt and dust and there is a lack of worker parking which results in a lot of trash left in the area. Mr. Khaira hopes the new regulations for the light industrial sub-district will help improve the area and make it safer for the residents and especially the children.

Mr. Juan Martinez, Hayward resident and business owner, shared that nothing was done when he came to the City to report his concerns about excessive noise from businesses and medical hospital waste washed down the sewer drain. Mr. Martinez said the City needs to focus on enforcing the current regulations and would like the City to communicate to both business owners and residents.

Ms. Noor Chaaban, representative for Technicon Construction, said her company plans to purchase a business property on Pacific Street which falls under the new Light Industrial subdistrict. Ms. Chaaban has concerns if their plans will be reviewed under the existing regulations, because when she was submitting their plans today, in speaking with staff, it was unclear what would happen.

Mr. Edward Bogue, Hayward resident, said the most dramatic change is for the area that will be designated the new Light Industrial subdistrict from the existing General Industrial designation. Mr. Bogue has concerns about the existing large sites that do not abut residential areas and how they will be affected by the new Light Industrial regulations. Mr. Bogue suggested that staff take another look and consider redrawing the area lines.



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Chair Faria asked about the impact to residents who live in the Industrial District, to which Senior Planner Schmidt replied that per the current regulations the residential uses are non-conforming and are not allowed in the Industrial District and this does not change with the new regulations. Ms. Schmidt shared that the new Light Industrial (IL) sub-district regulations are to create a buffer zone for the existing residents from the heavier industrial uses.

Mr. Yaowinder Singh, Hayward business owner for 17 years, has concerns about how the new Light Industrial sub-district regulations will affect existing businesses, especially the trucking companies that require larger outdoor space.

Chair Faria closed the public hearing at 8:10 p.m.

In response to Commissioner Bonilla, Senior Planner Schmidt said existing business will be allowed to continue operating under the new regulations. Economic Development Manager Nguyen addressed Mr. Bonilla's question regarding property values in the Industrial District and said that at this time property values are very high with under a 4% vacancy rate and staff is unsure how the new regulations could potentially affect property values. Mr. Nguyen said the City has been experiencing a lot of interest from outside parties because Hayward is more affordable for businesses. Ms. Schmidt shared that after the Planning Commission and City Council Work Sessions in October and December, respectively, staff had a very good idea which direction the City was headed. She said there was no reason for staff to expect there would be a deviation from the draft regulations except for minor amendments. Ms. Schmidt said there are videos of the meetings with Council, the Planning Commission and the community. She said that when applicants come to the Planning Counter to inquire about properties, staff informed the applicants that the City's Industrial District Regulations are in the process of being updated and provided the applicants with the draft regulations. Principal Planner Lochirco responded to Mr. Bonilla's question about applications, and said applications received today are not vested until approved and that applications can be subject to either the administrative or conditional use permit process dependent upon many factors and timelines. Mr. Bonilla acknowledged the speakers and thanked staff for their diligence and comprehensive report.

Commissioner Patton said the City's vision for establishing the Light Industrial District is to improve the City. Mr. Patton requested that the Design Guidelines include a public right-of-way element in order for the City to be able to apply for grants and federal funding. Mr. Patton said that along the Route 92 Corridor he suggested the inclusion of a major site plan review for taller office buildings along with office building illustrations. Mr. Patton suggested staff review the 10% open space requirements for industrial parks as this requirement is better suited for commercial park districts.



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Commissioner McDermott commented that it has been a three year process for this item and staff has conducted a number of community outreach meetings along with two Public Notice mailings, sent out a large number of emails to stakeholders of record, and that staff maintained an interested parties list and made sure to notify everyone on that list.

Commissioner Willis said these new changes are what is in the best interest for the majority of the City. Mr. Willis supports this project.

Commissioner Andrews commented that as a resident she had heard about the Industrial Regulations update and the numerous community outreach meetings. Ms. Andrews suggested that the business owners research the many City resources to stay abreast of what is going on. Ms. Andrews commended staff on their outreach efforts and for the inclusion of food trucks and community art which will benefit the workers in the area. Ms. Andrews spoke about how this used to be Russell City area with a majority of African American residents and how these residents were displaced to make room for the industrial area. She commented that the City's goal with the new regulations is to create a buffer zone from the industrial uses for the existing residents. Ms. Andrews supports the item.

Chair Faria commented that change is difficult and that there will be impacts but the City's responsibility is to ensure there is a plan for the future. Ms. Faria thanked staff for the community outreach and the information. Ms. Faria thanked the speakers and acknowledged the difficulty in presenting their feelings and how the regulations might impact them.

Commissioner Willis made a motion to approve the staff recommendation.

Commissioner Patton made a friendly amendment to include a recommendation to staff about the inclusion of a public right-of-way element, that Industrial District Design Guidelines include illustrations of office buildings along the Route 92 Corridor, and the requirement of a major site plan review for office buildings to qualify for the bonus floor area ratio.

Principal Planner Lochirco said the Industrial Regulations Update was focused on private property, and the public accessibility element will be included in the Bicycle Master Plan update which is currently in process. Commissioner Patton has concerns that in the Industrial Regulations Update, office buildings are required to include bicycle accessibility, and he wants to make sure there is public right-of-way accessibility and safety for bicycle riders along the public access. Senior Planner Schmidt shared that the Public Works Engineering and Transportation Department is looking at public accessibility and right-of-way regulations and are aware of the Industrial Regulations Update. Ms. Schmidt also



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shared that developers will be required to provide bike paths and accessibility along the frontages of the sites they are developing.

Commissioner Willis made a motion, seconded by Commissioner Patton, to approve the staff recommendation with a recommendation to staff to modify the Industrial District Design Guidelines to reflect office building illustrations along the Route 92 Corridor and include the requirement of a major site plan review in order for applicants to take advantage of the .8 bonus floor area ratio. The motion carried by the following vote.

AYES:	Commissioners Willis, Andrews, Bonilla, Patton, McDermott Chair Faria
NOES:	None
ABSENT:	Goldstein
ABSTAIN:	None

APPROVAL OF MINUTES

2. Minutes of the Planning Commission Meeting of March 28, 2019

Commissioner Willis made a motion, seconded by Commissioner McDermott, to approve the Planning Commission Meeting Minutes of March 28, 2019.

The motion passed with the following vote:

AYES:	Commissioners Willis, Andrews, Patton, McDermott Chair Faria
NOES:	None
ABSENT:	Goldstein
ABSTAIN:	Bonilla

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

There were none.

Commissioners' Announcements, Referrals:

Commissioner Andrews announced that there is a Keep Hayward Clean and Green event on Saturday and to visit the City's website for more information. Ms. Andrews also announced a neighborhood Smoothie Event at Palma Ceia Park on Sunday.



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ADJOURNMENT

Chair Faria adjourned the meeting at 8:39 p.m.

APPROVED:

Ray Bonilla Jr., Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk