

# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Tuesday, March 26, 2019**

**7:00 PM**

**Council Chambers**

**City Council**

**CITY COUNCIL MEETING****CALL TO ORDER Pledge of Allegiance: Council Member Salinas****ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PUBLIC COMMENTS**

*The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.*

**COUNCIL REPORTS**

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

**ACTION ITEMS**

*The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.*

**CONSENT**

1. [MIN 19-033](#) Minutes of the City Council Meeting on February 26, 2019

**Attachments:** [Attachment I Draft Minutes of 2/26/2019](#)

2. [MIN 19-037](#) Minutes of the City Council Meeting on March 5, 2019

**Attachments:** [Attachment I Draft Minutes of 03/05/2019](#)

3.     [CONS 19-186](#)     Adoption of an Ordinance of the Council of the City of Hayward Amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3603(b) Related to a Proposed Modification of the Required Setbacks for Commercial Cannabis Businesses from Certain Sensitive Land Uses

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Public Notice](#)  
                          [Attachment III Draft Ordinance](#)

4.     [CONS 19-200](#)     Adoption of an Ordinance of the Council of the City of Hayward Amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3607(c) (1) Related to Reduction of Overconcentration Buffer from 1,000 Feet to 500 Feet for Commercial Cannabis Retail Dispensaries

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Public Notice](#)  
                          [Attachment III Draft Ordinance](#)

5.     [CONS 19-165](#)     Resolution to Initiate the Formation and Annexation of the SoHay Properties to Benefit Zone No. 18 of the Consolidated Landscaping and Lighting District 96-1

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Vicinity Map](#)

6.     [CONS 19-166](#)     Approval of Final Maps for Tracts 8445 and 8446 (SoHay), Associated with the Previously Approved Vesting Tentative Map for Tract 8428; William Lyon Homes, Inc. (Applicant/Owner)

**Attachments:**     [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)  
                          [Attachment III Vicinity Map](#)  
                          [Attachment IV Site Maps](#)  
                          [Attachment V Final Maps](#)

7.      [CONS 19-167](#)      La Vista Park Project: Award of Professional Services Agreement to SurfaceDesign, Inc., (SDI); Award of Professional Services Agreement to Langan; Appropriation of Funds; and Amendment of Resolution 18-081

**Attachments:**      [Attachment I Staff Report](#)  
                          [Attachment II Resolution - Award of Contract to SDI](#)  
                          [Attachment III Resolution - Award of Contract to Langan](#)  
                          [Attachment IV Resolution - Appropriation of Funds](#)  
                          [Attachment V Project Map](#)

8.      [CONS 19-191](#)      On-Call Public Works Construction Inspection Services - Authorization for the City Manager to Execute Professional Service Agreements with Park Engineering, CSG Consultants, and Willdan Engineering

**Attachments:**      [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)

9.      [CONS 19-183](#)      Adoption of a Resolution Approving Annexation of the Ersted Property (Tract 8439) into the Hayward GHAD

**Attachments:**      [Attachment I Staff Report](#)  
                          [Attachment II Resolution](#)

*Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.*

#### **WORK SESSION**

10.     [WS 19-016](#)      Seismic Retrofit Standards for Multifamily Buildings Work Session (Report from Development Services Director Simpson)

**Attachments:**      [Attachment I Staff Report](#)  
                          [Attachment II Soft Story Retrofit Programs](#)

#### **LEGISLATIVE BUSINESS**

11.     [LB 19-019](#)      Adoption of Emergency Ordinance Amending Just Cause for Tenant Evictions to Exempt Affordable Housing Conversion Projects (Report from City Manager McAdoo)

**Attachments:**      [Attachment I Staff Report](#)  
                          [Attachment II Ordinance](#)

**PUBLIC HEARING**

12.     [PH 19-017](#)         FY 2020 Master Fee Schedule/Fine and Bail Schedule (Report from Director of Finance Claussen)

**Attachments:**     [Attachment I Staff Report](#)  
                              [Attachment II Resolution](#)

**CITY MANAGER'S COMMENTS**

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

**COUNCIL REFERRALS**

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the City Manager and City staff.

**ADJOURNMENT**

**NEXT MEETING, April 2, 2019, 7:00 PM**

**PUBLIC COMMENT RULES**

*Any member of the public desiring to address the Council shall limit her/his address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.*

**PLEASE TAKE NOTICE**

*That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.*

**PLEASE TAKE FURTHER NOTICE**

*That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.*

*\*\*\*Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. \*\*\**

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.*

*Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.*



# CITY OF HAYWARD

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**File #:** MIN 19-033

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**DATE:** March 19, 2019

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Minutes of the City Council Meeting on February 26, 2019

**RECOMMENDATION**

That the City Council approves the minutes of the City Council on February 26, 2019.

**SUMMARY**

The City Council held a meeting on February 26, 2019.

**ATTACHMENTS**

Attachment I Draft Minutes of 2/26/2019



**MINUTES OF THE CITY COUNCIL MEETING**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, February 26, 2019, 7:00 p.m.**

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The meeting of the City Council was called to order by Mayor Pro Tempore Zermeño at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Pro Tempore Zermeño.

**ROLL CALL**

Present: COUNCIL MEMBERS Márquez, Lamnin, Wahab, Salinas  
MAYOR PRO TEMPORE Zermeño  
Absent: COUNCIL MEMBER Mendall  
MAYOR Halliday

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson reported the Closed Session was canceled given there were two members of the Council absent; therefore, there was no reportable action.

**PRESENTATION**

Mayor Pro Tempore Zermeño read a Certificate of Commendation presented to Mr. Joseph Franco for creating an app, F-Connect, dedicated to connecting foster youth to a peer network and tools to apply to college and for scholarships. Council Member Lamnin read a Certificate of Commendation presented to Ms. Nancy Wright for her dedication to science education and to the students of Hayward, and for representing Hayward in Washington D.C. where she was awarded the Presidential Award for Excellence in Mathematics and Science Teaching. Hayward Unified School District Superintendent Dr. Wayne commended Mr. Joseph Franco and Ms. Nancy Wright for their contributions to Hayward.

**PUBLIC COMMENTS**

There were none.

**CONSENT**

Consent Item 3 was removed from the Consent Calendar for separate vote.

1. FY 2019 Pavement Rehabilitation & Preventive Maintenance Project: Award of Construction Contract **CONS 19-084**

Staff report submitted by Interim Public Works Director Ameri, dated February 26, 2019, was filed.



It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the following:

Resolution 19-036, “Resolution Approving Award of Contract for the FY 2019 Pavement Rehabilitation and Preventative Maintenance Project, Project Nos. 05216, 05219, 05220, 05280, and 05231 to O’Grady Paving Inc.”

2. Recycled Water Treatment Facility Project - Phase I: Approval of Addendum No. 1 and Award of Construction Contract **CONS 19-102**

Staff report submitted by Interim Public Works Director Ameri, dated February 26, 2019, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the following:

Resolution 19-037, “Resolution Approving Addendum No. 1 and Awarding a Contract to TNT Industrial Contractors, Inc., for the Recycled Water Treatment Facility Project - Phase I, Project No. 07710, in an amount Not to Exceed \$1,887,341”

3. Approval of Microsoft Enterprise License Agreement (ELA) for Microsoft Enterprise Renewal Licenses for a Three-Year Contract, in an Amount Not to Exceed \$725,075 **CONS 19-111**

Staff report submitted by Information Technology Director Kostrzak, dated February 26, 2019, was filed.

Information Technology Director Kostrzak responded to questions raised by Council Member Wahab regarding the Microsoft Enterprise License Agreement renewal. A portion of the video was muted to protect a security vulnerability. Council Member Wahab recommended that future staff reports regarding renewal of high-ticket contracts be presented to the City Council with lead time before they expire and include the winning bidder and the terms of the contract. City Manager McAdoo noted the suggestion could be evaluated during the Council Member Handbook review as part of agenda protocols.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the following:

Resolution 19-039, “Resolution Authorizing the City Manager to Negotiate and Execute a Purchase Order and a Three-Year Contract for a Microsoft Enterprise License Agreement (ELA) for Microsoft Enterprise Software Licenses including Office 365 Suite”



**MINUTES OF THE CITY COUNCIL MEETING**  
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**Tuesday, February 26, 2019, 7:00 p.m.**

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4. Approval of Final Map Tract 8432 (Gading II), Associated with the Previously Approved Vesting Tentative Tract Map and Development of 18 Single Family Homes on a 1.7-Acre Site Located at 25941 Gading Road; Blue Mountain Communities (Applicant/Owner) **CONS 19-112**

Staff report submitted by Interim Public Works Director Ameri, dated February 26, 2019, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried unanimously, to approve the following:

Resolution 19-038, "Resolution Approving Final Map for Tract 8432 and Authorizing the City Manager to Execute a Subdivision Agreement"

**PUBLIC HEARING**

5. Vacation of 3138 Baumberg Avenue: Public Hearing and Resolution Approving Excess Right-of-Way Vacation and Authorizing Quit Claim Deed (Report from Interim Public Works Director Ameri) (Continued from February 19, 2019) **PH 19-011**

Staff report submitted by Interim Public Works Director Ameri, dated February 26, 2019, was filed.

Interim Public Works Director Ameri provided a synopsis of the staff report.

There being no public comments, Mayor Pro Tempore Zermeño opened and closed the public hearing at 7:43 p.m.

It was moved by Council Member Salinas, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 19-040, "Resolution Vacating a Portion of Right-of-Way at 3138 Baumberg Avenue"

6. Vacation of 26010 Production Avenue: Public Hearing and Resolution Approving Excess Right-of-way Vacation and Authorizing Quit Claim Deed (Report from Interim Public Works Director Ameri) (Continued from February 19, 2019) **PH 19-012**

Staff report submitted by Interim Public Works Director Ameri, dated February 26, 2019, was filed.

Interim Public Works Director Ameri provided a synopsis of the staff report and responded to questions from the staff report.

There being no public comments, Mayor Pro Tempore Zermeño opened and closed the public hearing at 7:47 p.m.

It was moved by Council Member Salinas, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 19-041, "Resolution Vacating a Portion of Right-of-Way at 26010 Production Avenue"

## **LEGISLATIVE BUSINESS**

### **7. FY 2019 Mid-Year Budget Review & General Fund Long Range Financial Model Update (Report from Director of Finance Claussen) **LB 19-012****

Staff report submitted by Finance Director Claussen, dated February 26, 2019, was filed.

Finance Director Claussen provided a synopsis of the staff report. City Manager McAdoo noted that Council Member Mendall had asked her to read his comments into the record during Council's recommendations.

Discussion ensued among Council members and City staff regarding: the upcoming Council's priority setting discussion; the new library and potential staffing increases; sales tax revenue; Utility Users Tax (UUT) revenue and staff's strategy for addressing the recession; budget increase for contract services; Housing Division staff; Real Property Transfer Tax (RPTT); staffing changes in the Youth and Family Services Bureau (YFSB); and the change in projected reserves/surplus in 2020-21.

Mayor Pro Tempore Zermeño opened the public hearing at 8:10 p.m.

Ms. Theresa Rezentes, Hayward resident, asked for the causes in reserve projection decreases and Finance Director Claussen noted this was due to the City's operating expenses.

Mayor Pro Tempore Zermeño closed the public hearing at 8:12 p.m.

There was Council consensus in acknowledging the commitment and partnership of City employees, labor groups and Hayward voters. Council members were optimistic about the current financial status, but urged everyone to be cautious about the projected economic downturn.



**MINUTES OF THE CITY COUNCIL MEETING**  
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Council members offered the following recommendations: consider items that could add capacity without adding significant ongoing cost; consider adding programming through the library for students during the summer; consider expanding Police programming to serve more kids and extend service hours; consider a cost analysis per position in the Maintenance Services Department and evaluate alternative options for partnerships through workforce development, adult schools and apprenticeship programs; identify funding for emergency preparedness for the public; consider discussion related to expanding library hours, perhaps at mid-year; consider Measure C revenue for one position in the Maintenance Services Department and for Fire Station 6; evaluate having contracts vetted by the Council Budget Finance Committee to ensure fiscal responsibility; consider small loans for businesses in lieu of grants; focus on improving the quality of life for Hayward residents when funding projects; ensure consistency in maintaining 20% General Fund reserves in operating expenses; consider a policy, as a result of the passage of Measure T, to set aside \$1 million per year toward increase in spending; consider using the remainder of Measure T revenue to balance the budget and build reserves; prioritize allocating future Measure T revenue for extending library hours and hiring additional staff in the Maintenance Services Department to perform increased litter removal; consider Sunday hours for the new library; plan to address the projected downturn in the economy in 2021; fill empty storefronts and market Hayward to generate revenue.

It was moved by Council Member Lamnin, seconded by Council Member Salinas, and carried unanimously, to approve the following:

Resolution 19-042, “Resolution Amending Resolution 18-089, as Amended, the Budget Resolution for the City of Hayward Operating Budget for Fiscal Year 2019, Relating to an Appropriation of Funds”

Resolution 19-043, “Resolution Amending Resolution 18-090, as Amended, the Budget Resolution for the City of Hayward Capital Improvement Projects for Fiscal Year 2019, Relating to an Appropriation of Funds”

### **CITY MANAGER’S COMMENTS**

City Manager McAdoo made four announcements: 1) Read Across America Day on March 2, 2019 at City Hall and Dr. Seuss’s Storytime event at Weekes Branch Library; 2) community meeting to discuss Caltrans parcel groups 8 and 9 on March 14, 2019 at the Douglas Morrison Theatre; 3) Coffee with a Cop event on February 27, 2019 at the Cannery Café; and 4) Hayward Youth Commission recruitment.

## **COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Council Member Márquez requested that an emergency ordinance on no cause evictions for all Hayward tenants from six to 12 months be drafted and brought for Council's discussion/action at the next Council meeting. There were four Council nods in support of having staff work on the request and place the item on the March 5, 2019 agenda.

Council Member Wahab clarified her prior referral regarding mental health and de-escalation training and expressed concerns with the referral and four-nod policy and asked for its review. City Manager McAdoo noted the policy could be reviewed during the revisions of the Council Member Handbook.

Council Member Wahab made a referral for a moratorium on rent increases for 13 months or for the remaining term of the moratorium on the decontrol of rental units. The referral did not receive support and was instead referred to the Homelessness-Housing Task Force for discussion on March 21, 2019.

Council Member Lamnin made two announcements: 1) Women on the Rise: Pioneers Transforming Politics event on March 2, 2019 at City Hall; and 2) International Women's Day celebration on March 8, 2019 at City Hall.

Council Member Wahab made two announcements: 1) Annual Women of the Year event hosted by Assembly Member Bill Quirk at Chabot College on March 2, 2019; and 2) Read Across America Day on March 2, 2019 at City Hall.

Mayor Pro Tempore Zermeño made two announcements: 1) International Trade Lunch with Consul General of Canada Rana Sarkar at the Golden Peacock on February 27, 2019; and 2) Hayward Police's donation of an incident command vehicle to representatives of Arandas, Jalisco, México, on February 27, 2019.

## **ADJOURNMENT**

Mayor Pro Tempore Zermeño adjourned the meeting at 9:03 p.m.

## **APPROVED**

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Francisco Zermeño  
Mayor Pro Tempore, City of Hayward

## **ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
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**File #:** MIN 19-037

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**DATE:** March 26, 2019

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Minutes of the City Council Meeting on March 5, 2019

**RECOMMENDATION**

That the City Council approves the minutes of the City Council meeting on March 5, 2019.

**SUMMARY**

The City Council held a meeting on March 5, 2019.

**ATTACHMENTS**

Attachment I Draft Minutes of 3/5/19



**MINUTES OF THE CITY COUNCIL MEETING**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, March 5, 2019, 7:00 p.m.**

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The meeting of the City Council was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Lamnin.

**ROLL CALL**

Present: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lamnin, Wahab, Salinas  
MAYOR Halliday  
Absent: None

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson reported the City Council convened in closed session at 5:00 p.m., concerning four items: 1) public employment pursuant to Government Code 54957 regarding the City Clerk's annual performance evaluation; 2) conference with legal counsel pursuant to Government Code 54956.9, regarding AGG, et al. v. City of Hayward, et al., U.S. District Court, ND CA, No. #4: 4:19-civ-00697-DMR; 3) conference with legal counsel pursuant to Government Code 54956.9, regarding City of Hayward v. California State University Trustees, etc., Alameda County Superior Court No. RG18895213; 4) conference with property negotiators pursuant to Government Code 54956.8, regarding City owned property at 1401 Golf Course Road; APN 432-0134-001-05. Mayor Halliday noted there was no reportable action related to item 1. City Attorney Lawson noted there was no reportable action related to Item 2 and 3, and Item 4 was not discussed. City Attorney Lawson added that the City Council unanimously approved to add, pursuant to Government Code 54954.2 (b) (2), an anticipated litigation to the closed session agenda and the City Council took no reportable action.

**PUBLIC COMMENTS**

Ms. Peggy Guernsey, Hayward resident, encouraged the Council to contact the City of Oakland about an ordinance related to Prop 13 and commercial property; advocated for housing for teachers; and suggested charging property owners for garbage in front of their properties.

**CONSENT**

1. Minutes of the City Council Meeting on February 19, 2019 **MIN 19-027**  
The item was continued to March 19, 2019.
2. Fire Station 6 and Fire Training Center Project: Abatement and Deconstruction of Existing Buildings - Approval of Plans and Specifications and Call for Bids **CONS 19-117**

Staff report submitted by Interim Public Works Director Ameri, dated March 5, 2019, was filed.

Ms. Peggy Guernsey, Hayward resident, spoke in support of the Fire Training Center and spoke about celebrating women during Women's History Month.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried unanimously, to approve the following:

Resolution 19-044, "Resolution Approving Plans and Specifications for the Fire Station 6 and Fire Training Center: Abatement and Deconstruction of Existing Buildings Project, Project Nos. 07481 and 07482 and Call for Bids"

### **LEGISLATIVE BUSINESS**

3. Adoption of Emergency Ordinance Requiring Just Cause for Tenant Evictions for All Rental Units within the City (Report from City Manager McAdoo) **LB 19-016**

Staff report submitted by Deputy City Manager Ott, dated March 5, 2019, was filed.

City Manager McAdoo, Deputy City Manager Ott and Housing Manager Morales provided a synopsis of the report and provided options for Council's action: 1) adopt the emergency ordinance; continue the action item to March 19 to allow more time for notification of expansion of just cause eviction provisions; refer the item to the March 21 Homelessness-Housing Task Force meeting with potential return to the April 2 Council meeting for action; or adopt the ordinance as a non-emergency ordinance with a second reading on March 19.

Clarification ensued among Council Members and City staff regarding: proposed emergency ordinance requiring just cause for tenant evictions for all rental units; justifications for eviction; the Social Nuisance Ordinance; water, sewage, electricity, and insurance payments paid by tenants/landlords; small "mom and pop" landlords and the proposed ordinance; study on the vacancy decontrol process; Homelessness-Housing Task Force meetings; moratorium on the decontrol of rental units; the Rental Housing Association (RHA) letter alleging a Brown Act violation related to Council's action, taken via the referral process on February 26, 2019; and the two referrals made on February 26, 2019.

Mayor Halliday opened the public hearing at 7:58 p.m.

The following individuals spoke in support of the proposed emergency ordinance requiring just cause for tenant evictions for all rental units noting the ordinance will: protect vulnerable renters from arbitrary evictions; enable basic due process for renters; address the power imbalance between landlords and tenants; provide protection against retaliation, harassment and discrimination; prevent mass displacement; align with the CASA Compact (tenant protections); and create tenant stability and peace for struggling renters.





**MINUTES OF THE CITY COUNCIL MEETING**  
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Ms. Kara Jee, Hayward tenant  
Ms. Sarah McCracken, Centro Legal de la Raza staff attorney  
Ms. Jackie Zaneri, Centro Legal de la Raza representative  
Ms. Lacei Amodei, Hayward Collective member and Hayward tenant  
Ms. Paola Hernandez, Centro Legal de la Raza housing advocate  
Ms. Elisha Crader, Hayward resident  
Mr. Andrew Ramirez, Hayward resident  
Rev. Silvia Brandon Perez, Hayward resident and housing and immigration rights advocate  
Ms. Hermalinda Hernandez, Hayward tenant  
Ms. Lorena Luna, Hayward tenant and Centro Legal de la Raza representative  
Ms. Veronica Solorio, Hayward Collective member  
Mr. Zachariah Oquenda, Community Services Commission member and Hayward tenant  
Ms. Annette Sanders, on behalf of Bishop Macklin from Glad Tidings International Church  
Ms. Corina Vasaure, Hayward resident and Hayward instructor  
Ms. Dolores Tejada, East Bay Housing Organization representative  
Ms. Montserrat Campillo, written statement was read on her behalf  
Ms. Araceli Orozco, Hayward resident  
Ms. Aesa Ruiz, Chabot College students  
Ms. Andy Briseño, Chabot College students  
Ms. Gabriela del Hoyo, Hayward tenant  
Mr. Igor Tregub  
Ms. Alicia Lawrence, Hayward Collective member  
Mr. James Chang, Berkeley Rent Stabilization Board member

The following individuals spoke against the proposed emergency ordinance noting it will: place financial burden on rental property owners; discourage housing investment; stop economic development; and will not solve the regional housing crisis. It was noted that property owners were not notified of the proposed ordinance; single family homes should be exempt; Federal, State, and City laws were already in place to protect tenant rights; there was not enough data provided; and urged the Council to defer action to allow stakeholders to provide additional input or refer the item to the Homelessness-Housing Task Force. The Rental Housing Association read into the record a petition from property owners and managers.

Mr. William Zhao, Hayward landlord  
Mr. John Morra, Hayward property owner  
Mr. Albert Xue, Hayward property owner  
Mr. Jeff Jurow, Downtown Improvement Association president and Hayward property owner  
Mr. Ken Williams, multi-park owner and college professor  
Mr. Kim Huggett, Hayward Chamber of Commerce President  
Mr. Jerry Reynolds, rental property owner

Ms. Meina Young, rental property owner  
Ms. Cherry To, property owner  
Mr. Hok Lai, duplex property owner  
Mr. Tony Charvet, property owner  
Mr. Chunchi Ma, Bay Area Homeowners Network member  
Ms. Caryl Mahar, Rental Housing Association Executive Director and Hayward renter  
Mr. Bill Mulgrew, Rental Housing Association Vice President Public Affairs representative  
Ms. Fangge Liu, property owner  
Mr. Lin Nay, rental property owner  
Mr. Daniel Lee, rental property owner  
Mr. Charles Lassey, Real estate broker, owner of property management company and landlord  
Mr. Andrew Lui, landlord  
Mr. Paul Schaffer, “mom and pop” landlord  
Ms. Wendy Luo, Hayward landlord  
Mr. Yi Cai, property owner and landlord  
Mr. Michael Chaney  
Mr. Mac Zhu, Bay Area Homeowner Network member  
Mr. Jason Zhu, Hayward small condo owner  
Mr. Chris Overton, single unit landlord  
Ms. Lillian Liang, property owner  
Mr. Michael Yao, property owner  
Mr. Benjamin Huang, property owner  
Mr. Otto Catrina  
Ms. Nancie Allen, Bay East Association of Realtors President  
Ms. Lu Wana De Young, Hayward landlord  
Mr. Blane Warhust, Hayward rental property renter

The following speakers submitted speaker cards but did not speak:

Ms. Pilar Luna  
Ms. Elisa Padilla  
Mr. Ralph Watkins

Mr. Charlie Peters, Hayward resident, spoke about housing affordability.

Mayor Halliday closed the public hearing at 10:34 p.m.

Council Member Márquez expressed preference for adopting the emergency ordinance and giving community members protections and not taking any rights away from homeowners.

Council Member Mendall expressed he was looking forward to enacting the emergency ordinance, but he preferred to direct staff to write a just cause clause, consistent with the Social Nuisance Ordinance, and return for Council’s action in two weeks.



**MINUTES OF THE CITY COUNCIL MEETING**  
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Council Member Salinas did not think the emergency ordinance would debilitate the rental housing industry and stated support for enacting the emergency ordinance.

Council Member Wahab expressed preference for enacting the emergency ordinance and noted it was a duty to provide a safety net for renters with conditions that landlords can still evict based on the 15 justifications.

Council Member Zermeño expressed preference for enacting the emergency ordinance and suggested that the Homelessness-Housing Task Force consider how to handle situations with “mom and pop” property owners, financial investors that are not Hayward residents, and bad tenants.

Council Member Lamnin expressed she would have preferred that the emergency ordinance would have been referred to the Homelessness-Housing Task Force, but also appreciated the opportunity to discuss with the entire Council.

Mayor Halliday suggested that the Homeless-Housing Task Force look into the issue of how long it takes to process an unlawful detainer; and noted she would be supportive of enacting the emergency ordinance provided the ordinance did not conflict with the Social Nuisance Ordinance.

Council Member Márquez offered a motion to: 1) adopt an emergency ordinance requiring just cause for tenant evictions for all rental units within the City; and 2) adopt an emergency ordinance repealing Section 19 of the City of Hayward Residential Rent Stabilization Ordinance (RRSO). Council Member Márquez asked that the first ordinance be modified by replacing the word “citizens” with “residents” in the last “Whereas”; and replacing the word “citizens” with “residents” in the second to last “Whereas” in order to be consistent with inclusive language.

Council Member Salinas seconded the motion on the floor.

Council Member Márquez noted she was open to ensuring that the emergency ordinance did not conflict with the Social Nuisance Ordinance and suggested that could be referred to the Homelessness-Housing Task Force. Discussion ensued among Council Members and City staff.

Council Member Márquez offered a friendly amendment to the motion directing staff to review the emergency ordinance and return with an amendment to ensure consistency with the Social Nuisance Ordinance, if necessary. Council Member Salinas accepted the friendly amendment.

It was moved by Council Member Márquez, seconded by Council Member Salinas, and carried unanimously, to approve both ordinances with language modification by replacing the word “citizens” with “residents” in the last “Whereas” of 19-04, and replacing the word “citizens”

with “residents” in the second to last “Whereas” of 19-05 to be consistent with inclusive language. The motion also included direction for staff to review the just cause ordinance and return with an amendment to ensure consistency with the Social Nuisance Ordinance, if necessary.

Ordinance 19-04, “An Emergency Ordinance of the City Council of the City of Hayward Requiring Just Cause for Tenant Evictions within the City”

Ordinance 19-05, “An Emergency Ordinance Repealing Section 19 of the City of Hayward Residential Rent Stabilization Ordinance”

4. Introduction of the Hayward Community Foundation Concept, Formation Process, and Authorization for the City Manager to Establish an Affiliate Fund with the East Bay Community Foundation to Create the Hayward Community Foundation (Report from City Manager McAdoo) **LB 19-011**

**Item continued to 3/19/19.**

#### **CITY MANAGER’S COMMENTS**

There were no comments.

#### **COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Council Member Zermeño announced March 11, 2019 was Hayward’s 143<sup>rd</sup> Anniversary and noted there would be a celebration at the Latino Business Roundtable meeting on March 22, 2019.

Council Member Wahab noted she was recognized and named “Woman of the Year” by Assembly Member Quirk.

#### **ADJOURNMENT**

Mayor Halliday adjourned the regular meeting at 11:46 p.m., in memory of Retired Hayward Police Officer David Helm. Mayor Halliday asked City staff to work with the Helm family to plant a tree in memory of David Helm.

#### **APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

#### **ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** CONS 19-186

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**DATE:** March 26, 2019

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adoption of an Ordinance of the Council of the City of Hayward Amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3603(b) Related to a Proposed Modification of the Required Setbacks for Commercial Cannabis Businesses from Certain Sensitive Land Uses

**RECOMMENDATION**

That the Council adopts the Ordinance introduced on March 19, 2019.

**SUMMARY**

This item entails adoption of an Ordinance amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3603(b), introduced on March 19, 2019, by Council Member Mendall.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Notice of Ordinance
Attachment III	Draft Ordinance



DATE: March 26, 2019

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of an Ordinance of the Council of the City of Hayward Amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3603(b) Related to a Proposed Modification of the Required Setbacks for Commercial Cannabis Businesses from Certain Sensitive Land Uses

#### RECOMMENDATION

That the Council adopts the Ordinance introduced on March 19, 2019.

#### SUMMARY

This item entails adoption of an Ordinance amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3603(b), introduced on March 19, 2019, by Council Member Mendall.

#### BACKGROUND

The Ordinance was introduced by Council Member Mendall at the March 19, 2019, regular meeting of the City Council with the following vote:

AYES: COUNCIL MEMBERS: Zermeño, Márquez, Mendall, Lamnin, Wahab, Salinas  
MAYOR Halliday

NOES: None

ABSENT: COUNCIL MEMBER: Salinas

ABSTAIN: None

#### STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

#### FISCAL IMPACT

There is no fiscal impact associated with this report.

## PUBLIC CONTACT

The summary of the Ordinance was published in the Hayward Daily Review on Friday, March 22, 2019. Adoption at this time is therefore appropriate.

## NEXT STEPS

The Hayward Municipal Code and other related documents will be updated accordingly.

Prepared and Recommended by:                      Miriam Lens, City Clerk

Approved by:

A handwritten signature in black ink, appearing to read "Kelly McAdoo". The signature is written in a cursive style with a large initial "K" and a long horizontal stroke at the end.

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Kelly McAdoo, City Manager

PUBLIC NOTICE OF INTRODUCTION OF TWO ORDINANCES  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HAYWARD AMENDING THE HAYWARD MUNICIPAL CODE, CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE), SECTION 10-1.3603(B) RELATED TO A PROPOSED MODIFICATION OF THE REQUIRED SETBACKS FOR COMMERCIAL CANNABIS BUSINESSES FROM CERTAIN SENSITIVE LAND USES

AND

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HAYWARD AMENDING THE HAYWARD MUNICIPAL CODE, CHAPTER 10, ARTICLE 1, (ZONING ORDINANCE) SECTION 10-1.3607(C) (1) RELATED TO REDUCTION OF OVERCONCENTRATION BUFFER FROM 1,000 FEET TO 500 FEET FOR COMMERCIAL CANNABIS RETAIL DISPENSARIES

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Provisions. The City Council incorporates by reference the findings contained in the adopted Resolutions approving the text changes to the Hayward Municipal Code requested in Zoning Text Amendment Application No. 201900727. Chapter 10, Planning, Zoning, and Subdivisions of the Hayward Municipal Code, which establishes minimum performance and design standards for all zoning districts within City boundaries, is hereby amended to add certain text (as indicated by underline) and delete certain provisions (as indicated by strikethrough) in Exhibit A related to Commercial Cannabis Businesses in the City, introduced herewith and as specifically shown in the Ordinances.

Section 2. Severance. Should any part of the Ordinances be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of the Ordinances which shall continue in full force and effect, provided that the remainder of the Ordinances, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. Effective Date. In accordance with the provisions of Section 620 of the City Charter, the Ordinances shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 19<sup>th</sup> day of March, 2019, by Council Member Mendall.

These ordinances will be considered for adoption at the meeting of the Hayward City Council, to be held on March 26, 2019, at 7:00 p.m., in the Council Chambers, 777 B



Street, Hayward, California. The full text of the Ordinances, Resolutions, and Exhibit A are available for examination by the public in the Office of the City Clerk.

Dated: March 22, 2019  
Miriam Lens, City Clerk  
City of Hayward

## ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HAYWARD AMENDING THE HAYWARD MUNICIPAL CODE, CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE), SECTION 10-1.3603(B) RELATED TO A PROPOSED MODIFICATION OF THE REQUIRED SETBACKS FOR COMMERCIAL CANNABIS BUSINESSES FROM CERTAIN SENSITIVE LAND USES

WHEREAS, on March 19, 2019, the City Council held a public hearing and adopted findings in support of the requested zoning text amendment as set forth in the companion Resolution (No. 19-050);

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Provisions. The City Council incorporates by reference the findings contained in Resolution No. 19-050 approving the text changes to the Hayward Municipal Code requested in Zoning Text Amendment Application No. 201900727.

Section 2. Chapter 10, Planning, Zoning, and Subdivisions of the Hayward Municipal Code, which establishes minimum performance and design standards for all zoning districts within City boundaries, is hereby amended to add certain text (as indicated by underline) and delete certain provisions (as indicated by strikethrough) in the attached "Exhibit A" related to Commercial Cannabis Businesses in the City, introduced herewith and as specifically shown in this Ordinance.

Section 3. Severance. Should any part of this Ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this Ordinance, which shall continue in full force and effect, provided that the remainder of the Ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. Effective Date. In accordance with the provisions of Section 620 of the City Charter, the Ordinance shall become effective immediately upon adoption.

THE CITY COUNCIL OF HAYWARD DOES ENACT AS FOLLOWS:

Section 1. The Council finds, based on evidence and records presented, that:

A. Pursuant to its police powers, and as authorized by the California Compassionate Use Act, the California Medical Cannabis Regulation and Safety Act ("MCRSA"), the Adult Use of Marijuana Act ("AUMA"), SB 94 and the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), the City may enact laws or regulations pertaining

to cannabis cultivation, dispensing, manufacturing, distribution, transporting, and testing within its jurisdiction.

B. The City has previously enacted the regulatory and land use ordinances authorizing cannabis businesses in the City, subject to compliance with the local and state regulations.

C. The City currently requires that commercial cannabis businesses observe a 600-foot setback from certain sensitive land uses within the City, with the exception that parks, libraries and open space areas where children congregate can be reduced upon making two additional findings. The 600-foot setback requirement is from the sensitive land uses as defined in California Business and Professions Code Section 26054 and California Health and Safety Code Section 11362.768, unless the local jurisdiction establishes an alternative setback requirement.

D. The City currently requires commercial cannabis retail dispensaries observe an over-concentration buffer of 1,000 feet from other retail dispensaries in the City.

E. The City wishes to amend Section 10-1.3600 to reduce the over-concentration buffer from 1,000 feet to 500 feet and establish uniform regulatory framework for all commercial cannabis uses in the City, in accordance with state law, when located in proximity to sensitive land uses.

Section 2. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 1 (Zoning Ordinance) to as shown in the attached "Exhibit A".

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 19th day of March 2019, by Council Member Mendall.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_ day of \_\_\_\_\_ 2019, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

“EXHIBIT A”  
CHAPTER 10 – PLANNING, ZONING, AND SUBDIVISIONS  
ARTICLE 1 – ZONING ORDINANCE

10-1.3603 Commercial Cannabis Businesses.

Commercial Cannabis Businesses shall be administratively and conditionally permitted only in compliance with the provisions of Chapter 10, Article 1 (Planning, Zoning and Subdivisions), as amended, and shall be subject to the following standards and limitations.

A. Land Use. All Commercial Medical and Non-Medical Cannabis Businesses shall be located in compliance with the requirements of Chapter 10, Article 1 (Planning, Zoning and Subdivisions), as amended, and as designated in the Zoning Code. For purposes of this Chapter, Commercial Cannabis Businesses shall include the following land use classifications, all of which are further defined in Chapter 10, Section 10.1-3500 (Definitions):

1. Commercial Cannabis Cultivation, up to 5,000 sf
2. Commercial Cannabis Cultivation, 5,001 sf or greater
3. Commercial Cannabis Dispensaries (Retail)
4. Commercial Medical and Non-Medical Cannabis Distribution
5. Commercial Medical and Non-Medical Cannabis Manufacturing–Level 1
6. Commercial Medical and Non-Medical Cannabis Manufacturing–Level 2
7. Commercial Medical and Non-Medical Cannabis Testing Laboratory

B. Required Setbacks. All Commercial Cannabis businesses operating within the City of Hayward shall be subject to a 600-foot minimum setback from sensitive land uses as described in California Business and Professions Code Section 26054 and California Health and Safety Code Section 11362.768, including libraries, designated public open space areas and designated public parks that contain a children's playground(s) or similar area dedicated towards children activities, including but not limited to sports fields and swimming pools. The required 600-foot setback ~~for public parks and open spaces~~ may be reduced as part of the issuance of a Conditional Use Permit from the Planning Commission if it is found that the public convenience and necessity will be served by an alternate distance requirement and that alternative measures to assure public health and safety are in place with respect to a commercial cannabis business. The distance shall be measured from the closest boundary line of the property on which the Commercial Cannabis Business is located to the closest boundary line of the property on which the school or sensitive land use is located.



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** CONS 19-200

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**DATE:** March 26, 2019

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adoption of an Ordinance of the Council of the City of Hayward Amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3607(c) (1) Related to Reduction of Overconcentration Buffer from 1,000 Feet to 500 Feet for Commercial Cannabis Retail Dispensaries

**RECOMMENDATION**

That the Council adopts the Ordinance introduced on March 19, 2019.

**SUMMARY**

This item entails adoption of an Ordinance amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3607(c) (1), introduced on March 19, 2019, by Council Member Mendall.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Notice
Attachment III	Draft Ordinance



DATE: March 26, 2019

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of an Ordinance of the Council of the City of Hayward Amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3607(c) (1) Related to Reduction of Overconcentration Buffer from 1,000 Feet to 500 Feet for Commercial Cannabis Retail Dispensaries

#### RECOMMENDATION

That the Council adopts the Ordinance introduced on March 19, 2019.

#### SUMMARY

This item entails adoption of an Ordinance amending the Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3607(c) (1), introduced on March 19, 2019, by Council Member Mendall.

#### BACKGROUND

The Ordinance was introduced by Council Member Mendall at the March 19, 2019, regular meeting of the City Council with the following vote:

AYES: COUNCIL MEMBERS: Zermeño, Márquez, Mendall, Lamnin, Wahab  
NOES: MAYOR Halliday  
ABSENT: COUNCIL MEMBER: Salinas  
ABSTAIN: None

#### STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

#### FISCAL IMPACT

There is no fiscal impact associated with this report.

## PUBLIC CONTACT

The summary of the Ordinance was published in the Hayward Daily Review on Friday, March 22, 2019. Adoption at this time is therefore appropriate.

## NEXT STEPS

The Hayward Municipal Code and other related documents will be updated accordingly.

Prepared and Recommended by:                      Miriam Lens, City Clerk

Approved by:

A handwritten signature in black ink, appearing to read "Kelly McAdoo". The signature is fluid and cursive, with the first name "Kelly" being more prominent than the last name "McAdoo".

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Kelly McAdoo, City Manager



PUBLIC NOTICE OF INTRODUCTION OF TWO ORDINANCES  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HAYWARD AMENDING THE HAYWARD MUNICIPAL CODE, CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE); SECTION 10-1.3603(B) RELATED TO A PROPOSED MODIFICATION OF THE REQUIRED SETBACKS FOR COMMERCIAL CANNABIS BUSINESSES FROM CERTAIN SENSITIVE LAND USES

AND

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HAYWARD AMENDING THE HAYWARD MUNICIPAL CODE, CHAPTER 10, ARTICLE 1, (ZONING ORDINANCE) SECTION 10-1.3607(C) (1) RELATED TO REDUCTION OF OVERCONCENTRATION BUFFER FROM 1,000 FEET TO 500 FEET FOR COMMERCIAL CANNABIS RETAIL DISPENSARIES

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Provisions. The City Council incorporates by reference the findings contained in the adopted Resolutions approving the text changes to the Hayward Municipal Code requested in Zoning Text Amendment Application No. 201900727. Chapter 10, Planning, Zoning, and Subdivisions of the Hayward Municipal Code, which establishes minimum performance and design standards for all zoning districts within City boundaries, is hereby amended to add certain text (as indicated by underline) and delete certain provisions (as indicated by strikethrough) in Exhibit A related to Commercial Cannabis Businesses in the City, introduced herewith and as specifically shown in the Ordinances.

Section 2. Severance. Should any part of the Ordinances be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of the Ordinances which shall continue in full force and effect, provided that the remainder of the Ordinances, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. Effective Date. In accordance with the provisions of Section 620 of the City Charter, the Ordinances shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 19<sup>th</sup> day of March, 2019, by Council Member Mendall.

These ordinances will be considered for adoption at the meeting of the Hayward City Council, to be held on March 26, 2019, at 7:00 p.m., in the Council Chambers, 777 B

Street, Hayward, California. The full text of the Ordinances, Resolutions, and Exhibit A are available for examination by the public in the Office of the City Clerk.

Dated: March 22, 2019  
Miriam Lens, City Clerk  
City of Hayward

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HAYWARD AMENDING THE HAYWARD MUNICIPAL CODE, CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE); SECTION 10-1.3607(C)(1) RELATED TO REDUCTION OF OVERCONCENTRATION BUFFER FROM 1,000 FEET TO 500 FEET FOR COMMERCIAL CANNABIS RETAIL DISPENSARIES

WHEREAS, on March 19, 2019, the City Council held a public hearing and adopted findings in support of the requested zoning text amendment as set forth in the companion Resolution (No. 19-051);

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Provisions. The City Council incorporates by reference the findings contained in Resolution No. 19-051 approving the text changes to the Hayward Municipal Code requested in Zoning Text Amendment Application No. 201900727.

Section 2. Chapter 10, Planning, Zoning, and Subdivisions of the Hayward Municipal Code, which establishes minimum performance and design standards for all zoning districts within City boundaries, is hereby amended to add certain text (as indicated by underline) and delete certain provisions (as indicated by strikethrough) in the attached "Exhibit A" related to Commercial Cannabis Businesses in the City, introduced herewith and as specifically shown in this Ordinance.

Section 3. Severance. Should any part of this Ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this Ordinance, which shall continue in full force and effect, provided that the remainder of the Ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. Effective Date. In accordance with the provisions of Section 620 of the City Charter, the Ordinance shall become effective immediately upon adoption.

THE CITY COUNCIL OF HAYWARD DOES ENACT AS FOLLOWS:

Section 1. The Council finds, based on evidence and records presented, that:

A. Pursuant to its police powers, and as authorized by the California Compassionate Use Act, the California Medical Cannabis Regulation and Safety Act ("MCRSA"), the Adult Use of Marijuana Act ("AUMA"), SB 94 and the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), the City may enact laws or regulations pertaining

to cannabis cultivation, dispensing, manufacturing, distribution, transporting, and testing within its jurisdiction.

B. The City has previously enacted the regulatory and land use ordinances authorizing cannabis businesses in the City, subject to compliance with the local and state regulations.

C. The City currently requires that commercial cannabis businesses observe a 600-foot setback from certain sensitive land uses within the City, with the exception that parks, libraries and open space areas where children congregate can be reduced upon making two additional findings. The 600-foot setback requirement is from the sensitive land uses as defined in California Business and Professions Code Section 26054 and California Health and Safety Code Section 11362.768, unless the local jurisdiction establishes an alternative setback requirement.

D. The City currently requires commercial cannabis retail dispensaries observe an over-concentration buffer of 1,000 feet from other retail dispensaries in the City.

E. The City wishes to amend Section 10-1.3600 to reduce the over-concentration buffer from 1,000 feet to 500 feet and establish uniform regulatory framework for all commercial cannabis uses in the City, in accordance with state law, when located in proximity to sensitive land uses.

Section 2. Amend Chapter 10 (Planning, Zoning and Subdivisions), Article 1 (Zoning Ordinance) to as shown in the attached "Exhibit A".

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 19th day of March 2019, by Council Member Mendall.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_ day of \_\_\_\_\_ 2019, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

“EXHIBIT A”  
CHAPTER 10 – PLANNING, ZONING, AND SUBDIVISIONS  
ARTICLE 1 – ZONING ORDINANCE

10-1.3607 Commercial Cannabis Retail Dispensaries and Delivery.

In addition to the General Operating Requirements set forth in Section 10-1.3604, this section provides location and operating requirements for Commercial Cannabis Retail Dispensaries and Delivery Businesses:

A. Conditional Use Permit or Administrative Use Permit Required. A Conditional Use Permit shall be required for Commercial Cannabis Retail dispensaries, pursuant to the land use and development regulations contained within Chapter 10, Article 1 (Zoning Ordinance), as amended. An Administrative Use Permit shall be required for Commercial Cannabis Delivery businesses, pursuant to the land use regulations contained within Chapter 10, Article 1 (Zoning Ordinance).

B. Drive-Through Dispensaries. Drive-through, Drive-up or walk-up window services in conjunction with Commercial Cannabis Retail Dispensaries is prohibited.

C. Setbacks and Buffers. In addition to the zoning requirements and development regulations contained in Chapter 10 (Zoning Ordinance), all Commercial Cannabis Retail dispensaries shall be subject to the following:

1. Overconcentration. To avoid overconcentration, a Commercial Cannabis Retail Dispensary shall not be located within ~~1,000~~500 feet of any other Commercial Cannabis Retail Dispensary within the City of Hayward.



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** CONS 19-165

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**DATE:** March 26, 2019

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT**

Resolution to Initiate the Formation and Annexation of the SoHay Properties to Benefit Zone No. 18 of the Consolidated Landscaping and Lighting District 96-1

**RECOMMENDATION**

That the City Council adopts a Resolution (Attachment II) to initiate the formation and annexation of the SoHay Properties to Benefit Zone No. 18 of the Consolidated Landscaping and Lighting District 96-1.

**SUMMARY**

If adopted, this resolution initiates the proceedings for the formation and annexation of the SoHay Properties to Benefit Zone No. 18 of Consolidated Landscaping and Lighting District 96-1 and designates SCI Consulting Group as the Engineer of Work.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Vicinity Map



DATE: March 26, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Resolution to Initiate the Formation and Annexation of the SoHay Properties to Benefit Zone No. 18 of the Consolidated Landscaping and Lighting District 96-1

#### RECOMMENDATION

That the City Council adopts a Resolution (Attachment II) to initiate the formation and annexation of the SoHay Properties to Benefit Zone No. 18 of the Consolidated Landscaping and Lighting District 96-1.

#### SUMMARY

If adopted, this resolution initiates the proceedings for the formation and annexation of the SoHay Properties to Benefit Zone No. 18 of Consolidated Landscaping and Lighting District 96-1 and designates SCI Consulting Group as the Engineer of Work.

#### BACKGROUND

The Landscaping and Lighting Act of 1972 (Streets and Highways §22500) (the “Act”) 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 (the District), by the adoption of Resolution No. 96-63. In subsequent years, Benefit Zones 7-16 were individually created and annexed into the District.

SCI Consulting Group was hired to assist the City of Hayward with the formation and annexation of a new benefit zone to the existing Consolidated Landscaping and Lighting District 96-1. The SoHay development is located on 25 acres across various parcels located on the northwestern corner of Mission Boulevard and Industrial Parkway (see Attachment III Vicinity Map) and consists of 472 residential units, 20,000 square feet of ground floor retail space, and a 2.4-acre public park. The formation and annexation of SoHay properties into Benefit Zone No. 18 of the District is proposed to provide funding for operations maintenance and servicing of landscaping and lighting improvements to the new 2.4-acre public park.



## STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

## FISCAL AND ECONOMIC IMPACT

There is no economic or fiscal impact to the City's General Fund from this recommendation because expenditures are to be paid for by the developer of SoHay.

## NEXT STEPS

Assuming the City Council adopts the attached Resolutions of Intention, it will initiate the proceedings for the formation and annexation of SoHay properties to Benefit Zone No. 18 of the Consolidated Landscaping and Lighting District No 96-1.

SCI Consulting Group will prepare an Engineer's Report in accordance with Article 4 of Chapter 1 of the Act and Article XIII D of the California Constitution. The Engineer's Report will describe the methodology used to develop the proposed assessment, as well as the financial details related to the proposed assessment and services to be funded by the proposed assessment to property owners within the territory proposed to be annexed. On April 9, 2019, the Preliminary Engineer's Report and Resolution will be presented to City Council for approval. This Resolution will preliminarily accept the Engineer's Report, order ballots to be mailed for the proposed assessment, and set May 7, 2019 as a Public Hearing date.

Prepared by: Allen Baquilar, PE, Senior Civil Engineer

Recommended by: Laura Simpson, Development Services Director

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD INITIATING PROCEEDINGS FOR THE FORMATION OF BENEFIT ZONE NO. 18 OF THE CITY OF HAYWARD LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1 FOR THE SOHAY PROPERTIES

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

1. The City Council hereby proposes the formation of a landscaping and lighting district pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof) (the "Act").
2. The purpose of the landscaping and lighting district shall be to install, maintain and service those improvements described in Section 4 below.
3. The formation of new Benefit Zone No. 18 of the existing City of Hayward Landscaping and Lighting Assessment District 96-1 in this Resolution is hereby given the distinctive designation of "SoHay" Properties (the "Assessment Area"), which proposed landscaping and lighting district is primarily described as all the lands within the current boundaries of the Assessment Area.
4. It is proposed the Assessment Area undertake the following improvements: servicing, operations and maintenance of the landscaping and lighting improvements to the public park, as applicable, for property owned or maintained by the City of Hayward. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of said improvements, including repair, removal, or replacement of all or part of any improvement; providing for the life, growth, health and beauty of landscaping; and cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti. Servicing means the furnishing of electric current or energy for the operation or lighting of any improvements, and water for irrigation of any landscaping or the maintenance of any other improvements.

5. SCI Consulting Group is hereby designated as Engineer of Work for purposes of these proceedings and is hereby ordered to prepare an Engineer's Report in accordance with Article 4 of Chapter 1 of the Act and Article XIII D of the California Constitution. Upon completion, the Engineer shall file the Engineer's Report with the City Clerk for submission to the City Council.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

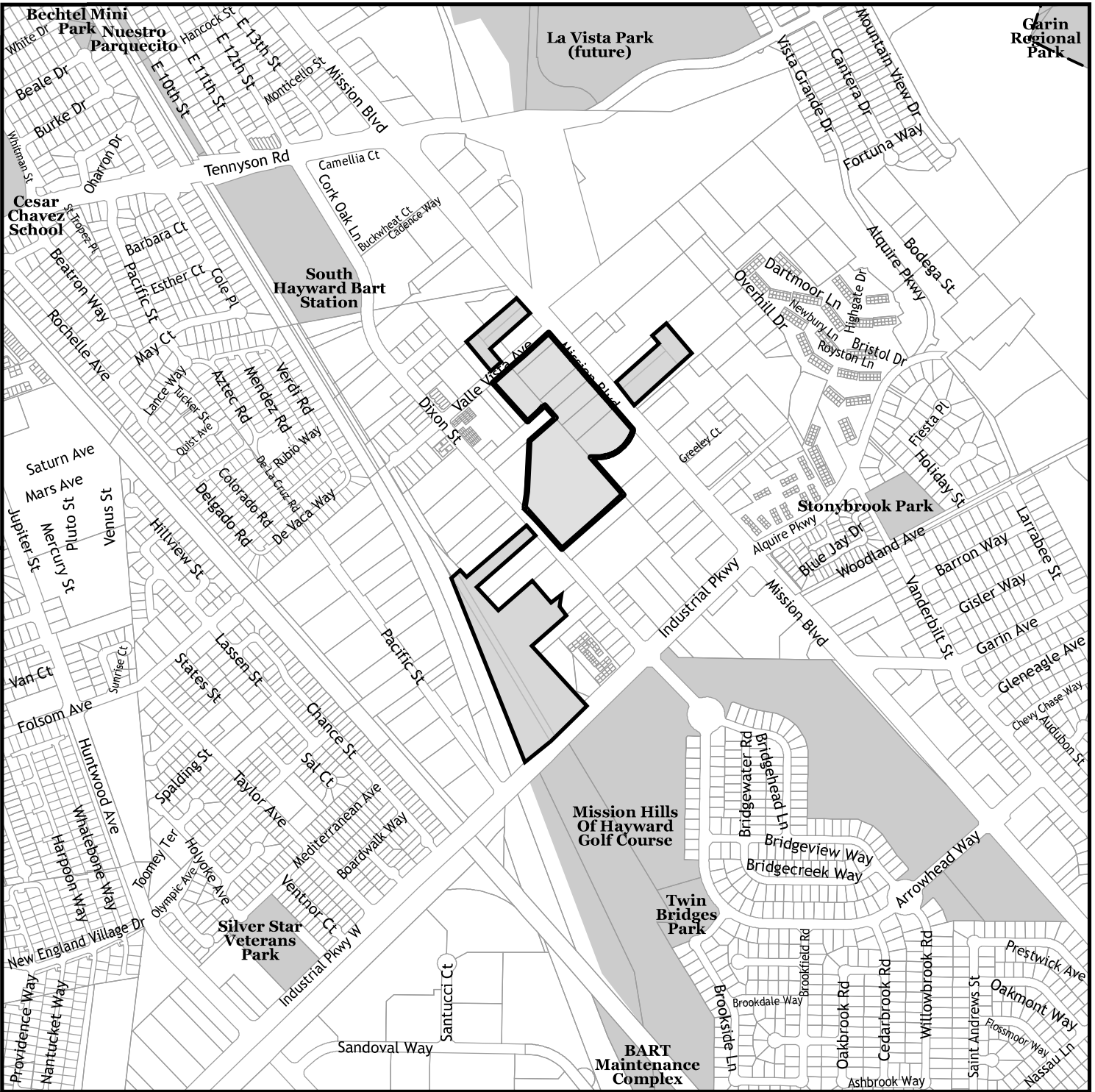
ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

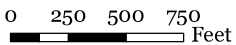
\_\_\_\_\_  
City Attorney of the City of Hayward



# Vicinity Map



### Benefit Zone Formation and Annexation for SoHay





# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** CONS 19-166

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**DATE:** March 26, 2019

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT**

Approval of Final Maps for Tracts 8445 and 8446 (SoHay), Associated with the Previously Approved Vesting Tentative Map for Tract 8428; William Lyon Homes, Inc. (Applicant/Owner)

**RECOMMENDATION**

That the City Council adopts the attached resolution (Attachment II) approving the Final Maps for Tracts 8445 and 8446, finding them in substantial conformance with the approved Vesting Tentative Tract Map 8428 and the Conditions of Approval thereof, and authorizing the City Manager to take other administrative actions and execute Subdivision Agreements and such other documents as are appropriate to effectuate the required improvements for the SoHay development.

**SUMMARY**

The applicant has submitted Final Maps and Improvement Plans that have been reviewed and have been determined to be in substantial compliance with the approved Vesting Tentative Map for Tract 8428 by the City Engineer. City Council's approval of the attached resolution would approve the Final Maps and authorize the City Manager to execute Subdivision Agreements between the City and Applicant for the construction of improvements and other obligations required per conditions of approval of the Vesting Tentative Tract Map.

If the City Council approves the Final Maps, the applicant may subsequently have the final maps recorded, obtain building permits, and commence the construction of improvements shown on the approved Improvement Plans.

**ATTACHMENTS**

- |                |              |
|----------------|--------------|
| Attachment I   | Staff Report |
| Attachment II  | Resolution   |
| Attachment III | Vicinity Map |
| Attachment IV  | Site Maps    |
| Attachment V   | Final Maps   |

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**File #:** CONS 19-166

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DATE: March 26, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Approval of Final Maps for Tracts 8445 and 8446 (SoHay), Associated with the Previously Approved Vesting Tentative Map for Tract 8428; William Lyon Homes, Inc. (Applicant/Owner)

#### RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II) approving Final Maps for Tracts 8445 and 8446, finding them in substantial conformance with approved Vesting Tentative Tract Map 8428 and the Conditions of Approval thereof, and authorizing the City Manager to take other administrative actions and execute Subdivision Agreements and such other documents as are appropriate to effectuate the required improvements for the SoHay development.

#### SUMMARY

The applicant has submitted Final Maps and Improvement Plans that have been reviewed and have been determined by the City Engineer to be in substantial compliance with the approved Vesting Tentative Map for Tract 8428. City Council's approval of the attached resolution would approve the Final Maps and authorize the City Manager to execute Subdivision Agreements between the City and Applicant for the construction of improvements and other obligations required per conditions of approval of the Vesting Tentative Tract Map.

If the City Council approves the Final Maps, the applicant may subsequently have the final maps recorded, obtain building permits, and commence the construction of improvements shown on the approved Improvement Plans.

#### BACKGROUND

Per State law, Tentative and Final Tract Maps are required for all subdivisions creating five or more parcels. A Tentative Tract Map is required to ensure that any proposed development complies with the Subdivision Map Act, the California Environmental Quality Act, Planned Development guidelines, the City Subdivision Ordinance, Zoning Ordinance, Building Regulations, the Hayward General Plan and Neighborhood Plans, and the site-specific requirements of the Development Services, Public Works, Fire, and Police Departments.

After the Tentative Map and Precise Plan are approved, the Applicant submits the Final Subdivision Map and Improvement Plans for review and approval by the City Engineer (and subsequent recordation of the Final Map after Council review and approval) before proceeding with obtaining building permits.

On May 8, 2018<sup>1</sup>, Council approved the Vesting Tentative Tract Map and other discretionary approvals to subdivide the property and construct 472 residential units, 20,000 square feet of commercial space, and a public park and trail. The Vesting Tentative Map will expire on May 8, 2021.

On July 5, 2018, the Applicant submitted Improvement Plans and the Final Maps for Tracts 8445 and 8446 to the City Engineer for review and approval.

## DISCUSSION

Tracts 8445 and 8446 are located across six (6) parcels totaling 3.29-acres in the vicinity of Mission Blvd and Valle Vista Ave (see Attachment III - Vicinity Map) and will create 76 residential condominium units. Tracts 8445 and 8446 are the last final maps for the approved SoHay development.

SoHay has a condition of approval that requires the mixed-use buildings, located along Mission Blvd, to begin vertical construction prior to the issuance of a certificate of occupancy for the first “for sale” condominium unit. The condition also states that the mixed-use buildings shall be completed prior to issuing a certificate of occupancy for the 321st condominium unit. The mixed-use buildings are comprised of two (2) 55-foot buildings that will include 20,000 square feet of commercial space and 72 apartment units.

No certificates of occupancy have been issued to date for any “for sale” condominium unit.

Building permit applications for the mixed-use buildings were submitted by the Developer on July 30, 2018, were reviewed by staff, and permits are ready for issuance. Staff will continue to monitor the project as it relates to ensuring the timely construction of the mixed-use buildings in compliance with the condition of approval described above.

The Subdivision Improvement Plans and Final Maps (Attachment V) were reviewed by the City Engineer and were found to be in substantial compliance with the Vesting Tentative Map and in conformance with the Subdivision Map Act and Hayward’s subdivision regulations. There are no significant changes to the Final Maps as compared to the approved Vesting Tentative Tract Map.

The City Council’s approval of the Final Maps shall not become effective until and unless the developer enters into a Subdivision Agreement with the City for the construction of

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<sup>1</sup> May 8, 2018 Staff Report: <https://hayward.legistar.com/LegislationDetail.aspx?ID=3495370&GUID=56F2B1C9-5A13-4A91-B72C-7E775359D4AD>



improvements and other obligations required per conditions of approval of the Vesting Tentative Tract Map.

On May 8, 2018, the Hayward City Council adopted a Mitigated Negative Declaration with the approval of Vesting Tentative Map Tract 8428 and additional environmental review is not required for approval of the Final Maps.

## ECONOMIC AND FISCAL IMPACTS

The approval of these Final Maps is consistent with the approved project and will not have any fiscal or economic impacts other than those identified during the original project approvals.

## STRATEGIC INITIATIVES

This agenda item supports the Complete Streets Strategic Initiatives. The purpose of the Complete Streets Initiative is to build streets that are safe, comfortable, and convenient for travel for everyone, regardless of age or ability, including motorists, pedestrians, bicyclists, and public transportation riders. This item supports the following goals and objectives:

Goal 1: Prioritize safety for all modes of travel.

Objective 3: Ensure that roadway construction and retrofit programs and projects include complete streets elements.

Goal 2: Provide Complete Streets that balance the diverse needs of users of the public right-of-way.

Objective 1: Increase walking, biking, transit usage, carpooling and other sustainable modes of transportation by designing and retrofitting streets to accommodate all modes.

This agenda item also supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. This item supports the following goal and objectives:

Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

Objective 2: Facilitate the development of diverse housing types that serves the needs of all populations.

Objective 3: Conserve and improve the existing housing stock.

Objective 4: Increase supply of affordable, safe, and resilient housing in Hayward.

#### PUBLIC CONTACT

A public hearing is not required for the filing of the Final Maps for Tract 8445 and Tract 8446. Public hearings were already conducted as part of the approval of the Vesting Tentative Map for Tract 8428.

#### NEXT STEPS

If the City Council approves the Final Maps, the applicant may then have the final maps recorded, obtain construction permits, and commence the construction of improvements shown on the approved Improvement Plans.

Prepared by: Allen Baquilar, Senior Civil Engineer

Recommended by: Laura Simpson, Development Services Director

Approved by:

A handwritten signature in black ink, appearing to read 'Kelly McAdoo', written in a cursive style.

---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING THE FINAL MAPS FOR TRACTS 8445 and 8446 (SOHAY) AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUBDIVISION AGREEMENTS

WHEREAS, Vesting Tentative Tract Map No. 8428, SoHay, was approved by the Hayward City Council on May 8, 2018; and

WHEREAS, The Final Maps for Tract 8445 and Tract 8446 has been presented to the City Council of the City of Hayward for the development of 76 residential condominium units across six (6) parcels totaling 3.29 acres site located within the vicinity of Mission Blvd and Valle Vista Ave; and

WHEREAS, The City Engineer reviewed the Final Maps and found them to be in substantial compliance with the approved Vesting Tentative Tract Map, the Subdivision Map Act and the City of Hayward regulations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby find that the Final Maps for Tract 8445 and Tract 8446 are in substantial compliance with the approved Vesting Tentative Tract Map and does hereby approve the Final Maps for Tract 8445 and Tract 8446, subject to the subdivider entering into subdivision agreements for the construction of improvements and other obligations, as required by the conditions of approval of the Vesting Tentative Tract Map for Tract 8428, and that the approvals of the Final Maps for Tract 8445 and Tract 8446 shall not be effective until and unless such agreements are entered into.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized for and on behalf of the City of Hayward to negotiate and execute subdivision agreements for Tract 8445 and Tract 8446 in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

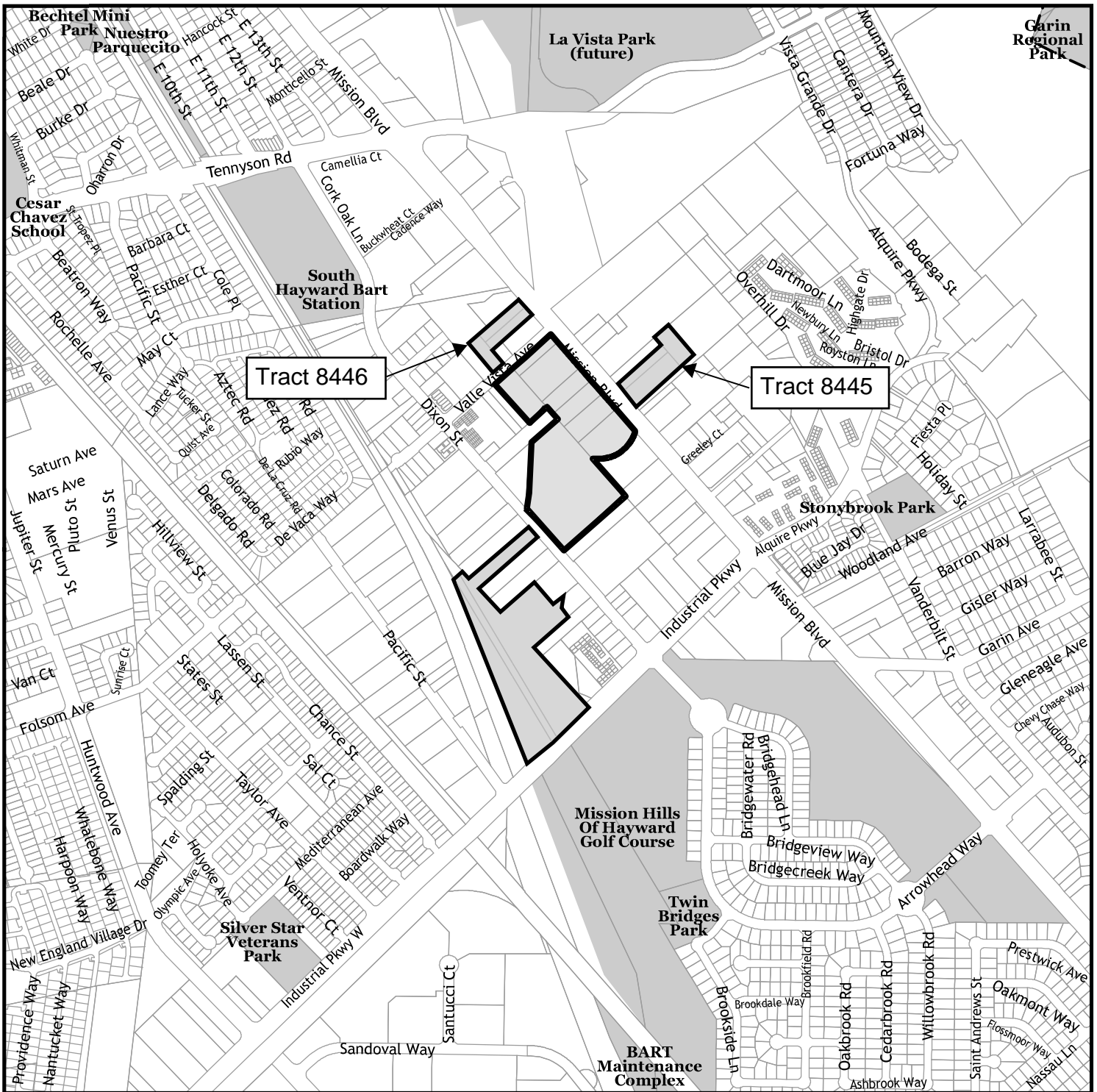
ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

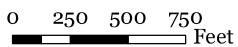
\_\_\_\_\_  
City Attorney of the City of Hayward

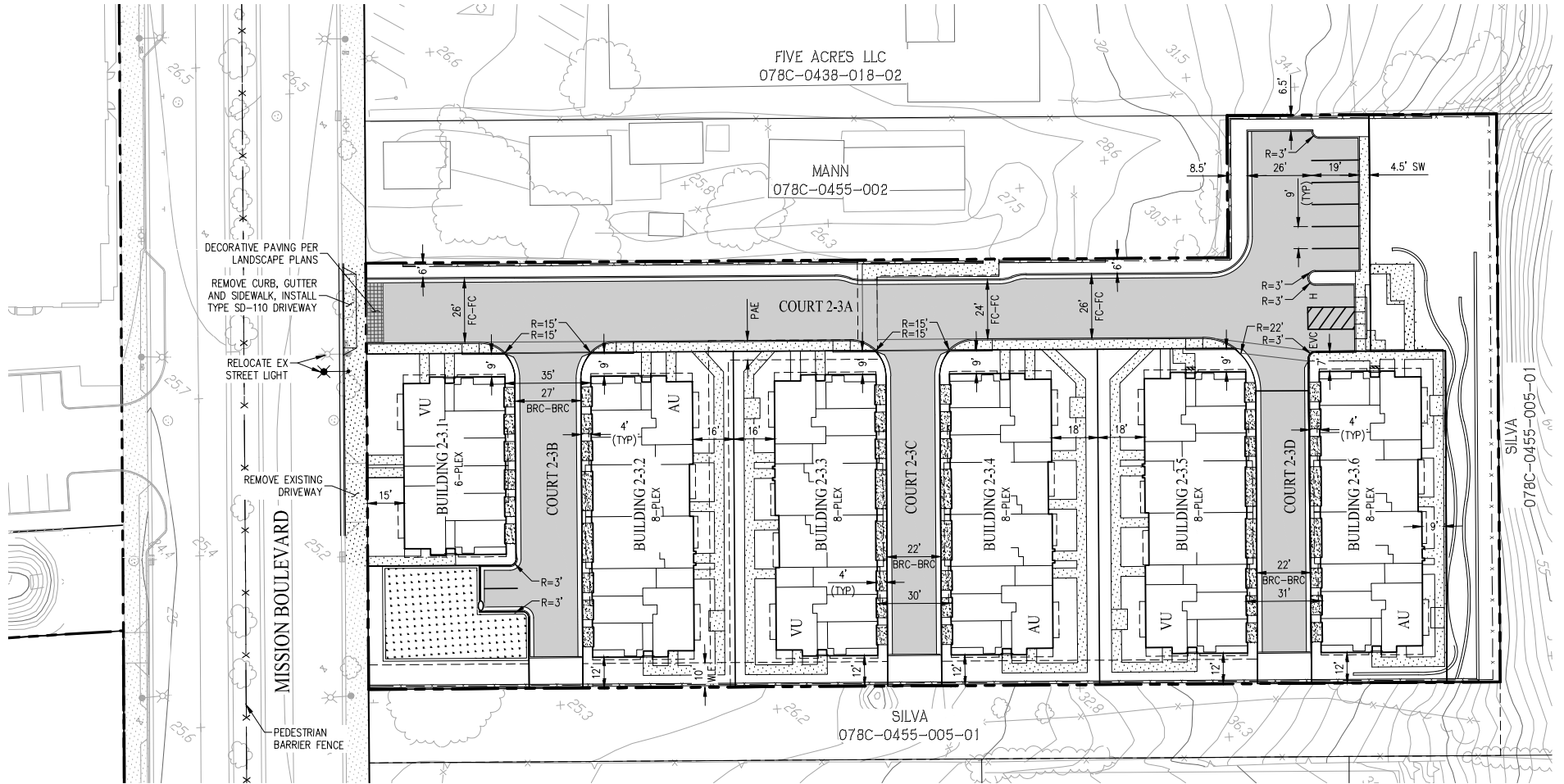


# Vicinity Map



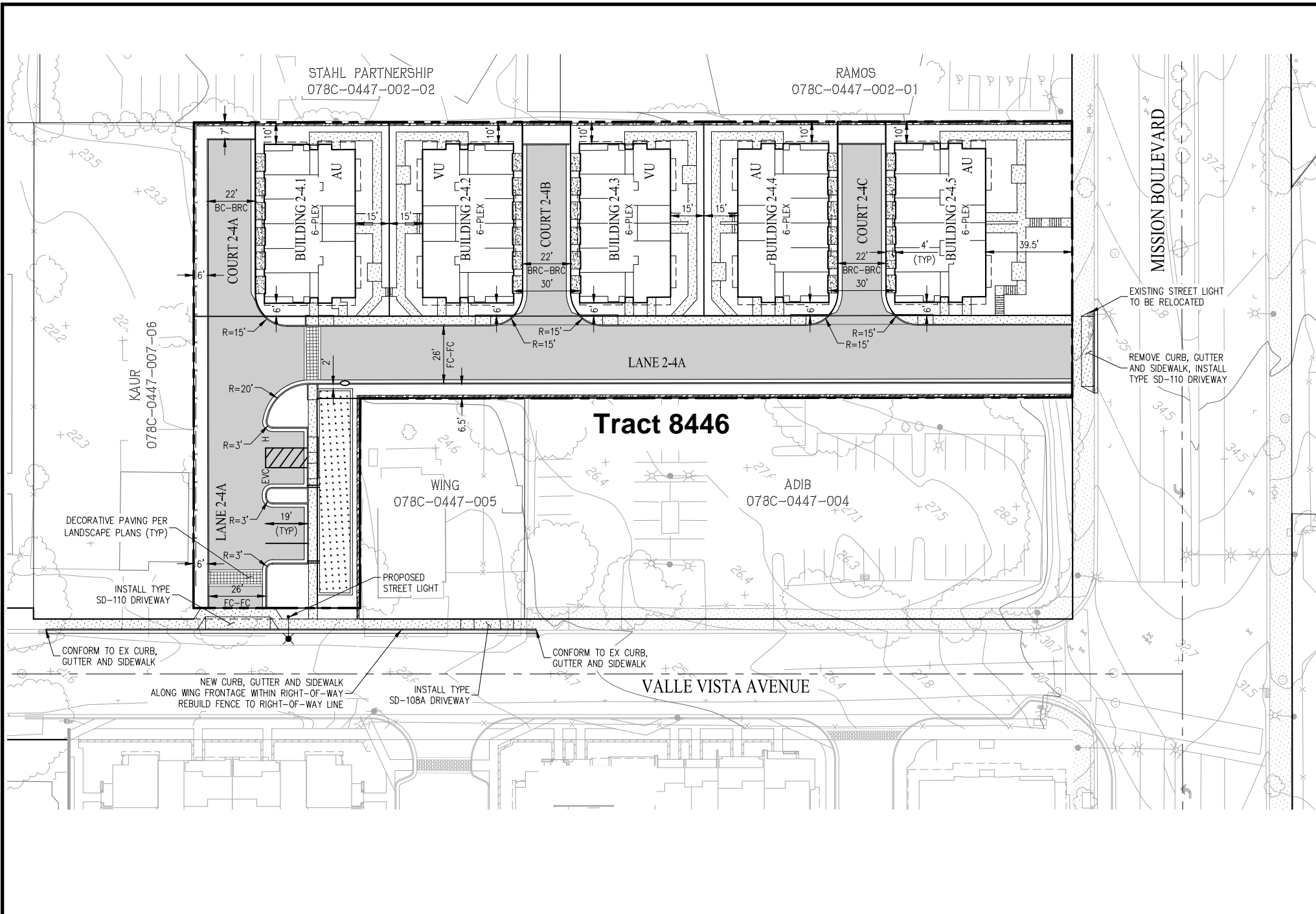
### Approvals of Final Maps for Tracts 8445 and 8446 (SoHay)





Tract 8445

# Attachment IV - Site Maps



**OWNER'S STATEMENT**

THE UNDERSIGNED, WILLIAM LYON HOMES, INC., DOES HEREBY STATE THAT THEY ARE THE OWNERS OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREIN EMBODIED MAP ENTITLED "TRACT 8445 SOHAY", CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA" CONSISTING OF 6 SHEETS, THIS STATEMENT BEING ON SHEET ONE (1) THEREOF; THAT SAID OWNERS ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THAT GRANT DEED RECORDED AUGUST 3, 2018, AS INSTRUMENT NUMBER 2018-152492, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, AND THAT SAID OWNERS HAVE CAUSED SAID MAP TO BE PREPARED FOR RECORD; AND THAT SAID OWNERS CONSENT TO THE PREPARATION AND FILING OF THIS MAP;

AND THE UNDERSIGNED DO HEREBY DEDICATE TO THE PUBLIC FOREVER, EASEMENTS WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF APPLICABLE STRUCTURES AND APPURTENANCES UNDER, UPON AND OVER ANY AREA OR STRIP OF LAND DESIGNATED AS "PUE" (PUBLIC UTILITY EASEMENT), AS DELINEATED WITHIN THE EXTERIOR BOUNDARY OF THIS MAP; AND THAT SAID AREAS OR STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS OR STRUCTURES OF ANY KIND, EXCEPT APPLICABLE UTILITY STRUCTURES, DRAINAGE FACILITIES, SEWER FACILITIES, WATER FACILITIES, IRRIGATION SYSTEMS, APPURTENANCES, AND LAWFUL FENCES;

AND THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE CITY OF HAYWARD FOR PUBLIC USE, THE AREAS DESIGNATED AS "WLE" (WATER LINE EASEMENT) FOR INGRESS AND EGRESS, CONSTRUCTION AND MAINTENANCE OF WATER SYSTEM FACILITIES INCLUDING WATER LINES AND APPURTENANCES THERETO; MAINTENANCE OF SAID WATER SYSTEM FACILITIES, WATER LINES AND APPURTENANCES THERETO SHALL BE THE RESPONSIBILITY OF THE CITY OF HAYWARD;

AND THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE CITY OF HAYWARD FOR PUBLIC USE, THE AREAS DESIGNATED "SSE" (SANITARY SEWER EASEMENT) FOR SANITARY SEWER PURPOSES, INCLUDING INGRESS AND EGRESS, CONSTRUCTION AND MAINTENANCE OF IMPROVEMENTS, STRUCTURES, AND APPURTENANCES, WHETHER COVERED OR OPEN AND FOR THE CLEARING OF OBSTRUCTIONS AND VEGETATION; MAINTENANCE OF SAID SEWER IMPROVEMENTS, STRUCTURES AND APPURTENANCES THERETO SHALL BE THE RESPONSIBILITY OF THE CITY OF HAYWARD;

AND THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE PUBLIC SOLELY FOR EMERGENCY VEHICLE ACCESS OVER, UPON AND ACROSS THOSE AREAS DESIGNATED "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT);

AND THE UNDERSIGNED DO HEREBY DEDICATE TO THE PUBLIC FOREVER, EASEMENTS WITH THE RIGHT OF INGRESS AND EGRESS FOR ACCESS PURPOSES UPON AND OVER ANY AREA OR STRIP OF LAND DESIGNATED AS "PAE" (PUBLIC ACCESS EASEMENT). SAID EASEMENT TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT UNDERGROUND UTILITY STRUCTURES WHICH DO NOT CONFLICT WITH THE PURPOSES OF THE EASEMENT.

AND THE UNDERSIGNED DO HEREBY RESERVE THE PARCELS LABELED PARCEL E AND PARCEL F FOR ACCESS, OPEN SPACE, UTILITY, DRAINAGE, WALL/FENCE MAINTENANCE, STORM WATER TREATMENT, AND LANDSCAPING PURPOSES; SAID PARCELS SHALL BE OWNED AND MAINTAINED IN ACCORDANCE WITH THE COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8445.

AND THE UNDERSIGNED DO HEREBY RESERVE THE AREA DESIGNATED AS PARCEL A, PARCEL B, PARCEL C, AND PARCEL D (DELVE COURT) AS PRIVATE STREETS FOR INGRESS/EGRESS AND PARKING FOR THE BENEFIT OF ALL LOTS IN THIS SUBDIVISION. PRIVATE STREETS ARE NOT OFFERED FOR DEDICATION TO THE PUBLIC AND WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION OF TRACT 8445.

AND THE UNDERSIGNED DO HEREBY RESERVE AN EASEMENT FOR PRIVATE USE OVER THE AREAS DESIGNATED AS "PSDE" (PRIVATE STORM DRAIN EASEMENT) FOR INSTALLATION, OPERATION, USE, MAINTENANCE, REPAIR, REPLACEMENT, RELOCATION, RESTORATION AND REMOVAL OF STORM DRAIN SYSTEM SERVING THIS SUBDIVISION. SAID EASEMENTS SHALL BE OWNED AND MAINTAINED IN ACCORDANCE WITH THE COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8445.

AND THE UNDERSIGNED DO HEREBY RESERVE AN EASEMENT FOR PRIVATE USE OVER THE AREAS DESIGNATED AS "PIE" (PRIVATE INGRESS EGRESS EASEMENT) FOR THE BENEFIT OF ALL LOTS IN THIS SUBDIVISION. SAID EASEMENTS SHALL BE OWNED AND MAINTAINED IN ACCORDANCE WITH THE COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8445.

THIS MAP SHOWS ALL EASEMENTS ON THE PREMISES, OR OF THE RECORD, UNLESS OTHERWISE NOTED.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS CAUSED THIS STATEMENT AND THESE DEDICATIONS TO BE EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

SOHAY-HAYWARD, L.P., A DELAWARE LIMITED PARTNERSHIP

BY: NP-HS LOJV GP II, LLC, A DELAWARE LIMITED LIABILITY COMPANY  
GENERAL PARTNER  
BY: NP-HS LOT OPTION JOINT VENTURE II, LLC, A DELAWARE LIMITED LIABILITY COMPANY  
SOLE MEMBER  
BY: HEARTHSTONE PROFESSIONALS - PI, L.P., A DELAWARE LIMITED PARTNERSHIP

BY: \_\_\_\_\_  
STEVEN C. PORATH  
AUTHORIZED PERSON

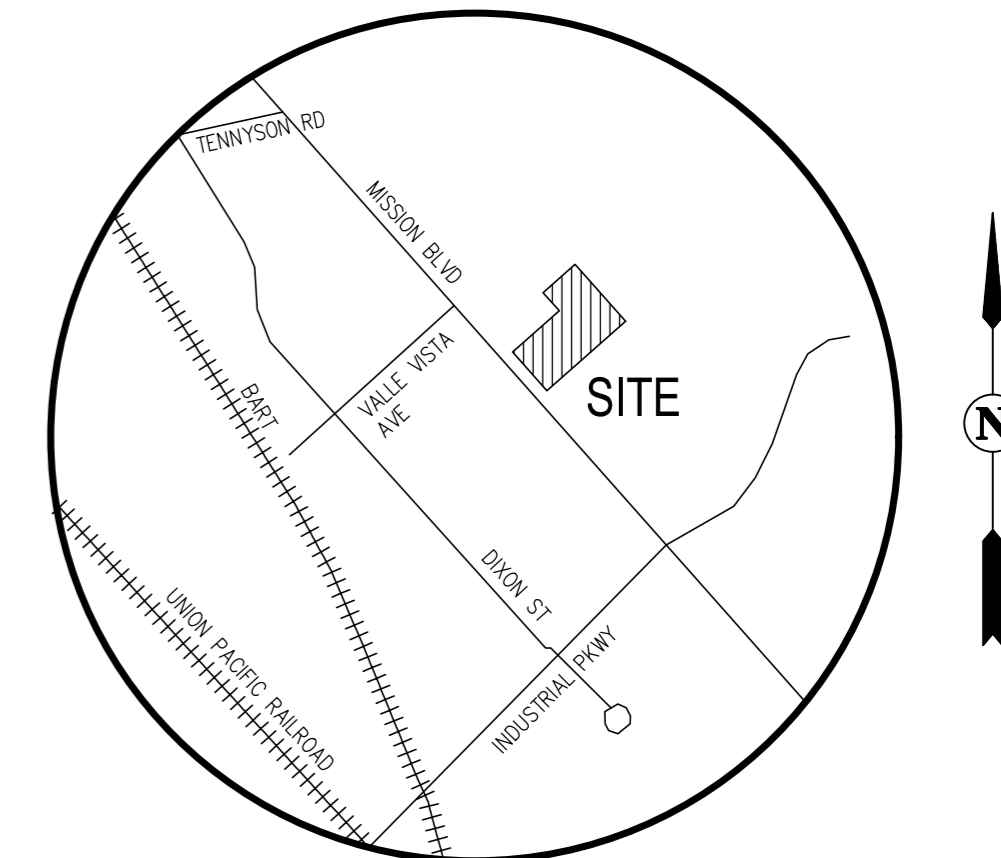
**TRACT 8445  
SOHAY**

CONSISTING OF 6 SHEETS  
FOR 46 CONDOMINIUM UNITS  
BEING A SUBDIVISION PARCELS 16, 17 AND 18  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NO. 2018152492  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

**Carlson, Barbee & Gibson, Inc.**

CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

FEBRUARY 2019



**VICINITY MAP**

NOT TO SCALE

**OWNER'S ACKNOWLEDGMENT**

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }  
COUNTY OF ALAMEDA }

ON \_\_\_\_\_, BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS: \_\_\_\_\_

MY COMMISSION NUMBER: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

**OPTIONEE'S STATEMENT**

THE UNDERSIGNED, AS OPTIONEE UNDER THE AGREEMENT RECORDED ON AUGUST 03, 2018 (INSTRUMENT NO. 2018152494 ALAMEDA COUNTY RECORDS), DOES HEREBY JOIN IN AND CONSENT TO THE FOREGOING OWNER'S STATEMENT

WILLIAM LYON HOMES, INC., A CALIFORNIA CORPORATION

BY: \_\_\_\_\_ BY: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_ NAME (PRINT): \_\_\_\_\_

TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_ DATE: \_\_\_\_\_

**OPTIONEE'S ACKNOWLEDGMENT**

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }

COUNTY OF \_\_\_\_\_ }

ON \_\_\_\_\_, BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS: \_\_\_\_\_

MY COMMISSION NUMBER: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

**COUNTY RECORDER'S STATEMENT**

FILED FOR RECORD, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF MAPS, AT PAGE \_\_\_\_\_, AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.

STEVE MANNING  
COUNTY RECORDER IN AND FOR THE  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER



# TRACT 8445 SOHAY

CONSISTING OF 6 SHEETS  
FOR 46 CONDOMINIUM UNITS  
BEING A SUBDIVISION PARCELS 16, 17 AND 18  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NO. 2018152492  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

## Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

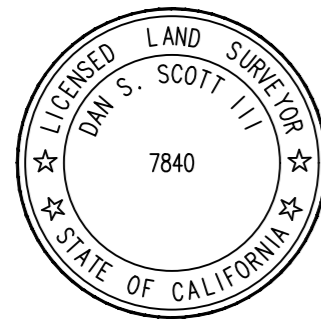
FEBRUARY 2019

### CITY SURVEYOR'S STATEMENT

I, DAN S. SCOTT III, CITY SURVEYOR HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY SURVEYOR OF THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT 8445, SOHAY", CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA:

I AM SATISFIED THAT THE SURVEY DATA SHOWN THEREIN IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HERETO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

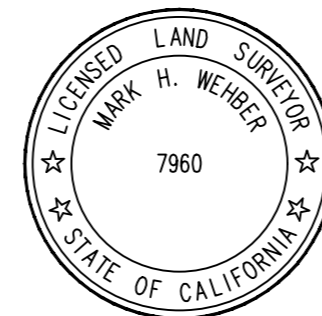


DAN S. SCOTT III, PLS 7840  
CITY SURVEYOR, CITY OF HAYWARD  
ALAMEDA COUNTY, STATE OF CALIFORNIA

### SURVEYOR'S STATEMENT

I, MARK H. WEHBER, HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF WILLIAM LYON HOMES, INC. IT IS BASED UPON A FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECTION ON AUGUST 2017, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE, AND IS TRUE AND COMPLETE AS SHOWN. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP (IF ANY) AND APPROVED AMENDMENTS THEREOF, I ALSO HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2021, AND THAT THE MONUMENTS ARE, OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. THE GROSS AREA WITHIN THIS MAP IS 1.99 ACRES MORE OR LESS.

DATE \_\_\_\_\_



MARK H. WEHBER, P.L.S.  
L.S. NO. 7960

### CITY CLERK'S STATEMENT

I, MIRIAM LENS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF HAYWARD, ALAMEDA COUNTY, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE HEREIN EMBODIED FINAL MAP ENTITLED, "TRACT 8445 SOHAY", CONSISTING OF 6 SHEETS, THIS STATEMENT BEING ON SHEET 2 THEREOF, WAS PRESENTED TO SAID COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING HELD ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_, AND THAT SAID COUNCIL DID THEREUPON, BY RESOLUTION NUMBER \_\_\_\_\_, PASSED AND ADOPTED AT SAID MEETING, APPROVED SAID MAP AND ACCEPTED ON BEHALF OF THE PUBLIC THE EASEMENTS OFFERED FOR DEDICATION AS "PAE" (PUBLIC ACCESS EASEMENT), "PUE" (PUBLIC UTILITY EASEMENT), "WLE" (WATER LINE EASEMENT), "SSE" (SANITARY SEWER EASEMENT), AND "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT).

IN WITNESS WHEREOF, I HERETO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

MIRIAM LENS, CITY CLERK AND  
CLERK OF THE COUNCIL OF THE CITY OF HAYWARD,  
ALAMEDA COUNTY, STATE OF CALIFORNIA

### CITY ENGINEER'S STATEMENT

I, ALEX AMERI, INTERIM CITY ENGINEER OF THE CITY OF HAYWARD, DO HEREBY STATE THAT THE HEREIN EMBODIED FINAL MAP, ENTITLED "TRACT 8445 SOHAY", CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA, CONSISTING OF 6 SHEETS, THIS STATEMENT BEING ON SHEET 2 THEREOF; HAS BEEN EXAMINED AND THAT THE SUBDIVISION, AS SHOWN UPON SAID MAP, IS SUBSTANTIALLY THE SAME AS SAID SUBDIVISION APPEARED ON THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP AND ANY APPROVED AMENDMENTS THEREOF; AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND AMENDMENTS THERETO, AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

IN WITNESS WHEREOF, I HERETO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.



ALEX AMERI RCE NO. 40155  
INTERIM CITY ENGINEER, CITY OF HAYWARD  
ALAMEDA COUNTY, STATE OF CALIFORNIA

### SOIL / GEOTECHNICAL REPORT NOTE

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY ENGeo, INC. ENTITLED "GEOLOGICAL FEASIBILITY REPORT- VALLE VISTA (VARIOUS PARCELS)", PROJECT NO. 12923.000.000 DATED APRIL 27, 2016, WHICH HAS BEEN FILED WITH THE CITY OF HAYWARD.

### CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY, AS CHECKED BELOW THAT:

[ ] AN APPROVED BOND HAS BEEN FILED WITH THE SUPERVISORS OF THE SAID COUNTY AND STATE IN THE AMOUNT OF \$\_\_\_\_\_ CONDITIONED FOR PAYMENT OF ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES, WHICH ARE NOT A LIEN AGAINST SAID LAND OR ANY PART THEREOF BUT NOT YET PAYABLE AND WAS DULY APPROVED BY SAID BOARD IN SAID AMOUNT.

[ ] ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID AS CERTIFIED BY THE TREASURER-TAX COLLECTOR OF THE COUNTY OF ALAMEDA.

IN WITNESS WHEREOF, I HERETO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

ANIKA CAMPBELL-BELTON  
CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF ALAMEDA, CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY CLERK

**BASIS OF BEARINGS:**

THE BEARING N41°21'19"W BETWEEN MONUMENTS FOUND ALONG MISSION BOULEVARD BETWEEN VALLE VISTA AVENUE AND HUB LANE AS SHOWN ON TRACT 8428 SOHAY FILED IN BOOK 359 OF MAPS AT PAGE 1-11, ALAMEDA COUNTY RECORDS IS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

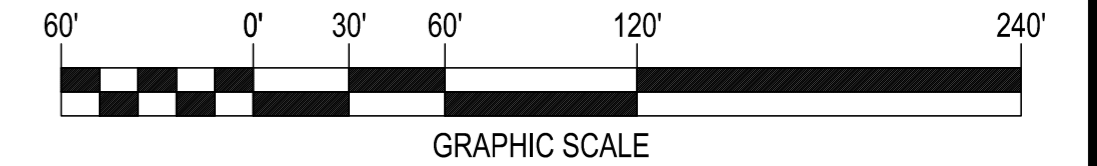
**TRACT 8445  
SOHAY**

CONSISTING OF 6 SHEETS  
FOR 46 CONDOMINIUM UNITS  
BEING A SUBDIVISION PARCELS 16, 17 AND 18  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NO. 2018152492  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

**Carlson, Barbee & Gibson, Inc.**

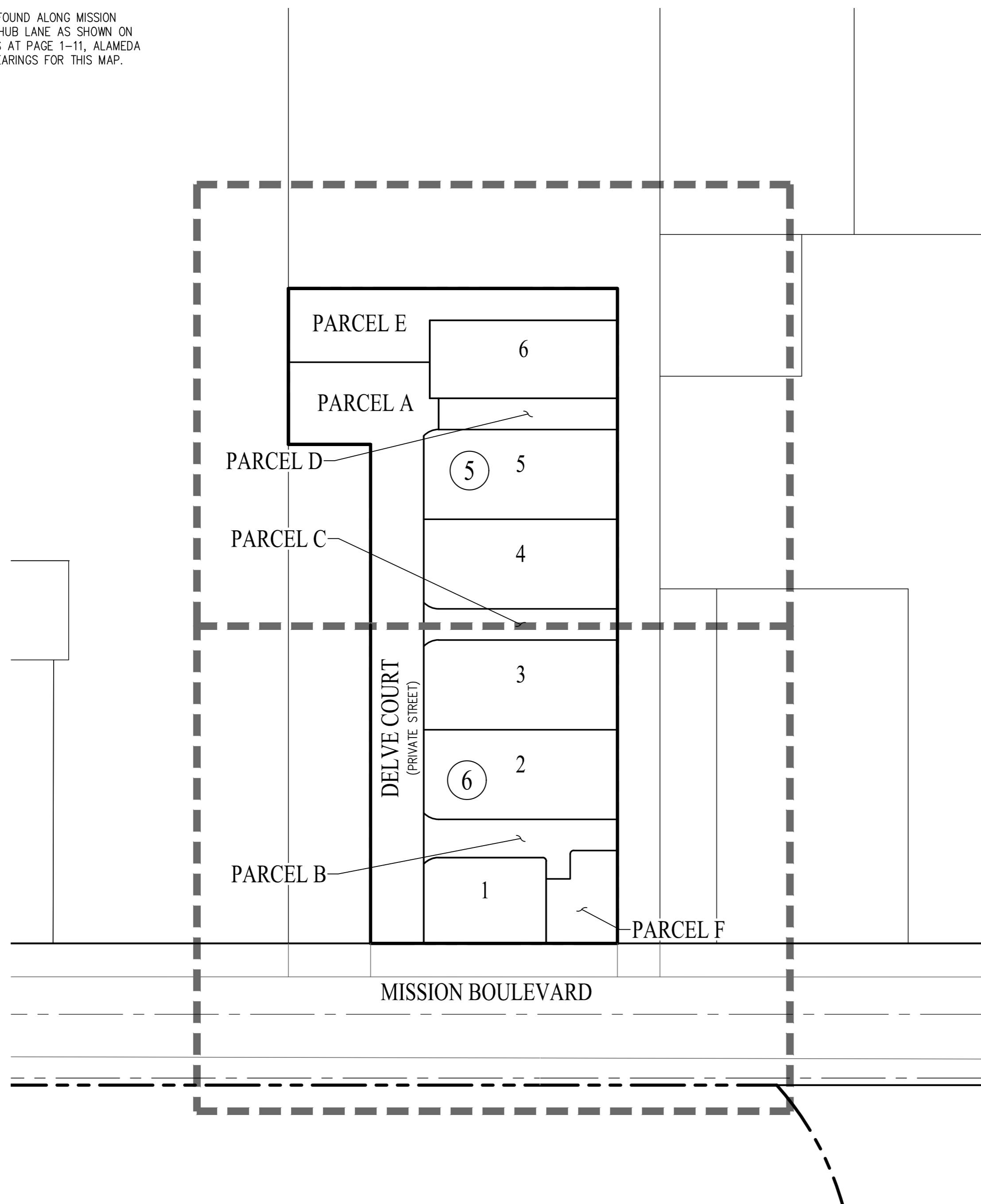
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 60' FEBRUARY 2019



**LEGEND**

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	MONUMENT LINE
	CENTERLINE
(T)	TOTAL DISTANCE
(R)	RADIAL BEARING
R	RECORD
M	MEASURE
(M-M)	MONUMENT TO MONUMENT
(M-ML)	MONUMENT TO MONUMENT LINE
(M-PL)	MONUMENT TO PROPERTY LINE
(CL-PL)	CENTERLINE TO PROPERTY LINE
	FOUND MONUMENT 2 1/2" BRASS DISK STAMPED C.O.H. WITH PUNCH, UNLESS OTHERWISE NOTED
	SET STANDARD STREET MONUMENT, LS 7960
	SET 5/8" REBAR AND CAP, OR NAIL AND TAG, LS 7960
	FOUND MONUMENT AS NOTED
I.N.	INSTRUMENT NUMBER
IEE	INGRESS AND EGRESS EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
C.O.H.	CITY OF HAYWARD
PAE	PUBLIC ACCESS EASEMENT
PIEE	PRIVATE INGRESS EGRESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
R/W	RIGHT OF WAY
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT
	SHEET LIMIT
	SHEET NUMBER



# TRACT 8445 SOHAY

CONSISTING OF 6 SHEETS  
FOR 46 CONDOMINIUM UNITS  
BEING A SUBDIVISION PARCELS 16, 17 AND 18  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NO. 2018152492  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

## Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

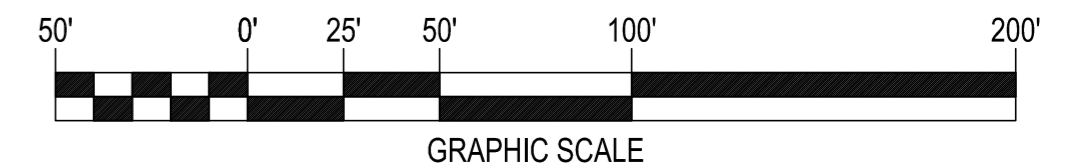
SCALE: 1" = 50' FEBRUARY 2019

### BASIS OF BEARINGS:

THE BEARING N41°21'19"W BETWEEN MONUMENTS FOUND ALONG MISSION BOULEVARD BETWEEN VALLE VISTA AVENUE AND HUB LANE AS SHOWN ON TRACT 8428 SOHAY FILED IN BOOK 359 OF MAPS AT PAGE 1-11, ALAMEDA COUNTY RECORDS IS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

### REFERENCES:

- (#) I.N. INDICATES REFERENCE NUMBER  
 (1) RS 2604 (40 RS 8) (GRID)  
 (2) I.N. 2018152492  
 (3) 2248 OR 242  
 (4) I.N. 2007155771  
 (5) I.N. 2017071529  
 (6) I.N. 2018006548  
 (7) 2242 DEEDS 366  
 (8) I.N. 2014076391  
 (9) TRACT 8428 (359 M 1)  
 (10) I.N. 2015208151  
 (11) I.N. 2013362192  
 (12) I.N. 2015083998  
 (13) RS 2191 (33 RS 44)

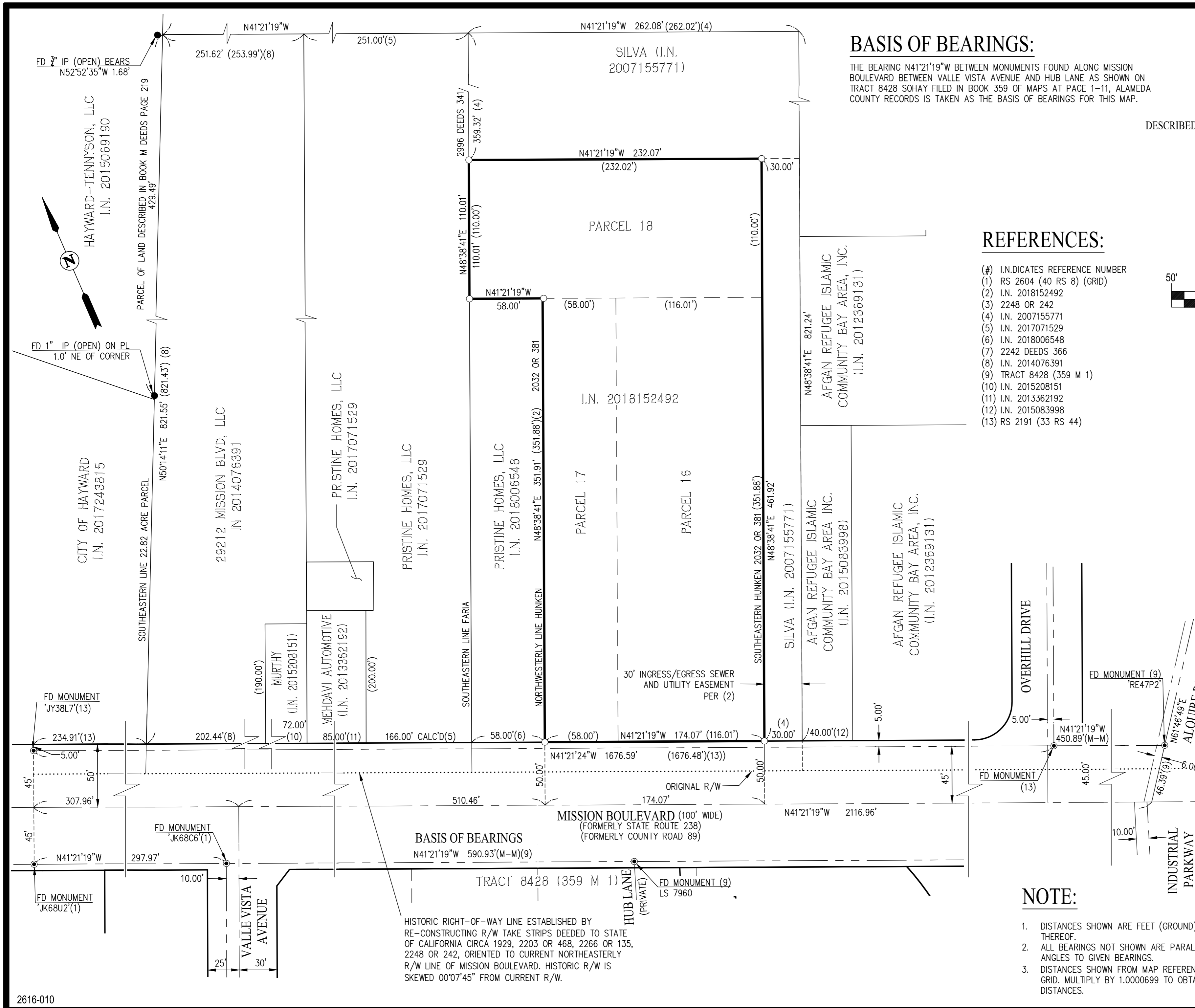


### LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	MONUMENT LINE
	CENTERLINE
(T)	TOTAL DISTANCE
(R)	RADIAL BEARING
R	RECORD
M	MEASURE
(M-M)	MONUMENT TO MONUMENT
(M-ML)	MONUMENT TO MONUMENT LINE
(M-PL)	MONUMENT TO PROPERTY LINE
(CL-PL)	CENTERLINE TO PROPERTY LINE
	FOUND MONUMENT 2 1/2" BRASS DISK STAMPED C.O.H. WITH PUNCH, UNLESS OTHERWISE NOTED
	SET STANDARD STREET MONUMENT, LS 7960
	SET 5/8" REBAR AND CAP, OR NAIL AND TAG, LS 7960
	FOUND MONUMENT AS NOTED
I.N.	INSTRUMENT NUMBER
IEE	INGRESS AND EGRESS EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
C.O.H.	CITY OF HAYWARD
PAE	PUBLIC ACCESS EASEMENT
PIEE	PRIVATE INGRESS EGRESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
R/W	RIGHT OF WAY
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT
	HISTORIC RIGHT OF WAY LINE

### NOTE:

- DISTANCES SHOWN ARE FEET (GROUND) AND DECIMALS THEREOF.
- ALL BEARINGS NOT SHOWN ARE PARALLEL OR AT RIGHT ANGLES TO GIVEN BEARINGS.
- DISTANCES SHOWN FROM MAP REFERENCE (1) (40 RS 8) ARE GRID. MULTIPLY BY 1.0000699 TO OBTAIN GROUND LEVEL DISTANCES.



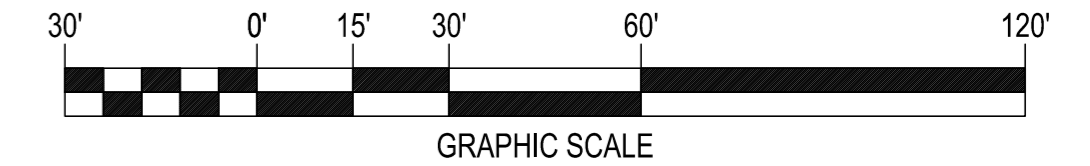
# TRACT 8445 SOHAY

CONSISTING OF 6 SHEETS  
FOR 46 CONDOMINIUM UNITS  
BEING A SUBDIVISION PARCELS 16, 17 AND 18  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NO. 2018152492  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

## Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30' FEBRUARY 2019



### BASIS OF BEARINGS:

THE BEARING N41°21'19"W BETWEEN MONUMENTS FOUND ALONG MISSION BOULEVARD BETWEEN VALLE VISTA AVENUE AND HUB LANE AS SHOWN ON TRACT 8428 SOHAY FILED IN BOOK 359 OF MAPS AT PAGE 1-11, ALAMEDA COUNTY RECORDS IS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

### LEGEND

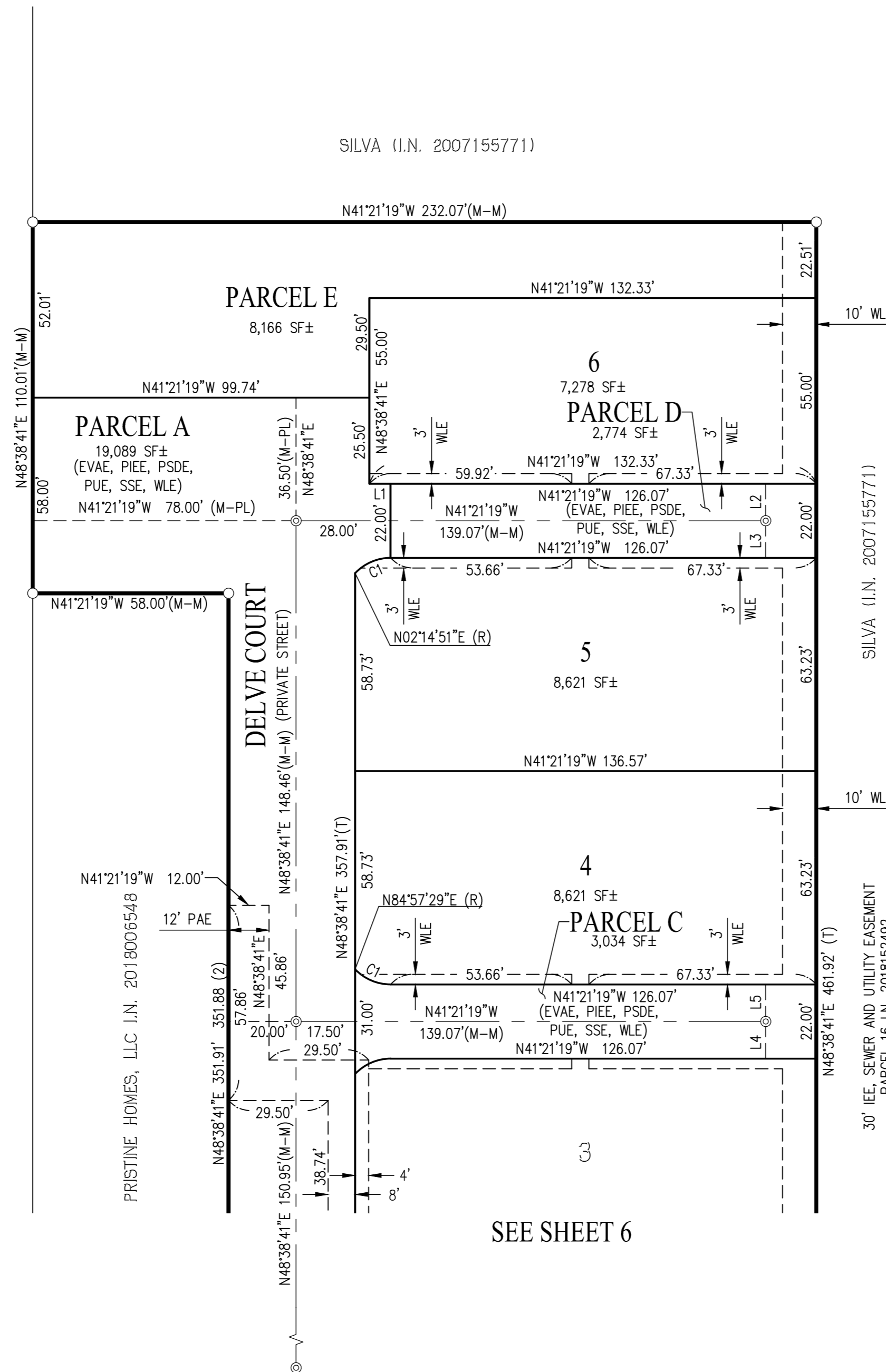
	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	MONUMENT LINE
	CENTERLINE
(T)	TOTAL DISTANCE
(R)	RADIAL BEARING
R	RECORD
M	MEASURE
(M-M)	MONUMENT TO MONUMENT
(M-ML)	MONUMENT TO MONUMENT LINE
(M-PL)	MONUMENT TO PROPERTY LINE
(CL-PL)	CENTERLINE TO PROPERTY LINE
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	SET STANDARD STREET MONUMENT, LS 7960
	SET 5/8" REBAR AND CAP, OR NAIL AND TAG, LS 7960
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I.N.	INSTRUMENT NUMBER
IEE	INGRESS AND EGRESS EASEMENT
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C.O.H.	CITY OF HAYWARD
PAE	PUBLIC ACCESS EASEMENT
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PUE	PUBLIC UTILITY EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
R/W	RIGHT OF WAY
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

NOTES: SEE SHEET 4 FOR REFERENCE AND NOTE

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	14.50'	46°23'50"	11.74'

LINE TABLE		
NO	BEARING	LENGTH
L1	N41°21'19"W	6.26'
L2	N48°38'41"E	11.00'
L3	N48°38'41"E	11.00'
L4	N48°38'41"E	11.00'
L5	N48°38'41"E	11.00'

PRISTINE HOMES, LLC  
(I.N. 2017071529)



SEE SHEET 6

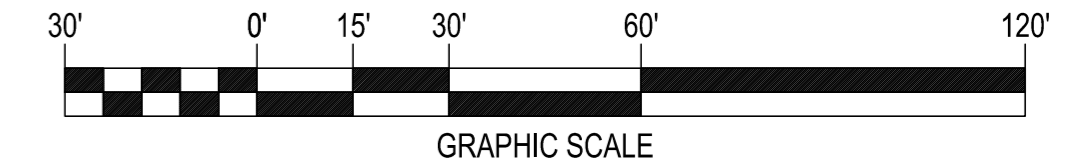
# TRACT 8445 SOHAY

CONSISTING OF 6 SHEETS  
FOR 46 CONDOMINIUM UNITS  
BEING A SUBDIVISION PARCELS 16, 17 AND 18  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NO. 2018152492  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

## Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30' FEBRUARY 2019



### BASIS OF BEARINGS:

THE BEARING N41°21'19"W BETWEEN MONUMENTS FOUND ALONG MISSION BOULEVARD BETWEEN VALLE VISTA AVENUE AND HUB LANE AS SHOWN ON TRACT 8428 SOHAY FILED IN BOOK 359 OF MAPS AT PAGE 1-11, ALAMEDA COUNTY RECORDS IS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

### LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	MONUMENT LINE
	CENTERLINE
(T)	TOTAL DISTANCE
(R)	RADIAL BEARING
R	RECORD
M	MEASURE
(M-M)	MONUMENT TO MONUMENT
(M-ML)	MONUMENT TO MONUMENT LINE
(M-PL)	MONUMENT TO PROPERTY LINE
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C.O.H.	CITY OF HAYWARD
PAE	PUBLIC ACCESS EASEMENT
PIEE	PRIVATE INGRESS EGRESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
R/W	RIGHT OF WAY
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT
	HISTORIC RIGHT OF WAY LINE

NOTE: SEE SHEET 4 FOR REFERENCE AND NOTE

SEE SHEET 5

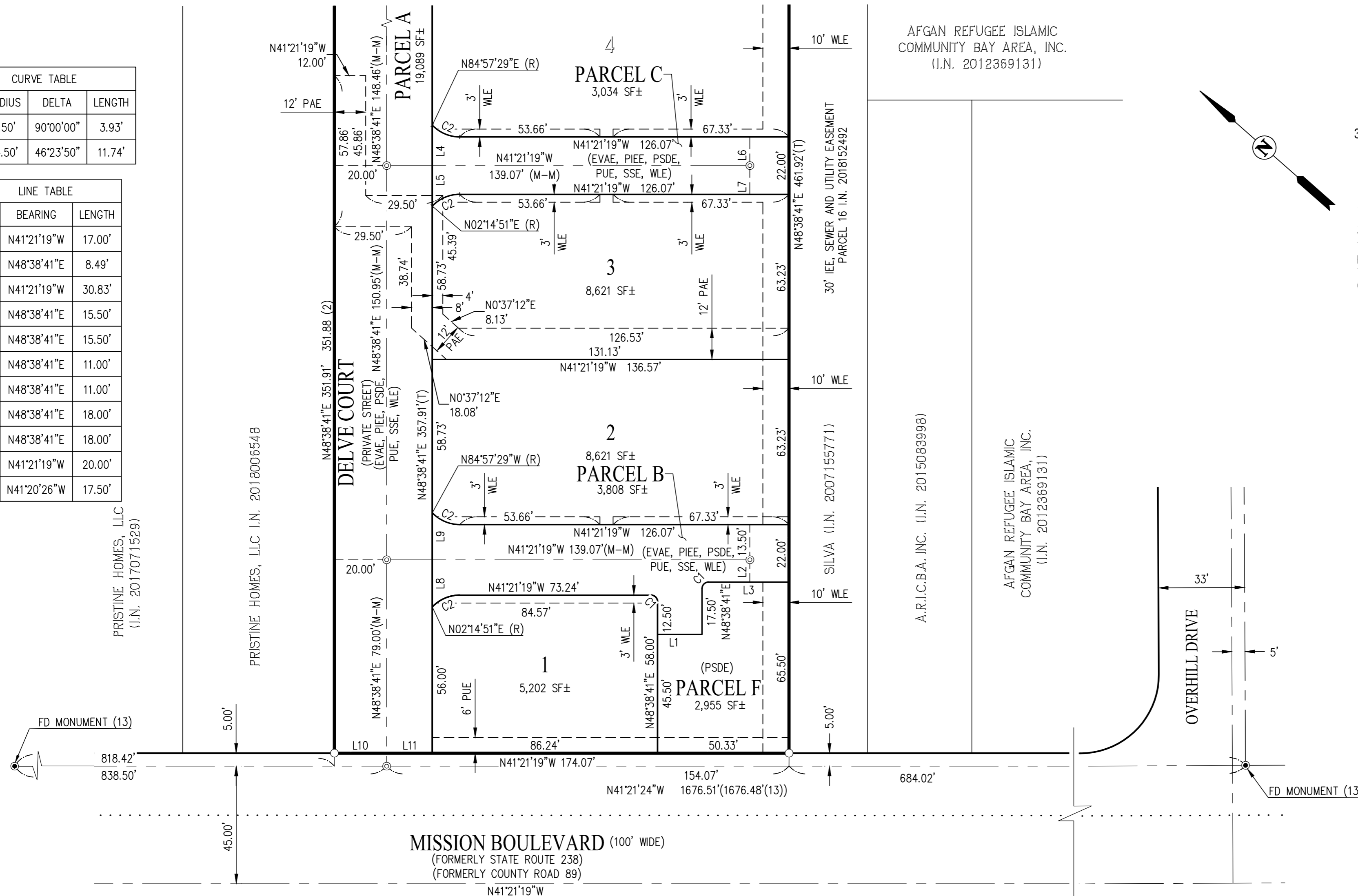
AFGAN REFUGEE ISLAMIC  
COMMUNITY BAY AREA, INC.  
(I.N. 2012369131)

A.R.I.C.B.A. INC. (I.N. 2015083998)

AFGAN REFUGEE ISLAMIC  
COMMUNITY BAY AREA, INC.  
(I.N. 2012369131)

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	2.50'	90°00'00"	3.93'
C2	14.50'	46°23'50"	11.74'

LINE TABLE		
NO	BEARING	LENGTH
L1	N41°21'19"W	17.00'
L2	N48°38'41"E	8.49'
L3	N41°21'19"W	30.83'
L4	N48°38'41"E	15.50'
L5	N48°38'41"E	15.50'
L6	N48°38'41"E	11.00'
L7	N48°38'41"E	11.00'
L8	N48°38'41"E	18.00'
L9	N48°38'41"E	18.00'
L10	N41°21'19"W	20.00'
L11	N41°20'26"W	17.50'



## OWNER'S STATEMENT

THE UNDERSIGNED, SOHAY-HAYWARD, L.P., DOES HEREBY STATE THAT THEY ARE THE OWNERS OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREIN EMBODIED MAP ENTITLED "TRACT 8446 SOHAY", CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA" CONSISTING OF 4 SHEETS, THIS STATEMENT BEING ON SHEET ONE (1) THEREOF; THAT SAID UNDERSIGNED ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THAT GRANT DEED RECORDED AUGUST 3, 2018, AS INSTRUMENT NUMBER 2018-152492, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, AND THAT SAID UNDERSIGNED HAS CAUSED SAID MAP TO BE PREPARED FOR RECORD; AND THAT SAID UNDERSIGNED CONSENTS TO THE PREPARATION AND FILING OF THIS MAP;

AND THE UNDERSIGNED DO HEREBY DEDICATE TO THE PUBLIC FOREVER, EASEMENTS FOR THE USE AND PURPOSE OF PUBLIC STREETS, THE PARCEL(S) OF LAND LYING WITHIN THE BOUNDARY OF TRACT 8446 SOHAY DESIGNATED AS VALLE VISTA PUBLIC STREET DEDICATION.

AND THE UNDERSIGNED DO HEREBY DEDICATE TO THE PUBLIC FOREVER, EASEMENTS WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF APPLICABLE STRUCTURES AND APPURTENANCES UNDER, UPON AND OVER ANY AREA OR STRIP OF LAND DESIGNATED AS "PUE" (PUBLIC UTILITY EASEMENT), AS DELINEATED WITHIN THE EXTERIOR BOUNDARY OF THIS MAP; AND THAT SAID AREAS OR STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS OR STRUCTURES OF ANY KIND, EXCEPT APPLICABLE UTILITY STRUCTURES, DRAINAGE FACILITIES, SEWER FACILITIES, WATER FACILITIES, IRRIGATION SYSTEMS, APPURTENANCES, AND LAWFUL FENCES;

AND THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE CITY OF HAYWARD FOR PUBLIC USE, THE AREAS DESIGNATED AS "WLE" (WATER LINE EASEMENT) FOR INGRESS AND EGRESS, CONSTRUCTION AND MAINTENANCE OF WATER SYSTEM FACILITIES INCLUDING WATER LINES AND APPURTENANCES THERETO; MAINTENANCE OF SAID WATER SYSTEM FACILITIES, WATER LINES AND APPURTENANCES THERETO SHALL BE THE RESPONSIBILITY OF THE CITY OF HAYWARD;

AND THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE CITY OF HAYWARD FOR PUBLIC USE, THE AREAS DESIGNATED "SSE" (SANITARY SEWER EASEMENT) FOR SANITARY SEWER PURPOSES, INCLUDING INGRESS AND EGRESS, CONSTRUCTION AND MAINTENANCE OF IMPROVEMENTS, STRUCTURES, AND APPURTENANCES, WHETHER COVERED OR OPEN AND FOR THE CLEARING OF OBSTRUCTIONS AND VEGETATION; MAINTENANCE OF SAID SEWER IMPROVEMENTS, STRUCTURES AND APPURTENANCES THERETO SHALL BE THE RESPONSIBILITY OF THE CITY OF HAYWARD;

AND THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE PUBLIC SOLELY FOR EMERGENCY VEHICLE ACCESS OVER, UPON AND ACROSS THOSE AREAS DESIGNATED "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT); END OF PUBLIC DEDICATIONS;

AND THE UNDERSIGNED DO HEREBY RESERVE THE PARCEL DESIGNATED AS PARCEL E FOR ACCESS, OPEN SPACE, UTILITY, DRAINAGE, WALL/FENCE MAINTENANCE, AND LANDSCAPING PURPOSES. SAID PARCEL SHALL BE OWNED AND MAINTAINED IN ACCORDANCE WITH THE COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8446;

AND THE UNDERSIGNED DO HEREBY RESERVE THE PARCELS DESIGNATED AS PARCEL A (TRACE LANE), PARCEL B, PARCEL C, AND PARCEL D AS PRIVATE STREETS FOR INGRESS/EGRESS AND PARKING FOR THE BENEFIT OF ALL LOTS IN THIS SUBDIVISION. PRIVATE STREETS ARE NOT OFFERED FOR DEDICATION TO THE PUBLIC AND WILL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION OF TRACT 8446;

AND THE UNDERSIGNED DO HEREBY RESERVE AN EASEMENT FOR PRIVATE USE OVER THE AREAS DESIGNATED AS "PSDE" (PRIVATE STORM DRAINAGE EASEMENT) FOR INSTALLATION, OPERATION, USE, MAINTENANCE, REPAIR REPLACEMENT, RELOCATION, RESTORATION AND REMOVAL OF STORM DRAIN SYSTEM SERVING THIS SUBDIVISION. SAID EASEMENTS SHALL BE OWNED AND MAINTAINED IN ACCORDANCE WITH THE COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8446;

AND THE UNDERSIGNED DO HEREBY RESERVE AN EASEMENT FOR PRIVATE USE OVER THE AREAS DESIGNATED AS "PIEE" (PRIVATE INGRESS EGRESS EASEMENT) FOR THE BENEFIT OF ALL LOTS IN THIS SUBDIVISION. SAID EASEMENTS SHALL BE OWNED AND MAINTAINED IN ACCORDANCE WITH THE COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8446.

THIS MAP SHOWS ALL EASEMENTS ON THE PREMISES, OR OF THE RECORD, UNLESS OTHERWISE NOTED.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS CAUSED THIS STATEMENT AND THESE DEDICATIONS TO BE EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

SOHAY-HAYWARD, L.P., A DELAWARE LIMITED PARTNERSHIP

BY: NP-HS LOJV GP II, LLC, A DELAWARE LIMITED LIABILITY COMPANY  
GENERAL PARTNER

BY: NP-HS LOT OPTION JOINT VENTURE II, LLC, A DELAWARE LIMITED LIABILITY COMPANY  
SOLE MEMBER

BY: HEARTHSTONE PROFESSIONALS - PI, L.P., A DELAWARE LIMITED PARTNERSHIP

BY: \_\_\_\_\_  
STEVEN C. PORATH  
AUTHORIZED PERSON

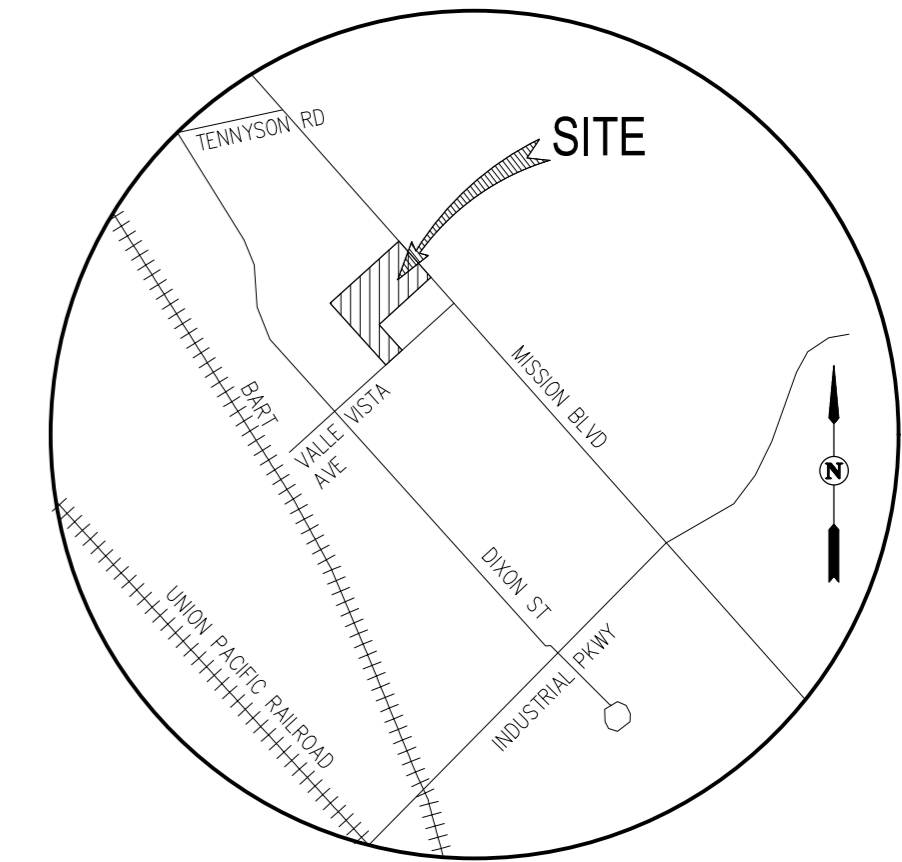
# TRACT 8446 SOHAY

CONSISTING OF 4 SHEETS  
FOR 30 CONDOMINIUM UNITS  
BEING A SUBDIVISION OF PARCEL 1, 2 AND 3  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NO. 2018152492  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

**Carlson, Barbee & Gibson, Inc.**

CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

FEBRUARY 2019



## VICINITY MAP

NOT TO SCALE

## OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }  
COUNTY OF ALAMEDA }

ON \_\_\_\_\_, BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS: \_\_\_\_\_

MY COMMISSION NUMBER: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

## OPTIONEE'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }

COUNTY OF \_\_\_\_\_ }

ON \_\_\_\_\_, BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS: \_\_\_\_\_

MY COMMISSION NUMBER: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

## COUNTY RECORDER'S STATEMENT

FILED FOR RECORD, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF MAPS, AT PAGE \_\_\_\_\_, AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.

MELISSA WILK  
COUNTY RECORDER IN AND FOR THE  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

# TRACT 8446 SOHAY

CONSISTING OF 4 SHEETS  
FOR 30 CONDOMINIUM UNITS  
BEING A SUBDIVISION OF PARCEL 1, 2 AND 3  
DESCRIBED IN THE GRANT DEED RECORDED UNDER INSTRUMENT NO. 2018152492  
OFFICIAL RECORDS OF ALAMEDA COUNTY.  
CITY OF HAYWARD, CALIFORNIA

## Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

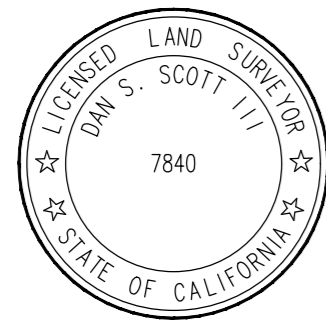
FEBRUARY 2019

### CITY SURVEYOR'S STATEMENT

I, DAN S. SCOTT III, CITY SURVEYOR HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY SURVEYOR OF THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT 8446, SOHAY", CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA:

I AM SATISFIED THAT THE SURVEY DATA SHOWN THEREIN IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

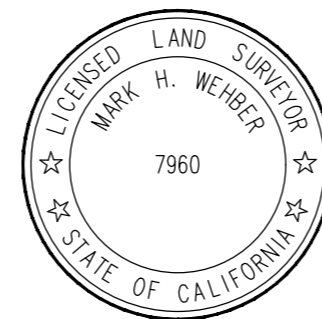


DAN S. SCOTT III, PLS 7840  
CITY SURVEYOR, CITY OF HAYWARD  
ALAMEDA COUNTY, STATE OF CALIFORNIA

### SURVEYOR'S STATEMENT

I, MARK H. WEHBER, HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF WILLIAM LYON HOMES, INC., IT IS BASED UPON A FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECTION ON AUGUST 2017, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE, AND IS TRUE AND COMPLETE AS SHOWN. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP (IF ANY) AND APPROVED AMENDMENTS THEREOF, I ALSO HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2021, AND THAT THE MONUMENTS ARE, OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. THE GROSS AREA WITHIN THIS MAP IS 1.37 ACRES MORE OR LESS.

DATE \_\_\_\_\_



MARK H. WEHBER, P.L.S.  
L.S. NO. 7960

### CITY CLERK'S STATEMENT

I, MIRIAM LENS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF HAYWARD, ALAMEDA COUNTY, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE HEREIN EMBODIED FINAL MAP ENTITLED, "TRACT 8446, SOHAY", CONSISTING OF 4 SHEETS, THIS STATEMENT BEING ON SHEET 2 THEREOF, WAS PRESENTED TO SAID COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING HELD ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AND THAT SAID COUNCIL DID THEREUPON, BY RESOLUTION NUMBER \_\_\_\_\_, PASSED AND ADOPTED AT SAID MEETING, APPROVED SAID MAP AND ACCEPTED ON BEHALF OF THE PUBLIC FOR STREET PURPOSES, THE PARCEL(S) OF LAND LYING WITHIN THE BOUNDARY OF TRACT 8446 SOHAY DESIGNATED AS VALLE VISTA PUBLIC STREET DEDICATION, AND ACCEPT ON BEHALF OF THE PUBLIC THE EASEMENTS OFFERED FOR DEDICATION AS "PUE" (PUBLIC UTILITY EASEMENT), "WLE" (WATER LINE EASEMENT), "SSE" (SANITARY SEWER EASEMENT), AND "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT).

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

MIRIAM LENS, CITY CLERK AND  
CLERK OF THE COUNCIL OF THE CITY OF HAYWARD,  
ALAMEDA COUNTY, STATE OF CALIFORNIA

### CITY ENGINEER'S STATEMENT

I, ALEX AMERI, INTERIM CITY ENGINEER OF THE CITY OF HAYWARD, DO HEREBY STATE THAT THE HEREIN EMBODIED FINAL MAP, ENTITLED "TRACT 8446 SOHAY", CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA, CONSISTING OF 4 SHEETS, THIS STATEMENT BEING ON SHEET 2 THEREOF; HAS BEEN EXAMINED AND THAT THE SUBDIVISION, AS SHOWN UPON SAID MAP, IS SUBSTANTIALLY THE SAME AS SAID SUBDIVISION APPEARED ON THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP AND ANY APPROVED AMENDMENTS THEREOF; AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND AMENDMENTS THERETO, AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.



ALEX AMERI RCE NO. 40155  
INTERIM CITY ENGINEER, CITY OF HAYWARD  
ALAMEDA COUNTY, STATE OF CALIFORNIA

### SOIL / GEOTECHNICAL REPORT NOTE

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY ENGeo, INC. ENTITLED "GEOLOGICAL FEASIBILITY REPORT- VALLE VISTA (VARIOUS PARCELS)", PROJECT NO. 12923.000.000 DATED APRIL 27, 2016, WHICH HAS BEEN FILED WITH THE CITY OF HAYWARD.

### CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY, AS CHECKED BELOW THAT:

[ ] AN APPROVED BOND HAS BEEN FILED WITH THE SUPERVISORS OF THE SAID COUNTY AND STATE IN THE AMOUNT OF \$\_\_\_\_\_ CONDITIONED FOR PAYMENT OF ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES, WHICH ARE NOT A LIEN AGAINST SAID LAND OR ANY PART THEREOF BUT NOT YET PAYABLE AND WAS DULY APPROVED BY SAID BOARD IN SAID AMOUNT.

[ ] ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID AS CERTIFIED BY THE TREASURER-TAX COLLECTOR OF THE COUNTY OF ALAMEDA.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

ANIKA CAMPBELL-BELTON  
CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF ALAMEDA, CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY CLERK

# TRACT 8446 SOHAY

CONSISTING OF 4 SHEETS  
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## Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 80' FEBRUARY 2019



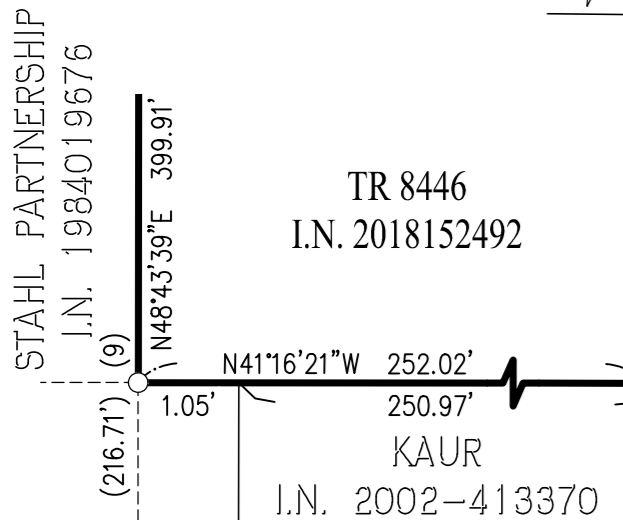
### LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	MONUMENT LINE
	CENTERLINE
(T)	TOTAL DISTANCE
(R)	RADIAL BEARING
R	RECORD
(M-M)	MONUMENT TO MONUMENT
(M-ML)	MONUMENT TO MONUMENT LINE
(CL-PL)	CENTERLINE TO PROPERTY LINE
	FOUND MONUMENT 2 1/2" BRASS DISK STAMPED C.O.H. WITH PUNCH, UNLESS OTHERWISE NOTED
	SET STANDARD STREET MONUMENT, LS 7960
	SET 5/8" REBAR AND CAP, OR NAIL AND TAG, LS 7960
	MONUMENT SEARCHED FOR, NOT FOUND
I.N.	INSTRUMENT NUMBER
EVAE	EMERGENCY VEHICLE ACCESS
C.O.H.	CITY OF HAYWARD
	CENTERLINE
MAE	MAINTENANCE ACCESS EASEMENT
PAE	PUBLIC ACCESS EASEMENT
PIEE	PRIVATE INGRESS EGRESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
R/W	RIGHT OF WAY
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT
	HISTORIC RIGHT OF WAY LINE

### REFERENCES:

(#)	INDICATES REFERENCE NUMBER	(10)	I.N. 2013386714
(1)	RECORD OF SURVEY 2604 (40 RS 8) (GRID)	(11)	I.N. 2002413370
(2)	TRACT 3749 (135 PM 1)	(12)	TRACT 7215 (275 M 13)
(3)	TRACT 2095 (41 M 55)	(13)	I.N. 2008331153
(4)	TRACT 4434 (136 M 5)	(14)	RE 001 IM 203
(5)	I.N. 2018152492	(15)	AQ 39018
(6)	TRACT 4860 (162 M 40)	(16)	RECORD OF SURVEY NO. 3019 (45 RS 6)
(7)	TRACT 8032 (329 M 14)	(17)	C.O.H. MONUMENT MAP 1-12
(8)	I.N. 2011319973	(18)	TRACT 3791 (104 M 36)
(9)	I.N. 1984019676	(19)	TRACT 7015 (235 M 71)
		(20)	RECORD OF SURVEY NO. 788 (13 RS 35)

NO	BEARING	LENGTH	
L1	N48°45'41"E	4.94'	(4.95')(6)
L2	N48°43'39"E	75.20'	(75.98')(5)
L3	N41°16'21"W	30.00'	
L4	N41°16'21"W	30.00'	



### SURVEY NOTE:

THIS SURVEY FINDS A 1.05' JOG IN THE SOUTHWESTERLY PROPERTY LINE AT THIS LOCATION. RECORD DOCUMENTS TO THE SOUTH OF I.N. 2018152492, INCLUDING I.N. 2002413370, I.N. 2008331153, 5264 OR 49, RE 001 IM 203, AQ 131380 (9203 OR 477), CALL A DISTANCE OF 250.96' TO THIS LINE FROM THE CENTERLINE OF VALLE VISTA AVENUE. THE VESTING DEED FOR THE SUBJECT PROPERTY AND OTHER DOCUMENTS NORTH OF THIS LINE INCLUDING I.N. 2011319973 PLACE THAT SAME LINE AT 252.02' FROM THE CENTERLINE OF VALLE VISTA. ADDITIONALLY, DOCUMENTS UNDERLYING THE SUBJECT PROPERTY INDICATE THAT IT IS BOTH PARALLEL TO VALLE VISTA AND PERPENDICULAR TO MISSION BOULEVARD. THIS SURVEY FINDS THAT HOLDING BOTH THOSE CONDITIONS IS INCOMPATIBLE WITH RECORD ADJOINER DOCUMENTS AND THE MONUMENTED CENTERLINES OF MISSION BOULEVARD, DIXON AVENUE AND VALLE VISTA AVENUE. THIS SURVEY POSITIONS THE SUBJECT PROPERTY PARALLEL TO VALLE VISTA AVENUE BUT NOT PERPENDICULAR TO MISSION BOULEVARD.

### BASIS OF BEARINGS:

THE BEARING N41°21'19"W BETWEEN MONUMENTS FOUND ALONG MISSION BOULEVARD, JK68C6 (AT VALLE VISTA AVENUE) AND JK68C6 (EC) SHOWN HEREON PER TRACT 8428 SOHAY FILED IN BOOK 359 AT PAGES 1-11, ALAMEDA COUNTY RECORDS, IS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

### NOTE:

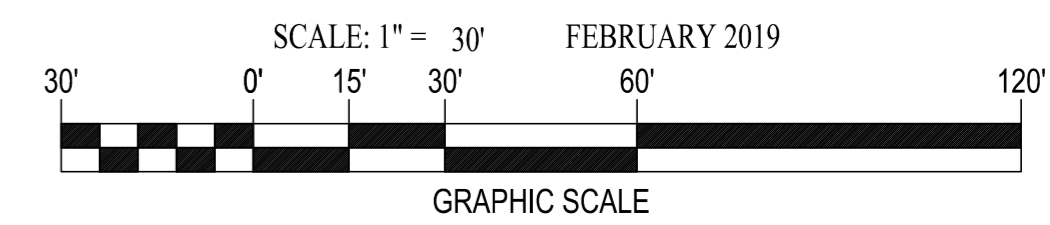
- DISTANCES SHOWN ARE FEET (GROUND) AND DECIMALS THEREOF.
- ALL BEARINGS NOT SHOWN ARE PARALLEL OR AT RIGHT ANGLES TO GIVEN BEARINGS.



# TRACT 8446 SOHAY

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CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO



## BASIS OF BEARINGS:

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## LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	MONUMENT LINE
	CENTERLINE
(T)	TOTAL DISTANCE
(R)	RADIAL BEARING
R	RECORD
(M-M)	MONUMENT TO MONUMENT
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(CL-PL)	CENTERLINE TO PROPERTY LINE
	FOUND MONUMENT 2 1/2" BRASS DISK STAMPED C.O.H. WITH PUNCH, UNLESS OTHERWISE NOTED
	SET STANDARD STREET MONUMENT, LS 7960
	SET 5/8" REBAR AND CAP, OR NAIL AND TAG, LS 7960
	MONUMENT SEARCHED FOR, NOT FOUND
I.N.	INSTRUMENT NUMBER
EVAE	EMERGENCY VEHICLE ACCESS
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## NOTE:

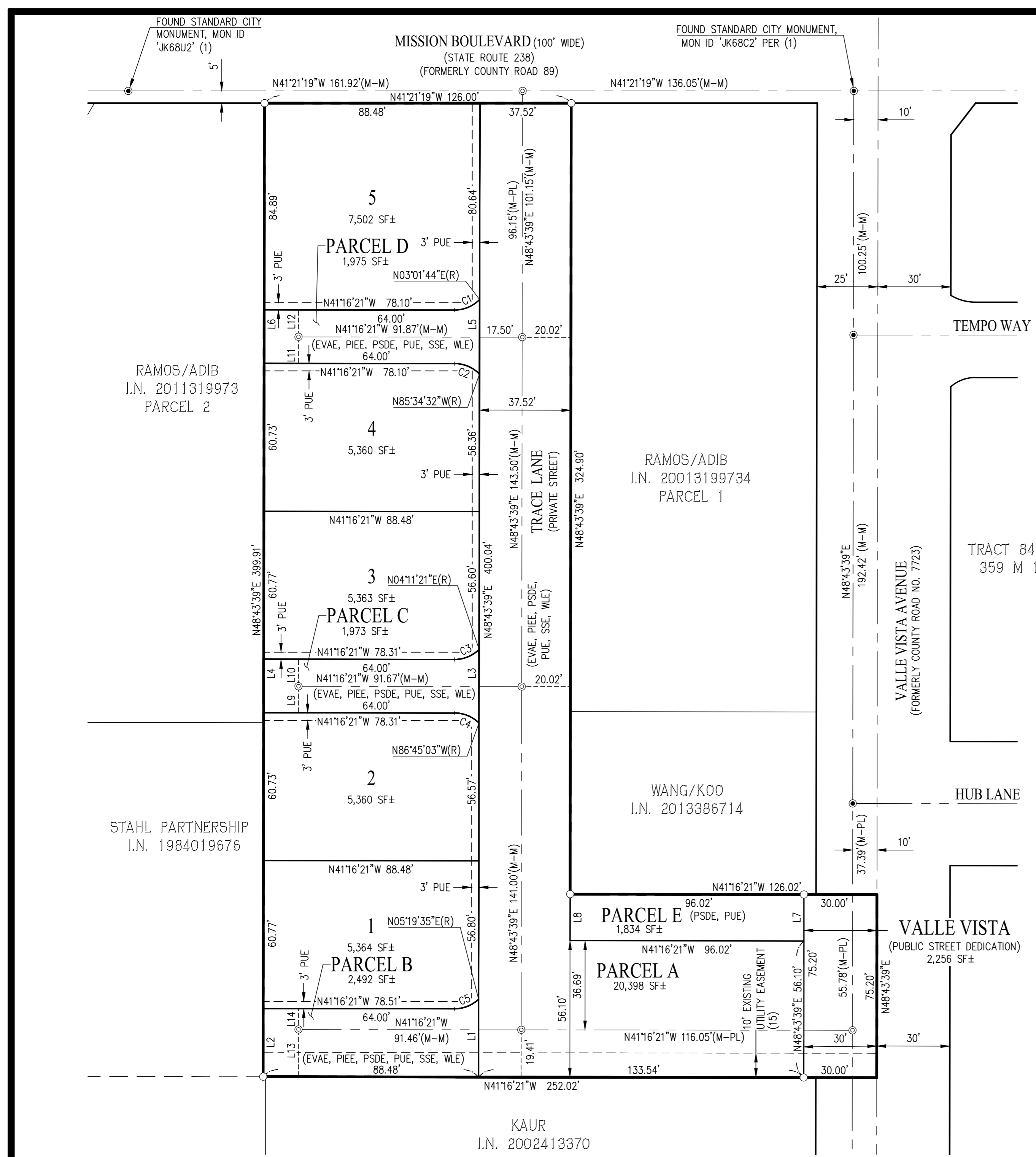
- DISTANCES SHOWN ARE FEET (GROUND) AND DECIMALS THEREOF.
- ALL BEARINGS NOT SHOWN ARE PARALLEL OR AT RIGHT ANGLES TO GIVEN BEARINGS.

LINE TABLE		
NO	BEARING	LENGTH
L1	N48°43'39"E	31.99'
L2	N48°43'39"E	28.02'
L3	N48°43'39"E	30.33'
L4	N48°43'39"E	22.00'
L5	N48°43'39"E	30.75'
L6	N48°43'39"E	22.00'
L7	N48°43'39"E	19.10'
L8	N48°43'39"E	19.10'
L9	N48°43'39"E	10.89'
L10	N48°43'39"E	11.11'
L11	N48°43'39"E	10.89'
L12	N48°43'39"E	11.11'
L13	N48°43'39"E	19.41'
L14	N48°43'39"E	8.61'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	14.50'	45°41'55"	11.57'
C2	14.50'	45°41'49"	11.56'
C3	14.50'	44°32'18"	11.27'
C4	14.50'	44°31'18"	11.27'
C5	14.50'	43°24'04"	10.98'

## REFERENCES:

- (#) INDICATES REFERENCE NUMBER
- RECORD OF SURVEY 2604 (40 RS 8) (GRID)
  - TRACT 3749 (135 PM 1)
  - TRACT 2095 (41 M 55)
  - TRACT 4434 (136 M 5)
  - I.N. 2018152492
  - TRACT 4860 (162 M 40)
  - TRACT 8032 (329 M 14)
  - I.N. 2011319973
  - I.N. 1984019676
  - I.N. 2013386714
  - I.N. 2002413370
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  - I.N. 2008331153
  - RE 001 IM 203
  - AQ 39018
  - RECORD OF SURVEY NO. 3019 (45 RS 6)
  - C.O.H. MONUMENT MAP 1-12
  - TRACT 3791 (104 M 36)
  - TRACT 7015 (235 M 71)
  - RECORD OF SURVEY NO. 788 (13 RS 35)





# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** CONS 19-167

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**DATE:** March 26, 2019

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

La Vista Park Project: Award of Professional Services Agreement to SurfaceDesign, Inc., (SDI); Award of Professional Services Agreement to Langan; Appropriation of Funds; and Amendment of Resolution 18-081

**RECOMMENDATION**

That Council adopts the attached resolutions (Attachments II, III, and IV) to:

1. Award the Professional Services Agreement to SDI, for Phase 1 and Phase 2 of the final design services and construction support, in the amount of \$467,417 and authorize the expenditure of up to \$515,000, including additional services, for the preparation of Final Design Plans, Specifications, and Engineer's Estimate of the La Vista Park project (Attachment II)
2. Award the Professional Services Agreement to Langan, for a design-level geotechnical investigation and construction support, in the amount of \$198,100 and authorize the expenditure of up to \$220,000, including additional services, for the preparation of a design-level geotechnical report for the design and construction of the La Vista Park project (Attachment III).
3. Appropriate \$1,500,000 from Fund 256 - Park Fund to Fund 405 - Capital Projects (Governmental) (Attachment IV).
4. Amend Resolution 18-081 - FY 2019 Capital Improvement Program to include the La Vista Park Project in Fund 405 - Capital Improvements (Governmental) (Attachment IV).

5.

**SUMMARY**

Since 2017, the City of Hayward and the Hayward Area Recreation and Park District (HARD) have worked towards a shared vision of constructing and operating La Vista Park, a new destination park in South

Hayward, east of the intersection of Mission Boulevard and Tennyson Road. The addition of a destination park will create a much-needed amenity and attraction for the entire City. The HARD Board approved the conceptual park design and, on April 9, 2018, the City released a Request for Proposals (RFP) for final design services and preparation of construction documents for bidding purposes and a RFP for a design-level geotechnical investigation and report.

The project site will be on City-owned or controlled property with an estimated total project cost of \$23,253,962. A combination of revenues from various funding sources, including the project's park in-lieu fees, HARD funds, and funds for the South Hayward Community Center totaling \$23.27M is expected and will fully fund the estimated total project.

A RFP for final design services was released and five firms responded. SDI was selected unanimously by the proposal review team. If approved, these actions will authorize the City Manager to execute a professional services agreement with SDI and will appropriate the necessary funding for the design work.

## **ATTACHMENTS**

- Attachment I Staff Report
- Attachment II Resolution - Award of Contract to SDI
- Attachment III Resolution - Award of Contract to Langan
- Attachment IV Resolution - Appropriation of Funds/Amend Reso 18-081
- Attachment V Project Map



DATE: March 26, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: La Vista Park Project: Award of Professional Services Agreement to SurfaceDesign, Inc., (SDI); Award of Professional Services Agreement to Langan; Appropriation of funds; and Amendment of Resolution 18-081

#### RECOMMENDATION

That Council adopts the attached resolutions (Attachments II, III, and IV) to:

1. Award the Professional Services Agreement to SDI, for Phase 1 and Phase 2 of the final design services and construction support, in the amount of \$467,417 and authorize the expenditure of up to \$515,000, including additional services, for the preparation of Final Design Plans, Specifications, and Engineer's Estimate of the La Vista Park project (Attachment II)
2. Award the Professional Services Agreement to Langan, for a design-level geotechnical investigation and construction support, in the amount of \$198,100 and authorize the expenditure of up to \$220,000, including additional services, for the preparation of a design-level geotechnical report for the design and construction of the La Vista Park project (Attachment III).
3. Appropriate \$1,500,000 from Fund 256 – Park Fund to Fund 405 – Capital Projects (Governmental) (Attachment IV).
4. Amend Resolution 18–081 - FY 2019 Capital Improvement Program to include the La Vista Park Project in Fund 405 – Capital Improvements (Governmental) (Attachment IV).

#### SUMMARY

Since 2017, the City of Hayward and the Hayward Area Recreation and Park District (HARD) have worked towards a shared vision of constructing and operating La Vista Park, a new destination park in South Hayward, east of the intersection of Mission Boulevard and Tennyson Road. The addition of a destination park will create a much-needed amenity and attraction for the entire City. The HARD Board approved the conceptual park design and, on April 9, 2018, the City released a Request for Proposals (RFP) for final design services and

preparation of construction documents for bidding purposes and a RFP for a design-level geotechnical investigation and report.

The project site will be on City-owned or controlled property with an estimated total project cost of \$23,253,962. A combination of revenues from various funding sources, including the project's park in-lieu fees, HARD funds, and funds for the South Hayward Community Center totaling \$23.27M is expected and will fully fund the estimated total project.

A RFP for final design services was released and five firms responded. SDI was selected unanimously by the proposal review team. If approved, these actions will authorize the City Manager to execute a professional services agreement with SDI and will appropriate the necessary funding for the design work.

## BACKGROUND

In 2005, the City approved the La Vista residential development that included 179 new single-family homes to be built at the South Hayward site east of (and up the hill from) the terminus of Tennyson Road and Mission Boulevard. The project includes construction of a new approximately thirty-acre public park. The development aims to provide new housing stock for the City and, also "officially" serves as remediation for a former rock quarry site. Although the entitled development sat idle through the most recent economic downturn, home construction has accelerated over the last two years.

The original thirty-acre park site on land donated from the developer was expanded to almost fifty-acres in size due to the City acquiring former Caltrans right-of-way from the now abandoned 238 freeway project. The additional twenty acres will be added to the western side of the park once Parcel Group 3 is transferred to the City.

In June 2017, the Hayward Area Recreation and Park District (HARD) Board adopted a Three-Year Capital Improvement Program (CIP) that allocated \$2M of the District's Measure F1 Bond funds for the original thirty-acre La Vista Park, which was based on the previous conceptual park design. At the Board's regular meeting on April 9, 2018, the Board considered the new and expanded Park Master Plan prepared by SDI, which proposed constructing the park in one phase. At that meeting, the Board directed staff to update the CIP to increase HARD's initial \$2.0M allocation of Measure F1 funds to this project as follows:

\$2.0M	Current Bond Funds Allocated in June 2017
\$13.4M	Additional Allocation of Bond Funds (of which 50% would be reimbursed to HARD from future park in-lieu fees collected by the City since this community park will be used by all residents including those in new developments paying those fees)

Final action by the HARD Board to allocate the additional bond funds to the La Vista Park project was included in the CIP update during the Board's budget hearing on June 11, 2018.

Sufficient funds are available from the first phase of bond proceeds to make the allocation to the La Vista Project as directed by the Board.

In May 2018, City Council accepted the La Vista Park Master Plan prepared by SDI and adopted a resolution appropriating \$1.5M held for development of the South Hayward Community Center towards construction of La Vista Park.

Project Condition of Approval No. 4 for the La Vista development requires the applicant to pay for the cost of improvements associated with La Vista Park in accordance with park in-lieu fees in effect as of July 1, 2005, which was estimated to be \$2.14M. These fees are collected at the time the Certificate of Occupancy is granted for each new individual single-family home. To date, 150 of the 179 homes have either been built or are under construction, thus there is approximately \$1.79M of the \$2.14M currently available for park construction. Homebuilder DR Horton indicated that they would advance the remainder of the \$2.14M to the La Vista Park effort, given that the City and HARD both are committed financially to the park.

## DISCUSSION

On November 9, 2018, a Request for Proposals (RFP) was advertised and issued for the preparation of the final design and construction documents and construction support for this project. On December 21, 2018, five (5) proposals were received for the project and evaluated for their understanding of the proposed work and the education, training, experience, past-performance, capabilities, detailed approach to tasks, personnel, and workload of the firm's staff. SDI submitted the highest ranked proposal. The negotiated cost proposal from SDI is \$467,417 for the design and preparation of plans, specifications, and engineer's estimate for advertisement of the project for construction bids and construction support. While professional services proposals are not selected based on cost alone, as a point of reference, the other proposal costs were between \$467,417 and \$1,781,969.

Staff recommends that Council award the contract to SDI in the amount of \$467,417. Further, staff recommends that Council authorize the City Manager to expend up to \$515,000 to include contingencies (i.e., potential additional services not included in the base proposal). The contract contingency amount is set at \$47,583 (approximately 10% of contract cost). The park area consists of two parts, a roughly 30-acre part and a 20-acre part. CEQA review and documentation for the 30-acre part was conducted in 2005 as part of the La Vista development project. Additional CEQA review is necessary to cover the addition of the 20-acre portion. Therefore, the design phase for this project will be conducted in two phases. Phase 1 will involve preparation of 30% final design of the project. The 30% design will be used to define the project scope and inform the CEQA process for the project. Once the CEQA review is complete, staff will return to Council for approval/certification of the CEQA document and authorization to proceed with Phase 2 design work, which involves finalizing the design, preparing construction documents, and construction support.

On December 14, 2018, Request for Proposals (RFP) were advertised and issued for geotechnical investigation for this project. On February 1, 2019, four (4) proposals

were received for the project and evaluated for their understanding of the proposed work and the education, training, experience, past-performance, capabilities, detailed approach to tasks, personnel, and workload of the firm's staff. Langan submitted the highest ranked proposal. The negotiated cost proposal from Langan is \$198,100 for a design-level geotechnical investigation to provide analysis of the current development plan, recommendations for design, and construction support.

Staff recommends that Council award the contract to Langan in the amount of \$198,100. Further, staff recommends that Council authorize the City Manager to expend up to \$220,000 to include contingencies. The contract contingency amount is set at \$21,900 (approximately 11% of contract cost).

The addition of a destination park to the South Hayward community will create a much-needed amenity and attraction for this part of the City, resulting in increased visitors to the area's local businesses.

#### FISCAL IMPACT

The original La Vista Park design conducted by SDI was estimated to cost \$23.3M to construct. This estimate includes contingencies or potential cost overruns as well as landslide repair costs to remediate the former Caltrans property.

Park in-lieu fees from the La Vista Development will contribute approximately \$2.14M towards construction. There is also a \$2M Measure F1 Bond allocation from HARD, for a current allocation of \$4.14M toward the La Vista Park project.

All lands associated with La Vista Park will likely be owned or controlled by the City. This was memorialized as part of the La Vista Development Final Map for the home development and all agreements associated with the project Final Map.

The HARD Board of Directors recently approved a funding plan for the project that included the following:

- 1) \$4.23M provided from existing park in-lieu fees previously collected by the City
- 2) \$6.7M in additional Measure F1 bond money
- 3) \$6.7M of loaned Measure F1 bond money to be repaid to HARD through the collections of future park in-lieu fees (see below) from projects that have been entitled.

Listed below are recent larger entitled projects that may yield substantial park in-lieu fees.	# UNITS	TYPE OF UNITS	POTENTIAL PARK IN-LIEU FEES	POSSIBLE CONSTRUCTION START DATE
Mission Crossings	140	Townhomes	\$1,595,300	Spring 2019
Matsya's Villas	57	Condos	\$649,515	Winter 2019
Maple and Main	240	Apartment	\$2,316,720	Summer 2019
Lincoln Landing*	476	Apartment	\$4,594,828*	Winter 2018
Mission Village	72	Townhomes	\$820,440	Spring 2019
Fagundes	42	Single Family	\$502,026	Spring 2018
Ward Creek Cottages	97	Single Family	\$1,159,441	Fall 2018
Total Potential In Lieu Fees			\$11,638,270	

The above is a projection by City staff of future park in-lieu fees that are anticipated to be generated by these entitled projects. An approximate total of \$11,638,270 will be collected from these projects upon their completion. However, the Lincoln Landing (\*) project shown above will satisfy its park dedication requirements by a combination of paying some park in-lieu fees, land dedication, and credits for improvements of the dedicated land area as part of its obligation for public park and recreation. Land dedication and credits from improvements will reduce the potential park in-lieu fees listed above.

The projects referenced above are large entitled projects in Hayward, and other additional projects could be entitled in the near future, yielding additional future park in-lieu fees. These include, for example, three unentitled projects submitted to the City in late 2017 and early 2018: Ersted Townhomes (59 units), Oak Street Townhomes (40 units), and Gading II Single-Family Homes (18 units). These projects could yield \$1,343,259 in additional park in-lieu fees that could be counted towards the La Vista destination park if the projects are approved/entitled.

Council approved the use of \$1.5M in funds held for development of the South Hayward Community center towards the park effort. These fees will be paid back via future park in-lieu fees.

#### Current Funding Plan for La Vista Park

Project Cost Estimate (\$23,253,962)

#### Current Project Funding Sources

Park In-Lieu fees from La Vista Development	\$2,140,000
South Hayward Community Center Contribution	\$1,500,000
HARD Contributions:	
HARD Park In-Lieu Fees on hand	\$4,230,000



HARD Measure F1 Bond fund allocations

\$15,400,000<sup>1</sup>

Current Project Funding Surplus

\$16,083

This request has no impact on the General Fund. Should future park in-lieu fees not be as robust as anticipated to fund La Vista Park, staff envisions construction of the park to occur in phases or a modified/scaled back based upon available park in-lieu fees. There are no other funding sources for La Vista Park except for those already mentioned in this report (developer fees, park in-lieu fees, and Measure F1 bond money).

Staff requests an appropriation of the \$1,500,000 from Fund 256 – Park Fund to Fund 405 – Capital Projects (Governmental) to cover the cost of these two contracts.

## STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities Strategic Initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work, and play. This item supports the following goal and objective:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 2: Foster a sense of place and support neighborhood pride.

This agenda item also supports the Tennyson Corridor Strategic Initiative. The purpose of the Tennyson Corridor Strategic Initiative is to develop an attractive, cohesive, thriving Tennyson Corridor through thoughtful engagement of residents, businesses and community partnerships. This item supports the following goal and objectives:

Goal 4: Foster a cohesive sense of place.

Objective 2: Increase City sponsored events and projects I the Tennyson Community.

Objective 4: Explore innovative placemaking opportunities.

Hayward 2040 General Plan: This project also contributes to fulfillment of Land Use and Community Character Goal LU-3 of the Hayward 2040 General Plan, specifically that La Vista Park will help contribute to creating a "complete neighborhood" in South Hayward. The addition of La Vista Park is a long sought-after amenity in South Hayward, which will complement existing schools, daycare centers, religious institutions and existing neighborhood serving commercial businesses. Listed below is the specific General Plan policy related to complete neighborhoods:

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<sup>1</sup> \$2M Bond funds allocated in June 2017; \$13.4M Bond funds allocated in 2018.

- LU-3.1 Complete Neighborhoods: The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of contemporary uses and amenities that meet the daily need of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.

## SUSTAINABILITY FEATURES

The La Vista Park will be designed to be the most sustainable park within the City. As part of the design, park areas will require less irrigation and native grasses and plants will be used throughout the park. Park structures will be constructed from natural materials versus traditional, more costly fabricated structures.

## PUBLIC CONTACT

Listed below are previous public meetings or public outreach efforts performed by the City, HARD, and SDI related to the final draft La Vista Park plan:

- On Friday, October 20, 2017, City staff and the team from SDI met with representatives from Fairway Park to present and gain feedback regarding the current La Vista Park plans.
- On Thursday, October 26, 2017, a public outreach meeting was conducted at Matt Jimenez Community Center, soliciting input from the Hayward community at large, regarding the most current La Vista Park design. City staff, HARD staff and the SDI team conducted a public presentation and received input from participants regarding draft Park plans.
- On Monday, October 30, 2017, the Hayward City Council hosted a joint work session with the HARD Board of Directors where City staff, HARD staff, and the SDI team presented the design for La Vista Park.
- On Monday, April 9, 2018, the HARD Board of Directors approved the final design for La Vista Park and the funding plan for the project.
- On Tuesday, May 15, 2018, the Hayward City Council approved a resolution accepted the La Vista Park Master Plan prepared by SDI and adopted a resolution appropriating \$1.5 M held for development of the South Hayward Community Center towards construction of La Vista Park.

## NEXT STEPS

The following preliminary schedule was established for this project:

Begin Geotechnical Investigation & 30% Design  
Council Authorization to proceed with Final Design and  
CEQA Certification  
Begin Construction  
Complete Construction

April 2019  
September 2019  
July 2020  
October 2021

This schedule is dependent on the completion of the existing dirt stockpile grading by DeSilva Gates and demolition of the existing structures in the expanded park site area.

Prepared by: Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Interim Director of Public Works

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-\_\_\_\_

Introduced by Council Member \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH SURFACEDESIGN, INC. (SDI) FOR PREPARATION OF FINAL DESIGN PLANS, SPECIFICATIONS AND ENGINEER'S ESTIMATE FOR THE LA VISTA PARK PROJECT**

WHEREAS, by resolution on May 15, 2018, the City Council approved the temporary use of the \$1.5 million dollars earmarked for a new community center near the La Vista Development to be used for construction of La Vista Park with the monies to be paid back thru future park in-lieu fees; and

WHEREAS, on November 9, 2018, five (5) proposals were received ranging from \$467,417 to \$1,781,969 for the Final Design Services and Construction Support for the La Vista Park project; SurfaceDesign, Inc. (SDI) of San Francisco, CA submitted the most qualified proposal, with an average score of 93/100 based on criteria established in the Request for Proposal. The negotiated cost proposal is in the amount of \$467,417; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute a professional services agreement with SurfaceDesign, Inc. (SDI) for La Vista Park Project Final Design Services, Project No. 06914, in an amount not to exceed \$467,417, in a form approved by the City Attorney.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to expend up to \$515,000 for professional services and contingencies to complete the project design, prepare construction documents for bidding and construction support.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH LANGAN FOR DESIGN-LEVEL GEOTECHNICAL INVESTIGATION AND CONSTRUCTION SUPPORT FOR THE LA VISTA PARK PROJECT

WHEREAS, by resolution on May 15, 2018, the City Council approved the temporary use of the \$1.5 million dollars earmarked for a new community center near the La Vista Development to be used for construction of La Vista Park with the monies to be paid back thru future park in-lieu fees; and

WHEREAS, on December 14, 2018, four (4) proposals were received ranging from \$34,970 to \$361,250 for the Design Level Geotechnical Investigation and Construction Support for the La Vista Park project ; Langan of Oakland, CA submitted the most qualified proposal, with an average score of 96/100 based on criteria established in the Request for Proposal. The negotiated cost proposal is in the amount of \$198,100; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute a professional services agreement with Langan for La Vista Park Project Design-Level Geotechnical Investigation, Project No. 06914, in an amount not to exceed \$198,100, in a form to approved by the City Attorney.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to expend up to \$220,000 for professional services and contingencies to complete a design-level geotechnical investigation for project design with construction support.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
                  City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AMENDING RESOLUTION 18-081, THE BUDGET RESOLUTION FOR CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 2019, RELATING TO AN APPROPRIATION OF FUNDS FROM FUND 256 – PARK FUND

BE IT RESOLVED by the City Council of the City of Hayward that Resolution 18-081, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2019, is hereby amended by an additional appropriation of \$1,500,000 from Fund 256 – Park Fund to Fund 405 – Capital Improvements (Governmental) to create the La Vista Park Project.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward







# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** CONS 19-191

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**DATE:** March 26, 2019

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

On-Call Public Works Construction Inspection Services - Authorization for the City Manager to Execute Professional Service Agreements with Park Engineering, CSG Consultants, and Willdan Engineering

**RECOMMENDATION**

That Council adopts the attached resolution authorizing the City Manager to execute three-year Professional Services Agreements (PSA) with Park Engineering, CSG Consultants, and Willdan Engineering for on-call Public Works construction inspection services.

**SUMMARY**

Continuing to augment staff with on-call construction inspectors will allow the Department to continue providing adequate inspection oversight on all City-sponsored projects as well as private developments and encroachment permits. There is no additional fiscal impact because these services will only be used on City projects with approved inspection budgets or private projects where fees are covered by developers and permit holders.

**ATTACHMENTS**

Attachment I      Staff Report  
Attachment II     Draft Resolution



DATE: March 26, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: On-Call Public Works Construction Inspection Services – Authorization for the City Manager to Execute Professional Service Agreements with Park Engineering, CSG Consultants, and Willdan Engineering

#### RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to execute three-year Professional Services Agreements (PSA) with Park Engineering, CSG Consultants, and Willdan Engineering for on-call Public Works construction inspection services.

#### SUMMARY

Continuing to augment staff with on-call construction inspectors will allow the Department to continue providing adequate inspection oversight on all City-sponsored projects as well as private developments and encroachment permits. There is no additional fiscal impact because these services will only be used on City projects with approved inspection budgets or private projects where fees are covered by developers and permit holders.

#### BACKGROUND

In March 2016, the Council approved On-Call Public Works Inspection Services Agreements with three firms for \$150,000 per firm, per year, for a period of three years. These Agreements will expire on March 31, 2019.

Construction Inspection workload covers projects from Engineering, Transportation, Utilities, the Executive Airport, and Environmental Services, and public improvement portions of other City-sponsored projects. In addition, the Construction Inspection Section is responsible for the inspection of private development projects and encroachment permits. The Construction Inspectors covering this work include permanent City staff and on-call contract staff. With the currently anticipated workload, it is necessary to continue a similar arrangement currently used to supplement Construction Inspection staff with on-call contract inspection services to adequately cover the workload.

## DISCUSSION

Contract on-call inspectors will only be brought on board as workload requires and will be released when no longer needed. Using on-call inspection services will allow the services to expand and contract with workload demands. The use of a combination of staff and outside consultant services allows flexibility with minimum disruption to project delivery. These services will only be used when needed to cover projects and will be paid from capital project approved budgets, or fees paid by developers and permit holders.

It is not the staff intention to use all allocated funding for each firm each year; rather, the budgeted amount will give staff flexibility should all firms not be available to perform necessary services. If the workload falls short of the forecast, the budget expenditures would be limited to the actual inspection services.

To procure the services, a Request for Proposals was developed and advertised. On November 1, 2018, eleven firms submitted proposals in response to the RFP. Three firms – Park Engineering, CSG Consultants, and Willdan Engineering - were determined by staff to be the most qualified for the services needed based on their experience in providing similar services to other public agencies along with competitive rates. Two of these firms, CSG Consultants and Willdan, have been providing on-call inspection services to Public Works for the last three years.

## ECONOMIC IMPACT

There is no economic impact associated with this item.

## FISCAL IMPACT

This action should have a neutral impact on the General Fund as these services will only be used on City projects with already appropriated inspection budgets or projects where inspection related expenses will be reimbursed by developers and permit holders. Staff recommends a Professional Services Agreement with each firm for a not-to-exceed amount of \$150,000 per firm, per year, for a three-year period.

## STRATEGIC INITIATIVES

This is a routine operational item and does not relate to the Council's strategic initiatives.

## SUSTAINABILITY FEATURES

There are no sustainability features associated with this item.

## PUBLIC CONTACT

There is no public contact associated with this item.

NEXT STEPS

If Council authorizes these contract services, the City Manager will execute three, three-year Professional Services Agreements, with each firm.

Prepared by: Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS WITH PARK ENGINEERING, CSG CONSULTANTS, AND WILLDAN ENGINEERS, FOR ON-CALL CONSTRUCTION INSPECTION SERVICES

WHEREAS, construction inspection workload covers projects from Engineering, Transportation, Utilities, the Executive Airport, and Environmental Services, and public improvement portions of other City-sponsored projects; and

WHEREAS, continuing to augment staff with on-call construction inspectors will allow the Department to continue providing adequate inspection oversight on all City-sponsored projects as well as private developments and encroachment permits; and

WHEREAS, there is no additional fiscal impact because these services will only be used on City projects with approved inspection budgets or private projects where fees are covered by developers and permit holders; and

WHEREAS, the City developed and advertised a Request for Proposals for On-Call Construction Inspection Services and on November 1, 2018 received eleven proposals; and

WHEREAS, staff determined that three firms were most qualified to provide the services needed, with two of the proposals, from CSG Consultants and Willdan Engineers, having previously provided the services to the City for the past three years;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to negotiate and execute agreements for construction inspection services with each of the firms named below for a term of three-years through March 31, 2022, and in a total amount not to exceed \$150,000 per firm, per year, for all construction inspection services authorized by this resolution, in a form to be approved by the City Attorney.

- 1) Park Engineering
- 2) CSG Consultants
- 3) Willdan Engineering

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
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Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** CONS 19-183

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**DATE:** March 26, 2019

**TO:** Mayor and City Council

**FROM:** City Manager

**SUBJECT**

Adoption of a Resolution Approving Annexation of the Ersted Property (Tract 8439) into the Hayward GHAD

**RECOMMENDATION**

That the Council adopts the attached resolution approving the annexation of the Ersted Property (Tract 8439) into the existing Hayward Geologic Hazard Abatement District ("GHAD") as requested by the GHAD Manager.

**SUMMARY**

When the 59-unit townhome project referred to as Ersted Property (Tract 8439) ("Ersted Project") was approved by the City of Hayward, it imposed a Condition of Approval No. 46 requiring the Ersted Project to be annexed into the existing Hayward Geologic Hazard Abatement District ("GHAD"). On February 26, 2019, with the approval of Resolution 19-02, the GHAD Board of Directors ("GHAD Board") approved annexation of the Ersted Project into the Hayward GHAD. Public Resources Code Section 26581 states that a proposed annexation is subject to the approval of the legislative body that approved formation of the GHAD; therefore, the Hayward City Council is requested to approve the attached resolution approving annexation of the Ersted Project into the Hayward GHAD.

**ATTACHMENTS**

Attachment I Staff Report  
Attachment II Resolution





DATE: March 26, 2019

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Adoption of a Resolution Approving Annexation of the Ersted Property (Tract 8439) into the Hayward GHAD

#### RECOMMENDATION

That the Council adopts the attached resolution approving the annexation of the Ersted Property (Tract 8439) into the existing Hayward Geologic Hazard Abatement District (“GHAD”) as requested by the GHAD Manager.

#### SUMMARY

When the 59-unit townhome project referred to as Ersted Property (Tract 8439) (“Ersted Project”) was approved by the City of Hayward, it imposed a Condition of Approval No. 46 requiring the Ersted Project to be annexed into the existing Hayward Geologic Hazard Abatement District (“GHAD”). On February 26, 2019, with the approval of Resolution 19-02, the GHAD Board of Directors (“GHAD Board”) approved annexation of the Ersted Project into the Hayward GHAD. Public Resources Code Section 26581 states that a proposed annexation is subject to the approval of the legislative body that approved formation of the GHAD; therefore, the Hayward City Council is requested to approve the attached resolution approving annexation of the Ersted Project into the Hayward GHAD.

#### BACKGROUND AND DISCUSSION

On March 1, 2016, the Hayward City Council adopted Resolution No. 16-030 approving the formation of the Hayward Geologic Hazard Abatement District (GHAD) and appointed itself to serve as the GHAD Board of Directors.

Currently, The Reserve development (Tract 7620) is the only property within the GHAD. As allowed by GHAD Law, the owner of property within the Ersted development submitted a Petition for Annexation of the Ersted Property into the Hayward GHAD. In approving the Ersted development, the City of Hayward imposed Condition of Approval No. 46 requiring that the Ersted Project be annexed into the existing Hayward GHAD prior to recordation of the final map for the Ersted Project. To satisfy this requirement, the current owner of the Ersted Project petitioned the Hayward GHAD Board of Directors for annexation into the existing Hayward GHAD (“GHAD” or “District”). On February 26, 2019, with the approval of Resolution

19-02, the GHAD Board of Directors (“GHAD Board”) approved annexation of the Ersted Project into the Hayward GHAD.

In connection with the proposed annexation, a draft Plan of Control has been prepared. The Plan of Control is separate from the La Vista (The Reserve) Plan of Control and describes the work contemplated for the Ersted development, including maintenance and monitoring activities, including slopes, retaining walls, subdrains, storm drain facilities, and concrete-lined drainage ditches. As adopted by the Hayward GHAD Board of Directors on February 26, 2019, with the approval of Resolution 19-03, the Ersted Project Plan of Control will address geologic hazards within Subdivision 8439.

If annexation is approved by the Hayward City Council, the funding for the GHAD activities within the proposed annexed area to prevent, mitigate, abate, and control geologic hazards will be based on an assessment, and such funds will be collected and used in connection with the Ersted Plan of Control. The Engineer’s Report recommends a proposed assessment limit of \$932.00 per single family residential unit (Fiscal Year 2018/19 dollars). The proposed assessment is supported by an Engineer’s Report prepared by a registered professional engineer certified by the State of California, in accordance with Proposition 218. The annual assessment limit would be adjusted annually based on the San Francisco-Oakland-San Jose Consumer Price Index (CPI). The proposed assessment does not impact or change the existing assessments for The Reserve (La Vista) landowners in the GHAD.

Public Resources Code Section 26581 states that a proposed annexation is subject to the approval of the legislative body that approved formation of the GHAD. Since the Hayward City Council approved formation of the Hayward GHAD, Hayward City Council approval is necessary for the proposed annexation. Therefore, the Hayward City Council is requested to approve the attached resolution approving annexation of the Ersted Project into the Hayward GHAD.

#### FISCAL IMPACT

The Petitioner of the Petition for Annexation is responsible for funding all activities undertaken by the GHAD up and until the GHAD improvements, as defined in the Plan of Control, are accepted by the GHAD. Thereafter, the GHAD is funded 100% through assessments levied on properties within the Ersted portion of the GHAD. Therefore, there is no impact on the City’s General Fund.

#### NEXT STEPS

If the resolution is approved, there are no additional steps for the Hayward City Council related to annexation of the Ersted Project. The Hayward GHAD Board of Directors will conduct a Public Hearing to consider approval of the Engineer’s Report and issue a Notice of Intent to Order an Assessment for the Ersted Project.

Prepared and Recommended by:

GHAD Manager Eric Harrell  
GHAD Attorney Amara Morrison

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION No. 19-

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING THE ANNEXATION OF THE ERSTED PROPERTY INTO THE HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT

WHEREAS, on March 1, 2016, the Hayward City Council approved Resolution No. 16-030 ordering the formation of the Hayward Geologic Hazard Abatement District (“GHAD”) and appointed itself serve as the GHAD Board of Directors (“Board”); and

WHEREAS, on February 5, 2019, the GHAD Board was presented with and has reviewed the Petition for Annexation of Ersted Property to the Hayward GHAD (“GHAD Petition”), which is attached here to as Attachment 1. The property proposed to be annexed into the GHAD is described in the legal description and identified in the boundary map set forth in Exhibits A and B to Attachment 1; and

WHEREAS, on February 5, 2019, the GHAD Board adopted Resolution No. 2019-01 accepting the GHAD Petition for the proposed Ersted development and set a hearing for February 26, 2019 to consider the proposed annexation. This hearing was noticed in accordance with Public Resources Code section 26557, 26561, 26562, and 26563; and

WHEREAS, on February 26, 2019, the GHAD Board held a public hearing on the proposed annexation. At the time set for the hearing, the GHAD Board was presented with any and all objections to the annexation made pursuant to Public Resources Code Section 26564. At the hearing, owner(s) of more than 50 percent of the assessed valuation of the property to be annexed to the Hayward GHAD did not object to the annexation; and

WHEREAS, on February 26, 2019, the GHAD Board closed the hearing and, by Resolution 19-02, approved the annexation of the proposed Ersted development into the Hayward GHAD; and

WHEREAS, Public Resources Code section 26581 states that a proposed annexation is subject to approval of the legislative body that approved the formation of the GHAD;

The Board of Directors of the GHAD HEREBY RESOLVES THAT:

1. The Hayward City Council hereby approves the annexation of the proposed Ersted development into the Hayward GHAD as described in the GHAD Petition and as ordered by the GHAD Board on February 26, 2019 by Resolution No. 2019/02 as required by Public Resources Code section 26581.

2. The recitals are incorporated herein by this reference.
3. This Resolution shall become effective immediately upon its passage and adoption.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019.

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** WS 19-016

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**DATE:** March 26, 2019

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT**

Seismic Retrofit Standards for Multifamily Buildings Work Session

**RECOMMENDATION**

That the City Council reviews this report and provides direction to staff on the development of retrofit standards for multifamily buildings in Hayward.

**SUMMARY**

Multifamily wood frame buildings with soft, weak, or open-front (“soft story”) conditions are at risk of severe damage or collapse in the event of a major earthquake. Staff estimates that approximately 280, pre-1979, five or more unit buildings in Hayward are potential soft story buildings. In the past decade, several California cities (including San Francisco, Berkeley, and Oakland) have developed soft story retrofit programs to reduce the risk of collapse of soft story buildings in their jurisdictions. Staff recommends and requests Council feedback on the following:

- Adopting a mandatory soft story building screening program that applies to pre-1979 multifamily wood-frame buildings with five or more units to identify and increase awareness of soft story buildings in Hayward; and
- Adopting retrofit standards and performance goals for soft story retrofits to provide guidance and incentives for owners who decide to retrofit voluntarily.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Soft Story Retrofit Programs



DATE: March 26, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Seismic Retrofit Standards for Multifamily Buildings Work Session

## RECOMMENDATION

That the City Council reviews this report and provides direction to staff on the development of retrofit standards for multifamily buildings in Hayward.

## SUMMARY

Multifamily wood frame buildings with soft, weak, or open-front (“soft story”) conditions are at risk of severe damage or collapse in the event of a major earthquake. Staff estimates that approximately 280, pre-1979, five or more unit buildings in Hayward are potential soft story buildings. In the past decade, several California cities (including San Francisco, Berkeley, and Oakland) have developed soft story retrofit programs to reduce the risk of collapse of soft story buildings in their jurisdictions. Staff recommends and requests Council feedback on the following:

- Adopting a mandatory soft story building screening program that applies to pre-1979 multifamily wood-frame buildings with five or more units to identify and increase awareness of soft story buildings in Hayward; and
- Adopting retrofit standards and performance goals for soft story retrofits to provide guidance and incentives for owners who decide to retrofit voluntarily.

## BACKGROUND

The United States Geological Survey (USGS) predicts that there is a 72% probability of a major (M6.7 or greater) earthquake in the Bay Area by the year 2043. Of the 32 faults included in this analysis, the Hayward fault is the most likely to rupture and cause a damaging earthquake.

Some building types are more vulnerable to serious damage and potential collapse in a major earthquake. Engineers and other seismic safety professionals have identified so-called “soft story” buildings – multi-story wood-frame buildings with large open spaces on the first floor – as one such building type. These building types are most commonly multifamily residential structures with retail, open garage space, or “tuck-under” parking on the ground floor.

In recognition of the concerns specific to the seismic performance of wood-frame multifamily housing, several California cities have passed ordinances mandating or supporting the screening and retrofit of soft story buildings. A comparison of these policies is included in Attachment II.

On July 19, 2016, the City Council held a work session on seismic retrofits to soft story buildings. At the time, staff recommended a mandatory seismic retrofit program for wood frame, two-story buildings with five or more units, built prior to 1979. Following that work session, the ordinance was set aside to focus on addressing community concerns regarding increased rental housing costs.

In October 2016, City staff collaborated with staff from the Association of Bay Area Governments Resilience Program, volunteers from the Earthquake Engineering Research Institute, and students from California State University - East Bay to conduct a sidewalk survey of potential soft story buildings in Hayward. Starting with data from the Alameda County Office of the Assessor, participants completed visual surveys of pre-1979 multifamily wood frame buildings throughout the City using a FEMA visual screening tool. This exercise resulted in a rough estimate of the number of potential soft story buildings in Hayward: approximately 280 of the City's multifamily buildings may have a soft story condition.

## DISCUSSION

In order to return to City Council with an ordinance for the screening and/or retrofit of multifamily buildings with potential soft, weak, or open front (SWOF) conditions, staff needs direction on the scope of the ordinance, the type of program and ordinance to develop, and the retrofit performance goals.

### Mandatory Retrofit, Voluntary Retrofit, and Screening Programs

One of the key considerations in developing a soft story program is the type of program to create: a screening program, a voluntary retrofit program, or a mandatory retrofit program.

**Screening Programs.** Soft story screening programs are intended to create a list of a jurisdiction's buildings that have soft story conditions. A screening program is the necessary first step in a mandatory retrofit program but can be implemented independent of a mandated retrofit program. Typically, screening programs involve noticing owners of potential soft story buildings requiring owners to provide data (e.g., permit numbers for previous retrofits, a floor plan and photos, or an evaluation by a licensed engineer) that confirms whether their building has a soft story condition and within a specified timeframe. Screening programs can include noticing requirements for tenants of suspected or confirmed soft story buildings and penalties for noncompliance. Screening programs require dedicated staff time for noticing owners, processing documentation, and administering the list of potential and confirmed soft story buildings.

**Voluntary Retrofit Programs.** Voluntary retrofit programs set retrofit standards and performance goals for retrofitting soft story buildings, but do not require owners to retrofit. These programs may include incentives for retrofitting including relaxed parking restrictions,



funding opportunities, and/or a temporary (often 15-20 year) exemption from any future mandatory soft story retrofit program or change to the retrofit standards. Voluntary retrofit programs provide guidance for owners who are interested in retrofitting, but do not generally result in widespread participation.

**Mandatory Retrofit Programs.** Mandatory retrofit programs require owners of soft story buildings to retrofit their properties. They begin with a screening program to identify buildings subject to the ordinance, set retrofit standards and performance goals, and a timeline for owners to acquire permits for and complete construction of retrofits. Like voluntary retrofit programs, mandatory programs may include incentives for participation but unlike voluntary programs, they also outline penalties for noncompliance.

Mandatory retrofit programs tend to result in much higher levels of compliance than voluntary retrofit programs. They also have significant costs for cities, owners, and tenants. The staff time required for administering a soft story retrofit program has necessitated new FTE positions in some cities. Additionally, soft story retrofits can be expensive – unlike single family home retrofits (e.g., “brace and bolt” -type retrofitting), each soft story retrofit requires an engineer’s evaluation and plan development specific to the building based on the floor plan, construction methods, and materials used. Multiple steel moment frames may be required to reinforce the large openings in the ground story. The costs of retrofits are also subject to cost fluctuations in the construction market generally, including the cost of labor and materials, both of which are currently in high demand.

One of the key policy concerns in the adoption of mandatory soft story retrofit ordinances in other jurisdictions has been the burden of retrofit costs on tenants. Often, soft story retrofits have used existing rent control ordinances or infrastructure to cap and/or amortize the pass-through of retrofit costs to tenants. In Hayward, due to the small number of units covered by the Rent Stabilization Ordinance and lack of infrastructure for limiting rent increases, implementing a pass-through cap would be virtually impossible.

TABLE 1. SUMMARY OF SCREENING, VOLUNTARY RETROFIT, AND MANDATORY RETROFIT PROGRAMS FOR SOFT STORY BUILDINGS.

SCREENING	VOLUNTARY	MANDATORY
<ul style="list-style-type: none"> <li>- Confirms the number of soft story buildings in jurisdiction</li> <li>- Helps City staff gather information about the potential risk in the building stock/community</li> <li>- May include noticing requirements</li> <li>- Requires dedicated staff time</li> </ul>	<ul style="list-style-type: none"> <li>- Sets retrofit standards and performance goals*</li> <li>- May include incentives for retrofitting</li> <li>- Tends to result in limited compliance compared to mandatory program</li> <li>- Lower impact on staff time than mandatory retrofit program</li> </ul>	<ul style="list-style-type: none"> <li>- Necessitates a screening program</li> <li>- Sets retrofit standards and performance goals*</li> <li>- Sets a timeline for compliance</li> <li>- Often includes noticing requirements</li> <li>- May include incentives for retrofitting and penalties for noncompliance</li> <li>- Tends to result in high levels of compliance than voluntary program</li> <li>- Requires significant dedicated staff time</li> <li>- Often includes limits to the retrofit</li> </ul>

SCREENING	VOLUNTARY	MANDATORY
		costs that owners can “pass through” to tenants

**Staff recommendation:** Create a mandatory screening program but a voluntary retrofit program to assist City staff with disaster preparedness and response planning, to help increase awareness of potentially at-risk buildings, and to gather data for potential funding opportunities while providing guidance to owners who would like to retrofit. One key goal of staff’s recommendation is minimizing the potential displacement of residents in rental housing.

### Scope

By definition, a soft story retrofit program will consist of multistory, wood frame residential buildings. However, there is some variation in the age and size of the buildings covered by a retrofit ordinance.

**Age.** The majority of soft story building retrofit ordinances focus on pre-1979 buildings. Past 1979, new buildings were designed and built in accordance with an updated version of the Uniform Building Code (UBC). The updated UBC included a new, more rigorous seismic risk category that covered areas particularly susceptible to earthquake damage due to their proximity to fault lines, like Hayward.

The two exceptions to the pre-1979 cutoff are Oakland and Alameda. Oakland’s mandatory screening and retrofit program includes buildings built prior to 1991, when the California Building Code adopted more comprehensive earthquake design standards based on building performance in the 1989 Loma Prieta earthquake.

**Staff recommendation:** Limit the ordinance to pre-1979 buildings, which are at greatest potential risk in an earthquake due to building code standards at the time of their construction.

**Units.** Soft story retrofit ordinances typically apply to buildings with five or more units. Buildings of this size are considered commercial properties and may be eligible for financing options that are unavailable for buildings with fewer units. Additionally, focusing on larger buildings will have the greatest impact in the community, since most multifamily tenants are in buildings with five or more units. It is worth noting, however, that buildings with fewer than five units may also have soft story conditions that put them at risk of severe damage and collapse in an earthquake.

**Staff recommendation:** Limit the soft story ordinance to buildings with five or more units.

### Retrofit Performance Goals

In order to develop either a voluntary or mandatory soft story retrofit ordinance, staff will need Council direction on the desired outcome of the retrofit program.

Reduced Risk/Life Safety. This is the most common retrofit standard for soft story ordinances throughout California. The goal of reduced risk retrofits is to prevent collapse in a major earthquake, allowing inhabitants to survive the initial temblor and evacuate prior to aftershocks. These retrofits focus on the “target story” or soft story of the building and involve minimal, if any, work on the other stories of the building, minimizing temporary displacement of tenants.

Habitability. Buildings may also be retrofitted such that they are expected to be minimally damaged and remain habitable following a major earthquake. However, this performance expectation is higher than what is currently expected of new construction and bringing older buildings (those staff recommends should be considered under the proposed ordinance) up to this standard is an extensive and often prohibitively expensive undertaking. Retrofitting to this standard would likely entail work above the “target story” and would temporarily displace tenants during construction.

In considering retrofit performance goals, the ABAG guidance document for developing soft story ordinance states, “if soft story buildings are spread over a wide geographical area, it can be assumed that earthquake ground shaking will vary based on location and that some buildings will perform better than others based simply on the degree of shaking they experience. Therefore, it may be acceptable to set a more moderate performance objective and still have acceptable performance of the building stock as a whole.”

What other jurisdictions have selected is in column D of the table in Attachment II.

Staff recommendation: Use a reduced risk performance goal (life safety only) for developing retrofit standards.

### Incentives and Other Policy Considerations

In addition to the policy considerations listed above, Council should consider the following:

- Exemption from future designations. One incentive that is typical to seismic retrofit programs is an exemption to property owners from future mandatory programs or stricter retrofit requirements after voluntarily retrofitting. This allows time for the property owner to recoup the cost of their retrofit and/or plan for another rehabilitation of similar magnitude. These provisions typically establish a 15-20-year exemption period.
- Parking requirements. Because soft story retrofits commonly include reinforcement of parking garages or bays, they can reduce the number of parking spaces. Retrofit ordinances make exemptions to parking requirements for retrofitted buildings.
- Noticing requirements. Screening programs and mandatory retrofit programs often require building owners to notify their tenants that their building is a soft story and notify any new tenants who move in prior to retrofits.

### ECONOMIC IMPACT

To the extent that these retrofits prevent collapse in an earthquake, they can potentially limit economic losses and speed recovery. The immediate economic impact of a major earthquake on the Hayward Fault would include the probable loss of several thousand housing units, creating a tremendous need for short-term housing and support among a portion of our population likely to have limited resources. The anticipated longer-term economic impact would include permanent loss of multi-family housing stock, causing long-term displacement of residents from the City of Hayward, blight, and a prolonged recovery from the disaster.

## FISCAL IMPACT

The fiscal impact of adopting seismic retrofit standards and/or a seismic risk screening program depends on the level of participation. Should Council direct staff to proceed, next steps and one-time costs would include hiring an engineering consultant to help develop guidance and standards for retrofits based on Council's feedback. Other fiscal impacts could include:

- Increased utilization of contracted plan checking services, and
- Administrative staff time for creating and maintaining a seismic screening program.

Building permit fees would cover the cost of reviewing permit applications and conducting inspections for any program developed.

Based on Council direction, staff will return for adoption with a more specific and thorough analysis of the costs and staff time associated with seismic retrofits for multifamily buildings.

## STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities Initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work, and play for all. This item supports the following goal and objective:

Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

Objective 4: Increase supply of affordable, safe, and resilient housing in Hayward.

## PUBLIC CONTACT

In preparation for this work session, staff has met with multifamily housing property owners and managers who operate in Hayward, as well as representatives from the Rental Housing Association. Some of the concerns that arose from these conversations included:

- Consistency – owners and managers were concerned with consistent and predictable interpretation and application of retrofit standards between City staff and contracted service providers. Staff will develop guidance documents for internal and external plan

checkers and building inspectors to ensure consistency in the application of the requirements for soft story retrofits.

- Incentives – owners and managers supported an exemption from future increased or mandatory retrofit standards for 15-20 years following the completion of a voluntary retrofit.
- Timeline – owners and managers indicated that two years was an appropriate timeline for compliance with a screening program.

#### NEXT STEPS

Should the Council decide to proceed with the development and adoption of a soft story building retrofit ordinance, staff will hire an engineering consultant to assist with the development of engineering guidelines and guidance documents. Staff will return in late April or early May with a soft story retrofit ordinance.

Prepared by:            Laurel James, Management Analyst

Recommended by:    Laura Simpson, Development Services Director

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written over a horizontal line.

Kelly McAdoo, City Manager

## Soft Story Retrofit Programs

A. JURISDICTION	B. PROGRAM TYPE, YEAR	C. SCOPE	D. STANDARD	E. TIMELINES
Alameda	Mandatory Screening 2009  Voluntary Retrofit 2006	Pre-1986 5+ units  178 buildings 2,623 units	Reduced risk	Screening: 18 months
Berkeley	Mandatory Screening 2005  Mandatory Retrofit* 2008	Pre-1978 5+ units  323 buildings ~5,000 units	Reduced risk	Screening: 2 years Permits: 3 years Completion: 2 years
Fremont	Mandatory Screening & Retrofit* 2007	Pre-1978  26 buildings ~1,000 units	Reduced risk	Permits: 2-3 years Completion: 4-5 years
Los Angeles	Mandatory Screening & Retrofit 2015	Pre-1978 3+ units  13,821 buildings 164,148 units	Reduced risk	Screening: 2 years Permits: 3.5 years Completion: 7 years
Oakland	Mandatory Screening 2009  Mandatory Retrofit* 2018	Pre-1991 5+ units  1,479 buildings 24,273 units	Reduced risk	Screening: 1 year Completion: 4-6 years
San Francisco	Mandatory Screening & Retrofit 2013	Pre-1978 5+ units  2,800 buildings 29,000 units	Reduced risk	Tiered implementation depending on building sizes/uses.
Santa Monica	Mandatory Screening & Retrofit 2017	Pre-1980  1,573 buildings	Reduced risk	Screening: 2 years Permits: 3.5 years Completion: 6 years

\*These programs began as voluntary retrofit programs.



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** LB 19-019

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**DATE:** March 26, 2019

**TO:** Mayor and City Council

**FROM:** City Manager

**SUBJECT**

Adoption of Emergency Ordinance Amending Just Cause for Tenant Evictions to Exempt Affordable Housing Conversion Projects

**RECOMMENDATION**

That the City Council adopts an emergency Ordinance amending Just Cause for Tenant Evictions to exempt affordable housing conversion projects.

**SUMMARY**

On March 5, 2019, the City Council adopted an emergency Ordinance requiring just cause for tenant evictions for all rental units within the City and repealing the eviction for cause provisions under the Residential Rent Stabilization Ordinance (RRSO). The Just Cause for Tenant Eviction Ordinance provides tenants with a defense against no cause evictions and establishes what constitutes justified evictions. The just causes required for eviction identified under the new ordinance are the same as the justifications for eviction under the RRSO, however, the exemptions are different. Specifically, the new ordinance does not exempt affordable housing.

While funding sources for affordable housing generally require eviction for cause, elimination of this exemption prevents investment in properties that will convert market rate properties to affordable rent restricted properties because the property owners would not be able to terminate the tenancy of over-income tenants in order to complete the conversion.

Staff is recommending enacting this exemption as an emergency ordinance due to the immediate impacts the ordinance has on Leisure Terrace Apartments, which initiated applications for funding the conversion of the project from market rate to affordable prior to the enactment of the emergency Just Cause for Tenant Eviction Ordinance. The project also received approval from City Council on February 19, 2019 to issue multifamily housing revenue bonds. Enactment of an emergency ordinance would require at least five affirmative votes from the City Council and would go into effect immediately. If only four Council members vote for the proposed ordinance, then adoption would occur at the next City Council meeting and the ordinance would go into effect 30 days after adoption. However, if this is not adopted as an

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**File #:** LB 19-019

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emergency Ordinance, this is likely to jeopardize the financing of the conversion of the Leisure Terrace Apartments to affordable housing, as well as other affordable housing conversions in other jurisdictions being developed by the same project proponent.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Ordinance Amending the Just Cause for Tenant Eviction Provisions





DATE: March 26, 2019

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Adoption of Emergency Ordinance Amending Just Cause for Tenant Evictions to Exempt Affordable Housing Conversion Projects

#### RECOMMENDATION

That the City Council adopts an emergency Ordinance amending Just Cause for Tenant Evictions to exempt affordable housing conversion projects.

#### SUMMARY

On March 5, 2019<sup>1</sup>, the City Council adopted an emergency ordinance requiring just cause for tenant evictions for all rental units within the City and repealing the eviction for cause provisions under the Residential Rent Stabilization Ordinance (RRSO). The Just Cause for Tenant Eviction Ordinance provides tenants with a defense against no cause evictions and establishes what constitutes justified evictions. The just causes required for eviction identified under the new ordinance are the same as the justifications for eviction under the RRSO, however, the exemptions are different. Specifically, the new ordinance does not exempt affordable housing.

While funding sources for affordable housing generally require eviction for cause, elimination of this exemption prevents investment in properties that will convert market rate properties to affordable rent restricted properties because the property owners would not be able to terminate the tenancy of over-income tenants in order to complete the conversion.

Staff is recommending enacting this exemption as an emergency ordinance due to the immediate impacts the ordinance has on Leisure Terrace Apartments, which initiated applications for funding the conversion of the project from market rate to affordable prior to the enactment of the emergency Just Cause for Tenant Eviction Ordinance. The project also received approval from City Council on February 19, 2019<sup>2</sup> to issue multifamily housing revenue bonds. Enactment of an emergency ordinance would require at least five affirmative

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<sup>1</sup> March 5, 2019 Staff Report and Attachments:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3874594&GUID=09926C2C-0347-4756-8980-23BE5F61BE84&Options=&Search=>

<sup>2</sup> February 19, 2019 Staff Report and Attachments:

<https://hayward.legistar.com/LegislationDetail.aspx?ID=3863371&GUID=E3FF2A1F-D770-463F-ACC2-8EBEFC711CF3&Options=&Search=>

votes from the City Council and would go into effect immediately. If only four Council members vote for the proposed ordinance, then adoption would occur at the next City Council meeting and the ordinance would go into effect 30 days after adoption. However, if this is not adopted as an emergency Ordinance, this is likely to jeopardize the financing of the conversion of the Leisure Terrace Apartments to affordable housing, as well as other affordable housing conversions in other jurisdictions being developed by the same project proponent.

## BACKGROUND

On February 19, 2019, the City Council convened a work session that defined the parameters for an approach to amend the RRSO including extending eviction for cause protections to all residential rental properties. On this same night, the City Council conducted a public hearing under the Tax and Equity Fiscal Responsibility Act (TEFRA) and adopted a resolution approving the issuance of multifamily housing revenue bonds to finance the acquisition and rehabilitation of Leisure Terrace Apartments by the California Public Finance Authority.

Subsequently, on February 26, 2019<sup>3</sup>, the Council referred and directed staff to return with an emergency Ordinance to the full Council to prevent no cause evictions out of concern that the proposed modifications to the RRSO will cause evictions that will destabilize the community. On March 5, 2019, the Council adopted an emergency ordinance extending Just Cause for Eviction protections to all residential rental units.

The Just Cause for Eviction Ordinance provides tenants with a defense against no cause evictions and establishes what constitutes justified evictions. The just causes required for eviction identified under the new ordinance are the same as the justifications for eviction under the RRSO; however, the exemptions were different. Specifically, the new ordinance does not exempt affordable housing.

## DISCUSSION

Prior to the enactment of the Emergency Just Cause for Tenant Eviction Ordinance, Reliant Group Management (Reliant) acquired a seven-property portfolio across the Bay Area, which included the Leisure Terrace Apartments, located at 638 E Street, and initiated applications for financing that will convert three of the market rate properties, including Leisure Terrace, to Section 42 low-income housing tax credit (LIHTC) communities. These complexes will serve low and very low-income residents of their respective communities at or below the 60% and 50% of area medium income (AMI) levels. The other two properties being converted to affordable housing include 112 units in the City of Antioch and 84 units in the City of Hercules, which will increase the overall affordable housing supply in the Bay Area. Applications for LIHTC credits and the required tax-exempt bonds is an extensive one, requiring material funds to be advanced for third party reports and development plans in order to ensure compliance with the LIHTC rules. The formal applications for tax credits and

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<sup>3</sup> February 26, 2019 Meeting Video:  
[http://hayward.granicus.com/MediaPlayer.php?view\\_id=1&clip\\_id=590](http://hayward.granicus.com/MediaPlayer.php?view_id=1&clip_id=590)

bonds were submitted to the California Tax Credit Allocation Committee and to the California Debt Limit Allocation Committee on January 18, 2019. The TEFRA hearing was held and unanimously approved by the Council on February 19th, 2019.

The proposed project will improve the quality of housing provided by Leisure Terrace Apartments, protect residents most vulnerable to displacement caused by the new acquisition and investment, and create a total of 264 units of affordable housing throughout the Bay Area. However, to comply with LIHTC requirements, Reliant would have to terminate the tenancy of over-income tenants. Under the eviction for cause provisions of the RRSO, applicable at the time of the TEFRA hearing and application for LIHTC, affordable housing regulated by a government agency was exempt and, therefore, did not preclude Reliant from terminating the tenancy of over-income tenants. Under the recently adopted Just Cause for Tenant Eviction Ordinance, affordable housing is not exempt.

If Reliant cannot use public bond financing and LIHTC, they will finance the project with private financing and will have to significantly increase rents to market levels in order to finance the intended investment and rehabilitation of the apartment units. In this scenario, the most vulnerable tenants will experience an economic displacement and be at-risk of homelessness. Additionally, the City of Antioch and the City of Hercules would lose 112 units and 80 units respectively of affordable housing.

Not only is this an issue for the conversion of Leisure Terrace Apartments to affordable housing, the recently adopted Just Cause for Eviction Ordinance would prevent similar types of investment intended to bring much needed affordable housing to the City of Hayward and improve the quality of existing housing stock. As a result, staff recommends amending the Just Cause for Tenant Eviction Ordinance to exempt affordable housing acquisition and rehabilitation development projects that receive funding from a federal, state, or local agency for the purpose of substantially rehabilitating a property and converting the rental units to affordable rental housing. The exemption only applies in connection with, or related to a conversion, which includes such time as an award of the subsidy or funding is made by the federal, state, or local agency and to units that are not occupied by tenants meeting the eligibility requirements of the program under which such subsidy or funding is made.

Some of the current tenants residing at Leisure Terrace Apartments may meet the income qualifications for the new affordable units. Others may not. However, Reliant has not yet done a comprehensive tenant survey to determine compliance with rent limit guidelines. This will not occur until after their financing is complete so they do not have a good estimate for the number of market rate tenants that may be displaced as a result of this conversion to affordable housing.

Additionally, staff is currently working with the Homelessness-Housing Task Force and stakeholders to develop a relocation ordinance that could provide relocation benefits for no cause evictions including evictions that result from the conversion of market rate housing to affordable housing.

Staff is recommending enacting this as an emergency ordinance so as not to jeopardize the LIHTC financing of the Leisure Terrace Apartments and the other proposed affordable properties in the recently acquired property portfolio. Enactment of an emergency ordinance would require at least five affirmative votes from Council. If only four Council members vote for the proposed ordinance, then adoption would occur at the next City Council meeting and the ordinance would go into effect 30 days after adoption. This delay is likely to jeopardize the financing of the conversion of the Leisure Terrace Apartments to affordable housing, as well as other affordable housing conversions in other jurisdictions.

## FISCAL IMPACT

There are no fiscal impacts associated with the amendment of the Just Cause for Tenant Eviction Ordinance. However, the enactment of the emergency ordinance expanding just cause provisions to all rental units will likely increase costs associated with administering the RRSO due to educational efforts and an increase in call volumes from affected landlords and tenants. City staff is conducting a fiscal analysis on the budget impacts of administering and enforcing all the proposed amendments to the RRSO that resulted from the February 19, 2019 work session, including the expansion of the just cause provisions to all rental units in the City. Given the emergency nature of the Just Cause for Eviction Ordinance, this fiscal analysis is not yet complete. However, costs associated with the RRSO are recovered through the Rent Review Administration Fee. Consequently, the amount of the fee will also be updated to cover these expenses. The fee is paid by the landlord and half of the fee can be passed through to the tenant. As outlined in the Next Steps section below, the staff report scheduled for May regarding amendments to the RRSO will provide an estimated budget for the program.

## STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities Initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work, and play for all. This item supports the following goal and objectives:

Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

Objective 1: Centralize and expand housing services.

Objective 3: Conserve and improve the existing housing stock.

## PUBLIC CONTACT

In January 2018, staff hosted meetings with tenants, landlords, representatives of community-based organizations, and advocates to listen to these stakeholders' perspectives on housing issues. Additionally, staff conducted an online survey to provide an alternate mechanism for participation in the housing discussion. Analysis of the results of the survey were included in

the February 6, 2018<sup>4</sup> staff report. On February 26, 2018, staff hosted a subsequent listening session to hear the stakeholders' feedback on Council supported affordable rental housing strategies. In October 2018, staff conducted four tenant focus groups. From December 2018 through February 2019, staff met with community stakeholders affiliated with landlords, realtors, and tenants to develop potential amendments to the RRSO to address issues of rent stabilization more comprehensively in the City. Lastly, staff discussed the Just Cause for Tenant Eviction Ordinance with Eden Housing to identify if there were any other concerns with the Just Cause for Tenant Eviction Ordinance as it relates to affordable housing, and none were identified.

**NEXT STEPS**

Staff continues to work on amendments to the RRSO including exploring a relocation assistance guidelines. Over the next month, staff will evaluate legislation from other jurisdictions and meet with stakeholders to discuss proposed legislation and hold a community workshop on April 6. Staff will then return to the Task Force with proposed legislation during the April and/or May 2019 Task Force meetings and bring proposed legislation to the City Council in May 2019.

**Table 1. Rent Stabilization Ordinance Amendment Timeline**

Community Engagement Workshop	April 6, 2019 (9:30am-12:30pm)
Homelessness-Housing Task Force	April 18, 2019 (5:00 pm)
Homelessness-Housing Task Force	May 2019 (TBD) (5:00 pm)
City Council Approval	May 21, 2019 (7:00 pm)

Prepared by: Christina Morales, Housing Division Manager

Recommended by: Jennifer Ott, Deputy City Manager

Approved by:




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Kelly McAdoo, City Manager

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<sup>4</sup> February 6, 2018 Staff Report and Attachments:  
<https://hayward.legistar.com/LegislationDetail.aspx?ID=3335549&GUID=DDD8866E-BAEB-44BF-8EBB-2F716A750170&Options=&Search=>

ORDINANCE NO. 19 -

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD AMENDING ORDINANCE 19-05 ON JUST CAUSE FOR TENANT EVICTIONS TO EXEMPT AFFORDABLE HOUSING CONVERSIONS PROJECTS

WHEREAS, the laws of the State of California and the Housing Element of the General Plan of the City of Hayward prohibit arbitrary discrimination by landlords;

WHEREAS, the right to occupancy of safe, decent, and sanitary housing is a human right;

WHEREAS, the City of Hayward's prolonged affordable housing crisis disproportionately impacts low income and working-class households, senior citizens, and residents whose first language is not English, and thereby increases homelessness and crime, harms neighborhood stability and cohesion, and damages business prospects for small businesses;

WHEREAS, recent state laws that eliminate limits on rent increases upon the vacation of rental units provide added economic incentive to evict tenants, such that the number of evictions without just cause has increased markedly in recent years;

WHEREAS, residential tenants, who constitute approximately 49 percent of the residents of Hayward, suffer great and serious hardship when forced to move from their homes;

WHEREAS, basic fairness requires that a landlord must not terminate the tenancy of a residential tenant without good, just, non-arbitrary, non-discriminatory reasons;

WHEREAS, the good cause eviction protections enacted in San Francisco, Berkeley, Oakland, and other California cities, have aided community stability and reduced urban problems associated with arbitrary disruption of stable households;

WHEREAS, the general welfare of all citizens Hayward would be enhanced if evictions without just cause were prohibited;

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and made a part of this ordinance.

Section 2. Title. Upon the effective date of this Ordinance, Section 5 of the Just Cause For Tenant Evictions Ordinance 19-05 is hereby amended as follows:

## Section 5. Applicability

The provisions of this Ordinance shall apply to all rental units in whole or in part, including where a notice to vacate/quit any such rental unit has been served as of the effective date of this Ordinance but where any such rental unit has not yet been vacated or an unlawful detainer judgment has not been issued as of the effective date of this Ordinance. However, this Ordinance shall not apply to the following types of rental units:

- A. Rental units exempted from Part 4, Title 4, Chapter 2 of the California Civil Code (CCC) by CCC § 1940(b), commonly known as, hotel, motel, residence club, or other facility when the transient occupancy is or would be subject to tax under Section 7280 of the Revenue and Taxation Code.
- B. Rental units in any hospital, skilled nursing facility, or health facility.
- C. Rental units in a nonprofit facility that has the primary purpose of providing short term treatment, assistance, or therapy for alcohol, drug, or other substance abuse and the housing is provided incident to the recovery program, and where the client has been informed in writing of the temporary or transitional nature of the housing at its inception.
- D. Rental units in a nonprofit facility which provides a structured living environment that has the primary purpose of helping homeless persons obtain the skills necessary for independent living in permanent housing and where occupancy is restricted to a limited and specific period of time of not more than 24 months and where the client has been informed in writing of the temporary or transitional nature of the housing at its inception.
- E. Rental units in a residential property where the owner of record occupies a unit in the same property as his or her principal residence and regularly shares in the use of kitchen or bath facilities with the tenants of such rental units. For purposes of this section, the term owner of record shall not include any person who claims a homeowner's property tax exemption on any other real property in the State of California.
- F. A unit that is held in trust on behalf of a developmentally disabled individual who permanently occupies the unit, or a unit that is permanently occupied by a developmentally disabled parent, sibling, child, or grandparent of the owner of that unit.

G. Affordable housing acquisition and rehabilitation development projects that receive a subsidy or funding from a federal, state or local agency for the purpose of substantially rehabilitating a property and converting the rental units to affordable rental housing subject to regulatory controls that impose rent limitations, including but limited to low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986. The exemption only applies in connection with, or related to a conversion, which includes such time as a an award of the subsidy or funding is made by the federal, state or local agency and to units that are not occupied by tenants meeting the eligibility requirements of the program under which such subsidy or funding is made.

#### Section 7. Severability.

Should any part of this Ordinance be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this Ordinance, which shall continue in full force and effect, provided that the remainder of the Ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

#### Section 8. Non-Waiverability.

The provisions of this Ordinance may not be waived, and any term of any lease, contract, or other agreement which purports to waive or limit a tenant's substantive or procedural rights under this Ordinance are contrary to public policy, unenforceable, and void.

#### Section 9. CEQA.

Approval of the amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) (3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

#### Section 10. Effective Date.

In accordance with the provisions of Section 617 of the City Charter, this Ordinance shall become effective immediately upon adoption of five (5) or more votes.

#### Section 11. Publication.

In accordance with the provisions of Section 617 of the City Charter, a notice indicating its title; a subject matter index; the date of its introduction; and the date, time, and



place it will be considered for final adoption; and that copies of the full text thereof are available for examination by the public in the office of the City Clerk, shall be published once in a newspaper of general circulation within the City at least three days before the final adoption meeting date.

Furthermore, a similar notice indicating the adoption of an emergency ordinance and the vote thereon shall be published once within one week after its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_, 2019, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_, 2019, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** PH 19-017

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**DATE:** March 26, 2019

**TO:** Mayor and City Council

**FROM:** Director of Finance

**SUBJECT**

FY 2020 Master Fee Schedule/Fine and Bail Schedule.

**RECOMMENDATION**

That Council approves the attached resolution amending the City's Master Fee Schedule to include changes and updates as appropriate, and accepts the Fine and Bail Schedule without modification.

**SUMMARY**

Annually, City staff completes a review of the City's Master Fee Schedule to identify and determine necessary adjustments to fees charged for services. Approved fee changes will become effective July 1, 2019. While staff is presenting Council with necessary updates and changes to the Master Fee Schedule, the Fine and Bail Schedule has no changes and staff is requesting that Council accepts the current fees for FY 2020.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution



DATE: March 26, 2019

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT: FY 2020 Master Fee Schedule/Fine and Bail Schedule

#### RECOMMENDATION

That Council approves the attached resolution amending the City's Master Fee Schedule to include changes and updates as appropriate; and accepts the Fine and Bail Schedule without modification.

#### SUMMARY

Annually, City staff completes a review of the City's Master Fee Schedule to identify and determine necessary adjustments to fees charged for services. Approved fee changes will become effective July 1, 2019. While staff is presenting Council with necessary updates and changes to the Master Fee Schedule, the Fine and Bail Schedule has no changes and staff is requesting that Council accepts the current fees for FY 2020.

#### BACKGROUND

The City's Master Fee Schedule identifies the fees for various City services. The fees in the Master Fee Schedule are based on recovery for the cost of delivering services (e.g., various building and fire inspections) and must comply with provisions of current legislation.

As part of a general cost recovery strategy, local governments have adopted user fees to fund programs and services that provide direct benefit to a specified user or have limited or no direct benefit to the community. To the extent that the City uses general tax monies to provide services that it could recover full cost for, but does not, a subsidy is provided, and this reduces funds that may be available to provide other community-wide benefits. Unlike most revenue sources, the City has more control over the level of user fees they charge to recover costs. As the City works to balance levels of service and the variability of demand, Council has become increasingly aware of subsidies provided by the General Fund for fees that do not recapture full costs.

A comprehensive user fee study conducted by Willdan Financial Services was adopted on October 25, 2016 by City Council. The study reviewed all costs associated with internal effort and third-party expenses to develop full cost recovery fees.

## Legislative Requirements

### Proposition 26 Review and Compliance

In November 2010, California voters approved Proposition 26, which amended Articles XIII A and XIII C of the State constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes are not disguised as fees: taxes must be approved by voters whereas legislative bodies, such as a City Council, can approve fees.

### Proposition 218 Review and Compliance

In November 1996, California voters passed Proposition 218, the “Right to Vote on Taxes Act.” This constitutional amendment protects taxpayers by limiting the methods by which local governments can create or increase taxes, fees, and charges without taxpayer consent. Proposition 218 requires voter approval prior to imposition or increase of general taxes, assessments, and certain user fees.

The proposed Master Fee Schedule has been reviewed for compliance with Propositions 26 and 218 and, in the City Attorney's opinion, is compliant.

## DISCUSSION

A complete and detailed listing of fees is reflected in the proposed FY 2020 Master Fee Schedule and can be found on the Master Fee website link found in Footnote 1 below. <sup>1</sup> The FY 2020 Fine and Bail Schedule can be found on the City website link found in Footnote 2 below. <sup>2</sup>

## Summary of Changes in Fees by Program Area

### City Clerk

1. Change in Express Mail Fees for Passport Services Express Mail from State to customer is increased from \$15.89 to \$16.48; rate is set by and payable to the US Department of State.

FEE TYPE	CHANGE FROM	CHANGE TO
Express Mail from US Department of State to customer	\$15.89	\$16.48

### Fire

#### I. Fire Prevention

##### Facility Inspections

FY 2019

FY 2020

<sup>1</sup> Master Fee Schedule <https://www.hayward-ca.gov/sites/default/files/Proposed%20FY%202020%20Master%20Fee.pdf>

<sup>2</sup> Fine and Bail Schedule <https://www.hayward-ca.gov/sites/default/files/Final%20FY%202020%20Fine%20and%20Bail.pdf>

1. Reduction of fee for 24 Hour Community Care Facilities to more appropriately reflect the time on site at the smaller 24-Hour Care Facilities.

- 24 Hour Community Care Facilities \$829.00 \$414.00  
(fee per facility)

II. Hazardous Materials

1. Substantial format changes in order to present material in a more organized and efficient manner.
2. Correcting a typo in the amount charged for Underground Storage Tank Piping Installation – VPH amended to \$1775.00 from \$1175.00.

Police

I. Administration

Permit Processing – removal of two fees. The permit processing fees for following are not charged therefore will be removed from the Master Fee Schedule:

- Diversion Program, and
- Petty Theft Workshop.

Public Works - Engineering & Transportation

I. Airport

- a) Hanger Storage Rooms: Increase of 2.5% to these rents to ensure consistency with the new rent structure that was adopted by City Council on January 15, 2019 Resolution No.19-008. The hanger storage rooms are rented out to hanger tenants who maintain aircraft in their hangers.

HANGER STORAGE ROOMS	CHANGE FROM	CHANGE TO
(1) Small	\$71.00	\$73.00
(2) Medium	\$99.00	\$101.00
(3) Large	\$191.00	\$196.00
(4) Extra Large	\$244.00	\$250.00

- b) Remove Re-key Padlocks Fee: In order to improve safety and security, the Airport no longer allows padlocks to be re-keyed; therefore, that \$35.00 fee has been removed from the Master Fee Schedule.

FINE AND BAIL SCHEDULE

The Hayward Police Department is not recommending modifications to the Fine and Bail Schedule.

## ECONOMIC IMPACT

Approval of the attached resolution will have a minor economic impact on the community in that only certain fees will be increased while some fees are being decreased.

## STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

## FISCAL IMPACT

Adopting these fee changes will minimally impact overall City revenues and will offset the staff time spent performing the various activities supported by the fees.

## PUBLIC CONTACT

A public notice was published in The Daily Review on March 8, 2019 and March 15, 2019. The public notice contained the meeting date announcing the time, location, and subject matter of this public hearing.

## NEXT STEPS

Upon approval of the attached resolution, the Schedules will be updated, and the fees will be effective as of July 1, 2019, to allow for the required sixty-day notice period.

Prepared and Recommended by: Dustin Claussen, Director of Finance

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19- \_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION ADOPTING THE FY 2020 MASTER FEE SCHEDULE THAT REFLECTS UPDATED FEES AND CHARGES FOR DEPARTMENTS IN THE CITY OF HAYWARD AND THE FINE AND BAIL SCHEDULE WITHOUT MODIFICATION AND RESCINDING RESOLUTION NO. 18-050 AND ALL AMENDMENTS THERETO

WHEREAS, Section 15273 of the California Environmental Quality Act (CEQA) Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purposes of:

1. Meeting operating expenses, including employee wage rates and fringe benefits;
2. Purchasing or leasing supplies, equipment, or materials;
3. Meeting financial reserve needs and requirements;
4. Obtaining funds necessary for capital projects necessary to maintain service within existing service areas; or
5. Obtaining funds necessary to maintain intra-city transfers as are authorized by City Charter; and

WHEREAS, the City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions.

WHEREAS, in November 2010, California voters approved Proposition 26, which amended Article XIII C of the State constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes, which must be approved by the voters, are not disguised as fees, which can be approved by legislative bodies, such as a city council. The proposed Master Fee Schedule (MFS), including the proposed Fine and Bail Schedule, is compliant.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby adopts the Fine and Bail Schedule without modification and certain changes in the Master Fee Schedule relating to fees and charges for all departments of the City of Hayward incorporated herein by reference; either on its face or as applied, the invalidity of one provision shall not affect the other provisions of this Master Fee Schedule and the Fine and

Bail Schedule, and the applications thereof; and to that end the provisions of this Master Fee Schedule and the Fine and Bail Schedule shall be deemed severable.

BE IT FURTHER RESOLVED that Resolution No. 18-050, and all amendments thereto are hereby rescinded.

BE IT FURTHER RESOLVED that this resolution shall become effective as of July 1, 2019.

IN COUNCIL, HAYWARD, CALIFORNIA March 26, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward