

**PLANNING COMMISSION MEETING
THURSDAY, MAY 23, 2019**

DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA

PH # 19-047

623-675 JACKSON STREET

PUBLIC COMMENTS

CALIFORNIA RENTERS LEGAL ADVOCACY

California Renters Legal Advocacy and Education Fund

1260 Mission St
San Francisco, CA 94103
hi@carlaef.org



5/21/2019

Hayward Planning Commission
777 B Street
Hayward, CA 94541
Sara Buizer, Planning Manager, Sara.Buizer@hayward-ca.gov; Miriam Lens, City Clerk, Miriam.Lens@hayward-ca.gov;
Via Email

Re: 675 Jackson Street
PH 19-047

Dear Hayward Planning Commissioners,

The California Renters Legal Advocacy and Education Fund (CaRLA) submits this letter to inform you that the Hayward Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the Housing Accountability Act.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's Zoning Ordinance and General Plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety. The most relevant section is copied below:

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or

conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

The Applicant proposes to construct 40 townhouse style condominium units and related improvements.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above.

CaRLA is a 501(c)3 non-profit corporation whose mission is to restore a legal environment in which California builds housing equal to its needs, which we pursue through public impact litigation and providing educational programs to California city officials and their staff.

Sincerely,



Sonja Trauss
Co-Executive Director
California Renters Legal Advocacy and Education Fund

Cc: Seton Pacific Company
2278 Trade Zone Blvd.
San Jose, CA 95131

**KIELTY ARBORIST SERVICES
LETTER
TO
SETON PACIFIC COMPANY**

Kielty Arborist Services LLC

Certified Arborist WE#0476A

P.O. Box 6187

San Mateo, CA 94403

650-515-9783

May 17, 2019

Seton Pacific Company

Attn: Joe Wu

300 B Street

Turlock, CA 95380

Site: 675 Jackson Street, Hayward, CA-Pine Vista

Dear Mr. Wu,

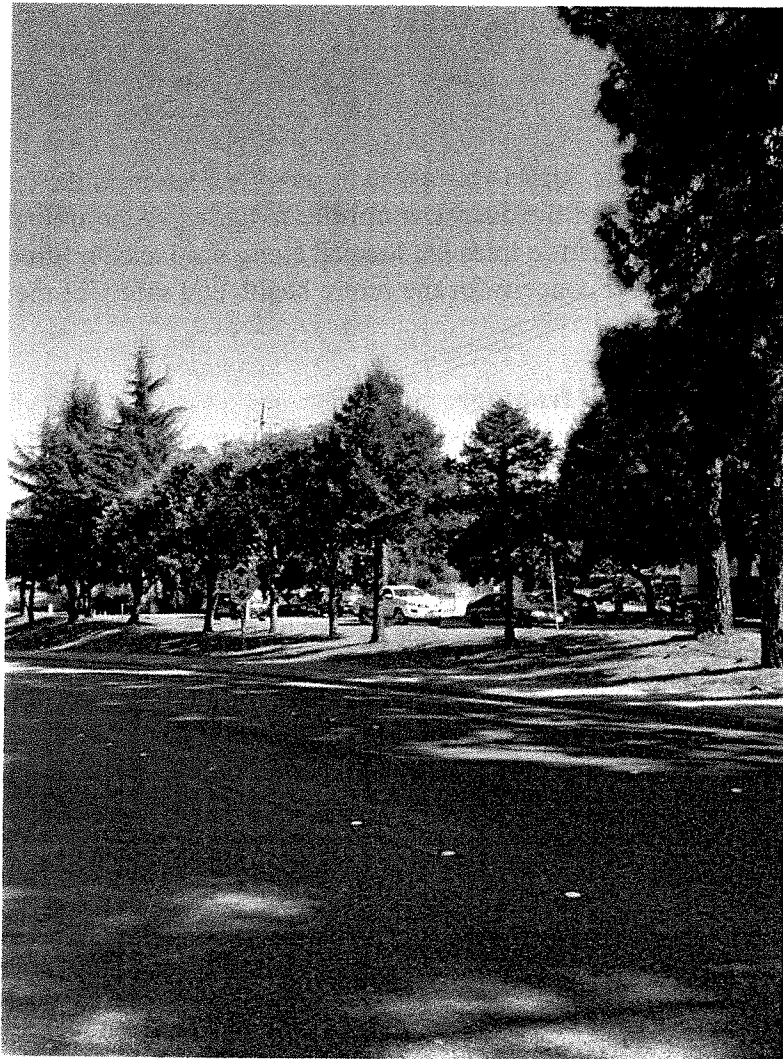
As requested on Thursday, May 16, 2019 I was asked to provide a letter on the city of Haywards request to have the developer convert the overhead utilities to underground utilities along Jackson Street frontage. 21 large mature trees are located along the Jackson Street frontage, and are in fair to good condition. Your concern for the future health and safety of the trees has prompted this letter.

Trees located along Jackson Street frontage:

The majority of the trees located along the Jackson Street frontage are in fair to good condition. 21 large mature trees are located in this strip of land. This piece of property is owned by the city of Hayward as well as Caltrans. These trees serve as a good screen between the property and Jackson street, as well as the surrounding properties. The trees reduce storm water runoff and improve the property value. The trees improve the air quality in this area by absorbing pollutants like ozone, nitrogen dioxide, and sulfur dioxide through their leaves. The trees can also intercept particulate matter like dust, ash, and smoke. Last but not least, the trees release oxygen through photosynthesis. This should be considered in the preservation of these trees, as Jackson street is a very busy street and is heavily polluted with dust and other pollutants from the constant traffic. The trees have a limited area for root, growth as the surrounding areas adjacent to the strip of land are covered by existing hardscapes. All of the tree supporting roots are to be located within this strip of land.

The City of Hayward is requesting that the existing overhead power lines be placed underground by the developer in the strip of land between Jackson street and the frontage road. This would involve extensive trenching in this strip of land. The trench would need to be 2 feet wide and 5 feet deep and cross the entire strip of land. Also, larger areas of excavation would be needed to put the transformers underground. Hundreds of people on surrounding properties will have their electricity service interrupted as a result. Impacts to the surrounding trees would likely be high as the trees are large mature trees not able to withstand high impacts. Roots in this strip of land are likely to be intertwined with each other creating a large network of roots. The trees count on one another for protection from prevailing winds. Trenching within the root zones of these trees

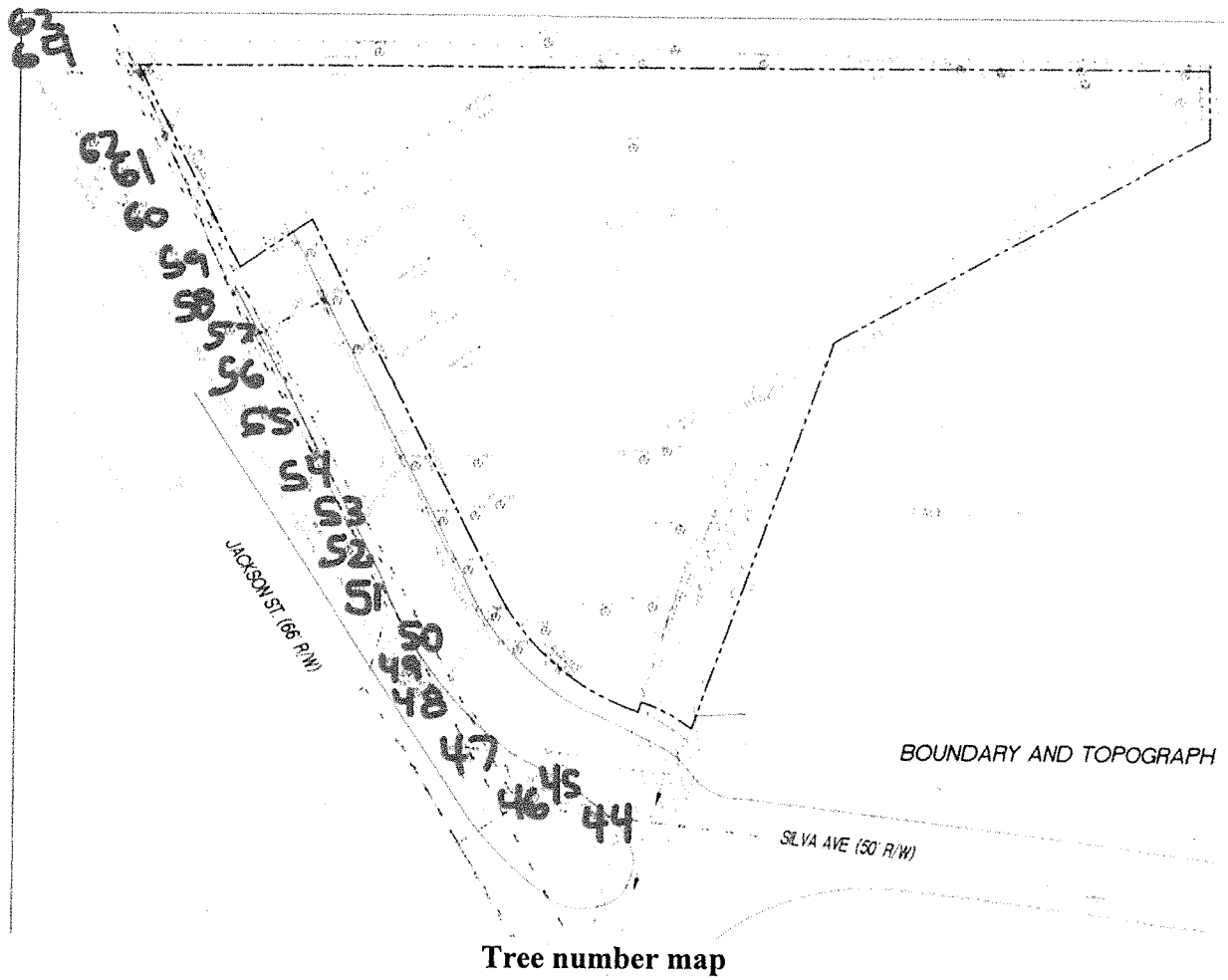
would likely make the trees decline and die. Tree stability would also be impacted and would create hazardous conditions. I believe the existing trees outweigh the value of having the utilities placed underground, as they are needed as a screen between the busy Jackson Street and the property. The combined appraised value for the trees along the Jackson Street frontage is \$98,000. This would be a huge loss for the city of Hayward and its community as these trees would be expected to decline and die as a result of the trenching needed to put the utilities underground. It is recommended to preserve these trees. Placing the utilities underground will cause the trees to die or fail, creating hazardous conditions.



Showing trees in question

Trees Along Jackson Street Frontage to be preserved

| | | | | | | |
|-----|--------------------|-------------------------------|------|-----|-------|--|
| 44P | London plane | <i>Platanus x hispanica</i> | 29.1 | 70% | 45/40 | Good vigor, fair form, multi leader at 6 feet, pruned on one side for utility line clearance |
| 45P | Canary pine | <i>Pinus canariensis</i> | 19.9 | 40% | 55/25 | Fair vigor, poor form, topped at 35 feet in past, pruned for utilities, suppressed. |
| 46P | Canary pine | <i>Pinus canariensis</i> | 24.1 | 50% | 70/25 | Good vigor, poor form, heavy. |
| 47P | London plane | <i>Platanus x hispanica</i> | 28.2 | 70% | 45/40 | Fair vigor, fair form. |
| 48P | Canary pine | <i>Pinus canariensis</i> | 22.2 | 50% | 70/30 | Fair vigor, fair form, slight lean, suppressed, multi leader at 40 feet. |
| 49P | Canary pine | <i>Pinus canariensis</i> | 20 | 70% | 80/20 | Good vigor, fair form, slight lean suppressed by #50. |
| 50P | Canary pine | <i>Pinus canariensis</i> | 25.3 | 80% | 80/20 | Good vigor, good form. |
| 51P | Redwood | <i>Sequoia sempervirens</i> | 8.7 | 70% | 20/10 | Fair vigor, fair form |
| 52P | Redwood | <i>Sequoia sempervirens</i> | 12.9 | 70% | 25/12 | Fair vigor, fair form. |
| 53P | Chinese flame tree | <i>Koelreuteria bipinnata</i> | 11.4 | 80% | 25/20 | Good vigor, fair form. |
| 54P | Chinese flame tree | <i>Koelreuteria bipinnata</i> | 11.1 | 80% | 25/20 | Good vigor, fair form. |
| 55P | Chinese flame tree | <i>Koelreuteria bipinnata</i> | 13 | 80% | 25/20 | Good vigor, fair form. |
| 56P | Deodar cedar | <i>Cedrus deodara</i> | 18 | 80% | 55/40 | Good vigor, good form. |
| 57P | Deodar cedar | <i>Cedrus deodara</i> | 17.1 | 55% | 55/35 | Fair vigor, poor form, multi leader at base. |
| 58P | Deodar cedar | <i>Cedrus deodara</i> | 20.2 | 45% | 40/30 | Fair vigor, poor form, topped. |
| 59P | Deodar cedar | <i>Cedrus deodara</i> | 14 | 65% | 30/20 | Fair vigor, fair to poor form, loss of apical dominance. |
| 60P | Deodar cedar | <i>Cedrus deodara</i> | 17.5 | 70% | 35/30 | Fair vigor, fair to poor form, loss of apical dominance. |
| 61P | Redwood | <i>Sequoia sempervirens</i> | 14.1 | 80% | 30/12 | Good vigor, good form. |
| 62P | Redwood | <i>Sequoia sempervirens</i> | 13.8 | 80% | 30/12 | Good vigor, good form. |
| 63P | Redwood | <i>Sequoia sempervirens</i> | 14.2 | 80% | 25/12 | Good vigor, good form. |
| 64P | Redwood | <i>Sequoia sempervirens</i> | 18.1 | 80% | 35/20 | Good vigor, good form. |



**REQUEST TO REMOVE
CONDITION OF APPROVAL
NUMBER 66
UNDERGROUND UTILITIES ON
JACKSON STREET RIGHT-OF-WAY**

Pine Vista Condominium Project
Request to Remove Condition to Underground the Existing Electrical Overhead System in the
Jackson Street Right-of-Way
Presentation to Planning Commission Hearing
5/23/19

Prepared by Moreland Development Services
Steven T. Moreland, P.E

Existing Conditions Summary:

Existing overhead electrical systems located westerly of project are within the Jackson Street public (formerly Caltrans) right-of-way and are located on the opposite side of the project frontage road. Refer to the attached Existing Overhead Electrical Exhibit. The overhead electrical systems consist of poles and overhead lines that have provided historic long-term regional distribution. Existing overhead lines include:

- PG&E 12-kv Primary Electrical Distribution.
- Secondary electrical service for Caltrans pump station
- Public street lighting.
- Comcast regional distribution.
- AT&T regional distribution.
- Traffic signal low voltage distribution.
- Electrical service to traffic signal.
- Other low voltage cable providers.
- Transmission Lines Services Apartment and Residential Subdivision Along Silva Avenue

These lines are part of major distribution networks that provide benefit to the surrounding areas as well as the existing project site.

Discussion

1. The proposed project does not front on Jackson Street, but on the Jackson Street frontage road separate from the original Jackson Street Caltrans Right-of-Way.
2. The developer should only be responsible for the improvements benefiting the project and not privately owned major distribution systems of PG&E, Comcast and AT&T located in the original Caltrans Right-of-Way.
3. These are major transmission lines servicing areas not related to the proposed project.

4. Existing trees (which the City wants to remain) in the original Caltrans right-of-way will be significantly impacted or require removal due the excavations necessary to perform the undergrounding and allow for separation.
5. Our initial estimate for the undergrounding exceeds 2.5 million dollars and impacts the feasibility of providing affordable units. We are required to provide 7 moderate price/affordable units. These increased costs will restrict our ability to achieve this requirement and make the project financially infeasible.
6. The under grounding will require coordination and approval with City of Hayward, PG & E, AT&T, Comcast, and other benefiting agencies which will seriously delay the project intent on delivering affordable housing to the community. It is estimated that the undergrounding could delayed the project by as much as five years.
7. In addition to primary power distribution lines, this area also has major trunk lines for water, sewer, gas, and storm drains, manholes, catch basins that will require relocation or reconstruction to accommodate the new joint trench.
8. Undergrounding would result in temporary major utility disruptions to the surrounding areas during construction.
9. Undergrounding would impact the existing trees. This would involve extensive trenching in this strip of land. The trench would need to be 2 feet wide and 5 feet deep and cross the entire strip of land. Also, larger areas of excavation would be needed to put the transformers underground further impacting the trees. A separate letter from a certified arborist is attached for consideration by the planning commission. The face value of the tree loss will is estimated to be at approximately \$98,000 based on the attached arborist report.
10. The picture of Power Pole #2 shows transmission line providing electrical and communication service to hundreds of residential units along Silva Avenue. The existing sidewalk cannot accommodate the conversion of the big transformer into underground.

For the above reasons, the Developer respectfully requests that the City of Hayward consider removing the condition requiring the undergrounding the existing overhead electrical systems located in the original Caltrans Jackson Street Right-of-Way.

