



CITY OF HAYWARD

Hayward City Hall
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Cover Memo

File #: PH 16-065, **Version:** 1

DATE: June 21, 2016

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Continuation of Public Hearing to Consider Annexing Spindrifft at Eden Shores into Benefit Zone No. 12 of the City of Hayward Landscaping and Lighting Assessment District 96-1 and Order Levy of Assessments for Fiscal Year 2017

RECOMMENDATION

That the City Council:

1. Reopen the public hearing for the proposed annexation of Spindrifft at Eden Shores into Benefit Zone No. 12 of Landscaping and Lighting Assessment District 96-1;
2. After conclusion of the public input portion of the public hearing, closes the balloting period, and directs the City Clerk to tabulate ballots received and announce results; and
3. If majority protest does not exist, adopts the attached resolution (Attachment I):
 - a. Approving the Engineer's Report
 - b. Conforming Diagram and Assessments
 - c. Approving the annexation into Benefit Zone No. 12
 - d. Levying the assessments for FY 2017

SUMMARY

The Engineer's Report associated with the proposed annexation 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 Benefit Zone No. 12 of 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

At its June 14 meeting, the City Council continued the public hearing to June 21, to allow time for submittal of a ballot from the Spindrifft development property owner in support of the proposed annexation. Staff mistakenly assumed such ballot was to be submitted by June 14, based on input from the owner. The remainder of this report and attachments are the same as those presented to City Council on June 14, with the exception of dates being revised and language added to the resolution related to the

continuation of the public hearing.

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 (SCI) was hired to assist the City of Hayward with the formation and/or annexation of three benefit zones to the existing District. Annexation to Zone 13 of the District for the Blackstone Development at the Cannery was approved by the City Council on May 17. Formation of a new Zone 14 to the District for the La Vista development is proposed for consideration by the City Council on June 14. This proposed annexation is for the Spindrifft at Eden Shores development, which is a two-phased project that will consist of 118 single-family residences. Per the Development Agreement, the construction of the residential lots must be done proportionally with commercial development north of the Annexation Area. At this time, only 58.4% of the Annexation Area, or sixty-six single-family residences, can be developed.

The annexation of Spindrifft property into Benefit Zone No. 12 of the District is proposed to provide funding for the maintenance and improvements to neighborhood-serving facilities at the Alden E. Oliver Sports Park. City staff worked with SCI to prepare the attached documentation, as well as the ballot documents.

DISCUSSION

On May 24, 2016, the City Council approved the resolution preliminarily approving the Engineer's Report and levy of assessment for FY 2017, and set the public hearing for June 14, 2016. This was the first step in the annexation of Spindrifft at Eden Shores into Benefit Zone No. 12 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 Annexation Area.

On June 14, 2016 the City Council continued the Public Hearing to 7:00 p.m. on June 21, 2016.

The purpose of the 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 FY 2017.

The annual assessments are based on the following developed rates per Single Family Equivalent (SFE). The maximum amount shown in the Engineer's Report (Attachment II - page 10) for FY 2017 is \$194.97 per SFE. Page 18 of the Engineer's Report also indicates the vacant residential land is assigned 0.30 SFE (\$58.49) per parcel, until the parcel is improved.

The Engineer's Report specifies a maximum assessment amount based on the maintenance costs of the fully constructed Alden E. Oliver Sports Park. With the addition of the sixty-six lots in Phase I and the future fifty-two lots in Phase II (a total of 118 lots), the total number of lots paying into the Sports Park will increase from 261 lots to 379 lots once both phases of the Eden Shores project are completed. As a result, it will likely be possible to reduce the assessments for maintenance of the Sports Park in future fiscal years, assuming that additional capital improvements are not constructed.

FISCAL IMPACT

There would be no fiscal impact to the City's General Fund from this action because expenditures are to be paid for by the Benefit Zone No. 12 Landscaping and Lighting District No. 96-1 fund accounts.

NEXT STEPS

As the developer is the sole property owner involved in the balloting to complete the annexation of the Spindrift at Eden Shores project into the District, and this approval is needed to meet adopted project 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.

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 City 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. 12 of the District.

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
Attachment II

Resolution
Engineer's Report for Spindrift at Eden Shores Property