

**CITY COUNCIL MEETING
TUESDAY, JULY 10, 2018**

**DOCUMENTS RECEIVED
AFTER PUBLISHED AGENDA**

AGENDA QUESTIONS & ANSWERS

Items 9, and 14

AGENDA QUESTIONS & ANSWERS
MEETING DATE: July 10, 2018

Item #9: Resolutions of Formation Establishing the Downtown Hayward Community Benefit District and Appropriation of Funds (Report from City Manager McAdoo)

Regarding the CBD - if approved, is it possible that the first-year assessments are lower than the published amounts?

Yes, but in narrow circumstances. The only ways an assessment would be lower than the published amount is if the circumstances at the property have changed (i.e. demolition of a building) or if the CBD Management Corp. establishes a hardship policy in which a qualifying property owner contributes to their assessment through in-kind services.

Item #14: Six-month Status Update on the Implementation of the Three Council Strategic Initiatives: Complete Communities, Complete Streets, and the Tennyson Corridor

Regarding the inspiring informational report on our strategic goals update, one small note: I think there may be an error on page 5 of 9? "Increase City and neighborhood capacity to respond to emergencies (Goal 1, Task 1.d.1)"

Yes, it's a typo.

Finalize workplan with a comprehensive community outreach strategy and explore in-Lieu Fees to explore public art.

Strike: Finalize workplan with a comprehensive community outreach strategy and explore in-Lieu Fees to explore public art.

Replace with: Continue recruitment efforts to expand participation in the Neighborhood Emergency Response Team program to meet the goal of training 240 South Hayward community members.

PUBLIC COMMENT

GINA ANTONINI



HAYWARD
Wellness
CENTER

**Proposal For A Commercial Cannabis Permit
at the Old Bank Building in Downtown
Hayward**

**John Oram, President/CEO
Gina Antonini, Community Relations Director
HWC Partners, Inc.**



Old Bank Building at 1004 B Street (at intersection of B and Main Streets) and visualization as the Hayward Wellness Center.





Interior visualization of new dispensary.



Hayward Wellness Center Principles

- **State-of-the-Art, Model Retail Cannabis Dispensary**
 - Will hold ourselves to the highest standards of operations, product quality, and tax and regulatory compliance.
 - Will be an active and engaged member of the Hayward business community
 - Already member of Hayward Chamber of Commerce
 - Have conducted public outreach and informational meeting at site for local business owners
 - In lease for dispensary location and paying landlord rent
 - Committed to social and economic equity and advancement
 - We will pay our workers strong wages with outstanding benefits
 - Our workers will be represented by a union and receive the protections and benefits of union membership: *We will enter into a collective bargaining agreement prior to the opening of the dispensary.*
 - We will recruit heavily from local Hayward labor force and actively encourage persons from historically disadvantaged communities to apply for positions: We want our employee workforce to reflect the racial, ethnic and gender diversity of Hayward.
 - We will also provide a job preference for Veterans and partner with Veterans organizations to recruit Veterans as employees.
- **Extensive Community Support & Responsible, Adult Use of Cannabis**
 - Will contribute 1% of annual gross revenue to the Hayward Firefighter Charitable Fund to its Executive Board to use for the betterment of the youth of Hayward.

In a letter in support of our application, Firefighters Local 1909 President Andrew Ghali stated:

“Obtaining a predictable, sustained and substantial stream of revenue through HWC’s community benefits program will enable the Hayward Firefighters Charitable Fund to expand its support of existing health, education and charitable

non-profit organizations in Hayward as well as undertake new initiatives for Hayward residents. For example, one new program under consideration are scholarships in paramedic training to enable young Hayward adults of diverse backgrounds the economic means to take the necessary classes and receive training to pass certification tests and pursue careers as paramedics.”

- Will contribute another 0.25% of our annual gross revenue to support primary care and mental health services for teens and youth in Hayward suffering from tobacco, alcohol and drug abuse.

- Contributions based on gross receipts ensures substantial donations to the community: Some dispensary operators offer to contribute a percentage of their net profits to local nonprofit organizations. The annual contributions, however, can be far less than promised in the license application due to significant executive salaries, management fees and other expenses that serve to significantly reduce net profit.

- **Committed to a Safe, Clean, Green & Thriving Downtown Hayward**

- We have leased arguably the most iconic building in Downtown Hayward, the Old Bank Building at B and Main Streets that been vacant for decades.

- We will undertake extensive tenant improvements prior to opening for business. Our team will renovate and modernize the building for the dispensary to operate in an environmentally sustainable manner. The construction project will meet the standards of the California Green Building Standards Code.

- Commerce generates commerce: Upon its opening, our dispensary will bring patients and consumers from across Hayward as well as surrounding and nearby communities to the downtown.

- Activating vacant commercial space and bringing new consumers into Downtown Hayward advances the City’s objective of increasing safety and cohesion and bolsters the economic resiliency of the neighborhood.

- *A symbol of a stagnant, shuttered Downtown Hayward will be transformed into an attractive, state-of-the-art retail cannabis dispensary:* More than fifteen (15) store fronts less than a five (5) minute walking radius of the Old Bank Building are also currently vacant.

- Our dispensary will also improve the safety of Downtown Hayward: Security guards will be present at all times during operating hours and the building will be monitored by a comprehensive video surveillance system.

- **Partnership with Bloom Innovations will ensure Financial Stability**

- Bloom Innovations is a vertically-integrated cannabis company with affiliated companies holding state licenses for the cultivation, manufacturing and distribution of cannabis. Bloom Innovations is opening new dispensary in San Leandro later this year and will open additional dispensaries with partners in Northern California in early 2019.

- The Bloom Innovations corporate family produces the NUG brand of cannabis products which are distributed to nearly 90% of the licensed cannabis dispensaries in California. The highly popular NUG brand has won numerous awards for quality, taste, favor and consumer satisfaction.

- The price of legal cannabis is expected to fall in California in order to compete with the black market. This has occurred in other states that legalized adult sales of cannabis. *Lower prices for cannabis will result in lower profit margins for dispensaries.*

- The Hayward Wellness Center's position within a vertically-integrated cannabis company will provide financial support and strength that independently owned and operated dispensaries will lack as the California legal cannabis market matures.

SINGLE SOURCE CANNABIS PRODUCTS

ONE BRAND + TOTAL CONTROL = PURE QUALITY



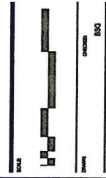
For modern creators and millennial innovators, NUG is the Cannabis brand that provides true inspiration and relaxation because NUG is the only seed-to-sale producer using ethical growing and manufacturing practices to deliver top-shelf Cannabis products created specifically for those dedicated to moving our society forward.

 **NUG** ecosystem

@NUG  WWW.NUG.COM

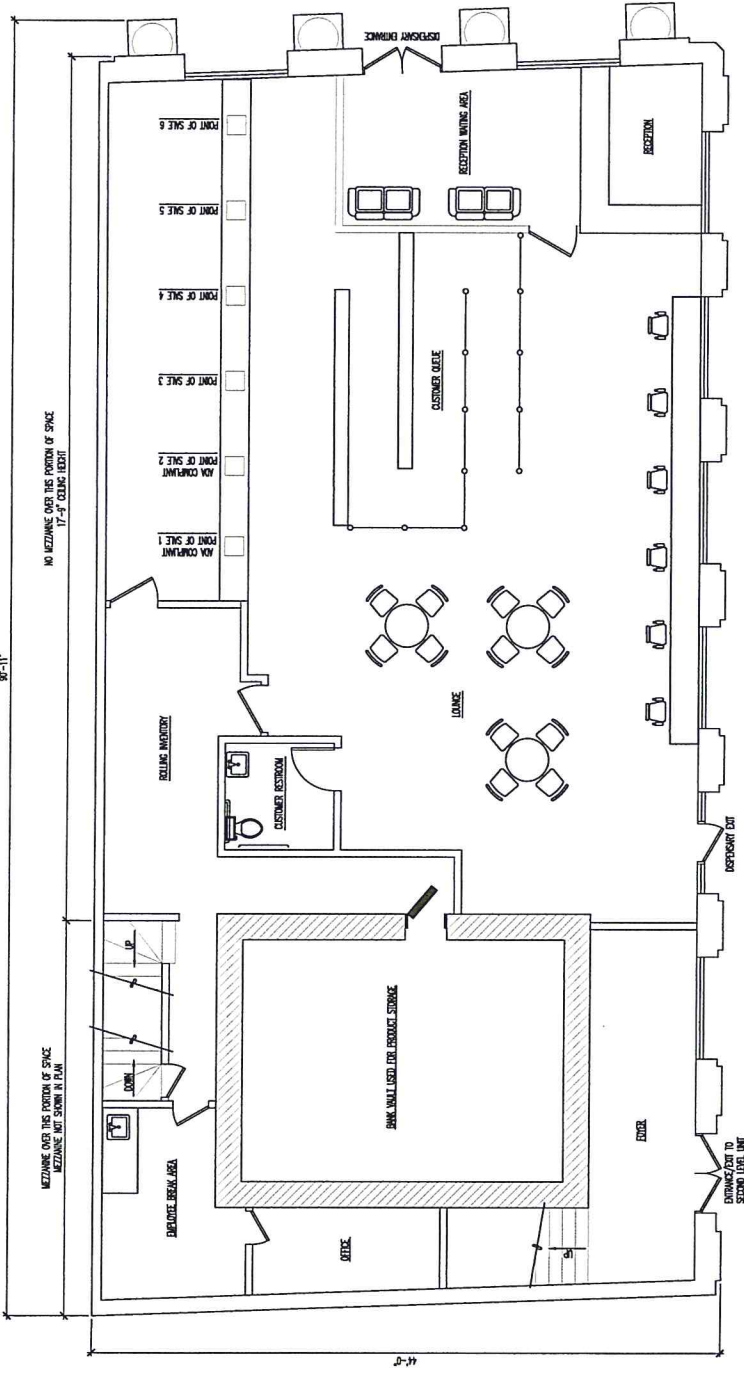
NO.	REVISION	DATE	BY	CHKD.

EXISTING FLOOR PLAN



A-3

SCALE: 1/4" = 1'-0"



PROPOSED FLOOR PLAN

Scale: 1/4" = 1'-0"

BSS ENGINEERING
 222 Broadway St., 4th Floor
 Oakland, California 94607
 Tel: (415) 421-6222
 info@bsseng.com

**HAYWARD WELNESS
 CENTER
 BLOOM INNOVATIONS**
 1004 B STREET
 HAYWARD, CALIFORNIA

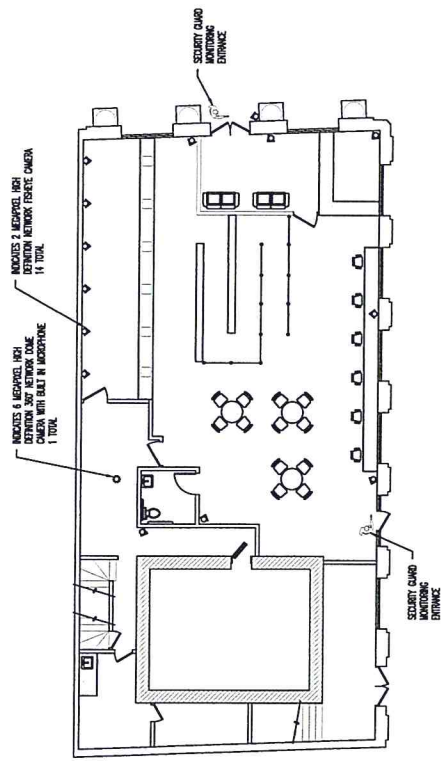
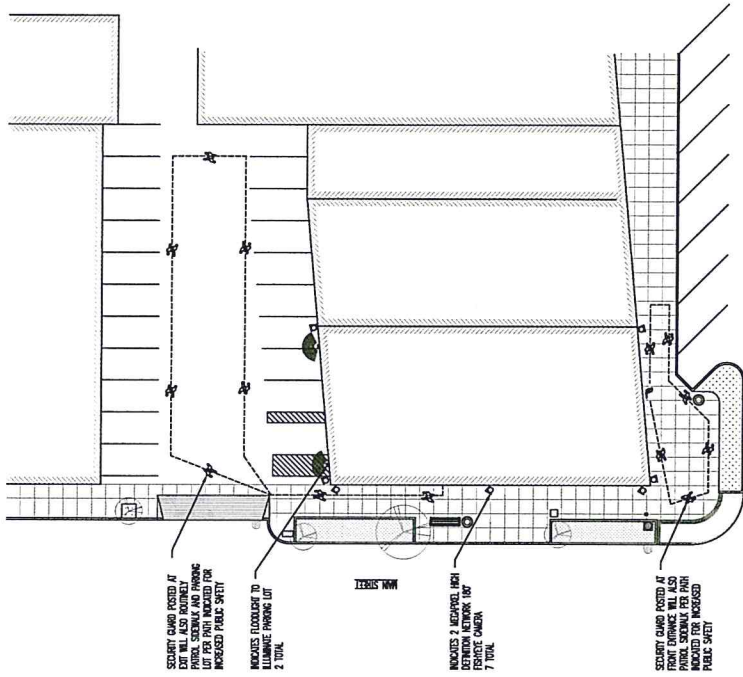
SECURITY PLAN

DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 PROJECT NO.: 174

A-4

SCALE: 1/8" = 1'-0"
 PROJECT: 1004 B STREET
 SHEET NO.: 174

ALL DRAWINGS ARE UNLESS OTHERWISE SPECIFIED TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE CALIFORNIA BUILDING CODE (CBC). THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE APPLICABILITY OF THE CODES TO THE PROJECT AND FOR OBTAINING ANY NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.



PUBLIC COMMENTS

STEPHEN CASSIDY

Why Hayward City Council Should Not Rely On Consultant Driven Process For Awarding Cannabis Dispensary Licenses

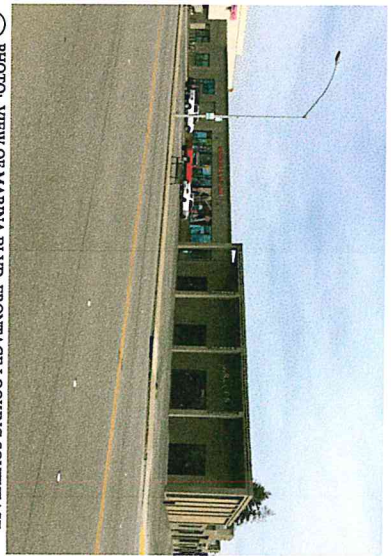
Example of Harborside San Leandro

- Harborside San Leandro (HSL) Ranked No. 1 applicant by Consultant
- City Manager recommended HSL receive cannabis dispensary license
- September 2015: City Council grants HSL cannabis dispensary license
- Spring 2016: HSL applies for Conditional Use Permit (CUP) to convert warehouse at 1965 Marina Boulevard into its dispensary:

“Harborside San Leandro (HSL) is seeking a Conditional Use Permit for the operation of a medical cannabis dispensary in the city of San Leandro, the first of its kind. Having already secured the only dispensary license issued by the City, *HSL is ready to begin the process of tenant improvements at 1965 Marina Blvd.*”

- July 2016: City Board of Zoning Adjustments grants CUP. One condition states:

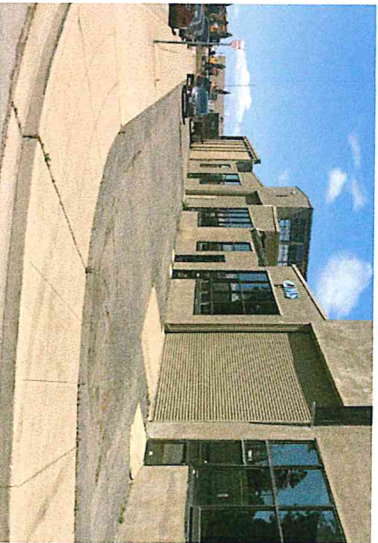
“**Construction shall commence within one (1) year** following Board of Zoning Adjustments approval of the Conditional Use Permit **and shall be substantially completed one year after commencement of construction.** For the purpose of compliance with this condition, commencement of construction shall be defined as the construction or reconfiguration of a substantial portion of the interior building.”



1 PHOTO: VIEW OF MARINA BLVD. FRONTAGE LOOKING SOUTHEAST



2 PHOTO: VIEW OF VERMA CT. FRONTAGE LOOKING SOUTHEAST



3 PHOTO: VIEW OF VERMA CT. FRONTAGE LOOKING NORTH



4 PHOTO: VIEW FROM CENTER OF VERMA CT. LOOKING NORTH



5 PHOTO: VIEW FROM REAR PARKING LOT LOOKING WEST



6 PHOTO: VIEW FROM EAST STONE YARD LOOKING NORTH



7 PHOTO: VIEW OF REAR PARKING LOT GATE LOOKING WEST



8 PHOTO: VIEW OF REAR PARKING LOT LOOKING EAST



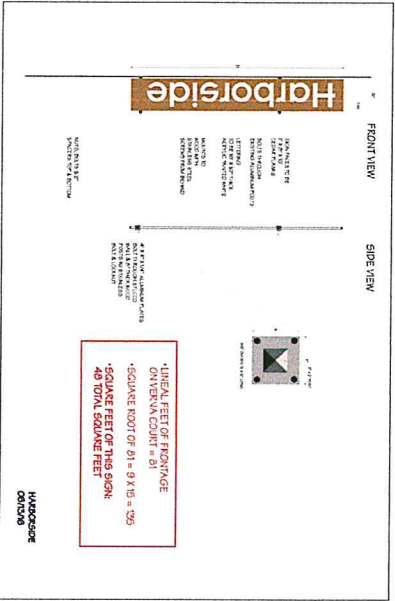
9 PHOTO: VIEW OF EAST STONE YARD LOOKING NORTH



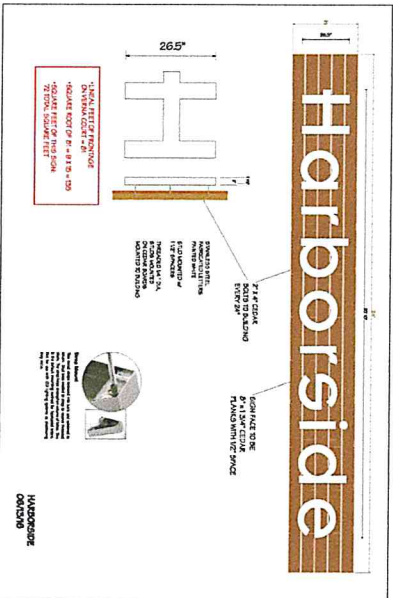
3 3D RENDERING LOOKING EAST
NO SCALE



4 3D RENDERING LOOKING NORTH
NO SCALE



A BLADE SIGN - VERNNA CT. FACADE
NO SCALE



B SPANDEL SIGN WITH POSTED CHARACTERS - REAR PARKING LOT
NO SCALE



1 SIGNAGE LOCATION PLAN
NO SCALE



2 SIGNAGE SUPERIMPOSED ON PHOTO FROM VERNNA CT.
NO SCALE

Photos of Harborside San Leandro: July 3, 2018



PUBLIC COMMENT

CHARLIE PETERS



Clean Air Performance Professionals

Monday, February 29, 2016.

**Ms. Alexis Podesta, Acting Secretary
Business, Consumer Services and Housing Agency
915 Capitol Mall 350 A
Sacramento, California 95814
(916-653-4090 / 3815.fax**

RE: Health and Safety Article 6, Public information program 44070

Dear Acting Secretary Podesta,


Congratulations for the Appointment to serve the Governor in such a big way.

DCA / BAR Engineering is considering an interesting addition of the car emissions label information in the Smog Check Test data.

Also an addition of a flag to notice of a previous test fail result at another location in the previous 60 days.

Thank You for your interest in this consumer information program.

Clean Air Performance Professionals, an award winning coalition of motorists.


**Charlie Peters
510-537-1796 / fax: 9675
cappcharlie@earthlink.net
cc: interested parties**

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Acting Secretary of the Business, Consumer Services and Housing Agency

Alexis Podesta is the Acting Secretary of the Business, Consumer Services and Housing Agency. She was appointed Undersecretary in June 2015 and became Acting Secretary November 11, 2015. Ms. Podesta oversees departments charged with funding affordable housing, civil rights enforcement, banking and financial transactions, consumer protection, and the licensing of three-million working professionals.

Prior to coming to the Agency, Ms. Podesta served as the Director of External and International Affairs for the office of Governor Edmund G. "Jerry" Brown. As Director of External & International Affairs she led outreach, communication and partnerships with

stakeholder groups, as well as provided key support for the Governor's special projects. Additionally, Ms. Podesta was the lead on international affairs and served as the Chief of Protocol. Prior to joining the Brown Administration she worked for Pacific Gas & Electric in Sacramento as the Special Assistant to Senior Vice President Nancy McFadden. Before joining PG&E Ms. Podesta spent nearly a decade in Washington, DC, working first as the Director of Scheduling for US Senator Dianne Feinstein of California, and then as the Manager of Government Relations for The Walt Disney Company. She has a Bachelor's Degree from George Washington University.

<http://www.bcsh.ca.gov/about/podesta.shtml>

Trump Loves GMO Corn Mandate

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

ITEM #1 – MIN 18-095

MINUTES REVISION MEMO



DATE: July 10, 2018
TO: Mayor and City Council
FROM: City Clerk
SUBJECT Revision to Minutes of June 26, 2018 – Item No. 12

This serves to amend the minutes of the City Council Meeting on June 26, 2018.

Third paragraph on page eight currently reads:

“Council Member Lamnin expressed concern about setting the FY2019 assessment rate for Maintenance Districts 1 and 2 at their maximum base assessment amounts.”

Proposed to read:

“Council Member Lamnin expressed concern about the steep rise in costs and requested for more accountability of Alameda County Flood Control expenses.”

With the change noted above, I respectfully request approval of the amended minutes.

ITEM #10

Proposal to Subdivide a 5.1-Acre Site into 45 Parcels to Allow the Construction of 41 Detached Single-Family Residences with Common Open Space Areas and Related Site Improvements at 22626 4th Street (APNs 427-0036-033-05, 427-0036-033-06, 427-0036-033-07, 427-0036-055-19, & 427-0036-085-01) by Tony Dutra (Applicant) on behalf of Dutra Enterprises (Owner), Requiring Introduction of an Ordinance and Adoption of a Resolution to Approve a Vesting Tentative Tract Map, Planned Development (PD) Rezone, Site Plan Review, and Adopt a Mitigated Negative Declaration (MND) with Mitigation Monitoring and Reporting Program (MMRP) Application No. 201704074

BRUCE KING EMAIL

Subject:

FW: 4th & B Street Needed Council Resolutions for San Lorenzo Creek

From: Bruce King [mailto:]**Sent:** Friday, July 6, 2018 11:53 PM**To:** List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>**Cc:** Miriam Lens <Miriam.Lens@hayward-ca.gov>; Jay Lee <Jay.Lee@hayward-ca.gov>; Sara Buizer <Sara.Buizer@hayward-ca.gov>**Subject:** 4th & B Street Needed Council Resolutions for San Lorenzo Creek

Dear Hayward City Council and Mayor,

During your meeting on July 10, I do not recommend your approval of the 4th and B Street planned housing development without your inclusion of resolutions that provide for and improve San Lorenzo Creek's health and public benefit.

This project, like other current housing developments upstream, can easily move this section of creek from being a somewhat damaged riparian area to a more healthy creek and riparian corridor.

I will summarize a few key points in this email. Hopefully you will also read the two sets of comments submitted by Friends of San Lorenzo Creek (FSLC) that were included in the "public correspondence" Attachment VI of the Staff report.

This project is on a natural section and riparian corridor of San Lorenzo Creek, the largest creek in Hayward and this section of Alameda County. The natural creek and its corridor extends downstream to Foothill Blvd and upstream throughout the watershed. The creek is currently starved for sediments and down-cutting, resulting in bank erosion and active bank failures. Riparian vegetation naturally extends beyond the creek banks, except when current or past urban development and activities has removed the vegetation... which is the case at this project location.

The private and fenced backyards of ten homes in this proposed project are within the riparian area and corridor of San Lorenzo Creek, and within the creek setback established by a 2:1 slope from the creek toe plus 20 feet.

The purpose of this minimum creek setback is to prevent development from eroding into or impacting the creek... and to provide, or enable the restoration of, a natural riparian area and corridor along the creek.

- Healthy creek corridors provide a public benefit. They include a wider riparian area that shades the creek, provides habitat, allows for plant and animal migration, and prevents erosion.
- But typical backyard development and private ownership such as fences, lawns, pavings, etc., prevent habitat restoration in the setback and are also subject to eventual bank failure and property loss into the creek.

The Alameda County Watercourse Protection Ordinance (WPO), and written comments on this project that were provided by Alameda County Development Services and Flood Control, support these standards for structural and riparian setback, no development within the setback, and concern for bank failures.

Hayward Development Services and Planning have also stated that they use the WPO. But this project's proposed backyard development in the setback is not "in the public's interest," does not satisfy the purposes of the WPO, and is not a "certain" (unique) "situation" that warrants an exception. City staff have since clarified that the City uses the WPO as "guidance." This raises the question: What standard for watercourse protection is Hayward following, who is interpreting the standard, and where is the analysis of this standard in the staff report?

Recommended City Council Actions

The City Council should include the following resolutions:

- Backyards. The fenced, private backyards of the ten creek-side homes should be removed from the creek setback area, or at a minimum, the depth of these backyards should be limited to the depth shown for other houses in the development (e.g., ten feet or less from the backside of the house).
- Restoration. The development should restore the riparian area by removing invasives and planting, monitoring, and maintaining local native and riparian plants on the creek bank and in the 2:1 plus 20-foot setback.

If this 4th and B Street development is not required to restore the riparian area, the HOA should not assume ownership and responsibility for the creek setback area, since there would be no plan or likely means for having its riparian area restored. Instead, the 2:1 plus 20-foot setback area, or easement rights to the area, should be given to the City of Hayward or Flood Control so that this parcel and riparian area can be restored over time and impacts of creek bank failure can be controlled.

Lastly, the City Council should set expectations that:

- The City codify and follow standards that protect watercourses; and
- The City's General Plan goals and policies related to natural, water, and open-space resources be achieved. For example, Natural Resource Goal 6.1 states: "The City shall coordinate with local and regional partners to improve and restore surface watercourses to their natural condition to the greatest extent possible."

It's time for the City Council to act in the public's interest and to have goals and implement requirements for the creek that are consistent with known criteria for healthy streams, the City's General Plan, and other similar housing developments being constructed in the county.

Sincerely,
Bruce King
Friends of San Lorenzo Creek
cell

ITEM #10

Proposal to Subdivide a 5.1-Acre Site into 45 Parcels to Allow the Construction of 41 Detached Single-Family Residences with Common Open Space Areas and Related Site Improvements at 22626 4th Street (APNs 427-0036-033-05, 427-0036-033-06, 427-0036-033-07, 427-0036-055-19, & 427-0036-085-01) by Tony Dutra (Applicant) on behalf of Dutra Enterprises (Owner), Requiring Introduction of an Ordinance and Adoption of a Resolution to Approve a Vesting Tentative Tract Map, Planned Development (PD) Rezone, Site Plan Review, and Adopt a Mitigated Negative Declaration (MND) with Mitigation Monitoring and Reporting Program (MMRP) Application No. 201704074

J MICHAEL GOOLSBY EMAIL

From: Miriam Lens
Sent: Tuesday, July 10, 2018 3:34 PM
To: Al Mendall; Barbara Halliday; Elisa Marquez; Francisco Zermeno; Mark Salinas; Marvin Peixoto; Sara Lamnin
Cc: Adam Kostrzak; Alex Ameri; Chuck Finnie; Dustin Claussen; Garrett Contreras; Jane Light; Kelly McAdoo; Laura Simpson; Maria Hurtado; Mark Koller; Michael Lawson; Miriam Lens; Nina Morris Collins; Todd Rullman; Kathy Garcia; Jan Lee; Roxanne Epstein; Denise Chan; Jay Lee
Subject: Council Meeting: 7/10/18 Item 10 (PH 18-054 - Dutra Enterprises)
Attachments: 071018 Objections to 4th and B Street Project - Hayward.docx.pdf

Mayor and Council Members,

Mr. Michael Goolsby has asked me to distribute the attached letter to you which concerns [Item 10. PH 18-054 \(Dutra Enterprises\)](#) on tonight's Council packet.

A hard copy will be provided prior to the Closed Session and the information will be added to the City's website under Documents Received After Published Agenda.

Regards,

Miriam Lens
City Clerk
City of Hayward | 777 B Street | Hayward, CA 94541
☎ Phone: 510.583.4401 | Fax: 510-583-3636 | * Email: miriam.lens@hayward-ca.gov



From: Michael Goolsby [mailto:]
Sent: Tuesday, July 10, 2018 1:42 PM
To: Miriam Lens <Miriam.Lens@hayward-ca.gov>
Cc: Jay Lee <Jay.Lee@hayward-ca.gov>
Subject: RE: Tonight's City Council Meeting -4th & B Street Project

[Sorry, forgot to put a subject header.](#)

From: Michael Goolsby
Sent: Tuesday, July 10, 2018 1:37 PM
To: 'miriam.lens@hayward-ca.gov' <miriam.lens@hayward-ca.gov>
Cc: 'jay.lee@hayward-ca.gov' <jay.lee@hayward-ca.gov>
Subject: Re:

[Ms. Lens,](#)

[A member of our staff will be unable to attend tonight's City Council meeting.](#)

[Please enter the attached letter into the proceedings.](#)

Thank you,



J. Michael Goolsby, CEO
Better Neighborhoods, Inc.
17901 Von Karman Ave, Suite 600
Irvine, CA 92614
(949) 556-8714
www.better-neighborhoods.com/



17901 Von Karman Ave, Suite 600
Irvine, CA 92614
(949) 556-8714
www.better-neighborhoods.com/

July 10, 2018

Hayward City Council
777 B Street
Hayward, CA 94541

Via email: miriam.lens@hayward-ca.gov
jay.lee@hayward-ca.gov

Re: Re: The 4th and B Street Residential Project
Application No. 201704074 (the “Project”)

Dear Hon. Mayor and Council Members,

Better Neighborhoods, Inc., hereby wishes to enter this letter into the record with regard to the Council’s consideration of the above-referenced matter tonight. Unfortunately, one of our staff will be unable to attend tonight’s meeting to provide oral testimony.

We reiterate our objections to the approval of this Project which we expressed in our June 26, 2018 comment letter. In reviewing the Staff Report, we can only assume that most of the issues we raised in our June 26 letter have not been adequately addressed, studied or mitigated. The Staff Report states that an “MND Response to Comments Memorandum” (which purportedly addresses our concerns) is attached to the Staff Report, but it is not attached, nor is the Memorandum available anywhere online for the public to view.

In addition, we are especially concerned that there have been no adequate studies or mitigation measures concerning the alteration of the drainage pattern of the site by adding approximately 95,281 square feet of impervious surface area, increasing the potential to introduce pollutants into receiving waters, including San Lorenzo Creek. Further, the disruption and potential release during construction into the nearby creek of the identified hazardous substances present in the soil is a significant impact that has not been adequately studied, addressed or mitigated.

On the issue of restoring the creek, Staff “recommends the City Council consider requiring improvements to the creek that balance the community benefit and challenges of restoring the

Hayward City Council
Re: 4th and B Street Residential Project
July 10, 2018
Page 2

creek". We agree with Staff that the City should require improvements to the creek, but we believe the issue of restoring the creek should have been studied and addressed in a thoughtful way, by qualified experts, prior to the City Council meeting where Staff recommends approval of the Project.

For these reasons and the many others given by others in the community tonight, we urge the Council to reject the proposed Project.

Sincerely,

A handwritten signature in black ink that reads "J. Michael Goolsby". The signature is written in a cursive, flowing style.

J. Michael Goolsby
President and CEO
Better Neighborhoods, Inc.

ITEM #10

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JENNIFER LI EMAIL

From: Jennifer Li [mailto:]
Sent: Friday, July 6, 2018 4:34 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Subject: Meeting comment Tuesday, July 10, 2018 7:00 PM Council Chambers

Tuesday, July 10, 2018 7:00 PM Council Chambers
SPECIAL JOINT CITY COUNCIL/HAYWARD HOUSING AUTHORITY BOARD
MEETING

item 10. PH 18-054

Proposal to Subdivide a 5.1-Acre Site into 45 Parcels to Allow the Construction of 41 Detached Single-Family Residences with Common Open Space Areas and Related Site Improvements at 22626 4th Street (APNs 427-0036-033-05, 427-0036-033-06, 427-0036-033-07, 427-0036-055-19, & 427-0036-085-01) by Tony Dutra (Applicant) on behalf of Dutra Enterprises (Owner), Requiring Introduction of an Ordinance and Adoption of a Resolution to Approve a Vesting Tentative Tract Map, Planned Development (PD) Rezone, Site Plan Review, and Adopt a Mitigated Negative Declaration (MND) with Mitigation Monitoring and Reporting Program (MMRP) Application No. 201704074 (Report from Interim Development Services Director Bristow)

Comment: Hayward should not allow them to build SFRs unless they do not remove old growth trees and have riparian areas recommended by Friends of San Leandro Creek. Development in near Hayward shoreline has already damaged environment and caused great egrets to flee to nearby housing development where they risk death by automobiles or feral cats.

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GINNY AND JIM DELANEY EMAIL

From: Ginny Delaney [mailto:]
Sent: Thursday, July 5, 2018 8:14 AM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Subject: Comments in support of 4th and B street development

Dear Mayor Halliday and City Council Members,

Attached is my correspondence in support of the development at 4th and B streets, unfortunately I won't be able to make it to the July 10th City Council Meeting, but I hope that this development is approved.

I appreciate your hard work to continue the revitalization of Hayward!

Warmly,

Ginny

~.~.~.~.~.~.~.~.~.~.~.~.~

Ginny Delaney

July 5, 2018

Ginny and Joe Delaney
22716 4th St.
Hayward, CA 94541

Dear City Council Members,

I am writing to voice my strong support for the 4th and B Street Residential Project that you are scheduled to review and consider taking action on at your July 10, 2018 meeting. Unfortunately, I am unable to attend the meeting, so I am writing to explain why I support this development and why I urge you to approve it.

My husband, Joe, and I live a block away from the proposed development. We bought our house at the corner of 4th and C Street three years ago as a leap of faith. We chose Hayward not because of how our town is today, but because of the inspiring vision for Hayward in the future.

Since moving to Hayward, we have embraced our community: adopting our block, picking up trash, reporting illegal dumping and the ever-present abandoned shopping carts through the Access Hayward app. Last fall, I was appointed to the Keep Hayward Clean and Green Taskforce, and I joined a group of citizens dedicated to building a community that we can be proud of, free from urban blight.

My husband and I see the development at 4th and B as an opportunity to turn the vacant lots where homeless people used to camp into a community that will continue to improve our neighborhood, reducing vandalism, littering and illegal dumping. We realize that it is less dense than Hayward is aiming to develop, currently, but it fits with the overall community. And we hope that our new neighbors will invest in the community as we have.

At the Planning Commission Meeting on June 28, 2018, several concerns were raised by local citizens regarding the development. I have summarized them below with my own thoughts on why these concerns should not derail this development.

1. *This planned development will change the character of the neighborhood.* Change is difficult, particularly in the context of increasing income inequality in our country. While the development is medium density, and the area surrounding the development to the east and south are low density, there are several multi-unit dwellings along B Street and this development is across A Street from a multi-unit dwelling on Rockaway Lane. The development seeks to keep with the Victorian and Craftsman style homes in the area, continuing the neighborhood aesthetic. Finally, as the Bay Area faces a housing shortage, it is critical that Hayward build additional housing, and the low-density lot sizes of a hundred years ago are no longer practical.
2. *There was insufficient community outreach prior to bringing the proposal to the Planning Commission and City Council.* We received at least four postcards with detailed information on the proposed development and emailed Jay Lee, the Associate Planner working on this project, to express our support and concerns. Jay replied to our emails and invited us to view the drawings for the project. At the June 28 Planning Commission meeting, Jay further described the door-to-door outreach and online

survey distribution that were also aimed at gathering the opinions of the community. Community engagement is a two-way street, members of the community are also responsible for reaching out to the city when they are concerned. To me it appears that the city staff did their due diligence in reaching out to the community.

3. *The development will not do enough to protect San Lorenzo Creek.* First, I'd like to focus on what the developer has already done to improve the area proposed for development. He demolished several vacant houses that were a blight on the neighborhood and were sites of dangerous, illegal fires and homeless encampments. He has also regularly mowed the lots and removed brush. Most impactfully, however, the developer partnered with Hayward Police and City employees to remove the homeless encampment in San Lorenzo Creek. Based on his presentation at the June 28th Planning Commission Meeting, the encampment was not treating the creek sanitarily and removing the encampment was a big improvement to both the creek and to the neighborhood. In my opinion, the developer has done enough to improve the development site and to clean up San Lorenzo Creek. While it would be great to restore the creek ecology, if any organization should be held responsible for abatement of San Lorenzo Creek, it is CalTrans. Their poor management practices led to the urban blight in this neighborhood.
4. *The development will aggravate an already dangerous traffic situation on 4th Street and B street.* The traffic in this neighborhood is dangerous and includes speeding, passing cars at high speed, running stop signs, running red lights, and doing donuts in the intersection of 4th and C Streets. In my communications with Fred Kelley, City of Hayward's Transportation Division Manager, he has stated that resource constraints prevent his department from focusing on our neighborhood. In my opinion, the challenge of traffic calming in the neighborhood is beyond the scope of this development, but it is an issue that I hope will get attention in the near future.

In closing, I again urge you to approve this development. The developer has worked to improve the area, and while challenges in our neighborhood remain, fixing those problems requires a systematic approach, and is well beyond the scope of this development.

Please do not hesitate to contact either Joe or me if you have additional questions.

Sincerely,

Ginny and Joe

Ginny and Joe Delaney

ITEM #10

Proposal to Subdivide a 5.1-Acre Site into 45 Parcels to Allow the Construction of 41 Detached Single-Family Residences with Common Open Space Areas and Related Site Improvements at 22626 4th Street (APNs 427-0036-033-05, 427-0036-033-06, 427-0036-033-07, 427-0036-055-19, & 427-0036-085-01) by Tony Dutra (Applicant) on behalf of Dutra Enterprises (Owner), Requiring Introduction of an Ordinance and Adoption of a Resolution to Approve a Vesting Tentative Tract Map, Planned Development (PD) Rezone, Site Plan Review, and Adopt a Mitigated Negative Declaration (MND) with Mitigation Monitoring and Reporting Program (MMRP) Application No. 201704074

JOHN DUTRA EMAIL

From: Sara Buizer
Sent: Friday, July 6, 2018 10:43 AM
To: Kelly McAdoo <Kelly.McAdoo@hayward-ca.gov>
Cc: Miriam Lens <Miriam.Lens@hayward-ca.gov>; Stacey Bristow <Stacey.Bristow@hayward-ca.gov>; Jay Lee <Jay.Lee@hayward-ca.gov>; Jeremy Lochirco <Jeremy.Lochirco@hayward-ca.gov>
Subject: RE: B Street

Kelly:

Please see the attached PDF for forwarding to the Council for their consideration. The attached document contains the letter from John Dutra and the creek exhibit referred to in his letter. Thanks.

Miriam: FYI and for posting in Legistar. This will not be part of the staff report, but presented separately by the applicant.

Let me know if you have any questions

Sara

Sara Buizer, AICP
Planning Manager
777 B Street
Hayward, CA 94541
(510) 583-4191
sara.buizer@hayward-ca.gov

PERMIT CENTER HOURS: Our Permit Center is Open Monday through Thursday from 8am to 5pm. The permit center is closed on Fridays.

From: Kelly McAdoo
Sent: Friday, July 6, 2018 8:52 AM
To: Sara Buizer <Sara.Buizer@hayward-ca.gov>
Subject: RE: B Street

Please and thank you!

Kelly McAdoo
City Manager
City of Hayward | 777 B Street | Hayward, CA 94541
☎ Phone: 510.583.4305 | Fax: 510-583-3601 | * Email: kelly.mcadoo@hayward-ca.gov



From: Sara Buizer
Sent: Thursday, July 5, 2018 6:39 PM
To: Kelly McAdoo <Kelly.McAdoo@hayward-ca.gov>
Subject: Fwd: B Street

Kelly:

Attached is the Dutra proposed site plan which they would like shared with Council prior to Tuesday's hearing. We can prepare a package for your forwarding tomorrow.

Sara

Sent from my iPhone

Begin forwarded message:

From: Steve Lichliter <>
Date: July 5, 2018 at 6:12:11 PM PDT
To: John J Dutra <>, Sara Buizer <Sara.Buizer@hayward-ca.gov>
Cc: Jay Lee <Jay.Lee@hayward-ca.gov>, Tony Dutra <>, "[Jill Williams](#)
()" <>, "[James Wilson](#)" <>, "[Christy Phan](#)" <>
Subject: RE: B Street

All

Attached is our B Street site plan in CAD with potential revisions to the rear lot line along the creek shown in red.

The lots areas are calculated in the table on the bottom right. A total of 5347 sf would be transferred to Lot E.

The width of the corridor that would be taken out of residential lots and moved to Lot E ranges from 4' to 22' wide.

We had previously provided a 10' maintenance access strip along the top of bank. If this change is made, the strip would be 14' to 32' wide.

Steve

RUGGERI~JENSEN~AZAR
ENGINEERS-PLANNERS-SURVEYORS

Steve Lichliter, PE
Senior Project Manager

4690 Chabot Drive, Suite 200
Pleasanton, CA 94588
(925) 227-9100 (O)
(925) 227-9300 (F)
www.rja-gps.com

From: John J Dutra <>
Sent: Thursday, July 05, 2018 1:56 PM
To: Sara Buizer <Sara.Buizer@hayward-ca.gov>
Cc: Jay Lee <Jay.Lee@hayward-ca.gov>; Tony Dutra <>; [Steve Lichliter <>](mailto:Steve.Lichliter@rja-gps.com)
Subject: Re: B Street

Thank you — I didn't expect staff to present to Council — just to get them the materials that Jay had requested at our last meeting in order to be included in their packets. As I told Jay - no dog and pony. Straight talk and short.

John Dutra, CEO
Dutra Enterprises, Inc.
43360 Mission Blvd. Ste. 230
Fremont, CA 94539
510-353-9984x1 Office

Email:
Web: www.dutraenterprises.com

On Jul 5, 2018, at 11:04 AM, Sara Buizer <Sara.Buizer@hayward-ca.gov> wrote:

Thanks John. We can forward your email to the Council members as you request, but this is not something staff is planning on presenting to the Council, but will be for you and your team to do so as part of your presentation Tuesday evening. On that note, I highly recommend that your presentation to Council on Tuesday night focus on the issues that remain unresolved, such as this one. If you have any questions, let me know.

Sara

I've BCC Kelly McAdoo the City Manager on this so she is aware of the request.

Sara Buizer, AICP
Planning Manager
777 B Street
Hayward, CA 94541

PERMIT CENTER HOURS: Our Permit Center is Open Monday through Thursday from 8am to 5pm. The permit center is closed on Fridays.

From: John J Dutra [<mailto:>]
Sent: Thursday, July 5, 2018 11:00 AM
To: Jay Lee <Jay.Lee@hayward-ca.gov>; Sara Buizer <Sara.Buizer@hayward-ca.gov>
Cc: Tony Dutra <>; [Steve Lichliter](#) <> **Subject:** B Street

Good morning,

I understand that Tony has already been by to speak with you this morning - thank you for your time. A few comments regarding B Street:

- There is nothing that says we can't leave the fence lines where they are now. We are not building in the area and this is what was initially agreed to and was to go for approval before Council.
- The fact that no one on the Commission objected to the project in and of itself, but wanted direction for the cleanup and restoration, only supports this.
- That said, what Steve sent this morning is something we will do - but don't want to go any further than that as we have very serious concerns regarding the ability to keep homeless from re-establishing campgrounds directly behind the homes. The fences in their current position would do that - not so sure if moving them back as Steve sent you this morning will work to keep uninvited guests, but we would do that if you felt it warranted it.
- The primary concern then is for the rehab of the creek - something that was not on anyone's radar prior to May of this year — days before the Commission meeting in June. For Tony to have been treated the way he was by the Commission in light of this was maybe the hardest thing I have had to watch for some time - especially given the time he has put into this project.
- That said, in addition to the pushing the fence back as we are showing now, we will donate \$50,000 to the restoration of San Lorenzo Creek, but want no control or responsibility for this. This is far out of our line of expertise and quite frankly far from what we expected to have to do in addition to the remediation work we still have left to do.

That is it. Please make sure that all of this is in writing and submitted to each Councilmember for reading on Friday and confirm when you can that this has gone out.

Thank you as always for the joint efforts put into all our projects with the City of Hayward.

Respectfully,

John Dutra, CEO
Dutra Enterprises, Inc.
43360 Mission Blvd. Ste. 230
Fremont, CA 94539

510-353-9984x1 Office **Email:**

Web: www.dutraenterprises.com

From: John J Dutra
To: [Jay Lee](#); [Sara Buizer](#); Tony
Cc: [Dutra: Steve Lichliter](#)
Subject: B Street
Date: Thursday, July 5, 2018 10:59:55 AM

Good morning,

I understand that Tony has already been by to speak with you this morning - thank you for your time. A few comments regarding B Street:

- There is nothing that says we can't leave the fence lines where they are now. We are not building in the area and this is what was initially agreed to and was to go for approval before Council.
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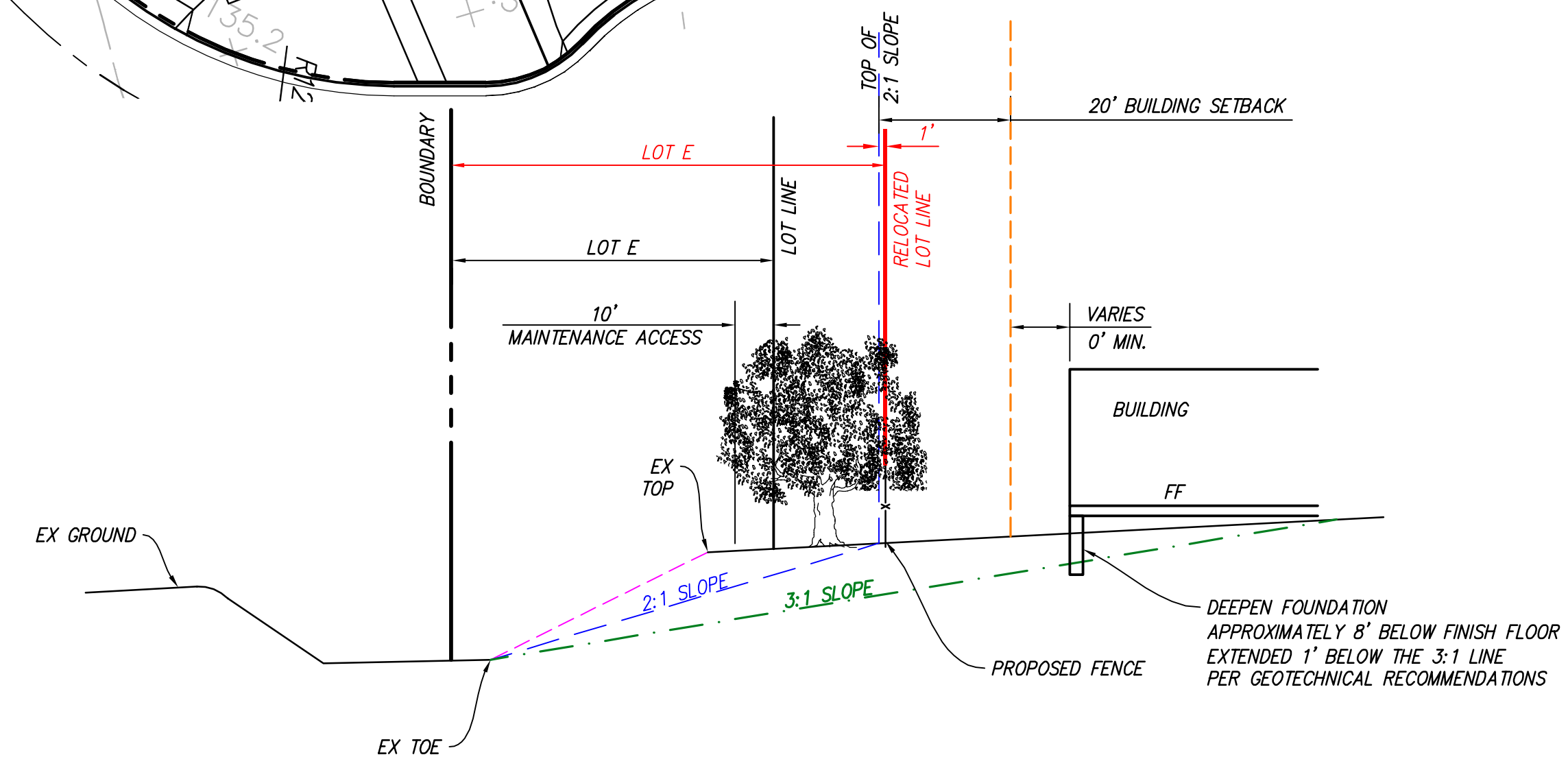
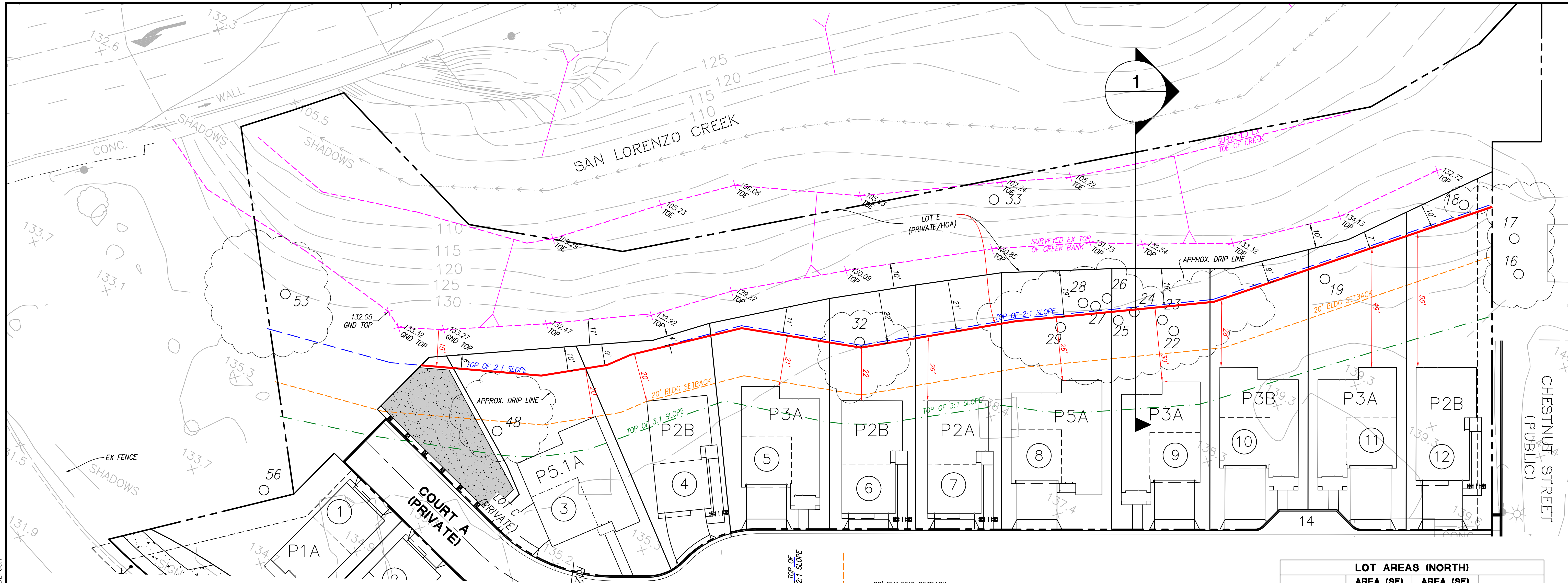
Respectfully,

John Dutra, CEO
Dutra Enterprises, Inc.
43360 Mission Blvd. Ste. 230
Fremont, CA 94539
510-353-9984x1 Office

Email:

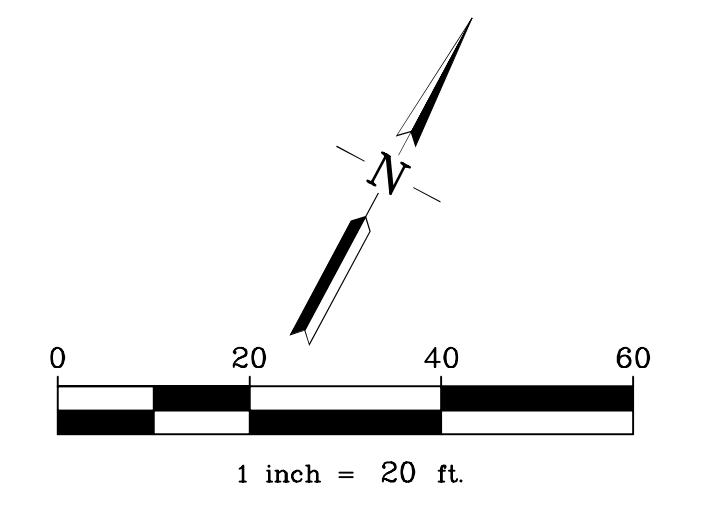
Web: www.dutraenterprises.com

G:\JOB2016\161071\CAD FILES\00-EXHIBITS\CREEK EXHIBIT AFTER PLANNING COMMISSION\CREEK EXHIBIT.DWG 7/5/2018 SAMIRA NOROUZPOUR



1 SAN LORENZO CREEK SETBACK SECTION
NOT TO SCALE

LOT AREAS (NORTH)			
LOT	AREA (SF) BEFORE LOT ADJUSTMENT	AREA (SF) AFTER LOT ADJUSTMENT	
3	4,830	4,361	<469>
4	3,645	3,334	<311>
5	3,996	3,528	<468>
6	3,383	2,641	<742>
7	3,567	2,825	<742>
8	4,738	3,884	<854>
9	4,246	3,621	<625>
10	4,241	3,834	<407>
11	4,697	4,381	<316>
12	4,814	4,334	<480>
LOT C	1,703	1,770	67
SUBTOTAL	43,860	38,513	<5347>
LOT E	29,204	34,551	5,347
TOTAL	73,064	73,064	0



**TRACT 8427 - B STREET
CREEK EXHIBIT**
CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA

RJA
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