

CITY OF HAYWARD

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

Cover Memo

File #: CONS 16-199, **Version:** 1

DATE: May 3, 2016

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Approval to Annex "Blackstone at the Cannery" to Benefit Zone No. 13 of the Consolidated Landscaping and Lighting District 96-1, Setting of the Date for the Associated Public Hearing, and Ordering the Mailing of Ballots and Associated Waiver

RECOMMENDATION

That City Council:

1. Adopts a Resolution (Attachment I) to initiate the annexation of the 'Blackstone at the Cannery Place' property to Benefit Zone No. 13 of the Consolidated Landscaping and Lighting District 96-1; and
2. Adopts a Resolution of Intention (Attachment II) to preliminarily approve the Engineer's Report (Attachment III), set May 17, 2016 as the date for the Public Hearing, and order the mailing of the ballots and waiver.

SUMMARY

The Engineer's Report for the Annexation of the Blackstone at Cannery Place property ("Annexation Area") into Zone 13 of Consolidated Landscaping and Lighting District No. 96-1 ("District") is included as Attachment III and includes the following information: (1) An estimated budget for the Annexation Area; (2) A description of the improvements to be operated, maintained, and serviced by the District; (3) Special Benefits section including the General Benefit calculation and methodology; and (4) The assessment apportionment and list of the assessments proposed to be levied upon each assessable parcel within the Annexation Area.

BACKGROUND

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

In 1996, six separate Landscaping and Lighting Districts, Benefit Zones 1-6, were consolidated into one district, Consolidated Landscaping and Lighting District No. 96-1 (the District), by the adoption of

Resolution No. 96-63. In subsequent years, Benefit Zones 7-13 were individually created and also annexed into the District. On February 24, 2016, SCI Consulting Group was hired to assist the City of Hayward with the formation and/or annexation of three benefit zones to the existing Consolidated Landscaping and Lighting District 96-1.

Blackstone at Cannery Place is one of the three developer-owned projects, which will consist of fifty-two single-family residences, 105 townhome-styled condos, and Panhandle Park. The annexation of Blackstone at Cannery Place property into Benefit Zone No. 13 of the District is proposed to provide funding for the maintenance of, and improvements to, Panhandle Park, as well as perimeter and setback landscaping, irrigation, and lighting. City staff worked with SCI to prepare the attached documentation, as well as the ballot documents.

DISCUSSION

The attached resolution (Attachment I) initiates the proceedings for the annexation of the Blackstone Property into Benefit Zone No. 13 of Consolidated Landscaping and Lighting District 96-1 and designates SCI Consulting Group as the Engineer of Work.

The attached resolution (Attachment II) preliminarily approves the Engineering Report, sets the date for the public hearing, and orders the mailing of the ballots and waiver. Noteworthy in this document is that the total assessment and rates are shown in the seventh bullet. The cost escalator mechanism describing the changes in the maximum assessment rate, calculated in accord with the Bay Area consumer price index (CPI), is contained in bullet ten.

ENGINEER'S REPORT:

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

- The total maintenance costs for the Blackstone Annexation are displayed on Figures 1-4 (pages 7-10 of the Engineer's Report).
- The Special Benefits section including the General Benefit calculation and methodology are found on pages 11-18 of the Engineer's Report.
- There are two Zones of Benefit (pages 18-19, and diagram on page 24) in which services are provided at different levels.
- The Assessment apportionment is described on pages 19-20 of the Engineer's Report.
- The CPI calculation in this report allows for an increase of up to 3% annually (page 22 of the Engineer's Report).

For a geographical overview of the entirety of the proposed Assessment District, please see the color

coded map provided on page 24 of the Engineer's Report. This map also depicts the Zones of Benefit referred to in the section above.

FISCAL IMPACT

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

PUBLIC CONTACT

Notice of this item was published in *The Daily Review* newspaper on April 29. Staff has not received any response to that notice. Also, if approved at this meeting, a noticed public hearing will be held on May 17, 2016 in the Hayward City Council Chambers.

NEXT STEPS

Approval by the City Council of the attached resolutions, should they take the recommended action, will initiate the proceedings for annexation of Blackstone at Cannery Place property to Benefit Zone No. 13 of the Consolidated Landscaping and Lighting District No 96-1 and initiate the balloting procedures required by Proposition 218.

Ballots will be mailed on May 4, 2016 to all property owners within the proposed annexation. A Waiver of the forty-five Day Balloting Period required by law will also be sent on May 4, 2016. This balloting period may be waived if there is only one property owner.

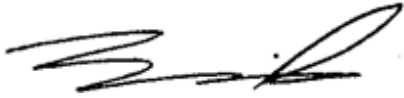
If the property owner elects to proceed with the Waiver, which staff anticipates, this will remove the need for the forty-five day balloting period and allow the City Council to consider final approval of the Engineer's Report and a Resolution to Levy Assessments at a public hearing at the next available City Council meeting, tentatively scheduled for May 17. At that time, the property owner within the Annexation Area will have an opportunity to raise concerns about assessments. Following the conclusion of the public input portion of the public hearing, the Council will order the close of the balloting and commence tabulation of the results. After tabulation of the ballots is completed, the Council may consider - provided a majority protest does not exist - a Resolution to Levy the Assessments for fiscal year 2016-17.

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

Reviewed by: Sara Buizer, AICP, Planning Manager

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David
City Manager

ATTACHMENTS

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| Attachment I | Resolution to initiate annexation of Blackstone at Cannery Place property into benefit Zone 13 of Landscaping and Lighting Assessment District No. 96-1 |
| Attachment II | Resolution providing Intent to Levy Assessments, preliminarily approve the Engineers Report and set May 17, 2016 as the date for a Public Hearing for the annexation of Blackstone at Cannery Place property into benefit Zone 13 of Landscaping and Lighting Assessment District No. 96-1 |
| Attachment III | Preliminary Engineer's Report for Blackstone at Cannery Place property |