



CITY OF HAYWARD

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

Agenda City Council

Tuesday, October 19, 2021

7:00 PM

**Council Chamber and Virtual
Platform (Zoom)**

CITY COUNCIL MEETING

NOTICE: The City Council will hold a hybrid meeting (in Council Chamber and Virtual Platform via Zoom). All in-person participants will be required to provide proof of vaccination and wear a face covering.

How to observe the Meeting:

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

How to submit written Public Comment:

1. Use eComment on the City's Meeting & Agenda Center webpage at:
<https://hayward.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

2. Send an email to List-Mayor-Council@hayward-ca.gov by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 3:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

How to provide live Public Comment during the City Council Meeting:

Complete the online speaker card at the Council Chamber entrance or click the link below:
<https://hayward.zoom.us/j/82246711452?pwd=TlR2WnlXb3o4cUlTG9MYU5DY05FQT09>

Meeting ID: 822 4671 1452
Passcode: CCmtg@7pm!

or

Dial: + 1 669 900 6833 or +1 253 215 8782

Meeting ID: 822 4671 1452
Password: 3141343120

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

CALL TO ORDER: Mayor Halliday**Pledge of Allegiance: Council Member Andrews****ROLL CALL****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 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, items will be taken under consideration and may be referred to staff.

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.

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. [CONS 21-487](#) Adopt a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System for Calendar Year 2022 Pursuant to California Government Code Section 22892

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

2. [CONS 21-498](#) Adopt a Resolution Approving the Transfer and Appropriation of \$125,560 in Policy Planning Fees for the Next General Plan Update and Other Future Planning Projects

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

3. [CONS 21-519](#) Adopt a Resolution Allocating \$381,538 in HOME Investment Partnership Program Funds and Renewing the Housing Grant Subsidy Agreement with Abode Services for Project Independence to Provide Tenant Based Rental Assistance to Emancipated and Former Foster Care Youth
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
4. [CONS 21-528](#) Adopt a Resolution Authorizing the City Manager to Execute a Three-Year Agreement with Housing and Economic Rights Advocates (HERA) in an Amount Not-to-Exceed \$1,319,598 for Foreclosure Prevention Services
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
5. [CONS 21-532](#) Adopt a Resolution Authorizing the City Manager to Accept and Execute a Funding Agreement with Caltrans for the Local Road Safety Plan Funding Program
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
6. [CONS 21-539](#) Adopt a Resolution Accepting the Resignation of Mr. Gerald (Jerry) Sannebeck from the Keep Hayward Clean and Green Task Force, Effective Immediately
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Resignation Letter](#)
7. [CONS 21-549](#) Adopt a Resolution Authorizing the City Manager to Sign an Agreement to Join Alameda County's ALL IN Eats Partnership
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)

PUBLIC HEARING

8. [PH 21-087](#) Sale of Parcel Group 3 for Development of New Affordable Housing and a School: Adoption of Resolutions (1) Declaring City-Owned Properties Generally Located between Tennyson Road and Broadway Street as Exempt Surplus Lands; and (2) Approving the Government Code Section 52201 Summary Report for the Project; and Authorizing the City Manager to Negotiate and Execute a Disposition and Development Agreement with Eden Housing, Pacific West Communities, and Strategic Growth Partners for Transfer of Specified City Owned Properties; and Amendment of the Parcel Group 3 Affordable Housing Plan (Planning Application #202001594), Consistent with Prior California Environmental Quality Act Determinations (Report from Assistant City Manager/Development Services Director Ott)

Attachments: [Attachment I Staff Report](#)
[Attachment II Exempt Surplus Land Resolution](#)
[Attachment III DDA Resolution](#)
[Attachment IV PG3 Summary Report](#)
[Attachment V PG3 Modified Affordable Housing Plan](#)

COUNCIL REPORTS AND ANNOUNCEMENTS

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).

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 appropriate Council Appointed Officers for action by the applicable City staff.

9. [RPT 21-121](#) City Council Referral: Consider Adoption of a Resolution
 Declaring the City of Hayward a Supporter and Defender of
 Reproductive Freedom (Report from Council Member Wahab)

Attachments: [Attachment I Resolution](#)

10. [RPT 21-122](#) City Council Referral: Consider Adoption of a Resolution Urging
 the Alameda County Board of Supervisors to Support the
 Proposed Howard Terminal/Waterfront Ballpark District
 Enhanced Infrastructure Finance District (EIFD) (Report from
 Mayor Halliday)

Attachments: [Attachment I Resolution](#)

ADJOURNMENT

NEXT MEETING, October 26, 2021, 7:00 PM

PUBLIC COMMENT RULES

Any member of the public desiring to address the Council shall limit their remarks 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.

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.

CHILDCARE WILL NOT BE PROVIDED UNTIL FURTHER NOTICE DUE TO COUNTYWIDE SHELTER-IN PLACE ORDER.



CITY OF HAYWARD

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

File #: CONS 21-487

DATE: October 19, 2021

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adopt a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System for Calendar Year 2022 Pursuant to California Government Code Section 22892

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the implementation of the mandatory minimum employer contributions to active and retiree medical premiums for calendar year 2022 set by the California Public Employee Retirement System (CalPERS) pursuant to California Government Code Section 22892.

SUMMARY

The minimum employer contribution to the medical premiums of active and retired employees has increased to \$149.00 for calendar year 2022. This contribution amount is adjusted annually by CalPERS. The City's current contribution exceeds this amount.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: October 19, 2021

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT Adopt a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System for Calendar Year 2022 Pursuant to California Government Code Section 22892

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the implementation of the mandatory minimum employer contributions to active and retiree medical premiums for calendar year 2022 set by the California Public Employee Retirement System (CalPERS) pursuant to California Government Code Section 22892.

SUMMARY

The minimum employer contribution to the medical premiums of active and retired employees has increased to \$149.00 for calendar year 2022. This contribution amount is adjusted annually by CalPERS. The City's current contribution exceeds this amount.

BACKGROUND AND DISCUSSION

The City contracts with CalPERS to provide quality health benefits to its active and retired employees. California Public Employees Medical and Hospital Care Act (PEMHCA) establishes the minimum employer medical contribution as set forth in Government Code Section 22892. The CalPERS Board annually adjusts the employer contribution to reflect any change in the Medical Care Component of the Consumer Price Index, rounded to the nearest dollar. The table below shows the minimum employer contribution required by CalPERS for the last six years, and the 2022 rate:

Calendar Year	Employer Contribution
2016	\$125.00
2017	\$128.00
2018	\$133.00
2019	\$136.00
2020	\$139.00
2021	\$143.00
2022	\$149.00

This action is necessary to meet the requirement that the governing body adopt a resolution agreeing to the minimum contribution amount established by CalPERS.

The City currently contributes to medical premiums in accordance with the terms of the existing agreements between each of the bargaining units, based on the health plan and family status employees elect and for which they are eligible. For both retirees and active employees, the total amount the City contributes towards medical benefit premiums exceeds the statutory minimum contribution required by CalPERS.

FISCAL IMPACT

This action is for administrative purposes only. There is no fiscal impact associated with this report because the City's current contribution toward employee medical premiums as provided for in applicable Memoranda of Understanding has already been established and this action does not provide an increase to the current total City contribution towards medical premiums.

STRATEGIC ROADMAP

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

NEXT STEPS

The change in the PEMHCA minimum will be reflected in the City's Benefits Summary effective January 1, 2022.

Prepared by: Cheryl Vance, Human Resources Technician

Recommended by: Jana Sangy, Director of Human Resources

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION ESTABLISHING THE CITY CONTRIBUTION FOR ACTIVE AND RETIREE MEDICAL PREMIUMS SET BY THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS) FOR CALENDAR YEAR 2022 PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 22892

WHEREAS, the City of Hayward provides medical coverage for its employees and their eligible dependents and to qualified retirees; and

WHEREAS, the Public Employees' Medical and Hospital Care Act (PEMHCA) under Government Code section 22892 states that a local agency provides a minimum health premium contribution for their participating active members; and

WHEREAS, the California Public Employees Retirement System Board adjusts the minimum contribution rate annually based on changes to the Consumer Price Index.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that effective January 1, 2022, the employer's contribution towards the cost of employee and retiree cost of health benefits shall be a minimum of \$149 per month as required by CALPERS.

ATTACHMENT II

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

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

File #: CONS 21-498

DATE: October 12, 2021

TO: Mayor and City Council

FROM: Assistant City Manager / Director of Development Services

SUBJECT

Adopt a Resolution Approving the Transfer and Appropriation of \$125,560 in Policy Planning Fees for the Next General Plan Update and Other Future Planning Projects

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the transfer of \$125,560 in remaining Policy Planning Fees from the General Fund (100) and appropriating \$125,560 to the Capital Improvement General Fund (405) for the next General Plan Update and other future planning projects.

SUMMARY

Staff is requesting the transfer of \$125,560 in Policy Planning Fees collected in FY 2020 from the General Fund, and the appropriation of these funds to the Capital Improvement General Fund (Fund 405). The appropriation of \$125,560 will be split between the next General Plan Update and other future planning projects.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: October 19, 2021

TO: Mayor and City Council

FROM: Assistant City Manager/Development Services Director

SUBJECT: Adopt a Resolution Approving the Transfer and Appropriation of \$125,560 in Policy Planning Fees for the Next General Plan Update and Other Future Planning Projects

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the transfer of \$125,560 in remaining Policy Planning Fees from the General Fund (100) and appropriating \$125,560 to the Capital Improvement General Fund (405) for the next General Plan Update and other future planning projects.

SUMMARY

Staff is requesting the transfer of \$125,560 in Policy Planning Fees collected in FY 2020 from the General Fund, and the appropriation of these funds to the Capital Improvement General Fund (Fund 405). The appropriation of \$125,560 will be split between the next General Plan Update and other future planning projects.

BACKGROUND

In FY 2012, when the Hayward 2040 General Plan Update was initiated, the Development Service Department borrowed \$1,485,736 from the Capital Improvement Program (CIP) for the 2040 General Plan Update, and Council adopted a new Policy Planning Fee, charged on all building permits, to repay the CIP loan. In early 2017, staff determined that the Policy Planning Fees would not be sufficient to repay the full cost of the loan. As a result, in February 2017, the Council approved an increase of the Policy Planning Fee from 12% to 16% of the building permit fee in order to catch up on repayment. By December 2019, the loan owed to the CIP was fully reimbursed and the collection of the Policy Planning Fee in the General Fund exceeded the loan amount by \$125,560.

DISCUSSION

As described above, upon completion of the loan repayment, there was a balance of \$125,560 in Policy Planning Fees collected. Table 1 provides a summary of the local repayment and balance, which demonstrates a remaining balance of \$125,560 in revenue collected.

**Table 1:
CIP Loan Repayment and Balance**

Fiscal Year	Loan Repayment	Loan Balance
2012	\$0	\$1,485,736
2013	\$109,676	\$1,376,060
2014	\$252,912	\$1,123,148
2015	\$54,333	\$1,068,815
2016	\$0	\$1,068,815
2017	\$983	\$1,067,832
2018	\$370,396	\$697,436
2019	\$490,193	\$207,243
2020	\$332,803	(\$125,560)

Staff recommends the transfer and appropriation of the remaining balance of \$125,560 in collected Policy Planning Fees from the General Fund to the Capital Improvement General Fund to be split between the next General Plan Update and other future planning projects.

FISCAL IMPACT

Staff recommends that the Policy Planning Fee remaining balance of \$125,560 in the General Fund be transferred to the Capital Improvement General Fund, and appropriated between the next General Plan Update, and other future planning projects.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the six priorities outlined in the Council's Strategic Roadmap.

NEXT STEPS

If the Council approves the attached resolution, staff will complete the Budget Authorization Form to transfer \$125,560 from the General Fund to the Capital Improvement General Fund to be appropriated between the next General Plan Update and other future planning projects.

Prepared by: Tera Maroney, Management Analyst I
Sara Buizer, AICP, Deputy Development Services Director

Recommended by: Jennifer Ott, Assistant City Manager/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

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION APPROVING THE TRANSFER AND APPROPRIATION OF
\$125,560 IN POLICY PLANNING FEES FOR THE NEXT GENERAL PLAN
UPDATE AND OTHER FUTURE PLANNING PROJECTS

WHEREAS, in FY 2012, when the Hayward 2040 General Plan Update was initiated, the Development Services Department borrowed \$1,485,736 from the Capital Improvement Program (CIP) for the 2040 General Plan Update, and Council adopted a new Policy Planning Fee, charged on all building permits, to repay the CIP loan; and

WHEREAS, in early 2017, staff determined that the Policy Planning Fees would not be sufficient to repay the full cost of the loan. As a result, in February 2017, the Council approved an increase of the Policy Planning Fee from 12% to 16% of the building permit fee in order to catch up on repayment; and

WHEREAS, by December 2019, the loan owed to the CIP was fully reimbursed and the collection of the Policy Planning Fee in the General Fund exceeded the loan amount by \$125,560; and

WHEREAS, staff recommends the transfer and appropriation of the remaining balance of \$125,560 in collected Policy Planning Fees from the General Fund to the Capital Improvement General Fund to be split between the next General Plan Update and other future planning projects.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the transfer of \$125,560 from the General Fund, and the appropriation of \$125,560 in the Capital Improvement General Fund for the next General Plan Update and other future Planning projects.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

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

File #: CONS 21-519

DATE: October 19, 2021

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Adopt a Resolution Allocating \$381,538 in HOME Investment Partnership Program Funds and Renewing the Housing Grant Subsidy Agreement with Abode Services for Project Independence to Provide Tenant Based Rental Assistance to Emancipated and Former Foster Care Youth

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the use of HOME Investment Partnership Program (HOME) funds for rental assistance to emancipated and former foster care youth through Abode Services' Project Independence and authorizing the City Manager to negotiate and execute a two-year rental housing subsidy grant agreement with Adobe Services in an amount not-to-exceed \$381,538.

SUMMARY

The Project Independence Program, managed by Abode Services, is for rental assistance to emancipated and former foster care youth and has been supported by the City of Hayward since 2007. Project Independence has been successful at providing positive outcomes for participants who are otherwise at high risk for housing instability and homelessness.

The recommended resolution authorizes the City Manager to negotiate and execute a rental housing subsidy agreement with Abode Services in an amount not-to-exceed \$381,538 of HOME funds. The Project Independence Program receives funding from multiple sources. The City of Hayward's entire allocation of HOME funds is used for the direct benefit of program participants through a rent payment subsidy. In addition to the City of Hayward, the program also receives funding from the Alameda County Transitional Housing Program-Plus (THP+), which pays for case management, staffing, and other operating costs for the Program. The Program is consistent with priorities set in the Consolidated Plan of the Alameda County HOME Consortium and the Hayward Housing Element.

File #: CONS 21-519

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: October 19, 2021

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Adopt a Resolution Allocating \$381,538 in HOME Investment Partnership Program Funds and Renewing the Housing Grant Subsidy Agreement with Abode Services for Project Independence to Provide Tenant Based Rental Assistance to Emancipated and Former Foster Care Youth

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the use of HOME Investment Partnership Program (HOME) funds for rental assistance to emancipated and former foster care youth through Abode Services' Project Independence and authorizing the City Manager to negotiate and execute a two-year rental housing subsidy grant agreement with Adobe Services in an amount not-to-exceed \$381,538.

SUMMARY

The Project Independence Program, managed by Abode Services, is for rental assistance to emancipated and former foster care youth and has been supported by the City of Hayward since 2007. Project Independence has been successful at providing positive outcomes for participants who are otherwise at high risk for housing instability and homelessness. The recommended resolution authorizes the City Manager to negotiate and execute a rental housing subsidy agreement with Abode Services in an amount not-to-exceed \$381,538 of HOME funds. The Project Independence Program receives funding from multiple sources. The City of Hayward's entire allocation of HOME funds is used for the direct benefit of program participants through a rent payment subsidy. In addition to the City of Hayward, the program also receives funding from the Alameda County Transitional Housing Program-Plus (THP+), which pays for case management, staffing, and other operating costs for the Program. The Program is consistent with priorities set in the Consolidated Plan of the Alameda County HOME Consortium and the Hayward Housing Element.

BACKGROUND

On July 24, 2007, the Council first authorized the use of HOME funds to provide rental assistance to emancipated and former foster care youth through Abode Services' Project

Independence Program. The Program was implemented in 2008. The primary goal of the Program is to provide case management and rental support to emancipated and former foster care youth who are experiencing homelessness or at risk of experiencing homelessness. Council approved the renewal of the program in 2010, 2013, 2014, 2016, 2018, and 2019.

DISCUSSION

The Project Independence Program provides a much needed service in Hayward by giving housing subsidies to emancipated and former foster youth. The Program is consistent with priorities set in the Consolidated Plan of the Alameda County HOME Consortium and the Hayward Housing Element.

Program Need

Alameda County's 2019 Homeless Count & Survey Comprehensive Report estimates that one in five former foster youth experience homelessness within four years of exiting the foster care system. Of the total respondents in the 2019 homeless survey, fourteen percent (14%) of respondents reported a history of foster care and, of the youth under the age of 25, eighteen percent (18%) reported that aging out of the foster care system was the primary cause of their current homelessness.¹ Youth who age out of the foster care system face unique challenges such as mental health problems, early or unplanned pregnancies, lack of stable affordable housing, fewer employment opportunities, and substandard medical care. As a result, youth who were formerly in foster care or group homes experience disproportionately higher rates of unemployment, lower educational attainment, incarceration, dependence on public assistance, substance abuse, and other high-risk behaviors that lead to ongoing housing instability.

Consistency with Housing Goals

The Project Independence Program is consistent with the strategies, priorities, and programs in the FY 2020-2024 Consolidated Plan of the Alameda County HOME Consortium, of which the City is a member. The Consolidated Plan outlines needs, strategies, priorities, and programs for the expenditure of federal funds for housing and community development activities as required by the Department of Housing and Urban Development (HUD) for jurisdictions to be eligible to receive federal funding. The Program is also included in the current Housing Element as one of the programs aimed at addressing the housing needs of special populations. Additionally, tenant-based rental assistance such as the Project Independence Program was highlighted as a strength of the City's response to homelessness during the Let's House Hayward strategic planning process in early 2021.

Program Description

The objective of the Program is to assist young adults who are coming out of the foster care or group home system with securing housing, linkages to job training and/or education, and social services that will enable them to act with self-determination and ultimately become independent. Program participants are either fully emancipated youth or 18 years

¹ 2019 Alameda County Homeless Count & Survey Comprehensive Report: http://everyonehome.org/wp-content/uploads/2019/07/2019_HIRDReport_Alameda_FinalDraft_7.23.19.pdf

or older and who have aged out of the foster care system, experiencing homelessness or at risk of experiencing homelessness, and demonstrate the ability to enter housing, including signing a lease agreement, abiding by the rules, and agreeing to pay the \$75 deposit and first month's rent. Each participant will develop a Transition to Independent Living Plan. This Plan is used to set goals for the participant and monitor progress in achieving the participant's stated goals. Each participant will work with Abode staff to identify and make referrals to any needed resources. Participants will be required to pay the greater of \$75 or 30% of their adjusted income on rent. They are also required to abide by the terms of the lease and the Program.

Current participants are being housed in ten rental units located throughout multiple apartment complexes. As required by Federal funding, staff from Abode Services conduct a housing quality inspection of the apartments prior to move-in by participants to make sure that they live in a decent, safe, and sanitary environment. The City pays the difference between the fair market rents, as established by the Department of Housing and Urban Development, and the participants' rent payments do not exceed the actual rent for the unit.

Program Funding

The Project Independence Program receives funding from multiple sources. The City of Hayward's entire allocation of HOME funds for Fiscal Year 2021-2022 is used for the direct benefit of program participants through a rent payment subsidy for a two-year period. In addition to the City of Hayward, the program also receives funding from the Alameda County Transitional Housing Program-Plus (THP+), which pays for case management, staffing, and other operating costs for the Program.

Program Performance

Since the implementation of the Program in 2008, Hayward's HOME fund contributions have helped house over 431 youth formerly in foster care and at-risk of homelessness. During the last fiscal year, Project Independence supported 18 emancipated or former foster care youth. Of the 18 individuals served, 15 (83%) are either still in the program or exited to stable housing. *Table 1* highlights some additional program successes for the 2020/2021 program year.

TABLE 1. HIGHLIGHTS OF PROJECT INDEPENDENCES SUCCESS

Enrolled in formal education or vocational training	56%
Earned high school diploma or GED	78%
Secured stable housing after aging out of program	63%

Independent living programs like Project Independence are an effective approach to mitigating and resolving many of the challenges with which youth that were formerly in the foster care system are inevitably faced. The supportive housing strategy provides youth with a stable foundation and adult support while they finish their education or job training, find new employment, and/or overcome psychological problems that interfere with their ability to live independently.

ECONOMIC IMPACT

Homelessness and housing crises are not only damaging to the physical, mental, and economic health of individuals and families, but have serious costs to the community as well. The costs

to the community include the costs of providing emergency housing, mental health crisis services, emergency medical care, criminal justice, and judicial system involvement. A program such as Project Independence helps avoid these costs by preventing youth aging out of the foster care system from becoming homeless. This impact is further amplified due to the COVID-19 pandemic, which has placed increased strain on the economic wellbeing of individuals, families, and businesses.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Preserve, Protect, and Produce Housing. This item is not specifically related to a project identified in the Strategic Roadmap. Staff is bringing forth this item to continue operations of an important City-funded program that supports the City's goals of providing affordable housing opportunities to individuals at risk of homelessness, creating housing stability and preventing displacement.

FISCAL IMPACT

Implementation and administration of this program would have no impact on the City's General Fund. There are sufficient HOME funds to support this contract. Should Council approve the attached resolution, the City will fund Project Independence in the amount of \$381,538 from uncommitted HOME funds for Fiscal Year 2022.

PUBLIC CONTACT

As part of the Housing Element update process, the City implemented the State's Housing Element's public participation requirements. As a goal of the Housing Element, the Project Independence Program was open to public feedback during community/stakeholder workshops, townhall forums, General Plan taskforce meetings, Planning Commission and Council Study Sessions, and through a community survey. The City and County also took public comment on the formation of the 2020-2024 Consolidated Plan for the HOME Consortium; no comments about Project Independence were provided.

NEXT STEPS

If approved by Council, the City Manager will negotiate and execute a two-year Rental Housing Subsidy Grant Agreement with Abode Services to provide rental assistance to emancipated and former foster care youth.

Prepared by: Amy Cole-Bloom, Management Analyst

Recommended by: Christina Morales, Housing Division Manager
Jennifer Ott, Assistant City Manager

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE USE OF HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS FOR RENTAL ASSISTANCE TO EMANCIPATED AND FORMER FOSTER CARE YOUTH THROUGH ABODE SERVICES' PROJECT INDEPENDENCE AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A TWO-YEAR RENTAL HOUSING SUBSIDY GRANT AGREEMENT WITH ADOBE SERVICES IN AN AMOUNT NOT TO EXCEED \$381,538

WHEREAS, the City of Hayward participates in a consortium of cities in Alameda County that share federal HOME Investment Partnership Program (HOME) funds, and which helps provide funding for affordable housing programs; and

WHEREAS, the City receives an allocation of federal HOME Investment Partnership funds each year, through the consortium; and

WHEREAS, Project Independence is a program implemented by Abode Services that serves emancipated youth or youth ages 18 and older, in Alameda County who have aged out of the foster care system; and

WHEREAS, Project Independence provides affordable housing and comprehensive support services, such as education, and vocational training, employment placement, financial literacy training, and mental and physical healthcare services; and

WHEREAS, staff proposes to utilize \$381,538 of HOME program funds that were allocated to the City to help pay for rental subsidies for emancipated and former foster care youth through the Project Independence program; and

WHEREAS, the rental subsidies will be used by Abode Services to pay a portion of the Project Independence program participants' rent; and

WHEREAS, staff anticipates that said funds would subsidize rents for a minimum of ten individuals per year provided they comply with the provisions of the Project Independence program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes utilizing \$381,538 of the City's HOME program funds to help pay for rental subsidies for emancipated and former foster care youth in Alameda County through the Project Independence program.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to take such actions as may be necessary to provide and implement the rental subsidies contemplated by this resolution and to negotiate and execute a two-year rental housing subsidy grant agreement with Adobe Services in an amount not to exceed \$381,538, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

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

File #: CONS 21-528

DATE: October 19, 2021

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute a Three-Year Agreement with Housing and Economic Rights Advocates (HERA) in an Amount Not-to-Exceed \$1,319,598 for Foreclosure Prevention Services

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to enter into and execute a three-year professional services agreement with Housing and Economic Rights Advocates (HERA) in an amount not-to-exceed \$1,319,598 for Foreclosure Prevention Services.

SUMMARY

On December 8, 2020, the Council adopted a resolution authorizing \$319,598 of emergency Community Development Block Grant CARES Act (CDBG-CV) funds for a Foreclosure Prevention Program. Additionally, the Council also adopted a resolution on July 13, 2021, approving the Hayward Federal Stimulus Expenditure Plan, providing an additional \$1 million in American Rescue Plan Act of 2021 (ARPA) funding to a Foreclosure Prevention Program. Including both the CDBG-CV and ARPA funds approved by the City Council, the Foreclosure Prevention Program has a total program budget of \$1,319,598.

On August 19, 2021, the City issued a Request for Proposals (RFP) for a Foreclosure Prevention Program Services Provider and received one proposal from Housing and Economic Rights Advocates (HERA), a not-for-profit legal service and advocacy organization with experience providing comparable homeowner preservation services to neighboring jurisdictions. The Foreclosure Prevention Program will provide legal advice, negotiation, and advocacy to address mortgage default and delinquency, and a limited financial assistance component in the form of a no interest loan to eligible Hayward homeowners who can demonstrate that they are at risk of foreclosure due to financial hardship related to COVID-19. Based on HERA's proposal and experience, the Foreclosure Prevention program will primarily focus on resolution of mortgage default and delinquency through negotiation and advocacy with servicers and will refer eligible homeowners to the federally funded, State of California Homeowner Assistance Fund (HAF) to address pandemic related financial hardship. On a limited basis, Program funds will be used for direct

assistance loans, if the additional assistance can stabilize housing costs and prevent foreclosure. Based on their proposal, expertise, and experience in legal advocacy related to homeownership preservation, staff recommends entering into a professional services contract with HERA to provide services under the City of Hayward Foreclosure Prevention Program.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: October 19, 2021

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute a Three-Year Agreement with Housing and Economic Rights Advocates (HERA) in an Amount Not-to-Exceed \$1,319,598 for Foreclosure Prevention Services

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to enter into and execute a three-year professional services agreement with Housing and Economic Rights Advocates (HERA) in an amount not-to-exceed \$1,319,598 for Foreclosure Prevention Services.

SUMMARY

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assistance can stabilize housing costs and prevent foreclosure. Based on their proposal, expertise, and experience in legal advocacy related to homeownership preservation, staff recommends entering into a professional services contract with HERA to provide services under the City of Hayward Foreclosure Prevention Program.

BACKGROUND

In March 2020, in order to mitigate the impacts of the COVID-19 pandemic and the subsequent stay-at-home orders, legislators enacted policies that required loan forbearance on federally backed single-family mortgages. Forbearance has helped many homeowners avoid foreclosure during the COVID-19 pandemic, providing initial forbearance periods of 6 months with extensions up to 18 months. As a result, many homeowners may be facing the end of their agreement periods as federal protections are set to expire. Many homeowners are still experiencing financial distress due to the pandemic and will need help navigating and understanding forbearance exit strategies and options as well as accessing funding resources in order to avoid foreclosure.

On March 27, 2020, the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), was signed into law and allocates over two trillion in funds to respond to the COVID-19 pandemic at the federal, state, and local levels. In doing so, it makes available \$5 billion in supplemental CDBG-CV for grants to prevent, prepare for, and respond to coronavirus. Additionally, the CARES Act provides CDBG grantees with flexibilities that make it easier to use CDBG-CV grants as well as FY2020 and FY2021 CDBG funds for coronavirus response and authorizes the U.S. Department of Housing and Urban Development (HUD) to grant waivers and alternative requirements.

There were several rounds of CARES Act funding, but Round 3 CARES Act funding was awarded in September 2020 for entitlement grantees to “focus funds toward places with households facing higher risk of eviction,” specifically targeting communities with high proportions of job loss, risk of virus transmission, and risk of eviction.¹

On December 8, 2020, the Council adopted Resolution No. 20-222 authorizing \$319,598 of emergency CDBG-CV funds to be utilized for a Foreclosure Prevention Program. On July 13, 2021, the Council adopted Resolution No. 21-139, approving the City of Hayward Federal Stimulus Expenditure Plan for \$38 million in stimulus funding and authorizing appropriation of \$18.9 million in ARPA funding for immediate projects and programs, including \$1 million in funding for a Foreclosure Prevention Program. All funds awarded through ARPA must be expended no later than December 31, 2024.

Including the CDBG-CV and ARPA funds authorized by the Council, the Foreclosure Prevention Program has a total program budget of \$1,319,598. The Program would provide mortgage delinquency and default negotiation services and if needed, direct financial assistance in the

¹ Department of Housing and Urban Development. (September 11, 2021). Methodology for CDBG-CV3 (Part A) allocation. Retrieved from: <https://www.hud.gov/sites/dfiles/CPD/documents/Methodology-for-CDBG-CARES-Act-Final-Allocation-CV-3-Part-A-9-11-2020.pdf>

form of loans up to \$15,000, to low-income homeowners who are in danger of losing their home due to delinquency and foreclosure. **Table 1** provides the income limits associated with each income category for Alameda County.

Table 1. 2021 California Department of Housing and Community Development Income Limits²

Household Size	1	2	3	4	5
Extremely Low Income	28,800	32,900	37,000	41,100	44,400
Very Low Income	47,950	54,800	61,650	68,500	74,000
Low Income	76,750	87,700	98,650	109,600	118,400
Median Income	87,900	100,500	113,050	125,600	135,650
Moderate Income	105,500	120,550	135,650	150,700	162,750

DISCUSSION

On August 19, 2021, the City issued a RFP for a Foreclosure Prevention Program Services Provider. Staff received one proposal in response to the City's RFP from HERA, a California statewide, not-for-profit legal service and advocacy organization. Staff has determined that HERA's expertise in housing rights laws, state and federal laws related to consumer debt and credit concerns, as well as their experience providing related anti-displacement and foreclosure prevention services to neighboring jurisdictions such as the City of Oakland, City of San Francisco, and Alameda County, makes them highly qualified to partner with the City to provide professional services through the City of Hayward Foreclosure Prevention Program.

Program Services Provider

HERA has 16 years of strong, relevant experience working in homeownership preservation in California, with a focus on the Bay Area and the Central Valley. Their expertise in mortgage and other consumer debt and credit concerns is recognized across the state and nationally. Since opening in 2005, HERA has served over 26,000 individual California residents and provided over 1,000 consumer workshops and clinics. Based on HERA's experience, they are highly qualified to partner with the City of Hayward and staff recommends entering into a professional services contract with HERA to provide services under the Program.

Program Description

The Program provides support to low-income Hayward homeowners who occupy their home and are at risk of foreclosure due to financial hardship related to COVID-19. The Program includes two highly integrated components:

² CA HCD: <https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/income-limits-2021.pdf>

1. Mortgage delinquency and default resolution providing negotiation services and advocacy staffed by attorneys; and
2. Direct financial assistance from the City in the form of no interest loans averaging around \$15,000.

Mortgage delinquency and default resolution negotiations and advocacy will be the primary focus of the program and is described in more detail below. Financial assistance loans will only be provided if HERA is unable to negotiate resolution of the delinquency and default, no other financial assistance is available to cure the delinquency, and only if curing default will result in a sustainable mortgage payment.

Mortgage Delinquency and Default Resolution Negotiations and Advocacy

Under the Program, HERA staff attorneys would work with eligible Hayward homeowners at risk of foreclosure to address delinquency related to COVID-19 by:

1. Providing quarterly homeowner workshops on foreclosure prevention topics;
2. Providing legal advice;
3. Working with mortgage servicers to ensure all available loan modification and loss mitigation options have been considered to address default;
4. Ensuring that mortgage servicers comply with all federal and state legislation related to loss mitigation;
5. Providing debt defense and financial restructuring services to reduce or remove non-housing related debt obligations in order to free up funds to direct towards housing costs;
6. Evaluating the homeowner's capacity to support any proposed mortgage payment;
7. Evaluating if curing the delinquency using City loan funds will create a sustainable housing cost and make recommendations to the City for approval of direct financial assistance; and
8. If the delinquency cannot be cured, counsel homeowner on an exit strategy to avoid foreclosure.

Limited Direct Financial Assistance Loans to Address Delinquency to Sustain Long-Term Housing

Direct financial assistance in the form of a no interest City loan may be provided to eligible homeowners that: (1) demonstrate the ability to sustain housing costs after addressing delinquency and (2) HERA has determined that:

1. Discussions with loan servicer has reached an impasse and the homeowner has exhausted all loss mitigation measures;
2. City loan funds can be used to mitigate risk to the lender and are needed to secure a loan modification;
3. No other legal recourse is available to the homeowner under state or federal law; or
4. No other financial assistance is available to the homeowner.

Outreach, Education and Marketing

While the pandemic has affected communities across the country, it has disproportionately impacted low-income families and communities of color and has exacerbated systemic economic inequities.

Based on HERA's experience servicing comparable anti-displacement and foreclosure prevention programs in other local jurisdictions, it is anticipated that the residents most likely to be at risk of foreclosure and in need of Program services are seniors and other low-income homeowners who were laid off due to the pandemic who are likely to be middle-aged people of color. HERA will employ five strategies to directly reach and successfully attract at-risk homeowners in underserved populations early in the foreclosure process by:

1. Utilizing PropertyRadar or other similar programs to target direct mailings to households that are delinquent or have received a Notice of Default as well as seniors who are homeowners;
2. Providing marketing materials to senior centers, county social services, and realtors/brokers;
3. Engaging in a Facebook outreach campaign targeting Hayward homeowners;
4. Providing marketing materials to agencies that serve limited English proficiency (LEP) residents such as churches, libraries, and health services providers; and
5. Marketing through Univision, Telemundo, and other non-English language news media to promote the Program.

HERA has staff that are bilingual in Spanish and Chinese in addition to English, and will make marketing materials available in at least those three languages.

State Homeowner Assistance Fund

California is on track to receive \$1 billion in mortgage relief funds from ARPA's Homeowner Assistance Fund. Homeowners who have fallen behind on their mortgage payments due to pandemic-related financial hardship can use these funds to get caught up. California has submitted its Mortgage Relief Program plan to the U.S. Treasury for review and approval. If approved, the program will provide up to \$80,000 in assistance to eligible homeowners. Eligible homeowners include Californians at or below 100% of their county's Area Median Income (AMI), who own a single-family home, condominium, or manufactured home (permanently affixed), and who faced a pandemic-related financial hardship after January 21, 2020, and meet one of the following qualifications:

- Receiving public assistance;
- Severely housing burdened; or
- Have no alternative mortgage workout options through their mortgage servicer

Due to the availability of financial assistance from the State, the Program will primarily focus on providing default and delinquency negotiation and advocacy. Such services will help identify residents that have no alternative mortgage workout options to qualify for the State assistance. The program will retain some direct financial assistance for Program participants that either do not meet the requirements for the state program or to supplement assistance for more challenging cases. Based on the proposal and consistent with the ARPA funding expenditure deadline, the contract will have a three year-term. Staff will monitor the program to ensure that the proposed program is meeting the needs of the community.

ECONOMIC IMPACT

The intent of the program is to avoid the negative economic impacts of foreclosure including housing instability, homelessness, disinvestment, and blight. The City of Hayward Foreclosure Prevention Program intends to mitigate the disparate impacts of the COVID-19 pandemic on low-income community members by preventing housing instability, the loss of housing assets and the disproportionate loss of wealth on vulnerable populations like communities of color and seniors during times of crisis.

FISCAL IMPACT

Based on HERA's proposal and considering the emergence of state mortgage relief programs, the proposed program budget will primarily fund salary costs for attorneys to provide delinquency and default negotiation and advocacy services. It is estimated that the program will serve approximately 420 households through workshops, brief legal advice, and in-depth legal assistance over the three-year contract period. It is anticipated that the program will also provide approximately 16 direct financial assistance loans if no other financial or workout solutions are available. **Figure 2** is an estimated budget for the Program.

Figure 2 Estimated Annual and Total Budget for the Foreclosure Prevention Program

Estimated Budget	Annual	Total Contract
Legal Advice, Negotiation, and Advocacy	\$252,888	\$758,664
Operations & Marketing	68,230	204,690
Direct Financial Assistance Loans	80,000	240,000
Indirect Costs	38,369	115,107
Total Estimated Budget	\$439,487	\$1,318,461

There are sufficient funds budgeted in the FY 2022 operating budget to cover the cost associated with this professional services agreement. The total fiscal impact is equal to the amount budgeted, and there is no additional impact to the Funds 103 or 225.

STRATEGIC ROADMAP

This agenda item supports several of the Strategic Roadmap priority areas including Preserve, Protect & Produce Housing; Grow the Economy; and Support Quality of Life although it is not specifically related to a project identified in the Strategic Roadmap.

PUBLIC CONTACT

The proposed project has been discussed as part of the ARPA funding priorities and allocation discussions at the:

- City Council meeting on April 6, 2021
- City Council meeting on April 27, 2021

- Community Services Commission meeting on May 19, 2021
- Housing-Homelessness Taskforce meeting on June 3, 2021
- Community Services Commission meeting on June 16, 2021
- City Council meeting on July 13, 2021

There has also been extensive discussion with nonprofit service providers about their clients' housing needs, including the proportion of clients in forbearance and trends in lenders' responses to household at risk of foreclosure. There was also extensive stakeholder engagement through the Let's House Hayward! (LHH) planning process, including discussions of homelessness prevention needs and concerns and the importance of racial equity in homelessness and housing policies and programs.

NEXT STEPS

If authorized, the City will enter into a professional services agreement with HERA. Staff will work with HERA to create program guidelines, marketing materials, and workflows for the Foreclosure Prevention Program. Staff anticipates that services will be available by January 2022.

Prepared by: Doris Tang, Management Analyst
Christina Morales, Housing Manager

Recommended by: Jennifer Ott, Assistant City Manager

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE A THREE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH HOUSING AND ECONOMIC RIGHTS ADVOCATES IN AN AMOUNT NOT-TO-EXCEED \$1,319,598 FOR FORECLOSURE PREVENTION SERVICES

WHEREAS, the Housing and Community Development Act of 1974 makes funds available to qualified cities for certain community development activities, and the City of Hayward is qualified by entitlement to receive such funds pursuant to said act; and

WHEREAS, on March 27, 2020, the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), was signed into law and allocated over two trillion in funds to respond to the COVID-19 pandemic at the federal, state, and local levels and additionally made available \$5 billion in supplemental Community Development Block Grant (CDBG-CV) funding for grants to prevent, prepare for, and respond to coronavirus; and

WHEREAS, specifically Round 3 CARES Act funding was awarded in September 2020 to entitlement grantees in order to aid communities at higher risk of housing displacement due to the pandemic; and

WHEREAS, on December 8, 2020, the Council adopted Resolution No. 20-222 authorizing \$319,598 of emergency Community Development Block Grant CARES Act (CDBG-CV) funds to be utilized for a Foreclosure Prevention Program; and

WHEREAS, on March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARPA), also known as the COVID-19 Stimulus Package, which included over \$65 billion in direct federal relief to cities; and

WHEREAS, on July 13, 2021, the Council adopted Resolution No. 21-139 approving the City of Hayward Federal Stimulus Expenditure Plan for \$38 million in stimulus funding and authorizing appropriation of \$18.9 million in ARPA funding for immediate projects and programs, including an additional \$1 million in funding for the Foreclosure Prevention Program for a total program budget of \$1,319,598; and

WHEREAS, on August 19, 2021, the City of Hayward issued a Request for Proposals (RFP) for a Foreclosure Prevention Program Services Provider; and

WHEREAS, through the RFP, Housing and Economic Rights Advocates (HERA), a California statewide, not-for-profit legal service and advocacy organization, was determined to be highly qualified to provide services through the Program.

NOW, THEREFORE, BE IT RESOLVED by the City of Council of the City of Hayward that the City Manager is hereby authorized to enter into and execute a three-year Professional Services Agreement, in a form approved by the City Attorney, with Housing and Economic Rights Advocates to provide professional services through the City of Hayward Foreclosure Prevention Program on behalf of the City in an amount not-to-exceed \$1,319,598.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

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

File #: CONS 21-532

DATE: October 19, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Accept and Execute a Funding Agreement with Caltrans for the Local Road Safety Plan Funding Program

RECOMMENDATION

That Council adopts a resolution (Attachment II) accepting and executing a funding agreement with Caltrans in the amount of \$90,000 for the development of the City's Local Road Safety Plan (LRSP) Project, No. 05738.

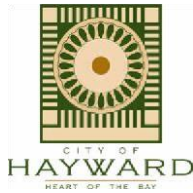
SUMMARY

Staff applied for and was successfully awarded a grant to fund the development of a citywide Local Road Safety Plan (LRSP). Through the LRSP, the City would align with the strategic vision of the State of California to have a safe transportation system for all users. The City's LRSP would guide the City to a data-driven approach for achieving safer streets. It would identify stakeholders, use data to identify safety issues, choose proven solutions, identify the implementation process, and support future safety investments. Starting in April 2022, local agencies will be required to have an LRSP to receive Highway Safety Improvement Program (HSIP) funding.

The grant awarded by Caltrans will cover up to 90% of the project costs. The City will match 10% of the funds utilizing the Transportation Improvement Fund (Fund 460) in the amount of \$10,000. The final contract and funding agreement are being prepared by Caltrans and are not finalized yet. Both documents are drafted from standard language that the City has seen before on other grant awards. Staff and the City Attorney will review both document when received from Caltrans. Upon execution of the funding agreement, staff will request proposals from consultants for plan development services.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: October 19, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Accept and Execute a Funding Agreement with Caltrans for the Local Road Safety Plan Funding Program

RECOMMENDATION

That Council adopts a resolution (Attachment II) accepting and executing a funding agreement with Caltrans in the amount of \$90,000 for the development of the City's Local Road Safety Plan (LRSP) Project, No. 05738.

SUMMARY

Staff applied for and was successfully awarded a grant to fund the development of a citywide Local Road Safety Plan (LRSP). Through the LRSP, the City would align with the strategic vision of the State of California to have a safe transportation system for all users. The City's LRSP would guide the City to a data-driven approach for achieving safer streets. It would identify stakeholders, use data to identify safety issues, choose proven solutions, identify the implementation process, and support future safety investments. Starting in April 2022, local agencies will be required to have an LRSP to receive Highway Safety Improvement Program (HSIP) funding.

The grant awarded by Caltrans will cover up to 90% of the project costs. The City will match 10% of the funds utilizing the Transportation Improvement Fund (Fund 460) in the amount of \$10,000. The final contract and funding agreement are being prepared by Caltrans and are not finalized yet. Both documents are drafted from standard language that the City has seen before on other grant awards. Staff and the City Attorney will review both document when received from Caltrans. Upon execution of the funding agreement, staff will request proposals from consultants for plan development service.

BACKGROUND

Federal regulations require each State to have a Strategic Highway Safety Plan (SHSP). A SHSP is a statewide data-driven traffic safety plan that coordinates the efforts of a wide range of organizations to reduce traffic accident fatalities and serious injuries on all public roads. In coordination with federal, state, local and private sector safety stakeholders, the

SHSP establishes goals, objectives, and emphasis (or challenge) areas. The SHSP addresses the 4Es of traffic safety: Engineering, Enforcement, Education, and Emergency Response.

While the SHSP is used as a statewide approach for improving roadway safety, a LRSP can be a means for providing local and rural road owners with an opportunity to address unique safety needs in their jurisdictions at the same time contributing to the success of the SHSP. The process of preparing a LRSP creates a framework to systematically identify and analyze safety problems and recommend safety improvements. Preparing a LRSP facilitates the development of local agency partnerships and collaboration, resulting in a prioritized list of improvements and actions that can demonstrate a defined need and contribute to the statewide plan. The LRSP offers a proactive approach to addressing safety needs and demonstrates agency responsiveness to safety challenges.

A LRSP provides a framework for organizing stakeholders to identify, analyze, and prioritize roadway safety improvements on local and rural roads. The process of developing a LRSP can be tailored to local protocols, needs, and issues.

DISCUSSION

The Hayward 2040 General Plan addresses seven mandatory elements, which includes Community Safety and Mobility. This can be achieved by ensuring a safe and sustainable transportation system for all motorized and non-motorized users on all public streets in the City.

The City of Hayward adopted the Complete Streets goal to provide complete streets that balance the diverse needs of users of the public right-of-way. To balance the needs of the users, staff proposes to develop a citywide LRSP, which would provide a framework for organizing stakeholders to identify, analyze, and prioritize roadway safety improvements on local roads.

Through the LRSP, the City would align with the strategic vision of California to have a safe transportation system for all users. The City's LRSP would guide the City to a data-driven approach for achieving safer streets. It would identify stakeholders, use safety data to identify safety issues, choose proven solutions, identify the implementation process, and support future safety investments.

Staff is committed to improving transportation safety and reducing the risk of fatality and injury from incidents throughout the City. As such, after consultation with the City's Grant Committee, staff applied to the 2021 LRSP Grant Program administered through Caltrans' Division of Local Assistance. This project serves as a critical step in the effort to provide safer streets for our community and to secure future funding from Caltrans. Starting in April 2022, local agencies will be required to have a LRSP to receive HSIP funding.

Staff compiled all the necessary documentation required for the application and was approved to submit by the City's Grant Committee on March 17, 2021. Staff submitted the application for the grant program on March 19, 2021 and was notified of the award by Caltrans on August 10, 2021.

The final contract and funding agreement are being prepared by Caltrans and are not finalized yet. Both documents are drafted from standard language that the City has seen before on other grant awards. Staff and the City Attorney will thoroughly review both documents when received from Caltrans. Upon execution of the funding agreement, staff will request proposals from consultants for plan development services.

ECONOMIC IMPACT

The development of the LRSP will provide a prioritized list of safety improvements and actions that demonstrate a defined need. This will directly lead to more successful funding awards from state and federal grant programs. Starting with Cycle 11 in April 2022 and moving forward, local agencies will be required to have a LRSP to receive HSIP funding.

Providing safer streets and prioritizing improvements for active transportation options like bicycling and walking foster economic health by creating dynamic, connected communities with a high quality of life that helps support small business development, decreases transportation and healthcare costs and increases property values, employment, and tourism.

Providing safer facilities for alternate modes of travel reduces single lane occupancy vehicles, reduces congestion and costs related to automobile-oriented infrastructure maintenance and construction. The overall transportation system will be more efficient; thus, reducing travel time. Moreover, the City will become a more pedestrian- and bicycle-friendly community, thus creating positive economic and health benefits and reduction of greenhouse gas emissions.

FISCAL IMPACT

The estimated project costs are as follows:

Grant Funding	\$90,000
10% Matching Funds Provided by City of Hayward's Transportation Improvement Fund (Fund 460)	\$10,000
Total Construction Cost	\$100,000

The LRSP grant from Caltrans will cover 90% of the project costs and will reimburse the Transportation Improvement Fund (Fund 460). The grant awarded by Caltrans will cover up to 90% of the project costs. The City will match 10% of the funds utilizing the Transportation Improvement Fund (Fund 460) in the amount of \$10,000.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Preserve, Improve Infrastructure. Specifically, this item relates to the implementation of the following project(s):

Project 2, Part 2c. Complete Tennyson Road Feasibility Study

Project 2, Part 2e. D Street Traffic Calming Plan Feasibility Study

Project 4, all Parts Increase transit options, and ridership

Project 6, all Parts Develop a micro-mobility policy (eBikes, eScooters)

Project 8, all Parts Implement the Bike & Ped Master Plan

SUSTAINABILITY FEATURES

The action taken for this agenda report will result in supporting mobility goals established as part of the City's 2040 General Plan, providing for a balanced multi-modal system of transportation facilities and services in the City.

The LRSP will create a framework to systematically identify and analyze safety problems and recommend safety improvements. Preparing the LRSP will facilitate the development of local agency partnerships and collaboration, resulting in a prioritized list of improvements and actions that can demonstrate a defined need and contribute to the statewide plan. The LRSP offers a proactive approach to addressing safety needs and demonstrates agency responsiveness to safety challenges.

PUBLIC CONTACT

No public contact has been made related to this agenda item. If Council approves this request, staff will begin plan development, which will include public outreach meetings.

NEXT STEPS

If Council approves this request, the City Manager will execute the funding agreement and staff will begin the project. Initial plan development steps will be presented to the Council Infrastructure Committee (CIC) in January 2022.

Prepared by: Jorge Simbaqueba, Senior Transportation Engineer

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT \$90,000 FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION LOCAL ROAD SAFETY PLAN GRANT PROGRAM, FOR USE IN THE DEVELOPMENT OF THE CITY'S LOCAL ROAD SAFETY PLAN PROJECT, PROJECT NO. 05738

WHEREAS, the California Department of Transportation (Caltrans) awarded the City of Hayward \$90,000 in 2021 Local Road Safety Plan Program (LRSP) funding; and

WHEREAS, these funds were awarded for the development of the City's LRSP Project, Project No. 05738; and

WHEREAS, the total project budget identified in the grant application was \$100,000; 90% of the budget, or up to \$90,000, will be used for project expenses that are reimbursable by Caltrans, while 10% of the project budget, or up to \$10,000 will be contributed by the City; and

WHEREAS, the 10% contribution provided by the City of up to \$10,000 will come from Fund 460 – Transportation Improvement Fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to accept up to \$90,000 from Caltrans and execute a funding agreement with Caltrans to receive the awarded funds.

IN COUNCIL, HAYWARD, CALIFORNIA _____ 2021.

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

File #: CONS 21-539

DATE: October 19, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Adopt a Resolution Accepting the Resignation of Mr. Gerald (Jerry) Sannebeck from the Keep Hayward Clean and Green Task Force, Effective Immediately

RECOMMENDATION

That Council adopts a resolution (Attachment II) accepting the resignation of Mr. Gerald (Jerry) Sannebeck from the Keep Hayward Clean and Green Task Force, effective immediately.

SUMMARY

Mr. Gerald Sannebeck was appointed to the Keep Hayward Clean and Green Task Force on September 15, 2020. Mr. Sannebeck's resignation becomes effective immediately per his resignation letter dated October 6, 2021 (Attachment III). Mr. Sannebeck's vacated position will be filled as part of the annual appointment process for the City's appointed officials to Commissions and Keep Hayward Clean and Green Task Force.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Resignation Letter



DATE: October 19, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT Adopt a Resolution Accepting the Resignation of Mr. Gerald (Jerry) Sannebeck from the Keep Hayward Clean and Green Task Force, Effective Immediately

RECOMMENDATION

That Council adopts a resolution (Attachment II) accepting the resignation of Mr. Gerald (Jerry) Sannebeck from the Keep Hayward Clean and Green Task Force, effective immediately.

SUMMARY AND DISCUSSION

Mr. Gerald Sannebeck was appointed to the Keep Hayward Clean and Green Task Force on September 15, 2020. Mr. Sannebeck's resignation becomes effective immediately per his resignation letter dated October 16, 2021 (Attachment III). Mr. Sannebeck's vacated position will be filled as part of the annual appointment process for the City's appointed officials to Commissions and Keep Hayward Clean and Green Task Force.

FISCAL IMPACT

There is no fiscal impact associated with this action.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the projects outlined in the Council's Strategic Roadmap.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION No. 21-

Introduced by Council Member _____

RESOLUTION ACCEPTING THE RESIGNATION OF MR. GERALD (JERRY)
SANNEBECK FROM THE KEEP HAYWARD CLEAN AND GREEN TASK FORCE

WHEREAS, Mr. Gerald (Jerry) Sannebeck was appointed to the Keep Hayward Clean and Green Task Force on September 15, 2020; and

WHEREAS, Mr. Gerald (Jerry) Sannebeck submitted a resignation letter on October 6, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignation of Mr. Sannebeck; and commends him for his civic service to the City.

IN COUNCIL, HAYWARD, CALIFORNIA, _____ 2021.

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

ATTACHMENT III

From: JERRY SANNEBECK

Sent: Wednesday, October 6, 2021 2:26 PM

To: CityClerk <CityClerk@hayward-ca.gov>; Miriam Lens <Miriam.Lens@hayward-ca.gov>; Michael Wolny <Michael.Wolny@hayward-ca.gov>; Todd Rullman <Todd.Rullman@hayward-ca.gov>; collenn.kamai@hayward-ca.gov; Barbara Halliday <Barbara.Halliday@hayward-ca.gov>; Francisco Zermeno <Francisco.Zermeno@hayward-ca.gov>; Elisa Marquez <Elisa.Marquez@hayward-ca.gov>; Colleen Kamai <Colleen.Kamai@hayward-ca.gov>

Subject: From Taskforce member Gerald (Jerry) Sannebeck

October 6, 2021

Attention: (Copied in message)
City of Hayward Staff
Hayward Clean And Green Task Force
Adopt A Block Program

I am writing to let you know I'll be stepping down from the Clean and Green Task Force and Adopt-A-Block program effective upon receipt of this message.

I have found a replacement to Adopt-A-Block on Turner Court between Kay and Hesperian. I can either pass along his name and number or ask him to fill out the online application? **Please advise.**

I'm not sure if the city recycles the Adopt-A-Block signs but if Hayward doesn't I'd like to **request the sign currently on Turner Court as a keepsake.**

With my wife's retirement we are moving out of the area. My wife and I were born and raised in the east bay and have called Hayward 'Home' for the last 43 years. We proudly raised our three children here. We are saddened to say goodbye to the east bay and Hayward but we look forward to the new chapter in our lives.

I've enjoyed working on the trash problem and campaigns of a few of our city leaders when given the opportunity and volunteering where I strove to help make a difference. I have great respect to all of you who work hard to make Hayward better for all residents. It has been a pleasure meeting and working with so many like minded people who care for community, family and take pride in the City of Hayward. Thank you to all of the included in this message for our relationship and friendship. Best of luck to the great city of Hayward!

Respectfully,

Gerald (Jerry) Sannebeck



CITY OF HAYWARD

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

File #: CONS 21-549

DATE: October 19, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Adopt a Resolution Authorizing the City Manager to Sign an Agreement to Join Alameda County's ALL IN Eats Partnership

RECOMMENDATION

That Council adopts the resolution (Attachment II) authorizing the City Manager to sign an agreement to join Alameda County's ALL IN Eats Partnership.

SUMMARY

The goal of ALL IN Eats is to build upon and support the efforts of individuals and agencies working to counter food insecurity, malnutrition, and under employment in Alameda County. These efforts have included urban farming, nutrition education, workforce development, and individuals and organizations throughout Alameda County. Joining ALL IN Eats as a partner would afford the City shared resources and support from network partners to implement methods of food security and economic growth for the Hayward community. There is no fiscal impact to join this partnership.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: October 19, 2021

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Adopt a Resolution Authorizing the City Manager to Sign an Agreement to Join Alameda County's ALL IN Eats Partnership

RECOMMENDATION

That Council adopts the resolution (Attachment II) authorizing the City Manager to sign an agreement to join Alameda County's ALL IN Eats Partnership.

SUMMARY

The goal of ALL IN Eats is to build upon and support the efforts of individuals and agencies working to counter food insecurity, malnutrition, and under employment in Alameda County. These efforts have included urban farming, nutrition education, workforce development, and individuals and organizations throughout Alameda County. Joining ALL IN Eats as a partner would afford the City shared resources and support from network partners to implement methods of food security and economic growth for the Hayward community. There is no fiscal impact to join this partnership.

BACKGROUND

ALL IN Alameda County is an initiative of the Board of Supervisors of Alameda County, launched in 2014. The purpose of ALL IN is to provide leadership, innovation, and collaboration across public, private, and community sectors to address the root causes of poverty.

Alameda County ALL IN Eats is the newest sub-initiative of ALL IN, founded in 2020. Its purpose is to better coordinate county-wide efforts to end poverty and food insecurity. ALL IN Eats was developed from a partnership between the Office of Supervisor Wilma Chan, ALL IN Alameda County, Alameda County Sheriff's Office (ACSO), and the Deputy Sheriffs' Activities League (DSAL).

ALL IN Eats works with individuals, organizations, and agencies who grow, cook, prescribe, deliver, and recover food to support low-income, food-insecure families, including those with

diet-related chronic diseases, while also creating employment opportunities for vulnerable populations.

The goal of ALL IN Eats is to build upon and support the efforts of individuals and agencies working to counter food insecurity, malnutrition, and under employment in Alameda County. In particular, the partners seek ways to create a [circular food economy](#) that eliminates waste from the local food system and keeps food production as a local as possible. These efforts have included urban farming, prescribing food as medicine, nutrition education, and workforce development in the agriculture and culinary fields.

DISCUSSION

Councilmember Lamnin brought this partnership opportunity to the attention of the City Manager. The ALL IN Eats initiative aligns with the Council's Strategic Roadmap priorities of Grow the Economy and Support Quality of Life. The purpose of the attached agreement is to indicate the City's commitment in supporting the work of ALL In Eats as an active partner. It is not a contract and there is no financial contribution. The agreement covers a period of three years from the date of signature.

If the City joins as a partner, it is agreeing to the following activities:

- To send a staff liaison to ALL IN Eats Working Groups;
- To share relevant news and updates with the network;
- To share information about funding or advocacy opportunities with the network to expand impact, decrease competition, and ignite collaboration;
- To display the ALL IN Eats logo and information on relevant promotional material; and
- To provide a brief annual report about the City's successes and challenges within the Circular Food Economy.

In return, the City stands to benefit from:

- Access to shared funding opportunities and other resources, particularly around food access and food entrepreneur incubation;
- Regional coordination to leverage funding opportunities, facilitated by ALL IN staff; and
- Public recognition for Hayward's contribution to the partnership.

STRATEGIC ROADMAP

This agenda item supports the strategic priorities of Support Quality of Life and Grow the Economy. This item is not specifically related to a project identified in the Strategic Roadmap. Staff is bringing forth this new item at Council direction. Staff will include this item in the next update to Council on the Strategic Roadmap.

FISCAL IMPACT

There is no fiscal impact associated with this agreement.

NEXT STEPS

If Council approves the attached resolution, staff will distribute the signed resolution to the appropriate bodies, and the City Manager will sign the agreement to join Alameda County's ALL IN Eats Partnership.

Prepared by: Terence Candell, Management Fellow

Recommended by: Kelly McAdoo, City Manager

Approved by:

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

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT
TO JOIN ALAMEDA COUNTY'S ALL IN EATS PARTNERSHIP

WHEREAS, Alameda County ALL IN Eats is an initiative that was launched in 2020 to better coordinate county-wide efforts to end poverty and food insecurity; and

WHEREAS, ALL IN Eats works with individuals, organizations, and agencies who grow, cook, prescribe, deliver, and recover food to support low-income, food-insecure families; and

WHEREAS, the work and goals of ALL IN Eats is to build upon and support the efforts of individuals and agencies working to counter food insecurity, malnutrition, and under employment in Alameda County; and

WHEREAS, the purpose of partnering with the ALL IN Eats initiative is for both parties to mutually benefit from participation by allowing all partners to advance their operations by sharing resources, services, or goods to further our individual and collective missions; and

WHEREAS, a partnership with ALL IN Eats would afford the City shared resources and support from network partners to implement methods of food security for the community, such as sustainable farming methods to grow healthy food, forming a sustainable food system, and food entrepreneur incubation and support for local vendors; and

WHEREAS, the City has a vested interest in creating sustainable food security for our community, and the goals of the ALL IN Eats initiative to provide Alameda County residents with healthy, affordable food, is aligned with that interest.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves of joining in partnership with Alameda County's ALL IN initiative and authorizes the City Manager to sign the agreement, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

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

File #: PH 21-087

DATE: October 19, 2021

TO: Mayor and City Council

FROM: Assistant City Manager/Development Services Director

SUBJECT

Sale of Parcel Group 3 for Development of New Affordable Housing and a School: Adoption of Resolutions (1) Declaring City-Owned Properties Generally Located between Tennyson Road and Broadway Street as Exempt Surplus Lands; and (2) Approving the Government Code Section 52201 Summary Report for the Project; and Authorizing the City Manager to Negotiate and Execute a Disposition and Development Agreement with Eden Housing, Pacific West Communities, and Strategic Growth Partners for Transfer of Specified City Owned Properties; and Amendment of the Parcel Group 3 Affordable Housing Plan (Planning Application #202001594), Consistent with Prior California Environmental Quality Act Determinations

RECOMMENDATION

That Council holds a public hearing and adopts resolutions (Attachments II and III): (1) declaring City-owned properties generally located between Tennyson Road and Broadway Street as exempt surplus lands pursuant to Government Code Section 54221(f)(1)(H); and (2) approving the Government Code Section 52201 Summary Report for the project (Attachment IV); authorizing the City Manager to negotiate and execute a Disposition and Development Agreement (DDA) and related documents, with Eden Housing, Pacific West Communities, and Strategic Growth Partners (Developer) for the transfer of specified properties and for the development of new affordable housing and a school; and amending the Parcel Group 3 Affordable Housing Plan (Planning Application #202001594) (Attachment V), finding the project is consistent with prior California Environmental Quality Act (CEQA) determinations.

SUMMARY

After abandoning the State Route 238 Bypass Project in the 1970s, Caltrans began selling parcels that had previously been acquired for the planned freeway. In order to ensure that future development of the State Route 238 parcels located in Hayward align with the City's land use policies and overall vision, the City negotiated a Purchase and Sale Agreement (PSA) with Caltrans to assume responsibility for the sale of some of these properties to private developers. The City-controlled State Route 238 properties are divided into ten "parcel groups." These parcels are exempt surplus land pursuant to Government Code Section 54221(f)(1)(H) because the land was granted by Caltrans in trust to the City and for which disposal of the land is authorized or required subject to conditions established by statute.

In April 2018, the Council approved the issuance of a Request for Proposals (RFP) for the cluster of parcels located north of Tennyson Road and east of 16th Street, referred to as “Parcel Group 3.” The RFP process was intended to facilitate the re-sale of the parcels through a competitive process to ensure the best price and land use for the City. Three proposals were received in response to the RFP, and, in July 2018, the Council authorized the City Manager to negotiate and enter into an Exclusive Negotiating Rights Agreement (ENRA) with the proposed Developer, based on their proposal to construct a minimum of 150 affordable housing units and a public community school on the Parcel Group 3 properties.

After significant due diligence and site planning efforts, the Developer submitted an application for development of two five-story residential buildings comprised of 176 affordable rental housing units, a two-story 36,000-square-foot public community school for up to 384 preschool and elementary students, and indoor and outdoor amenity spaces located north of Tennyson Road between 16th Street and the future La Vista Park. The application required a Site Plan Review, Administrative Use Permit, and Density Bonus application, which were approved by the Planning Commission on July 22, 2021. The Planning Commission’s approval of the project was appealed to the Council, and the appeal was denied by the Council on September 28, 2021. Twenty-one parcels of land zoned for single family housing will also be transferred to the Developer, but are not currently planned for development. The 21.5- acre remainder of Parcel Group 3 will be retained by the City for the expansion of La Vista Park.

Now that the planning entitlements have been approved, City staff recommend taking the following actions to facilitate the transfer of the property to the Developer:

1. Entering into a DDA with the Developer for the disposition from the City to Developers for a total purchase price of \$3,552,000 the following parcels: a 4.6-acre parcel to be transferred for the development of 176 new affordable rental housing units (Housing Parcel); a 3.2-acre parcel for the development of a new school (School Parcel); and 21 parcels of land zoned for single family housing (Single Family Parcels); and
2. Amending the Parcel Group 3 Affordable Housing Plan to address conflicting affordability requirements between funding sources and State Density Bonus law and to more accurately reflect the unit mix of the affordable housing development project.

If the DDA and amended Affordable Housing Plan are approved, upon execution of the DDA, the City anticipates transferring the property to the Developer later this year and construction is projected to commence soon thereafter.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution - PG3 Exempt Surplus Land
Attachment III	Resolution - PG3 Public Hearing
Attachment IV	PG3 Summary Report - Government Code Section 52201
Attachment V	PG3 Modified Affordable Housing Plan



DATE: October 19, 2021

TO: Mayor and City Council

FROM: Assistant City Manager/Development Services Director

SUBJECT: Sale of Parcel Group 3 for Development of New Affordable Housing and a School: Adoption of Resolutions (1) Declaring City-Owned Properties Generally Located between Tennyson Road and Broadway Street as Exempt Surplus Lands; and (2) Approving the Government Code Section 52201 Summary Report for the Project; and Authorizing the City Manager to Negotiate and Execute a Disposition and Development Agreement with Eden Housing, Pacific West Communities, and Strategic Growth Partners for Transfer of Specified City Owned Properties; and Amendment of the Parcel Group 3 Affordable Housing Plan (Planning Application #202001594), Consistent with Prior California Environmental Quality Act Determinations

RECOMMENDATION

That Council holds a public hearing and adopts resolutions (Attachments II and III): (1) declaring City-owned properties generally located between Tennyson Road and Broadway Street as exempt surplus lands pursuant to Government Code Section 54221(f)(1)(H); and (2) approving the Government Code Section 52201 Summary Report for the project (Attachment IV); authorizing the City Manager to negotiate and execute a Disposition and Development Agreement (DDA) and related documents, with Eden Housing, Pacific West Communities, and Strategic Growth Partners (Developer) for the transfer of specified properties and for the development of new affordable housing and a school; and amending the Parcel Group 3 Affordable Housing Plan (Planning Application #202001594) (Attachment V), finding the project is consistent with prior California Environmental Quality Act (CEQA) determinations.

SUMMARY

After abandoning the State Route 238 Bypass Project in the 1970s, Caltrans began selling parcels that had previously been acquired for the planned freeway. In order to ensure that future development of the State Route 238 parcels located in Hayward align with the City's land use policies and overall vision, the City negotiated a Purchase and Sale Agreement (PSA) with Caltrans to assume responsibility for the sale of some of these properties to private developers. The City-controlled State Route 238 properties are divided into ten "parcel groups." These parcels are exempt surplus land pursuant to Government Code Section

54221(f)(1)(H) because the land was granted by Caltrans in trust to the City and for which disposal of the land is authorized or required subject to conditions established by statute.

In April 2018, the Council approved the issuance of a Request for Proposals (RFP) for the cluster of parcels located north of Tennyson Road and east of 16th Street, referred to as "Parcel Group 3." The RFP process was intended to facilitate the re-sale of the parcels through a competitive process to ensure the best price and land use for the City. Three proposals were received in response to the RFP, and, in July 2018, the Council authorized the City Manager to negotiate and enter into an Exclusive Negotiating Rights Agreement (ENRA) with the proposed Developer, based on their proposal to construct a minimum of 150 affordable housing units and a public community school on the Parcel Group 3 properties.

After significant due diligence and site planning efforts, the Developer submitted an application for development of two five-story residential buildings comprised of 176 affordable rental housing units, a two-story 36,000-square-foot public community school for up to 384 preschool and elementary students, and indoor and outdoor amenity spaces located north of Tennyson Road between 16th Street and the future La Vista Park. The application required a Site Plan Review, Administrative Use Permit, and Density Bonus application, which were approved by the Planning Commission on July 22, 2021. The Planning Commission's approval of the project was appealed to the Council, and the appeal was denied by the Council on September 28, 2021. Twenty-one parcels of land zoned for single family housing will also be transferred to the Developer, but are not currently planned for development. The 21.5-acre remainder of Parcel Group 3 will be retained by the City for the expansion of La Vista Park.

Now that the planning entitlements have been approved, City staff recommend taking the following actions to facilitate the transfer of the property to the Developer:

1. Entering into a DDA with the Developer for the disposition from the City to Developers for a total purchase price of \$3,552,000 the following parcels: a 4.6-acre parcel to be transferred for the development of 176 new affordable rental housing units (Housing Parcel); a 3.2-acre parcel for the development of a new school (School Parcel); and 21 parcels of land zoned for single family housing (Single Family Parcels); and
2. Amending the Parcel Group 3 Affordable Housing Plan to address conflicting affordability requirements between funding sources and State Density Bonus law and to more accurately reflect the unit mix of the affordable housing development project.

If the DDA and amended Affordable Housing Plan are approved, upon execution of the DDA, the City anticipates transferring the property to the Developer later this year and construction is projected to commence soon thereafter.

BACKGROUND

The City of Hayward entered into a PSA with Caltrans in January 2016 to acquire 10 parcel groups comprised of properties acquired by Caltrans for the State Route 238 expansion project. Caltrans has transferred those properties to the City subject to the City managing the disposition and development of these former State Route 238 parcel groups with the goals of removing blight, enhancing community involvement in the development process, and creating economic and public benefits, such as job generating uses and trails and parks. As the City sells or transfers particular parcels, the City is obligated to repay Caltrans the negotiated purchase prices for the various parcel groups under the PSA. The disposal of the State Route 238 properties is authorized or required subject to conditions established by the local alternative transportation improvement program statute under Government Code Sections 14528.6 and 14528.65. Under Government Code Section 14528.65(a)(2), the Surplus Lands Act does not apply to the sale of excess property pursuant to Section 14528.65.

In April 2018, the Council approved the issuance of a RFP for the cluster of parcels located north of Tennyson Road and east of 16th Street, referred to as “Parcel Group 3.” The RFP process was intended to facilitate the re-sale of the parcels through a competitive process to ensure the best price and land use for the City. Three proposals were received in response to the RFP, and in July 2018, the Council authorized the City Manager to negotiate and enter into an ENRA with the proposed Developer, based on their proposal to construct a minimum of 150 affordable housing units and a public community school on the Parcel Group 3 properties.

After significant due diligence and site planning efforts, the Developer submitted an application for development of two five-story residential buildings comprised of 176 affordable rental housing units, a two-story 36,000-square-foot public community school for up to 384 preschool and elementary students, and indoor and outdoor amenity spaces located north of Tennyson Road between 16th Street and the future La Vista Park. The application required a Site Plan Review, Administrative Use Permit, and Density Bonus application, which were approved by the Planning Commission on July 22, 2021. The Planning Commission’s approval of the project was appealed to the Council, and the appeal was denied by the Council on September 28, 2021.¹ Twenty-one parcels of land zoned for single family housing will also be transferred to the Developer, but is not currently planned for development. The 21.5-acre remainder of Parcel Group 3 will be retained by the City for extension of La Vista Park.²

Now that the planning entitlements have been approved, City staff recommend taking actions to facilitate the transfer of the property to the Developer, as described below.

DISCUSSION

The following section summarizes the declaration of the Parcel Group 3 properties as exempt surplus land; the key terms of the DDA; the findings from the 52200.2 analysis regarding Creation of Economic Opportunity/Common Benefit; the major findings of the Government

¹ [CITY OF HAYWARD - File #: PH 21-063 \(legistar.com\)](#) and [CITY OF HAYWARD - File #: PH 21-080 \(legistar.com\)](#)

² [CITY OF HAYWARD - File #: LB 21-044 \(legistar.com\)](#)

Code Section 52201 Summary Report required for the sale of the property; and a discussion of the proposed modifications to the Affordable Housing Plan.

I. Declaration of Exempt Surplus Land

Caltrans granted the Parcel Group 3 properties to the City in trust pursuant to State Route 238 Local Alternative Transportation Improvement Program (Government Code Sections 14528.6 and 14528.65) and therefore, disposal of these Properties is authorized or required subject to conditions established by statute. As described above, the City intends to dispose of a portion of these properties to be developed as a charter school and affordable housing development and retain a portion of the properties for open space and park use. Pursuant to California Government Code section 54221(b)(1), the City must declare land as either surplus or exempt surplus prior to beginning the disposition process. As a result, the Council must take an action to adopt a resolution declaring the properties as exempt surplus land pursuant to Government Code section 54221(f)(1)(H) because the land was granted by Caltrans in trust to the City and for which disposal of the land is authorized or required (Attachment II). Upon approval of the resolution, the City Manager will transmit a copy of the resolution to the California Department of Housing and Community Development no later than thirty (30) days prior to the disposition of the properties.

II. Key Terms of the DDA

City staff recommends that the Council authorize the City Manager to enter into a DDA with the Developer with the following key terms:

- **Parties** – City of Hayward and Eden Housing and Pacific West Communities as the Affordable Housing Developer; Strategic Growth Partners as the School Developer; and Eden Housing and Pacific West Communities, as the owner of the Single-Family Parcels.
- **Purchase Price** – \$3,552,000 to be paid by the Developer to the City in exchange for the Housing Parcel, School Parcel, and Single Family Parcels in the form of cash payment, which includes \$2,300,000 to be paid to Caltrans pursuant to the PSA and the remaining \$1,252,000 to the City.
- **Project Description** – Parcel Group 3 is planned for development of two five-story residential buildings comprised of 176 affordable rental housing units, a two-story 36,000-square-foot community school for up to 384 preschool and elementary students, and indoor and outdoor amenity spaces located north of Tennyson Road between 16th Street and the future La Vista Park. Twenty-one parcels of land zoned for single family housing will also be transferred to the Developer, but are not currently planned for development. The approximately 21.5-acre remainder of Parcel Group 3 will be retained by the City for an extension of La Vista Park.

- **Land Transfer** – Closing on the land transfer requires payment by the Developer of the full purchase price; either the school or housing development to have obtained the award of their respective tax credit financing; and either the school or housing development and its associated horizontal infrastructure be ready to construct.
- **Phasing and Performance Milestones** – The school and housing developments are allowed to construct vertical improvements separately with separate timelines, but subject to performance milestones for each individual component.
- **Infrastructure Phasing and Bonds** – Infrastructure is divided by each project component and phased, but bonds for all horizontal infrastructure will be provided at closing; property lines and infrastructure phasing may shift slightly depending on the amount of the final school financing.
- **Vertical Bonds/Guarantees** – Bonds for vertical development are required for each project component unless the respective construction lenders or investors do not require them. In this instance, the Developer is allowed to provide the City with either a personal or corporate guarantee for vertical development instead.
- **La Vista Park Keyway Construction** – Independent of the DDA, the City is obligated to construct the keyway improvements associated with La Vista Park. The City has agreed to prioritize the construction of specified portions of the La Vista Park Keyway with no liability to the City if the City does not perform. The keyway construction is consistent with the prior CEQA determination (described in greater detail below) for the updated La Vista Park design presented and approved by the Council on September 28, 2021. The construction of the La Vista Park Keyway facilitates the development of the projects contemplated in the DDA.
- **Voluntary Affordable Housing Covenant** - The Housing Developer voluntarily agrees to restrict the affordable housing units in the housing development for occupancy by low-income households at an affordable rent in perpetuity with the City as a named third-party beneficiary.
- **School Covenant** – The School Developer agrees that no other use will be allowed for the school site other than a school, other public use, or affordable housing (no market rate housing allowed).
- **No Financial Assistance** - The City will not make any form of direct or indirect financial contribution and will not be required to provide any other assistance to the Developers.

III. 52200.2 Analysis - Creation of Economic Opportunity/Common Benefit

The actions contemplated under the DDA will create economic opportunity in the Hayward community. Section 52200.2 of the California Government Code defines “economic opportunity” as any of the following:

- (a) Development agreements, loan agreements, sale agreements, lease agreements, or other agreements that create, retain, or expand new jobs, in which the legislative body finds that the agreement will create or retain at least one full-time equivalent, permanent job for every thirty-five thousand dollars (\$35,000) of city, county, or city and county investment in the project after full capacity and implementation;
- (b) Development agreements, loan agreements, sale agreements, lease agreements, or other agreements that increase property tax revenues to all property tax collecting entities in which the legislative body finds that the agreement will result in an increase of at least 15 percent of total property tax resulting from the project at full implementation when compared to the year prior to the property being acquired by the government entity;
- (c) Creation of affordable housing, if a demonstrated affordable housing need exists in the community, as defined in the approved housing element or regional housing needs assessment;
- (d) Projects that meet the goals set forth in Chapter 728 of the Statutes of 2008 and have been included in an adopted sustainable communities strategy or alternative planning strategy or a project that specifically implements the goals of those adopted plans; and
- (e) Transit priority projects, as defined in Section 21155 of the Public Resources Code.

Under the DDA, the City is not providing any form of financial assistance to the Developer. The City, however, has identified the following benefits that will be generated through the implementation of the DDA and that will create economic opportunity as defined in Government Code Section 52200.2.

Creation of Affordable Housing

The creation of affordable housing to meet demonstrated affordable housing needs identified in the housing element of the City’s General Plan constitutes an economic opportunity. The proposed project will be subject to the requirements of the City’s Inclusionary Housing Ordinance and has also applied for additional density under the State Density Bonus Law, and will thus increase, improve, or preserve the supply of quality affordable housing in the community. The Affordable Development will create a total of units of 176 affordable housing (including two unrestricted managers’ units).

Creation of New Jobs

Under Section 52200.2(a), economic opportunity is achieved if an agreement results in the creation, retention or expansion of new jobs, at least one full-time equivalent, permanent job for every thirty-five thousand dollars (\$35,000) of City investment in the project. As previously discussed, the City is not providing any financial assistance for the Proposed Project. Nevertheless, the sale of the Property under the DDA will result in job creation as a result of the anticipated construction of the Affordable Housing Development and the School Development. During the construction of the Proposed Project, it is anticipated approximately 415 full-time equivalent (FTE) temporary construction jobs will be generated. Upon completion and full implementation, the Proposed Project is also anticipated to generate an estimated 60 permanent jobs without investment of City funds.

Public Purpose/Common Benefit

The transfer of the properties and construction of the Proposed Project will further the public purpose of economic development by creating jobs, affordable housing, and a school and contribute to the vibrancy in an area of the City that has suffered from historic underdevelopment as a result of the proposed and now defunct SR 238 freeway project.

IV. Government Code 52201 Summary Report

Government Code Section 52201 authorizes the City to sell or lease property to which it holds title for the purpose of creating economic opportunity. The City must first secure approval of the proposed sale from the City Council after a public hearing. A copy of the proposed DDA and a summary report that describes and contains specific financing elements of the proposed transaction is required to be available for public inspection prior to the public hearing. Staff prepared the Government Code Section 52201 Summary Report in compliance with the code (the "Section 52201 Summary Report"). The Section 52201 Summary Report is attached to this report as Attachment IV and is incorporated herein by this reference.

The Section 52201 Summary Report contains the following information:

- The cost of the DDA to the City, including land acquisition costs, clearance costs, relocation costs, and the costs of any improvements to be provided by the City, plus the expected interest on any loans of bonds to finance the agreement;
- The estimate value of the interest to be conveyed, determined at the highest and best use permitted under the general plan and zoning;
- The estimated value of the interest to be conveyed in accordance with the uses, conditions and covenants, and development costs required under the proposed PSA, i.e., the fair reuse value of the property;
- An explanation of why the sale of the property will assist in the creation of economic opportunity; and
- If the sale price is less than the fair market value of the interest to be conveyed, determined at the highest and best use consistent with the general plan and zoning,

then the City must provide as part of the summary an explanation of the reasons for the difference.

The conclusion of the Section 52201 Summary Report reflects that the estimated total cost to the City is projected to be lower than the purchase price received from the Developer. The City will receive \$3,552,000 in compensation for the transfer of all of the Parcel Group 3 properties, which exceeds the appraised fair market value of the properties and is the estimated value of the property at its highest and best use.

V. Proposed Amendments to the Parcel Group 3 Affordable Housing Plan

The Developers prepared a Parcel Group 3 Affordable Housing Plan as part of their application for the project consistent with the City's Affordable Housing Ordinance and State Density Bonus, which was approved by the Planning Commission on July 22, 2021 and confirmed by the Council's denial of the project appeal on September 28, 2021. Subsequent to these project approvals and as part of further DDA negotiations, City staff and the Developer determined that modifications to the Affordable Housing Plan were required. The proposed amendments to the Affordable Housing Plan are necessary to address conflicting affordability requirements between funding sources and State Density Bonus law and more accurately reflect the unit mix of the project. The amended Affordable Housing Plan is attached (Attachment V).

ENVIRONMENTAL REVIEW

In 2014, the City certified the EIR for the *Hayward 2040 General Plan*.³ The General Plan represents the community's view of its future and expresses the community's conservation and development goals through the year 2040. An Addendum to the General Plan EIR was prepared pursuant to Section 15164 of the CEQA guidelines, which states, "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred."

The proposed modifications to the General Plan EIR described in the Parcel Group 3 Addendum would not require major revisions to the General Plan EIR due to new or substantially increased significant environmental effects. The analysis contained in the Environmental Checklist confirms that the modified project is within the scope of the General Plan EIR and would have no new or more severe significant effects and no new mitigation measures are required.⁴ Therefore, no subsequent or supplemental EIR or further CEQA review is required for the Parcel Group 3 development.

The proposed La Vista Park extension that will coordinate the construction of keyway improvement with the Parcel Group 3 development, as described above, would not require major revisions to the 2005 La Vista Development IS/MND due to new or substantially

³ Hayward 2040 General Plan EIR: <https://www.hayward-ca.gov/your-government/documents/planning-documents>

⁴ CITY OF HAYWARD - File #: PH 21-080 (legistar.com)

increased significant environmental effects. The analysis contained in the Addendum to the 2005 IS/MND confirms that the park extension is within the scope of the 2005 IS/MND and will have no new or more severe significant effects. Rather, minor revisions to the previously adopted mitigation measures will ensure a better outcome is achieved than the original document disclosed.⁵ Therefore, no subsequent or supplemental EIR or further CEQA review is required for the La Vista Park development.

ECONOMIC IMPACT

The proposed development would have a positive economic benefit in that it would result in development of a currently vacant site with new residential units and a public community school that would beautify the site and increase surrounding property values. The proposed development is expected to attract up to 176 new households whose expenditures would increase retail sales in the city. Development of the project is also expected to generate temporary construction jobs and an estimated 60 permanent jobs associated with the school and property management.

FISCAL IMPACT

The sales proceeds will be utilized by the City to repay Caltrans as required under the PSA and any excess to sales proceeds will be retained by the City. According to projections provided by the developer, the construction valuation of the project is estimated at \$72,900,000.

The project would also generate annual revenue from taxes, including: real property transfer, business license, and emergency facilities among others, while requiring annual costs related to City services including but not limited to Fire, Police, Library, and Maintenance Services. Communities sometimes attempt to quantify positive or negative fiscal impacts to help decide if a particular development project should move forward. While an important planning tool for city resource allocation, this data does not account for other elements or community benefits the project may provide that address Council priorities and policies. These benefits, such as increasing affordable housing supply to help stabilize housing costs, promoting equity and housing opportunities, and adding new consumers that can support city businesses and help attract new ones, offer offsets for negative fiscal impacts.

STRATEGIC ROADMAP

The proposed project supports the Strategic Priorities of Preserve, Protect, and Preserve Housing for All, as well as of Grow the Economy, and specifically, relates to the implementation of the following project:

Project 5, Part 5.a-c: Facilitate disposition and development of Route 238 Corridor lands.

⁵ [CITY OF HAYWARD - File #: LB 21-044 \(legistar.com\)](#)

NEXT STEPS

Following Council approval, staff will transmit the resolution declaring the properties as exempt surplus land to the California Department of Housing and Community Development no later than thirty (30) days prior to the disposition of the properties, as well as take the necessary steps to convey the property to the Developer later this year in accordance with the DDA. The Developer will continue the process of pursuing construction permits for the project and is currently planning for construction to begin early next year.

Prepared and Recommended by:

Jennifer Ott, Assistant City Manager

Approved by:

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

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21 –

Introduced by Council Member _____

RESOLUTION DECLARING CITY-OWNED PROPERTIES LOCATED BETWEEN
TENNYSON ROAD AND BROADWAY STREET AS EXEMPT SURPLUS LAND
PURSUANT TO GOVERNMENT CODE SECTION 54221(f)(1)(H)

WHEREAS, the City of Hayward (the "City") is the owner of those parcels of real property more particularly described in the attached Exhibit A, generally located between the Tennyson Road on the south and Broadway Street on the north (the "City Properties"); and

WHEREAS, the City Properties were previously intended to be used by the State of California Department of Transportation (the "Caltrans") in connection with State Highway Route 238; and

WHEREAS, the Caltrans' plans proved infeasible; and

WHEREAS, the City acquired the City Properties from Caltrans for the purposes of exchange, economic development, and to generate State funding for the local alternative transportation improvement program, which is intended to address the local transportation problems caused by the infeasibility of the Route 238 plan; and

WHEREAS, Caltrans granted the City Properties to the City in trust pursuant to State Route 238 Local Alternative Transportation Improvement Program (Government Code Sections 14528.6 and 14528.65); and

WHEREAS, disposal of the City Properties is authorized or required subject to conditions established by statute and under Government Code Section 14528.65(a)(2) the Surplus Lands Act does not apply to the sale of excess property pursuant to Section 14528.65; and

WHEREAS, the City intends to dispose of a portion of the City Properties to be developed as a charter school and affordable housing development; and

WHEREAS, the City intends to retain a portion of the City Properties for open space and park use; and

WHEREAS, pursuant to California Government Code section 54221(b)(1), the City must declare land as either surplus or exempt surplus prior to beginning the disposition process.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds that the City Properties identified in Exhibit A are exempt surplus land pursuant to Government Code section 54221(f)(1)(H) and under Government Code Section 14528.65(a)(2) because the land was granted by Caltrans in trust to the City and for which disposal of the land is authorized or required subject to conditions established by statute under the State Route 238 Local Alternative Transportation Improvement Program (Government Code Sections 14528.6 and 14528.65).

BE IT FURTHER RESOLVED that the City Council directs the City Manager to transmit a copy of this Resolution to the California Department of Housing and Community Development no later than thirty (30) days prior to the disposition of the City Properties.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

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

EXHIBIT A
LEGAL DESCRIPTION OF CITY PROPERTIES

Number
DD-030989-01-01

Exhibit "A"

Those parcels of land, in the City of Hayward, County of Alameda, State of California, as described in Grant Deeds: AF32727, 32728, and 39082, together with portions of Blocks K, L, and M, as shown on that Map "City of Alta Vista", recorded July 13, 1925, in Book 4 of Maps at Page 80, filed in the Office of the County Recorder of Alameda County, together with Parcels 2 and 3, as described in that Executor's Deed, recorded November 20, 1970, in Reel 2736, Image 143, Official Records of Alameda County, together with Parcel 1, as described in that Final Order of Condemnation, recorded May 29, 1964, in Reel 1218 Image 69, Document Number AW86756, Official Records of Alameda County, described as follows:

Lot 5, in Block K, together with Lots 6, 8, 9, 10, 11, 12, and 13, in Block L, together with Lots 1, 4, 5, 6, 7, 8, 9, and 10, in Block M, as shown on said Map, recorded July 13, 1925, in Book 4 of Maps at Page 80, filed in the Office of the County Recorder of Alameda County.

TOGETHER WITH,

That parcel of land as described in said Grant Deed 39082, recorded November 12, 1970, in Reel 2730, Image 13, Document Number 70-124437, Official Records of Alameda County, described therein:

"The northeastern 82.20 feet of Lots 9 and 10, in Block "K", as said lots and block are shown on the map of "City of Alta Vista, Eden Township, Alameda Co., California", filed July 13, 1925, in Book 4 of Maps, page 80, in the office of the County Recorder of Alameda County."

TOGETHER WITH,

Said Parcels 2 and 3, as described in said Executor's Deed, described therein:

'Parcel 2:

Lot 8, and the southwesterly 40 feet of Lots 11 and 12, in Block "K", as said lots and block are shown on the Map of "City of Alta Vista, Eden Township, Alameda Co., California",

Number
DD-030989-01-01

filed July 13, 1925, in Book 4 of Maps, page 80, in the office of the County Recorder of Alameda County.

Parcel 3:

The northeasterly 82.20 feet of Lots 11 and 12, in Block "K", as said lots and block are shown on the Map of "City of Alta Vista, Eden Township, Alameda Co., California", filed July 13, 1925, in Book 4 of Maps, page 80, in the office of the County Recorder of Alameda County.'

ALSO,

The State of California acting by and through its Director of Transportation does hereby remise, release and quitclaim any and all interest lying within East 17th Street, Broadway, Clay Street, Franklin Street, and Webster Street, as shown on said Map recorded July 13, 1925, in Book 4 of Maps at Page 80.

TOGETHER WITH,

Said Parcel 1, as described in said Final Order of Condemnation, described therein:

"Parcel 1:

For freeway purposes, that real property described as follows:

COMMENCING at the northeasterly corner of that certain parcel of land containing 21.28 acres, described in the deed to William P. Silva, et ux, recorded June 24, 1942 in Book 4230 of Official Records of Alameda County, at Page 300 (PP/31567); thence along the easterly line of said 21.28 acre parcel, S. 1°01'00" W., 1144.17 feet to the southeasterly line of said 21.28 acre parcel; thence along said southeasterly line S. 78°02'00" W., 240 feet; thence N. 19°00'00" W., 888 feet, more or less, to the northwesterly line of said 21.28 acre parcel; thence along said northwesterly line, N. 57°27'00" E., 650 feet to the point of commencement.

CONTAINING 9.611 acres, more or less."

ALSO,

Page 2 of 4

Number
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The State of California acting by and through its Director of Transportation does hereby remise, release, and quitclaim any and all abutter's rights, including access rights as described by said Final Order of Condemnation.

TOGETHER WITH,

That parcel of land as described in said Grant Deed AF32727, recorded June 13, 1967, in Reel 1980, Image 77, Document Number AZ55700, Official Records of Alameda County, described therein:

"COMMENCING at the southwesterly corner of that certain parcel of land described in the Final Judgment of Condemnation rendered to the State of California on May 29, 1964 in Superior Court, Alameda County, Case No. 333126, recorded May 29, 1964, on Reel 1218, Image 69, (AW/86756) Alameda County Records; thence along the property line common to the lands, now or formerly, of Topaz Builders, Inc., and of Mission Heights Associates, a Partnership, S. 79°20'50" W., 136.12 feet; thence N. 10°22'17" W., 469.55 feet; thence N. 13°59'40" W., 398.49 feet to the property line common to the lands, now or formerly, of Hooper and Company, a Partnership and of Mission Heights Associates, a Partnership; thence along said common property line N. 58°23'05" E., 44.95 feet to the southwestern line of said State of California parcel; thence along said southwestern line S. 18°04'25" E., 890.90 feet to the point of commencement.

CONTAINING 1.666 acres, more or less."

"The bearings and distances used in the above description are on the California Coordinate System, Zone 3. Multiply the above distances by 1.0000823 to obtain ground level distances."

ALSO,

The State of California acting by and through its Director of Transportation does hereby remise, release, and quitclaim any and all abutter's rights, including access rights as described by said Grant Deed.

TOGETHER WITH,

That parcel of land as described in said Grant Deed 32728, recorded March 21, 1967, in Reel 1933 Image 694, Document Number AZ25095, Official Records of Alameda County, described therein:

Page 3 of 4

Description: Alameda, CA Document - Year.DocID 2017.252113 Page: 8 of 14
Order: ec Comment:

Number
DD-030989-01-01

"A portion of the 77.70 acre parcel of land described in the Decree Quieting Title rendered May 11, 1925 from Superior Court, Alameda County, in the action of J. E. Costa vs. Roman Catholic Archbishop of San Francisco, a corporation sole, et al., Case No. 78611, a certified copy of which was recorded May 11, 1925, in Book 996 of Official Records of Alameda County, page 230, (U-38782), described as follows:

Beginning at the intersection of the northeastern line of the land described in the deed to City of Hayward, dated December 16, 1965, recorded December 29, 1965, on Reel 1674, Image 38, (AX-177888) Alameda County Records, with the centerline of Webster Street, 50 feet wide; running thence along the last named line, northeasterly on the arc of a curve to the left, having a radius of 780 feet, through a central angle of $9^{\circ}00'39''$, a distance of 122.67 feet; thence northeasterly on the arc of a reverse curve to the right, having a radius of 636.50 feet, through a central angle of $16^{\circ}46'18''$, a distance of 186.32 feet; thence continuing along said centerline and the direct production thereof, North $63^{\circ}54'$ East 315.36 feet to the northeastern line of the land described in the deed to Pine & Co., dated October 4, 1955, recorded October 19, 1955, in Book 7819 of Official Records of Alameda County, Page 333, (AK-113734); thence along the last named line and along the eastern and southeastern lines of said last mentioned land, South 40° East 658.29 feet; South $1^{\circ}28'01''$ West 252.94 feet; and South $57^{\circ}17'36''$ West 700.17 feet to said northeastern line of said land conveyed to City of Hayward; and thence along the last named line, North $23^{\circ}48'25''$ West 891.38 feet to the point of beginning."

All the above described parcels having a combined total area containing 28.48 acres, more or less.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature Andrew Lachowicz
Licensed Land Surveyor

Date 3-25-2016



Page 4 of 4

EXHIBIT 'A'
Legal Description
State Remainder Parcel 1

All that real property situated in the City of Hayward, County of Alameda, State of California, described as follows:

Being portions of Parcel 1 and Parcel 3 as described in the Director's Deed from the State of California to the City of Hayward recorded November 3, 2017, under Recorder's Series Number 2017243815, Official Records of said County, more particularly described as follows:

Commencing at the intersection of the exterior boundary of Tract 7620 with the monumented line of Tennyson Road (60 feet in width), as shown on that certain map of Tract 7620 filed May 3, 2016 in Book 339 of Maps at Page 46, Records of said County, from which the southwesterly terminus of that certain course shown as North 59°10'01" East 179.24 feet along said monumented line of Tennyson Road bears South 59°10'01" West 63.75 feet as shown on said Tract 7620;

1. Thence South 89°39'02" West 41.89 feet along said exterior boundary of Tract 7620 to the intersection of the northerly line of said Tennyson Road, and the **Point of Beginning**, said point being the beginning of a non-tangent curve concave northerly and having a radius of 720.00 feet, (a radial bearing of said curve through said point bearing South 25°53'42" East);

Thence along last said line the following three (3) courses;

2. Westerly 198.77 feet along said curve through a central angle of 15°49'03";
3. South 79°55'21" West 216.36 feet to the beginning of a curve concave northerly and having a radius of 570.00 feet;
4. Westerly 103.75 feet along said curve through a central angle of 10°25'45" to the exterior boundary of said Parcel 3;

Thence along last said line and the exterior boundary of said Parcel 2 the following four (4) courses;

5. North 19°22'35" West 41.87 feet;
6. North 86°21'23" West 118.00;
7. North 78°26'02" West 292.82 feet;
8. North 89°39'02" East 349.50 feet to the **Point of Beginning**.

Containing 34,002 square feet, more or less

End of Description

Surveyor's Statement

This description was prepared pursuant to Section 8726 of the Business and Professions Code of the State of California, by or under the supervision of:

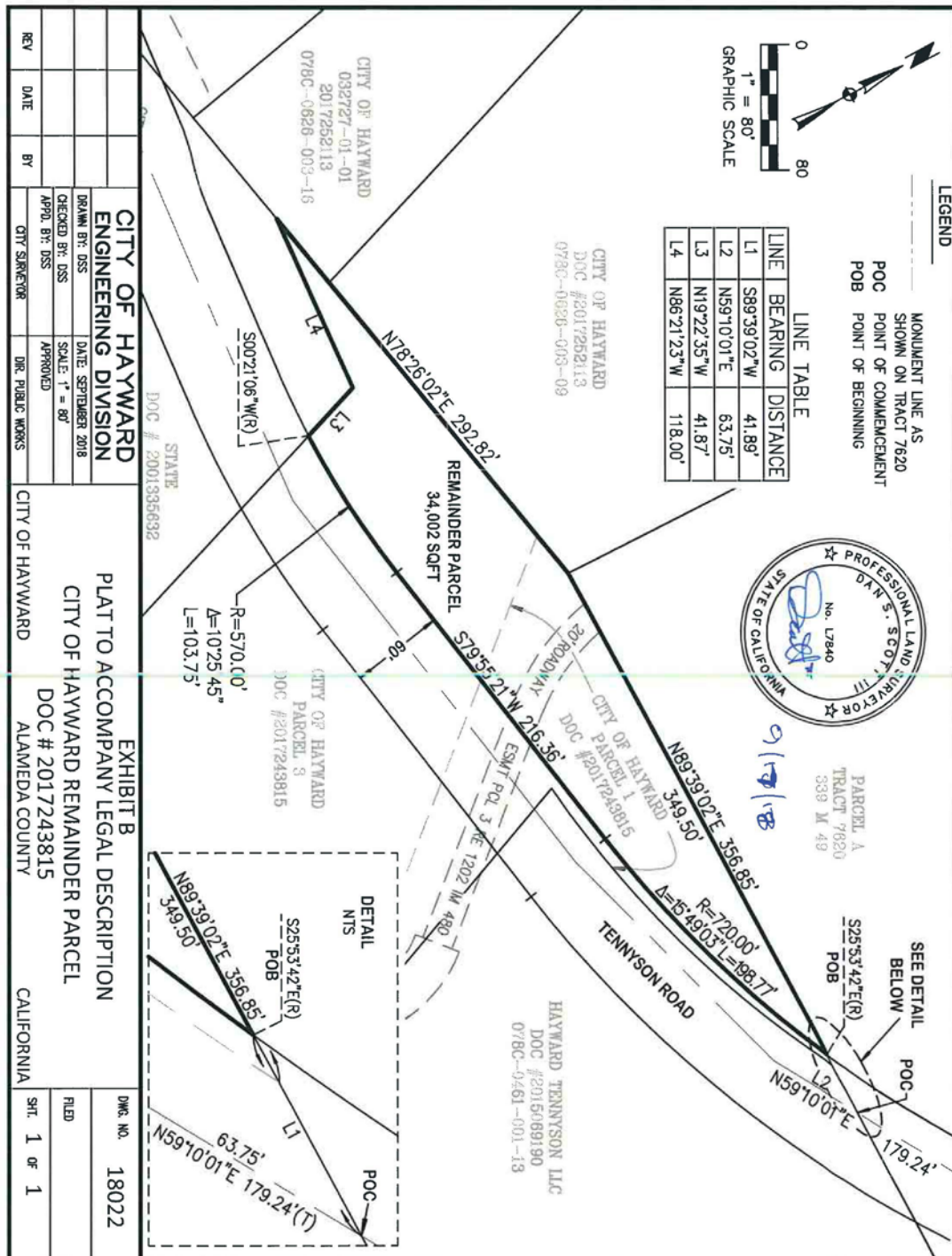


Dan S. Scott III, PLS L7840

September 17, 2018

Date





HAYWARD CITY COUNCIL

RESOLUTION NO. 21 –

Introduced by Council Member_____

RESOLUTION APPROVING GOVERNMENT CODE SECTION 52201 SUMMARY REPORT FOR THE PROJECT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A DISPOSITION AND DEVELOPMENT AGREEMENT WITH EDEN HOUSING, PACIFIC WEST COMMUNITIES, AND THE STRATEGIC GROWTH PARTNERS FOR TRANSFER OF SPECIFIED CITY OWNED PROPERTIES AND FOR THE DEVELOPMENT OF NEW AFFORDABLE HOUSING AND A SCHOOL; AND AMENDING THE PARCEL GROUP 3 AFFORDABLE HOUSING PLAN (PLANNING APPLICATION #202001594) AND MAKING SPECIFIED FINDINGS IN ASSOCIATION THEREWITH CONSISTENT WITH PRIOR CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS

WHEREAS, the City of Hayward (the “City”) entered into a Purchase and Sale Agreement (PSA) with Caltrans in January 2016 to acquire 10 parcel groups comprised of properties acquired by Caltrans for the State Route 238 expansion project; and

WHEREAS, Caltrans granted the properties to the City in trust pursuant to State Route 238 Local Alternative Transportation Improvement Program (Government Code Sections 14528.6 and 14528.65); and

WHEREAS, Caltrans has transferred those properties to the City subject to the City managing the disposition and development of these former State Route 238 parcel groups with the goals of removing blight, enhancing community involvement in the development process, and creating economic and public benefits, such as job generating uses and trails and parks; and

WHEREAS, as the City sells or transfers particular parcels, the City is obligated to repay Caltrans the negotiated purchase prices for the various parcel groups under the PSA; and

WHEREAS, these parcels are exempt surplus land pursuant to Government Code section 54221(f)(1)(H) because the land was granted by Caltrans in trust to the City and for which disposal of the land is authorized or required subject to conditions established by statute; and

WHEREAS, under Government Code Section 14528.65(a)(2) the Surplus Lands Act does not apply to the sale of excess property pursuant to Section 14528.65; and

WHEREAS, in April 2018, the Council approved the issuance of a Request for Proposals (RFP) for the cluster of parcels located north of Tennyson Road and east of 16th Street, referred to as “Parcel Group 3,” which was intended to facilitate the re-sale of the parcels through a competitive process to ensure the best price and land use for the City; and

WHEREAS, in July 2018, the Council authorized the City Manager to negotiate and enter into an Exclusive Negotiating Rights Agreement (ENRA) with the proposed Developer (Eden Housing and Pacific West Communities), based on their proposal to construct a minimum of 150 affordable housing units and a public community school on the Parcel Group 3 properties; and

WHEREAS, after significant due diligence and site planning efforts, the Developer submitted an application for development of two five-story residential buildings comprised of 176 affordable rental housing units, a two-story 36,000-square-foot public community school for up to 384 preschool and elementary students, and indoor and outdoor amenity spaces located north of Tennyson Road between 16th Street and the future La Vista Park; and

WHEREAS, the application required approval of a Site Plan Review, Administrative Use Permit, and Density Bonus application, which was approved by the Planning Commission on July 22, 2021; and

WHEREAS, the approval was then appealed to the Council, which the Council denied on September 28, 2021; and

WHEREAS, twenty-one parcels of land zoned for single family housing within Parcel Group 3 will also be transferred to the Developer, but is not currently planned for development; and

WHEREAS, the 21.5- acre remainder of Parcel Group 3 will be retained by the City for the expansion of La Vista Park; and

WHEREAS, the City, Eden Housing and Pacific West Communities, and Strategic Growth Partners (the Developers) successfully completed the obligations under the ENRA and now desire to enter into a Disposition and Development Agreement (the “DDA”); and

WHEREAS, the City will enter into a DDA with the Developers for the disposition from the City to Developers for a total purchase price of \$3,552,000 for the following parcels: a 4.6-acre parcel to be transferred for the development of 176 new affordable rental housing units (Housing Parcel); a 3.2-acre parcel for the development of a new school (School Parcel); and 21 parcels of land zoned for single family housing (Single Family Parcels); and

WHEREAS, amendments to the Parcel Group 3 Affordable Housing Plan are required to address conflicting affordability requirements between funding sources and State Density Bonus law and more accurately reflect the unit mix of the affordable housing development project; and

WHEREAS, independent of the DDA the City is obligated to construct the keyway improvements associated with La Vista Park. Under the DDA, the City has agreed to prioritize the construction of specified portions of the La Vista Park Keyway. The construction of the La Vista Park Keyway is consistent with the prior CEQA determination for the updated La Vista Park design presented and approved by the Council on September 28, 2021; and

WHEREAS, as further outlined in the Staff Report accompanying this Resolution and incorporated into this Resolution by this reference (the "Staff Report"), the transfers contemplated under the DDA will further the public purpose of economic development creating jobs, and securing a site for future development of affordable housing in an area that has suffered from historic under development as a result of the proposed and now defunct freeway project, all of which serve the common benefit; and

WHEREAS, the City has placed on file a copy of the summary report called for under Government Code Section 52201 (the "Section 52201 Summary Report"), and has made the Section 52201 Summary Report available for public inspection and copying in compliance with pursuant Government Code Section 52201; and

WHEREAS, as further outlined in the Staff Report, the City has determined that the sale of the properties pursuant to the DDA will create economic opportunity and: (1) result in the creation of 176 affordable rental housing units to meet demonstrated affordable housing needs identified in the Housing Element of the City's General Plan and will increase, improve, or preserve the supply of quality affordable housing in the community; (2) result in job creation as a result of the anticipated construction of the new development, including approximately 415 full-time equivalent (FTE) temporary construction jobs, and an estimated 60 permanent jobs without investment of City funds; and (3) result in the public purpose of economic development by creating jobs, affordable housing, and a school and contribute to the vibrancy in an area of the City that has suffered from historic underdevelopment as a result of the proposed and now defunct SR 238 freeway project; and

WHEREAS, as further outlined in the Staff Report and the Section 52201 Summary Report, the City is not providing any form of direct or indirect financial assistance to the Developer and is transferring the property to the Developers for the determined fair market value at its highest and best use; and

WHEREAS, the City Council conducted a duly noticed public hearing on the DDA and the 52201 Summary Report pursuant to Government Code Section 52201, for the purpose of receiving the input and comments of the public on the DDA and the 52201 Summary Report; and

WHEREAS, the City has conducted the required review under the California Environmental Quality Act, California Public Resources Code §21000- §21177, as amended ("CEQA").

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward finds that the above recitals are true and correct and have served, together with the Section 52201 Summary Report and the Staff Report, as the basis for the findings and approvals set forth below.

BE IT FURTHER RESOLVED, pursuant to Government Code Section 52200.2 and Government Code Section 52201(b), the City Council hereby finds that the sale of the properties pursuant to the DDA will create economic opportunity and result in: (1) the creation of 176 affordable rental housing units to meet demonstrated affordable housing needs identified in the Housing Element of the City's General Plan and will increase, improve, or preserve the supply of quality affordable housing in the community; (2) job creation as a result of the anticipated construction of the new development, including approximately 415 full-time equivalent (FTE) temporary construction jobs, and an estimated 60 permanent jobs without investment of City funds; and (3) the public purpose of economic development by creating jobs, affordable housing, and a school and contribute to the vibrancy in an area of the City that has suffered from historic underdevelopment as a result of the proposed and now defunct SR 238 freeway project. This finding is based on the facts and analysis set forth in the Staff Report and the Section 52201 Summary accompanying this Resolution.

BE IT FURTHER RESOLVED, pursuant to Government Code Section 52201, the City Council hereby finds that the consideration to be paid under the DDA is not less than the fair market value at its highest and best use. This finding is based on the facts and analysis set forth in the Staff Report and the Section 52201 Summary accompanying this Resolution.

BE IT FURTHER RESOLVED, pursuant to Government Code Section 52201, the City Council hereby approves the Section 52201 Summary Report, in substantially the form on file with the City Clerk, and approved execution by the City Manager of the DDA and all ancillary documents in a form to be approved by the City Attorney and consistent with the terms and conditions identified in the accompanying Staff Report.

BE IT FURTHER RESOLVED, pursuant to Government Code Section 37350, the City Council hereby finds that the disposition of the properties pursuant to the DDA is for the common benefit.

BE IT FURTHER RESOLVED that the City finds and determines that the disposition and development of the Parcel Group 3 properties do not require any subsequent or supplemental Environmental Impact Report (EIR) or further CEQA review pursuant to an Addendum to the General Plan EIR, which was prepared pursuant to Section 15164 of the CEQA guidelines that demonstrated that the project is within the scope of the General Plan EIR and would have no new or more severe significant effects and no new mitigation measures are required.

BE IT FURTHER RESOLVED that the City finds and determines that the coordination of the construction of keyway improvement between the Parcel Group 3 development and the proposed La Vista Park would not require major revisions to the 2005 La Vista Development Initial Study/Mitigated Negative Declaration (IS/MND) due to new or substantially increased significant environmental effects. The analysis confirms that the park extension and keyway improvements are within the scope of the 2005 (IS/MND) and will have no new or more severe significant effects. Rather, minor revisions to the previously adopted mitigation measures will ensure a better outcome is achieved than the original document disclosed. Therefore, no subsequent or supplemental EIR or further CEQA review is required for the La Vista Park development, including the construction of the keyway improvements.

BE IT FURTHER RESOLVED that the City Manager or designee is directed to cause a notice of determination to be filed with the Alameda County clerk, pursuant to the CEQA Guidelines, following adoption of this Resolution.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager or designee to execute the DDA, and all ancillary documents attached thereto, on behalf of the City in substantial conformance to the terms outlined in the staff report, subject to such nonsubstantive or minor modifications or amendments as may be necessary to complete the transactions contemplated hereby, and subject further to the City Attorney's approval as to form.

BE IT FURTHER RESOLVED that the City Manager or designee shall execute such other instruments, and take any and all other action, as may be reasonably necessary to complete the disposition and acquisition of the SR 238 Parcel Group 3 properties, and to close escrow on, as contemplated in the DDA.

BE IT FURTHER RESOLVED that the Council approves amendments to the Parcel Group 3 Affordable Housing Plan contained in the staff report, following adoption of this Resolution.

BE IT FURTHER RESOLVED that the City Council designates the City Clerk as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the office of the City Clerk, at 777 B Street, Fourth Floor, Hayward, CA 94541.

BE IT FURTHER RESOLVED that this Resolution shall take immediate effect from and after its passage.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

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

**SUMMARY REPORT PURSUANT TO GOVERNMENT CODE SECTION 52201
ON THE DISPOSITION AND DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF HAYWARD AND EDEN HOUSING, PACIFIC WEST
COMMUNITIES AND STRATEGIC GROWTH PARTNERS.**

I. Introduction.

The City of Hayward (the "City"), has prepared a summary report (the "Summary Report") as required by Section 52201 of the Government Code, with regards to the City's proposed execution of a Disposition and Development Agreement ("DDA") by and between the City and Eden Housing, Inc., a California nonprofit public benefit corporation and Pacific West Communities, Inc., an Idaho corporation (collectively, the "Affordable Developer"), and Strategic Growth Partners, Inc., an Idaho corporation (the "School Developer"), and Eden Housing, Inc., a California nonprofit public benefit corporation and Pacific West Communities, Inc., an Idaho corporation (collectively, the "SF Parcel Owner") for the sale of specified parcels of real property to the Affordable Developer, School Developer, and SF Parcel Owner, respectively.

Government Code Section 52201, authorizes the City, to sell or lease property to which it holds title for the purpose of creating economic opportunity. The City must first secure approval of the proposed sale from the City Council after a public hearing. A copy of the proposed DDA and a summary report that describes and contains specific financing elements of the proposed transaction is required to be available for public inspection prior to the public hearing. As contained in the Code, the following information is included in the summary report:

- The cost of the DDA to the City, including land acquisition costs, clearance costs, relocation costs, and the costs of any improvements to be provided by the City, plus the expected interest on any loans or bonds to finance the agreement;
- The estimated value of the interest to be conveyed, determined at the highest and best use permitted under the general plan and zoning;
- The estimated value of the interest to be conveyed in accordance with the uses, conditions and covenants, and development costs required under the proposed DDA, i.e., the fair reuse value of the property;
- An explanation of why the sale of the property will assist in the creation of economic opportunity;
- If the sale price is less than the fair market value of the interest to be conveyed, determined at the highest and best use consistent with the general plan and zoning, then the City must provide as part of the summary an explanation of the reasons for the difference.

In addition to the authority granted to it under Government Code Section 52201, the City is also acting pursuant to authority granted to it under Government Code Section 37350, which provides that a city may purchase, lease, receive, hold, and enjoy real and personal property and control and *dispose* of it for the common benefit.

II. Summary of Proposed Agreement.

The proposed Development described in the DDA is a mixed use approximately one hundred seventy-six (176) multifamily rental housing units for occupancy by individuals or families whose income is at or below 80% AMI (the "Affordable Development"); and (2) the development of a 2-story, approximately 36,000 square foot, school building (the "School Development") (the "Proposed Project").

The salient aspects of the proposed DDA are summarized as follows:

- The City commits to transfer Affordable Housing Site to the Affordable Developer to facilitate the construction of the Affordable Development.
- The City commits to transfer the School Site to the School Developer to facilitate the development of the School Development.
- The City commits to transfer the Single Family Parcels to the SF Parcel Owner.
- The City will retain the Open Space Parcel.
- The City will convey the properties to the Developers in fee in its "as-is" condition.
- The Affordable Developer will pay the City \$1,988,171 for the Affordable Housing Site, the School Developer will pay the City \$1,037,829 for the School Site, and the SF Parcel Owner will pay the City \$525,000 for the Single Family Parcels in the form of cash payment.
- The Affordable Developer and School Developer propose to construct the Proposed Project.
- The City is not required to make any form of financial or other assistance to the Developer.
- The Proposed Project will be subject to and must comply with the requirements of the City's Inclusionary Housing Ordinance.
- The Affordable Developer has agreed to record a Voluntary Affordable Housing Covenant under which the Affordable Developer voluntarily irrevocably restricts, in perpetuity, one hundred percent (100%) of the units of the Affordable

Development (except the Manager's Units) for occupancy by very-low, low- and moderate income households.

- The School Site will be subject to and must comply with the requirements of a School Site Restrictive Covenant Agreement which limits the use of the School Site for the construction and operation of the School Development, and for any public serving purposes, including but not limited to affordable housing and recreational facilities, and for uses allowed under the New Markets Tax Credits program; and prohibits the use of the School Site for any Excluded Business (as defined in the School Site Restrictive Covenant Agreement) or for private market rate residential development.
- The DDA requires all net proceeds from the sale of the Single Family Parcels to be contributed by the SF Parcel Owner to the Affordable Developer in the form of a capital contribution or equity.

III. Cost of Agreement

This section presents the total estimated cost of the DDA to the City. Pursuant to California Government Code Section 52201 (a)(2)(B)(i), the cost of the DDA to the City includes all land acquisition costs, clearance costs, relocation costs, the cost of any improvements to be provided by the City, plus the interest on any loans or bonds to finance project under the terms of the DDA. The net cost can be either an actual cost, when expenditures exceed receipts, or a net gain, when revenues created by implementation of the Agreement exceed expenditures.

The estimated total cost to the City is projected to be less than the Purchase Price received from the Developer. The Caltrans agreement requires that the City make a repayment of \$2,3000,000 purchase price for the properties.

The City's holding costs for the properties is de minimis.

The City has or expects to incur approximately \$25,000 to \$50,000 on internal staff costs and approximately \$50,000 and \$75,000 on third party costs, including; broker fees, legal fees, consulting fees, and other fees associated with the negotiation of the DDA and associated land transfer documents.

The City does not expect to incur any relocation costs. If any relocation obligations arise, the Developer has agreed to provide to pay for any relocation costs incurred as a result of the implementation of the DDA.

IV. Estimated Highest and Best Use Value of the Interest to be Conveyed

Section 52201 requires the City to identify the value of the interest being conveyed at the highest use permitted under the general plan and zoning in place on the property. The valuation must be based on the assumption that the Property is vacant, and that near-term

development is required. The highest and best use of a property, is that use of the property that generates the highest property value and is physically possible, financially feasible, and legally permitted. The valuation does not take into consideration any extraordinary use, quality, and/or income restrictions being imposed on the development by the City. The value at highest and best use is based solely on the value created and not on whether or not that use carries out the development goals and policies for the City as set forth in the DDA.

This section presents an analysis of the fair market value of the properties to be conveyed at its highest and best use. This section explains the value of the properties to be sold to the Developers and the consideration being provided by the Developers. The section indicates that the consideration being provided is not less than the highest and best use value of the properties being conveyed.

The City and Caltrans obtained an appraisal for the property in its existing condition with its current land use designations which valued the property at approximately \$2,300,000. The purchase price of \$3,552,000 being paid by the Developers is based on the parties negotiation of the Property value taking into account the appraised value of the properties that are being conveyed as well as the impact on value of the properties resulting from the a use consistent with the Proposed Project.

V. Estimated Fair Re-Use Value of the Interest to be Conveyed

In calculating the fair re-use value, re-use value is defined as the highest price in terms of cash or its equivalent which a property or development right is expected to bring for a specified use in a competitive open market, subject to the covenants, conditions, and restrictions imposed by the DDA. The DDA covenants, conditions, or restrictions on the use of: (1) the Affordable Housing Site are contained in the Regulatory Agreement; and (2) the School Site are contained in the School Site Restrictive Covenant Agreement. While the covenants, conditions, or restrictions contained in the Regulatory Agreement and School Site Restrictive Covenant Agreement may impact the value of the respective properties to which they apply, the DDA; nonetheless requires the Developers to purchase the properties for the fair market value, at its highest and best use.

VI. Explanation of the Difference (if any) between the Compensation to be paid to the City under the DDA and the Fair Market Value of the Property

Under Section 52201, the City is required to explain if the sale price is less than the fair market value of the interest to be conveyed, determined at the highest and best use consistent with the general plan and zoning, then the City must provide as part of this Summary Report an explanation of the reasons for the difference. In this instance, there is no difference. The City will receive up to \$3,552,000 in compensation for the transfer of the properties, which exceeds the appraisal and is the estimated value of the properties at the highest and best use. The City fully expects that the Purchase Price received from the Developers will not be less than the costs paid by the City for the properties and the costs of the agreement summarized in Section III, above.

VII. Creation of Economic Opportunity

The Proposed Project, when constructed, will create economic opportunity in the City of Hayward. Section 52200.2 defines "economic opportunity" as any of the following:

- Development agreements, loan agreements, sale agreements, lease agreements, or other agreements that create, retain, or expand new jobs, at least one full-time equivalent, permanent job for every thirty-five thousand dollars (\$35,000) of City investment in the project after full capacity and implementation;
- Development agreements, loan agreements, sale agreements, lease agreements, or other agreements that increase property tax revenues to all property tax collecting entities, by at least 15 percent (15%) of total property tax resulting from the project at full implementation when compared to the year prior to the property being acquired by the government entity;
- Creation of affordable housing;
- Projects that meet the goals set forth in Chapter 728 of the Statutes of 2008 and have been included in an adopted sustainable communities strategy or alternative planning strategy or a project that specifically implements the goals of those adopted plans; or
- Transit priority projects, as defined in Section 21155 of the Public Resources Code.

The City is not providing any form of financial assistance to the Developers. The City, however; has nonetheless identified the following benefits that will result from implementation of the DDA and will create economic opportunity as defined in Government Code Section 52200.2.

A. Creation of Affordable Housing

The creation of affordable housing to meet demonstrated affordable housing needs identified in the housing element of the City's general plan constitutes and economic opportunity. The Proposed Project will be subject to the requirements of the City's Inclusionary Housing Ordinance and will thus increase, improve, or preserve the supply of quality affordable housing in the community. The Affordable Development will create a total of units of 176 affordable housing (including one unrestricted manager's unit).

B. Job Creation

Under Section 52200.2(a) economic opportunity is achieved is an agreement results in the creation, retention or expansions of new jobs, at least one full-time equivalent, permanent job for every thirty-five thousand dollars (\$35,000) of City investment in the

project. As previously discussed, the City is not providing any financial assistance for the Proposed Project. Nevertheless, the sale of the Property under the DDA will result in job creation as a result of the anticipated construction of the Affordable Housing Development and the School Development. During the construction of the Proposed Project, it is anticipated approximately 415 full-time equivalent (FTE) temporary construction jobs. Upon completion and full implementation, the Proposed Project is also anticipated to generate an estimated 60 permanent jobs without investment of City funds.

C. Public Purpose

The transfer of the properties and construction of the Proposed Project will further the public purpose of economic development by creating jobs, affordable housing, and school and contribute to the vibrancy in an area of the City that has suffered from historic underdevelopment as a result of the proposed and now defunct SR 238 freeway project.

**Affordable Housing Plan
Hayward Parcel Group 3 / La Vista
Planning Application #202001594
Applicant: Eden Housing**

The Eden/TPC development team is proposing a 100% affordable housing project consisting of 176 total units. With the exception of two manager's units, all of the units will be restricted to income-eligible households under State Density Bonus Law (AB1763) ("DB-Restricted Units"). Of the 174 DB-Restricted Units, four (4) units will be restricted in perpetuity ("AHO-Restricted Units") under the City of Hayward's Affordable Housing Ordinance (AHO). This Affordable Housing Plan also outlines how the development team will meet the requirements of the Density Bonus Law and the AHO.

- a. **Location:** Adjacent to Tennyson Road, East 16th Street and Calhoun Street

APNs: 078C-0626-003-16; 078C-0626-003-09; 078C-0626-001-07

Structure: Attached

Proposed Tenure: Rental

Unit Sizes: See Proposed Unit Matrix Summary Table.

Calculation of AHO-Restricted Units :

- Density permitted without Density Bonus Law: 12 units/acre
- Total number of units permitted without Density Bonus Law: 12 units/acre * 4.6 acres = 55.2 units, round down to 55 units
- 55 total units * 6 percent (minimum requirement for on-site rental units) = 4 AHO-Restricted Units (rounded up from 3.3 units)
- 3% of units at Very Low Income: 3% * 55 units = 1.65 units, round up to 2 units
- 3% of units at Low Income: 3% * 55 units = 1.65 units, round up to 2 units
-

- b. **Floor or site plan depicting the location of the Affordable Units:**

100% of the units will be restricted as affordable units. See enclosed floor and site plans (Sheets AR-1.0 – AR-2.4). Please note that on the plans S1 units are studio units, A1 units are 1-bedroom units, B1 units are 2-bedroom units, and C1 units are 3-bedroom units.

- c. **Income levels of each Affordable Unit:**

See Unit Matrix Summary Tables.

- d. **Phased Residential Development Projects:**

N/A

- e. **Concessions/Incentives requested by the Applicant:**

As a 100% affordable housing development that is located within 0.5 mile of the South Hayward BART Station, the Project is entitled to up to 4 concessions. The following concessions are requested:

1. *Concession #1 – Group Open Space:* The proposed design involves 13,160 sf of on-site courtyard space in between the two residential buildings. This space will be programmed for

outdoor recreation and will include a play structure for children as well. Although this space does not meet Hayward's requirement of 150 SF per unit of on-site public open space, the project will be located directly adjacent to the new La Vista Park that is currently in development. This park will include over 50 Acres of programmed open space, and as part of our development agreement with the City of Hayward, we will be providing pedestrian access from the doorstep of both the residential and school buildings up to the future La Vista Park and SD-7 Foothill Trail.

2. *Concession #2 –Rear Yard Setback Requirements:* Current zoning code requires 20' of rear yard setback. The project proposes 15'-2" due to limited space and site constraints as illustrated in the site plan.
3. *Concession #3 – City of Hayward's Reach Code Electric Vehicle Charging Requirements:* The City of Hayward's Reach Code requires that 75% of the project's dwelling units with one or more parking spaces be provided with at least one Level 2 EV Ready space and that the remaining 25% of project's units be provided with at least one Level 2 EV Capable space. Due to the considerable cost associated with fully meeting the Reach Code's electric vehicle charging requirement, the project will instead meet the electric vehicle charging requirements of the California Tax Credit Allocation Committee (CTCAC), which are dictated by the 2019 California Building Standards Code.
4. *Concession #4 – Not used.*

f. Method of meeting Section 10-17.205:

b. On-site rental Affordable Units

g. Marketing Plan:

Eden Housing will submit preliminary Marketing Plan for review and will submit to the Housing Division final Marketing Plan either earlier of (a) one hundred twenty (120) days prior to completion of construction or (b) sixty (60) days prior to marketing the Units in the Development

h. Affordable Housing Unit Mix :

The Developer has elected to use two standards of income and rent restrictions to restrict 100% of the units as affordable housing as permitted by the Density Bonus Law. To comply with both the Density Bonus Law and the AHO, 20% of the Units (36 units) will be restricted per **Table 1** at or below the applicable Health and Safety Code rent and income limit standards (see below). These units will have a deeper tax credit affordability level to ensure compliance with both tax credit and Health and Safety Code rent standards. 2 of the Very Low-income Units and 2 of the Low-Income units will be restricted in perpetuity as indicated in **Table 1** to comply with the AHO. The remaining 80% of the DB restricted units will be restricted at or below the tax credit income levels with the corresponding rent limit as indicated in **Table 2**.

Unit Mix Summary Tables

Table 1: Health and Safety Code Section 50053 Rent Standard Unit Mix

Unit Type (bedroom)	SF	Very Low-Income Units (30% AMI TCAC unit)	Low-Income Units (50% AMI TCAC unit)
<i>Studio</i>	<i>Approx.416 sf</i>	4 <i>(Includes 1 AHO Restricted Unit)</i>	4
<i>1-BR</i>	<i>Approx.547 sf</i>	5	5 <i>(Includes 1 AHO Restricted Unit)</i>
<i>2-BR</i>	<i>Approx. 700 - 776 sf</i>	4 <i>(Includes 1 AHO Restricted Unit)</i>	4
<i>3-BR</i>	<i>Approx.986 sf</i>	5	5 <i>(Includes 1 AHO Restricted Unit)</i>
<i>Total</i>		18	18

Table 1 Income limit: Established by California Housing and Community Development based on Title 25 of the California Code of Regulations, Section 6932

Table 1 Rent limit: Established by California Health and Safety Code Section 50053

Total number of units: 36

Table 2: Tax Credit Rent Standard Unit Mix

Unit Type (bedroom)	SF	60% AMI TCAC unit	80% AMI TCAC unit
<i>Studio</i>	<i>Approx.416 sf</i>	<i>24</i>	<i>6</i>
<i>1-BR</i>	<i>Approx.547 sf</i>	<i>24</i>	<i>13</i>
<i>2-BR</i>	<i>Approx.700- 776 sf</i>	<i>30</i>	<i>6</i>
<i>3-BR</i>	<i>Approx.986 sf</i>	<i>26</i>	<i>9</i>
<i>Total</i>		<i>104</i>	<i>34</i>

Table 2 Rent and Income Limit: Established by the California Tax Credit Allocation Committee.

Regional Housing Needs Allocation Compliance

Based on the targeted income levels, the project will provide the following affordability levels for the purpose of meeting the City's Regional Housing Needs Allocation:

- Very Low Income: 36 Units
- Low-Income: 138 Units

Additional affordability terms related to the Disposition and Development Agreement

In addition, the Eden/TPC development team will voluntarily record an affordable housing covenant that will restrict the use of the property to 100% affordable housing project with all units to be made available for occupancy by very low and low income households at an affordable rent in perpetuity. For purposes of this covenant, the term "low-income households" shall refer to households earning no more than 80% of AMI, with rents restricted to no more than 30% of 80% of AMI. The City shall have third-party beneficiary status under the affordable housing covenant.



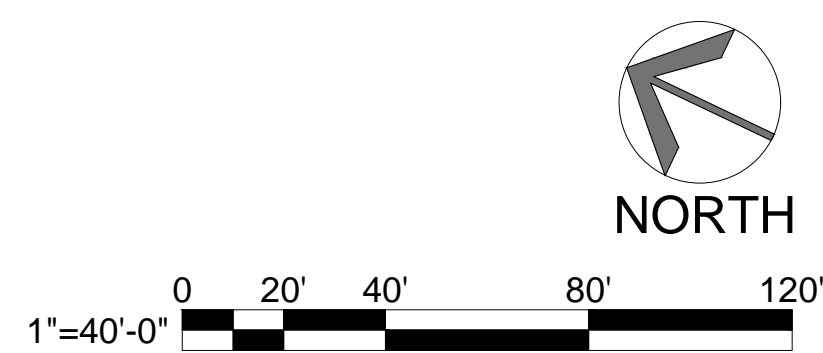
BUILDING A	BUILDING B	TOTAL
S1 = 18 UNITS (20.5%)	S1 = 20 UNITS (22.5%)	S1 = 38 UNITS (21.5%)
A1 = 12 UNITS (13.5%)	A1 = 35 UNITS (39%)	A1 = 47 UNITS (26.5%)
B1= 44 UNITS (50%)	B1= 0 UNITS (0%)	B1= 44 UNITS (25%)
C1= 14 UNITS (16%)	C1= 33 UNITS (38.5%)	C1= 47 UNITS (27%)
TOTAL = 88 UNITS	TOTAL = 88 UNITS	TOTAL = 176 UNITS

LA VISTA RESIDENTIAL
PACIFIC WEST COMMUNITIES,INC

HAYWARD, CA

CONCEPTUAL SITE PLAN

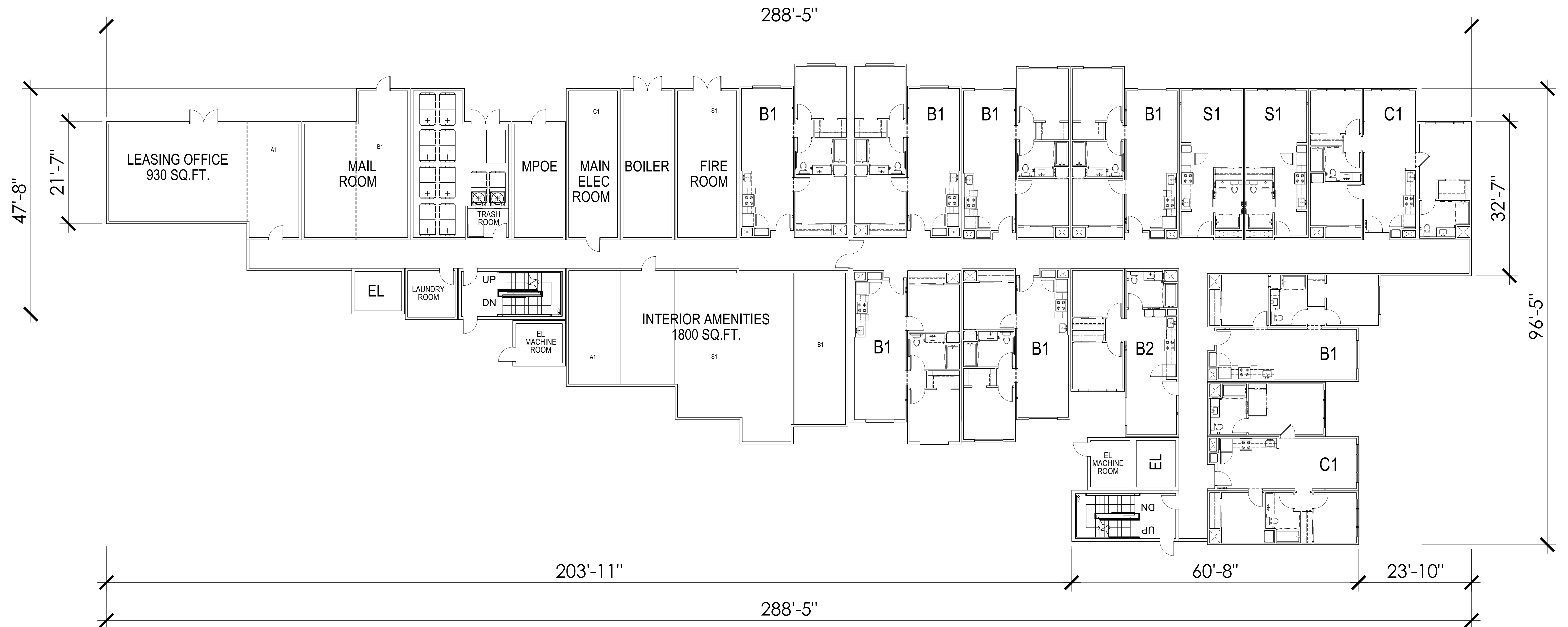
AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860



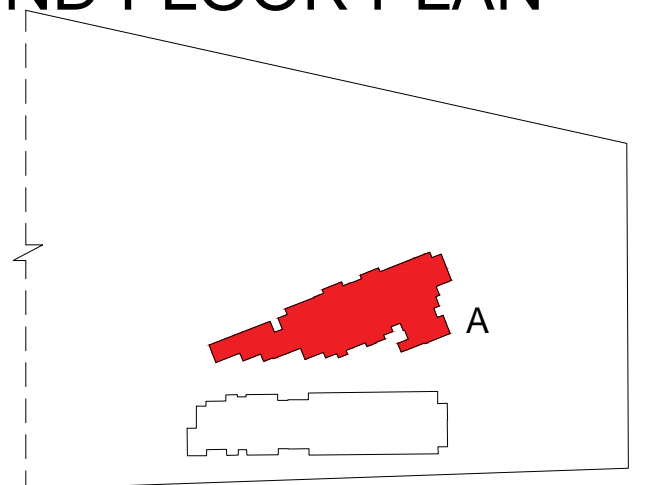
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JOB NO.: 2018-201

AR-1.0





GROUND FLOOR PLAN

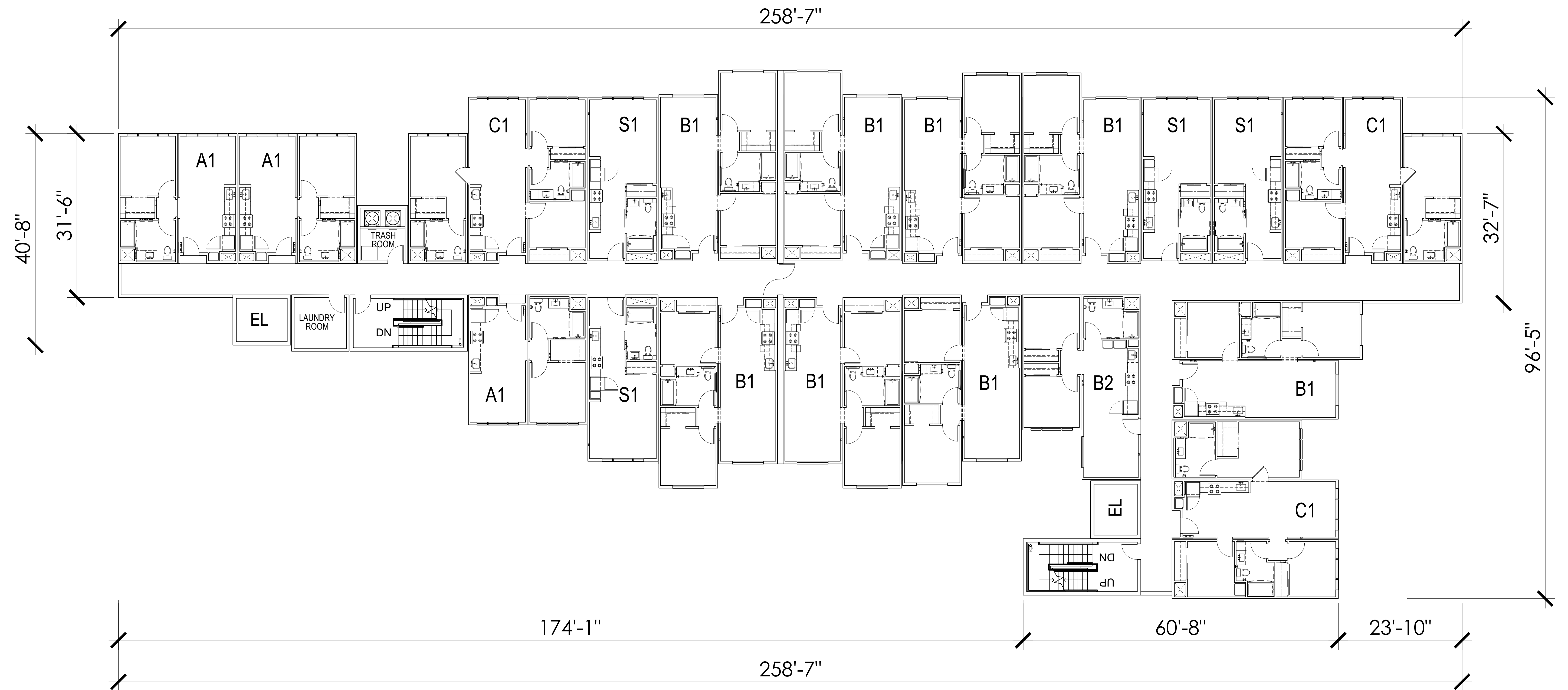


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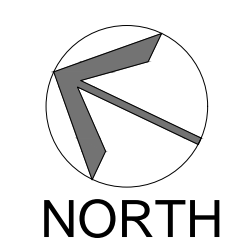
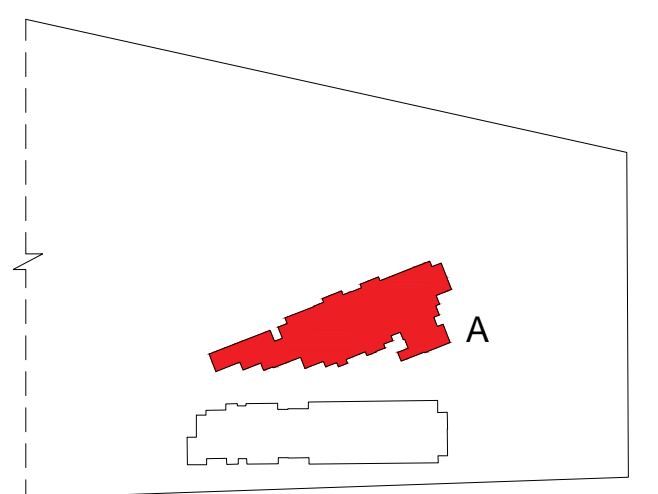
1"=10'-0"

DATE: 05-12-2021

JOB NO.: 2018-201



TYPICAL UPPER FLOOR PLAN



1"=10'-0"

DATE: 05-12-2021
JOB NO.: 2018-201

LA VISTA RESIDENTIAL
PACIFIC WEST COMMUNITIES, INC

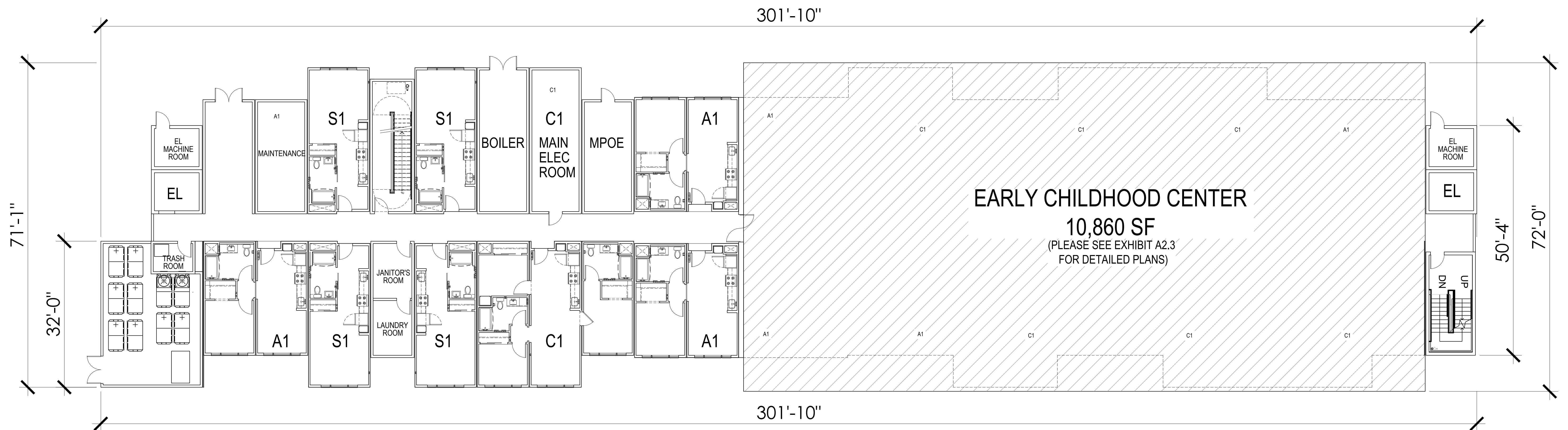
HAYWARD, CA

CONCEPTUAL BLDG. PLANS - BLDG. B

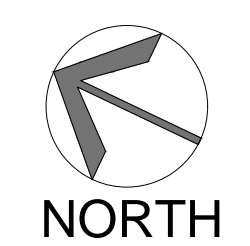
AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

AR-2.1





GROUND FLOOR PLAN



1"=10'-0"

DATE: 05-12-2021
JOB NO.: 2018-201

LA VISTA RESIDENTIAL
PACIFIC WEST COMMUNITIES, INC

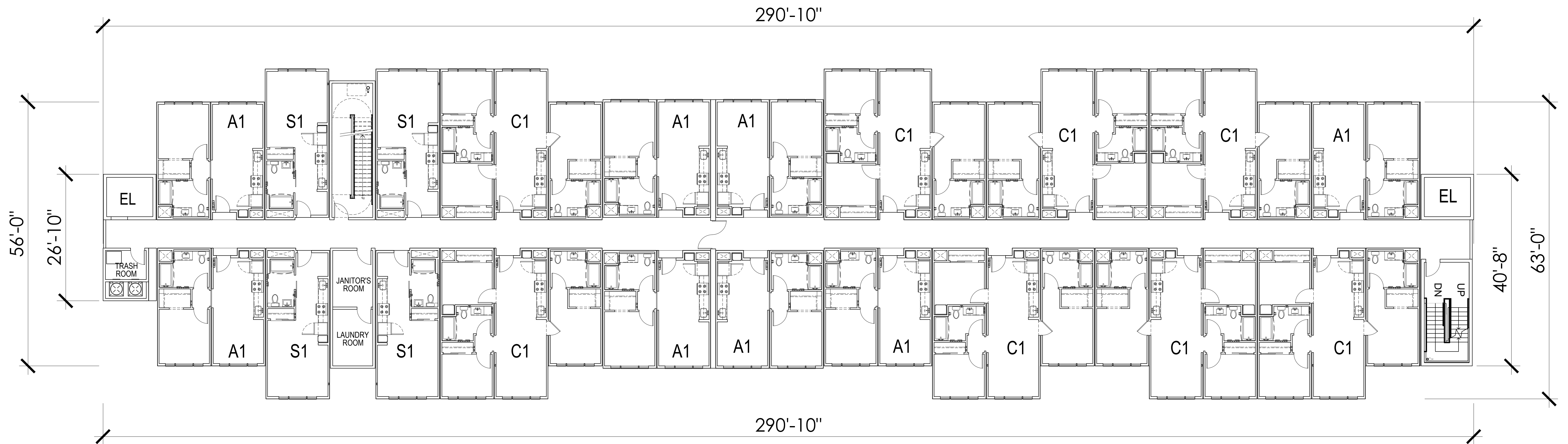
HAYWARD, CA

CONCEPTUAL BLDG. PLANS - BLDG. B

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860

AR-2.3





TYPICAL UPPER FLOOR PLAN





CITY OF HAYWARD

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

File #: RPT 21-121

DATE: October 19, 2021

TO: Mayor and City Council

FROM: Councilmember Wahab

SUBJECT

City Council Referral: Consider Adoption of a Resolution Declaring the City of Hayward a Supporter and Defender of Reproductive Freedom

RECOMMENDATION

That the Council considers adoption of a resolution (Attachment I) declaring the City of Hayward a supporter and defender of reproductive freedom.

SUMMARY

Councilmember Wahab has submitted the attached resolution for the Council's consideration and adoption. Since there is no impact on staff resources as a result of this action, the Council can take action this evening to adopt the resolution.

ATTACHMENTS

Attachment I Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-____

Introduced by Council Member _____

RESOLUTION DECLARING THE CITY OF HAYWARD A SUPPORTER AND
DEFENDER OF REPRODUCTIVE FREEDOM

WHEREAS, in 1969, the California Supreme Court recognized that the U.S. Constitution protects the fundamental right to choose whether to carry a pregnancy to term or seek an abortion; and

WHEREAS, in 1972, the people of California amended Article I § 1 of the California Constitution to make the right to privacy inalienable; and

WHEREAS, in 2002, California enacted the Reproductive Privacy Act, which prevents the state from interfering with the right to choose between carrying a pregnancy to term or to obtain an abortion; and

WHEREAS, California has worked to make reproductive freedom a fundamental right for all Californians by guaranteeing privacy regarding reproductive decisions and protecting a person's right to bodily autonomy, access to abortion, and to make independent reproductive choices including whether or not to terminate a pregnancy; and

WHEREAS, reproductive rights are under attack in this country as states enact laws that restrict or ban abortion with serious implications for reproductive freedom in communities across the country; and

WHEREAS, abortion restrictions, bans, and limitations to reproductive freedom disproportionately impact populations that already face barriers to accessing care including communities of color, individuals with low income, immigrant communities, youth, and rural communities; and

WHEREAS, in 2019, Governor Gavin Newsom issued the California Proclamation on Reproductive Freedom to educate Californians on their reproductive rights under the State constitution and laws and affirm California's commitment to reproductive freedom; and

WHEREAS, every person has a right to comprehensive, evidence-based information about the full range of reproductive health care options, and should have access to comprehensive reproductive health care throughout their lives, regardless of income, race/ethnicity, age, sexual orientation, gender, ability, immigration status, geographic circumstance, criminal history, and insurance-coverage status; and

WHEREAS, as states around the country enact abortion restrictions and outright bans to abortions, the City of Hayward can serve as a model and commit to defend and fight for reproductive freedom and welcome all those seeking to fully exercise their reproductive rights and access safe legal abortion.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Hayward commits to being a champion and defender of health equity and reproductive freedom for all, so that anyone may have access to the reproductive services they need, when they need them.

BE IT FURTHER RESOLVED that the City Council calls on the United States Congress to protect reproductive freedom nationwide by enacting legislation to protect access to abortion and other reproductive care without government interference.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

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

File #: RPT 21-122

DATE: October 19, 2021

TO: Mayor and City Council

FROM: Mayor Halliday

SUBJECT

City Council Referral: Consider Adoption of a Resolution Urging the Alameda County Board of Supervisors to Support the Proposed Howard Terminal/Waterfront Ballpark District Enhanced Infrastructure Finance District (EIFD)

RECOMMENDATION

That the Council considers adoption of a resolution (Attachment I) supporting the formation of an infrastructure financing district to support the construction of a new Oakland A's stadium at the Howard Terminal/Oakland Waterfront.

SUMMARY

Mayor Halliday has submitted the attached resolution for the Council's consideration and adoption at the request of Oakland Mayor Libby Schaaf. Since there is no impact on staff resources as a result of this action, the Council can take action this evening to adopt the resolution.

ATTACHMENTS

Attachment I Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-____

Introduced by Council Member _____

RESOLUTION URGING THE ALAMEDA COUNTY BOARD OF SUPERVISORS TO
SUPPORT THE PROPOSED HOWARD TERMINAL/WATERFRONT BALLPARK
DISTRICT ENHANCED INFRASTRUCTURE FINANCE DISTRICT (EIFD)

WHEREAS, Alameda County has an opportunity to support a major project of regional significance that will transform an underutilized portion of Oakland's waterfront, create thousands of good-paying union jobs and keep the Oakland A's baseball team here in the East Bay; and

WHEREAS, the Waterfront Ballpark District at Howard Terminal will transform an underutilized, functionally obsolete cargo terminal into a vibrant new neighborhood of 3,000 homes and nearly two million square feet of new office, retail, dining, and performing arts spaces, with great union jobs and almost 20 acres of new public parks on the Oakland estuary; and

WHEREAS, the project will open up 55 acres of currently inaccessible waterfront property for all of our residents and create a long-awaited connection for the Bay Trail; and

WHEREAS, the project is strongly supported by labor, including the Alameda County Building Trades and the Alameda Labor Council, and is expected to create 25,000 construction and over 7,000 permanent jobs at full build-out; and

WHEREAS, the City of Hayward is home to many Oakland A's fans and stands to benefit from the public infrastructure, jobs, housing and amenities at the proposed Waterfront Ballpark District; and

WHEREAS, the City of Oakland, together with its state and federal partners, will be investing in offsite infrastructure to enhance the safe, equitable and sustainable movement of goods and people to and around the Oakland waterfront, and ensure that the Port of Oakland remains a vibrant economic engine for the region for years to come; and

WHEREAS, a project of this size and scope cannot happen unless it receives support from all our regional partners who stand to benefit from this historic project, including Alameda County; and

WHEREAS, the Enhanced Infrastructure Finance District (EIFD) that the County is being asked to join would finance much-needed affordable housing, parks and infrastructure of community-wide significance, would only capture property taxes that are generated by the project itself and would not put the County's general fund or taxpayers at risk; and

WHEREAS, the Waterfront Ballpark District is projected to create millions of dollars per year in sales and transfer taxes to support essential healthcare, homelessness, and early childhood education that would not be created without the project; and

WHEREAS, the City of Hayward finds that the economic interests of its residents and the public health, safety and welfare will be best served by the County indicating its intent now to opt-in to the Waterfront Ballpark District EIFD.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward urges the Alameda County Board of Supervisors to take action at its upcoming meeting of October 26, 2021 to declare its intent to "opt-in" to the proposed Waterfront Ballpark District EIFD to be formed over the project site for the purpose of financing critically needed affordable housing, parks, and other infrastructure of community-wide significance.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

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