

SETON PACIFIC COMPANY

2278 Trade Zone Bldv., San Jose, CA 95131
Tel: (408) 946-0858; Fax: (408) 946-7856 / 2288

May 6, 2019

Mr. Carl Emura
Associate Planner
City of Hayward, CA.

Re: Waiver of Utility Undergrounding along Jackson Street condition for the Pine Vista project

On behalf of Seton Pacific Company, we request a waver of the condition to underground the existing overhead power utility lines along Jackson Street across the street from our project based on the following analysis.

Please consider the following facts while referring to the attached exhibit showing (to the best of our knowledge because accurate mapping does not exist) the location of existing underground utilities (24" storm drain with catch basins, 8" sewer line, 12" water main, irrigation lines), power poles with high and low voltage lines, telecommunication lines, cable lines, traffic signal control lines, etc., 18 existing mature pine trees, and the City's monument signage in the extremely narrow subject area between Jackson Street and the Jackson Street Frontage Road. These utilities and facilities are under the jurisdiction of multiple government agencies, utility companies and private companies including the City of Hayward et al, Cal Trans, PG&E, Comcast, Alameda County Flood Control, etc., to name a few.

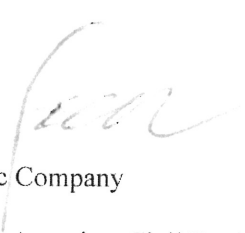
We believe that the following findings can be made in order to eliminate the proposed undergrounding condition:

- No nexus exists between the requirements for construction of the 40 unit Pine Vista project and the hodgepodge of existing utilities in the area between Jackson Street and the Jackson Street Frontage Road. Some of these utility lines are over 60 years and serve multiple, adjoining, residential neighborhoods and commercial areas in the city.
- There is simply NO room to accommodate a series utility trenches or one large joint use trench that meets the underground trenching requirements of all various agencies, companies and jurisdictions with the current location of the existing utilities. To accommodate the under-grounding of the power lines and other associated utilities lines on the poles would require extensive engineering design and the major relocation or reconstruction of the existing underground utilities.
- The scope of such a huge engineering, coordination and construction undertaking is beyond the ability and resources of Seton Pacific Company and would cause the Pine Vista 40 unit project (with 7 affordable units) to be infeasible.
- Because of the complicated existing conditions, such a major infrastructure project which requires careful coordination between multiple government agencies and private utility companies, extensive engineering redesign and extremely risky reconstruction work, this project should be undertaken by the City of Hayward.

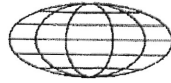
After reviewing our exhibits and analysis, we urge the City staff to eliminate the condition or ask the Planning Commission to waive the condition.

Sincerely,

Joe Wu
President
Seton Pacific Company



cc. Jim Lear, Associate Civil Engineer
Allen Baquilar, P.E., Senior Civil Engineer
Morad Fakhrai, P.E., Director of Public Works/City Engineer



SETON PACIFIC COMPANY

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October 5, 2017

Morad Fakhrai, P.E.
Director of Public Works/City Engineer
City of Hayward
777 B Street
Hayward, CA 94541

Re: Item 12 of Jim Lear's project comments (Seton Pacific's item 248 on response matrix) 'The existing overhead lines along Jackson Street property frontage shall be placed underground'.

Gentlemen,

Seton Pacific Company can not comply with the request to underground the overhead utilities along Jackson Street because the costs and time constraints needed to comply render the proposed project unfeasible.

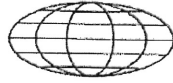
1. The proposed project does not front on Jackson Street, but on the Jackson Street frontage road. We should only be responsible for the improvements on the frontage street adjacent to our project, not the major arterial Jackson Street right of way.
2. The overhead lines are on City of Hayward and Cal Trans right of ways.
3. These are major transmission lines serving other areas of the City and do not relate to the proposed project. All utilities in the project will, of course, be underground.
4. Existing trees (which the City wants to remain) were belong to Caltrans property and existing underground utilities (please refer to demolition plan C2.1 & C2.1) can cause severe damage because of major trenching.
5. The costs are prohibitive; our initial estimate for the undergrounding is estimated around \$1,000,000.00 and will hinder the affordable housing project. We are required to provide 7 moderate price/affordable units. These increased costs will restrict our ability to achieve this requirement.
6. The under grounding of utilities in City and Cal Trans right of ways and dealing with PG & E, AT & T, Comcast and other related agencies will seriously delay the project an estimated three plus years.

Therefore, we request that you withdraw the under grounding requirement.

Sincerely,

Joe Wu
President
Seton Pacific Company

cc. Jim Lear, Associate Civil Engineer
Carl Emura, Associate Planner



SETON PACIFIC COMPANY

2278 Trade Zone Blvd., San Jose, CA 95131
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October 19, 2017

Allen Baquilar, P.E.
Senior Civil Engineer
City of Hayward | Development Services (Planning)
777 B Street | Hayward, CA 94541 |

Re: Item 12 of Jim Lear's project comments (Seton Pacific's item 248 on response matrix) 'The existing overhead lines along Jackson Street property frontage shall be placed underground'.

I wanted to make sure that the City of Hayward is considering all the issues that are involved when requiring the Pine Vista project to underground the power lines between Jackson Street and the Jackson Street frontage Road.

My consulting team is preparing exhibits so that the City (you, Carl Emura, the City Manager, etc.) can thoroughly review the 'spider web' maze of utility lines which crisscross each other in the narrow strip of land between Jackson Street and the frontage road. As you are aware, in addition to primary power distribution lines, this area also has major trunk lines for water, sewer, gas, and storm drains as well as irrigation systems, man holes, catch basins and extensive mature growth pine trees. My arborist will evaluate the existing tree conditions and the damage extensive trenching would do.

In addition, currently the City of Hayward only owns a small frontage along Jackson Street. The rest of the area is controlled by CalTrans. Three years ago I asked CalTrans to provide me with landscaping and irrigation plans. They were unavailable. It is also my understanding that the City does not have PG&E as built improvement plans.

Considering the major lack of accurate information, the multiple agency jurisdictions and the extremely complicated existing conditions, construction in this area would be very hazardous and could result in major power disruptions in the surrounding areas as well as other utilities and the removal of most, if not all, of the mature trees.

After reviewing the exhibits, we believe that you will agree with our conclusion that the undergrounding of the PG&E power lines in the narrow strip of land between Jackson Street and the frontage will be extremely difficult, if not impossible, very dangerous and extremely time consuming. This is way beyond the scope and financial feasibility of the Pine Vista project.

I would like to make an appointment to meet with all appropriate City staff at jobsite to further discuss this issue.

Joe Wu
President
Seton Pacific Company

cc. Jim Lear, Associate Civil Engineer
Carl Emura, Associate Planner