



CITY OF HAYWARD

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Cover Memo

File #: PH 16-044, **Version:** 1

DATE: May 17, 2016

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Public Hearing for the annexation of Blackstone at Cannery Place into Benefit Zone No. 13 of the City of Hayward Landscaping and Lighting Assessment District 96-1; and ordering the Levy of Assessments for fiscal year 2017

RECOMMENDATION

1. That the City Council hold a public hearing for the proposed Annexation of Blackstone at Cannery Place into Benefit Zone No. 13 of Landscaping and Lighting Assessment District 96-1.
2. That the City Council, after conclusion of the public input portion of the public hearing, close the balloting period, and direct the City Clerk to tabulate ballots received and announce results.
3. If majority protest does not exist, that the City Council adopts the attached Resolution (Attachment I):
 - a. Approving the Engineer's Report
 - b. Confirming Diagram and Assessments
 - c. Approving the annexation into Benefit Zone No 13
 - d. Levying the assessments for FY 2017

SUMMARY

The Engineer's Report (ER) for the Annexation of Blackstone at Cannery Place Property ("Annexation Area") to Consolidated Landscaping and Lighting District No. 96-1 ("District") is included as Attachment II 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, by the adoption of Resolution No. 96-63. In subsequent years, Benefit Zones 7-13 were individually created and 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 District. Blackstone at Cannery Place is one of the three developer owned projects, which consists of fifty-two single-family residences, 105 townhome-styled condos and Panhandle Park. Annexation into the District for the other two projects (Eden Shores Legacy development along Hesperian Blvd. and the La Vista development) will be presented to Council for consideration at later date(s).

The annexation of Blackstone at Cannery Place property into Benefit Zone No. 13 of the District is proposed to provide funding for the maintenance 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

On May 3, 2016, the City Council approved the resolution preliminarily approving the Engineer's Report and levy assessment for FY 2017, and set the public hearing for May 17, 2016. This was the first step in the annexation of this subdivision into Benefit Zone No. 13 of the District. This is the final step, to hold the public hearing and approve the Engineer's Report, confirming the diagram of assessment that shows all the properties that are included in the District.

The purpose of this public hearing is to give all interested parties the opportunity to hear, and have heard, comments regarding the proposed assessments and assessment ballot proceeding. In addition, the balloting period officially closes at the conclusion of the public input portion of the public hearing.

Following the close of the public input portion of the public hearing, City Council should direct the City Clerk to commence tabulation of all valid ballots that were received prior to the close of the public input portion of the public hearing. After tabulation is complete, staff recommends that City Council consider - provided a majority protest does not exist - a resolution to levy the assessments for fiscal year 2017.

The annual assessments are based on the following developed rates per Single Family Equivalent (SFE). The maximum amounts shown in the Engineer's Report (Attachment II - pages 10 and 19) for fiscal year 2017 are as follows per SFE:

Zone A:	\$ 407.86
Zone B:	\$ 428.25 (properties that face onto Panhandle Park)
Total:	\$ 64,524.00

The Engineer's Report specifies a maximum amount based on the maintenance costs of fully constructed subdivision improvements. However, per agreement with the developer, Tri Pointe will be responsible for maintenance of the improvements until final tract acceptance scheduled for late 2018. As a result, the assessments will be assessed at a lower rate to cover any real costs incurred by the City.

FISCAL IMPACT

There is no fiscal impact to the City's General Fund from this recommendation because expenditures are to be paid for by future property owners in the Blackstone development from the District fund accounts, as is the case for other developments in the Cannery and Zone 13 of the District.

NEXT STEPS

As the developer is the sole property owner involved in the balloting to create the District, and this approval is needed to meet their Conditions of Approval, it is highly unlikely that the District will not be approved. Also, the owner has indicated to staff that he supports the LLD annexation.

Therefore, if the City Council adopts the attached Resolution, Council would order the levy and the confirmation of the diagram and assessments prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

Immediately upon the adoption of this resolution, but in no event later than the second Monday in August following such adoption for the fiscal year in which the assessments will initially be levied, the Council shall file a certified copy of the assessments and a certified copy of this resolution with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment roll. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to Benefit Zone No. 13 of the District.

If Council does not approve the annexation of this property into the existing LLD Zone 13, then the conditions of approval will need to be modified by Council and maintenance responsibility of the improvements cited in the Engineer's Report would need to fall onto the Home Owners Association. In either scenario, the homeowners will be paying for maintenance, but the LLD allows more control and assurance that assessments will be collected. -

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

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I

Resolution

Attachment II

Engineer's Report for Blackstone at Cannery Place property