

# **CITY OF HAYWARD**

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



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Tuesday, April 5, 2016**

**7:00 PM**

**Council Chambers**

## **City Council**

**Mayor Barbara Halliday**  
**Mayor Pro Tempore Al Mendall**  
**Council Member Francisco Zermeno**  
**Council Member Marvin Peixoto**  
**Council Member Greg Jones**  
**Council Member Sara Lamnin**  
**Council Member Elisa Márquez**

**CITY COUNCIL MEETING****CALL TO ORDER Pledge of Allegiance: Council Member Lamnin****ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PRESENTATION**

Volunteer Recognition Week

**PUBLIC COMMENTS**

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

**ACTION ITEMS**

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

**CONSENT**

1.     [MIN 16-025](#)     Approval of Minutes of the City Council Meeting on March 15, 2016

**Attachments:**     [Attachment I Draft Minutes of 03/15/16](#)

2.     [MIN 16-026](#)     Approval of Minutes of the Special Joint City Council/Hayward Housing Authority Meeting on March 22, 2016

**Attachments:**     [Attachment I Draft Minutes of 03/22/16](#)



3.     [CONS 16-154](#)     Advanced Metering Infrastructure: Authorization for the City Manager to Execute a Contract for the Purchase and Installation of an AMI System
- Attachments:**     [Attachment I Resolution with Aclara](#)  
                                  [Attachment II Resolution with Delta](#)  
                                  [Attachment III Resolution Modifying Transfer](#)
4.     [CONS 16-161](#)     Annual Review of City of Hayward Issued Debt
- Attachments:**     [Attachment I Debt Summary Worksheet FY2016](#)
5.     [CONS 16-162](#)     Annual City Benefit Liabilities and Funding Plan Review
- Attachments:**     [Attachment I City Benefit Liabilities and Funding Plan](#)  
                                  [Attachment I-A Adopted Financial Policies](#)
6.     [CONS 16-163](#)     Resolution Accepting the Resignation of Mr. Jason Escareno from the Keep Hayward Clean and Green Task Force and Mr. Joseph Davis from the Downtown Hayward Business Improvement Area Advisory Board
- Attachments:**     [Attachment I Resolution Accepting Resignation](#)  
                                  [Attachment II Resignation Letter from Joseph Davis](#)

## WORK SESSION

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

7.     [WS 16-024](#)     East Bay Community Energy (Report from Director of Utilities and Environmental Services Ameri)
- Attachments:**     [Attachment I Alameda County CDA Staff Memo](#)  
                                  [Attachment II Frequently Asked Questions](#)

8. [WS 16-025](#) FY 2017 Community Agency Funding Recommendations including Community Development Block Grant (CDBG), Social Services, and Arts/Music; and Discussion of the CDBG Annual Action Plan and the CDBG Citizen Participation Plan (Report from Director of Library and Community Services Reinhart)

**Attachments:** [Attachment I Draft Resolution](#)  
[Attachment II Community Agency Funding Recommendations](#)  
[Attachment III Public Comments FY2017](#)  
[Attachment IV Presentation Slideshow](#)

#### PUBLIC HEARING

9. [PH 16-027](#) Proposed Subdivision and Construction of Fifty Townhome-Style Condominiums and Related Site Improvements at 31 West Jackson Street - east of Amador Street, Requiring Introduction of an Ordinance and Adoption of a Resolution Related to a Zone Change from Planned Development (PD) to High Density Residential (RH), Zoning Designation of a Vacated Right-of-Way to High Density Residential (RH), Approval of a Variance allowing a Fifteen Foot Front Yard Set Back and Approval of a Vesting Tentative Map (Tract 8240) for Harvest Park (Application No. 201400466). (Applicant: Blake Felson/Felson Companies, Inc., Owners: Felson Partners, LP, and Diamond Crossing Associates LP) (Report from Development Services Director Rizk)

**Attachments:** [Attachment I Resolution](#)  
[Attachment I a. Exhibit A Harvest Park Plans](#)  
[Attachment II Ordinance](#)  
[Attachment III Area and Zoning Map](#)  
[Attachment IV Vacation of Right of Way](#)  
[Attachment V Draft Planning Commission Minutes 02/25/16](#)  
[Attachment VI Acoustical Analysis](#)

#### LEGISLATIVE BUSINESS

10. [LB 16-033](#) Increase Funding for Downtown Specific Plan (Report from Development Services Director Rizk)

**Attachments:** [Attachment I Draft Resolution](#)  
[Attachment II Draft Scope](#)

**CITY MANAGER'S COMMENTS**

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

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

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

**ADJOURNMENT****NEXT MEETING – Tuesday, April 19, 2016, 7:00 PM****PUBLIC COMMENT RULES**

*The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.*

**PLEASE TAKE NOTICE**

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

**PLEASE TAKE FURTHER NOTICE**

*That the City Council has 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.*



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## Staff Report

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**File #:** MIN 16-025

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Attached is a copy of the Draft Minutes of the City Council Meeting on March 15, 2016.



**MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, March 15, 2016, 7:00 p.m.**

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

**ROLL CALL**

Present: COUNCIL MEMBERS Zermeño, Mendall, Jones, Peixoto, Lamnin, Márquez  
MAYOR Halliday  
Absent: None

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

Council Member Zermeño inquired about an update on chain link fences.

Mayor Halliday noted that, along with Council Member Zermeño, she met with Mr. Miguel Fraga, First Secretary to the Cuban Embassy, regarding the future of U.S. Cuban relations.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced that the Council convened in closed session concerning three items: 1) Public employment for City Clerk pursuant to Government Code 54957; 2) Conference with legal counsel pursuant to Government Code 54956.9 regarding pending litigation regarding Scott Lunger, WCAB #: ADJ10132749; ADJ1015004; and 3) Conference with legal counsel pursuant to Government Code 54956.9 regarding S.E.I.U., Local 1021/City of Hayward, P.E.R.B., Case Nos. SF-CE-1075-M, SF-CE-1117-M, SF-CE-1118-M, SF-CE-1174-M, SF-CO-320-M, SF-CE-321-M; and noted there were no reportable items for Items 1 and 3. Regarding Item No. 2, it was reported that the Council unanimously, with Council Member Zermeño moving and Council Member Mendall seconding, approved the compromising release of the worker's compensation related to the two cases.

**PRESENTATIONS**

Mayor Halliday read a proclamation proclaiming the month of March 2016 as American Red Cross Month in the City of Hayward. The proclamation was presented to the American Red Cross Bay Area Chapter - Alameda County Leadership Council. Mr. Michael Gregory and Ms. Karen Fuller accepted the proclamation on behalf of the American Red Cross.

Mayor Halliday read a proclamation commemorating the 140<sup>th</sup> Anniversary of the incorporation of the City of Hayward and the 60<sup>th</sup> Anniversary of the adoption of its first Charter. The City's Poet Laureate, Mr. Bruce Roberts, read a poem to commemorate Hayward's anniversary.

## **PUBLIC COMMENTS**

Mr. Greg Rees, Hayward resident and former Chabot College employee, spoke about a college facilities use permit and an invoice issued to Council Member Zermeño.

Mr. Jim Drake, Hayward resident, referred to a newspaper article entitled, "Hayward fire chief allowed to keep job," and requested that a breathalyzer be installed in the vehicles.

Mr. James Farley, Hayward resident and California Democratic Party representative, announced a candidate forum on April 8, 2016 at the Laborers Local 304 Hall on Mission Boulevard.

Mr. Kim Huggett, Hayward Chamber of Commerce President, announced two events: "eMarketing to Create New Customers" on March 16, 2016 at Hayward City Hall; a luncheon with Dr. Andres Roemer, Consul General of Mexico, on April 12, 2016 at the Golden Peacock Banquet Hall.

Ms. Wynn Grcich, Hayward resident, noted she was running for Council and spoke about rent control, increasing the minimum wage, and all-mailed ballot elections in San Mateo.

Mr. John Super, Hayward resident, reported problems at Meek and Filbert streets which had been closed since December 2014 for the cannery development construction.

Council Member Márquez announced the City had launched a new website.

Consent Items 3, 6, and 7 were pulled for discussion.

## **CONSENT**

1. Approval of Minutes of the City Council Meeting on February 23, 2016 MIN 16-019  
It was moved by Council Member Peixoto, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on February 23, 2016.
2. Approval of Minutes of the City Council Meeting on March 1, 2016 MIN 16-020  
It was moved by Council Member Peixoto, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on March 1, 2016.
3. Approval of Final Map Tract 8148 - Eden Shores Development, Phase I - associated with a previously approved Vesting Tentative Tract Map and proposed development of sixty-six single-family detached homes and common areas on a 8.25 acre portion of a 14.4 acre site at 2598 Eden Shores Boulevard, bounded by Eden Shores Boulevard, Marina Drive, Eden Park Place and Hesperian Boulevard; Pulte Group (Applicant/Owner) CONS 16-103

Staff report submitted by Planning Manager Buizer, dated March 15, 2016, was filed.



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Ms. Evelyn Cormier, Hayward resident, clarified the area that would cover the proposed development.

It was moved by Council Member Zermeno, seconded by Council Member Peixoto, and carried unanimously, to adopt the following:

Resolution 16-034, "Resolution Approving Final Map for Tract 8148 (Phase I) and Authorizing the City Manager to Execute a Subdivision Agreement"

4. Resolution Accepting the Written Resignations of Mr. Navneet Ratti from the Council Economic Development Committee and Mr. Satyendra Kaith from the Personnel Commission CONS 16-116

Staff report submitted by City Clerk Lens, dated March 15, 2016, was filed.

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

Resolution 16-033, "Resolution Accepting the Resignation of Navneet Ratti from the Council Economic Development Committee and Satyendra Kaith from the Personnel Commission"

5. Adoption of Ordinance Authorizing Execution of Amendment to the La Vista Project Development Agreement to Extend the Terms of the Agreement by Five Years to May of 2021 and Incorporating a Revised Project Schedule CONS 16-117

Staff report submitted by City Clerk Lens, dated March 15, 2016, was filed.

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

Ordinance 16-08, "An Ordinance Authorizing Execution of Amendment to the La Vista Project Development Agreement to Extend the Terms of the Agreement by Five Years to May of 2021 and Incorporating a Revised Project Schedule"

6. FY 2016 Pavement Preventative Maintenance & Resurfacing Project: Approval of Plans and Specifications and Call for Bids CONS 16-124

Staff report submitted by Assistance City Engineer Owusu, dated March 15, 2016, was filed.

Mr. Jim Drake, Hayward resident, asked if the proposed project and the FY 2016 Pavement Rehabilitation Project had undergone a competitive bidding process.

Mr. Charlie Peters, Hayward resident, referred to a document regarding an informational hearing on “Telematics 101: How Much Your Car Knows About You.”

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

Resolution 16-035, “Resolution Approving Plans and Specifications for the FY 2016 Pavement Preventative Maintenance & Resurfacing Project, Project No. 05204 and Call for Bids ”

7. FY 2016 Pavement Rehabilitation Project - Approval of Plans and Specifications and Call for Bids CONS 16-125

Staff report submitted by Assistance City Engineer Owusu, dated March 15, 2016, was filed.

Council Member Márquez requested that ample notice be given to the residents and businesses that will be affected by the proposed construction.

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

Resolution 16-036, “Resolution Approving Plans and Specifications for the FY 16 Pavement Rehabilitation Project, and Call for Bids”

## **PUBLIC HEARING**

8. Proposed Subdivision and Construction of Ninety-Seven Single-family Homes and Related Site Improvements on Multiple Parcels Located at the Southwestern Corner of 2<sup>nd</sup> and Walpert Streets, Requiring Introduction of an Ordinance and Adoption of a Resolution Related to a Zone Change from Single-Family, Medium and High Density Residential and Open Space Districts to Planned Development (PD) District and Approval of Vesting Tentative Map (Tract 8233) for Ward Creek Cottages Subdivision (Application No. 201400648). (Applicant: AMG Associates; Owners: Caltrans and City of Hayward) PH 16-021





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Staff report submitted by Senior Planner Schmidt, dated March 15, 2016, was filed.

Development Services Director Rizk announced the report and Senior Planner Schmidt and Transportation Manager Kelley provided a synopsis of the report. A fly-through animation about Ward Creek Cottages depicting the proposed project was shown.

Discussion ensued among Council members and City staff regarding: traffic and pedestrian circulation along 2<sup>nd</sup> and Walpert streets; slope stability; and parking ratio for the proposed project.

Council Members Márquez, Zermeño, and Lamnin disclosed having met individually with representatives from the proposed project.

Mayor Halliday opened the public hearing at 8:38 p.m.

Ms. Candi Cross, 2<sup>nd</sup> Street resident, expressed concerns about the project proposal related to traffic flow, inadequate guest and overflow parking, and safety. Ms. Cross thanked the developer for being receptive to her family's needs.

Mr. Perry Harnage, 2<sup>nd</sup> Street resident, noted that while there were improvements to the plan, traffic concerns were still valid and requested that the trail be made more accessible.

Mayor Halliday closed the public hearing at 8:46 p.m.

Mayor Halliday disclosed having met with the developer.

Council Member Jones suggested adding signage to the trail to inform people that the trail is public.

Council Member Márquez offered a motion per staff recommendation and Council Member Zermeño seconded the motion.

Council Member Mendall disclosed having met with the applicant and noted that the proposed project had features that would add to the community.

Council Member Lamnin recommended reevaluating the parking, considering Zipcars as part of homeowners' association dues, including education about bus lines, and considering opportunity for multi-generational housing.

Applicant Mr. Alexis Gevorgian with AMG & Associates, LLC. spoke about the proposed project.

Council Member Peixoto supported the motion and noted that his concerns with traffic on 2<sup>nd</sup> Street had been addressed with the traffic signalization, but he remained concerned about the traffic on Walpert Street.

Mayor Halliday supported the motion.

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

Resolution 16-037, "Resolution Adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and Approving Vesting Tentative Tract Map Application and Zone Change Application 201400648 Pertaining to the Development of Ward Creek Cottages Composed of Ninety-Seven Detached Single Family Homes at the Southwestern Corner of 2<sup>nd</sup> Street and Walpert Street"

Introduction of Ordinance 16-0\_, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201400648 Relating to a Residential Development at the Southwestern Corner of 2<sup>nd</sup> Street and Walpert Street"

## **LEGISLATIVE BUSINESS**

### **9. FY 2016 Mid-Year Budget Review & General Fund Ten-Year Plan Update LB 16-028**

Staff report submitted by Director of Finance Vesely, Budget Officer Barton and Management Analyst I Ferguson, dated March 15, 2016, was filed.

Director of Finance Vesely provided a synopsis of the report.

Discussion ensued among Council members and City staff regarding: Utility Users Tax (UUT) revenue; setting aside UUT prior year payments; Measure C Funds; General Fund Ten-Year Plan; Capital Improvement Project changes; transfer from General Fund to Fleet Fund for ARFF Fire vehicle; surplus City properties; projections of CalPERS rates; expenditures in revenue projections; General Fund deficit; and the Redevelopment Property Tax Trust Fund.

There being no public comments Mayor Halliday opened and closed the public hearing at 9:59 p.m.

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



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Resolution 16-038, "Resolution Amending Resolution 15-114, as Amended, the Budget Resolution for the City of Hayward Operating Budget for Fiscal Year 2016, Relating to an Appropriation of Funds"

Resolution 16-039, "Resolution Amending Resolution 15-116, As Amended, the Budget Resolution for the City of Hayward Capital Improvement Projects for Fiscal Year 2016, Relating to an Appropriation of Funds"

**INFORMATION ITEMS**

**10. Super Bowl 50 Operations at Hayward Executive Airport RPT 16-031**

Staff report submitted by Airport Manager McNeeley, dated March 15, 2016, was filed.

The staff report was provided as information only.

**CITY MANAGER COMMENTS**

There were none.

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

Council Member Zermeno announced two events on March 19, 2016 at Hayward City Hall: the Made in Hayward Cradle to Career Education Summit and the Cesar Chavez Birthday Celebration.

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 10:11 p.m.

**APPROVED:**

Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

Miriam Lens  
City Clerk, City of Hayward



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## Staff Report

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**File #:** MIN 16-026

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Attached is a copy of the Draft Minutes of the Special Joint City Council/Hayward Housing Authority Meeting on March 22, 2016.



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HOUSING AUTHORITY  
MEETING OF THE CITY OF HAYWARD  
Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, March 22, 2016, 7:00 p.m.**

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The Special Joint City Council/Hayward Housing Authority meeting was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council/HA Member Peixoto.

**ROLL CALL**

Present: COUNCIL/HA MEMBERS Zermeno, Mendall, Jones, Peixoto, Lamnin, Márquez  
MAYOR/CHAIR Halliday  
Absent: None

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

Council Member Zermeno inquired about the pedestrian crossing sign at Alice and Jackson streets.

**CLOSED SESSION ANNOUNCEMENT**

Mayor Halliday and City Attorney Lawson announced that the Council convened in closed session concerning three items: 1) Performance evaluation for City Clerk pursuant to Government Code 54957; 2) Conference with legal counsel pursuant to Government Code 54956.9 regarding S.E.I.U., Local 1021/City of Hayward, P.E.R.B., Case Nos. SF-CE-1075-M, SF-CE-1117-M, SF-CE-1118-M, SF-CE-1174-M, SF-CO-320-M, SF-CE-321-M; and 3) Conference with legal counsel pursuant to Government Code 54956.9 regarding pending litigation regarding McKinney v. City of Hayward, et al., U.S.D.C., ND CA, C-15-3121 THE; and noted there were no reportable items.

**PUBLIC COMMENTS**

Bishop J. W. Macklin, spoke in support of sustainable housing for low to moderate-income households.

Mr. Jim Drake, Hayward resident, spoke about the article entitled "Hayward fire chief allowed to keep job," and requested that breathalyzer be installed in fire vehicles.

Mr. Mark Stillman, Hayward resident, shared that tenants at the Green Shutter were experiencing problems related to the conversion of the building.

Ms. Betty DeForest, Hayward resident, spoke about South Hayward Parish and the resources available via the Alameda County Food Bank and provided an annual report.

Ms. Wynn Grich, Hayward resident, noted she was running for a Council seat and spoke in favor of rent control and adding breathalyzers to fire trucks.

Mr. Charlie Peters, with Clean Air Performance Professionals, submitted a document for the record entitled "Trump Loves GMO Corn Mandate."

Mr. Frank Holland, Community and Media Relations Officer, noted he was separating from the City, and expressed gratitude to the Council for the opportunity to serve the community.

Consent Item No. 3 was removed for further discussion.

## **CONSENT**

1. Adoption of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2016 CONS 16-126

Staff report submitted by Human Resources Analyst II Halverson, dated March 22, 2016, was filed.

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

Resolution 16-040, "Resolution Approving the Amended Fiscal Year 2016 Salary Plan Designating Positions of Employment in the City Government of the City of Hayward and Salary Range; and Superseding Resolution No. 15-232 and All Amendments Thereto"

2. Adoption of Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201400648 Relating to a Residential Development at the Southwestern Corner of 2nd Street and Walpert Street CONS 16-139

Staff report submitted by City Clerk Lens, dated March 22, 2016, was filed.

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

Ordinance 16-09, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201400648 Relating to a Residential Development at the Southwestern Corner of 2<sup>nd</sup> Street and Walpert Street"



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HOUSING AUTHORITY  
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3. Downtown Parking Management Pilot Program- Authorization to Accept MTC Parking Management Grant, Authorizing the City Manager to Execute the Agreement and Appropriation of Funds CONS 16-140

Staff report submitted by Transportation Manager Kelley, dated March 22, 2016, was filed.

Council Member Lamnin requested that the staff report be pulled. Discussion ensued among Council members and City staff regarding staff's recommendation to accept the grant for the Metropolitan Transportation Commission (MTC) and appropriate \$100,000 for the project.

Mayor Halliday opened the public comment portion of the meeting at 7:49 p.m.

Mr. Jim Drake, Hayward resident, did not favor paid parking for the City.

Mr. Kim Huggett, Hayward Chamber of Commerce President, noted the Hayward Chamber of Commerce would be meeting to address Parking Management strategies for downtown.

Mayor Halliday closed the public comment portion of the meeting at 7:51 p.m.

Council Member Lamnin noted that as result of the community outreach that was conducted for the February 23 Council meeting, it was evident that community members did not favor paid parking. Council Member Lamnin offered a motion to respectfully decline the grant from the Metropolitan Transportation Commission for a Downtown Parking Management Pilot Program.

Council Member Mendall seconded the motion noting it was premature to implement a paid parking program; and suggested investing the \$100,000 in signage to direct people to available parking lots and modifying the parking limit on B Street.

Council Member Zermeno noted the timing for implementing paid parking was premature and did not favor matching grants.

Mayor Halliday supported the motion noting that paid parking was premature.

Council Member Jones favored addressing the allocation of \$100,000 during discussion of the Capital Improvement Program budget.

Council Member Márquez reported that Google Maps was not identifying municipal parking lots and was not capturing the Loop change; and asked staff to look into it.

It was moved by Council Member Lamnin, seconded by Council Member Mendall, and carried unanimously, to decline the grant from the Metropolitan Transportation Commission for a Downtown Parking Management Pilot Program.

4. Recycled Water Storage and Distribution Project: Authorization for the City Manager to Execute a Professional Services Agreement CONS 16-146

Staff report submitted by Senior Utilities Engineer Louie, dated March 22, 2016, was filed.

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

Resolution 16-041, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with West Yost Associates, Inc. for the Recycled Water Storage and Distribution Project, Project No. 07507"

## **WORK SESSION**

5. Review of Second Quarter Progress for Police Department WS 16-017

Staff report submitted by Program Analyst Turner, dated March 22, 2016, was filed.

Police Chief Urban provided a synopsis of the report.

Discussion ensued among Council members and City staff regarding: Hayward traffic collision trend data of 2014 compared to 2013 and 2015; security for the Hayward BART Station; Police Department staffing; safety in schools; community events and police presence; K-9 Program; Police officers on bicycle patrols on Tennyson Road; and traffic citations.

In response to a request, Mayor Halliday allowed public comments during the work session.

Mayor Halliday opened the public comment portion of the meeting at 8:42 p.m.

Ms. Wynn Grich, Hayward resident, suggested allocating resources toward bullet detectors, chemical detectors for the power plant, and a telephone number for Shelter In-Place Warning.

Mr. Charlie Peters, Hayward resident, suggested giving consideration to time off for police officers.

Mr. Jim Drake, Hayward resident, requested data for rape cases.

Mayor Halliday closed the public comment portion of the meeting at 8:48 p.m.





**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HOUSING AUTHORITY  
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**6. Addressing Sustainability Features in Staff Reports WS 16-023**

Staff report submitted by Environmental Services Manager Pearson, dated March 22, 2016, was filed.

Director of Utilities and Environmental Services Director Ameri announced the report and introduced Environmental Services Manager Pearson who provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding the proposal.

There was general agreement to incorporate the Sustainability Features section in staff reports and staff was congratulated for taking the leadership in implementing the new staff report section. There were two suggestions: 1) to include in the Transportation Question whether the project provide for “complete neighborhoods” and 2) to add analysis by staff regarding consistency with Climate Action Plan goals to help guide future projects and Council decisions.

**LEGISLATIVE BUSINESS**

**7. Review of Affordable Housing Strategies in Hayward Including the Hayward Housing Authority; Housing-Related Strategies to Prevent Homelessness and Assist Homeless Individuals; and Authorization to Implement a First-Time Homebuyer Down Payment Assistance Pilot Program LB 16-027**

Staff report submitted by Housing Development Specialist Cortez and Community Services Manager Jaeger dated March 22, 2016, was filed.

Library and Community Services Director Reinhart provided a synopsis of the report.

Discussion ensued among Council/HA members and City staff regarding: secondary housing units as source of affordable housing in the Housing Element; continue to study how affordable housing preference can be established for local residents; scope of the proposed program and housing for extremely-low income households; and the City’s funding to match County funds to establish a winter warming center.

Mayor/Chair Halliday opened the public hearing at 9:49 p.m.

Ms. Andrea Osgood, Associate Director of Real Estate Development at Eden Housing, requested that Council delay making a funding recommendation and recommended considering the acquisition and rehabilitation of existing buildings to serve more households and perhaps set aside units in a building to serve homeless individuals.

Ms. Betty DeForest, Hayward resident, noted that preventative homelessness programs were necessary but having a shelter was extremely needed; and suggested another report to address the current crisis with homelessness.

Mr. Landis Graden, Vallejo resident, recommended considering other effective ways to use available Hayward Housing Authority funds to have a more immediate impact on housing needs.

Mayor/Chair Halliday closed the public hearing at 9:58 p.m.

Discussion ensued among Council/HA members and City staff about the proposed First-Time Homebuyer Down Payment Assistance Pilot Program. It was noted that the available Hayward Housing Authority funds were not eligible for a homeless shelter.

Council/HA Member Jones shared that down payment assistance programs do not get people into homes in the current competitive housing market; and expressed concern about the ability of the proposed program to be effective. Council/HA Member Jones preferred considering other strategies for the use of \$1.5 million.

Council/HA Member Márquez preferred to table the report to allow opportunity to consider more options on how the available funds can be utilized effectively.

Council/HA Member Lamnin suggested appropriating a smaller amount to implement the pilot program.

Council/HA Member Zermeño suggested using the available funds toward: the rehabilitation of existing buildings; a first-time homebuyer program; and small units for homeless individuals.

Mayor/Chair Halliday noted that there was preference for the item to be tabled to allow staff to consider more options, collect data, and bring back to Council findings for a program that could make the best use of available funds.

## **CITY MANAGER COMMENTS**

There were none.

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

Council Member Márquez announced there was a Keep Hayward Clean and Green Task Force Clean-up event on March 26, 2016 at Longwood Elementary School.

Council Member Mendall noted the South Hayward BART Station Access Authority Board had approved the completion of mural projects for the BART Tennyson Underpass, Tennyson Soundwall and three utility boxes and the aesthetic improvements for BART users.



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HOUSING AUTHORITY  
MEETING OF THE CITY OF HAYWARD  
Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, March 22, 2016, 7:00 p.m.**

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**ADJOURNMENT**

Mayor/Chair Halliday adjourned the meeting at 10:24 p.m.

**APPROVED:**

Barbara Halliday  
Mayor, City of Hayward  
Chair, Hayward Housing Authority

**ATTEST:**

Miriam Lens  
City Clerk, City of Hayward  
Secretary, Hayward Housing Authority



# CITY OF HAYWARD

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

## Staff Report

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**File #:** CONS 16-154

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**DATE:** April 5, 2016

**TO:** Mayor and City Council

**FROM:** Director of Utilities & Environmental Services

### SUBJECT

Advanced Metering Infrastructure: Authorization for the City Manager to Execute a Contract for the Purchase and Installation of an AMI System

### RECOMMENDATION

That the City Council adopts the attached resolutions:

- 1) Authorizing the City Manager to execute a contract with Aclara for the purchase and installation of an Advanced Metering Infrastructure (AMI) system in an amount not to exceed \$3,113,000, and;
- 2) Authorizing the City Manager to execute a contract with Delta Engineering for the purchase of project materials, including water meters, meter transmission units (MTUs), and meter box lids in an amount not to exceed \$9,500,000, and;
- 3) Modifying the \$10M transfer for this project from the Water Operating Fund to occur in FY 2016 (\$8M) and F Y2017 (\$2M).

### BACKGROUND

The City receives all of its water supply from the San Francisco Public Utilities Commission (SFPUC) and distributes the water to residential, commercial, industrial, and governmental customers. Customers are billed for actual water use as measured by water meters, which are manually read on a bimonthly basis. For context, the City has approximately 34,000 customer endpoints (water meters).

Even with safety procedures in place, City meter readers have been prone to injury due to the repetitive nature of the work. Bimonthly meter reading also provides customers with limited and outdated consumption information, which can be inefficient in terms of conservation efforts because customers are unaware of their consumption throughout the bill period; and leaks can go undetected for too long.

In recent years, the use of a technology known as AMI has become more widespread in the water utility industry. AMI enables two-way communication over a fixed network between the utility system and

metering endpoints (customers). This allows meters to be read, monitored, and managed from a remote, central location rather than relying on the physical read of a meter in the field by an employee.

### AMI Feasibility Study Results

Funding was included in the Ten-Year Capital Improvement Program (CIP) to study the feasibility of implementing AMI in Hayward. In August 2013, a request for proposals was issued to firms with experience and knowledge in the AMI field to provide consulting services to inform City staff about AMI features and functions, pricing, and to incorporate small-scale pilot programs to test AMI technologies. The City Council authorized an agreement with TritonAMI (Triton) in October 2013.

The major objective in studying AMI feasibility was to consider the basic issues that are critical to implementation of an AMI system. Triton aided City staff in developing a deeper understanding of AMI technology and its application in Hayward by outlining the features of AMI systems and assisting with establishing AMI functional priorities (such as meter brand compatibility, battery life, and tamper notification for example). Triton also prepared planning level cost estimates for equipment and labor based on the City's functional priorities.

Given the significant investment of resources, staff determined that it would be in the City's best interest to pilot-test three different AMI systems and to obtain equipment pricing for City-wide implementation of various systems. The intention was to have the success of the pilot program aid in the selection process to procure an AMI vendor for the City-wide AMI program.

### Pilot Study

On May 19, 2014, a request for proposal (RFP) was issued to eight AMI vendors to procure small scale AMI pilot programs. The RFP also requested fixed long-term equipment pricing for AMI components for City-wide implementation, assuming all meters would be replaced, which is conservative, given that some newer meters may be able to be retrofitted to accommodate the new AMI system. Seven proposals were received from six vendors on June 16 (One vendor submitted two proposals, utilizing different types of water meters).

On July 15, 2014, based on staff's recommendation, the Council authorized the City to enter into agreements with three vendors to pilot test the AMI systems, one of which was Aclara. In the months following, the pilot systems were installed in three locations in the City, all of which had been carefully selected to present challenging topographical conditions. Staff identified thirty services in each location. All vendors were assigned ten services within each of the three pilot areas. In this way, staff was able to evaluate each AMI system under identical conditions. Water meters at the pilot locations continued to be read manually for billing purposes, so there was no impact to customers.

A complete analysis of the pilot performance and vendor evaluation can be found in the staff report presented to the Council on July 21, 2015. In summary, staff found that the vendor that best met the City's objectives was Aclara. On July 21, 2015, staff requested Council authorization to negotiate with Aclara and to prepare a procurement contract term sheet for Council consideration. Staff also committed to preparing installation specifications and refining the estimated installation cost, to be presented together with the term sheet for Council consideration and approval.

## **DISCUSSION**

### Description and Benefits of AMI System

An AMI system refers to the measurement and data collection system consisting of meters at the customer site, communication networks between the customer and the utility, and data reception and management systems that make information available to the utility and to the customer. A number of vendors provide AMI technology and each system's design varies slightly.

In general, AMI systems are considered "fixed-based," which means the system is permanently installed to capture meter readings. The fixed-based system consists of the infrastructure needed to gather consumption data, including data collector units and in some cases, repeaters, which collect meter data transmissions and push the data to a central computer server. Meter consumption data is fed from a "transmitting unit" on the meter. The data collectors then transmit meter reads to utility system computers.

AMI systems allow meters to be read much more frequently, such as by day or hour, for example. The data can be used for many purposes in addition to billing, including consumption reporting, leak detection, tamper alerts, as well as to populate a customer web portal, which allows customers to see detailed water usage information and better understand and manage their water use. These portals, which can be accessed on a computer or smart phone, are becoming an increasingly popular tool to help customers monitor their consumption; and also allow the utility to communicate directly and in a timely manner with their customers. Analyzing data by frequent time intervals could also enable the City to look at consumption profile data for education and awareness related to conservation.

As meters begin to wear, they tend to under-read the amount of water actually consumed. This means that some customers may not be paying for their actual consumption. To the extent that water rates are increased to make up for that lost revenue, the remaining customers bear the burden. The City's current meter stock is, on average, over forty years old, and is in need of replacement independent of how the meters are read. With AMI, a more detailed consumption history can be established for each account, allowing staff to more readily detect any unintentional errors and correct them before bills are issued. The AMI installation process would also provide the opportunity to assess the current meter stock throughout the service area and allow the City to establish a comprehensive meter inventory. AMI data would provide the City the opportunity to consider transitioning to monthly utility billing, as well as redeploy staff resources towards preventative maintenance activities or customer service.

### Contract Term Sheet

As outlined in the July 21, 2015 staff report mentioned above, staff has negotiated a draft contract with Aclara and presents the terms below for Council consideration.

*Scope of Work.* Aclara will provide project management, AMI infrastructure project materials and equipment (i.e. data collectors units (DCUs)), AMI software, and installation labor to accomplish meter

replacement and conversion to AMI City-wide. Delta Engineering will provide project materials, including meters, meter transmission units (MTUs), handheld field programmers, as well as meter box lids. The requested contract amounts for Aclara is \$3,113,000 and for Delta Engineering is \$9,500,000.

*Final Project Acceptance.* Final acceptance of the project is achieved when the following criteria have been met for all endpoints (with some exceptions for site specific radio frequency communication issues, such as a car being parked over the meter box):

- a. A minimum of 98.5% of transmissions are received over a thirty-day period.
- b. A minimum 99% accuracy standard is achieved.

*Payment.* Ten percent of the per MTU installation fee shall be retained and not invoiced until satisfaction of final acceptance as described above. For project materials procured through Delta Engineering, a similar ten percent retention shall be released to the vendor upon each route completion, which requires the same accuracy and receptions standards addressed as part of final acceptance.

*Installation & Product Warranties.* Aclara will warrant the installation workmanship for one year from the accepted MTU installation date. The Aclara MTU has a basic ten-year warranty, and an extended ten-year warranty (for a total of twenty years), where the replacement cost is prorated based on the age of the MTU. The DCUs have a one year basic warrantee. The Badger meters, procured through Delta Engineering, have a one year basic warrantee.

*Data Collector Units (DCUs).* Aclara has proposed thirty-one data collector units, which will be placed throughout the service area on City-owned infrastructure such as water reservoirs, rooftops of buildings, and some light poles. Aclara is responsible for providing the DCU equipment, and installation. The City will also enter into a separate annual contract for maintenance of the DCUs.

*Software.* Aclara will provide the City with their proprietary AMI software, necessitating a license agreement. Based on the City's direction, Aclara will also host the software, meaning the physical servers where the data is stored will reside in an off-site Aclara owned and managed facility.

*System Acceptance Testing.* Prior to mass installation, Aclara will perform system acceptance testing at 100 end points, chosen by the City, to ensure functionality of the system (i.e. data is flowing correctly from the meter and MTU to the billing system). Only upon City approval of this testing can mass installation occur.

*Warehousing.* Aclara will also procure a secure space to store meters, MTUs, and all equipment required for Aclara to execute the project.

*Waste Materials, Recycling, Trash.* Aclara is responsible for proper disposal of legacy product and waste materials.

*Billing Integration.* Aclara will provide technical support needed to ensure successful billing integration. The City will also utilize the professional services of Triton AMI, with whom the City has an existing contract for consulting services for deployment of the project, to also assist in this area. Aclara has successfully integrated with the same billing software the City currently uses in other locations across

the country.

### Installation Specifications and Cost

Initially, installation services were going to be procured through a separate bid process upon execution of a contract with an AMI vendor. In exploring this option, staff reviewed with other agency staff who had recently converted to AMI with a “turn-key” AMI system, where both the AMI system and installation services are procured under a single contract. The concern with this approach was that while a particular AMI system may be preferred (Aclara, in the case of Hayward), with this approach, the City would have no purview over the installation contractor selected by the bundled proposal.

Upon discussing these concerns with Aclara, it was determined that Aclara prefers to prime the contract, including installation, because it essentially eliminates “finger pointing” when it comes down to system performance. This is also preferable to the City in that there is a single point of contact and single vendor responsible for the performance of the system. Aclara committed to cooperatively developing installation specifications with staff input, and reviewing the bids carefully with staff to ensure a comfort level with the selection of the installation contractor. They delivered on this commitment, and staff is satisfied with both the specifications and installation contractor selection.

Staff had estimated installation of a City- wide AMI system to cost approximately \$2M. The actual proposed installation cost is \$2.84M, which includes a ten percent additional services budget beyond the authorized baseline services. The difference in cost is predominately associated with the assumption that the City had a direct contract with an installer. The remaining costs included in the Aclara contract are associated with the procurement of DCUs, installation of DCUs, project management, software license agreement, and hosting fee.

### **ECONOMIC IMPACT**

The potential economic benefits of AMI to customers include greater control over water consumption, given increased interval data and a future customer portal and smartphone application, including prompt water leak notification. Most customers will also benefit from having more accurate meters because customers will more equitably share their proportional cost of water. And, the system should aid in the community achieving greater water conservation results over time.

### **FISCAL IMPACT**

This project will be entirely funded by the Water Enterprise and therefore has no impact on the General Fund. The estimated project costs are as follows:

Purchase and Installation of AMI System (Aclara)	\$ 3,113,000
Purchase of Project Materials (Delta Engineering)	\$ 9,500,000
Professional Services (Triton AMI)	\$ 110,000
Project Administration - City Staff	\$ 200,000
Customer Web Portal Development	<u>\$ 100,000</u>
Total:	\$ 13,023,000



The Adopted FY 2016 Capital Improvement Program (CIP) includes \$16.1M, over three years, in the Water Replacement Fund for implementation of an AMI system (just over \$3M more than the estimated project costs) as shown below:

FY2016	\$ 6,100,000
FY2017	\$ 5,000,000
FY2018	<u>\$ 5,000,000</u>
Total:	\$16,100,000

The current budget includes \$10M in offsetting transfers from the Water Operating Fund in the next two years, as shown below, to cover the cost of the project:

FY2017	\$ 5,000,000
FY2018	<u>\$ 5,000,000</u>
Total:	\$ 10,000,000

The budget was structured in the CIP to allow for a phased contract award over a three-year period. At the time the budget was established, installation costs were estimated, and had yet to be refined. Staff believed that there would be benefits in awarding installation contracts in phases as the project progressed.

Staff is now requesting that the Council approve transfers from the Water Operating Fund, as follows, in order to allow all contracts to be awarded at this time:

FY2016	\$ 8,000,000
FY2017	<u>\$ 2,000,000</u>
Total:	\$ 10,000,000

As discussed previously, the benefits of having Aclara act as the prime contractor for both the purchase of the AMI system and the installation allows a single vendor to be responsible for quality control of the project, and also reduces installation mobilization costs that would be incurred as a result of multiple contract awards. In order to award the contracts, however, requires modification of the currently approved transfers from the Water Operating Fund so that sufficient funds are available in the current Fiscal Year.

#### **SUSTAINABILITY FEATURES**

Energy: Electricity/natural gas/other fossil fuels.

Leaks in the water distribution system or at customer sites represent not only lost water, but in some cases wasted energy to distribute it. With the increased consumption information provided by AMI systems, the City can be proactive when it comes to leak detection. The DCU's for this project will also be solar powered, reducing the need for electricity.

Water: Efficiency and conservation.

The more frequent water consumption data made available as result of this project will provide detailed information to help measure the overall effectiveness of targeted conservation initiatives. This information can be used to inform customers about potential leaks or overly high consumption. Analyzing data by frequent time intervals could also enable the City to look at consumption profile data for education and awareness related to conservation. Customers will also be able to be notified of unusual increased or continuous water usage, which could be the result of a leak, because it will be easier to pinpoint the timing of the increased water usage with more frequent reads. Remote notification of leaks allows for the ability to alert customers to an issue before substantial water waste or excessive charges occur.

**Air:** Air emissions of pollutants.

Eliminating the requirement for manual meter reading also reduces the number of vehicle miles traveled by City staff, which is in support of the Climate Action Plan goals of reducing greenhouse gas emissions.

**Solid Waste:** Waste reduction and diversion.

This project will generate construction waste. However, given that most water meters are made of brass, much of the waste can be recycled. The concrete meter box lids that are being replaced with polymer lids as part of the project will also be recycled.

**Purchasing:** Consistent with the City's Environmentally Preferred Purchasing Policy.

The City's current meter stock is, on average, over forty years old, and is in need of replacement independent of how the meters are read. The new water meters are expected to last for at least the life of the AMI system (twenty years), and are considered a long-term investment. This is in compliance with the subject purchasing policy, as it states that the maximization of life cycle economics is a factor to consider when determining that a product or service has environmentally preferable attributes. The meters are also mostly made of brass, which is a recyclable material. Other vendors offer a plastic/composite body meter that was specifically not chosen for this project.

**PUBLIC CONTACT**

If the Council approves this project, staff will develop a plan to inform customers prior to and during the project start up. Staff acknowledges that it will be necessary to fully engage the public to ensure that customers are informed about AMI, the vastly improved communication tools, and the benefits in managing their water use and that this will require a robust and on-going communication plan. As is the protocol whenever a meter is changed, customers will be notified that their water meter is being replaced and why. If the contact is made in person and if no one is home at the time, a door hanger will be left with information and a telephone number to call with questions well ahead of the actual installation. Meters will continue to be read manually for a short period to assure billing accuracy and seamless integration.

**NEXT STEPS**

The estimated schedule for this project is summarized as follows:

Award Purchase and Installation Contracts:	April 5, 2016
Begin AMI Infrastructure Construction:	May 2016
Begin Meter Conversion:	June 2016
Construction Completed:	December 2018

Prepared by: Corinne Ferreyra, Senior Management Analyst

*Recommended by:* Alex Ameri, Director of Utilities & Environmental Services

Approved by:



Fran David, City Manager

**Attachments:**

Attachment I	Resolution - Aclara
Attachment II	Resolution - Delta
Attachment III	Resolution - Water Operating Fund Transfer

HAYWARD CITY COUNCIL

RESOLUTION NO.16-\_\_\_\_

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ACLARA TECHNOLOGIES LLC FOR THE PURCHASE AND INSTALLATION OF AN ADVANCED METERING INFRASTRUCTURE (AMI) SYSTEM IN AN AMOUNT NOT TO EXCEED \$3,113,000, PROJECT NO. 07025

WHEREAS, On May 19, 2014, the City issued a request for proposals to eight vendors to procure a small scale Advanced Metering Infrastructure (AMI) pilot and requested fixed long term equipment pricing for City-wide implementation; and

WHEREAS, On July 15, 2014, Council adopted Resolution 14-128 authorizing three vendors, including Aclara Technologies LLC, to install a small scale AMI pilot program; and

WHEREAS, upon completion of the pilot, each AMI system's performance was evaluated; and

WHEREAS, On July 21, 2015, Council adopted Resolution 15-145 authorizing the City Manager to negotiate with Aclara Technologies LLC, and prepare a term sheet of a contract for purchase of an AMI system;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute a contract with Aclara Technologies LLC for the purchase and installation of an AMI system, Project No. 07025, in an amount not to exceed \$3,113,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

HAYWARD CITY COUNCIL

RESOLUTION NO.16-\_\_\_\_

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH DELTA ENGINEERING FOR THE PURCHASE OF PROJECT MATERIALS FOR THE ADVANCED METERING INFRASTRUCTURE (AMI) CONVERSION PROJECT IN AN AMOUNT NOT TO EXCEED \$9,500,000, PROJECT NO. 07025

WHEREAS, On May 19, 2014, the City issued a request for proposals to eight vendors to procure a small scale Advanced Metering Infrastructure (AMI) pilot and requested fixed long term equipment pricing for City-wide implementation; and

WHEREAS, On July 15, 2014, Council adopted Resolution 14-128 authorizing three vendors, including Aclara Technologies LLC, to install a small scale AMI pilot program; and

WHEREAS, upon completion of the pilot, each AMI system's performance was evaluated; and

WHEREAS, On July 21, 2015, Council adopted Resolution 15-145 authorizing the City Manager to negotiate with Aclara Technologies LLC, and prepare a term sheet of a contract for purchase of an AMI system; and

WHEREAS, Delta Engineering is a product distributor for Aclara Technologies LLC, and provides water meters, meter transmission units, and meter box lids;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute a contract with Delta Engineering for the purchase of project materials for the AMI conversion project, Project No. 07025, in an amount not to exceed \$9,500,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

HAYWARD CITY COUNCIL

RESOLUTION NO.16-\_\_\_\_

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

ADOPTION OF A RESOLUTION MODIFYING THE PREVIOUSLY APPROVED  
\$10,000,000 TRANSFER FROM THE WATER OPERATING FUND TO THE WATER  
REPLACEMENT CAPITAL FUND FOR THE ADVANCED METERING  
INFRASTRUCTURE CONVERSION PROJECT, PROJECT NO. 07025

WHEREAS, the Adopted FY2016 Capital Improvement Program includes  
\$16,100,000 in the Water Replacement Fund for implementation of an Advanced Metering  
Infrastructure (AMI) system over three years beginning in FY2016, including \$10,000,000  
in transfers from the Water Operating Fund (\$5,000,000 in FY2017 and \$5,000,000 in  
FY2018); and

WHEREAS, the budget was structured in this way to allow for a phased contract  
award over three years; and

WHEREAS, upon further consideration, it became evident that there is a benefit to  
awarding the contract in the current Fiscal Year to a vendor that provides both product and  
installation services, ensuring quality control and a single responsible entity;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that  
the \$10,000,000 in transfers from the Water Operating Fund to the Water Replacement  
Capital Fund for the AMI Conversion Project, Project No. 07025 is modified so that  
\$8,000,000 is transferred in the current Fiscal Year to allow contract award at this time and  
\$2,000,000 in FY2017 for costs not associated with the subject contract:

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016

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

## Staff Report

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**File #:** CONS 16-161

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**DATE:** April 5, 2016

**TO:** Mayor and Councilmembers

**FROM:** Director of Finance

**SUBJECT**

Annual Review of City of Hayward Issued Debt

**RECOMMENDATION**

That Council reviews and comments on this report.

**BACKGROUND**

The City of Hayward, like the vast majority of cities and municipal agencies, incurs and manages debt as part of its normal course of business. While both the annual budget document and the annual financial statements include a section that summarizes the City's debt, staff provides an update to the Council Budget & Finance Committee (CBFC) and the full City Council during the annual budget process. The CBFC reviewed a draft of the report at their March 2, 2016 regular meeting.

**DISCUSSION**

The City uses its debt to finance the cost of capital improvements through various debt instruments (see list below). Debt service payments are generally made on an annual or semiannual basis. This document contains debt service information for the General Fund and all other funds, including anticipated debt issuances that will be issued prior to the end of the fiscal year as were approved during the FY 2016 budget process. Debt service payments of previously issued debt, as well as planned issuances, are budgeted and approved annually by City Council - and these obligations are funded through identified tax and fee supported revenues that include the General Fund, Enterprise Funds, and Internal Service Funds.

*Debt Instruments* - The City and Successor Agency of the Hayward Redevelopment Agency currently maintain the following types of debt:

- Certificates of Participation
- Revenue Bonds
- Private Placement Bonds
- California Energy Commission (CEC) Loan
- Lease-Purchase Agreements
- State Water Resources Control Board (SWRCB) Loan
- Tax Allocation Bonds (Successor Agency only)

- Special Tax Bonds (CFD only) & Limited Obligation Improvement Bonds (LID only)
- Internal Fund to Fund Loans

### **City-Issued Debt**

Attachment I provides a basic summary of the debt the City currently maintains. The City's Comprehensive Financial Report (CAFR) and annual budget document both contain further detail on the various debt issuances with explanations of uses and sources of funds. Hayward is a charter city and, as such, does not have a debt limit. However, if we were a general law city, the legal debt limit and margin would be as described below. They are presented here to allow Council to assess how the City of Hayward compares to that limit established for general law cities.

#### Debt Limit & Margin

- The legal bonded debt margin is \$2.6 billion. The City does not have any bonded debt that is subject to this limitation - resulting in a legal bonded debt margin of the entire \$2.6 billion.
- The City's projected General Bonded Debt Outstanding as of June 30, 2016 will total about \$101 million and represents .58% of taxable property value or \$668 per capita. General bonded debt includes debt incurred by the City that is in the form of issuing bonds.

#### *Debt Limit Computation (projected as of June 30, 2016) -*

Total FY 2015 assessed valuation (less other exemptions)	\$ 17,367,781,844
Debt limit (15% of assessed value)	\$ 2,605,167,277
Amount of debt applicable to the debt limit	\$ 101,221,765 *
Legal debt margin (if Hayward were a general law city)	\$ 2,503,945,512

\* This amount includes debt that has been approved by Council, but has not been issued as of the time of this report.

#### New Debt - Measure C

The most notable change to the City's debt portfolio is the issuance of \$67.5 million in Certificates of Participation for capital projects funded from the proceeds of the Measure C District Sales Tax to fund the 21<sup>st</sup> Century Library and Community Learning Center, fire station improvements, rebuilding of the fire training center, and streets improvements. The bonds were issued on October 1, 2015 and are secured by Measure C district sales tax revenues. The bonds bear interest at 3% -5% , with principal payable annually on November 1 beginning in FY 2019 and maturing in 2034. Annual debt service payments peak at \$5.5 million in 2021 and 2024.

#### Debt Refunding

City staff has been working with the City's financial advisor and bond counsel to analyze the feasibility of refunding Redevelopment Agency of the City of Hayward (now known as the Successor Agency of the Hayward Redevelopment Agency) 2004 and 2006 Series Tax Allocation Bonds (TABS) and the 2007 Certificates of Participation (COP). Initial calculations indicate that refunding the 2004 and 2006 TABS could result in net General Fund savings of about \$100,000-\$110,000 per year for the first twelve years; then about

\$50,000 per year for the remainder of the term. Savings from the refunding the 2007 TABS is projected to be about \$100,000 annually. This is a significant overall savings to the General Fund and staff is initiating the refunding process that will be presented to City Council over the next couple of months.

#### Credit Ratings

Credit ratings are opinions about credit risk published by a rating agency that has analyzed the City's ability and willingness to meet its financial obligations in accordance with the terms of the debt obligations. Credit ratings have a significant impact on the interest rate the City will pay when issuing debt. In recent fiscal years the City has received very high ratings from the various rating agencies, including a AA rating from both Fitch and Standard & Poor's of the 2015 Certificates of Participation and a AA+ rating by Standard & Poor's for the 2013 Water Bonds. The City also has an implied general obligation rating of AA+ with a stable outlook from both rating agencies. In addition, Standard & Poor's Ratings Services recently reviewed the rating of the 2004 and 2006 TABS and upgraded its rating from A- to A and affirmed a stable outlook. A critical component of the rating agency review is the City's financial management status - i.e., appropriate reserve levels, plans to reduce liabilities, fiscal policies, etc. If the City fails to maintain these areas of fiscal control, the City could see a reduction in future ratings.

The City's credit ratings are per debt issuance and not all issuances are rated or have been re-rated recently. However, below is a summary of some of the City's larger issuances and their current ratings. The 2007 COP refunding was re-rated by Fitch in June 2014 and an AA+ rating was upheld; this issuance was also recently re-rated by Standard & Poors and the rating was increased from an A+ to AA.

2007 COP Refunding	\$31,820,000	Standard & Poor's AA; Fitch AA+
2007 Sewer Refunding	\$9,880,000	Standard & Poor's AAA; Fitch AAA
2004 RDA TAB	\$44,790,000	Standard & Poor's AAA insured/A uninsured
2006 RDA TAB	\$11,800,000	Standard & Poor's AAA insured/A uninsured
2013 Water Refunding	\$7,245,000	Standard & Poor's
2015 COP	\$67,535,000	Standard & Poor's AA; Fitch AA

#### **NEXT STEPS**

Staff will continue to actively monitor the City's debt levels and report annually to City Council the funding status.

Prepared by: Dustin Claussen, Deputy Director of Finance  
Tracy Vesely, Director of Finance

*Recommended by:* Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager

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**File #:** CONS 16-161

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Attachment:

Attachment I

Debt Summary

# City of Hayward Debt Summary

Attachment I

	Issuance Date	Maturity Date	Original Debt	Debt as of 6/30/2016	Total Debt as of 6/30/2016	Annual P&I (FY 2017)
<b>General Fund</b>					<b>\$ 26,790,027</b>	
07Refunding COP	FY2008	FY2027	\$ 31,820,000	\$ 19,425,000		\$ 2,617,075
02ABAG/ABAG 33 Refunding	FY2002	FY2021	\$ 1,309,835	\$ 380,000		\$ 87,069
15Fire Station #7/Firehouse Clinic	FY2015	FY2025	\$ 5,500,000	\$ 5,048,671		\$ 452,854
15Streetlight Conversion #05188	FY2015	FY2024	\$ 2,488,880	\$ 1,936,356		\$ 276,262
<b>Measure C Fund</b>					<b>\$ 67,535,000</b>	
16Library/Fire Stations/Streets	FY 2016	FY2034	\$ 67,535,000	\$ 67,535,000		\$ 2,730,688
<b>Internal Service Fund - Facilities</b>					<b>\$ 1,122,245</b>	
05Equip Lease/Solar Power Energy	FY2006	FY2030	\$ 927,290	\$ 682,300		\$ 72,724
CEC Solar Energy Loan #7214	FY2012	FY2024	\$ 666,330	\$ 439,945		\$ 95,414
<b>Internal Service Fund - Fleet</b>					<b>\$ 3,428,227</b>	
09Equip Fleet Loan from Sewer	FY2010	FY2017	\$ 1,000,000	\$ 83,333		\$ 71,845
11Equip Lease-Fire/Maint Vehicles	FY2011	FY2021	\$ 3,170,082	\$ 1,165,104		\$ 364,707
13Equip Lease-PD Replacement Vehicles	FY2013	FY2017	\$ 520,000	\$ 66,481		\$ 66,913
14Equip Lease-Fire Truck	FY2014	FY2024	\$ 824,000	\$ 678,527		\$ 96,226
14Equip Lease-PD Vehicles	FY2014	FY2018	\$ 535,000	\$ 274,039		\$ 141,259
15 TDA Fire Truck Loan	FY2015	FY2024	\$ 1,272,000	\$ 1,160,743		\$ 147,594
TDA Fire Truck Loan (Planned) ¥	FY2016	FY2025	\$ 800,000	\$ 800,000		\$ 93,423
<b>Internal Service Fund - Technology</b>					<b>\$ 1,546,267</b>	
15Equip Lease/ Network Cisco Hardware	FY 2015	FY2020	\$ 1,699,356	\$ 1,013,043		\$ 354,686
12Equip Lease/Comp ERP Cisco Hardware	FY2012	FY2017	\$ 759,591	\$ 158,224		\$ 160,569
CAD/RMS Replacement Loan	FY2010	FY2016	\$ 2,250,000	\$ 375,000		\$ -
<b>Water</b>					<b>\$ 5,525,000</b>	
13Water Refunding Bonds	FY2014	FY2025	\$ 7,245,000	\$ 5,525,000		\$ 697,490
<b>Sewer</b>					<b>\$ 38,114,198</b>	
07Sewer Refunding	FY2008	FY2018	\$ 9,880,000	\$ 950,000		\$ 502,419
SWRCB Loan	FY2006	FY2029	\$ 54,550,018	\$ 35,457,512		\$ 2,727,501
CEC Solar Energy Loan #7505	FY2011	FY2025	\$ 2,450,000	\$ 1,706,686		\$ 217,810
<b>Total Governmental and Business Activity Debt</b>					<b>\$ 144,060,963</b>	
<b>Fiduciary</b>					<b>\$ 6,403,957</b>	
13Community Facility District #1	FY2014	FY2033	\$ 7,076,294	\$ 6,403,957		\$ 535,499
<b>Successor Agency of the Hayward Redevelopment Agency</b>					<b>\$ 51,940,526</b>	
RDA Repayment Agreement with Gen.Fund *	FY2016	FY2022	\$ 11,156,841	\$ 10,180,526	*	\$ 800,000
04 RDA TABS	FY2004	FY2034	\$ 44,790,000	\$ 30,380,000		\$ 3,371,182
06 RDA TABS	FY2006	FY2036	\$ 11,800,000	\$ 11,380,000		\$ 638,006
<b>Special Assessment Districts</b>					<b>\$ 780,000</b>	
LID 16	FY1994	FY2020	\$ 2,815,000	\$ 570,000		\$ 165,855
LID 17	FY2000	FY2024	\$ 396,014	\$ 210,000		\$ 32,225

\* Outstanding balance according to State of California Department of Finance approved ROPS 15-16B Determination.

¥ Financing agreement for this debt has not been executed. Amounts presented are for informational purposes only and are based on estimates.



# CITY OF HAYWARD

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

## Staff Report

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**File #:** CONS 16-162

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**DATE:** April 5, 2016

**TO:** Mayor and City Council

**FROM:** Director of Finance

**SUBJECT:** Annual City Benefit Liabilities and Funding Plan Review

### RECOMMENDATION

That the Council reviews and comments on the status and funding of the City's benefit liabilities as described and detailed in Attachment I: the full report.

*Prepared and Recommended by:* Tracy Vesely, Director of Finance

Approved by:

Fran David, City Manager

Attachments:

Attachment I

Annual City Benefit Liabilities and Funding  
Plan Review Report



**DATE:** April 5, 2016

**TO:** Mayor and Councilmembers

**FROM:** Director of Finance

**SUBJECT:** Annual City Benefit Liabilities and Funding Plan Review

## **RECOMMENDATION**

That the Council reviews and comments on the status and funding of the City's benefit liabilities.

## **BACKGROUND**

The City of Hayward, like all cities and municipal agencies, manages unfunded benefit liabilities as part of its financial picture. Effective 2013, staff began providing the Council Budget & Finance Committee (CBFC) and the City Council with an annual review of the City's benefit liabilities and funding plan. The CBFC reviewed a draft of this report at their March 2, 2016 regular meeting. During the FY 2016 budget process, both the Council and the CBFC spent considerable time developing funding policies related to the City's benefit liabilities, which were ultimately adopted by City Council. Attachment I-A is an excerpt from the City's adopted Financial Policies and represents only the section on Benefit Liabilities. The City's four benefit liabilities include:

1. California Public Employees' Retirement System (CalPERS)
2. Workers' Compensation (self-funded)
3. Other Post-Employment Benefits (OPEB) – Retiree Medical Benefits
4. Accrued Leave Payouts

Unfunded liabilities are defined as identifiable obligations of an organization for which the organization does not have 100% of the funding (cash or other assets) set aside to cover the cost should all obligations become immediately and simultaneously due. Generally, an a well-managed organization attempts to operate with a responsible balance between funding some identified portion of each of those obligations, the associated and manageable risk that the unfunded portion of the obligations presents to the organization, and responsible and realistic management of the organization's cash flow and other investments.

Achieving this careful balance is considered the practical and responsible approach since payment demands of these obligations rarely, if ever, occur simultaneously. The alternative would be to fund the obligations at the 100% level causing an unreasonable portion of the City's cash to be reserved and making it unavailable for funding on-going City services and operations.



## DISCUSSION

The City actively manages its benefit liabilities and completes actuarial valuations for all benefit liabilities with the exception of accrued leave payouts (analysis conducted by staff). These valuations consider the economic, demographic, and historical compositions of the benefit programs and establish amounts that the City should set aside each year to fund its benefit-related financial obligations. In today's economic climate, it is critical that the City continue to manage its benefit liabilities to ensure long-term fiscal stability and the continuance of these valuable benefits to City employees. Actuarial valuations identify the Annual Required Contribution (ARC) an agency should make toward the funding of the benefit. This is essentially the minimum funding amount that should be responsibly made by any organization. The ARC is generally comprised of two elements: a portion of funding for current costs (sometimes referred to as "pay go"), and a portion of funding for future costs (the Unfunded Actuarial Liability or UAL).

As bond rating agencies review the City's debt, they actively consider the level of the City's unfunded benefit liabilities and the economic pressure this places on the City. Failure to meet the minimum recommended funding levels or implement a plan to achieve full funding of the ARC and/or a long-term plan to pay down the future liabilities could have a negative impact on future bond ratings – with a possible resultant increase in the cost of borrowing should the City seek to incur new debt.

Table 1 provides a summary of the City's benefit liabilities and current levels of funding based on the most recent actuarial valuations. Each of these benefit liabilities is unique in its structure and the degree of funding varies depending on the benefit. Acceptable or Best Practice levels of funding vary by liability type. In general, an appropriate range of funding would be 75 – 80 percent.

**Table 1: Summary of Benefit Liabilities (in millions)**

(in millions)	Actuarial Valuation Date	Accrued Liability	Value of Assets	Funded Ratio	Unfunded Liability <sup>(1)</sup>	Unfunded Ratio
CalPERS Police Safety Plan	6/30/2014	\$ 320.42	\$ 215.85	67.4%	\$ 104.56	32.6%
CalPERS Fire Safety Plan	6/30/2014	\$ 245.01	\$ 174.18	71.1%	\$ 70.83	28.9%
CalPERS Miscellaneous Plan	6/30/2014	\$ 386.83	\$ 280.14	72.4%	\$ 106.69	27.6%
Total CalPERS		\$ 952.25	\$ 670.17	70.4%	\$ 282.08	29.6%
OPEB - Retiree Medical Police Officers	6/30/2013	\$ 43.37	\$ -	0.0%	\$ 43.37	100.0%
OPEB - Retiree Medical Firefighters	6/30/2013	\$ 12.82	\$ 0.76	6.0%	\$ 12.06	94.0%
OPEB - Retiree Medical Miscellaneous	6/30/2013	\$ 19.60	\$ 0.08	0.4%	\$ 19.53	99.6%
Total OPEB-Retiree Medical <sup>(1)</sup>		\$ 75.80	\$ 0.84	1.1%	\$ 74.96	98.9%
Workers' Compensation	6/30/2015	\$ 18.37	\$ 9.65	52.5%	\$ 8.72	47.5%
Accrued Leave Payouts <sup>(2)</sup>	6/30/2015	\$ 7.10	\$ -	0.0%	\$ 7.10	100.0%
Total		\$ 1,053.52	\$ 680.66	64.6%	\$ 372.87	35.4%

(1) Updated OPEB actuarial valuation in progress

(2) Accrued Leave Payouts - no actuarial valuation

## **California Public Employee Retirement System (CalPERS)**

*Current Annual cost: \$28.3 million*

*Unfunded Liability: \$282.1 million*

**Benefit Summary** – CalPERS is a defined benefit pension plan funded by a combination of employee and employer contributions. A defined benefit pension plan is a type of pension plan in which an employer promises a specified monthly benefit on retirement that is predetermined by a formula based on such factors the employee's earnings history, tenure of service, and age. A defined benefit plan is “defined” in the sense that the benefit formula is defined and known in advance. A traditional pension plan that defines a benefit for an employee upon that employee's retirement is a defined benefit plan.

The City's retirement benefit plans represent its largest benefit liability and CalPERS retirement rates continue to be one of the most significant citywide budgetary pressures. This same budgetary stress is felt by the State of California and the over 2,000 public entities statewide that contract with the California Public Employees' Retirement System (CalPERS) for pension benefits. When CalPERS performs its actuarial analysis, it uses data from two years prior; for example, the employer rates for Fiscal Year 2017 are based on data as of June 30, 2014. The City contracts with an outside actuary (John Bartel & Associates) to review the City's rates each year, advise on the funded status of the plans, and project employer rates for future years.

The City contributes to three plans: Police Safety Plan, Fire Safety Plan, and Miscellaneous Employee Plan (all non-sworn employees). All full-time and part-time benefited employees are required to participate in CalPERS. The three plans are independent of one another with different contract plan amendments negotiated over the years through the collective bargaining process. Assets and liabilities of each plan are segregated with no cross subsidization from one plan to another.

**CalPERS Retirement Rates** – The cost of the retirement plan is broken into Employee Contribution rates (fixed) and Employer Contribution rates (variable). Both rates are a percent of payroll. The Employee Contribution is fixed and is based on the pension plan formula (generally 9% for public safety plans and 7% or 8% for miscellaneous plans). The Public Employees' Pension Reform Act of 2013 (PEPRA) introduced new benefit formulas effective January 1, 2013 that affect new employees to the City that have not previously been part of the CalPERS system. While there is little immediate financial benefit to the City with this “two-tiered” system, the long-term benefit of lower retiree costs can be significant.

Most employee groups actually contribute beyond the Employee Contribution portion and pay a portion of the Employer Contribution: 6% for sworn police and fire personnel, 1% for all non-sworn personnel (with a phased-in increase to 3%). The Employer rates displayed in Table 1 represent the full Employer cost as assessed by CalPERS, and do not reflect these cost-sharing agreements, as these agreements do not affect the overall cost of CalPERS, only who pays what share.

Over the last several years, the CalPERS Board of Administration has considered and adopted several rate methodology changes that directly impact the retirement rates that cities pay (employer contribution rates). Each of these changes is effective in different fiscal years, with varying phase-in schedules. While these changes significantly increase our current retirement

costs, they are intended to stabilize the CalPERS plans for long-term sustainability, actually help the cities in the long-run, and should have been implemented long ago by CalPERS.

1. March 2012 Change (effective FY 2014, two-year phase-in through FY 2015)

In March 2012, the CalPERS Board took action to reduce the assumed rate of investment return from 7.75% to 7.5%. The employer rate impact from this action was effective FY 2014, with a two-year phase-in; and a full rate impact by FY 2015. The actual rate impact resulting from this change was originally estimated to range from 2.4%–4.6% of payroll.

2. April 2013 Change (effective FY 2016, five-year phase-in through FY 2020)

On April 17, 2013, the CalPERS Board adopted significant rate methodology changes that directly impacted employer rates starting in FY 2016 and are phased in over five years, with the full impact by FY 2020. The anticipated rate impact resulting from this change is approximately 2%–5% of payroll by FY 2020. These actuarial changes are designed to boost funding levels and make employer rates more predictable in the long-run:

- ✓ Shorter smoothing period<sup>1</sup> and shorter amortization period for gains/losses
- ✓ Closed instead of rolling thirty-year amortization
- ✓ Use market value of assets to determine rates<sup>2</sup>

3. February 2014 Change (effective FY 2017, five-year phase-in through FY 2021)

On February 18, 2014, the CalPERS Board adopted additional rate methodology changes. While the Board voted to retain its current long-term assumed rate of return at 7.5%, they did adopt actuarial changes to assumed mortality rates. The new mortality assumptions will cost local agencies an average of 6%–9% of payroll for safety classifications and 3%–5% of payroll for miscellaneous employees by year five of the phase-in (FY 2021). Some municipal officials believe these estimates may be low because of the continued decline in the local government workforce in many cities, reducing the number of active employees contributing to CalPERS.

4. November 2015 Funding Risk Mitigation Policy

The CalPERS Board recently adopted a funding risk mitigation policy that will incrementally lower the discount rate in years of good investment returns, help pay down the pension fund's unfunded liability, and provide greater predictability and less volatility in contribution rates for employers. Under the policy, a mechanism will be established to reduce the discount rate

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<sup>1</sup> “Smoothing” and “Closed vs. Rolling Amortization” go hand in hand. Smoothing refers to the method by CalPERS plans to address the unpredictability of investment income and the impact that unpredictability has on employer rates. The revised “smoothing” plan determines the rate increase needed to reach a funding level of 100 percent in 30 years, phase in the rate increase over five years, and then to maintain those rates as steadily as possible or even lower them. In the past, CalPERS employed an amortization and smoothing policy that spread investment returns over a 15-year period with the actual gains and losses experienced by the investment pool paid for over a rolling 30-year period. With the current change, CalPERS will employ an amortization and smoothing policy that will pay for all gains and losses over a fixed 30-year period with the increases or decreases in the rate spread directly a five-year period.

<sup>2</sup> CalPERS has traditionally used the actuarial value of their investments in their financial calculations and rate projections (i.e., the investment assets fluctuate in value from one day to the next, so the administrators calculate an average value for the assets, over a given period of time, or the “actuarial value”). In accordance with new FY 2015 GASB provisions, CalPERS will only use “market value,” which is using the actual value of the investment assets as determined by the market and adjusting the value up or down accordingly.

- or assumed rate of return - by a minimum of 0.05 percentage points to a maximum of 0.25 percentage points in years when investment returns outperform the existing discount rate, currently 7.5%, by at least four percentage points. The four percentage point threshold would work to offset increases to employer contribution rates that would otherwise increase when the discount rate is lowered, and help pay down CalPERS' unfunded liability.

CalPERS staff modeling anticipates the policy will result in a lowering of the expected portfolio volatility to 8% in about twenty-one years, improve funding levels gradually over time, and cut risk in the System by lowering the volatility of investment returns. While rates are expected to increase for CalPERS employers in the future, the policy is designed to minimize any increases above projected rates.

The most recent actuarial valuations provided to the City of Hayward by CalPERS in November 2015 (actuarials dated October 2015) reflect the final rates for FY 2017 and incorporate all of the adopted changes to date, which result in FY 2017 rates increasing over FY 2016 rates by 1.9%–4.8% of payroll and growing each fiscal year through 2022 as currently projected by CalPERS. See estimated impacts to Hayward's rates below in Table 2.

#### Purpose of Adopted Methodology Changes

While the revised methods are designed to create a sustainable CalPERS plan by improving funding levels and reducing the overall funding-level risk, the cumulative changes result in a significant increase in Hayward's employer contribution rates through FY 2022; and in the very long-term (absent additional assumption changes), result in stabilized employer rates.

#### Estimated Rate Impacts

The new valuations the City received in November 2015 reflect rate projections that include all of the rate actions taken by the CalPERS Board to date. Table 2 provides a detailed summary of our revised CalPERS employer rates based on the October 2015 valuation. Per the CalPERS rate projections, by FY 2022, rates for Miscellaneous, Fire, and Police, are estimated to be 32.5%, 53.7%, and 59.7%, percent of payroll, respectively.

**Table 2: CalPERS Rate Comparison & Growth**

	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
<b>Miscellaneous</b>									
CalPERS 10/2015 Valuation	19.70%	22.1%	24.47%	26.39%	28.10%	29.80%	31.40%	32.00%	32.50%
<b>Change over prior year</b>		<b>2.36%</b>	<b>2.41%</b>	<b>1.92%</b>	<b>1.71%</b>	<b>1.70%</b>	<b>1.60%</b>	<b>0.60%</b>	<b>0.50%</b>
<b>Police</b>									
CalPERS 10/2015 Valuation	35.19%	39.80%	42.40%	47.22%	50.08%	54.50%	58.10%	59.00%	59.70%
<b>Change over prior year</b>		<b>4.61%</b>	<b>2.60%</b>	<b>4.82%</b>	<b>2.86%</b>	<b>4.42%</b>	<b>3.60%</b>	<b>0.90%</b>	<b>0.70%</b>
<b>Fire</b>									
CalPERS 10/2015 Valuation	33.40%	37.15%	40.40%	43.12%	46.10%	49.10%	52.10%	52.80%	53.70%
<b>Change over prior year</b>		<b>3.75%</b>	<b>3.25%</b>	<b>2.73%</b>	<b>2.98%</b>	<b>3.00%</b>	<b>3.00%</b>	<b>0.70%</b>	<b>0.90%</b>

Table 2 provides a summary of rate increases since 2014. Rates for FY 2014 – FY 2017 are actual assessed rates, and FY 2018 – FY 2022 are estimates as provided by CalPERS. CalPERS rates are assessed as a percentage of payroll and the increases reflected in Table 2 demonstrate the percentage increase of payroll. Another way to summarize the increase in CalPERS rates is to look at the year-over- year percentage increase. Using the chart above, the average growth

increase in rates from FY 2015 to FY 2021 is about 65%. The trajectory of the rate increases reduces beginning in FY 2021. The estimated budget impact to the General Fund in FY 2017 is about \$2 million over FY 2016.

#### Funding Status & Plan

The City is fully meeting its annual required contribution (ARC) amounts based on the CalPERS premium rates. Given the new CalPERS “smoothing” methodology, the long-term intent is to fund the City’s liability over the 30-year amortization period. See Attachment I for further discussion regarding funding policies.

#### **Retiree Medical (OPEB)**

*Annual Required Contribution (ARC): \$7.7 million*

*Unfunded Liability: \$75 million*

#### Components of OPEB \$7.7 million ARC:

\$2.7 million: Current Retirees (“pay as you go”) – FY 2016

\$5.0 million: Unfunded Actuarial Liability – FY 2016

The retiree medical benefit represents the second largest benefit liability, and is the most significantly underfunded of the City’s benefit liabilities. By City Council resolution – and as agreed to with some bargaining groups – the City provides certain health care benefits for employees who retire directly from the City with at least five years of City service (most bargaining groups require ten years of service) and who are vested in the California Public Employees Retirement System (CalPERS). The City participates in the CalPERS health care plan, which is governed under the California Public Employees Health and Medical Care Act (PEMCHA).

The City contributes a fixed dollar amount for retiree medical benefits for all employees, except sworn police employees hired before June 12, 2012 (rate tied to Kaiser plan rates), with amounts varying by employee bargaining group and coverage level as governed by PEMCHA. Benefits continue for surviving spouses in amounts as required by PEMCHA. As of June 30, 2015, approximately 602 retirees were eligible and were receiving retiree health care benefits from the City at an annual cost of about \$2.7 million, which is the “pay as you go” amount the City currently pays.

There are approximately 687 active employees that may be eligible to receive health care benefits upon retirement. This group of employees represents the number of eligible, current employees and it is the City’s current maximum exposure; it does not necessarily mean all of these employees will either retire with the City or ultimately meet the requirements for receiving this benefit. Similar to the CalPERS retirement plan, the increased life longevity of retirees places a stress on the benefit. The updated actuarial valuation of our local Plan will consider these impacts within its analysis.

#### Funding Status & Plan

The current annual required contribution (ARC) was determined as part of a May 1, 2014 actuarial valuation by Cheiron, the City’s previous OPEB Actuary. This valuation analysis considered benefits that are expected to be earned in the future as well as those already accrued, and is required by the Governmental Accounting Standards Board (GASB) to be completed

every two years. An updated actuarial valuation is underway and should be completed within the next two months by Bickmore.

The City's OPEB unfunded actuarial accrued liability is amortized as a level percentage of projected payroll using a closed thirty-year amortization period that has twenty-four years remaining as of the latest valuation date. The minimum funding target is the Annual Required Contribution (ARC), currently estimated at \$7.7 million and will likely increase with the new valuation. In the past, the City only funded the "pay as you go" portion of the plan. As of FY 2014, pursuant to City Council direction, the City began contributing toward the cost of the UAL both through direct City contributions, as well as employee contributions pursuant to some bargaining unit agreements. Payments for both components of the ARC are built into payroll to spread the cost appropriately across all City funding sources.

While the City is not fully funding the UAL, the City has made great progress toward this goal. The City's Ten-Year General Fund Plan includes phasing this cost in until the full ARC is achieved in FY 2022. Pursuant to the valuation, if the City fully funded the ARC, the City would pay for current costs and fund the future liability by the end of the amortization period. Because the City has not fully funded the ARC, the City will not meet this goal without additional funding allocations. See Attachment I-A for further discussion regarding funding policies.

### **Workers' Compensation**

*Current Annual Cost: \$4.8 million*

*Unfunded Liability: \$8.7 million*

The City is self-funded for Workers' Compensation and began its program on July 1, 1975. While the City fully funds present day costs, it does not fully fund future liability. Payments are made to the Workers' Compensation Self-Insurance Fund by transfers from all City funds through established rates assessed against payroll pursuant to classification type. The amount of payments made by the City into the Workers' Compensation Self Insurance Fund is determined by an actuarial analysis conducted by an outside actuary (Bickmore). These accruals represent estimates of amounts to ultimately be paid for reported claims, past experience, recent claim settlement trends, and other information. Funds are available to pay claims and administrative costs of the program on a pay-as-you-go basis.

It is important to understand that payments on indemnity claims may be made over a very long period of years. Indemnity claims are those in which future medical care is projected to be needed for the injured worker and the cost is largely dependent on the type and severity of the injury, as well as whether or not the claimant is a sworn employee.

### **Funding Status & Plan**

Pursuant to the current actuarial valuation conducted for the program, a funding status of 70%–85% is recommended. Table 1 shows that the City is currently at about a 56% funding level, which is an increase from previous years. Staff recommends funding at the 80% level and beginning in FY 2013, implemented a plan to build the fund balance toward achieving that funding level. Workers' Compensation rates charged against live payroll include a component of cost (about \$1 million/year) toward unfunded liability. Once the 80% funding level is reached (about \$10 million in fund balance reserved for future liability) – the Workers' Compensation rates will be adjusted downward. Staff recommends that the City continue with this plan until the funding goal is reached.

## Accrued Leave Payouts (Compensated Absences)

*Current Annual Cost: varies*

*Unfunded Liability: \$7.1 million*

It is the City's policy to permit employees to accumulate earned but unused vacation and sick leave benefits. The City records the cost of vacation and sick leave as "earned." Earned vacation and sick leave that is taken during the year is payable from the fund(s) to which the employee's salary or wage is charged. When an employee retires or otherwise leaves the City, vacation balances are paid out to the employee, and in some cases, some of the accumulated sick leave is also paid out (pursuant to bargaining unit agreements). These payouts are paid through a department's budget from vacancy salary savings – and are not specifically budgeted for as a separate line item.

### Funding Status & Plan

Staff has taken strong action to lower this liability during the past three years by managing employees to approved vacation caps. This has helped to prevent large accrued leave payouts to retiring or terminating employees. The total liability has reduced from the FY 2012 balance of \$10.7 million to the FY 2015 balance of \$7.1 million – a 33.6% reduction in liability. However, while progress has been made in this area, it has been a challenge to get all employees below the cap due to staffing shortages compounded by increasing workload.

**Table 3: Accrued Leave Liability History**

	Unfunded Liability	Change from prior Year
FY 2007	7,003,161	
FY 2008	7,685,961	682,800
FY 2009	7,477,214	(208,747)
FY 2010	9,250,970	1,773,756
FY 2011	10,497,994	1,247,024
FY 2012	10,701,569	203,575
FY 2013	8,589,354	(2,112,215)
FY 2014	7,230,041	(1,359,313)
FY 2015	7,104,541	(125,500)

Accrued Leave payouts are currently absorbed within each department's budget appropriation. In practice, the salary savings achieved through normal attrition and the vacancy created by the exiting employee cover the cost of these payouts. In general, departments have had enough salary savings to accommodate this cost.

A possibility to further fund this liability is to build a funding mechanism into payroll as a component of the fringe benefit rate (e.g., 1% of payroll for non-sworn and 2% of payroll for sworn positions). This would result in a budgeted increase to the City budget without offsetting budgetary decreases – about \$1.4 million to the General Fund. While this might provide a segregated funding source that would prevent spikes to department payroll budgets for large payouts, it does increase the overall City payroll budget. Given the City's fiscal challenges, it does not seem a prudent use of City resources at this time to add this cost. Staff recommends maintaining the current methodology of actively managing employee's leave balances to lower the overall liability. This has been successful these past several years as demonstrated in Table 3.

## NEXT STEPS

Staff will continue to actively manage benefit liabilities and report annually to the Council Budget & Finance Committee and the City Council on the funding status of these benefit liabilities, including review of existing Council policies regarding funding.

*Prepared and Recommended by:* Tracy Vesely, Director of Finance

Approved by:



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Fran David, City Manager

Attachment

Attachment I-A    Adopted Benefit Liability Policies



# ADOPTED FY 2016 FINANCIAL POLICIES

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## Benefit Liabilities Funding Plan & Policies

Unfunded liabilities are defined as identifiable obligations of the City for which the organization does not have 100% of the funding (cash or other assets) set aside to cover the cost should all obligations become immediately and simultaneously due. The City's primary benefit liabilities include:

- California Public Employees' Retirement System (CalPERS)
- Other Post-Employment Benefits (OPEB) – Retiree Medical Benefits
- Workers' Compensation
- Accrued Leave Payouts

Council shall identify appropriate funding levels for each benefit liability considering the associated risk that the unfunded portion of the obligations present to the organization, timing of the liability's ultimate due date and realistic and responsible management of the organization's cash flows. The funding policies for each of these benefit liabilities is as follows:

### Overarching Benefit Liability Funding Policy

1. The City Manager will incorporate in each proposed operating budget funding toward the City's benefit liabilities as appropriate and fiscally prudent; and the City Council will review and incorporate some level of this recommended funding in its adopted budget as appropriate and fiscally prudent.
2. All allocations toward funding benefit liabilities shall be attributed to the appropriate City revenue funds (e.g., General Fund, Enterprise Funds, etc.).
3. Upon receipt of any one-time funds – beyond funds needed to maintain the City's desired service levels and supporting operating expenditures – Council should review the City's benefit liabilities and assess whether some or all of the one-time money should be used to pay down one or more of the benefit unfunded actuarial liabilities (UAL) before expending the funds in other areas, with the Retiree Medical UAL having first priority.
4. The City Manager will constantly seek to identify innovative methods of reducing the City's benefit liabilities to achieve long-term fiscal stability – including, but not limited to, the reduction of healthcare costs.

### California Public Employee Retirement System (CalPERS)<sup>1</sup>

1. Pursuant to the CalPERS rate structure, the City is currently paying its Annual Required Contribution (ARC) – and shall continue to do so.
2. Council will strive to attain an 80% funding level of its CalPERS benefit liabilities.

### Retiree Medical (Other Post Employment Benefit - OPEB)

1. Council will strive to attain full funding of the ARC.

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<sup>1</sup>Although a prepayment to pay down the City's CalPERS liability will reduce the City's unfunded actuarial liability and save money in the long-term, it will have little impact on current costs. Given other competing financial priorities, it may be difficult to justify allocating additional funding toward the CalPERS liability, especially in the absence of any short-term benefit of doing so, but that decision should be made thoughtfully and within the over-arching philosophy of reducing all unfunded liabilities to a financially prudent level.

## ADOPTED FY 2016 FINANCIAL POLICIES

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2. Council will strive toward attaining an 80% funding level of its OPEB benefit liability.

### **Workers' Compensation<sup>2</sup>**

Council will strive to attain an 80% funding level of its Workers' Compensation benefit liability.

### **Accrued Leave**

The City Manager will continue actively managing employee's leave balances below established caps to prevent excessive accumulation of leave and increased liabilities.

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<sup>2</sup> The City has implemented a funding plan through the current Workers' Compensation rate structure (rates include element toward UAL) to gradually bring the level of plan funding to 80%.



# CITY OF HAYWARD

Hayward City Hall  
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## Staff Report

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**File #:** CONS 16-163

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**DATE:** April 5, 2016

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Resolution Accepting the Resignation of Mr. Jason Escareno from the Keep Hayward Clean and Green Task Force and Mr. Joseph Davis from the Downtown Hayward Business Improvement Area Advisory Board

**RECOMMENDATION**

That the City Council adopts a resolution accepting the resignation of Mr. Jason Escareno from the Keep Hayward Clean and Green Task Force and the written resignation of Mr. Joseph Davis from the Downtown Hayward Business Improvement Area Advisory Board.

**BACKGROUND AND DISCUSSION**

Mr. Jason Escareno was appointed to the Keep Hayward Clean and Green Task Force on September 15, 2015, and Mr. Joseph Davis was appointed to the Downtown Hayward Business Improvement Area Advisory Board on September 16, 2014.

Resignations of both individuals become effective immediately. Their vacated position will be filled as part of the annual appointment process for the City's appointed officials to Boards, Commissions, and Committees.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:

Fran David, City Manager

Attachments:

Attachment I Resolution

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**File #:** CONS 16-163

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Attachment II Resignation Letter

HAYWARD CITY COUNCIL

RESOLUTION No. 16-

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

RESOLUTION ACCEPTING THE RESIGNATION OF JASON ESCARENO FROM THE  
KEEP HAYWARD CLEAN AND GREEN TASK FORCE AND JOSEPH DAVIS FROM THE  
DOWNTOWN HAYWARD BUSINESS IMPROVEMENT AREA ADVISORY BOARD

WHEREAS, Mr. Jason Escareno was appointed to the Keep Hayward Clean and Green Task Force on September 15, 2015, and Mr. Joseph Davis was appointed to the Downtown Hayward Business Improvement Area Advisory Board on September 16, 2014;

WHEREAS, the Council hereby accepts the resignation of Jason Escareno from the Keep Hayward Clean and Green Task Force, and the written resignation of Joseph Davis from the Downtown Hayward Business Improvement Area Advisory Board; and commends them for their civic service to the City.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016.

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

March 30, 2016

Re: Resignation from DBIA

To Whom It May Concern:

Due to a recent change in employment that has taken me out of the downtown Hayward the by-laws of the DBIA require I resign from the DBIA. As such I am submitting this letter of resignation effective immediately. It has been a pleasure to sit on such an involved board. The dedication to improving the Downtown Hayward area is evident and continues to be a focus. While my employment will take me outside of the Hayward Area, I will continue to be involved in the community through the Chamber and the relationships I have built.

Regards,

**Joe Davis, MBA**

VP, Banking Center Manager

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Opus Bank

4020 Blackhawk Plaza Circle, Danville, CA 94506

**P.** 925.648.5902 | **M.** 925.642.2700

[opusbank.com](http://opusbank.com) | [Directions](#) | [Twitter](#) | [LinkedIn](#)



# CITY OF HAYWARD

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## Staff Report

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**File #:** WS 16-024

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**DATE:** April 5, 2016

**TO:** Mayor and City Council

**FROM:** Director of Utilities and Environmental Services

**SUBJECT**

East Bay Community Energy

**RECOMMENDATION**

That Council reviews and comments on this report.

**SUMMARY**

Alameda County and the cities within Alameda County are exploring the possibility of establishing a community choice aggregation program also known as a community choice energy program. At this meeting, County staff will present an overview of community choice energy, the current status, and next steps for the potential County-sponsored program.

**BACKGROUND**

In June 2014, the Alameda County Board of Supervisors, allocated \$1.3 million to exploring the possibility of establishing a community choice aggregation (CCA) program, which is being called East Bay Community Energy (EBCE). If established, EBCE would be a joint powers authority (JPA) that aggregates electricity demand within participating Alameda County jurisdictions in order to procure electricity for its customers. Pacific Gas & Electric Company would continue to provide customer billing, transmission, and distribution services.

On April 7, 2015, Council received [an overview <http://www.hayward-ca.gov/cce>](http://www.hayward-ca.gov/cce) about community choice energy and designated Council Member Al Mendall as Hayward's representative on the Alameda County Community Choice Aggregation Steering Committee established by the Alameda County Board of Supervisors. The Steering Committee has been meeting monthly since June 2015 and has thirty-nine members. It is comprised of elected officials, six staffers from Alameda County jurisdictions, several residents, and representatives from organized labor, environmental groups, and community groups.

On December 8, 2015, the Board of Supervisors authorized a contract with a consultant team led by [MRW and Associates <http://www.mrwassoc.com/>](http://www.mrwassoc.com/) for preparation of the technical study, which will include analysis of possible energy portfolio scenarios, related greenhouse gas emissions, and projected rates.

The Steering Committee was asked to rank the goals for the potential program. The goals as ranked by the Steering Committee are that “East Bay Community Energy should offer...”

1. An electric supply portfolio with a lower greenhouse gas (GHG) intensity than PG&E.
2. An electric supply portfolio that has a higher renewable energy content than is offered by PG&E and also meets or exceeds the State's renewable portfolio standard.
3. An electric supply portfolio and CCA program offerings that support the achievement of city and county Climate Action Plan goals.

The following two issues roughly tied for fourth:

4. Overall rates and customer bills that are lower than or competitive with those offered by PG&E.
4. An administering Agency that is financially sustainable, responsive to County and regional priorities, and well managed.

Staff has provided [several updates <http://www.hayward-ca.gov/cce>](http://www.hayward-ca.gov/cce) to the Council Sustainability Committee on the topic of CCAs and community choice energy over the last two years. On March 14, 2016, the Council Sustainability Committee discussed recommendations that County staff made regarding the JPA. The EBCE JPA Board would be served by one primary member and one alternate from each member agency. The primary Board member would be an elected official. Voting would be by simple majority for most votes, except that members may call for weighted voting based on a city's energy use. The JPA would have the power to contract, employ, incur debt, and issue bonds.

During a Steering Committee meeting in February this year, Hayward's representative indicated his general agreement with the County's recommendations regarding the JPA and the provision for weighted voting. Staff is currently reviewing the draft JPA agreement that was recently provided by the County.

## **DISCUSSION**

At tonight's work session Alameda County staff will provide an overview about EBCE, the potential benefits and risks, the status of the technical study that is underway, the timeline leading to launch of the program, and plans for outreach to community groups and customers. A staff memo provided by the County and a frequently asked questions document are attached as Attachment I and Attachment II.

## **ECONOMIC IMPACT**

Assuming the EBCE program is established, after two to three years of operation it may have the revenue and credit history needed to invest in local renewable energy generation that will create local jobs. As noted above, the Steering Committee's priority for “overall rates and customer bills that are lower than or competitive with those offered by PG&E” ranked fourth, below GHG emissions, renewable energy content, and achievement of climate action goals. More specific information about job creation and rates



will be available when the technical study is released later this year.

## **FISCAL IMPACT**

The County has indicated that member agencies are not expected to contribute to start-up costs. The County's expenses associated with the current exploratory efforts would be repaid by program revenues. Hayward will not be liable for debt issued to the JPA. Prior to making any final program recommendations, staff is reviewing the draft JPA agreement to ensure that the City would be protected from financial risk if Hayward joins the JPA.

## **SUSTAINABILITY FEATURES**

The EBCE program is directly in line with General Plan policy NR 4.8, which states, "The City shall assess and, if appropriate, pursue participation in community choice aggregation, or other similar programs. The City shall seek partnerships with other jurisdictions to minimize start up and administration costs."

In addition, the program would likely have the following sustainability features or benefits:

*Energy:* Electricity/natural gas/other fossil fuels.

A primary goal of the EBCE program would be to provide electricity from clean and renewable sources that reduces our reliance on fossil fuels.

*Air:* Air emissions of pollutants.

EBCE would minimize pollutants and has the potential to reduce GHG emissions, helping Hayward to meet its Climate Action goals.

*Purchasing:* Consistent with the City's Environmentally Preferred Purchasing Policy.

EBCE would meet the environmental and economic priorities of its member agencies.

## **PUBLIC CONTACT**

The Steering Committee and Sustainability Committee meetings listed above have been open to the public. This Council meeting is the beginning of a robust public education and outreach campaign that County staff will manage through and beyond launch of the program.

## **NEXT STEPS**

Staff will return to Council in the summer with results from the technical study, which will include information about possible rates and percentages of renewable energy that would be offered. Staff will likely return to Council in September with a possible recommendation for adoption of the JPA agreement and associated ordinance. The tentative deadline to join the JPA is October 31, 2016 and the first JPA Board meeting would be in November 2016. The County's goal is to launch EBCE in the spring of 2017.

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**File #:** WS 16-024

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Prepared by: Erik Pearson, Environmental Services Manager

*Recommended by:* Alex Ameri, Director of Utilities and Environmental Services

Approved by:

A handwritten signature in black ink, appearing to read 'Fran David', with a stylized, flowing script.

Fran David, City Manager

Attachments

Attachment I  
Attachment II

Alameda County Community Development Agency's Staff Memo  
Frequently Asked Questions



## ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

Chris Bazar  
Agency Director

224 West Winton Ave  
Room 110

Hayward, California  
94544-1215

phone  
510.670.5333  
fax  
510.670.6374

[www.acgov.org/cda](http://www.acgov.org/cda)

## MEMORANDUM

DATE: March 29, 2016

TO: Alameda County City Councils and City Managers

FROM: *CB* Chris Bazar, Alameda County Community Development Director

RE: **East Bay Community Energy**

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Thank you for the opportunity to address your elected body; we are very excited about the road ahead as we make our way towards the creation of an Alameda County Community Choice Aggregation (CCA) energy program.

As you may know, the Alameda County Board of Supervisors voted unanimously in June 2014 to allocate \$1.3M to explore the creation of a CCA program, and directed County staff to undertake the steps necessary to evaluate its feasibility. CCA enables local jurisdictions to procure electricity on behalf of customers within their borders. Established by AB117 in 2002, California currently has four active CCA Programs in Marin, Sonoma, and San Francisco Counties, as well as the City of Lancaster. Dozens of other local governments are exploring CCA options across the State.

Here in Alameda County we are now more than 18 months into a rigorous community process that includes representation from all eligible cities in our County, as well as a robust steering committee that includes stakeholders from environmental and social justice organizations, labor, regional government, and more. One of the major milestones in assessing the viability of a CCA program is completion of a technical/feasibility study, which we expect will be completed in the next two months.

Assuming we get results from our technical study comparable to what other jurisdictions have seen, we expect a CCA program would be very feasible and could result in an East Bay Clean Energy program serving 1.5 million residents that would be the largest in the state. Our technical study also includes an economic development and job creation element to ensure project benefits can be achieved locally.

Our work in creating a Joint Powers Agency (JPA) is also well underway. A draft document is being reviewed by your City Attorneys in coordination with our County Counsel; the object is to help City Attorneys become comfortable with the terms and language for eventual inclusion of the jurisdiction into the JPA. We hope to have every eligible city in Alameda County as a member of the JPA by Fall 2016.

Through the spring and summer we will be visiting each city represented on the steering committee (all cities in the County except Alameda) with a brief introduction/preview into the CCA concept, plus an update on the work to date. These presentations are intended to cover CCA generally, answer any questions about the process, and help prepare the various City Councils/City Managers to take the necessary steps to join the JPA in the fall of 2016.



# CCA Community Choice Aggregation



The County welcomes your participation and that of all interested stakeholders.

As a stakeholder, you are invited to receive updates and notices about the County's exploration of a Community Choice Aggregation program.

Sign up for this Alameda County list serve at,  
[www.acgov.org/cda/planning/esubscribe.htm](http://www.acgov.org/cda/planning/esubscribe.htm)

For any questions or comments, please contact  
**Bruce Jensen**  
[bruce.jensen@acgov.org](mailto:bruce.jensen@acgov.org)  
510-670-5400

## Frequently Asked Questions

This document is intended to clarify questions about a potential Community Choice Aggregation (CCA) program in Alameda County. County staff is working with stakeholders and local government officials to examine the economic benefits, risks, and feasibility of CCA in Alameda County.

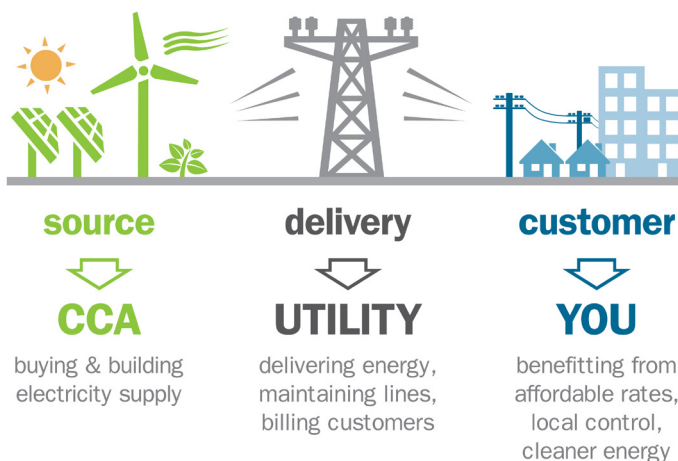
### What is Community Choice Aggregation (CCA)?

Community Choice Aggregation enables the County and/or its cities to pool the electricity demand of participating communities' homes, businesses, and municipal facilities to buy and/or develop power on their behalf. The electricity continues to be distributed and delivered over the existing electricity lines by the incumbent utility, which is Pacific Gas and Electric (PG&E) in Alameda County.

### How does CCA work?

The CCA operates as a non-profit public agency with a publicly accountable board of directors. Based on the values of participating communities, the CCA can choose what type of electricity to purchase and where the electricity originates (or is produced) geographically. This means that the CCA program can buy renewable, low carbon emission energy and support the State and local economy by purchasing energy produced in the State of California, regionally and locally. It can also offer locally tailored energy programs and attractive financial tools that support energy efficiency programs, ownership of rooftop solar and other renewable technologies and strategies.

### How Local Energy Aggregation Works





## Is CCA a market-based approach?

Yes, CCA is a market-based approach enabled through Public-Private Partnerships. Unlike other services such as phone, cable, and internet, owners of homes and businesses do not currently have a choice of electricity supplier. As a regulated monopoly, PG&E does not have any competitors forcing them to provide lower rates, cleaner energy, or innovative services. What makes CCA so powerful is that it supports several levels of market competition: first by providing a choice to consumers and second by sourcing its power through a competitive process whereby private energy companies and project developers compete to provide clean power at the lowest price.

## Are CCA programs successful?

Community Choice Aggregation is currently available in seven states including California, Illinois, Massachusetts, New York, Ohio, New Jersey, and Rhode Island. CCA is a flexible tool that is successful in both small rural counties and in large urban cities. In California, Marin Clean Energy was the first CCA program in the state. It started with 14,000 customers three years ago and now has over 165,000 customers. Sonoma County also successfully launched a CCA program in 2014, and the City of Lancaster began its own program in May 2015, and the City and County of San Francisco will launch its program in May 2016.

## What other California Counties/Communities are exploring CCA?

Communities throughout California are exploring CCA, including the cities of San Francisco and San Diego, San Mateo County, Monterey County, San Luis Obispo County, Santa Cruz County, San Benito County, Santa Barbara County, Yolo County, and several cities in Silicon Valley.

## How will customers be impacted if a CCA is created in Alameda County?

Day-to-day, most customers will not notice any change other than a CCA line item on their utility bill that replaces PG&E electric generation charges with the CCA's electric generation charges. The real difference is that the electricity procured on their behalf is cleaner, with fewer greenhouse gas emissions than what is currently offered by PG&E. In addition, customers will probably notice that their electric generation rates are lower and remain more stable, and that they have access to new energy efficiency and other clean energy programs helping to make their home or business more comfortable and cost effective. They may also notice more clean energy projects going on in their community (e.g., new solar installations on schools or municipal buildings).

## How would an Alameda County CCA be funded?

Like any worthwhile investment, CCA formation requires an initial start-up investment and an attractive return. Start-up costs are estimated at about \$3.25 million. This small investment establishes a much larger publicly held joint powers agency focused on clean energy and investment of electricity revenues here at home. After operation begins, the CCA is self-funded through ratepayer revenues and the start-up investment provided by the County will be paid back.

## Are all cities in the County required to participate?

A CCA does not have the authority to compel any city to participate, and any city can choose to remain with the original utility (in this case, PG&E). A City may also decide to join at some point after CCA program establishment.



# Frequently Asked Questions

## Would customers have to participate in a CCA if they are in the service area?

No. Although the CCA would become the default service provider of electricity for the County and any participating cities, customers always have the choice to purchase their energy from the existing investor-owned utility company. Prior to the beginning of a CCA's operation, all electricity customers will receive at least four "opt-out" notices during a sixty-day period at which time anyone can opt-out of the program at no cost. There is an additional sixty-day period after the start of the program during which any customers can opt out at no cost. After that, customers may still opt-out for a nominal fee. After opting-out, the customer is prohibited from returning to the CCA for a period of one year.

## Will taxes increase?

A CCA does not have the ability to tax and has no impact on taxes. A CCA is completely revenue funded, requiring zero tax dollars from customers or participating communities.

## What about PG&E? Where do they fit in?

PG&E remains an important partner in an Alameda County CCA program. Under a CCA, PG&E continues to deliver reliable power, maintain the power lines, respond to service outages, and handle customer billing. Customers will still notice PG&E's distinct blue service trucks working in their neighborhood and community. Alameda County is committed to supporting a successful partnership with PG&E. PG&E is an investor-owned utility, operating as a regulated monopoly by the State of California. Under its agreement with the State, PG&E is guaranteed an annual shareholder return to reliably deliver power and to build and maintain power lines. Per statute and codified in the CCA/Utility Service Agreement, PG&E must fully cooperate with any community that wishes to form a CCA program.

## Would County or City General Funds be at risk?

Within the joint powers agency structure, there is no risk to local government general funds. A CCA's budget is completely separate from the general funds of participating local governments, protecting both local governments and the CCA. Additionally, pressure on general funds may be alleviated due to an increase in financial and human resources focused on energy and climate goals throughout the region.



## How would a CCA's rates compare to current rates?

Studied observation of both forming and operating CCAs in California indicates that rates will be competitive with PG&E and are likely to remain so for the foreseeable future. Though there is no guarantee, Community Choice Aggregation programs in California and other states have frequently offered lower rates than their investor-owned utility competitors.

## How would a County / Regional CCA be structured?

A CCA operates as a non-profit public agency with a publicly accountable board of directors made up of elected officials from participating communities. A CCA uses a very common legal structure for municipal public entities called a Joint Powers Authority (JPA). The JPA creates a legal structure that separates participating local governments and the CCA from any transfer of financial risk. Since a CCA operates as a public business, it would strategically maintain a lean staff; operation and administration expenses in both Marin and Sonoma account for only 5-6% of their CCA's overall operating budget.

# Frequently Asked Questions

## How is a CCA program set up?

Local governments must pass an ordinance to join a CCA program, and the CCA agency must draft an Implementation Plan that is approved by the CPUC. This is typically done after an initial technical study to determine the amount of electricity that will be required and to examine a CCA's ability to be cost competitive with PG&E. The Implementation Plan outlines how the CCA will function, how it will set rates, how it will procure electricity, and how it will carry out all other functions required under CPUC regulations.

## Isn't renewable power more expensive than regular electricity? Wouldn't a CCA's rates be higher?

The dominant trend over the past thirty years for the classic fossil-fueled source of electricity has been towards increased costs. The dominant trend over that same time period for renewable energy has been towards decreased costs, and this trend continues to accelerate. Once the initial investment is made, the fuel for most renewable technologies, like wind and solar, is free. In many places in the United States, including California, renewable energy is competitive or cheaper than fossil fuels. California has abundant solar, geothermal, wind and (potentially) tidal energy resources that have yet to be tapped. To date, CCAs in California have been able to offer 25-30% cleaner energy at lower costs to the customer than PG&E.

## What about natural gas? Isn't it cheap right now?

Yes, compared to historical levels, natural gas is inexpensive right now. Future natural gas prices are uncertain, however, and many experts expect prices to rise in the near future when considering increasing US exports to meet growing demand in developing markets such as China and India. A CCA would strive to achieve the best balance between cost and environmental benefits, which may include a natural gas component. Some CCA programs, however, have made policy decisions to not procure coal or nuclear resources to supply their local power needs.

## Do the electrons purchased or generated by the CCA actually go to my house?

No, when we say that the CCA supplies power to customers, we mean that the CCA puts the same amount of electricity onto the grid that its customers use. When the individual electrons from all power resources go onto the grid no one can determine which electrons go where. Think of it as depositing \$100 in one ATM and taking out \$100 in another. It's not the same \$100 bill, but it's still your money. One can think of electricity in the same way. If you consume 500 kilowatt-hours in a month, the CCA must supply 500 kilowatt-hours to the grid on your behalf. The advantage of a CCA is that what's supplied to the grid on your behalf can be both cleaner and less expensive than what PG&E is putting on the grid.

## If I installed solar panels on my home or business, would I need a Power Purchase Agreement to sell our excess energy to a CCA?

No. This is called net metering, and the CCA would be able to offer property owners fair market rates for their excess energy production without a Purchase Power Agreement, even if that solar installation took place before the CCA launched. CCAs have been able to offer better net metering rates for customers who generate surplus electricity, and those customers would automatically be enrolled into a CCA's net metering program, unless they choose to opt-out and remain with PG&E. Larger solar projects that are "in front of the meter" can also be facilitated under a CCA's feed-in-tariff program which uses a standard power contract with set prices to buy all the power generated from that facility on behalf of CCA customers.

## Are there other websites/resources I can check out?

Yes.

For information about Marin's CCA program, visit:

**[www.mcccleanenergy.com](http://www.mcccleanenergy.com)**

For information Sonoma's CCA program, visit:

**[www.sonomacleanpower.org](http://www.sonomacleanpower.org)**

For general information about CCA, visit:

**[www.leanenergyus.org](http://www.leanenergyus.org)**



# CITY OF HAYWARD

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## Staff Report

**File #:** WS 16-025

**DATE:** April 5, 2016  
**TO:** Mayor and City Council  
**FROM:** Director of Library and Community Services  
**SUBJECT:** FY 2017 Community Agency Funding Recommendations including Community Development Block Grant (CDBG), Social Services, and Arts/Music; and Discussion of the CDBG Annual Action Plan and the CDBG Citizen Participation Plan

### RECOMMENDATION

That the Council reviews and comments on this report. Staff has attached a draft funding resolution (Attachment I) that will be presented to the Council for adoption on April 21, 2016.

### SUMMARY

The FY 2017 Community Agency Funding recommendations for the Community Development Block Grant (CDBG), Social Services, and Arts/Music grant programs are presented in this report. The FY 2017 Community Agency Funding Recommendations were developed in compliance with the City's federally-mandated and Council-authorized [CDBG Citizen Participation Plan <http://hayward-ca.gov/sites/default/files/documents/Citizen-Participation-Plan2013.pdf>](http://hayward-ca.gov/sites/default/files/documents/Citizen-Participation-Plan2013.pdf), in accordance with the Council-authorized [City of Hayward CDBG Compliance Policy Manual <http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/LIBRARY-&-COMMUNITY-SERVICES/DOCUMENTS/2014/CDBG\\_Manual\\_2014.pdf>](http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/LIBRARY-&-COMMUNITY-SERVICES/DOCUMENTS/2014/CDBG_Manual_2014.pdf), and supported by the efforts of the Council-appointed [Community Services Commission <http://hayward-ca.gov/your-government/boards-commissions/community-services-commission>](http://hayward-ca.gov/your-government/boards-commissions/community-services-commission) (CSC).

The FY 2017 funding recommendations for HUD-required fair housing activities and City of Hayward operated projects are provided in this report. The FY 2017 Community Agency Funding Recommendations are provided as Attachment II.

Allocations of FY 2016 CDBG funds are sourced in the CDBG special revenue fund, and as such they are subject to budget authorization by Congress. Social Services and Arts/Music allocations are sourced from the City of Hayward General Fund, and are subject to final Council authorization in the City's FY 2017 Adopted Annual Budget.

#### Summary of FY 2017 Recommended Funding (All sources)

CATEGORY	AMOUNT
CDBG - Grants to community agencies	253,500
General Fund - Social Services grants to community agencies	450,000
General Fund - Arts & Music grants to community agencies	81,955
<b>Total Grants to Community Agencies</b>	<b>785,455</b>
CDBG - City-operated services	492,360
CDBG - HUD required fair housing activities	51,000
<b>Total City-Operated Services and HUD-Required Fair Housing</b>	<b>543,360</b>



**GRAND TOTAL FY 2016 Recommended Funding (All Sources)     \$1,328,815**

Because the final adopted amounts of available FY 2017 funding are not yet known, the FY 2017 Funding Recommendations were established using estimates of available funding. When the exact amount of available funding has been determined, the Council-approved allocations will be adjusted on a percentage basis as needed.

**BACKGROUND**

***FY 2017 CDBG Program Overview***

During FY 2017, the City will administer CDBG funds received from the U.S. Department of Housing and Urban Development (HUD). Because of Hayward's population size, it is considered a CDBG Entitlement jurisdiction. Formula funding is provided annually upon HUD's approval of Council's CDBG allocations, which form the substantive portion of the City's CDBG Annual Action Plan. The formula by which CDBG Entitlement funding is determined considers the total Congressional budget appropriation to HUD, and is calculated according to each Entitlement jurisdiction's population size and poverty level derived from the most recent Census data.

In recent years, reductions in the federal budget have diminished the City's CDBG Entitlement formula allocation from HUD. The City's CDBG Entitlement allocation has shrunk approximately 24% over the last six fiscal years. On December 16, 2015, Congress approved the Federal Fiscal Year 2016 Omnibus Appropriations Bill, which resulted in a 0% reduction to CDBG Entitlement jurisdictions from Federal FY 2015 appropriation levels. In FY 2015, the City of Hayward's final CDBG entitlement allocation was \$1,402,417. In FY 2016, the adjusted allocation will be \$1,405,002.

In FY 2015, HUD conducted a major thirty-year reconciliation of the entire City of Hayward CDBG program going back to its inception in 1986. As a result of that significant review, several recommendations were made by HUD for utilizing unspent funds on new projects, closing out inactive projects, and returning funds to the City's CDBG/HUD line of credit. The last recommendation yet to be implemented is the closeout of a past CDBG project at the Hayward Animal Shelter to replace the aging HVAC system in that facility. The project was completed successfully and the HVAC system was replaced in 2011. Subsequent to the project completion, HUD initiated the comprehensive reconciliation of all CDBG programs.

The HVAC replacement project remained under HUD review for an extended period until March 2016. At that time, HUD determined that the project did not meet its national standards for CDBG funds, and requested that the cost of the project (\$146,000) be debited against the City's FY 2017 entitlement grant award. Staff responded that the project did meet HUD national guidelines at the time the project was completed. HUD rejected that assertion, but ultimately agreed to close out the file and complete the reconciliation, and allowed the City to debit the project cost against the FY 2017 entitlement award. This arrangement allows the City to continue to receive the benefit of the completed project, without returning any funds to HUD. The debit has no significant impact to the overall FY 2017 entitlement award, which remains essentially unchanged from the amount of the FY 2016 award.

CDBG regulations stipulate that funds directly benefit low-income residents and neighborhoods, with activities restricted to "Public Services" and "Infrastructure" projects. This may include housing and homelessness prevention services, facilities rehabilitation, economic development, and capacity building. While the Animal Shelter HVAC project arguably does meet the criteria for facilities rehabilitation criteria in low-income neighborhoods, HUD ultimately determined that the project did not have qualifying (human) beneficiaries per HUD's definitions of low-income neighborhood benefits.

*FY 2017 Fair Housing and City-Operated Programs Overview*

The City of Hayward utilizes a portion of its CDBG entitlement grant to operate programs that deliver critical services to low-income Hayward residents; stimulate economic development and create jobs; and ensure fair housing practices in the community.

The utilization of CDBG entitlement funds to deliver direct services to the community is the standard practice among CDBG entitlement jurisdictions since the 1970s, including Hayward. The CDBG entitlement jurisdiction is often the most efficient and effective service provider in their community in identified areas of need due to its organizational capacity, infrastructure, authority, and ability to leverage partnerships and economy of scale. This is also the case in Hayward.

Per the City of Hayward CDBG Compliance Policy Manual adopted by Council on October 21, 2014, in each CDBG program year, the costs of program administration, HUD-required fair housing activities, and City of Hayward operated CDBG projects are subtracted from the annual entitlement award amount. After this internal allocation process is complete, remaining funds are made available to eligible community partner and public services applicants through the Community Agency Funding process. All CDBG funding allocations including internal allocations and external grants are subject to final approval at the discretion of Council.

An overview of HUD-required fair housing activities and City of Hayward operated projects sourced from CDBG funds in FY 2017 follows (Total Allocation = \$543,360, which is the same as FY 2016):

- *Housing Rehabilitation Program.* The Housing Rehabilitation Program offers loans and grants for home repairs to Hayward homeowners who are senior (62+), certified severely disabled, or HUD qualified low-income. Projects are focused on improving health, safety, and mobility in the home, and are intended to help vulnerable populations with limited income to continue to live independently in their homes. Repairs are restricted to accessibility/mobility modifications, corrections of code violations, and/or addressing major systems failures in eligible owner-occupied homes. Established in 1977, the program completes approximately 35-40 home rehabilitation and accessibility projects per year. FY 2017 program cost: \$344,496, the same as in FY 2016.
- *Family Education Program:* The Family Education Program (FEP) delivers literacy and academic support services to low-income Hayward families. Established in 2009, the Family Education Program is a unique collaboration between the City of Hayward homework/adult literacy tutoring programs, Chabot Community College, and Hayward Unified School District. The program delivers after-school academic support to 3,200 Hayward students in grades K-12, as well as English as Second Language (ESL) literacy tutoring services to approximately 150 parents of Hayward students. FY 2017 program cost: \$147,864, the same as in FY 2016.
- *Fair Housing Requirement:* One of the Department of Housing and Urban Development's guiding principles is its strong commitment to affirmatively further fair housing. Commitment and accountability in fair housing is a requirement for participating in the Community Development Block Grant (CDBG) Program. Eden Council for Hope and Opportunity (ECHO Housing) is a HUD-qualified agency fair housing agency, and has provided the fair housing component of the City of Hayward CDBG program since 1978. ECHO Housing provides fair housing counseling, carries out fair housing investigations, and provides low income individuals/tenants with legal information for education and self-empowerment. FY 2017 program cost:

\$51,000, the same as in FY 2016.

## **DISCUSSION**

### *Citizen Participation Plan Update*

In FY 2015, primary jurisdictions were allowed to stop publishing public notices in the print newspapers. HUD Guidance provided an option for electronic noticing, and with electronic noticing, a reduction in time frame. Previously all public notices were required to be printed one time thirty days in advance of any Community Development Block Grant Public Hearing, in the local newspaper (The Daily Review). New best practices show that electronic media has a greater reach and a thirty-day notice is excessive. It is now recommended that public notices be posted electronically for an entire fourteen days prior to a public hearing.

Additional guidance was received on March 16, 2015 that requires that primary jurisdictions incorporate 24 CFR Part 5 Affirmatively Furthering Fair Housing in 24 CFR 91.10 Consolidated Program Year and 24 CFR 91.105 Citizen Participation Plan for local governments. The City of Hayward concluded its 2014-2019 Consolidated Plan in conjunction with the County of Alameda and the other cities therein last year. The required certification is proposed to be included with the Annual Action Plan.

Section 91.100 (1)-(3) for local governments specifically addresses the consultation for the Consolidated Plan's previous Impediments to Fair Housing. It replaces the Impediments to Fair Housing with the Analysis of Fair Housing, and requires consultation from community-based and regionally-based organizations that represent protected class members, and organizations that enforce fair housing laws. The City of Hayward is in full compliance with all fair housing requirements set forth in 24 CFR Part 5 and Section 91.100 (1) - (3), and annually conducts Fair Housing audits through its CDBG contract with ECHO Housing (see above).

### *FY 2017 Social Services Program Overview*

The City of Hayward administers grants from the General Fund to support Social Services programs for the benefit of low-income Hayward residents. Because Social Services program funds are sourced from the City's General Fund, it is not yet known what amount of Social Services funding, if any, will be available for allocation in FY 2017. Presentation of the City Manager's Recommended Budget to Council is scheduled in May 2016; Council adoption of the budget is scheduled in June 2016.

As a starting point for the FY 2017 Community Agency Funding process when it began in October, 2015, it was estimated that total funding available for Social Services grants in FY 2017 would be the same level as in the previous FY 2015: approximately \$450,000. Social Services grants are sourced from the General Fund, and this total can be changed at Council's discretion. The FY 2017 Social Services funding recommendations are shown in Attachment II.

### *FY 2017 Arts & Music Grant Program Overview*

The City of Hayward administers grants from the General Fund to support Arts & Music programs for the benefit of Hayward residents. Because Arts & Music programs are funded from the City's General Fund, it is not yet known what amount of Arts & Music funding, if any, will be available until Council adoption of the FY 2017 budget.

As a starting point for the FY 2017 Community Agency Funding process, it was estimated that the funding for Arts & Music program grants in FY 2016 would be comparable to the FY 2015 amount, totaling \$81,955. The FY 2017 Arts & Music funding recommendations are shown in Attachment II.

Community Agency Funding Process

In FY 2017, the City of Hayward will make grant funding available to community agencies through the Community Agency Funding process. Grants are sourced from the federal CDBG special revenue fund and the City of Hayward General Fund. From these sources, the estimated total amount of FY 2017 funding available for grants to community agencies is \$785,455.

All external agency applicants for Community Agency Funding used the same integrated application regardless of the type of service proposed or source of funding sought. Applicants submit their funding requests electronically using the web-based City Data Services system. A complete set of application materials was posted to the City's website.

The application materials included instructions, project eligibility guidelines, CDBG income limits, and Council Priorities. Applicants were asked to describe in their applications how the services proposed would support one or more of the Council Priorities and, as applicable, HUD's Performance Measures for CDBG.

The application materials included an explanation of the purpose and limitations of the CDBG program and advised that no more than 15% of CDBG funds may be used for Public Services, as defined by the CDBG regulations and Council's Priorities and Categories of Need.

The application materials included information about the City's Social Services program, which is funded by the City's General Fund, and provides grants to support other types of community services that are outside the parameters of the CDBG program.

The application materials also included information about the Arts & Music program, which is funded by the City's General Fund.

Forty applications were submitted before the December 11, 2015 deadline. No late applications were received. Applications were grouped into three major categories so that similar applications would be evaluated in cohorts as follows:

Community Agency Funding Categories and Sub-Categories

- Infrastructure category. Funding Source: CDBG. Description: Affordable housing development; housing rehabilitation; nonprofit facility improvements; economic development; capacity building. Requires compliance with federal regulations to document client income eligibility and financial management.
- Services category. Funding sources: CDBG\*/General Fund. Description: Crisis prevention and intervention; education and youth services; health and wellness; housing stability and homelessness prevention; services for seniors and people who have disabilities; transportation related services to eligible low income seniors and people who have disabilities.
- Arts & Music category. Funding Source: General Fund. Description: Arts and music programs that benefit Hayward residents, with an emphasis on activities that support youth education.

*\*NOTE: Federal regulations impose a 15% cap on the amount that can be allocated that in the "CDBG Public Services" category; projects recommended for funding in this sub-category total \$270,362 which is the amount estimated to be available for FY 2017 in consideration of the 15% cap.*

*Application Review Committee Structure*

Community Services Commissioners reviewed all of the applications for all sources of Community Agency Funding (CDBG, Social Services, and Arts/Music), and provided comments and questions for each of the applicants online via the City Data Services system. There were three separate Application Review Committees (ARCs): the “Infrastructure” committee; the “Services” committee; and the “Arts & Music” committee. Each committee interviewed all applicants assigned to that category.

- The “Infrastructure” committee was chaired by Commissioner Julie Roche. Also serving on this ARC were Commissioners Araujo and Commission Chair Bonilla. The committee interviewed applicants in that category on Saturday, February 6, 2016, and presented preliminary recommendations to the Community Services Commission on Wednesday, February 17, 2016. After discussion, the Commission established its official draft funding recommendations that evening, and a thirty-day Public Comment period was subsequently opened.
- The “Services” committee was chaired by Commissioner Linda Moore. Also serving on this ARC were Commissioners Fagalde, Isais, Mehdavi, and Samayoa. The committee interviewed applicants on Saturday, January 9, and February 6, 2016 and presented preliminary funding recommendations to the Community Services Commission on Wednesday, February 17, 2016. After discussion, the Commission established its official draft funding recommendations that evening, and a thirty-day Public Comment period was subsequently opened.
- The “Arts & Music” committee was chaired by Commissioner Robert Leppert. Also serving on this ARC were Commissioners Belram, Davis, DeJulio, and Glover-Gardin. The committee interviewed applicants on Saturday, January 9, 2016, and presented preliminary funding recommendations to the Community Services Commission on Wednesday, January 20, 2016. After discussion, the Commission established its official draft funding recommendations that evening, and a thirty-day Public Comment period was subsequently opened.

After the conclusion of the Public Comment periods, the Commission discussed and unanimously approved its FY 2017 funding recommendations at its publicly noticed meeting of Wednesday, March 16, 2016. The Community Services Commission FY 2017 funding recommendations for all funding sources (CDBG, Social Services, and Arts/Music) are provided for Council consideration as Attachment II.

All of the applications submitted proposed to support at least one City Council Priority, and all proposed to serve low-income Hayward residents. Attachment II presents the funding recommendations for all funding sources. The chart headings in Attachment II separate the recommendations according to funding source - i.e., those that would be funded with CDBG resources and those that would be funded from the General Fund.

There are a number of applicant agencies that were not recommended to receive funding. Brief analyses and rationale regarding each of those recommendations are provided in this report.

*Minimum Contracting Standards for Nonprofit Agencies Requesting City Funds*

The City’s Minimum Contracting Standards were established in consultation with HUD and the Finance Department and approved by Council in FY 2011 for the CDBG, Social Services, and Arts & Music grant programs in order to provide a fair and consistent way to confirm that adequate internal controls exist to account for an applicant’s resources, including City funds. Furthermore, the CDBG program has intensified its requirements with tighter fiscal controls and more frequent reporting and documentation. In turn, the City must also be attentive to a

grantees programmatic and financial management capabilities.

One of the Minimum Contracting Standards requires applicants to undergo an annual financial audit. An independent third-party audit can cost \$3,000 - \$5,000 or more depending on the size of an agency's budget, which can be beyond the means of some of Hayward's smaller nonprofit agencies unless they are able to secure pro bono services. To mitigate this barrier while still maintaining accountability, the City's funding process allows agencies that are unable to meet the Minimum Contracting Standards to apply for funding through an eligible fiscal sponsor. The fiscal sponsor may utilize up to 10% of the awarded funds to offset their administrative costs for managing the grant on the applicant's behalf.

The FY 2017 process will be the fifth year in which Infrastructure and Services applicants have been required to maintain the Minimum Contracting Standards prior to applying for City funding, and the third year in which it is required for Arts & Music programs. To assist the Arts & Music applicants with this transition, City staff identified a fiscal sponsor for all of those agencies (Hayward Area Historical Society), and helped facilitate the fiscal sponsorship and application processes with applicants and the fiscal sponsor.

To ensure that grantees had sufficient capacity to meet the Minimum Contracting Standards, applicants were required to attach the agency's most recent annual financial audit, agency-wide budget, and proposed project budget to their grant proposal. Proposals that did not include these required attachments were deemed ineligible for funding. Applicants were advised of the requirements in the published Notice of Available Funding and at the Funding Forum. The application materials also clearly indicate that agencies are required to meet the Minimum Contracting Standards in order to be eligible for City funding. Additional clarification regarding the audit requirement is provided on page 3 of the application materials, as follows:

*"In order to be eligible to apply for City funding, an applicant must have completed an independent fiscal audit for FY 2013-2014 (or calendar year 2014). If awarded funding, in order to execute a FY 2016-2017 contract, each agency must have completed an independent fiscal audit for FY 2014-2015 (or calendar year 2015). Submission of the management letters that accompanied the audits is also required. If there were any findings in the audits, a letter from the board of directors explaining the corrective measures taken to resolve the problem(s) must be provided.*

*"Agencies that do not have a current audit as described above are eligible to apply for City funding only under the auspices of a fiscal agent that can meet this standard. The fiscal agent must apply for the funding, and if granted, the fiscal agent may utilize up to 10% of the grant for its own expenses."*

All of the FY 2017 applicants were determined to be able to meet the fiscal audit standard and eligible to receive City funding. In past years when there were ineligible applicants, staff conferred with each of the applicants to further explain the specifics of an independent fiscal audit, options for applying through a fiscal sponsor, and other eligibility resources which the applicants can explore for future funding cycles.

#### Services Category - FY 2017 Maximum Recommended Grant Amounts

Due to the high number of eligible funding requests in the FY 2017 Services category, the Services ARC instituted a maximum \$40,000 grant recommendation per application in that category. The \$40,000 maximum recommended amount for Services grants was recommended by the Services ARC during its deliberations in order to provide sufficient funds in an equitable and fair fashion for as many applicants in the Services category as possible. The Services ARC and the full CSC voted unanimously in favor of instituting the maximum \$40,000 in the FY 2017 Services category for these reasons. The maximum does not apply to other funding categories because the volume

of applications was not as high in those categories.

*FY 2017 Applications Not Recommended for Funding*

- Alameda County Office of Education - Project E.A.T.: Agency requested funds for their 2 Gen Urban Gardeners Program to train growers and garden educators who go into low income apartment complexes to engage and inform residents to grow, cook, and eat healthy. Funding would also go towards the creation of gardens in private apartment complexes. Commissioners chose not to fund this program because the program would be carried out, and focused on private apartment properties, of which there would be limited public access.
- Building Opportunities for Self Sufficiency - Warming Shelter: Agency requested funds to operate a warming center in North County/Castro Valley from November 2016 - April 2017. The Application Review Committee recommended to the Community Services Commission to wait to consider funding. At this time there is no identified location for the program and it is unknown if one will be available.
- Building Opportunities for Self Sufficiency - South County Homeless Project: Agency requested funds for improvements to the South County Homeless Project (SCHP), including carpeting, painting, and landscaping to create a warm and welcoming environment. The building is currently owned by the County of Alameda. The decision to not fund this application will not impact the program itself or delivery of services to individuals.
- Community Resources for Independent Living - Independent Living and Housing Services: Agency requested funds to provide services of comprehensive life skills training & support, coupled with affordable, accessible housing search assistance. The Application Review Committee felt that the application could be funded through alternate sources.
- East Bay Community Recover Project: Agency requested funds to install new cable and seventy new jacks throughout the office building at 22971 Sutro Avenue in Hayward. Commissioners felt that it was unclear if the agency had explored the source of the network issues in the building. It was also unclear if the current plan of action for which the agency is requesting funding accounts for the full extent of the system shortfall and needs.
- Eden Youth and Family Center - Computer Club House: Agency requested funds to implement a Digital Talen Incubator (DTI) and specifically for the training of individuals who will carry out the program. The agency stated during Application Review Committee interview that they have multiple funding sources available for the program. Commissioners expressed concern that the program was drop-in based and lacked continuity.
- Habitat for Humanity East Bay - Homebuyer Financial Literacy Program: Agency requested funds for financial education workshops for the Hayward community along with individual housing counseling sessions. The funding would be used to support the development and dissemination of marketing materials specifically geared to reach residents in the City of Hayward, enhance staff training, and cover the cost of educational program materials. While the Application Review Committee felt this is a good program, they did not feel it is as high a priority as other programs requesting the same funding.
- Silver Oak High School - Russell City Greens: Agency requested funds for the Russell City Greens project, which plans to provide low-income clients vegetable gardens by focusing primarily on supplying low-income residents with ready-to-plant seedlings to produce their own healthy and nutritious gardens. The Application Review Committee felt that there is no measurement or oversight of the program outcomes. They felt it would be difficult to evaluate the effectiveness of the program and there are programs that can

provide data requesting the same funding dollars.

- Super Stars Literacy: This program is currently in existence in HUSD and will be able to continue to provide services without Hayward grant funding. Commissioners felt that the program was duplicative of programs that currently exist in HUSD and are being funded through the City of Hayward.
- The Arc of Alameda County: Agency requested funds to build a Tactile Therapeutic Center, which consists of building a 20x40x10 greenhouse with raised beds to facilitate interaction by clientele with the healing elements of nature. Commissioners felt that the program outcomes were not made clear at the time of the Application Review Committee interviews. There is also a concern as this proposal is not part of the agency's core services, nor did the Commissioners feel that it was as cost effective as other programs currently seeking funding.
- Tiburcio Vasquez Health Center: Agency requested funds to expand health and wellness services focused on reducing childhood obesity in Hayward by expanding the CAFÉ Parent engagement program and through school based and community events. This program currently exists in the schools and will be able to continue to provide services without City grant funding.
- Tri-City Health Center: Agency requested funds to implement a Street Medicine and Outreach Services project, aiming to develop trusting relationships with homeless individuals to provide on-site medical services to homeless individuals living in Hayward with identified health care issues, and to connect them to housing assistance and other safety net resources. The Application Review Committee recommends that because this pilot program is not yet proven that it request funding next year, when it has some established outcomes.

## **FISCAL IMPACT**

Because the final adopted amounts of available FY 2017 funding are not yet known, the FY 2017 Funding Recommendations were established using estimates of available funding. When the exact amount of available funding has been determined, the Council-approved allocations will be adjusted on a percentage basis as needed.

The CDBG Program has a neutral impact on the City's General Fund, as a portion of CDBG funds (up to 20%) may be used to pay for eligible Planning and Administration of the program, including NEPA environmental review, contracting, Labor Standards monitoring, lead-based paint compliance, procurement of contractors, site inspections, financial management, and federal reporting. However, as the City's CDBG grant size is reduced, and as program income diminishes, the administrative cap is lowered accordingly, providing for fewer staff resources to administer the CDBG program, which remains an administratively complex and process-laden program despite the grant's reduced size.

The Social Services and Arts & Music funding recommendations will be affected by Council's budget deliberations as they relate to overall General Fund obligations. Council has complete discretion and authority to change, increase, or decrease the total amounts in these two categories at will, within the context of the General Fund budget deliberations. If the final amounts of Social Services or Arts/Music funding are reduced during budget deliberations, then individual grants would be adjusted on a percentage basis accordingly.

Because Social Services and Arts/Music grants are made using the General Fund, reducing or eliminating the grants would have a beneficial impact on the City's budget. However, it is acknowledged that the majority of Social Services grants in particular support "safety net" services, (i.e., food, housing, support services for low-income people, and information and referral.) Reducing or eliminating grants would have a fiscal impact on those affected with services also subsequently reduced or eliminated. There would also be an impact to the nonprofit agencies that have been doubly stressed by the economic downturn - those that have experienced both an increase in client



demand and a decrease in public and private funding.

## **PUBLIC CONTACT**

On **October 3, 2015**, a **Notice of Funding Availability** was published in English and Spanish in the Daily Review newspaper and on the City's website. The notice was also posted at the Hayward Public Library and city Hall; and the Public Notice was emailed on October 2, 2015 to currently funded agencies, previously funded agencies, applications from previous years, and all other interested parties on the Community Agency Funding mailing list (several hundred individuals and local agencies) maintained by the Library and Community Services Department. Several broadcast email reminders were also sent in advance of the event.

On **November 9, 2015**, application materials were published. The materials were readily accessible by logging onto City Data Services web-based system, or downloadable from the city's website. Also on this date, a public Funding Forum was conducted to provide information about the application process. Attendees received an orientation to CDBGH, Social Services and Marts/Music funding. The orientation included an explanation of the purpose and limitations of the CDBG program and advised that up to 15% of CDBG funds may be used for Public Services, as defined by the CDBG Regulations and Council's Priorities and Categories of Need. Attendees were informed about the City's Social Services program, which is funded by the City's General Fund, which provides grants to support other types of community services that are outside the parameters of the CDBG program. Attendees were also informed about the Arts/Music program, which is funded by the City's General Fund. The Forum presentation materials have been posted to the City's website for public review.

All funding deliberations took place at properly noticed Community Services Commission meetings that were open to the public. These meetings took place on:

- January 20, 2016 - Community Services Commission Meeting
- February 17, 2016 - Community Services Commission Meeting
- March 16, 2016 - Public Hearing & Community Services Commission Meeting.

From **January 20, 2016 through March 18, 2016**, the Public Comment period for the Arts/Music ARC funding recommendations was in effect. During this time, members of the public, including applicants, could submit their comments regarding the funding process or the funding recommendations.

From **February 17, 2016 through March 18, 2016**, the Public Comment period for the CDBG Infrastructure/Economic Development and Social Services ARC funding recommendations were in effect. During this time, members of the public, including applicants, could submit their comments regarding the funding process or the funding recommendations.

During the above-mentioned public comment period, three (3) verbal public comments and no written public comments were submitted by March 16, 2016. A transcript of the public comments received are provided in Attachment IV. All public comments were reviewed by the CSC prior to its establishment of the FY 2017 funding recommendations.

On **Saturday, February 17, 2016**, a notice was published in the Daily Review newspaper to advise the general public that the Community Services Commission would conduct a Public Hearing regarding their recommendations for funding at their regularly scheduled **March, 16, 2016 Meeting**, and that City Council would conduct a Public Hearing on Tuesday, April 5, 2016, regarding FY 2017 funding allocations (subject to final approval by Council in June, 2016, with the adoption of the FY 2017 General Fund budget).

**NEXT STEPS**

Council is being asked to conduct a public hearing on Tuesday, April 5, 2016, at which time staff will recommend that at the April 19, 2016 meeting the Council:

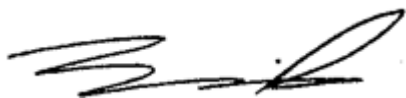
- 1) Authorizes FY 2017 CDBG Allocations, which will form the substantive portion of the City's FY 2017 (HUD Program Year 2016) Annual Action Plan; and
- 2) Approves the Hayward portion of the Alameda County HOME Consortium Annual Action Plan; and;
- 3) Authorizes preliminary funding decisions in the FY 2017 Social Services and Arts/Music categories. Final Council authorization of funding allocations in those categories will be made within the context of Council FY 2017 budget deliberations in May and June of 2016; and
- 4) Approves the HUD required updates to the Citizen Participation Plan in regards to Fair Housing and Public Notices.

*Prepared by:* Dawn Jaeger, Community Services Manager

Rachael McNamara, Administrative Analyst

*Recommended by:* Sean Reinhart, Director of Library & Community Services

Approved by:



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Fran David, City Manager

**Attachments:**

Attachment I:	Draft Resolution
Attachment II:	FY 2017 Funding Recommendations
Attachment III:	Public Comments
Attachment IV:	Application Summaries

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

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

RESOLUTION AUTHORIZING AN APPLICATION FOR FEDERAL ASSISTANCE UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2015-2016.

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 to receive certain funds pursuant to said act; and

WHEREAS the City Council has considered public testimony and the CDBG Program recommendations prepared by staff and the Community Services Commission, a copy of which is attached and hereby referred to for further particulars; and

WHEREAS the Council has considered the environmental impact of the program and hereby finds and determines that the program is composed of projects that are categorically excluded from the National Environmental Protection Act or will be subject to later environmental review and finds and determines that the activities funded by the program are either not subject to the California Environmental Quality Act or will be subject to later environmental review;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby approves the Community Development Block Grant Program and authorizes the City Manager on behalf of the City of Hayward to execute and submit the required applications and all implementing documents in connection therewith.

IN COUNCIL, HAYWARD, CALIFORNIA, April 19, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:  
MAYOR: Halliday

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

**COMMUNITY AGENCY FUNDING PROGRAM  
COMMISSION RECOMMENDATIONS - FY 2017**

SUMMARY	
CATEGORY	AMOUNT*
Infrastructure and Economic Development grants	\$ 253,500
Social Services grants	\$ 450,000
Arts & Music grants	\$ 81,955
<b>Total Grants to Community Agencies</b>	<b>\$ 785,455</b>
CDBG - City operated programs	\$ 492,360
CDBG - HUD required fair housing activities	\$ 51,000
<b>Total City-operated and HUD mandated programs</b>	<b>\$ 543,360</b>
<b>GRAND TOTAL</b>	<b>\$ 1,328,815</b>

**INFRASTRUCTURE AND ECONOMIC DEVELOPMENT CATEGORY GRANTS**

Agency	Program Description	FY17 Recommendation
Community Child Care Council (4-Cs)	Childcare Provider Training	\$ 27,625
Downtown Streets, Inc.	Hayward Downtown Streets Team	\$ 90,000
Rising Sun Energy Center	Green Energy Training Services	\$ 45,000
Eden Area YMCA	Eden Area YMCA	\$ 15,000
Family Emergency Shelter Coalition (FESCO)	Shelter Services	\$ 20,875
Hayward Area Recreation and Park District	ADA Restroom Memorial Park	\$ 15,000
St. Rose Hospital Foundation	Emergency Department ADA Compliance Project	\$ 40,000
	<b>TOTAL</b>	<b>\$ 253,500</b>
	Estimated Available	\$ 253,500

**SOCIAL SERVICES CATEGORY GRANTS**

Agency	Program Description	FY17 Recommendation
Abode Services	AC Impact	\$ 30,000
*BOSS: Building Opps. For Self-Sufficiency (via ACCFB)	Alameda County Community Food Bank - line of credit	\$ 11,247
Bridge of Faith (via ACCFB)	Alameda County Community Food Bank - line of credit	\$ 5,688
CALICO	Hayward Child Abuse Intervention	\$ 20,000
Centro Legal de la Raza	Legal Services for Tenants, Refugee Children, Migrant Families	\$ 26,000
Community Initiatives - Day Labor Center	Job Referral and Education	\$ 27,000
EBAC: East Bay Agency for Children	Child Assault Prevention Program (CAP)	\$ 18,500
Eden I&R, Inc.	2-1-1 Communication System	\$ 40,000
Family Violence Law Center	Family Violence and Homelessness Prevention Project	\$ 40,000
FESCO: Family Emergency Shelter Coalition	Les Marquis House - Shelter Services	\$ 40,000
Horizon Services, Inc.	Lambda Project	\$ 30,000
International Institute of the Bay Area	Legal Services for Immigrants	\$ 10,000
Legal Assistance for Seniors	Legal Services & Education to Hayward Seniors	\$ 20,000
*Magnolia's Women's Recovery (via ACCFB)	Alameda County Community Food Bank - line of credit	\$ 1,577
Ruby's Place	Shelter Services	\$ 40,000
*Salvation Army-Hayward (via ACCFB)	Alameda County Community Food Bank - line of credit	\$ 1,108
SAVE/ COPS	SAVE/COPS	\$ 15,000
South Hayward Parish	South Hayward Parish Food Pantry	\$ 15,000
*South Hayward Parish (via ACCFB)	Alameda County Community Food Bank - line of credit	\$ 18,763
Spectrum Community Services	Meal Program for Seniors	\$ 21,000
St. Rose Hospital Foundation	FACES for the Future	\$ 17,500
*United Smith (via ACCFB)	Alameda County Community Food Bank - line of credit	\$ 1,617
	<b>TOTAL</b>	<b>\$ 450,000</b>
	Estimated Available	\$ 450,000

**COMMUNITY AGENCY FUNDING PROGRAM  
COMMISSION RECOMMENDATIONS - FY 2017**

**ARTS & MUSIC CATEGORY GRANTS**

Agency	Program Description	FY17 Recommendation
*Hayward Arts Council (via HAHS)	Art education and gallery operations	\$ 18,134
*Hayward Band & Orchestra Festival (via HAHS)	Student concerts	\$ 8,140
*Hayward Municipal Band (via HAHS)	Summer concerts	\$ 16,165
*Pacific Chamber Symphony (via HAHS)	Orchestral music school assemblies	\$ 5,693
*Sun Gallery (via HAHS)	Art education and workshops	\$ 30,195
*Youth Orchestra of So. Alameda Co. (via HAHS)	Orchestra workshops and concerts	\$ 3,628
<b>TOTAL</b>		<b>\$ 81,955</b>
Estimated Available		\$ 81,955

**CDBG - CITY OPERATED SERVICES AND HUD-MANDATED FAIR HOUSING**

Program	Description	FY17 Cost
Housing Rehabilitation Program	Accessibility/health/safety repairs for low-income homeowners	\$ 344,496
Family Educ. Program (incl. Data Collection/Analysis subaward J.Bromstead \$59,895)	Literacy/academic support for low-income Hayward families	\$ 147,864
Eden Council for Hope and Opportunity (ECHO)	Fair housing audit, tenant/landlord counseling	\$ 51,000
<b>TOTAL</b>		<b>\$ 543,360</b>

COMMUNITY AGENCY FUNDING FY 2017 PUBLIC COMMENTS

Barbara Bernstein - Executive Director, Eden I&R

March 16, 2016 Community Services Commission Meeting

Barbara Bernstein expressed gratitude that Eden I&R had been recommended for funding, but was disappointed that recommended funding had been reduced by \$10,000 from previous years (\$40,000 recommendation for FY 2017). Ms. Bernstein requested that the CSC consider reinstating the funding allocation to \$50,000 which is the amount that Hayward has funded the program each year since 2007, when 2-1-1 began. Ms. Bernstein reminded the CSC about the objectives of the 2-1-1 program and the fact that they are the only information and referral line in Alameda County. She stated that Hayward is the second highest call volume to the program after Oakland. She stated that other cities that contribute financially to the 2-1-1 program look first to Hayward and Oakland, and based upon the Hayward/Oakland contributions, make determinations on their own cities contributions. There were over 12,000 calls to the 2-1-1 line from Hayward in 2014-2015 program. The 2-1-1 program works towards a number of City Council priorities, in particular efforts to end homelessness by using the Health and Human Services Database and the Alameda County Housing Database. City of Hayward calls represent 14% of calls to 2-1-1, but \$50,000 represents 3% of the 2-1-1 budget.

Rachel Pfeffer - Executive Director, Ruby's Place

March 16, 2016 Community Services Commission Meeting

Ms. Pfeffer thanked the commission for the opportunity to speak and for the recommendation for FY 2017 funding, but expressed concern at the reduction in funding from the previous year (\$60,000 in FY 2016 to \$40,000 in FY 2017). Ms. Pfeffer spoke to the recent transitions that Ruby's Place has undergone in the last year. Ms. Pfeffer is concerned that the reduced funding will lead to reduced services, and create staffing issues at Ruby's Place. With the recent transitions at Ruby's Place, Ms. Pfeffer believes it is more important than ever to be able to maintain and attract excellent staff. Additional funding would allow Ruby's Place to offer competitive salaries as well as merit based salary increases to current staff. Ms. Pfeffer requests that the CSC consider reinstating the funding allocation to \$60,000.

Chad Bojorquez- Downtown Streets Team

March 16, 2016 Community Services Commission Meeting

Mr. Bojorquez thanked the commission for the funding recommendation for FY 2017 and expressed excitement regarding the development of the Downtown Streets Team program in the Hayward community. They have been working with local businesses and community partners to increase knowledge of the program and better understand the needs of the Hayward business community in relation to homeless issues in the downtown. Downtown Streets Team looks forward to continuing collaboration with the City of Hayward, local businesses, residents and non-profits.

# COMMUNITY CHILD CARE COUNCIL OF ALAMEDA (4-CS)



Seeking funding to recruit, train, and assist 6 low income Hayward residents in applying for family child care (FCC) licenses to start businesses, and to provide training to 6 existing FCC providers

# DOWNTOWN STREETS, INC.



Seeking funding to work with team members, all of whom are homeless or formerly homeless, to participate in a volunteer work experience program and receive case management and job search skills classes



# RISING SUN ENERGY CENTER



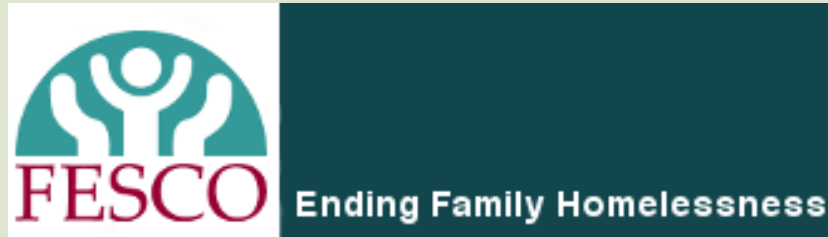
Seeking funding to provide trainees hands-on skills through a nine-week GETS Core class covering basic construction and an introduction to residential energy efficiency and solar installation, applied math, other technical skills, and professional skills

# EDEN AREA YMCA FACILITIES REHABILITATION



Seeking funding for Phase II of a commercial kitchen renovation at a facility that is formerly an elementary school

# FAMILY EMERGENCY SHELTER COALITION (FESCO)



Seeking funds to implement Phase I upgrades for the Greg Smith Center including, upgrading original floor furnace, upgrading main electrical panel to meet code and family needs, and upgrading original single-pane windows and double-hung windows

# ST. ROSE HOSPITAL FOUNDATION



Renovation of the Emergency Department parking lot  
to meet ADA compliance guidelines

# HAYWARD AREA RECREATION AND PARK DISTRICT



Seeking funding for ADA restrooms and pathway,  
and security lighting of the Memorial Park

# ABODE SERVICES



Outreach to homeless Hayward residents who have been identified as 'high end user' of police and other emergency services by the Hayward PD and jurisdictional staff. The program will permanently house 8 chronically homeless individuals and provide outreach to homeless Hayward residents

# ALAMEDA CO COMMUNITY FOOD BANK



Food scholarships for local pantries and shelters. The Food Bank will leverage our food purchases at a \$1 to \$6 ratio. Scholarships are planned for the following Hayward member agencies:

• Bridges of Faith Church • Building Opportunity for Self Sufficiency • Magnolia Women • Salvation Army • South Hayward Parish • United Smith Memorial

# CALICO



CALICO aims to conduct 110 forensic interviews with abused Hayward toddlers, children and teens as well as adults with developmental disabilities, and support 75 related caregivers. The project supports victims/witnesses of sexual and physical abuse and their families



# INTERNATIONAL INSTITUTE OF THE BAY AREA

ATTACHMENT IV



IIBA provides legal services and performs educational workshops to Bay Area immigrants. This includes applications for citizenship, permanent residency, work authorization, family based immigration and visas for survivors of crime and domestic violence.

# HORIZON SERVICES



Lambda Project provides counseling and crisis services for LGBTQ youth. Provides training and support to HUSD on issues such as bullying, sensitivity and awareness.

# CENTRO LEGAL DE LA RAZA



Centro Legal proposes propose to provide free housing and immigration related legal services to low income Hayward residents, including: unaccompanied minors seeking asylum, legal consultations with renters, and eviction prevention

# EAST BAY AGENCY FOR CHILDREN



Funding for 53 Child abuse and prevention workshops for children, adults (school staff, youth service providers, parents), and mandated reporter trainings

# EDEN I & R



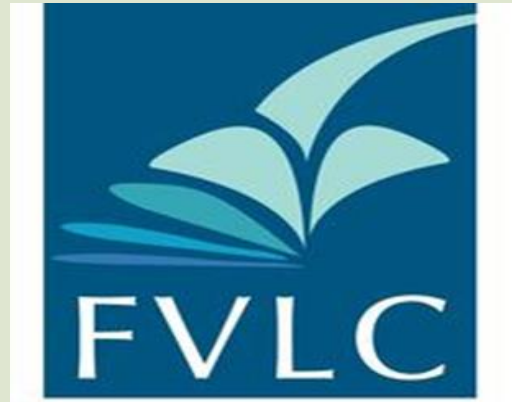
211 is a free, multilingual phone line available 24/7 that provides health, housing and human services information and referral. During FY 2016-2017 Eden I&R will handle at least 12,500 calls from Hayward residents.

# FAMILY EMERGENCY SHELTER COALITION



Support for the Les Marquis House (LMH), a 22-bed emergency shelter for homeless families with children in Hayward. LMH serves 35-40 homeless families yearly.

# FAMILY VIOLENCE LAW CENTER



The Family Violence & Homelessness Prevention (FVHP) Project works to enable families to leave a domestic violence situations without becoming homeless or experiencing further injury. Direct legal assistance to 65 families, 12 individuals will receive assistance obtaining court orders, housing services to 10 individuals, service referrals to 100 Hayward victims of DV.

# SAVE/COPS



Safe Alternatives to Violent Environments: Seeking funding for intervention and counseling services to survivors of domestic violence, in collaboration with police



# RUBY'S PLACE



Emergency shelter for homeless women and children survivors of domestic violence

# LEGAL ASSISTANCE FOR SENIORS



Legal Assistance for Seniors will provide legal assistance to low-income seniors (age 60) who live in Hayward, to assist with issues pertaining to elder abuse, guardianship of minor children, public benefits, immigration, health law, and other legal areas.

# SOUTH HAYWARD PARISH



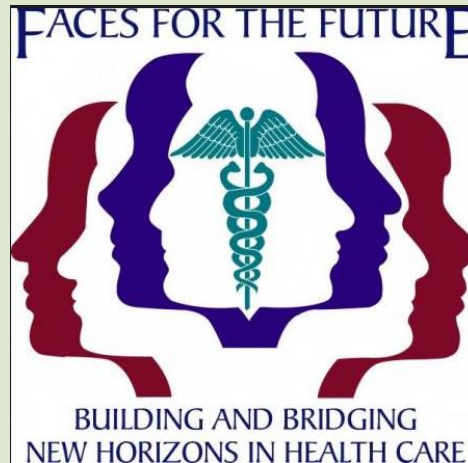
South Hayward Parish supports residents by providing them with two days of healthy food each week, and provides outreach to the homeless community.

# SPECTRUM COMMUNITY SERVICES



Spectrum Community Services Senior Nutrition Program serves seniors 60 and over healthy lunches at six meals sites in Hayward. The requested funding is to help cover the costs of the raw food purchased to produce the meals.

# ST. ROSE – FACES FOR THE FUTURE



FACES for the future at St. Rose Hospital provides to students:

- 1) Exposure to health care careers through internships, workshops, and field trips
- 2) Academic enrichment and college preparation, as well as an individualized plan to education and career services
- 3) Wellness support and counseling services
- 4) Youth leadership development opportunities

# COMMUNITY INITIATIVES DAY LABOR CENTER



Job creation and referral, as well as legal services relating to immigration issues.

# HAYWARD AREA HISTORICAL SOCIETY

Fiscal Coordinator may use up to 10% of subrecipient's grant award for grant management.



The Hayward Area Historical Society is the lead organization on this collaborative Arts and Music application, and will assume fiscal coordinator responsibilities for all projects.

# HAYWARD ARTS COUNCIL



Provides art education as well as five art galleries in Hayward:

1. Foothill Gallery
2. John O'Lague Galleria
3. Chamber of Commerce
4. Hayward Senior Center
5. Alameda County Law Library Gallery



# HAYWARD BAND AND ORCHESTRA FESTIVAL

ATTACHMENT IV



Partnering with Hayward Unified School District music teachers, the Hayward Band and Orchestra Festival assembles instrumental music students from six Hayward high schools and middle schools to play under conductors and music educators.

# HAYWARD MUNICIPAL BAND



Provides five free Sunday concerts in Memorial Park. Comprised of a 40 member musical group, performances include Classical, Popular, Big Band, Jazz, Rock, Musicals and Latin as well as music from the early 1700's to the present day.

# PACIFIC CHAMBER SYMPHONY



The Pacific Chamber Symphony performs a variety of music to introduce and teach music fundamentals (i.e. rhythm, melody, acoustics and timbre, harmony, form, style, etc.) in assemblies for two public elementary school in Hayward.

# SUN GALLERY



The Sun Gallery offers a range of exhibits and education programs that brings art to the community. Art education activities for adults and children (school field trips and summer art camp) combine gallery exposure with hands-on experiences in the studio, lectures, workshops, and readings.

# YOUTH ORCHESTRA OF SOUTHERN ALAMEDA COUNTY



The Youth Orchestra of Southern Alameda County provides music education to supplement school music programs in Hayward and surrounding communities. The program hosts twenty-nine rehearsals and three concerts each year. Students learn classical orchestral repertoire, playing techniques and background information on composers and periods.



# CITY OF HAYWARD

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

## Staff Report

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**File #:** PH 16-027

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**DATE:** April 5, 2015

**TO:** Mayor and City Council

**FROM:** Development Services Director

### SUBJECT

Proposed Subdivision and Construction of Fifty Townhome-Style Condominiums and Related Site Improvements at 31 West Jackson Street - east of Amador Street, Requiring Introduction of an Ordinance and Adoption of a Resolution Related to a Zone Change from Planned Development (PD) to High Density Residential (RH), Zoning Designation of a Vacated Right-of-Way to High Density Residential (RH), Approval of a Variance allowing a Fifteen Foot Front Yard Set Back and Approval of a Vesting Tentative Map (Tract 8240) for Harvest Park (Application No. 201400466). (Applicant: Blake Felson/Felson Companies, Inc., Owners: Felson Partners, LP, and Diamond Crossing Associates LP)

### RECOMMENDATION

That the City Council, related to allowing construction of fifty townhome-style condominiums,:

1. Adopts the attached resolution (Attachment I):
  - a. Finding the project categorically exempt from the California Environmental Quality Act, pursuant to Section 15332: In-Fill Development Projects;
  - b. Approving the Variance for a Fifteen-foot Front Yard Setback and Vesting Tentative Tract Map 8240 (Harvest Park development), subject to the attached Findings and recommended Conditions of Approval.
2. Introduces the attached ordinance (Attachment II), approving the zone change to High Density Residential and designating an 11,326-square-foot vacated portion of West Jackson Street right-of-way as High Density Residential (RH).

### SUMMARY

The proposed project requires several discretionary approvals, including a zone change to High Density Residential, Vesting Tentative Tract Map allowing fourteen parcels for the construction of fifty townhome-style condominiums, and a variance allowing a fifteen-foot front yard setback where a minimum twenty-foot front yard setback is required. The Planning Commission recommends that the Council approve the project.

The proposed development would merge and rezone three parcels zoned High Density Residential District (RH) and Planned Development District (PD) and a vacated excess portion of West Jackson Street frontage road (Diadon Drive) right-of-way that will be purchased from the City of Hayward upon City

Council approval of the vesting tentative tract map (see plans, Attachment I.a, Exhibit A ). The project is supported by staff because the proposed density, 19.23 dwelling units per net acre, is consistent with the High Density Residential General Plan designation, which allows a density between 17.4 and 34.8 dwelling units per net acre. In addition, the fifty, three-story townhome style condominiums provide needed housing and are compatible with surrounding properties and the project is in compliance with the City's Design Guidelines.

## **BACKGROUND**

Existing Conditions: The proposed project consists of four parcels totaling 2.6 acres. The applicant owns three parcels, two are zoned High Density Residential (RH) District and one zoned in 1989 to Planned Development (PD) District, and a fourth parcel that is an 11,326 square-foot vacated portion of West Jackson Street. The project is adjacent to the Diamond Crossing gated condominium community.

Purchase and Sale Agreement: On January 27, 2015, the City Council adopted Resolution 15-016, approving the vacation of an 11,326-square-foot portion of the public right-of-way on Diadon Drive, the West Jackson Street frontage road. The effective date of the vacation will be the date the City Council approves the subject vesting tentative tract map. Following this approval, should it occur, the applicant will purchase the vacated right-of-way that is included as part of the vesting tentative tract map.

Public Meetings and Outreach: An application was filed on December 10, 2014 and the project was deemed incomplete on December 18 because the tentative tract map was missing basic information. A revised vesting tract map (VTTM) was submitted on January 26, 2015.

On February 17, 2015, following staff review of the VTTM, an Official Notice of Receipt of the project application was sent to property owners, businesses, and tenants within a 300-foot radius of the proposed project site. Staff received three inquiries from residents in the adjacent Diamond Crossing development.

Of the three residents who responded, one stated that she and her husband support the project because they are looking forward to quieter nights without the sound of trucks loading and unloading at the existing warehouse. In addition, one resident expressed a concern about increased traffic, but in general supported the project. Staff explained that it had been determined by the City Transportation Manager that a new traffic study was not necessary because a traffic study prepared in 2013 concluded that the project would generate a low volume of traffic and would have minimal effects on the surrounding roadway network/intersections. The third resident was concerned that the setbacks to property lines shared with the Diamond Crossing development, where she is a tenant, would allow buildings to be closer to her bedroom, thereby disrupting her privacy. Staff explained the variance is for the front yard setback of the buildings fronting on West Jackson Street, not the rear- or side yard setbacks of buildings adjacent to Diamond Crossing homes. The rear and side setbacks meet or exceed minimum standards.

On November 20, 2015, a Notice of Preliminary Meeting with the applicant was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to Caltrans, Hayward Unified School District, and Alameda County Flood Control and Water Conservation District among other agencies.

The preliminary meeting was held on December 10, 2015 that was attended by staff and the developer, the project engineer, and a Diamond Crossing Resident who expressed support of the project.

On February 11, 2016, a Notice of the Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to Caltrans. On February 25, 2016

<<https://hayward.legistar.com/DepartmentDetail.aspx?ID=30859&GUID=61527508-1071-493D-93C4-0CCF21DD457A>>, the [Planning Commission](https://hayward.legistar.com/DepartmentDetail.aspx?ID=30859&GUID=61527508-1071-493D-93C4-0CCF21DD457A&Search=%22) <<https://hayward.legistar.com/DepartmentDetail.aspx?ID=30859&GUID=61527508-1071-493D-93C4-0CCF21DD457A&Search=%22>> held a public hearing and voted 6:0, with one Commissioner absent, to recommend approval of the project. No members of the public spoke during the public hearing.

## **DISCUSSION AND STAFF ANALYSIS**

Key issues of adjacent residents discussed by the Planning Commission include the proximity to the railroad tracks, front yard setback variance, open space, and green features.

Noise and Vibration - The Planning Commission was concerned with the effects of noise and vibration from the adjacent railroad tracts. According to the acoustical analysis completed by Veneklasen Associates (Attachment VI), approximately five to ten trains pass by the site daily. There are no at-grade crossings; therefore, the trains are not to sound the horn unless there is a pedestrian near the tracks.

It is recommended that a sound wall be erected adjacent to the tracts to ensure that indoor or outdoor noise levels of each unit will not exceed the standards contained in Table HAZ-1 of the City of Hayward General Plan. These include sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or Certificate of Occupancy on units. The project includes a sound wall adjacent to the railroad tracks that will mitigate outdoor noise levels in open space areas to less than 65 Ldn, compliant with the City's noise standards for outdoor space. In addition, the project has been designed to mitigate noise by siting buildings perpendicular to the tracks thereby decreasing the units exposure to potential noise. Furthermore, the structural design will address the effects of vibration. The developer is required to disclose the presence of sound level and vibration due to train operations (Attachment VI: Acoustical Analysis).

Traffic - Diadon Drive (West Jackson frontage road) is a relatively low volume roadway under existing conditions and the project is not expected to add a significant number of trips (approximately twenty-six a.m. peak hour trips and thirty-one p.m. peak hour trips). The intersection of West Jackson and Diadon Drive is striped with "Keep Clear" markings and Diadon Drive is controlled with a stop sign. Based on the estimated project trips, there would be no need for significant operational improvements to that intersection. Therefore, the Diamond Crossing residents who use the West Jackson Street entrance will not be impacted. As a condition of approval, the installation of street lights on Diadon Drive are required and will illuminate the roadway and provide better pedestrian, bicycle and vehicular safety at night.



In 2013, following a pre-application meeting, the developer submitted a traffic study for staff review. The City's Public Works Transportation Division reviewed and approved the traffic study. While internal site/building locations may have changed slightly, the overall square footage, estimated trip generation and roadway network layout and site access have not. Therefore, the traffic study is valid for the proposed project as designed. There were no significant impacts found and the project had minimal effects on the surrounding roadway network/intersections.

Front Yard Setback Variance - The Planning Commission discussed the variance allowing a fifteen-foot front yard setback where a twenty-foot front yard setback is required. The variance would allow the units to be built on the vacated portion of right-of-way and be built fifteen feet from a six-foot sound wall that will be adjacent to a fifty-to sixty- foot wide landscaped embankment and approximately eighteen feet above the West Jackson Street roadway. The proposed grade separation will provide adequate noise mitigation, light, air, and privacy. In addition, the developer has agreed to landscape the entire 25,122-square-foot embankment and median. The Planning Commission was satisfied that the landscape embankment and median will provide an adequate buffer between the homes and West Jackson Street.

Open Space - The High Density Residential Zoning District requires a minimum of 350 square feet of usable open space per dwelling unit, with a minimum of 100 square feet of group open space per dwelling unit. Two centrally located group open spaces are interconnected by a decorative paving sidewalk system allowing residents to walk around the entire site while avoiding drive aisles adjacent to garages. Both these group open spaces exceed the minimum dimension requirements. The primary open space is at the center of the site (Parcel C at 5,231 square feet), is bordered by three of the eight buildings (Buildings B, C and F), and is visible from the main drive aisle. The large open space adjacent to Building A (Parcel D at 4,206 square feet), to the rear of the site, is adjacent to the emergency vehicle access, not a common drive aisle, creating a safer and more suitable play space for small children. Both these open space areas will have picnic tables and bicycle racks.

In addition, there is a generous paseo (Parcel B at 3,296 square feet), between Buildings F and G, that is suitable for gatherings and community interaction. Total proposed group open space is 13,363 square feet, greater than the minimum 5,000 square feet required. Private open space averages 158 square feet per unit in the form of second floor decks, meeting the minimum dimension requirements, for a total of 7,896 square feet.

Therefore, the total 21, 259 square feet of open space proposed exceeds the minimum 17,500 square feet of open space required for this project. The Planning Commission was satisfied with the amount and location of the open space.

Environmental Review-Staff reviewed the project and has determined that the project is categorically exempt from the California Environmental Quality Act, pursuant to Section 15332: In-Fill Development Projects. The project meets the conditions as described in the exemption section: It is consistent with the General Plan Designation of High Density Residential and General Plan policies; the project occurs within the City limits and the project site of 2.6 acres is no more than five acres and is substantially surrounded by urban areas; the project site has no value as a habitat for endangered, rare or threatened species since the site is developed with warehouses and is paved; approval of the project would not result in any

significant effects related to noise, air quality or water quality since the site is adequately served by all required utilities and public services. In 2013, a traffic study was completed that concluded that project is not expected to add a significant number of trips (approximately twenty-six a.m. peak hour trips and thirty-one p.m. peak hour trips).

## **ECONOMIC IMPACT**

The project is an infill development which will replace two warehouses with fifty new ownership housing units providing additional housing stock in the Bay Area's highly impacted housing market. It is anticipated that the new residents will contribute to the local economy. According to the applicant, there are two businesses currently on the project site. Bay Area Jump has five to seven employees while A-1 Recycling has seven to ten employees. Each business is in a short term lease and aware of the pending requirement to move. It has not been disclosed where the two businesses will relocate. Planning Division staff contacted each business owner to offer assistance to determine the appropriate zoning district for their businesses and which permits will be required to operate. The business owners have yet to respond. No activities related to finding alternative locations have occurred, as the timing of relocation is unknown and it will take time for final map approval and for the project applicant to obtain construction permits, should the project be approved. Economic Development staff can assist with site selection services as that is a service offered to our business community.

## **FISCAL IMPACT**

According to the terms of the Purchase and Sale Agreement for the City-owned excess West Jackson Street right-of-way, the developer would pay the City \$226,520 (\$20 per square foot). These funds will be deposited into the Street System Improvement Fund to fund future roadway projects.

Annual revenues and annual costs are based on the assumed unit price of \$660, 000. Since the applicant chose not to provide an estimate, due to the inability to gauge the housing market when the units would be completed in the future, staff chose the unit price based on the assumed unit price of a comparable unit proposed for a similar project. According to a rough estimate based on the City of Hayward Fiscal Impact Model prepared by Applied Development Economics, Inc., the project would generate \$111,484 of revenue annually (including property tax, sales tax, utility tax, franchise fees, among others); and cost approximately \$119,775 annually related to City services, resulting in a net negative impact of \$8,291 per year (\$166 per unit). The introduction of new residents will also result in cascading fiscal benefits in dollars spent in the community that will be utilized by receiving merchants.

## **SUSTAINABILITY FEATURES**

Energy - *Does the proposal include features that will minimize the use of electricity, natural gas, and other fossil fuels?* Green building materials and techniques construction practices will be used so each condominium will be energy efficient and will provide a healthy environment for its residents. Construction of each condominium and building will include radiant-barrier roof sheathing, double-pane, and low-e windows. Units are designed to exceed Title 24 minimum standards by fifteen percent. Sixty-five percent of construction material will be diverted from landfills.

Water - *Does the proposal include features that will minimize the use of water?* Water efficient plumbing and fixtures will be used. All landscaped areas will have *Bay Friendly* landscaping. Bio-retention areas collect run-off which is filtered back into the ground water ecosystem.

Air - *Does the proposal include features that will minimize emission of pollutants into the air?* During construction, the project will adhere to Bay Area Air Quality Management District (BAAQMD) "Basic Construction Mitigation Measures." All units will have energy efficient mechanical ventilation. Zero-VOC interior paints, and low-VOC caulks and adhesives will be used. Low-emitting flooring used will meet CDPH-2010 Residential Standard Methods. In addition, garages will be pre-wired to allow installation of an electric vehicle charger for each household.

Solid Waste - *Does the proposal include features that will minimize material sent to a landfill?* Sixty-five percent of construction material will be diverted from landfills. Fly Ash will be incorporated in the concrete. All residents will have convenient access to trash, recycling and organics carts with detailed signage to help ensure proper sorting of materials.

Purchasing - *Will the proposal be consistent with the City's Environmentally Preferred Purchasing Policy?* The Felson Company has adopted an Environmental Policy Statement that insures the purchase or contract of environmentally preferred products. The policy is as follows: "*Felson Companies is committed to protecting the environment and improving the health and safety of our employees, residents, and surrounding community. The goal of our environmental policy is to ensure that the products and services we provide, purchase, or contract adhere to our commitment to lessen the environmental impact of our residential communities.*"

Transportation - *Does the project provide for complete streets that balance the diverse needs of users of the public right-of-way?* Each unit will have space in the garage to store two bicycles. Visitor bicycle parking is provided. The project will be developed with pedestrian paths connecting to public sidewalks. There are three nearby bus stops that are within 0.2 and 0.8 miles walking distance (five to ten minute walk) from the development. South Hayward BART and Hayward BART transit center can be accessed by these AC Transit bus routes.

## **PUBLIC NOTICE**

The Planning Commission conducted a public hearing in February; however, no one from the public testified at the hearing. .

On March 25, 2016, notices of this public hearing were sent to all residents and property owners within a 300-foot radius of the project site. In addition, notice of this public hearing was published in *The Daily Review* on March 26, 2016. At the time of this staff report finalization, no responses to the hearing notice had been received.

## **NEXT STEPS**

Based on public testimony, information presented in this staff report, and other information received by Council members, if the Council approves the proposed project as recommended by the Planning

Commission and based on required findings being made, the Ordinance approving the High Density zoning of the vacated right-of-way and rezoning on one parcel will return to the City Council for a second reading. The Final Map is subject to City Council review and approval, after which construction permit applications will be processed and permits issued to ultimately allow for construction of the project.

*Prepared by:* Arlynne J. Camire, AICP, Associate Planner

*Recommended by:* David Rizk, AICP, Development Services Director

Approved by:



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Fran David, City Manager

**Attachments:**

Attachment I and I.a	Draft Resolution and Conditions of Approval
Attachment I.a, Exhibit A	Harvest Park Plans and Vesting Tentative Tract Map No. 8240
Attachment II	Draft Ordinance
Attachment III	Area and Zoning Map
Attachment IV	Vacation Map
Attachment V	Draft Planning Commission Meeting Minutes, February 25, 2016
Attachment VI	Acoustical Study

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Councilmember \_\_\_\_\_

RESOLUTION ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT CATEGORICAL EXEMPTION, APPROVING ZONE CHANGE APPLICATION 20140466 PERTAINING TO A ZONE CHANGE FROM PLANNED DEVELOPMENT (PD) TO HIGH DENSITY RESIDENTIAL (RH) FOR 73 WEST JACKSON STREET AND A 11,326-SQUARE-FOOT PORTION OF RIGHT-OF-WAY ADJACENT TO 31 and 73 WEST JACKSON STREET, APPROVING A VARIANCE ALLOWING A FIFTEEN-FOOT FRONT YARD SETBACK IN LIEU OF THE REQUIRED MINIMUM TWENTY-FOOT FRONT YARD SETBACK AND APPROVING VESTING TENTATIVE TRACT MAP NO. 8240 FOR FIFTY RESIDENTIAL UNITS

WHEREAS, on December 10, 2014, Blake Felson for Felson Companies, Inc. (Applicant)/ Felson Partners, LP and Diamond Crossing Associates c/o Felson Companies, Inc.(Owner) submitted Zone Change, Variance and Vesting Tentative Tract Map No. 8240, Application No. 201400466 for the properties located at 5, 31 and 73 West Jackson and a 11,326-square-foot portion of the public right-of-way adjacent to 31 and 73 West Jackson, requesting a zoning reclassification from Planned Development District to High Density Residential District (the "Project"); and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act pursuant to Section 15332 In-Fill Development Projects, and

WHEREAS, the Planning Commission considered the Project at a legally noticed public hearing held on February 25, 2016, and recommended 6 to 0, with one Commissioner absent, approval of the Project; and

WHEREAS, notice of a public hearing was published in the manner required by law and a hearing was duly held by the City Council on April 5, 2016.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

1. Pursuant to CEQA Guidelines Section 15332, Infill Development, the Project is categorically exempt as determined by the City Council on April 5, 2016.
2. That the proposed categorical exemption was noticed on March 25, 2016.

3. That the project complies with CEQA, the custodian of the record of proceedings upon which this decision is based in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94541.

### ZONE CHANGE

1. Substantial proof exists that the proposed change will promote public health, safety, convenience and general welfare of the residents of Hayward. The rezoning allows for the construction of 50 townhome-style condominiums that will further meet housing demand in this ever increasing housing market as evidenced by the short length of time new units are on the market. The 50 units will be within 0.2 miles, walking and biking distance to public transportation, and to Amador Shopping Center with restaurants, a gym, a market, a pharmacy, a dental office, banking and coffee. Additional restaurants and a pharmacy are also within 0.2 miles of the entrance of the development. In addition, the location is convenient for drivers to access service stations, an oil change facility, and access to Highway 92 and Interstate 880. Furthermore, the change is consistent with General Plan Housing policy H-3.4 to provide residential uses close to services. Lastly, it is a policy of the Land Use and Community Character Element, policy LU-3.7 to encourage in-fill development to protect the character of existing neighborhoods.
2. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted polices and plans in that the rezoning of the parcel addressed 73 West Jackson Street and the zoning of the 11,326 square feet of vacated right-of-way would bring the zoning into conformance with the High Density Residential General Plan Designation. The Santa Clara Neighborhood Plan recognizes that the subject properties will be developed with residential densities similar to the High Density Residential Diamond Crossing Project. The reclassification of the Planned Development District to High Density Residential District implements General Plan Housing Element Goal H-2 of providing additional housing while implementing the Housing Element policies H-2.1 and H-3.4 of developing ownership housing and developing housing close to commercial areas and transportation routes. The project also is consistent with General Plan policy that encourages well-designed infill development.

### Housing Chapter Goal and Policies

Goal H-2 Assist in the provision of housing that meets the needs of all socioeconomic segments of the community.

H-2.1 Homeownership Housing: The City shall encourage the development of ownership housing and assist tenants to become homeowners to reach a 60 percent owner-occupancy rate, within the parameters of federal and state housing laws.

H-3.4 Residential Uses Close to Services: The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

### Land Use and Community Character Chapter Policy

LU-3.7 Infill Development in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

3. The public streets and facilities existing or proposed area adequate to serve all uses permitted when the property is reclassified in that the proposed 50-unit condominium development has been designed to fit into the physical environment present on the site. Existing storm drain, water and sewer mains exist and will be relocated. Utility lines along Jackson Street are required to be undergrounded. The surrounding streets and utilities have adequate capacity to serve the proposed development. The development replaces warehouse and industrial uses creating a residential environment of sustained desirability and stability compatible with the adjacent Diamond Crossing townhome development and with the General Plan Land Use designation.
4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulations in that the reclassification of the Planned Development District to High Density Residential District will allow the removal of a remnant of the Diamond Crossing condominium development while facilitating the construction of the proposed in-fill High Density Residential project. Reclassification to High Density Residential will facilitate the removal of industrial uses next to existing residential while replacing less desirable uses with a more compatible use.

### VARIANCE

1. There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints. On January 27, 2015, the City Council determined that a portion of the West Jackson frontage road was no longer needed for public street purposes and approved the vacation to facilitate the building of 50 condominiums. The City of Hayward will sell the portion to the developer upon the approval of the Vesting Tentative Tract Map. The units would be built on the vacated portion of this right-of-way. The units will be set back 15 feet from a 6-foot sound wall that will be adjacent to a 50- to 60 foot wide landscaped embankment and approximately 18 feet above the West Jackson Street roadway. The proposed grade separation will provide adequate noise mitigation, light, air, and privacy. In addition, the developer has agreed to landscape the entire 25,122-square-foot embankment and median.
2. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification. Adjacent to the subject property are the Diamond Crossing condominiums, which were developed on several parcels that were once zoned High Density Residential and Industrial prior to the current Planned Development Zoning (PD). The adopted PD zoning for that project

permitted several setback exceptions including reduction of rear yards from the required 20-foot rear yard setback to a 15-foot rear yard setback, an 8-foot side yard setback for balconies where a 10-foot side yard setback was required, and 6-foot side yard setback from industrial property where a 20-foot setback is required. Therefore, granting of the variance to allow a 15-foot front yard setback where 20 feet is required would grant an exception that is similar to an exception granted on the adjacent property. In addition, policy H-3.6 of the Housing Element of the General Plan encourages flexibility of standards to provide a variety of housing types.

3. The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated in that granting the 15-foot front yard setback where 20 feet is required would not result in a special privilege since similar variances were granted to facilitate the development of 117 two-and three-story condominiums at Diamond Crossing.

#### VESTING TENTATIVE TRACT MAP NO. 8240

1. That the proposed map is consistent with applicable general and specific plans as specified in Section 64541 of the Subdivision Map Act [Subdivision Map Act §66474(a)]. The approval of Vesting Tentative Map Tract 8240, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan and the High Density Residential development standards.
2. That the design or improvement of the proposed subdivision is consistent with applicable general plan and specific plans [Subdivision Map Act §66474(b)]. The proposed subdivision, as demonstrate by the aforementioned analysis, is of a design consistent with the City's General Plan. The vesting tentative tract map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, and the General Plan.
3. That the site is physically suitable for the type of development. Subdivision Map Act §66474(c)]. The preliminary geotechnical investigation performed by Geotechnical Engineering Inc., dated October 7, 2013, demonstrates that the proposed residential development is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that specific measures be reviewed and implemented to mitigate impacts from expansive soils, to be overseen by the project geotechnical engineer. The site provides sufficient lane widths and ingress/egress points, pedestrian facilities and infrastructure locations, such as water and sewer lines, storm drains and stormwater treatment areas, to support the number of units being proposed.
4. That the site is physically suitable for the proposed density of development [Subdivision Map Act §66474(d)]. The preliminary geotechnical investigation performed by Geotechnical Engineering Inc., dated October 7, 2013, demonstrates that the proposed residential development is feasible and the proposed



subdivision would occur on a site suitable for the proposed development with the recommendation that a design level geotechnical investigation be conducted prior to construction to review the geotechnical aspects of the project. Density is not a factor that makes the site suitable or less suitable for development.

5. That the design of this infill project and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat [Subdivision Map Act §66474(e)]. The approval of Vesting Tentative Tract Map, as conditioned, will have no significant impact on the environment, cumulative or otherwise. Pursuant to the guidelines of the California Environmental Quality Act (CEQA) Section 15332: In-Fill Development, this in-fill development demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed subdivision.
6. That the design of the subdivision or type of improvements are not likely to cause serious public health problems [Subdivision Map Act §66474(f)]. Adequate capacity exists to provide sanitary sewer service to the Project site. There are no other aspects of the Project with the potential to cause serious public health problems.
7. That the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision [Subdivision Map Act §66474(g)]. There is an Emergency Vehicle Access Easement adequately accommodated by the site design. The site lacks additional public easements within the boundary of the proposed subdivision nor are any easements necessary. Upon completion of the proposed improvements, the streets and utilities would be adequate to serve the project. New public easements are to be offered for dedication as necessary.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Finding of Exemption from California Environmental Quality Act, and approves the Zone Change, Vesting Tentative Tract Map and Variance Application 20140466 , subject to the adoption of the companion ordinance (Ordinance No. 16- ) to rezone the property located at 73 West Jackson Street (APN: 443-0050-012-00) from Planned Development to High Density Residential and 11,326-square-foot portion of the public right-of-way adjacent to 31 and 73 West Jackson subject to the attached conditions of approval (Exhibit "A").

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES:                COUNCIL MEMBERS:

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 B**

Attachment I a.

### **EXHIBIT A CONDITIONS OF APPROVAL**

April 5, 2016

31 Jackson-Tract 8240 – Blake Felson/Felson Companies, Inc. (Applicant)/  
Felson Partners, LP and Diamond Associated, LP (Owner)

Zone Change, Variance and Vesting Tentative Tract Map  
Application No. 201400466 (Tract 8240)

Zone Change of one parcel from  
Planned Development (PD) to High Density Residential District (RH),  
Variance to allow a 15-foot front yard setback in lieu of a minimum 20-foot setback,  
and Vesting Tentative Tract Map 8240 for the subdivision and construction of 50  
townhomes on a 2.6-acre site at 31 West Jackson Street

#### **GENERAL**

1. Site Plan Review Application No. 201400466 is a request to construct 50 townhomes at 31 West Jackson Street. The project shall be built and the site shall be maintained in accordance with these Conditions of Approval and the approved plans, labeled Exhibit A. The Zone Change and Variance approvals shall coincide with the approval period for the Vesting Tentative Tract Map. If a building permit is issued for construction of improvements authorized by the Zone Change and Variance approval, said approval shall be void two years after issuance of the building permits, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the Project approval.

Exhibit A –Site Plan Review and Vesting Tentative Tract Map 8240 dated June 5, 2015 and revised January 2016.

2. The subdivider/developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Conduit and fiber is required to be installed in the private streets from West Jackson Street and Diadon Drive to serve the residents of the residents of the 50 condominiums.
4. The development shall be solar ready.

## **Exhibit B**

5. The developer shall provide bicycle parking which meets CalGreen requirements.
6. Per CalGreen standards, each garage t shall be equipped with the infrastructure for an electrical vehicle charging station..
7. Any proposal for alterations to the proposed site plan and/or design which does not require a variance to any zoning ordinance standard must be approved by the Development Services Director or his/her designee, prior to implementation.
8. All improvements shall be designed and constructed in accordance with the State Subdivision Map Act, City of Hayward Subdivision Ordinance (Municipal Code – Chapter 10, Article 3), and Standard Specifications and Details – unless otherwise indicated hereinafter.
9. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division in accordance with the City of Hayward’s Design Guidelines prior to issuance of a building permit for the project.
10. The portion of West Jackson frontage road proposed to be vacated by the City, shall be vacated and become part of the development and shall be purchased by the developer.

### **Planning Division**

11. The Project shall adhere to the following Bay Area Air Quality Management District (BAAQMD) “Basic Construction Mitigation Measures”.
  - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - d. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - e. All diesel powered equipment ( $\geq 100$  horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.
  - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

## **Exhibit B**

- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
12. The developer shall implement the mitigation recommended in the environmental noise study prepared by Veneklasen Associates revised June 17, 2014. The following mitigation measures are required to be implemented and the follow standards met:
- a. Measures to assure that interior noise levels do not exceed 45average noise levels (LDN) in any habitable room, therefore, a mechanical ventilating system shall be provided in each unit.
  - b. To reduce the noise impacts of commuter and freight trains, the developer is required to install a noise barrier as shown in Figure 2. The noise barrier shall be a decorative wall.
  - c. Required exterior common open space maximum noise levels are not to exceed 65 LDN.
  - d. In bedrooms, ground-borne vibrations are not to exceed 72VdB for 70 events per day, 75 VdB per day for 30 to 70 events, and 80VdB for less than 30 events per day.
  - e. To decrease vibration levels on upper floors, the all structures are to be designed to achieve a minimum natural frequency of 19 Hz. Structural design is required to include design mitigation for structural changes to the entire building as recommended on Page 8 of this study.
  - f. Disclosure of the presence of vibration and audible sound due to train operation is required to be disclosed in documents and verbally to all potential occupants.
  - g. Window glazing ratings and exterior walls shall meet the recommendations in Table 5, Recommended Mitigation to Meet Interior Noise Criteria as defined in Table 4, Example Glazing Assembly Descriptions.
  - h. Alterations of mitigation measures that deviate from requirements are required to be reviewed by Veneklasen Associates and must be approved by the City of Hayward Building Official and Planning Director.

### **PRIOR TO SUBMITTAL OF IMPROVEMENT PLANS AND FINAL MAP**

13. Subdivision improvement plans shall implement all items noted on the civil plans submitted on January 13, 2016, and incorporate applicable conditions of approval contained herein.
14. The applicant/developer shall submit subdivision improvement plans including Landscape and irrigation plans and a final map application for the entire project. Said improvement plans and final map shall meet all City standards and submittal requirements except as expressly approved for this Site Plan Review Development. The following information shall be submitted with, or in conjunction with, improvement plans and final map. The City reserves the right to include more detailed conditions of approval regarding required infrastructure based on these more detailed plans.

## **Exhibit B**

15. Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed, at no cost to the City of Hayward.
16. Unless indicated otherwise, the design for development shall comply with the following:
  - a. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
  - b. All construction shall meet the City of Hayward Building/Construction Codes and amendments in effect at the time of submitting a building permit application.
  - c. Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.
17. A Registered Civil Engineer shall prepare all Civil Engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape plans unless otherwise indicated herein.
18. Final Map cannot be approved until roadway conveyance is complete.

### **SUBDIVISION IMPROVEMENT PLANS**

19. Underground overhead facilities along West Jackson frontage to Diadon Drive intersection. Show on Final Tract Map.
20. Street lighting shall be provided along the Diadon Drive from the project entry to the West Jackson intersection.
21. To establish private and public responsibilities, extend the entry pavers to the City right-of-way.
22. Show the water meter and backflow preventer serving the West Jackson landscape being eliminated and the location of new meter.
23. Subdivision Improvement Plans shall be approved prior to the City Council's approval of the Final Map 8240. Submit the following proposed improvement plans with supporting documents, reports and studies:
  - a. A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be

## **Exhibit B**

exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permit.

- b. A detailed Stormwater Treatment Plan and supporting documents, following City ordinances and conforming to Regional Water Quality Control Board's Staff recommendations for new development and redevelopment controls for storm water programs.

### **Storm Water Quality Requirements**

- 24. The following materials related to storm water quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application.
  - a. The owner/developer shall enter into a City's standard Storm Treatment Measures Maintenance Agreement (as prepared by the City and is available in the Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
  - b. Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by the City Engineer. All reports such as Soil Report, SWPPP, and SWMP are to be submitted in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report. Documents that are clipped or stapled will not be accepted.
  - c. Before commencing any grading or construction activities at the project site, the developer shall obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
  - d. The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
  - e. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable.
  - f. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page 30). In addition, the California Stormwater Quality Association's Stormwater best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5-12 has a section titled BMP Design Criteria for Flow and Volume. These materials are available on the internet at [www.cabmphandbooks.com](http://www.cabmphandbooks.com)

## **Exhibit B**

- g. The project shall be designed with a Bioretention Treatment Area and shall use a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour.
  - h. All inlet rims in the Bioretention Treatment Area (BTA) shall be 6-inch minimum above the flow line of the BTA. The design of the longitudinal flow line shall be level.
  - i. The following documents shall be completed and submitted with the improvement and/or grading plans:
    - i. Hydromodification Management Worksheet;
    - ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
    - iii. Development and Building Application Information Impervious Surface Form;
    - iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
    - v. C.3 and C.6 Data Collection Form; and,
    - vi. Numeric Sizing Criteria used for stormwater treatment (Calculations)
25. The developer shall be responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

### **Private Streets and Courts**

26. The private streets, driveways, and parking areas shall be designed to facilitate street sweeping.
27. The developer shall not obstruct the noted sight distance areas. Overall cumulative height of the grading, landscaping and signs as determined by sight distance shall not exceed two feet when measured from street elevation.
28. The on-site streetlights and pedestrian lighting shall be LED lights and have a decorative design approved by the Planning Director. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer. Submit photometric plans with the improvement plans. Such fixtures shall have shields to minimize "spill-over" lighting on adjacent properties that are not part of the tract.
29. Private street shall have a concrete curb and gutter to convey stormwater runoff.
30. The proposed permeable paver on the private street shall be designed to support a 75,000 pounds gross vehicle weight load.



## **Exhibit B**

31. Any damaged and/or broken curb, gutter and sidewalks along the property frontages shall be removed and replaced as determined by the City.
32. Proposed private courts (common driveways) improvements shall be designed, generally reflective of the alignment and width shown on the submitted vesting tentative tract map, and as approved by the City Engineer.
33. Cul-de-sac entrance to the private street shall conform to City Standard Details and approved by the City Engineer.

### **Public Streets**

34. Any landscape design, work or traffic control within the West Jackson right-of-way requires an encroachment permit from the City of Hayward.
35. Where traffic restrictions and detours affect West Jackson Street, a Transportation Management Plan or a Traffic Impact Study may be required as determined by Fred Kelley, Transportation Manager at (510) 583-4781.
36. Any damaged and/or broken curb, gutter and sidewalks along the West Jackson Street property frontage shall be removed and replaced as determined by the City.
37. Grind, overlay and restripe the entire width of Diadon Drive to West Jackson Street intersection with two inches of hot mix asphalt and dig outs. Repair failed pavement as necessary.

### **Storm Drainage**

38. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permit.

## **Exhibit B**

39. The project shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
40. Storm drain systems shall incorporate the following:
  - a) The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Any alternative design shall be approved by the City Engineer prior to installation.
  - b) Storm drain pipes in streets and alleys shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
  - c) The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site shall not augment runoff to the ACFC&WCD's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities.
  - d) The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
  - e) No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
  - f) All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
  - g) The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.
  - h) Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.

### **Sanitary Sewer System**

41. The project sanitary sewer main and appurtenances shall be public, owned and maintained by the City. When the sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.

## **Exhibit B**

42. A wastewater collection system impact study is required to be completed for development. The developer may hire their own consultant, subject to the prior approval of the Director of Utilities & Environmental Services, or the developer can pay the City to perform the impact study with our consultant. U&ES staff is working with the consultant to obtain a cost proposal for the impact study. The developer shall be responsible for their share of the cost of any necessary improvements identified in the City's wastewater collection system as a result of the development. The developer's share shall be based on the results of the impact study and determined by the Director of Utilities & Environmental Services.
43. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If the sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
44. All sewer mains and appurtenances shall be constructed in accordance to the City's Specifications for the Construction of Sewer Mains and Appurtenances (12-inch Diameter or Less), latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>). Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manhole covers shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.
45. Each townhome dwelling unit shall have an individual sanitary sewer lateral. The sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312. Show the location and size of the proposed sewer laterals and cleanouts on improvement plans.
46. Sewer service is available and subject to the standard conditions and fees in effect at time of application and payment.
47. The current Sanitary Sewer Connection fee for a wastewater collection system impact study is required to be completed for this development. The study shall be coordinated through Henry Louie, Senior Utilities Engineer, in the City's Utilities & Environmental Services Department. Henry can be reached at (510) 583-4778 or by email at [henry.louie@hayward-ca.gov](mailto:henry.louie@hayward-ca.gov).

## **Water System**

48. The development's proposed water main and valves shall be public, owned and maintained by the City. If the water mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10-foot wide easement shall be granted to the City.
49. All public water mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest

## **Exhibit B**

revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>).

50. All water mains must be looped. Dead end water mains will not be allowed. Water mains must be connected to other water mains.
51. The utility plan indicates the proposed water mains in Drive Aisle B and Drive Aisle D will be connected with a water main located in the 10-foot setback area adjacent to the proposed sound wall, between Building 2 and Building 3. The water main in this location will require a minimum 10-foot wide easement to be granted to the City. The water main shall be located in the center of the 10-foot easement.
52. Where a public water main is in an unpaved easement or under decorative, stamped, or colored concrete (including turf-blocks), the water main shall be constructed of ductile iron. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement. Trees shall not be planted in the easement, as they will cause access problems.
53. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense.
54. All water services from existing water mains, if any, shall be installed by City Water Distribution Personnel at the applicant's/developer's expense. The developer may only construct new services in conjunction with their construction of new water mains.
55. City records indicate that the parcel at 31 West Jackson Street currently has one existing 5/8" domestic meter (Service # 24075) and the parcel at 5 West Jackson Street currently has one 5/8" domestic meter (Service # 11739). If these water services cannot be reused for the proposed development, they shall be abandoned.
56. Each townhome shall have an individual domestic water meter. Currently, the cost for a new residential water meter for a single-family residence (any size up to 1-inch) and service line is \$11,806 (\$3,500 installation fee + \$8,106 facilities fee + \$200 radio read fee). If the new services are constructed by the applicant/developer in conjunction with their construction of the new water main, the installation fee is reduced to \$310, for a total of \$8,616. Please note that the connection fee pricing structure will be changing October 1, 2015 and connection fees will be based on the domestic water meter size. The facilities fee for a 3/4" meter will be \$9,730.
57. Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204. If the new fire services are constructed by the applicant/developer in conjunction with their construction of the new water main, the cost of the fire service is \$6,864 (\$180 installation fee for by-pass meter + \$6,484 facilities fee + \$200 radio read fee).
58. The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City

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Standard SD-216. The minimum size for a residential fire service connection is 1 inch (combined or not) and the maximum size for combined services is 2 inches. If the calculated fire demand exceeds 160 GPM, a separate fire service will be required. Note that, per CBC 2010 R313, flow-through or multipurpose systems may not require a backflow device (SD-216 is attached). Also note that combined services must connect directly to the water main (manifold layouts are not allowed).

59. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for development landscaping. Currently, the cost for an irrigation service and meter is \$19,910 for 1", \$37,200 for 1.5" and \$56,940 for 2". The applicant/developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
60. All domestic and irrigation water meters shall be radio-read type.
61. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218.
62. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.

### Solid Waste

63. Applicants must comply with City standards to obtain building permits, as follows:
  - a. Residential Collection of Garbage and Recyclables: Residents are required to place their garbage, recycling, and organics carts at the curb for weekly collection service by contracted service providers:
    - i. The standard type of garbage, recycling, and organics containers are (one) thirty-two-gallon cart for Garbage, (one) sixty-four-gallon cart for Recycling, and (one) sixty-four-gallon cart for Organics.
    - ii. Trash and recycle containers shall be stored out of public view on non-pickup days. Sufficient storage space for garbage carts shall be provided for each residential unit. The total space required for the standard service is approximately three feet by nine feet.
    - iii. Residents shall not place carts at the curb any earlier than 6:00 am the day before scheduled collection, and are required to retrieve them no later than midnight the days the carts are emptied. (Hayward Municipal Code Section 5-1.15).
  - b. Requirements for Recycling Construction & Demolition Debris: City regulations require that applicants for all construction, demolition, and/or renovation projects,

## **Exhibit B**

in excess of \$75,000 (or combination of projects at the same address with a cumulative value in excess of \$75,000) must recycle all asphalt and concrete and all other materials generated from the project. Applicants must complete the Construction & Demolition Debris Recycling Statement, a Construction and Demolition Debris Recycling Summary Report, and weigh tags for all materials disposed during the entire term of the project, and obtain signature approval from the City's Solid Waste Manager prior to any off haul of construction and demolition debris from the project site.

### **Other Utilities**

64. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and Comcast cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
65. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
66. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the subdivision.
67. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
68. The existing overhead lines along Jackson Street property frontage shall be placed underground.

### **Landscape and Irrigation Plans**

69. Provide landscape improvements along the Jackson Street corridor from the project entrance on West Jackson Street to the rail road right-of-way.
70. No trees shall be planted within any Public Utilities Easement to assure access for maintenance. The landscape plan shall conform to this condition of approval.
71. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's Bay-Friendly Water Efficient Landscape

## Exhibit B

Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes. Dripline of the existing trees to be saved shall be shown on the plan.

72. Landscape improvement plans shall include all underground utilities and utility box locations in order to minimize conflicts with tree planting.
73. Living walls and other natural green elements are required.
74. A minimum five feet is required for any planning area and shall be measured from back of curb/hardscape/structure to back of curb/hardscape/structure to all direction.
75. Safety site lighting shall be provided along private driveway.
76. Planting in Service Easements: No tree shall be planted within utility easements. Additional planting area shall be provided if necessary to provide required tree planting. All easements shall be delineated on the landscape plan.
77. Street Tree Planting: One 24-inch-box tree shall be planted at every 20 to 40 feet on center in addition to required front yard trees per Zoning Ordinance.
78. Front Yard Tree Planting: Each unit shall have minimum one 24inch-box tree planted within the front yard setback area.
79. Common open space: Common open space must be located centrally and must be visible and provided with pedestrian connection to residents. Site amenities that encourages and supports group activities shall be provided.
80. Landscape between Masonry Sound Wall along W Jackson Street and front pedestrian walkway: wider landscape setback shall be provided to lessen the impact of 12 feet tall masonry sound wall.
81. Terminus of drive alleyway: Landscape at terminus shall be substantial and pronounced so that it won't look like driveway abutting sound wall.
82. Landscape Improvements in the City owned land between Diadon Drive and W Jackson Street: the landscape improvements shall include preserving healthy existing trees, improving soil condition, providing permanent irrigation and routine maintenance. It seems that there is an existing City-owned irrigation meter, but needs to be verified. Additional irrigation for the City-owned landscape area shall tap into the City meter once verified.
83. A comprehensive arborists report by a certified arborist is required for all existing trees within the limit of project area and off-site trees (the area between Diadon Drive and West Jackson Street) that have significant impact to this development. The report must include trees that have tree trunks larger than 4-inch in diameter for native trees and 8-inch in diameter for the remaining species to assess conditions on all existing

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trees. The report shall include health, species, caliper, approximate height, canopy diameter, and value using the latest edition of Guide for Plant Appraisal by the International Society of Arboriculture. Provide ISA worksheet per each trees are subjected for valuation. Arborist report shall include tree protection plan. The arborists report and valuation shall be reviewed and approved by the City as a part of Precise Plan approval (See City of Hayward Tree Preservation Ordinance).

84. Best effort shall be made to preserve all healthy trees. Removed trees shall be replaced with equal value determined by the appraised value by an arborist.
85. A tree removal permit is required prior to the removal of any existing trees.
86. A bond will be required for all trees that are to remain. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
87. Prior to the issuance of a grading or building permit, a tree preservation bond, surety or deposit, equal in value to the trees to be preserved, shall be provided by the developer. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the conditions of the trees.
88. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period.
89. Wider planting area shall be provided when required tree planting is compromised due to underground utilities such as storm drain laterals, and water and sewer laterals or utility easement.
90. Planting in Bio-Retention Area: Trees and shrubs shall not be planted in the flow line. Wider planting areas shall be provided when lack of planting areas prevents required trees to be planted.
91. Bio-Retention and Bio-Infiltration Treatment Area: Additional 24-inch wide leveled area shall be provided when the treatment area is located adjacent to structure and/or paving before the treatment side slope begins. Irrigation for bio-retention area shall be provided with matched precipitation rotator nozzle type on a separate valve.
92. The trees should be 20 feet from the corner, a minimum of 5-foot away from any underground utilities, a minimum of 15 feet from a light pole, and a minimum 30 feet from the face of a traffic signal, or as otherwise specified by the city. Root barrier shall be provided for all trees that are located within 7 feet of paved edges or structure. Trees shall be planted according to the City Standard Detail SD-122.
93. Provide automatic irrigation system that provides 100% uniform coverage and meets the current water efficiency standards to the landscape area.



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94. Masonry walls, solid building walls, or fences facing a street or driveway shall be continuously buffered with shrubs and vines. The landscape plans shall be revised to comply with this condition.
95. Water meter for individual home shall be provided in the driveway apron as well as sewer cleanout.
96. A separate irrigation meter shall be provided for all landscape improvements including common open space.
97. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Completion. The final acceptance form must be submitted prior to requesting an inspection to the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements.
98. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a Homeowners' Association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.
99. A covenant or deed restriction shall be recorded with each lot requiring the property owner to properly maintain the front yard landscaping and street trees, and replace any dead or dying plant material.

### **Fire Protection**

100. New fire hydrants shall be provided along private streets at locations approved by the Hayward Fire Department. New fire hydrants shall be placed fifty-feet from the building to be protected. Where it is not feasible, they may be in closer proximity as approved by the Hayward Fire Department.
101. All new fire hydrants shall be double steamer type, equipped with (two) four and one half inch outlets and (one) two and a half inch outlet. The capacity of each individual hydrant shall be 1,500 GPM. Vehicular protection may be required for the fire hydrants. Blue reflective fire hydrant dot markers shall be installed on the roadways indicating the location of the fire hydrants. Blue reflective pavement markers shall be installed at fire hydrant locations.
102. New fire hydrants shall meet the requirements of Hayward Public Works Department. Fire hydrants shall be Double Streamer Hydrant: Clow Valve Co. Model 865 with one (1) 2-1/2" Outlet and two (2) 4-1/2" Outlets.

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103. Fire flow shall meet all requirements of the 2013 California Fire Code Table C105.1 and Hayward Fire Code Ordinance. No. 10-14. Existing fire hydrants meeting the distance requirement can be included in the total required number.
104. Maximum 80 pounds per square inch (PSI) water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
105. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds, the imposed load of fire apparatus, and shall be surfaced so as to provide all-weather driving capability.
106. A fire apparatus access road twenty feet to twenty-six feet wide shall be posted on both sides as a fire lanes; a fire apparatus access road twenty-six feet to thirty-two feet wide shall be posted on one side of the road as a fire lane. "No Parking" signs shall meet the City of Hayward Fire Department fire lane requirements.
107. No parking on the new private street shall be allowed except in designated/marked parking stalls.
108. Underground fire service line serving NFPA 13D (Domestic) sprinkler system shall be installed in accordance with the Hayward Public Work Department SD-216. Water meter shall be minimum one-inch in diameter. Sprinkler monitoring systems shall be provided for NFPA 13 sprinkler systems.
109. Underground fire service line serving NFPA 13 sprinkler system shall be installed in accordance with the Hayward Public Work Department SD-204. Water meter shall be minimum four-inch in diameter.
110. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any fire sprinkler system waterflow activity.
111. A minimum six-inch address, on a contrasting background, shall be installed on the front of the building in a location so as to be visible from the street.
112. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).
113. Carbon monoxide detectors should be placed near the sleeping area on a wall about five feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
114. An approved type spark arrestor shall be installed on any chimney cap.

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### **Hazardous Materials**

115. Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either California Regional Water Quality Control Board or Department of Toxic Substance Control and submitted to the Hayward Fire Department to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.
116. Prior to grading: Structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure hazards posed to development construction workers, the environment, future residents and other persons are mitigated.
117. Any wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. These structures shall be documented and removed under permit when required.
118. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials.
119. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

### **Final Tract Map**

120. Prior to the approval of the Final Map, the developer shall pay the costs of providing public safety services to the project should the project generate the need for additional public safety services. The developer may pay either the net present value of such costs prior to issuance of building permits, or the developer may elect to annex into a special tax district formed by the City and pay such costs in the form of an annual special tax. The developer shall post an initial deposit of \$20,000 with the City prior to submittal of improvement plans to offset the City's cost of analyzing the cost of public safety services to the property and district formation.
121. Prior to recordation, a proposed Final Tract Map shall be submitted for review by the City. The Final Tract Map shall be presented to the City Council for review and action. The City Council meeting will be scheduled approximately sixty (60) days after the Improvement Plans with supporting documents and Final Map are deemed technically correct, and Subdivision Agreement and Bonds are approved by the City. The executed Final Map shall be returned to the City Public Works Department if Final Map has not

## **Exhibit B**

been filed in the County Recorder's Office within ninety (90) days from the date of the City Council's approval.

122. Prior to the recordation of the Final Tract Map, all documents that need to be recorded with the final map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
123. The final map shall reflect all easements needed to accommodate the project development. The private street shall be dedicated as a Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).
124. The Affordable Housing Ordinance (AHO) requirements apply to the project. Pursuant to the City's AHO, 10% of all detached single family residences and 7.5% of all attached units in a project must be set aside and sold at affordable prices to moderate-income households (households earning 120% of the Area Median Income or less). If this option is selected by the developer, prior to the approval of the Final Map, an Affordable Housing Plan (AHP) shall be submitted and approved by the Planning Director. The AHP shall conform to the requirements of the AHO and will memorialize the obligations relevant to compliance with AHO provisions by the project owner. The AHO also allows developers the option to pay an Affordable Housing Impact Fee as established in the City's Master Fee Schedule. Affordable Housing Impact fees shall be paid either prior to issuance of a building permit or prior to approval of a final inspection or issuance of an occupancy permit. Regardless of the timing for payment of the fees chosen, no final inspection will be approved and no occupancy permit will be issued for any dwelling unit unless all applicable Affordable Housing Impact Fees have been paid in full.
125. Prior to the approval of the Final Map, the developer shall pay the costs of providing public safety services to the project should the project generate the need for additional public safety services. The developer may pay either the net present value of such costs prior to issuance of building permits, or the developer may elect to annex into a special tax district formed by the City and pay such costs in the form of an annual special tax. The developer shall post an initial deposit of \$20,000 with the City prior to submittal of improvement plans to offset the City's cost of analyzing the cost of public safety services to the property and district formation.
126. The Stormwater Treatment Measures Maintenance Agreement, prepared by Public Works Engineering and Transportation Division Staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

### **AT BUILDING PERMIT APPLICATION SUBMITTAL**

127. On plans to be submitted for building permit, a structural engineer is responsible for incorporating recommend mitigation measures of the revised geotechnical report prepared by Geotechnical Engineering, dated October 7, 2013

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128. The Plans for building permit shall be in substantial conformance with the conditions of approval and improvement plans and shall be submitted in after the improvement plans are approved and the Final Map is recorded.
129. The applicant shall submit revised project plans for review and approval by the Planning Director that clearly shows the details of each project amenity. Such project amenity details shall be included in the Building Permit submittal for final approval.
130. The Building Permit Plans shall include the following information and/or details:
- a. A copy of these conditions of approval shall be included on a full-sized sheet(s).
  - b. Proposed location for construction staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for vanpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping.
  - c. Details of address numbers shall be provided. Address number shall be decorative. Building addresses shall be minimum four-inch self-illuminated or six-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
  - d. Proposed locations, heights, materials and colors of all walls and fences.
  - e. A minimum of one exterior hose bib shall be provided for each residential unit.
  - f. Proposed pavement materials for all drive aisles, parking areas, and pedestrian paths. Surfaces indicated on the approved plans, Exhibit A, shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials.
  - g. Proposed mailbox design and locations, subject to Post Office approval.
  - h. The final lighting plan is to be prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided along the private street. All drive aisles shall have decorative lights with LED luminaires. Please indicate locations on the final lighting plan and include elevations of the light standards. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
  - i. All air conditioners and utility connections for air conditioners shall be located behind solid board fences or walls and shall not exceed the height of the fence or wall, unless otherwise approved. Infrastructure for air conditioning systems is required to be installed as a standard feature.
  - j. Proposed color and materials board for all buildings, fences and walls. No changes to colors shall be made after construction unless approved by the Planning Director.
  - k. All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen.

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- l. No mechanical equipment, other than solar panels, shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus, such as vents, shall be painted to match the roof color.
  - m. All decorative window treatments shall be extended to all elevations.
  - n. An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars. As an alternative, an area within the fenced side yard may be used for the garbage and recycling containers but shall be shown.
  - o. All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All two car garages shall have minimum interior dimensions of twenty-foot width by nineteen-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle/organics containers or HVAC shall project within the required interior parking areas.
131. To avoid or reduce the potential impact related to the site specific geotechnical hazards related to seismic hazards, the project developer shall implement the following mitigation measures:
- a. The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.
  - b. New construction will comply with the the Hayward Building Code and mitigation measures outlined in the Geotechnical Investigation report.
  - c. For each building constructed in the development plan area, the required site specific geotechnical investigation shall address expansive soils and provide appropriate engineering and construction techniques to reduce potential damage to buildings.
  - d. To reduce the potential impacts related to the presence of low to moderately expansive clays in the subsurface soils of the project site, mitigation measures to avoid the effects of expansive soils outlined in the Geotechnical Investigation shall be followed.
132. Details of all project amenities shall be submitted for review and approval by the Planning Director prior to submittal for building permit.
133. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division in accordance with the City of Hayward's Design Guidelines prior to issuance of a building permit for the project.

### **PRIOR TO ISSUANCE OF BUILDING OR GRADING PERMITS AND CONSTRUCTION WITH COMBUSTIBLE MATERIALS**

134. The developer shall provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
135. Pursuant to the Municipal Code Section 10-3.332, the developer shall execute a subdivision agreement and post bonds with the City that shall secure the construction

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of the public improvements. Insurance shall be provided per the terms of the subdivision agreement.

136. Prior to issuance of building permits, a final map that reflects and is in substantial compliance with the approved vesting tentative tract map, shall be approved by the City Engineer and recorded or in the process for filing with the office of the Alameda County Clerk Recorder.
137. Submit the following documents for review and approval, for City project records/files:
  - a. Copy of the Notice of Intent filed with the State Water Resources Control Board;
  - b. Engineer's estimate of costs, including landscape improvements;
  - c. Signed Final Map;
  - d. Signed Subdivision Agreement;
  - e. Certificate of Insurance; and
  - f. Subdivision bonds.
138. Plans for building permit applications shall incorporate the following:
  - a. The approved Improvement Plan; and
  - b. The approved Landscaping and Irrigation Plan.
  - c. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
  - d. A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. All exterior lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director or his/her designee shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the buildings. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of proposed buildings.
  - e. Plans shall show that all utilities will be installed underground.
139. Required water system improvements shall be completed and operational prior to the start of combustible construction.
140. The developer/subdivider shall be responsible to adhere to all aspects of the approved Storm Water Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.
141. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.

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142. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

### **PRIOR TO COMPLETION OF SITE IMPROVEMENTS AND ISSUANCE OF CERTIFICATES OF OCCUPANCY**

#### **During Construction**

143. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
144. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
- a. Grading and site construction activities shall be limited to the hours 7:00 a.m. to 7:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. Sunday and Holidays. Grading hours are subject to the City Engineer's approval. Building construction hours are subject to Building Official's approval.
  - b. Grading and construction equipment shall be properly muffled.
  - c. Unnecessary idling of grading and construction equipment is prohibited.
  - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units.
  - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information and a copy provided to the Planning Division.
  - f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction and a copy provided to the Planning Division.
  - g. Daily clean-up of trash and debris shall occur on public streets adjacent to the project site and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
  - h. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;



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- i. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
  - j. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions.
  - k. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site.
  - l. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - m. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - n. Sweep public streets daily if visible soil material is carried onto adjacent public streets.
  - o. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for ten-days or more).
  - p. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
  - q. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
  - r. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
  - s. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
  - t. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
  - u. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
  - v. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains.
  - w. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
145. In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.

## **Exhibit B**

146. The developer shall comply with standards identified in General Plan, Table HAZ-1 – Exterior Noise Standards for Various Land Uses. The common group open space and all exterior areas shall meet the Highest Level of Exterior Noise Exposure that is Regarded as “Normally Acceptable” for Highest Level of Exterior Noise Exposure that is Regarded as “Normally Acceptable” for Townhomes, Multi-Family Apartments and Condominiums as specified in Table HAZ-1. Measures to ensure compliance with such standards shall be developed by a state licensed acoustical engineer and incorporated into building permit plans, to be confirmed by the Planning and Building Divisions. Also, confirmation by a state licensed acoustical engineer that such standards are met shall be submitted after construction and prior to issuance of certificates of occupancy.
147. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed and installed in accordance with the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Completion. The final acceptance form must be submitted prior to requesting an inspection with the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of landscape improvements.
148. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation, and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs, and a Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract to the Public Works – Engineering and Transportation Department by the developer.

### **Homeowners’ Association (HOA)**

149. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Conditions, Covenants and Restrictions (CC&R’s) creating a homeowners association (HOA) for the property shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R’s shall describe how the storm drain system, including stormwater treatment facilities BMP, private street and infrastructure, common landscaping areas and amenities for the developments shall be maintained by the association. The CC&Rs shall include the following provisions:
- a. The CC&Rs shall include provisions to allow future adjacent developments to annex into HOA if appropriate.
  - b. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
  - c. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association.

## **Exhibit B**

- d. The HOA shall be managed and maintained by a professional property management company.
- e. The HOA shall own and maintain the private access roads and driveways Drive Aisle A, Drive Aisle B, Drive Aisle C, and Drive Aisle D.
- f. The HOA shall own and maintain the on-site storm drain system.
- g. The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The HOA representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
- h. A provision that if the HOA fails to maintain the common outdoor patio areas, and all other landscaping and irrigation in all other common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project; the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
- i. A provision that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within forty-eight hours of inspection or within forty-eight hours of notification by the City.
- j. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
- k. The garage of each unit shall be maintained for off-street parking of two vehicles and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
- l. The residents shall not use common parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These parking spaces shall be monitored by the HOA. The CC&R's shall include authority for the HOA to tow illegally-parked vehicles.
- m. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.
- n. The HOA shall maintain all fencing, parking surfaces, common landscaping, lighting, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be

## **Exhibit B**

repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.

- o. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
- p. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
- q. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.
- r. Balconies may not be used for storage and personal items may not be draped over the railings.
- s. The association shall ensure that no less than 75 percent of the units shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is not permitted. However, to address special situations and avoid unusual hardship or special circumstances, such as a loss of job, job transfer, military transfer, change of school or illness or injury that, according to a doctor, prevents the owner from being employed, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.
- t. The on-site storm drain system shall be privately owned and maintained by the Homeowners' Association.

### **PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY OR FINAL REPORT**

- 150. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
- 151. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
- 152. All public improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
- 153. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of the Vesting Tentative Tract Map is approved. All Park dedication in-lieu fees shall be paid prior to issuance of a Certificate of Occupancy for a residential unit.
- 154. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface

## **Exhibit B**

filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over thirty percent dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch should be organic recycled chipped wood in the shades of Dark Brown Color. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

155. The developer/subdivider shall be obligated for the following additional fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Tract Map was accepted as complete, unless otherwise indicated herein: Supplemental Building Construction and Improvement Tax, and School Impact Fee.
156. Final Hayward Fire Department inspection is required to verify that requirements for fire protection facilities have been met and actual construction of all fire protection equipment have been completed in accordance with the approved plan. Contact the Fire Marshal's Office at (510) 583-4910 at least twenty-four hours before the desired final inspection appointment.
157. The improvements associated with the Pacific Gas and Electric Company, AT&T (telephone) company, and local cable company shall be installed to the satisfaction of the respective companies.
158. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
159. The developer/subdivider shall submit "as built" plans and final reports for the following:
  - a. Final Storm Water Management Plan (SWMP) prepared by a QSD and signed by a Qualified Inspector;
  - b. AutoCAD file format (release 2010 or later) in a CD of approved final map and 'as-built' improvement plans showing landscape and irrigation improvements, lot and all underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc. that can be used to update the City's Base Maps; and
  - c. Final Geotechnical Report.



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DEVELOPER

FELSON COMPANIES  
1290 B STREET, SUITE 212  
HAYWARD, CA  
(510) 583-3403  
CONTACT: BLAKE FELSON

CIVIL ENGINEER

WOOD RODGERS  
4301 HACIENDA DRIVE, SUITE 100  
PLEASANTON, CA 94588  
(925) 847-1547  
CONTACT: KARRIE MOSCA

LANDSCAPE ARCHITECT

HWA LANDSCAPE ARCHITECTS  
762 ALTESSA DRIVE  
BRENTWOOD, CA 94513  
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CONTACT: ROSS WELLS

ARCHITECT

SDG ARCHITECTS, INC.  
3361 WALNUT BLVD. SUITE 120  
BRENTWOOD, CA 94513  
(925) 634-7000  
CONTACT: JEFF POTTS



BUILDING E

BUILDING D

Harvest Park  
Hayward, CA  
June 5, 2015

Felson Companies

1290 B Street, Suite 212, Hayward, CA 94541  
510.583.3403

COVER SHEET  
CS

3361 Walnut Blvd. Suite 120 Brentwood, CA 94513  
925.634.7000  
www.strausdesign.com



SDG Architects, Inc.



Project Overview for Harvest Park

Project Description

The project consists of a 2.6 acre site (after purchase of an approximate 0.3 acre portion of Diadon Drive from the City) located along West Jackson Street. The project is made up of three parcels which are zoned RH - High Density Residential and PD - Planned Development. The General Plan designation for all of the parcels is HDR which calls for a density between 17.4 and 34.8 du/ac. The project proposes 50 townhomes, which is a project density of 19.23 units per which puts it at the low end of the required density range. The property is currently being used as Industrial and Warehouse.

Site Constraints

The property has several significant site constraints, which along with the minimum required density, influenced the site layout. There is a single point of access that is fixed by the current location of Diadon Drive. The project is bounded by West Jackson Street to the south and sits several feet above the road. There is a railroad track to the east which produces several impacts, most notably being noise. Finally the project is adjacent to the existing Diamond Crossings project to the north and west. The property line to the north is irregular and contains an existing EVA for the Fire Department to access the Diamond Crossing project.

Site Layout

The site and project type were designed with the site constraints in mind. The first considerations were the project entrance and the existing EVA which are both fixed in their locations. The next consideration was the view of the project from West Jackson Street. It was important to provide an aesthetically pleasing view of the project from the major arterial. Therefore, it was determined that building fronts and not garages would be best placed along this boundary. Additionally, we did not want to place another single loaded street adjacent to West Jackson Street.

The neighboring Diamond Crossing project was also a major challenge. It was our goal to keep the building massing as far from the neighboring homes as possible. We placed a landscape buffer and an alley along the west side which pushed the buildings more than 30 feet away from the neighboring property line. It is important to note that this alley has limited use, accessing only 14 units. The buildings on the north side were placed near the overflow parking lot for Diamond Crossing with Building A placed more than 40 feet from the adjacent property line.

Finally it was determined that due to the noise levels it would be best to place building ends along the railroad tracks rather the fronts or rears. This provided for the least amount of units and rooms impacted by the noise.

Two of our major goals were to reduce the number of buildings that were placed end to end and to minimize locations with buildings on both sides of an alley. We were able to limit the end to end conditions to just the two buildings along West Jackson Street (Buildings D and E). In this case, we increased the separation between these buildings to 15 feet and stepped back the upper floors to provide a more open feeling. There are also only two relatively short alleys that have buildings placed back to back and in these cases the alleys do not pass through to streets that lead to other areas of the site, which will keep the traffic in these areas to the minimum.

The site was also designed with walkability and resident interaction in mind. There is an interconnected sidewalk system that will allow residents to walk around the entire site. The sidewalk system also connects all of the open space areas so that residents can access them without walking through the alleys. We've incorporated cobblestone pavers in the streets to better direct pedestrian traffic and to reinforce walkability. The project's open space is broken into three major areas which provide easy access for all residents. The primary open space is placed at the center of the site and is bordered by three of the eight buildings (Buildings C, B, and F). This area is also highly visible from the main drive aisle through the project. There is also a large open space adjacent to Building A that could become a great area for small children to play in a safe, more enclosed environment. Lastly, there is a generous paseo between Buildings F and G that is suitable for gathering and community interaction.

Architecture

The architecture was designed to be aesthetically pleasing and to fit within the context of the neighborhood and Hayward as a whole. The buildings were designed to provide a cohesive elevation while still allowing the units to read as individual homes. This individualization was achieved by varying the roof lines and utilizing three color palettes. The buildings were designed with articulation at all sides and include stepped in sides at buildings that are located end to end (Buildings D and E). Additionally, wrap around porch elements were included to enhance the highly visible end units and to create a greater sense of community.



Harvest Park  
Hayward, CA  
June 5, 2015

Felson Companies  
1290 B Street, Suite 212, Hayward, CA 94541  
510.583.3403

PROJECT DESCRIPTION  
PD

3361 Walnut Blvd. Suite 120 Brentwood, CA 94513  
925.634.7000  
www.straussdesign.com





TRACT 8240  
VESTING TENTATIVE MAP FOR CONDOMINIUM PURPOSES  
**HARVEST PARK**

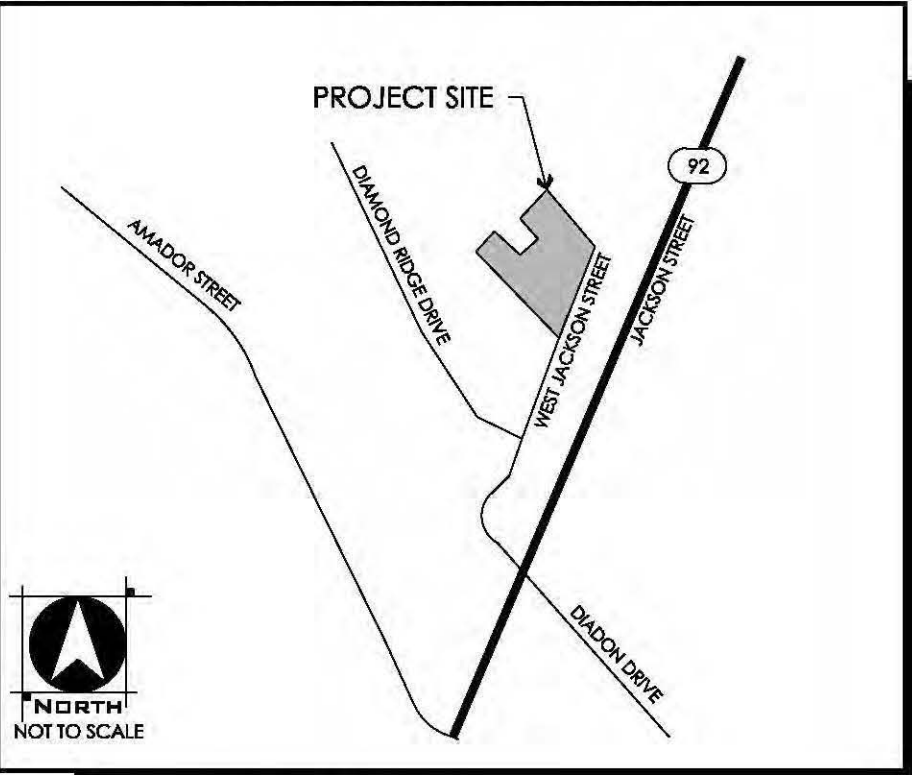
HAYWARD, CA

JUNE 5, 2015

(REVISED: SEPTEMBER 2015)

(REVISED: JANUARY 2016)

LOCATION MAP



CONTACTS

APPLICANT:  
FELSON COMPANIES  
1290 B STREET, SUITE 212  
HAYWARD, CA 94541  
CONTACT: BLAKE FELSON  
(510) 538-1150

CIVIL ENGINEER:  
WOOD RODGERS, INC.  
4301 HACIENDA DRIVE, SUITE 100  
PLEASANTON, CA 94588  
CONTACT: KARRIE MOSCA  
(925) 847-1547

GEOTECHNICAL ENGINEER:  
GEI GEOTECHNICAL ENGINEERING, INC.  
38750 PASEO PADRE PARKWAY, SUITE B-1  
FREMONT, CA 94536

ARCHITECT:  
SDG ARCHITECTS, INC.  
3361 WALNUT BOULEVARD, SUITE 120  
BRENTWOOD, CA 94513  
(925) 634-7000

OWNER:  
APN 443-50-8-5: FELSON PARTNERS, LP  
& 443-50-8-6: 1290 B STREET, SUITE 212  
HAYWARD, CA 94541

APN 443-50-12: DIAMOND CROSSINGS ASSOCIATES LP  
1290 B STREET, SUITE 210  
HAYWARD, CA 94541

DIADON DRIVE (R/W): CITY OF HAYWARD  
777 B STREET  
HAYWARD, CA 94541

WE, FELSON PARTNERS, LP AGREE TO THE FILING OF SAID MAP AND TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

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

WE, DIAMOND CROSSINGS ASSOCIATES, LP AGREE TO THE FILING OF SAID MAP AND TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

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

WE, THE CITY OF HAYWARD, AGREE TO THE FILING OF SAID MAP AND TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

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

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PROJECT NOTES

**SITE ADDRESS/ASSESSOR'S PARCEL NOS.**  
5 W. 31 W. 73 W. JACKSON STREET.  
443-50-6, 443-50-8-5, 443-50-12

**AREA**  
EXISTING: 101,142 S.F. (2.3 Ac.)  
PROPOSED: 111,088 S.F. (2.6 Ac.)

**NUMBER OF LOTS/UNITS**  
8 LOTS | 50 TOWNHOMES UNITS (19.2 UNITS/ACRE)

**EXISTING USE**  
INDUSTRIAL

**PROPOSED USE**  
HIGH DENSITY RESIDENTIAL

**EXISTING ZONING**  
RH-HIGH DENSITY RESIDENTIAL

**EXISTING GENERAL PLAN**  
PLANNED DEVELOPMENT

**SEWER**  
CITY OF HAYWARD

**STORM DRAIN**  
PROPOSED ON-SITE STORM DRAIN FACILITIES (UNLESS OTHERWISE NOTED ON THE PLAN) WILL BE PRIVATE AND PRIVATELY MAINTAINED BY THE H.O.A.

**WATER**  
CITY OF HAYWARD

**GAS AND ELECTRIC**  
PG&E

**TELEPHONE**  
SBC

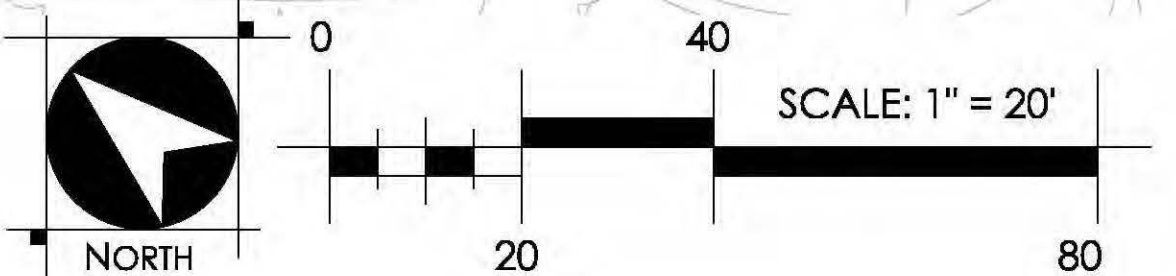
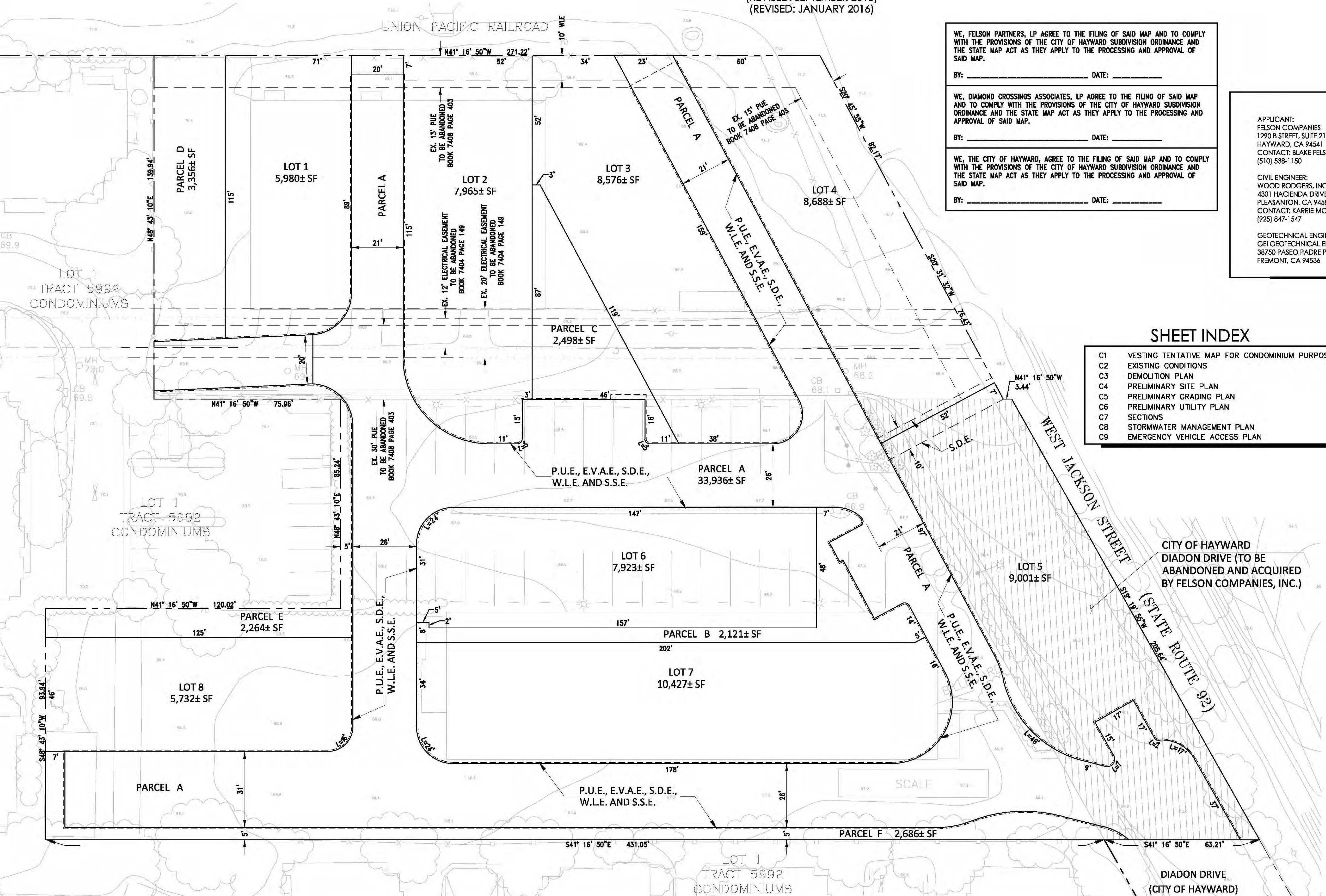
**CABLE TV**  
COMCAST

**BASIS OF BEARINGS**  
THE LINE BETWEEN TWO EXISTING MONUMENTS TAKEN AS N19° 19'56"W, 322.16' AS SHOWN ON AMENDING MAP TRACT 5992 IN BOOK 195, PAGE 95 ALAMEDA COUNTY RECORDS.

**BENCHMARK**  
ROUND BRASS DISK STAMPED A-43 ON EAST SIDE OF WEST JACKSON STREET, ELEVATION TAKEN AS 63.61, ALAMEDA DATUM NGVD 29.

**FLOOD ZONE DESIGNATION**  
ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE OF FLOODING - F.I.R.M. PANEL 06001 C0289G

**NOTES**  
1. EXISTING STRUCTURES: ALL EXISTING STRUCTURES TO BE REMOVED  
2. CONTOURS: 1 FOOT INTERVALS  
3. H.O.A.: TO BE FORMED TO OWN AND MAINTAIN PRIVATE STREETS, DRIVE AISLES, PRIVATE SEWER, STORM FACILITIES, AND LANDSCAPE AREAS.  
4. WALLS: ALL EXTERIOR WALLS TO BE MAINTAINED BY H.O.A.  
5. DIMENSIONS: DIMENSIONS ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN.  
6. FINAL MAP: SUBDIVIDER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS  
7. CONDOMINIUM MAP: A CONDOMINIUM MAP WILL BE RECORDED FOR APNS 443-50-8-5, 443-50-6, 443-50-12. THE TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS SHALL BE NO MORE THAN 50 UNITS FOR THIS MAP.



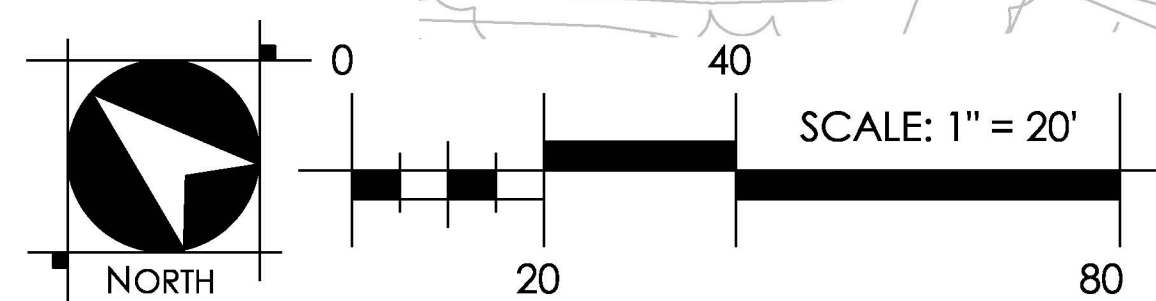
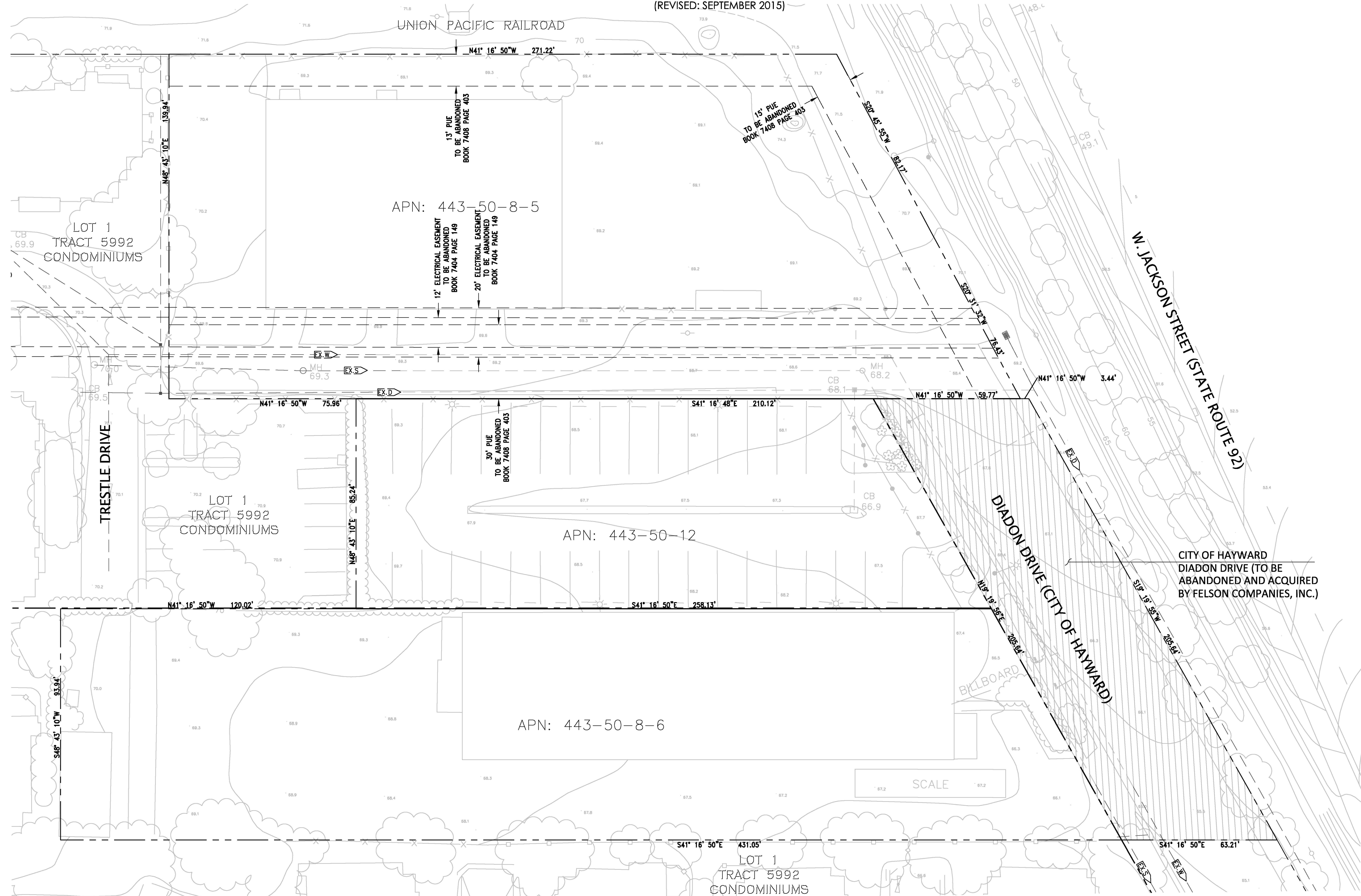
**WOOD RODGERS**  
DEVELOPING INNOVATIVE DESIGN SOLUTIONS

4670 Willow Road, Suite 125 Tel 925.847.1556  
Pleasanton, CA. 94588 Fax 925.847.1557



# TRACT 8240 EXISTING CONDITIONS HARVEST PARK

HAYWARD, CA  
JUNE 5, 2015  
(REVISED: SEPTEMBER 2015)

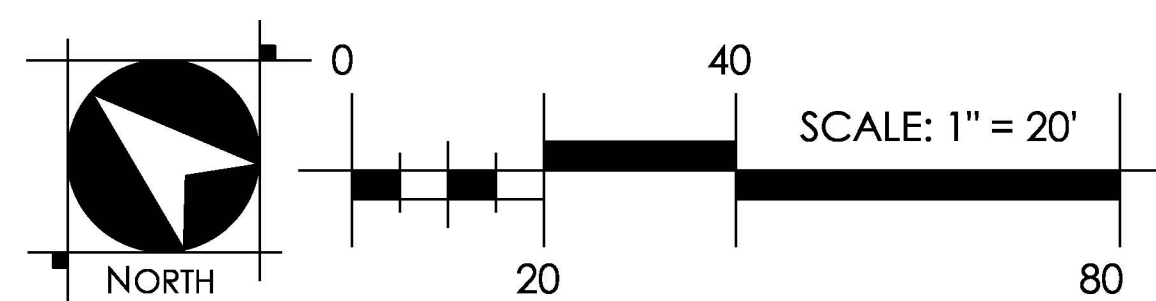
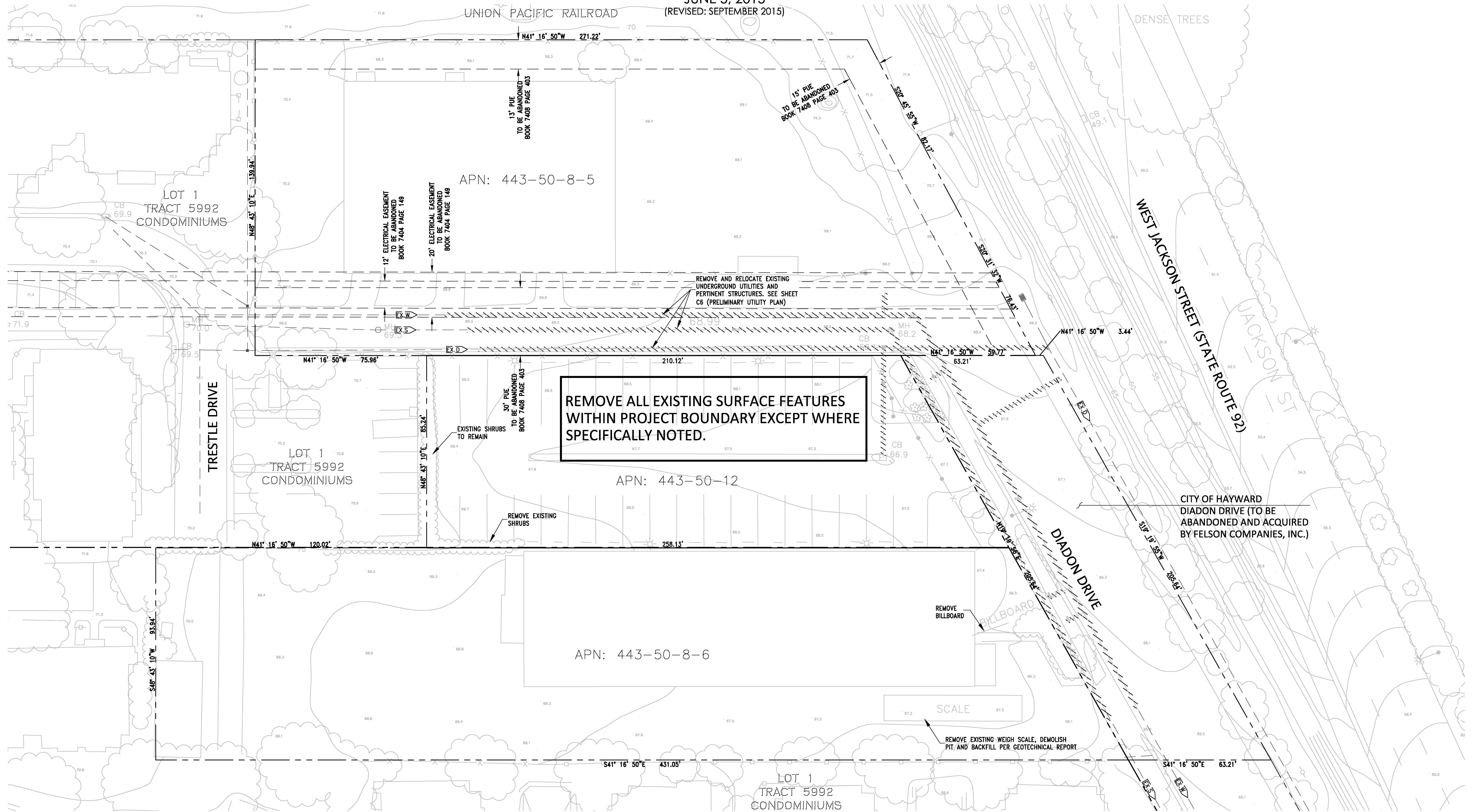


**WOOD RODGERS**  
DEVELOPING INNOVATIVE DESIGN SOLUTIONS  
4301 Hacienda Drive, Suite 100 Tel 925.847.1556  
Pleasanton, CA. 94588 Fax 925.847.1557



# TRACT 8240 DEMOLITION PLAN HARVEST PARK

HAYWARD, CA  
JUNE 5, 2015  
(REVISED: SEPTEMBER 2015)



**NOTE:**  
EXISTING STORM, WATER AND SEWER MAINS ARE TO REMAIN  
ACTIVE UNTIL RELOCATED FACILITIES ARE INSTALLED.

**WOOD RODGERS**  
DEVELOPING INNOVATIVE DESIGN SOLUTIONS  
4301 Hacienda Drive, Suite 100 Tel 925.847.1556  
Pleasanton, CA. 94588 Fax 925.847.1557



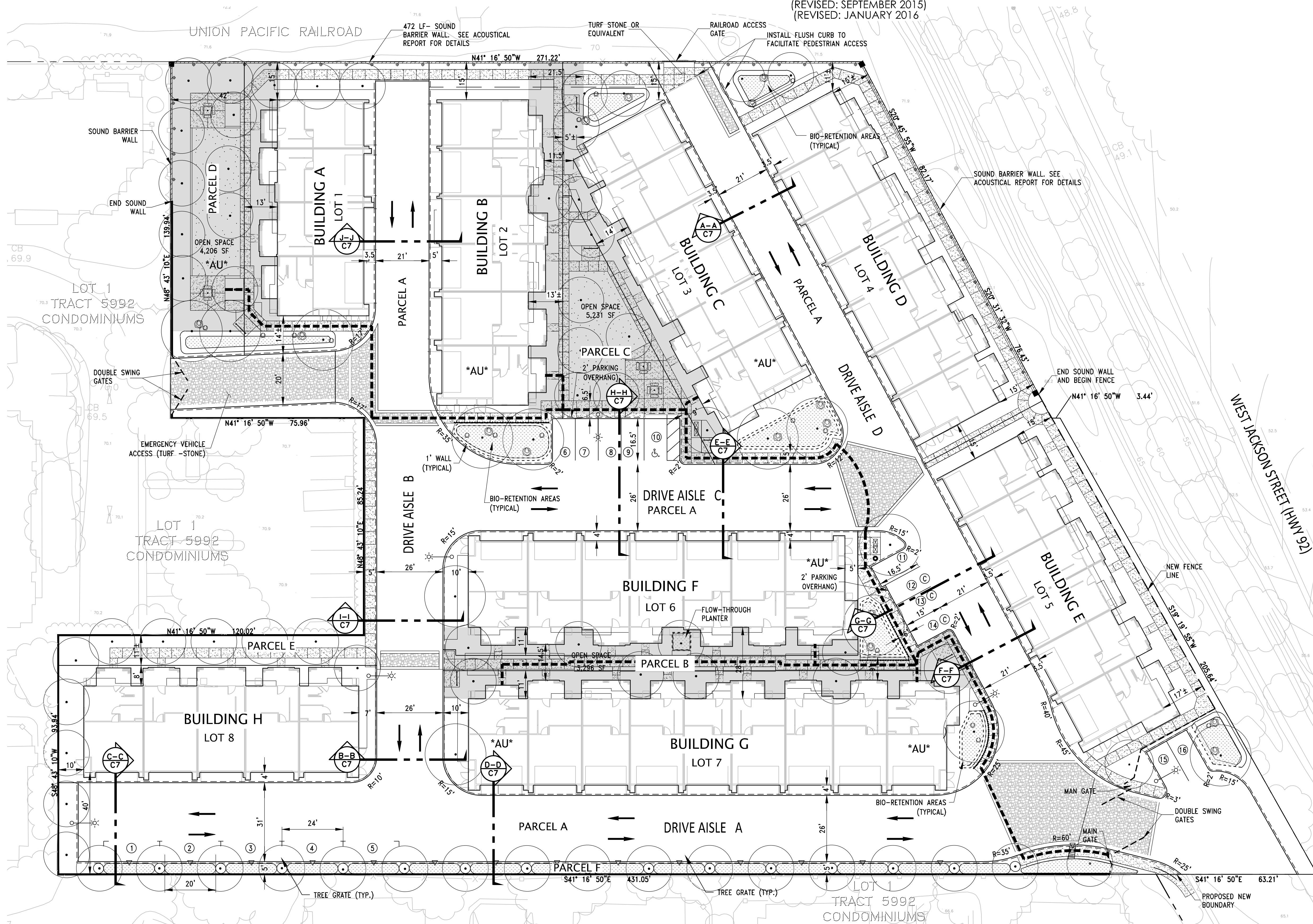
# TRACT 8240 PRELIMINARY SITE PLAN HARVEST PARK

HAYWARD, CA

JUNE 5, 2015

(REVISED: SEPTEMBER 2015)

(REVISED: JANUARY 2016)



## BUILDING SUMMARY

BUILDINGS	AREA CALCULATION TABLE						
	1ST LEVEL	2ND LEVEL	3RD LEVEL	BLDG. S.F. (TOTAL ALL UNITS)	TOTAL # OF UNITS	BUILDING MIX (% TOTAL)	FOOTPRINT AREA
BLDG. A	1,067	3,079	2,991	7,137	4	8%	3,317
BLDG. B	1,490	4,327	4,196	10,013	6	12%	4,696
BLDG. C	1,519	4,431	4,311	10,261	6	12%	4,947
BLDG. D	1,669	5,044	4,965	11,678	7	14%	5,496
BLDG. E	1,519	4,431	4,311	10,261	6	12%	4,935
BLDG. F	1,879	5,378	5,207	12,464	7	14%	5,882
BLDG. G	2,360	6,834	6,642	15,836	9	18%	7,444
BLDG. H	1,398	3,922	3,772	9,092	5	10%	4,263
TOTAL	12,901	37,446	36,395	86,742	50	100	40,980

## COVERAGE SUMMARY

COVERAGE TYPE	SQUARE FOOTAGE	PERCENTAGE TOTAL
BUILDING FOOTPRINT	40,980	36.4%
DRIVEWAY/AISLES	34,857	31.0%
OPEN SPACE	13,363	11.9%
LANDSCAPING	23,255	20.7%
TOTALS	112,455	100%

## PARKING SUMMARY

PARKING TYPE	PARKING REQUIRED		PARKING PROVIDED	
	RATIO	SPACES	RATIO	SPACES
COVERED	1.0	50	2.0	100
UNCOVERED	1.1	55	0.1	5
SUBTOTAL	2.1	105	2.1	105
GUEST 10%			0.21	11*
TOTAL	2.31	105	2.31	116

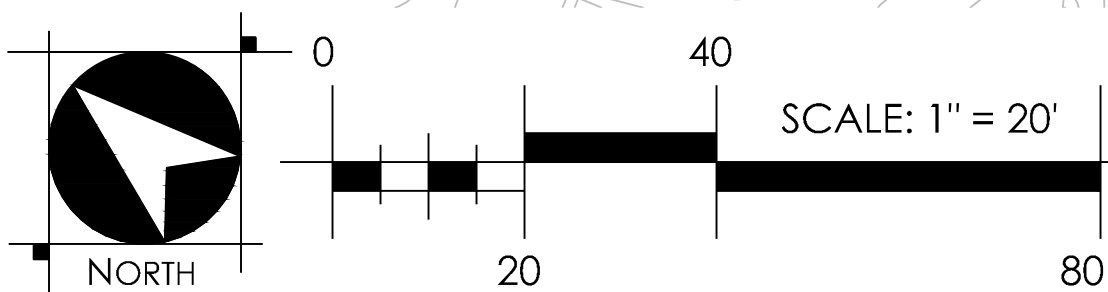
\* (C) COMPACT STALL (27%)

## OPEN SPACE SUMMARY

COMMON AREA	PROVIDED (SF)	REQUIRED (SF)
	267 SF/UNIT	MIN 100 SF/UNIT
PARCEL B	3,296	
PARCEL C	5,231	
PARCEL D	4,206	
TOTAL COMMON AREA	13,363	5,000
TOTAL PRIVATE DECK/PATIO	AVG 158 SF/UNIT MAX 250 SF/UNIT 7,896	12,500
TOTAL OPEN SPACE	AVG 425 SF/UNIT 21,259	350 SF/UNIT 17,500

\*AU\* ACCESSIBLE UNIT  
 - - - - - ACCESS PATH OF TRAVEL

NOTE:  
 PROJECT SHALL COMPLY WITH ALL PROVISIONS OF THE CALIFORNIA BUILDING CODE, CHAPTER 11 RELATED TO ACCESSIBILITY AS APPLICABLE TO THIS PROJECT.



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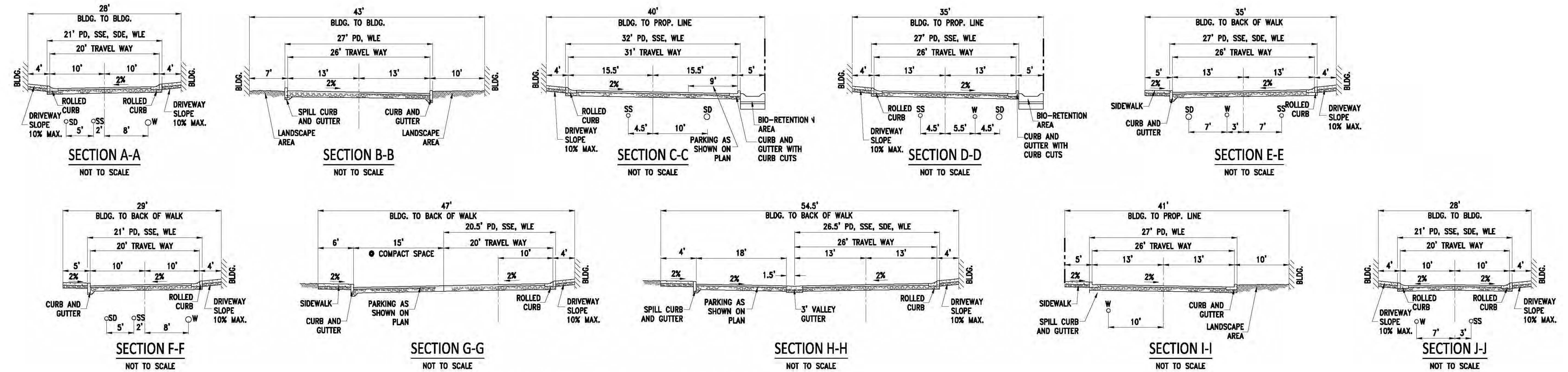




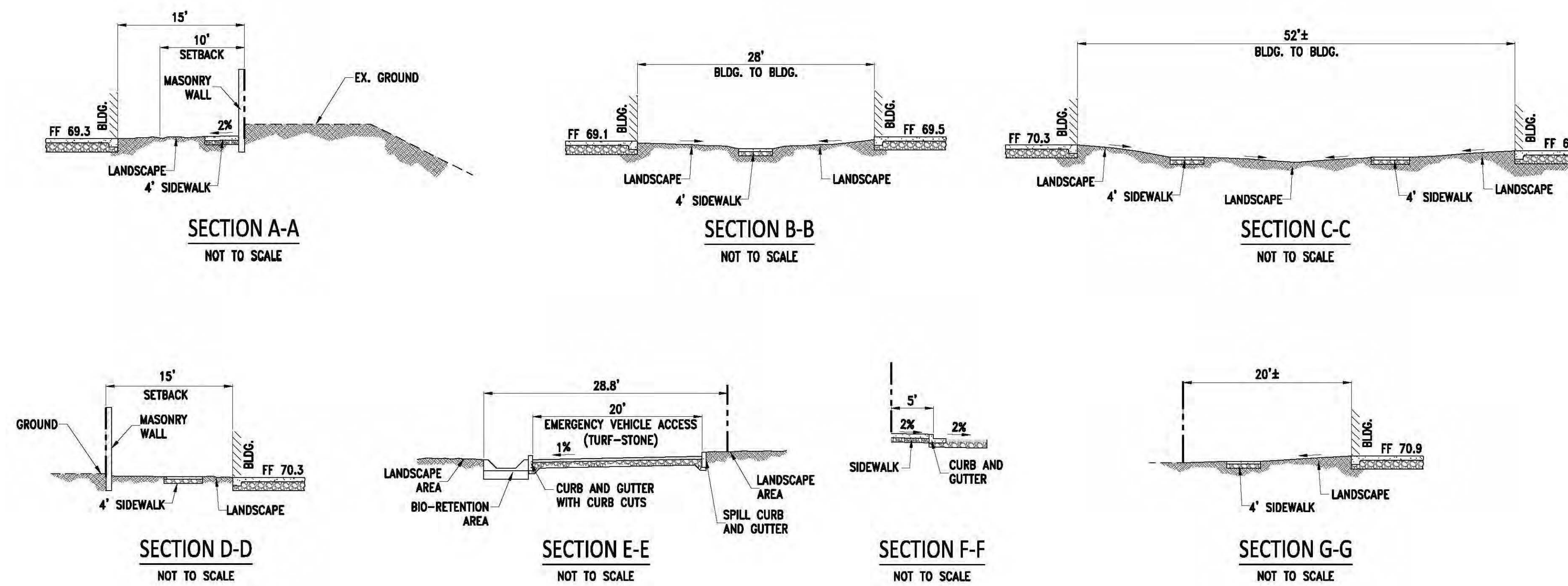




TRACT 8240  
SECTIONS  
**HARVEST PARK**  
HAYWARD, CA  
JUNE 5, 2015  
(REVISED: SEPTEMBER 2015)  
(REVISED: JANUARY 2016)



**SITE & UTILITY PLAN CROSS SECTIONS**  
N.T.S.

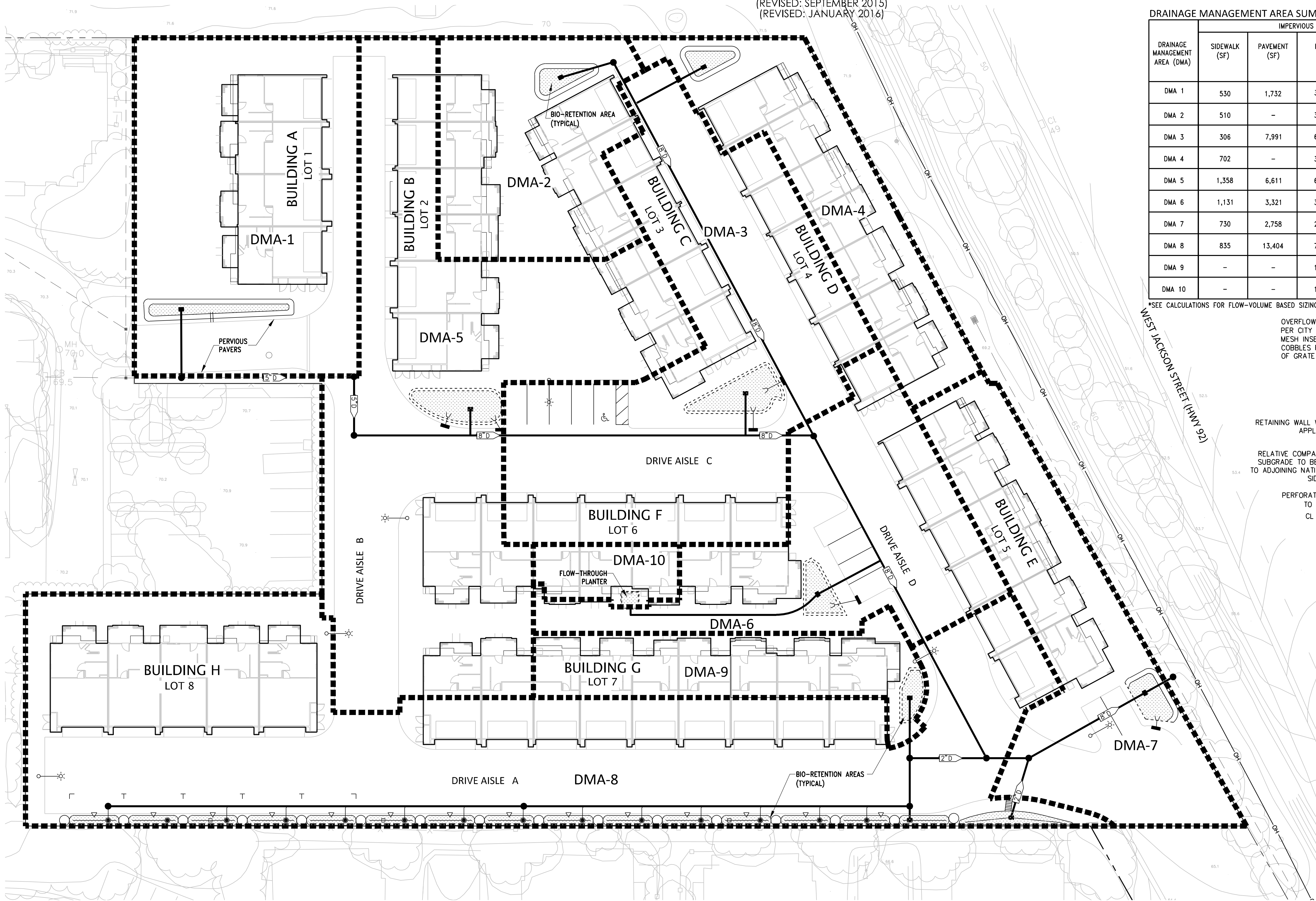


**GRADING PLAN CROSS SECTIONS**  
N.T.S.



TRACT 8240  
STORMWATER MANAGEMENT PLAN  
HARVEST PARK

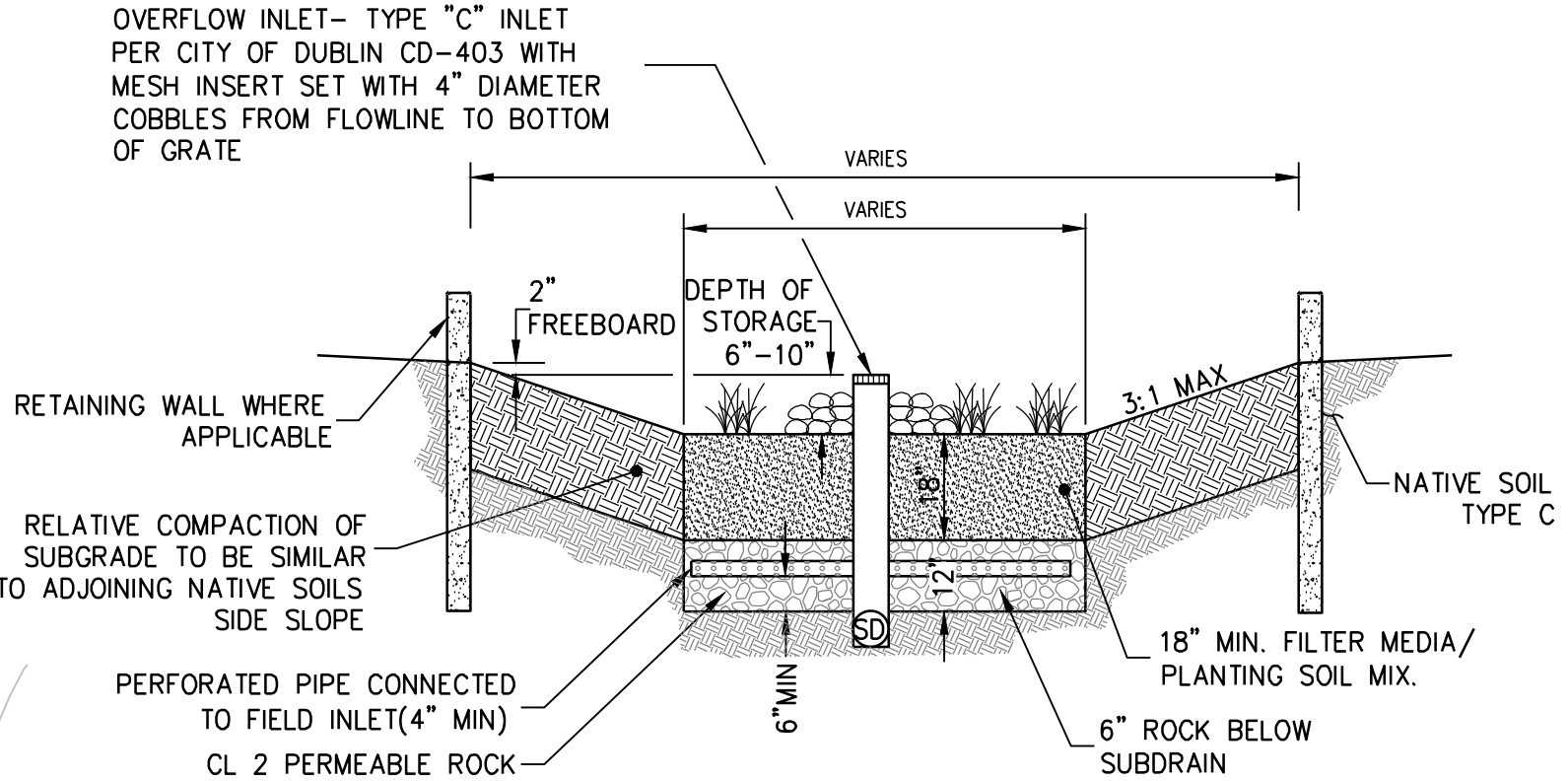
HAYWARD, CA  
JUNE 5, 2015  
(REVISED: SEPTEMBER 2015)  
(REVISED: JANUARY 2016)



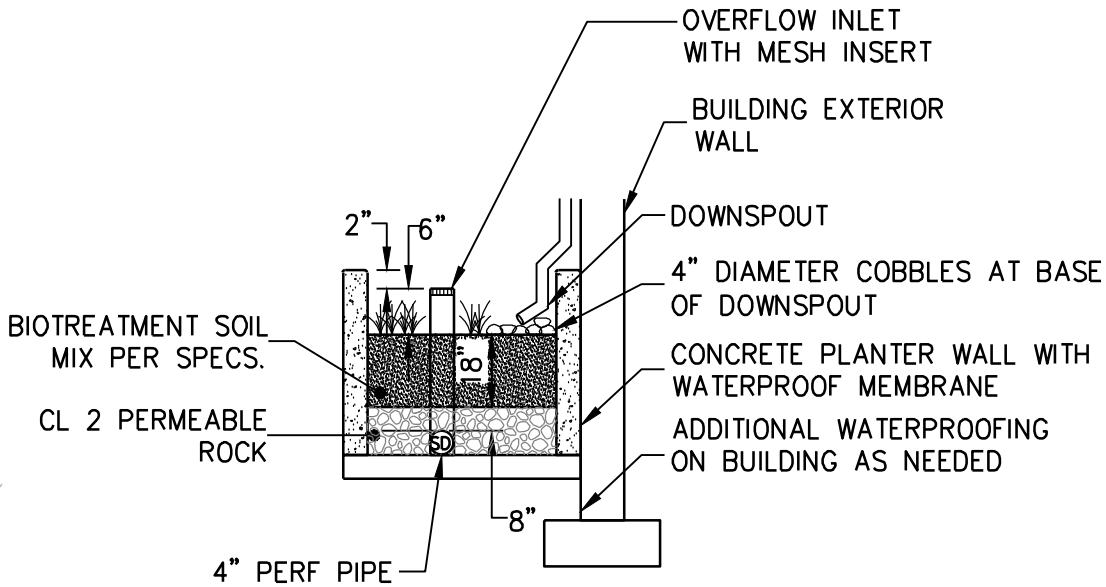
DRAINAGE MANAGEMENT AREA SUMMARY

DRAINAGE MANAGEMENT AREA (DMA)	IMPERVIOUS AREA				TOTAL PERVIOUS (SF)	TOTAL DRAINAGE AREA (SF)	DEPTH OF STORAGE	PROVIDED TREATMENT AREA (SF)*	TREATMENT TYPE
	SIDEWALK (SF)	PAVEMENT (SF)	ROOF (SF)	TOTAL IMPERVIOUS (SF)					
DMA 1	530	1,732	3,449	5,711	6,803	12,514	6.5"	183	BIORETENTION
DMA 2	510	-	3,638	4,148	3,339	7,487	6" MIN	140	BIORETENTION
DMA 3	306	7,991	6,088	14,385	939	15,324	8.2"	386	BIORETENTION
DMA 4	702	-	3,468	4,170	2,380	6,550	6" MIN	130	BIORETENTION
DMA 5	1,358	6,611	6,852	14,821	3,681	18,502	10"	378	BIORETENTION
DMA 6	1,131	3,321	3,636	8,088	4,355	12,443	9.6"	215	BIORETENTION
DMA 7	730	2,758	2,775	6,263	1,946	8,209	6" MIN	213	BIORETENTION
DMA 8	835	13,404	7,976	22,215	4,982	27,197	6" MIN	1,606	BIORETENTION
DMA 9	-	-	1,458	1,458	897	2,355	6" MIN	123	BIORETENTION
DMA 10	-	-	1,338	1,338	-	1,338	6" MIN	43	FLOW-THROUGH PLANTER

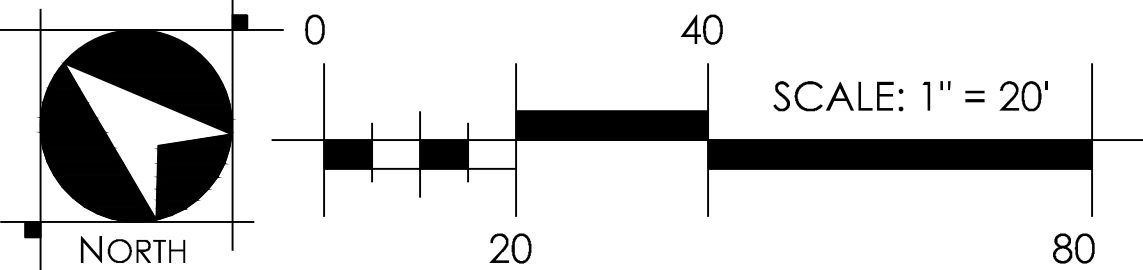
\*SEE CALCULATIONS FOR FLOW-VOLUME BASED SIZING



BIORETENTION AREA  
NOT TO SCALE



PLANTER DETAIL  
NOT TO SCALE

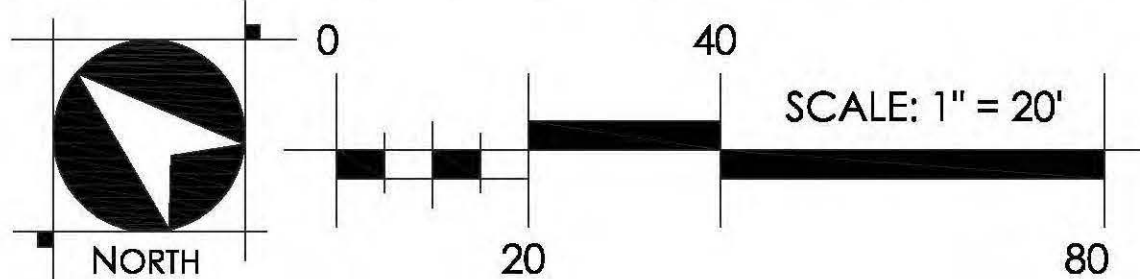
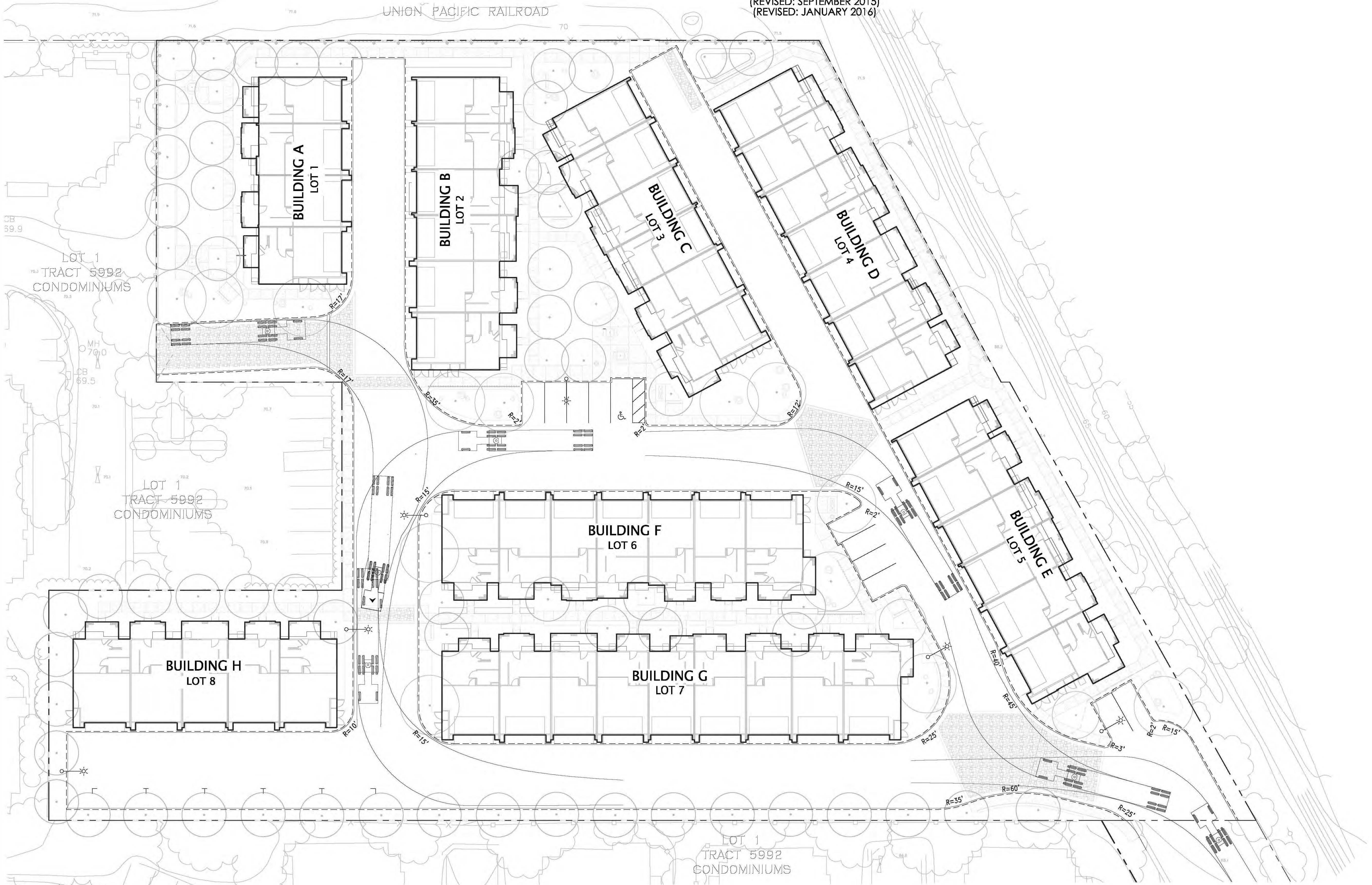




TRACT 8240  
EMERGENCY VEHICLE ACCESS PLAN  
**HARVEST PARK**

HAYWARD, CA

JUNE 5, 2015  
(REVISED: SEPTEMBER 2015)  
(REVISED: JANUARY 2016)



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**Harvest Park**  
W. Jackson Street & Diadon Drive  
Hayward, CA  
Felson Companies

## Preliminary Planting Plan

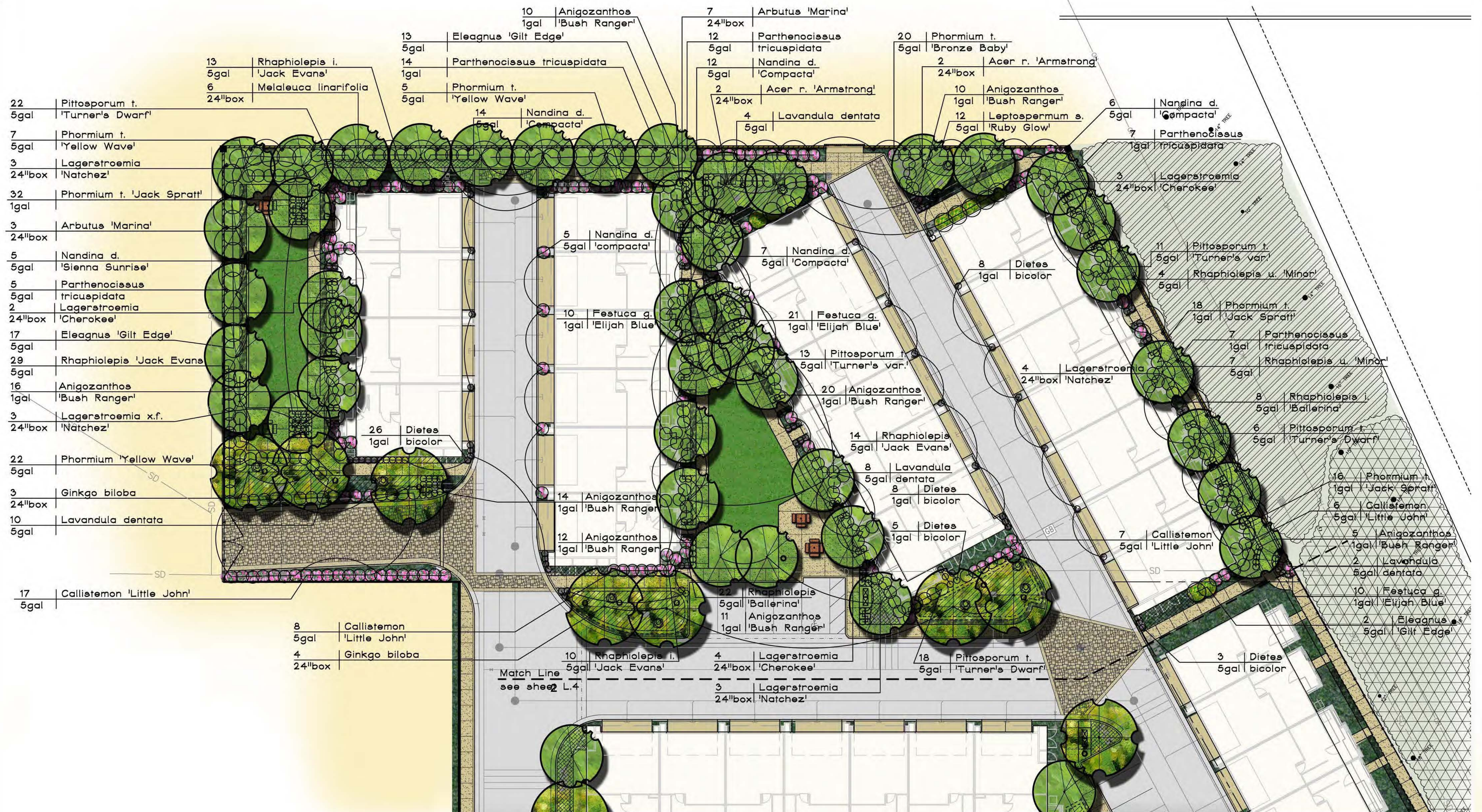
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revisions:

sheet:

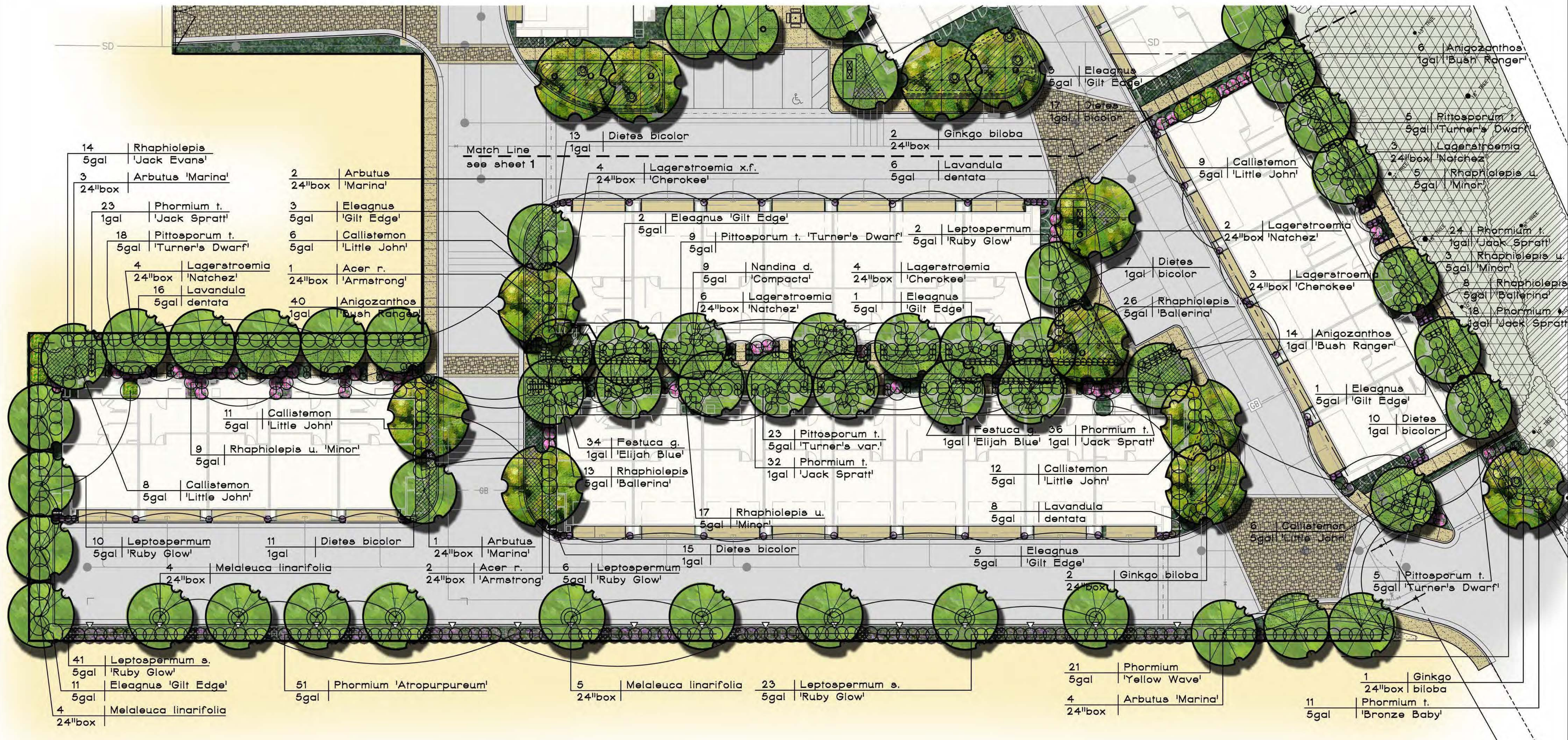
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of **5** sheets ]

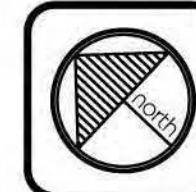
SEE SHEET 3 FOR PLANTING LEGEND







SEE SHEET 3 FOR PLANTING LEGEND





Planting Legend

QUANT.	SIZE	BOTANICAL NAME	COMMON NAME	WUCOLS	HEIGHT	WIDTH	SPACING
TREES							
5	24"box	Acer r. 'Armstrong'	ARMSTRONG MAPLE	Moderate	45'	15'	Varies,16'min.
31	24"box	Arbutus 'Marina'	N.C.N.	Low	20'-40'	20'-30'	Varies,15'min.
30	24"box	Lagerstroemia 'Cherokee'	CRAPE MYRTLE	Low	15'-25'	10'-20'	Varies,12'min.
32	24"box	Lagerstroemia 'Natchez'	CRAPE MYRTLE	Low	20'-25'	10'-15'	Varies,12'min.
12	24"box	Ginkgo biloba 'Autumn Gold'	MAIDENHAIR TREE	Low	30'-50'	30'-50'	Varies,20'min.
19	24"box	Melaleuca linariifolia	FLAX LEAF PAPERBARK	Low	30'	20'	Varies,20'min.
SHRUBS:							
163	1gal	Anigozanthos 'Bush Ranger'	DWARF KANGAROO PAW	Low	1'-2'	1'-2'	1'-6"
90	5gal	Callistemon 'Little John'	DWARF BOTTLEBRUSH	Low	3'	3'	2'-6"
134	5gal	Dietes bicolor	BUTTERFLY IRIS	Low	3'	3'	2'-6"
58	5gal	Elaeagnus 'Gilt Edge'	ELAEAGNUS	Low	10'-15'	6'-8'	5'
107	5gal	Festuca g. 'Elijah Blue'	BLUE FESCUE	Low	8"	8"	1'
60	5gal	Lavandula dentata 'Goodwin Creek'	GOODWIN CREEK LAVENDER	Low	2.5'-3'	3'-4'	3'
94	5gal	Leptospermum s. 'Ruby Glow'	TEA TREE	Low	6'-8'	4'-5'	4'
103	5gal	Nandina d. 'Compacta'	HEAVENLY BAMBOO	Low	4'-5'	3'	2'-6"
45	5gal	Parthenocissus tricuspidata	BOSTON IVY	Low	30'	30'	10'
51	5gal	Phormium t. 'Atropurpureum'	FLAX	Low	6'-8'	6'	4'
31	5gal	Phormium t. 'Bronze Baby'	DWARF FLAX	Low	2'-3'	2'-3'	3'
199	1gal	Phormium t. 'Jack Spratt'	DWARF FLAX	Low	1'-2'	1'-2'	1'-6"
55	5gal	Phormium t. 'Yellow Wave'	FLAX	Low	3'-4'	3'-4'	3'
130	5gal	Pittosporum t. Turner's Dwarf'	TURNER'S VAR. DWARF TOBIRA	Low	2'-3'	2'-3'	3'
85	5gal	Rhaphiolepis i. 'Ballerina'	INDIAN HAWTHORN	Low	2'-3'	3'-4'	3'
80	5gal	Rhaphiolepis i. 'Jack Evans'	INDIAN HAWTHORN	Low	4'-5'	4'	3'
45	5gal	Rhaphiolepis u. 'Minor'	DWARF YEDDO HAWTHORN	Low	3'-4'	3'-4'	3'
GROUND COVER:							
	1-gal @ 24"o.c.	Arctostaphylos u. 'Point Reyes'	BEARBERRY	Low	3'-4'	3'-4'	3'
	1gal @ 24"o.c.	Carex divulca	BERKELEY SEDGE	Low	3'-4'	3'-4'	1'-6'
	1gal @ 48"o.c.	Cotoneaster 'Lowfast'	CARPET ROSE	Low	3'-4'	3'-4'	4'
	1gal @ 48"o.c.	Rosmarinus o. 'Huntington Carpet'	HUNTINGTON CARPET ROSEMARY	Low	3'-4'	3'-4'	3'
	Sod	Dwarf Bonsai Fescue	SOD LAWN	High			

Planting Notes

- The landscape plans comply with the City of Hayward Tree Preservation Ordinance, Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and City of Hayward Municipal Codes.
  - Quantities of plant materials shall be furnished to complete the work as shown by symbols on the planting plan. Plant legend quantities are for the contractor's convenience only. Should it appear that the work to be done is not sufficiently detailed or explained on these plans, the contractor shall contact the landscape architect for further clarification as may be necessary.
  - The following City minimum setback/clearance guidelines shall be adhered to for trees placement:
    - From corners - 20'
    - Underground utilities - 5'
    - Light pole - 15'
    - Face of traffic signal - 30'
  - Contractor to root barrier on all trees within 7' of paved areas or structures.
  - Tree planting locations are to be approved and/or adjusted in the field by the developer prior to planting.
  - Trees shall be planted according to the City Standard Detail SD-122.
  - See Sheet L.9 for ground cover detail for "Plant Quantity Diagram".
  - See Sheet L.6 through L.11 for Landscape Details and Specifications.
- Landscape Square Footages:**  
Shrub & ground cover area: 22,699s.f. (90%)  
Lawn area: 2,423s.f. (10%)  
Overall Landscape Area 25,122s.f. (100%)  
(Off-site)Street frontage 26,445s.f.





Plot No. 082214  
File No. 14000



West Jackson Street View  
5-7 years growth of Crape Myrtle Trees

**HWA**  
Landscape Architecture  
Site Planning  
2420 Sand Creek Rd,  
C-1 #311  
Brentwood, Ca 94513  
Phone: 925.513.3091  
Fax: 925.513.3099



West Jackson Townhomes  
W. Jackson Street & Diadon Drive  
Hayward, CA  
Felson Companies

Elevation

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revisions:	

sheet:  
**3.1**  
of 4 sheets



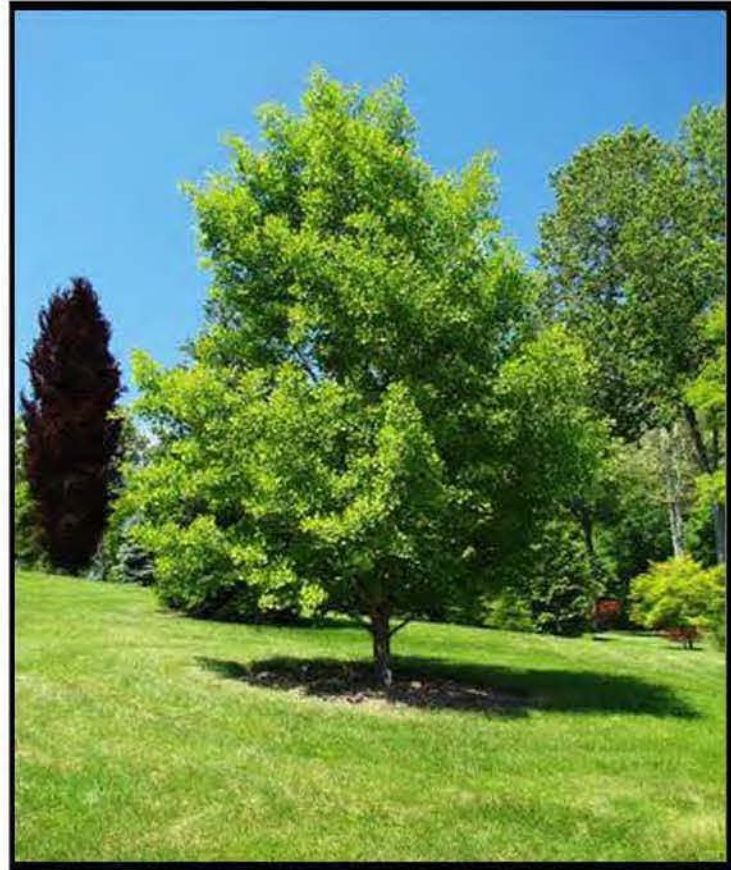


Harvest Park  
W. Jackson Street & Diadon Drive  
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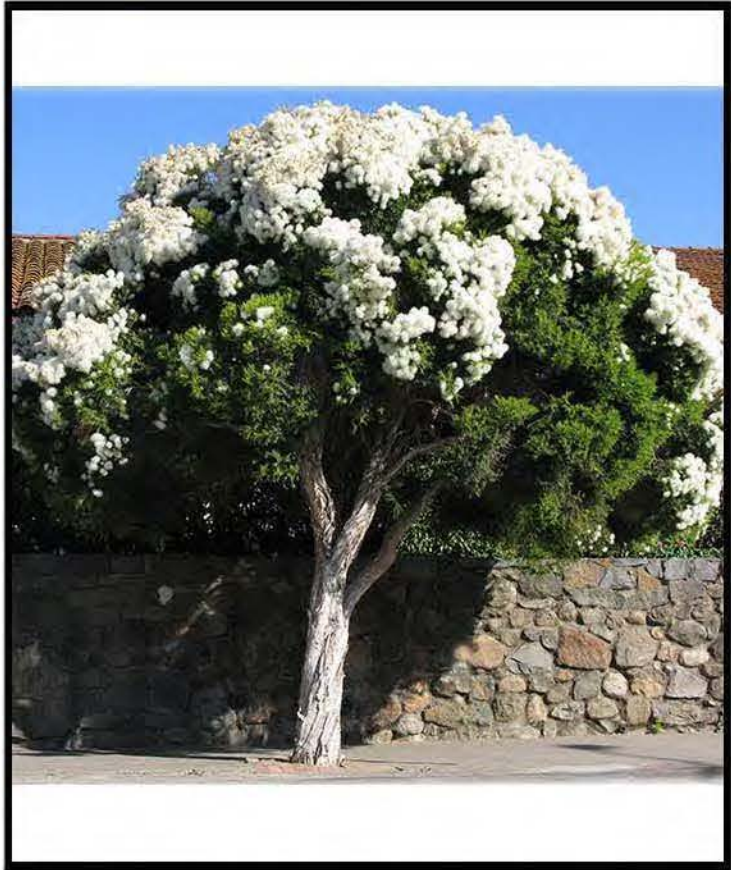
Preliminary Landscape Plan

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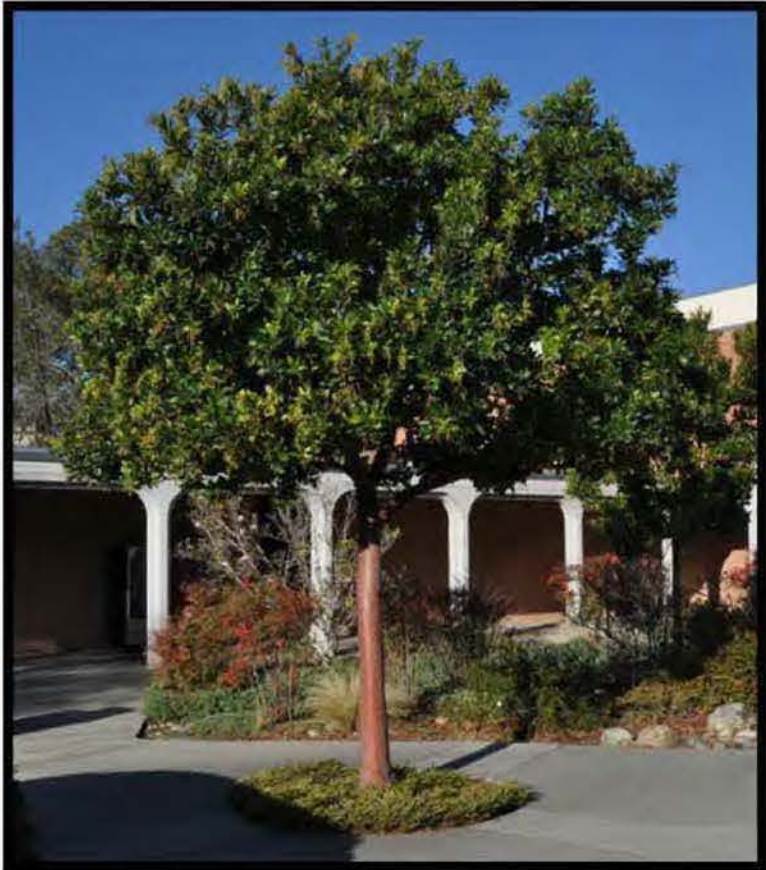
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scale:		
revisions:		



Ginkgo biloba



Melaleuca linariifolia



Arbutus 'Marina'



Crataegus phaenopyrum



Lagerstroemia indica



Permeable Pavers  
McNear Brick and Block  
'Napa' style



Example of Bioswale with Boulders  
NOTE: Grassy swale and boulders are the  
only items in this photo being referenced.



Trash Receptacle  
Mfg.: Dumor, Inc.  
Style shown: 157  
Color to be determined



Picnic Table  
Mfg.: Dumor, Inc.  
Style shown: 448-33,34  
Color to be determined



Cluster Mailbox  
Regency style cluster mailbox available  
from Mailboxes.com



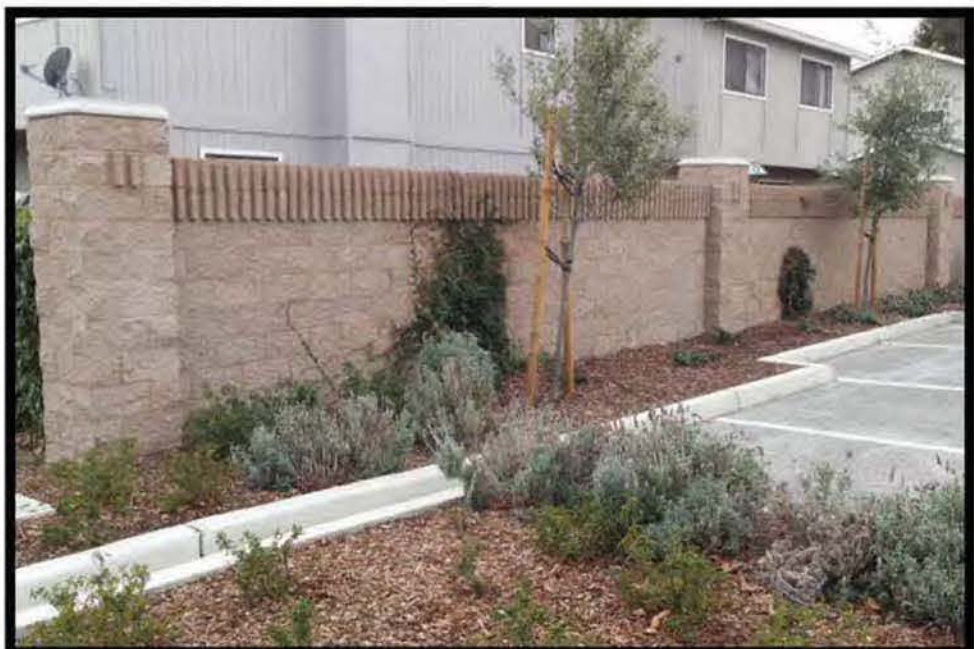
Automated Metal Gates



Metal Fence



Wood Fence



Masonry Wall



Tree Grate & Guard





Harvest Park  
W. Jackson Street & Diadon Drive  
Hayward, CA  
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Preliminary Landscape Plan

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date: 06.05.15	drawn by: pj
scale:	job no: 14,000
revisions:	



Anigozanthos  
'Bush Ranger'



Collistemon v. 'Little John'



Dietes bicolor



Elaeagnus 'Gilt Edge'



Festuca g. 'Elijah Blue'



Lavandula d. 'Goodwin Creek'



Leptospermum s.  
'Ruby Glow'



Nandina d. 'Compacta'



Parthenocissus tricuspidata



Phormium t. 'Bronze Baby'



Phormium t. 'Jack Spratt'



Phormium 'Yellow Wave'



Pittosporum t. Turner's Dwarf'



Raphiolepis i. 'Jack Evans'



Raphiolepis u. 'Minor'



Arctostaphylos 'Point Reyes'



Carex divulsa

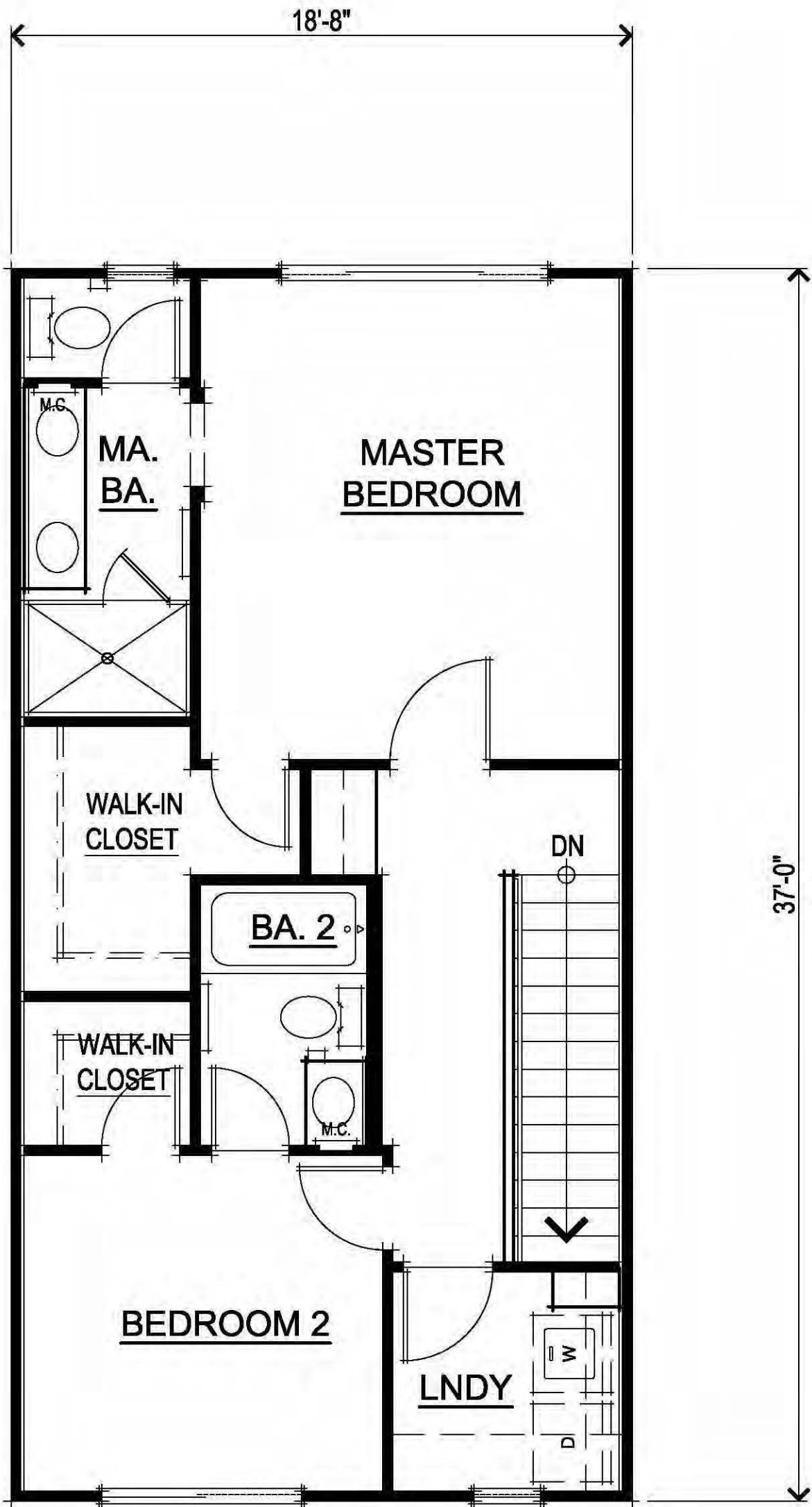


Cotoneaster 'Lowfar'

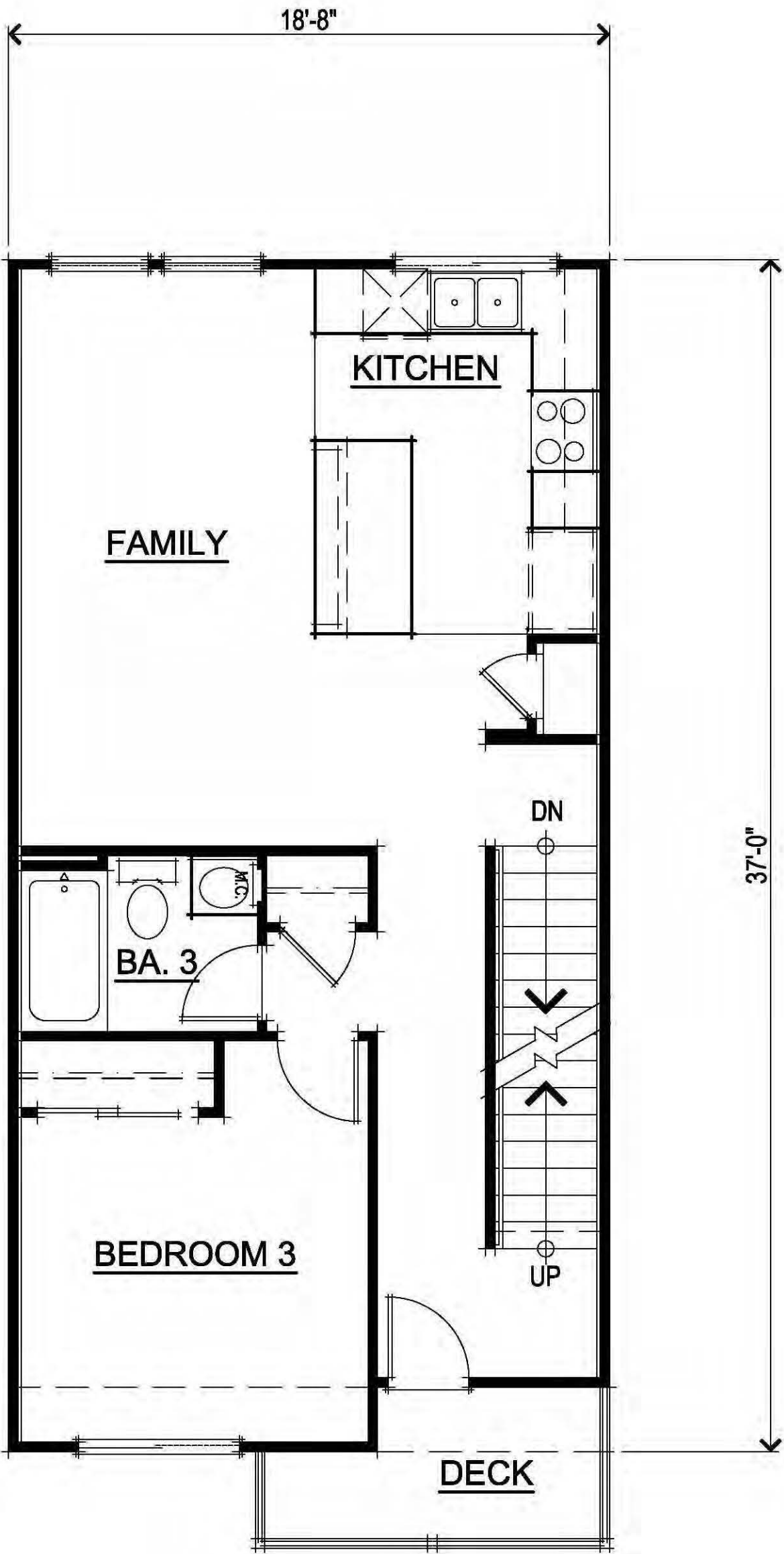


Rosmarinus o. 'Huntington Carpet'

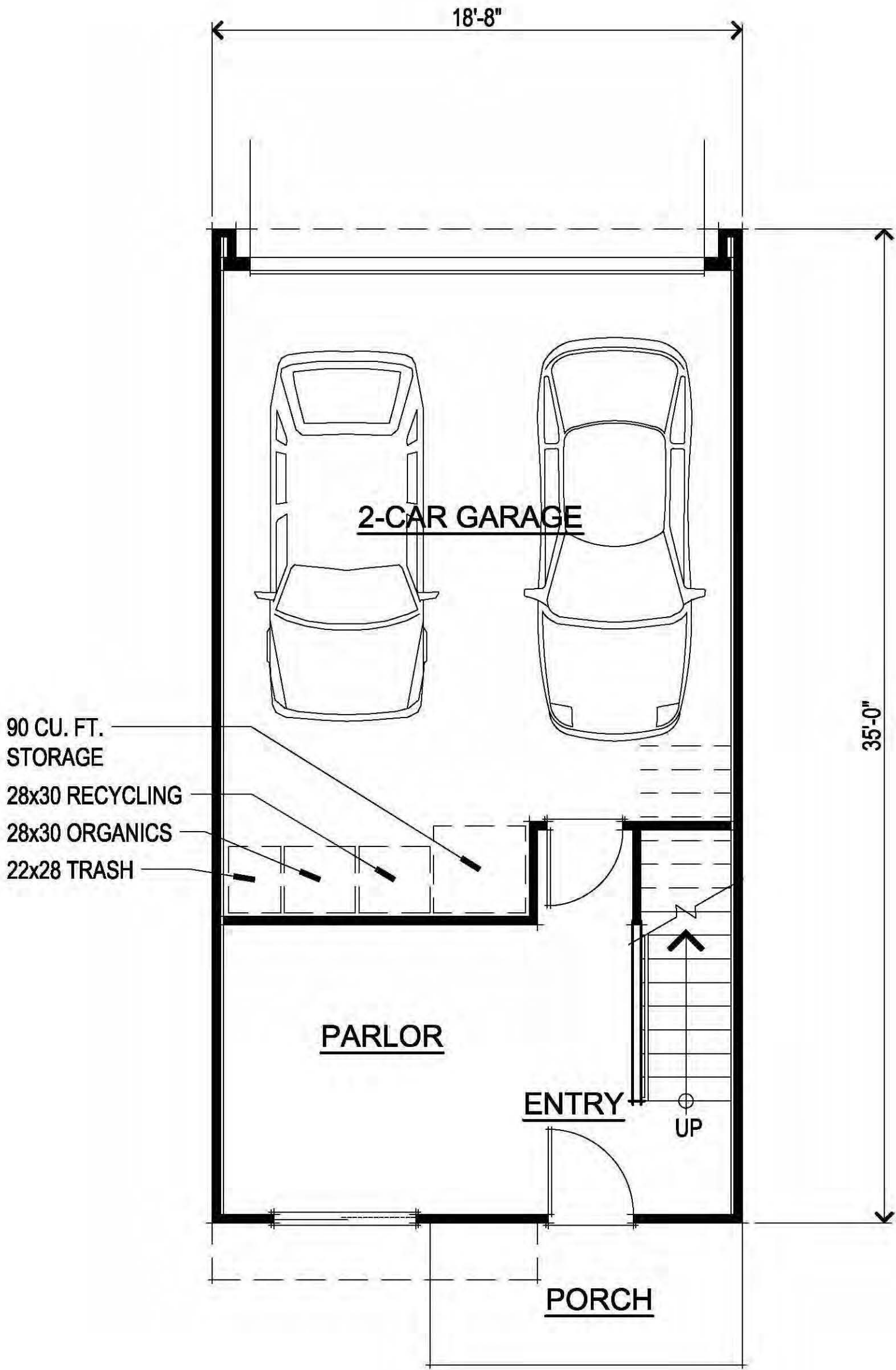




THIRD FLOOR PLAN

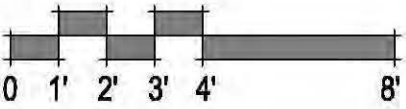


SECOND FLOOR PLAN



FIRST FLOOR PLAN

SQUARE FOOTAGES	
FIRST FLOOR	226 SQ. FT.
SECOND FLOOR	676 SQ. FT.
THIRD FLOOR	660 SQ. FT.
TOTAL LIVING	1562 SQ. FT.
2-CAR GARAGE	408 SQ. FT.



UNIT 1 FLOOR PLANS  
A01

Harvest Park  
Hayward, CA  
June 5, 2015

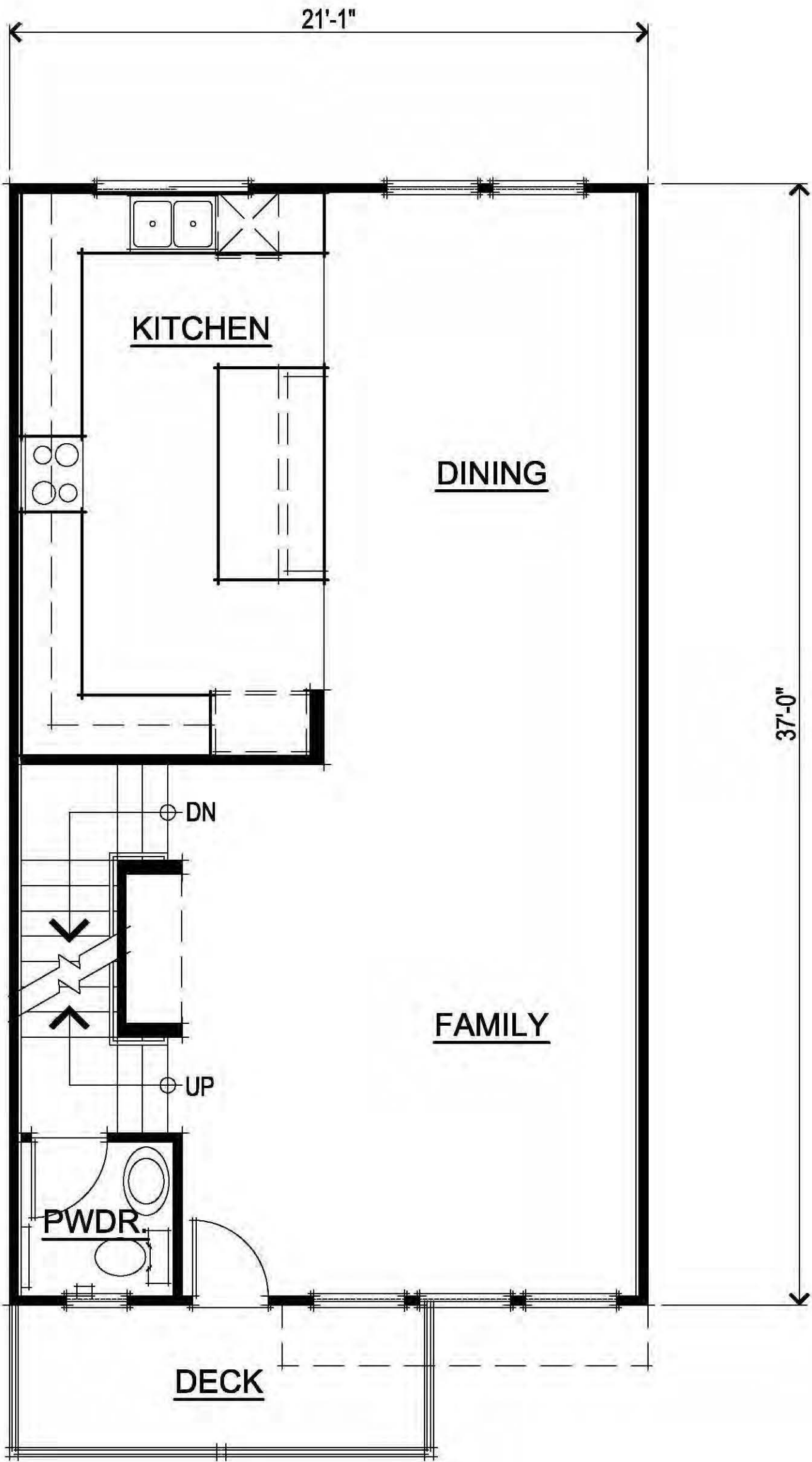
Felson Companies  
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510.583.3403

3361 Walnut Blvd. Suite 120 Brentwood, CA 94513  
925.634.7000  
www.strausdesign.com

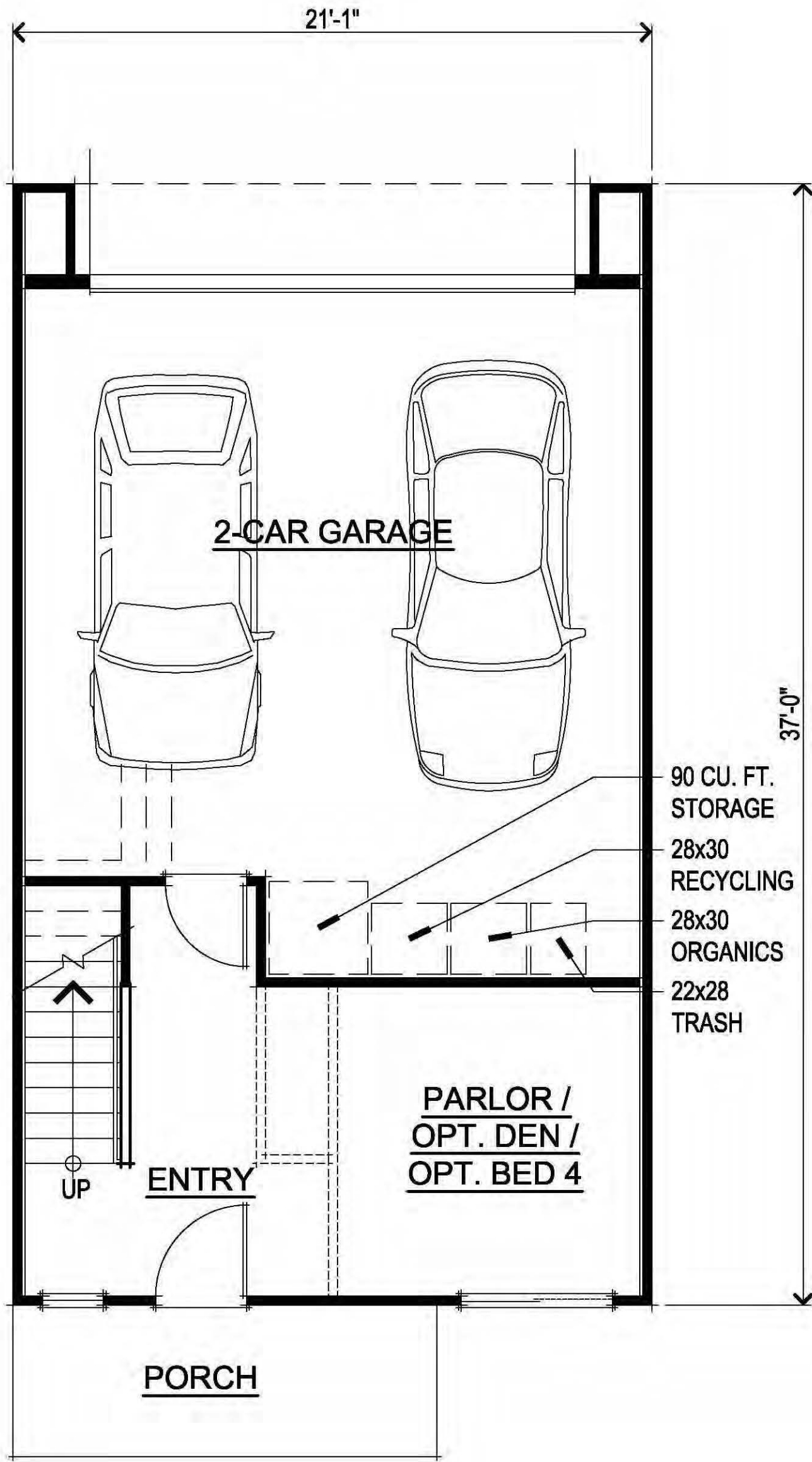




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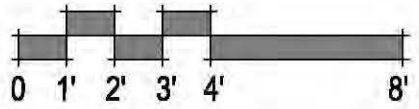


SECOND FLOOR PLAN



FIRST FLOOR PLAN

SQUARE FOOTAGES	
FIRST FLOOR	255 SQ. FT.
SECOND FLOOR	780 SQ. FT.
THIRD FLOOR	775 SQ. FT.
TOTAL LIVING	1810 SQ. FT.
2-CAR GARAGE	462 SQ. FT.



**Harvest Park**  
Hayward, CA  
June 5, 2015

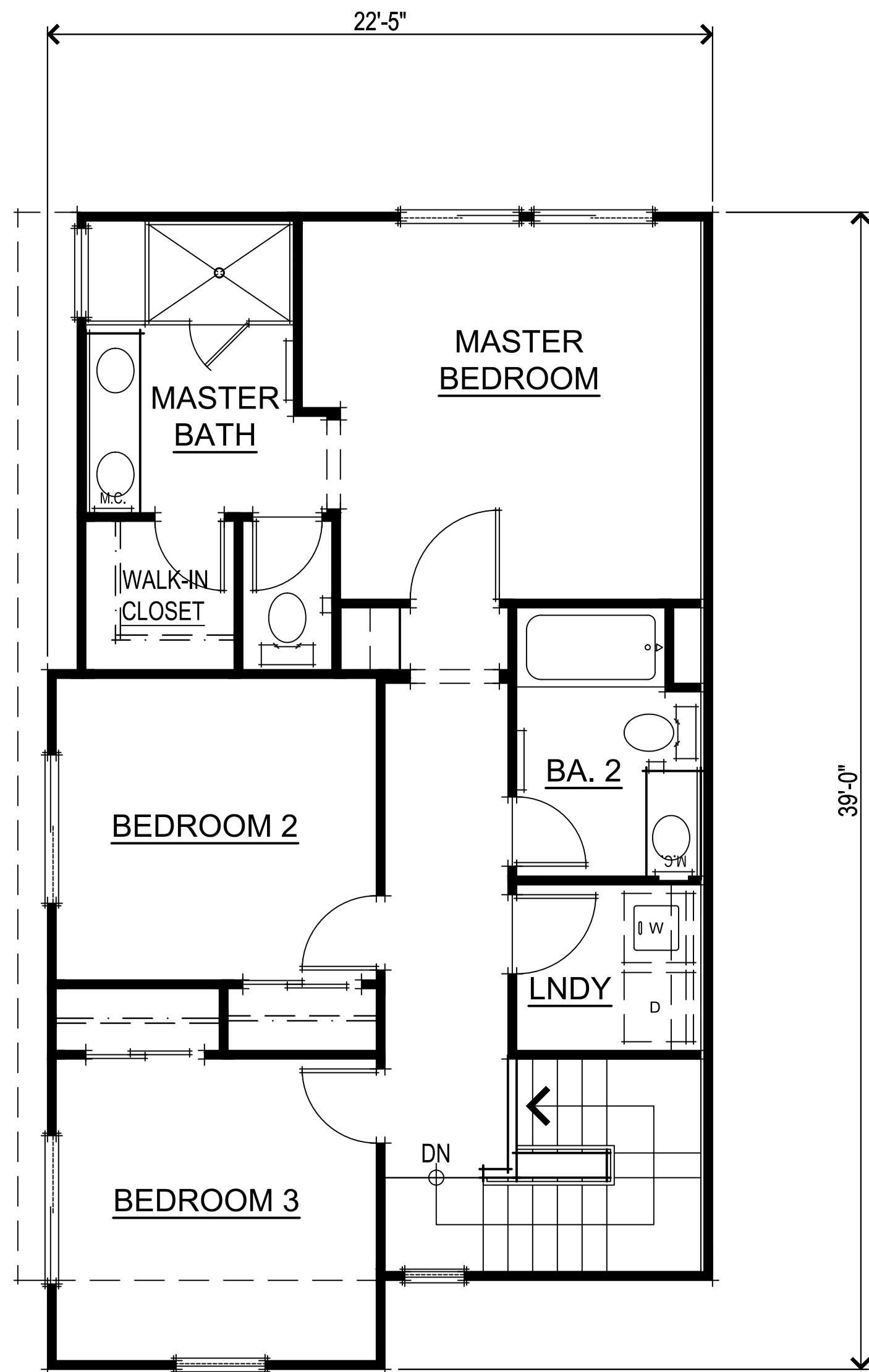
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**UNIT 2 FLOOR PLANS**  
**A02**

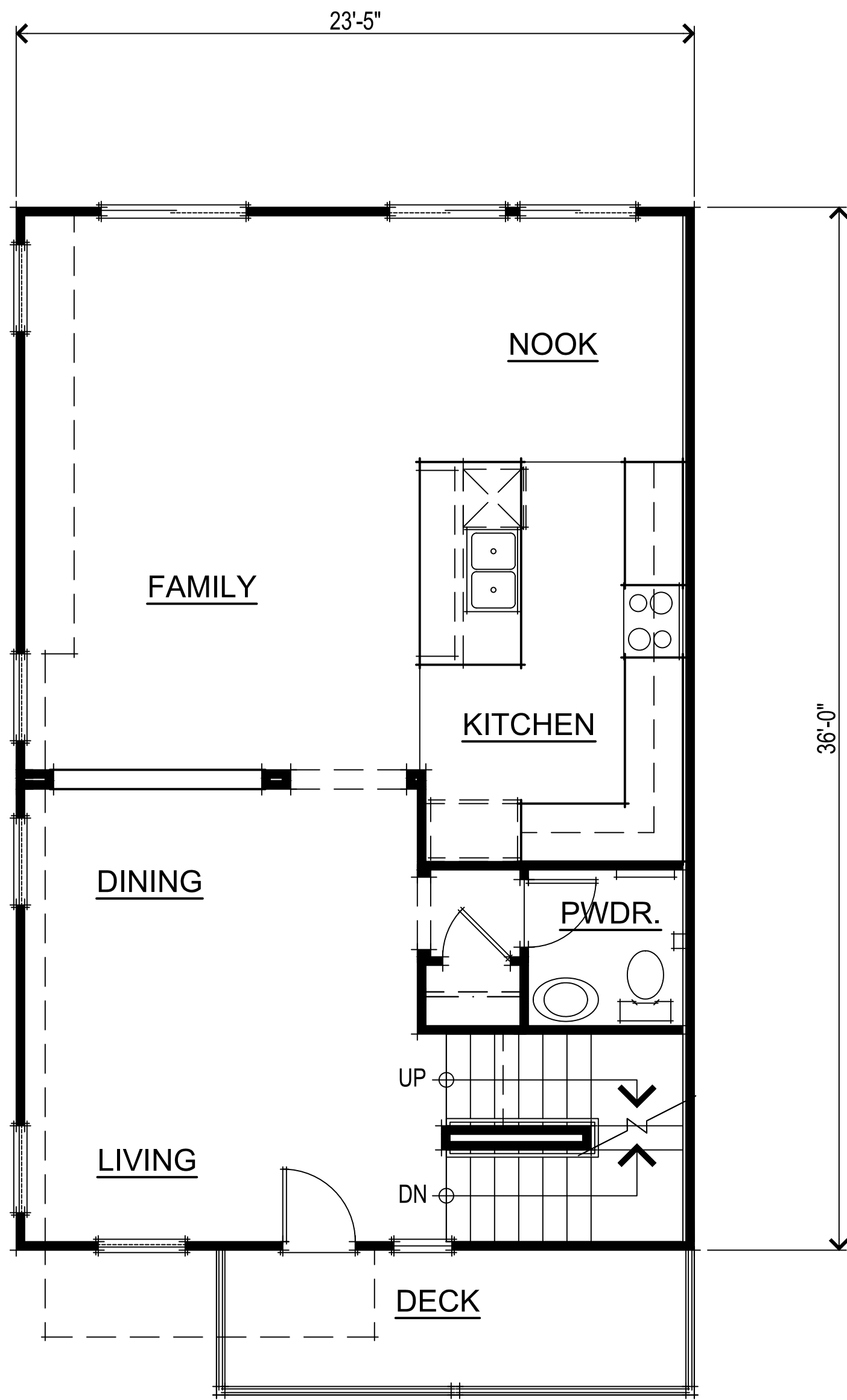
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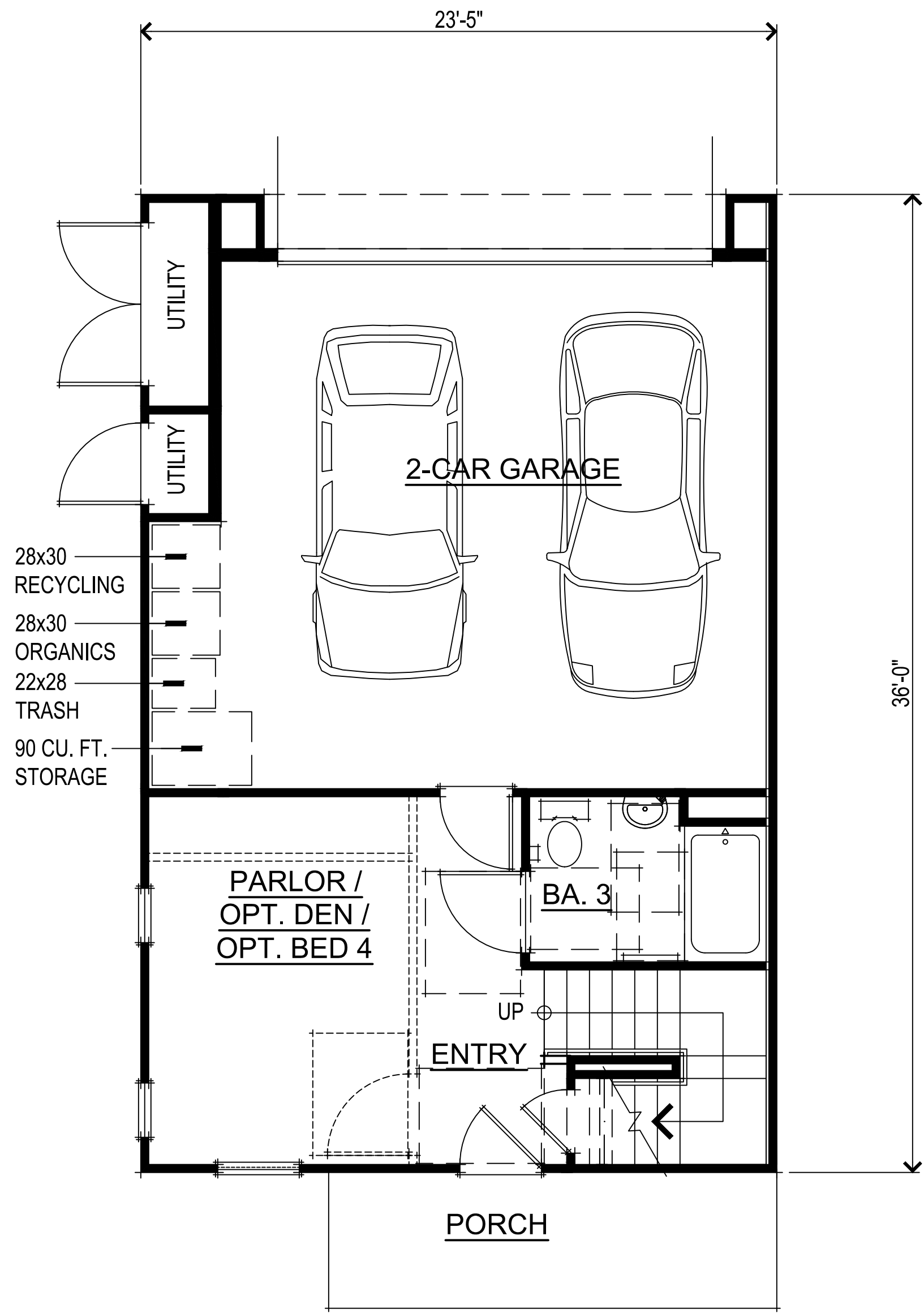




THIRD FLOOR PLAN

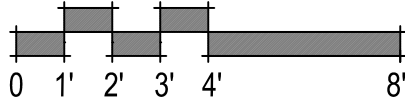


SECOND FLOOR PLAN



FIRST FLOOR PLAN

SQUARE FOOTAGES	
FIRST FLOOR	331 SQ. FT.
SECOND FLOOR	843 SQ. FT.
THIRD FLOOR	781 SQ. FT.
TOTAL LIVING	1955 SQ. FT.
2-CAR GARAGE	416 SQ. FT.



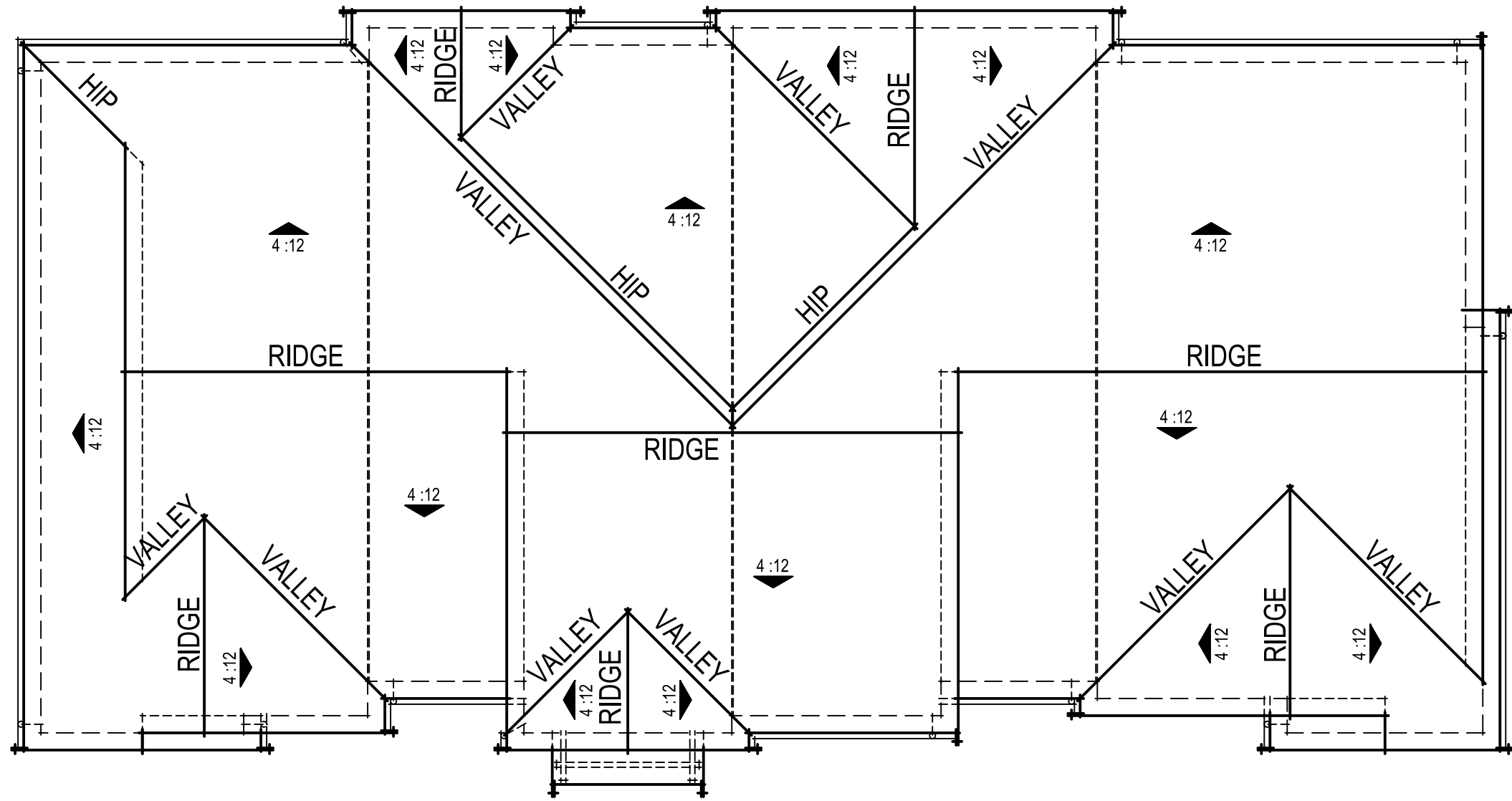
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June 5, 2015

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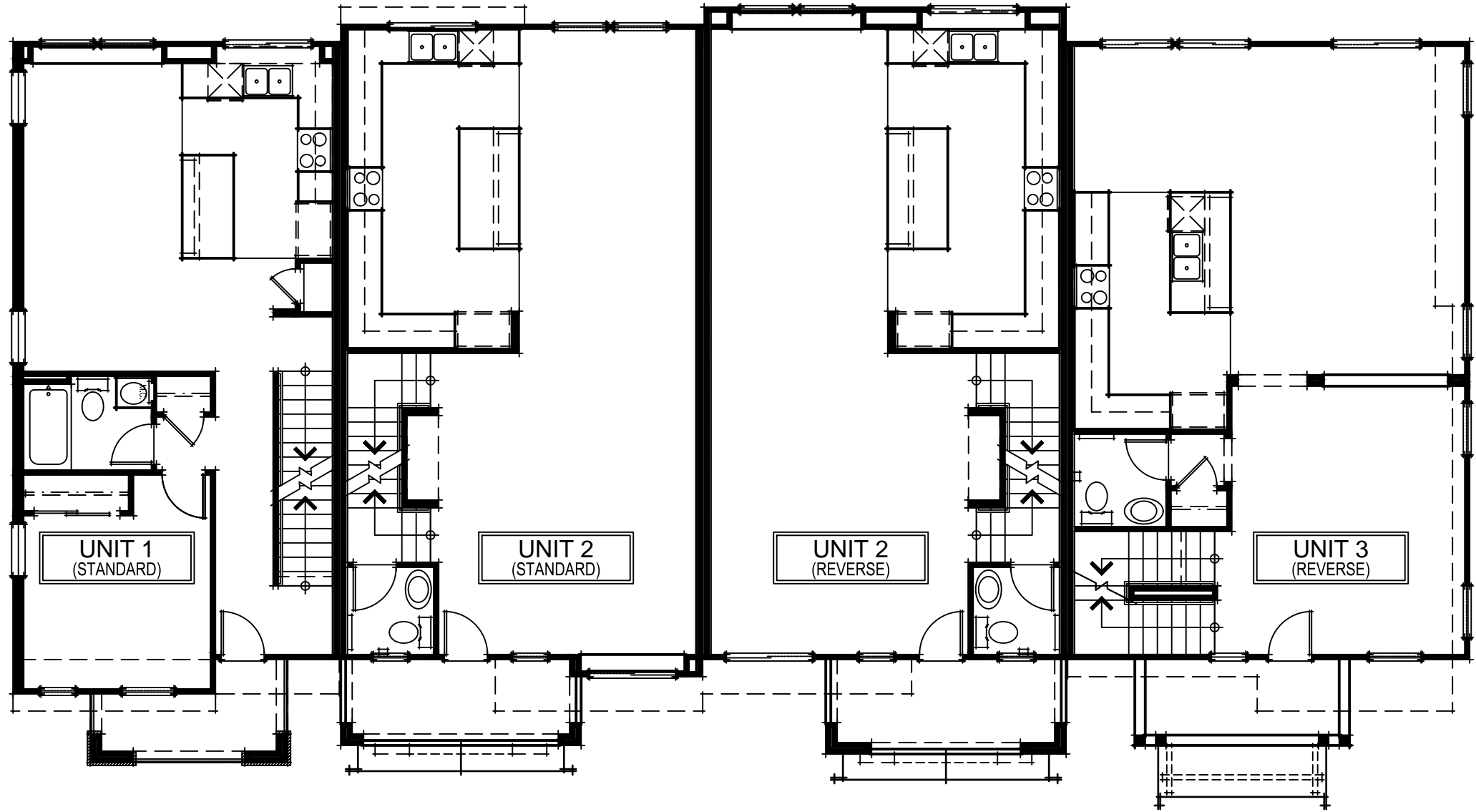
UNIT 3 FLOOR PLANS  
A03

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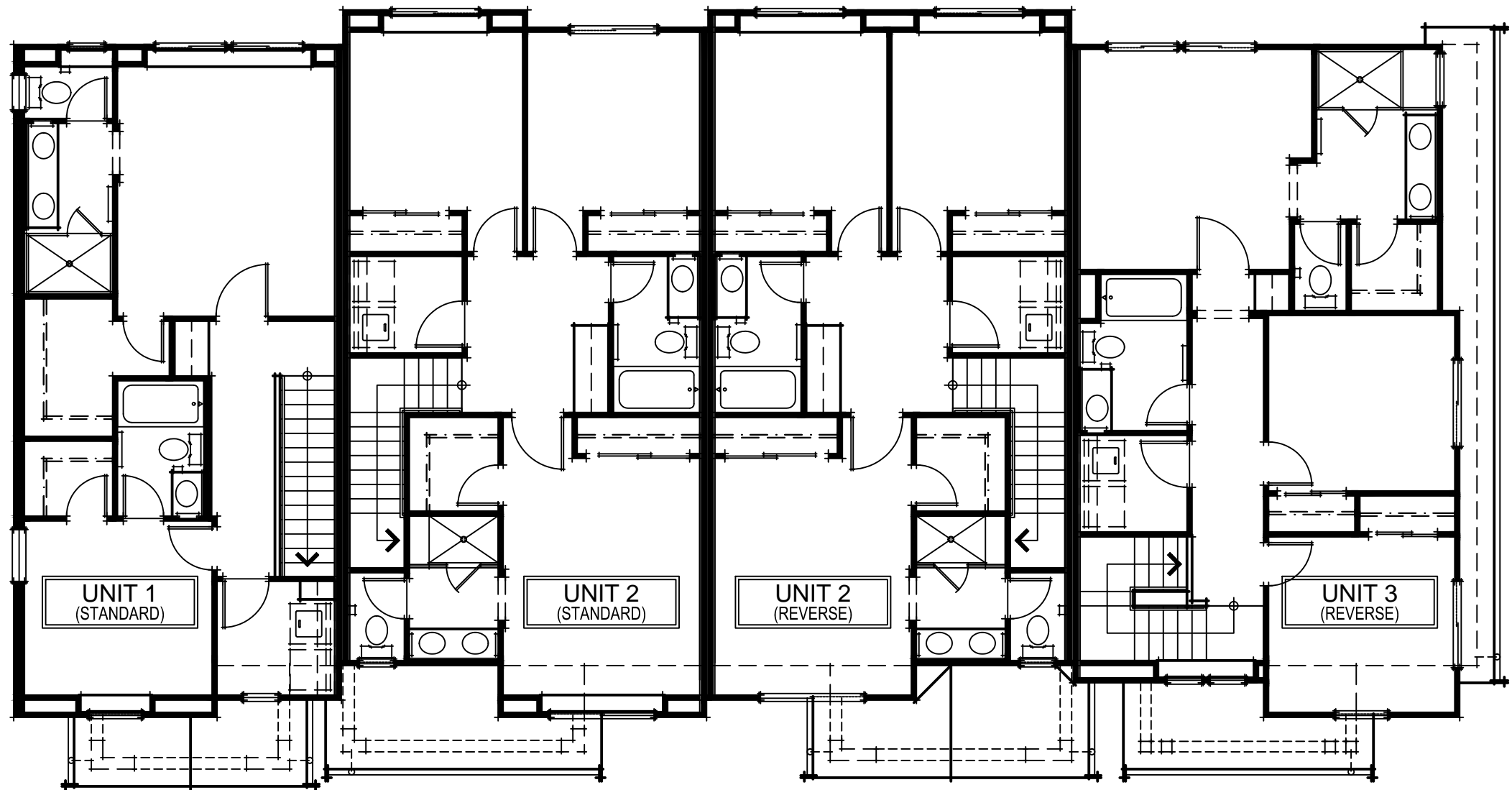




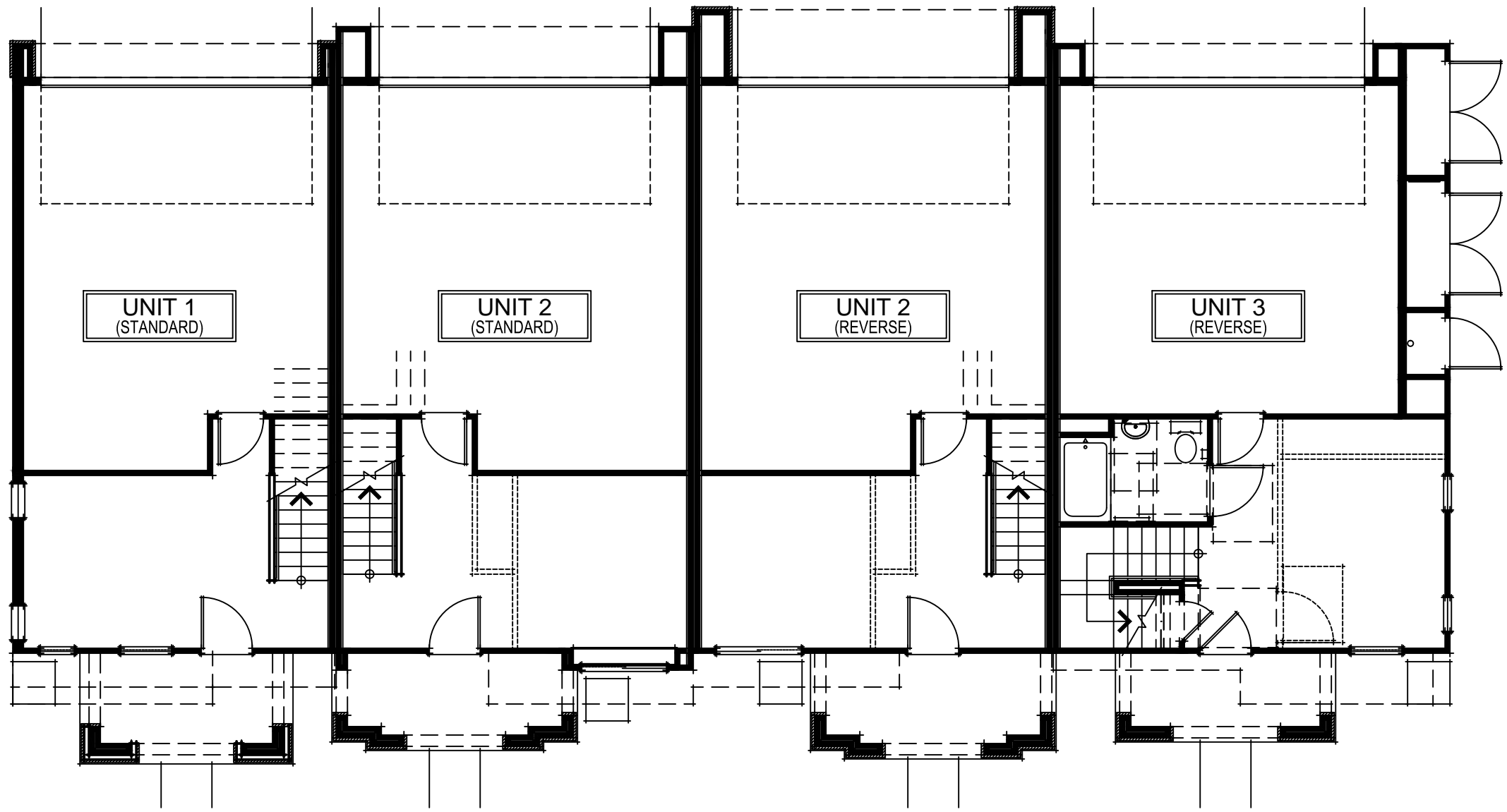
UPPER ROOF PLAN



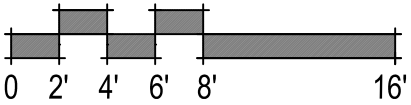
SECOND FLOOR PLAN



THIRD FLOOR PLAN



FIRST FLOOR PLAN



Harvest Park  
Hayward, CA  
June 5, 2015

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BUILDING A FLOOR & ROOF PLANS  
A04

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Harvest Park  
Hayward, CA  
June 5, 2015

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BUILDING A FRONT ELEVATION  
A05

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SDG Architects, Inc.





RIGHT ELEVATION

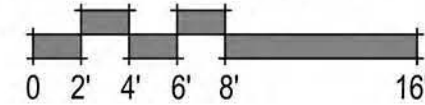


LEFT ELEVATION



UNIT 3R      UNIT 2R      UNIT 2      UNIT 1

REAR ELEVATION



Harvest Park  
Hayward, CA  
June 5, 2015

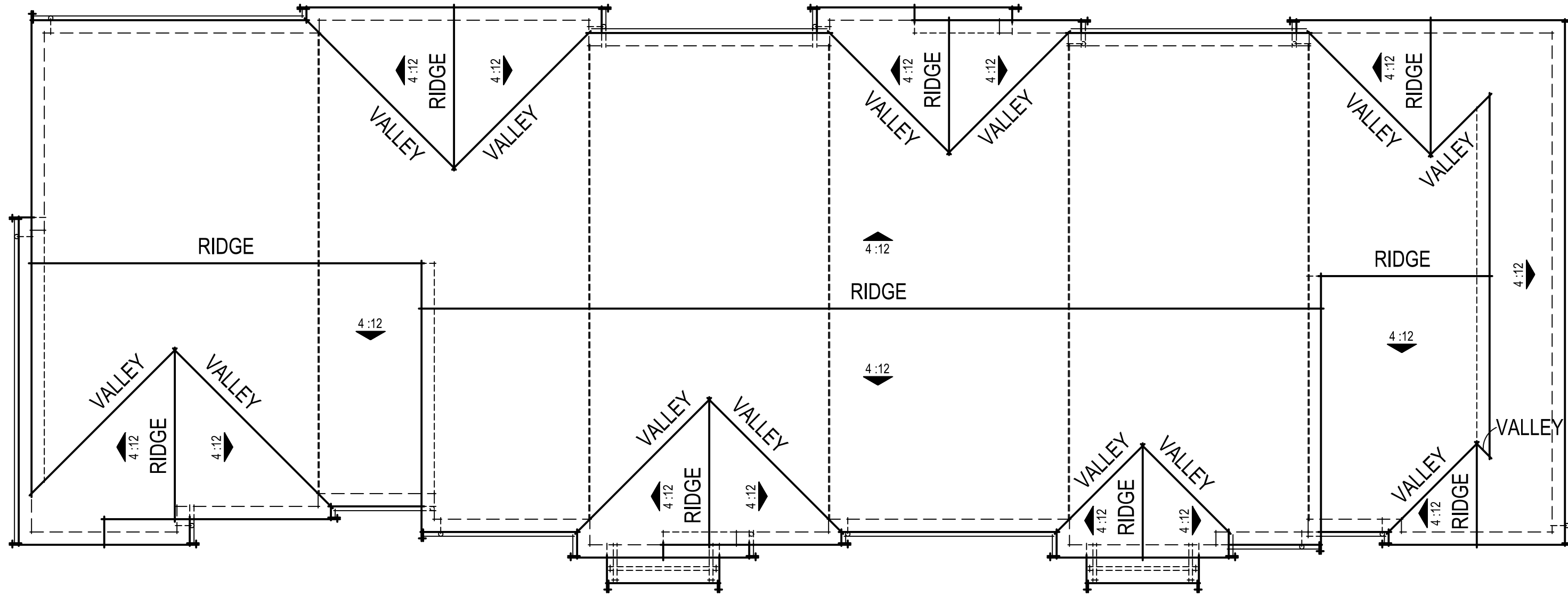
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BUILDING A SIDE & REAR ELEVATIONS  
A06

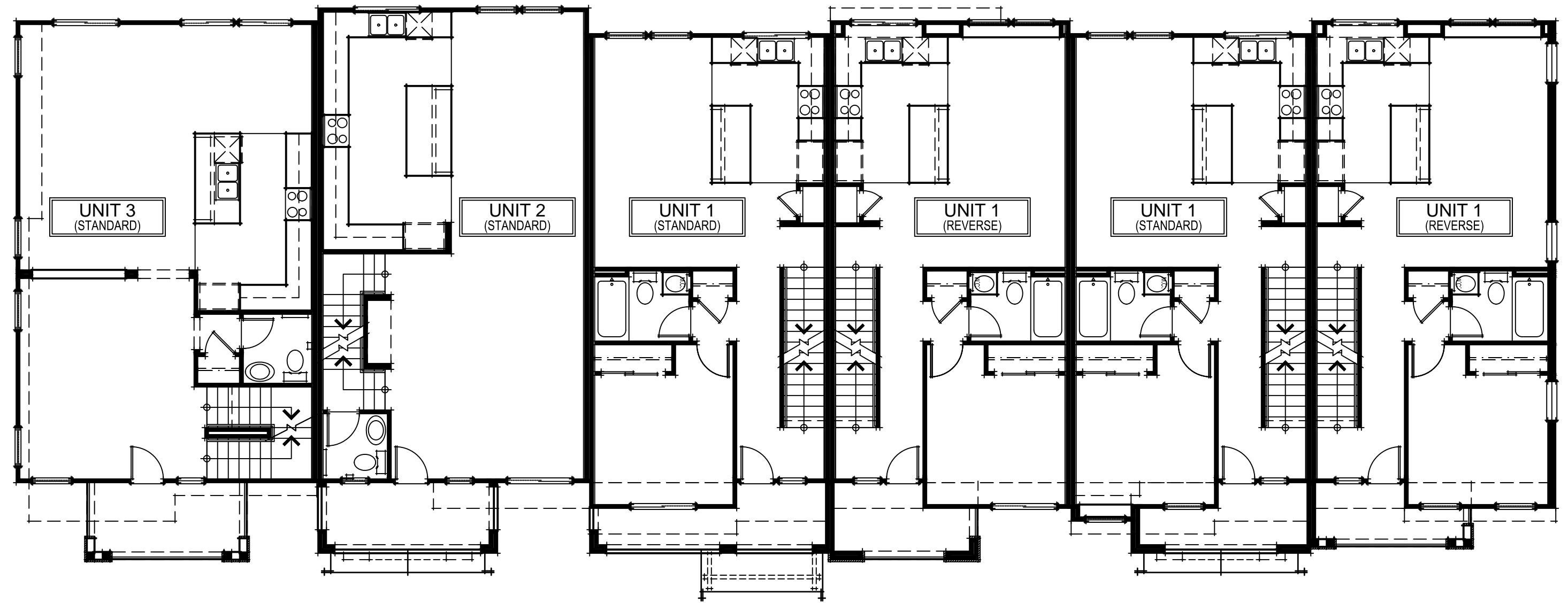
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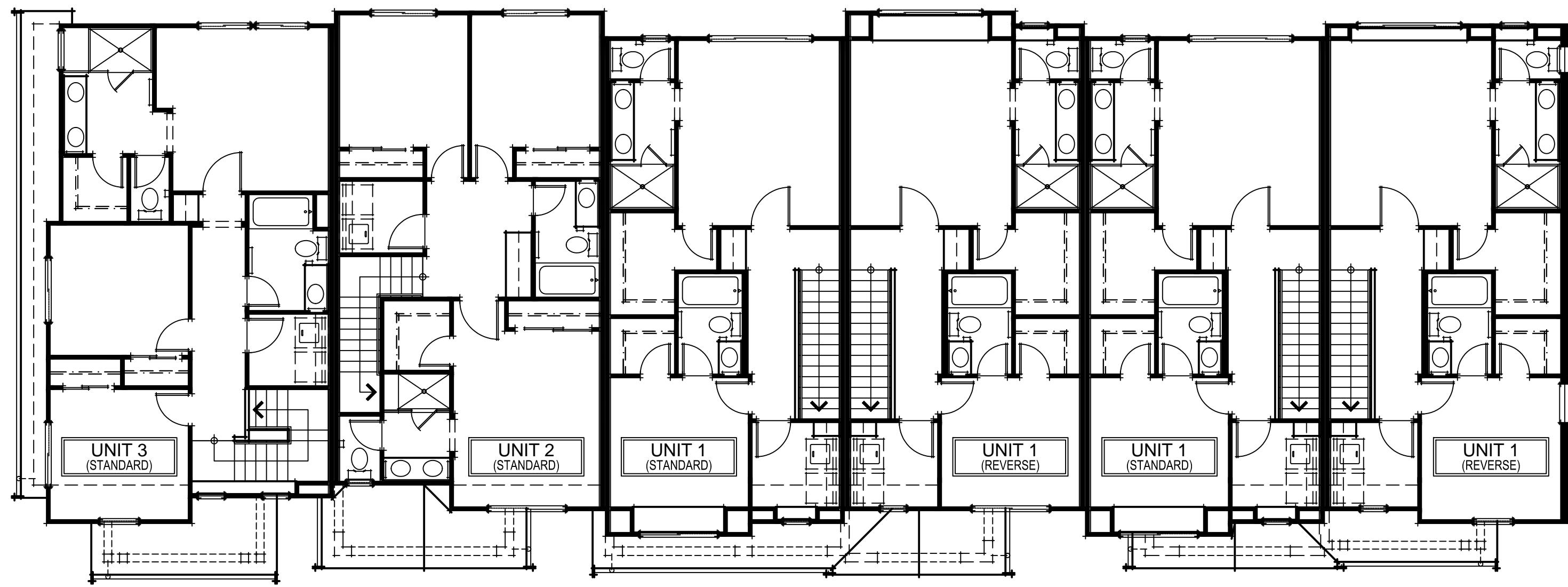




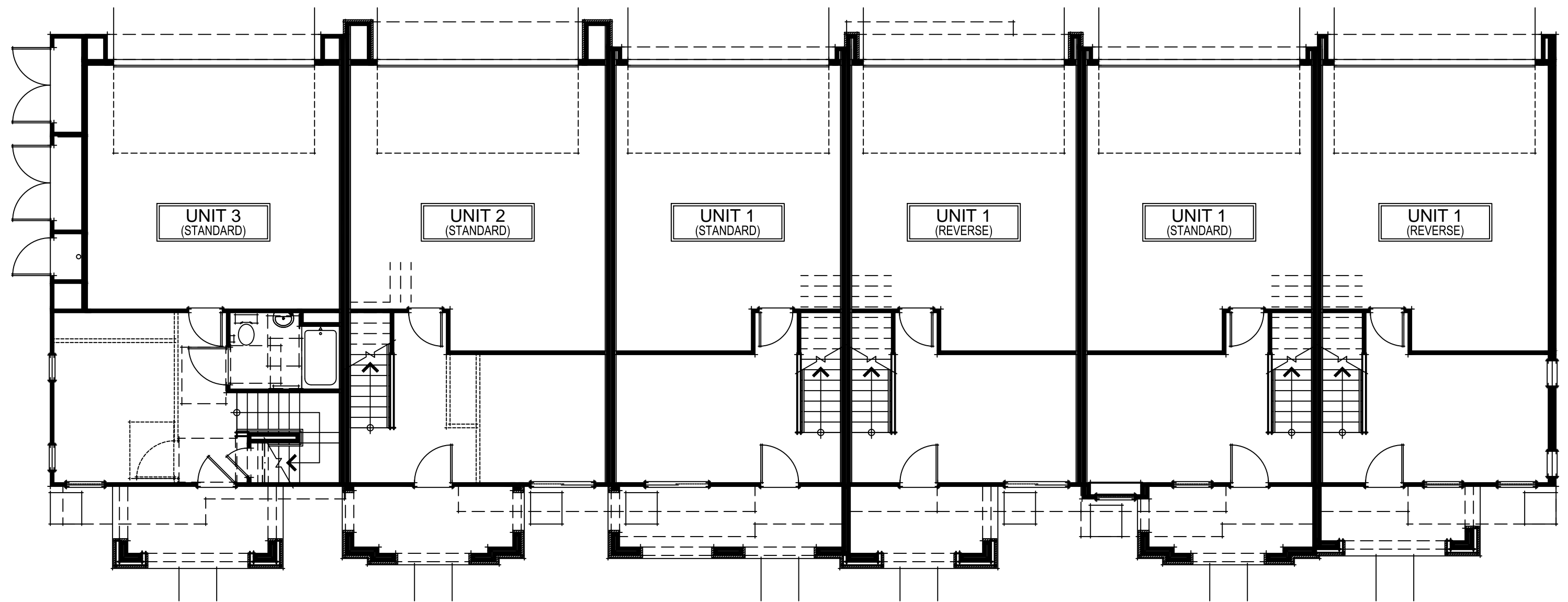
UPPER ROOF PLAN



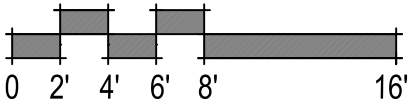
SECOND FLOOR PLAN



THIRD FLOOR PLAN



FIRST FLOOR PLAN



Harvest Park  
Hayward, CA  
June 5, 2015

BUILDING B FLOOR & ROOF PLANS  
A07

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June 5, 2015

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BUILDING B FRONT ELEVATION  
A08

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RIGHT ELEVATION



LEFT ELEVATION



UNIT 1R

UNIT 1

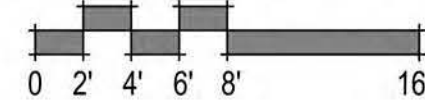
UNIT 1R

UNIT 1

UNIT 2

UNIT 3

REAR ELEVATION



Harvest Park  
Hayward, CA  
June 5, 2015

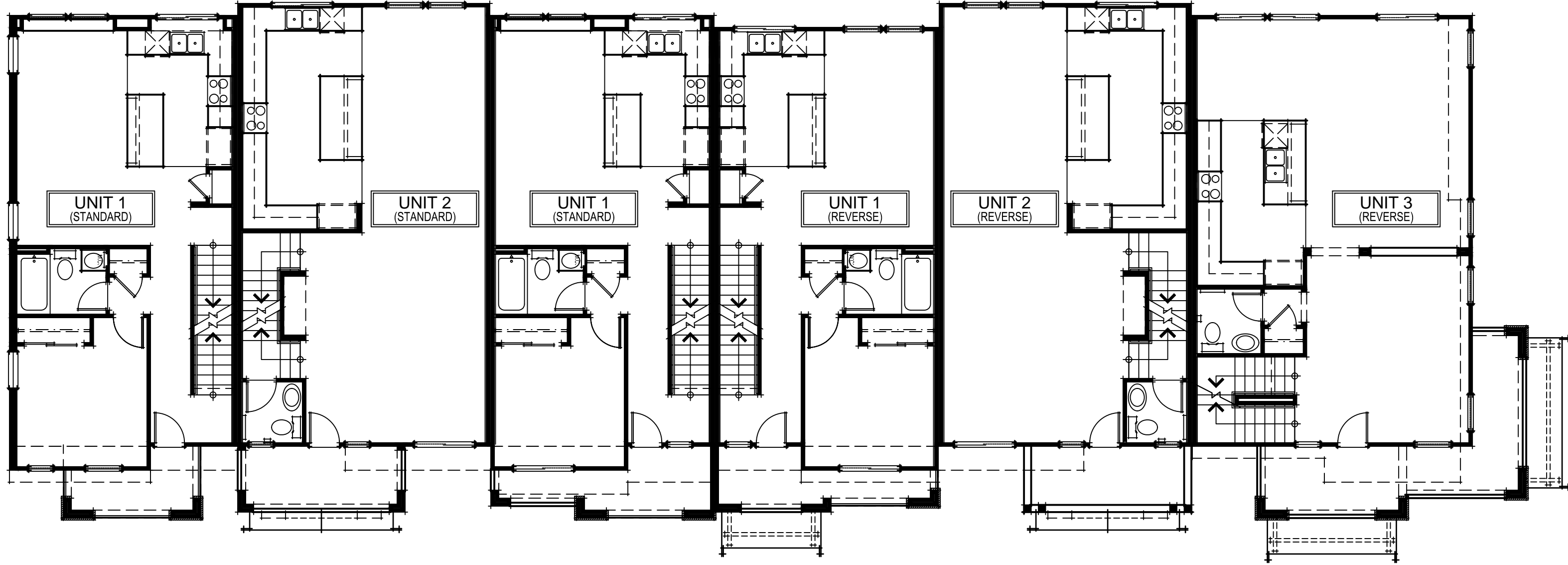
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BUILDING B SIDE & REAR ELEVATIONS  
A09

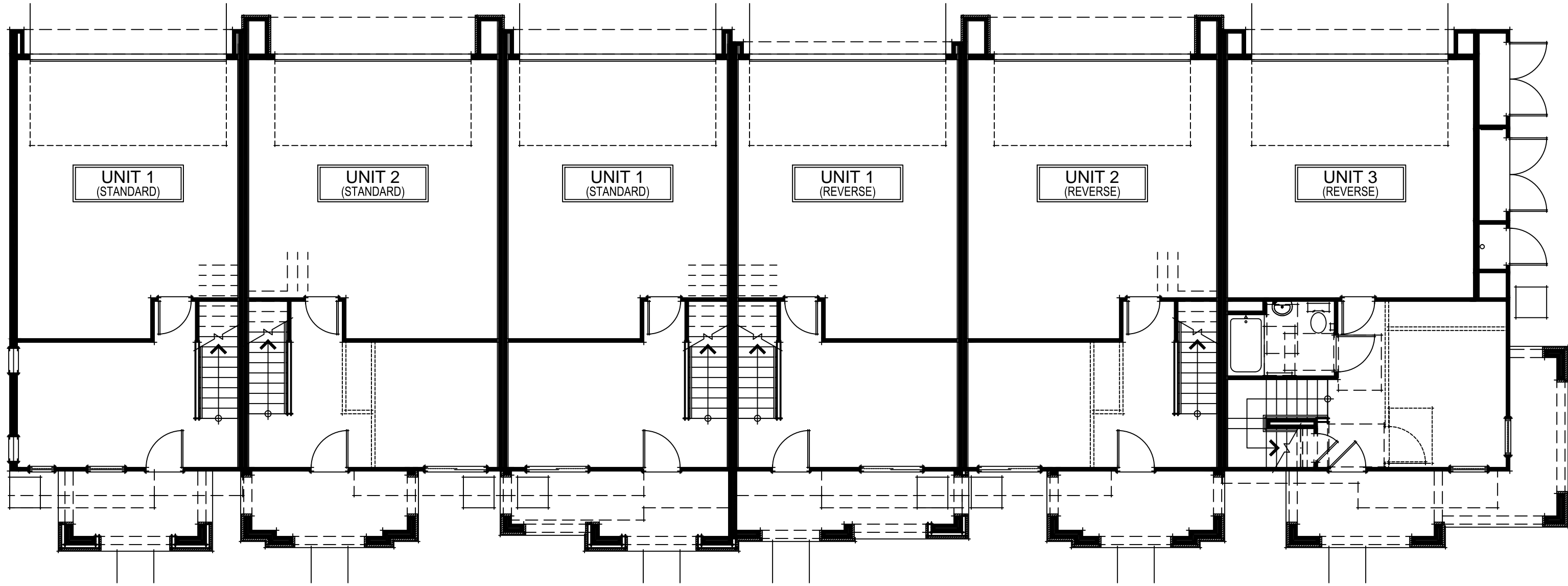
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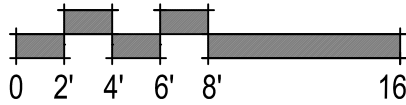




SECOND FLOOR PLAN



FIRST FLOOR PLAN



Harvest Park  
Hayward, CA  
June 5, 2015

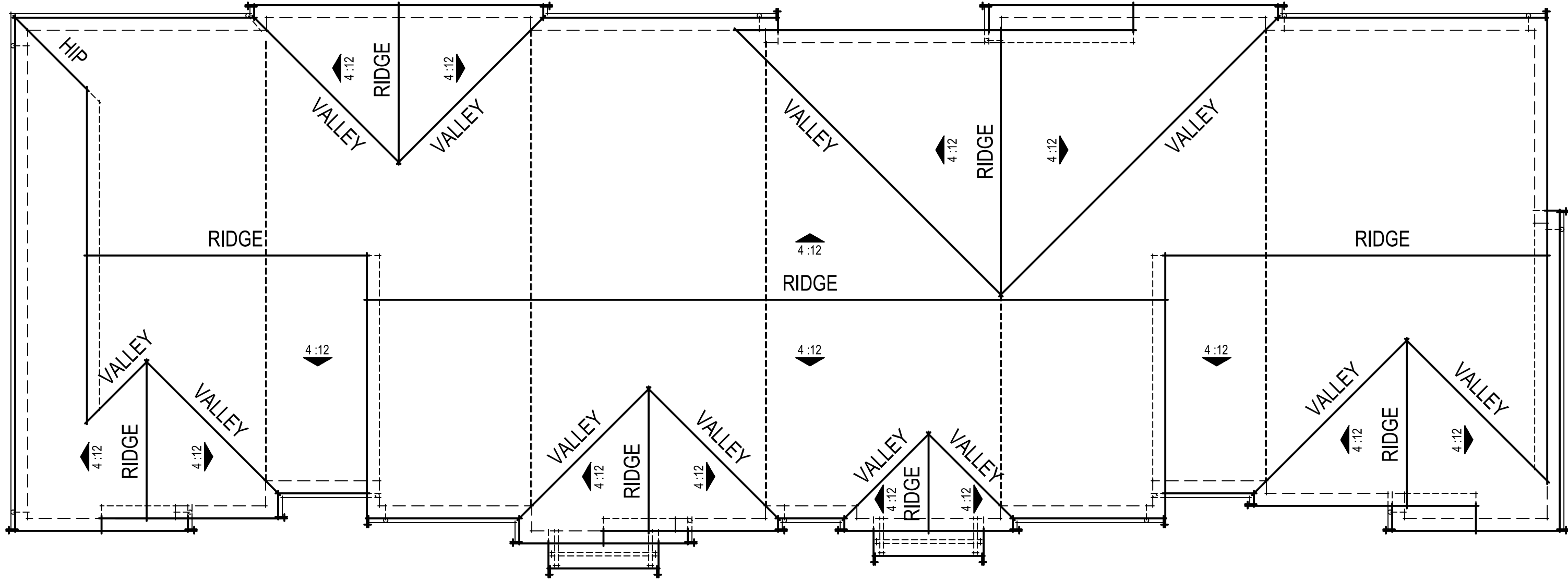
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BUILDING CE FIRST & SECOND FLOOR PLANS  
A10

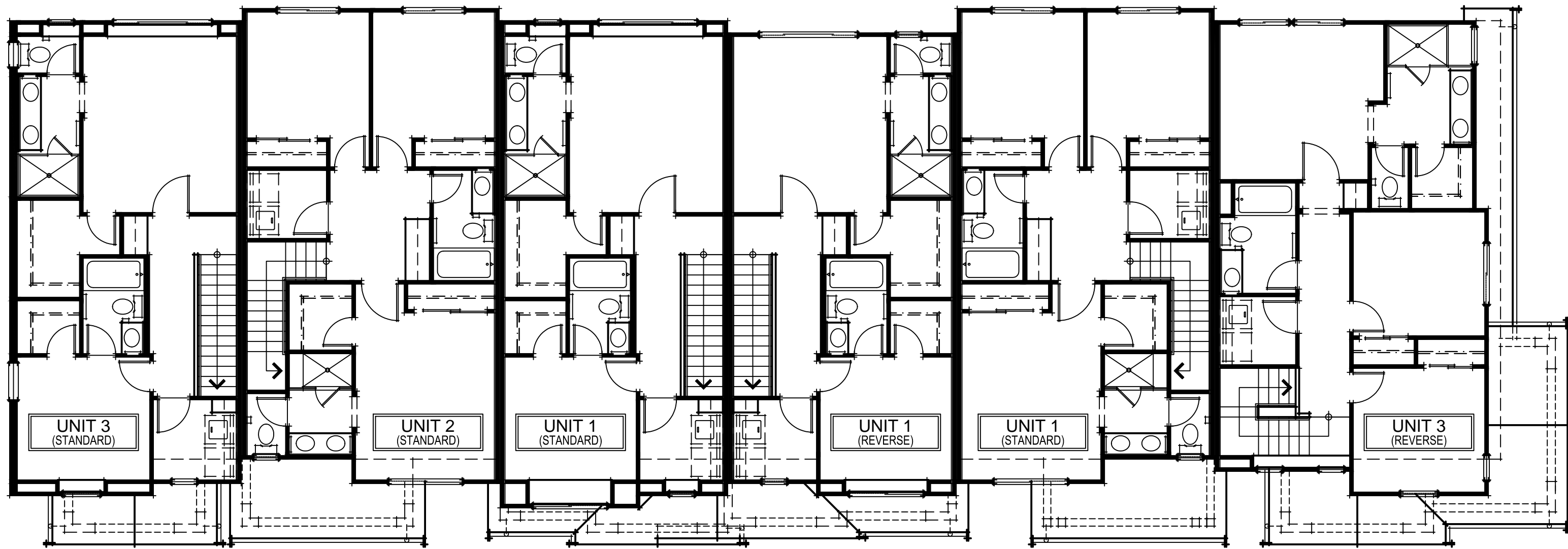
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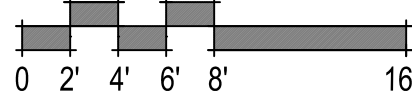




UPPER ROOF PLAN



THIRD FLOOR PLAN



Harvest Park  
Hayward, CA  
June 5, 2015

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BUILDING CE THIRD FLOOR & ROOF PLANS  
A11

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Hayward, CA  
June 5, 2015

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BUILDING CE FRONT ELEVATION  
A12

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RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

Harvest Park  
Hayward, CA  
June 5, 2015

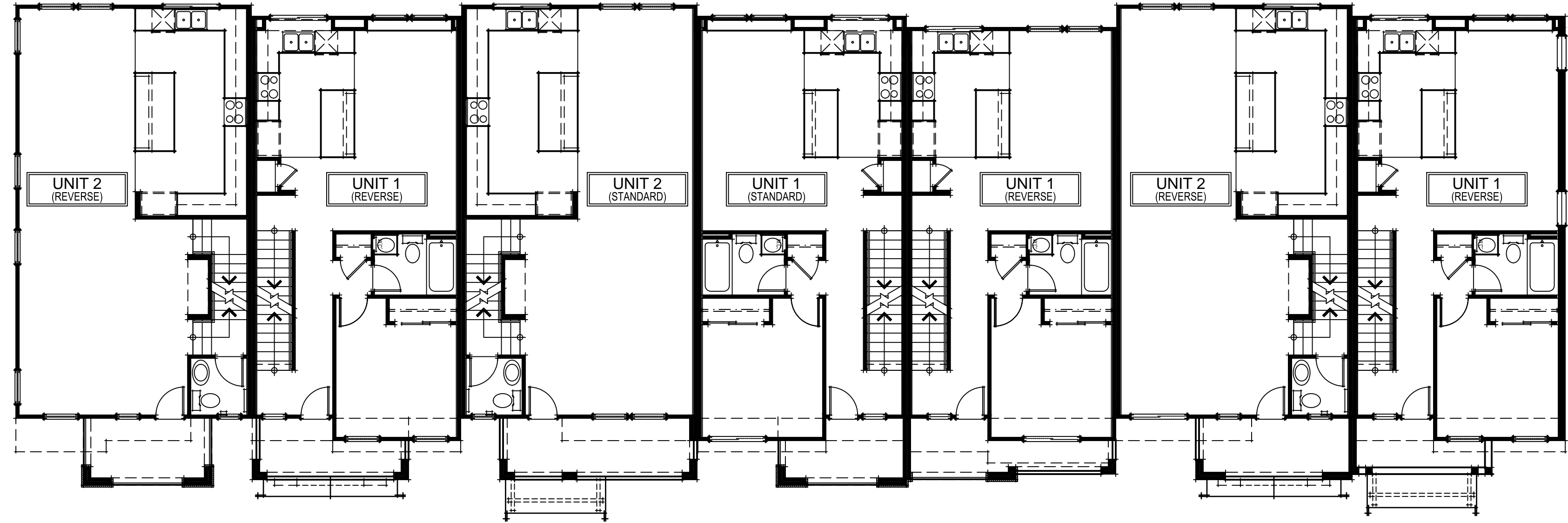
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510.583.3403

BUILDING CE SIDE & REAR ELEVATIONS  
A13

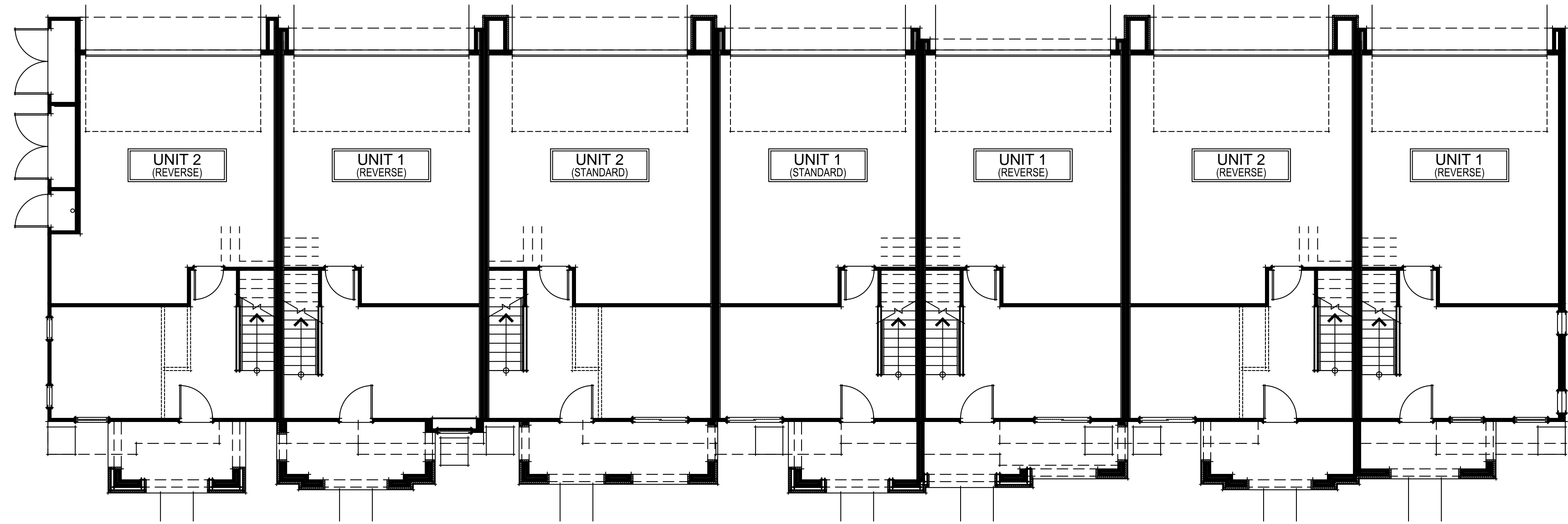
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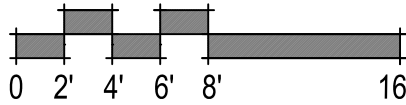




SECOND FLOOR PLAN



FIRST FLOOR PLAN



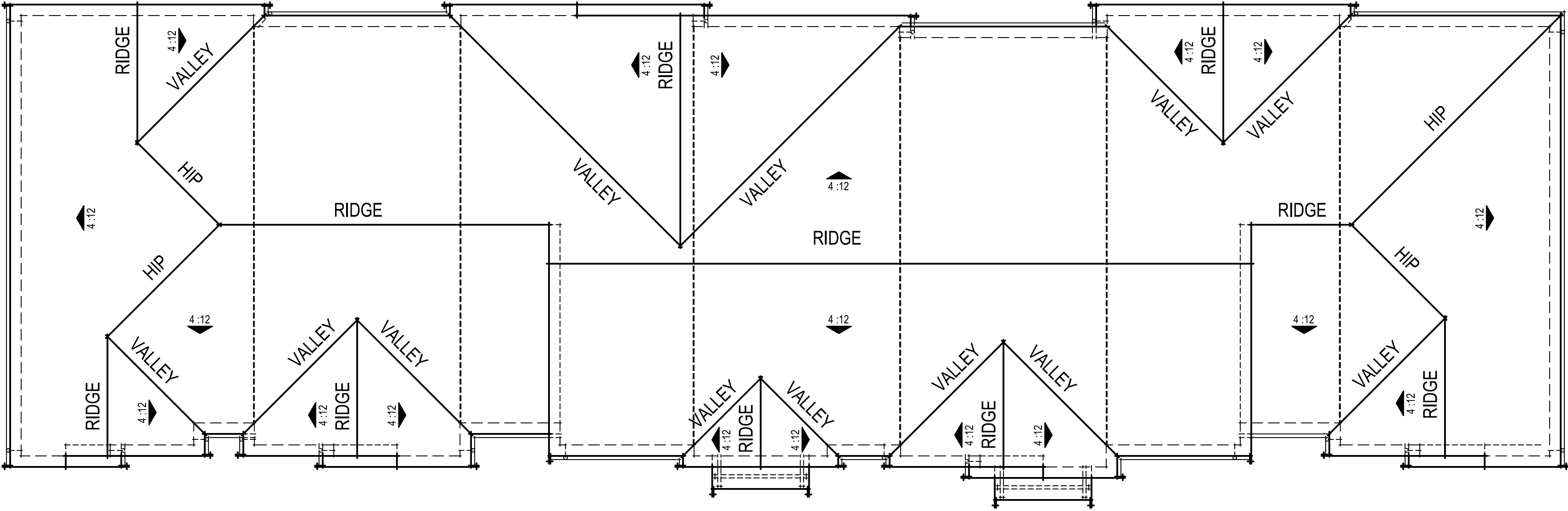
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Hayward, CA  
June 5, 2015

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510.583.3403

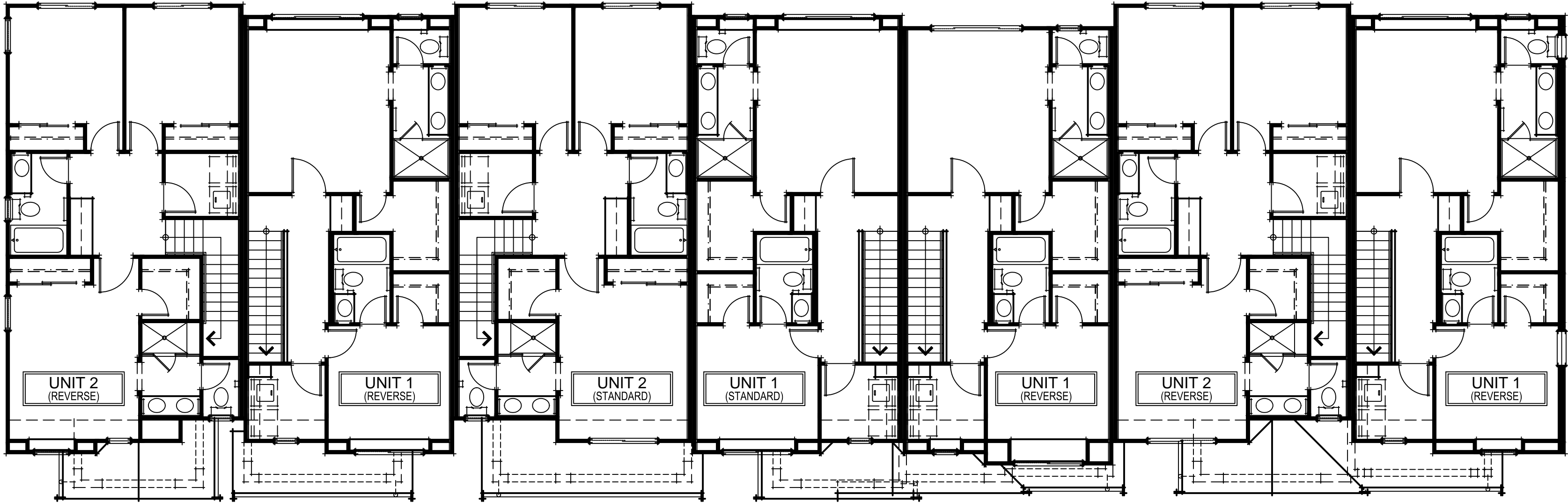
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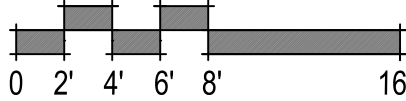




UPPER ROOF PLAN



THIRD FLOOR PLAN



Harvest Park  
Hayward, CA  
June 5, 2015

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BUILDING D THIRD FLOOR & ROOF PLANS  
A15

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Hayward, CA  
June 5, 2015

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BUILDING D FRONT ELEVATION  
A16

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RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

Harvest Park  
Hayward, CA  
June 5, 2015

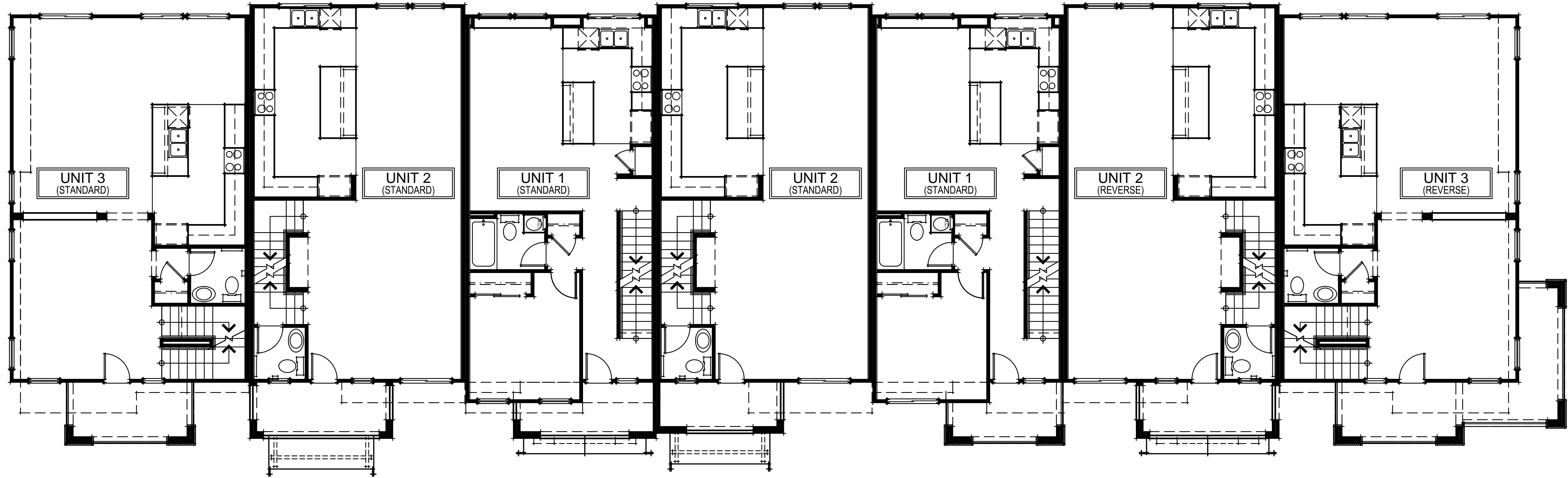
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BUILDING D SIDE & REAR ELEVATIONS  
A17

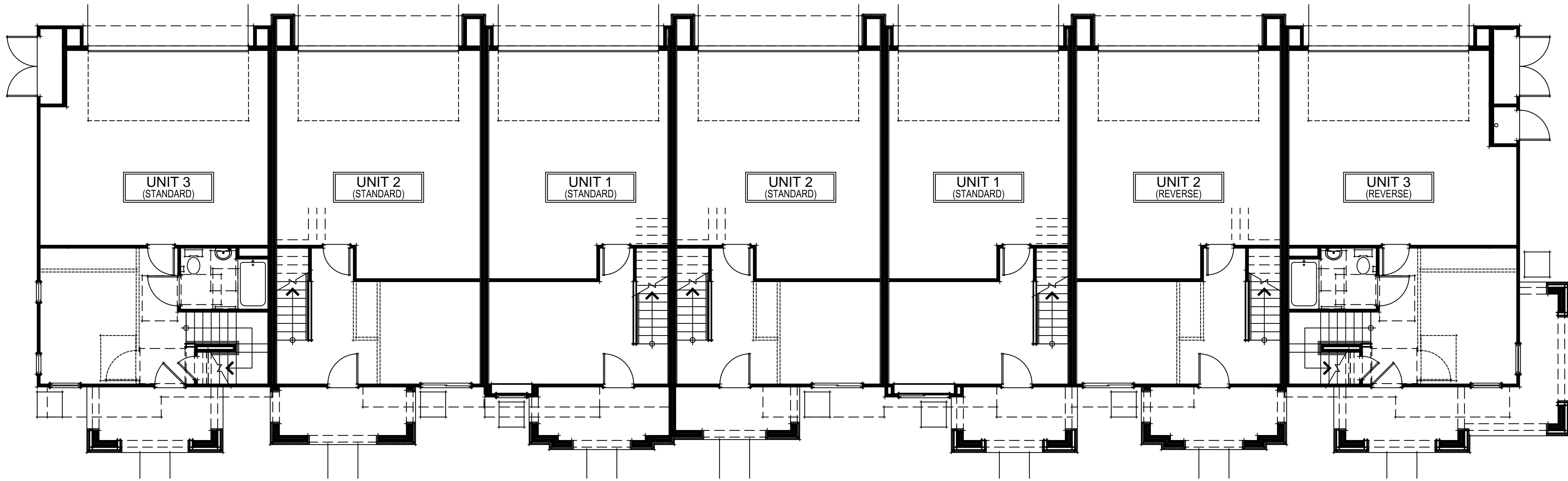
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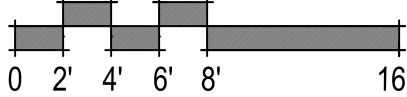




SECOND FLOOR PLAN



FIRST FLOOR PLAN



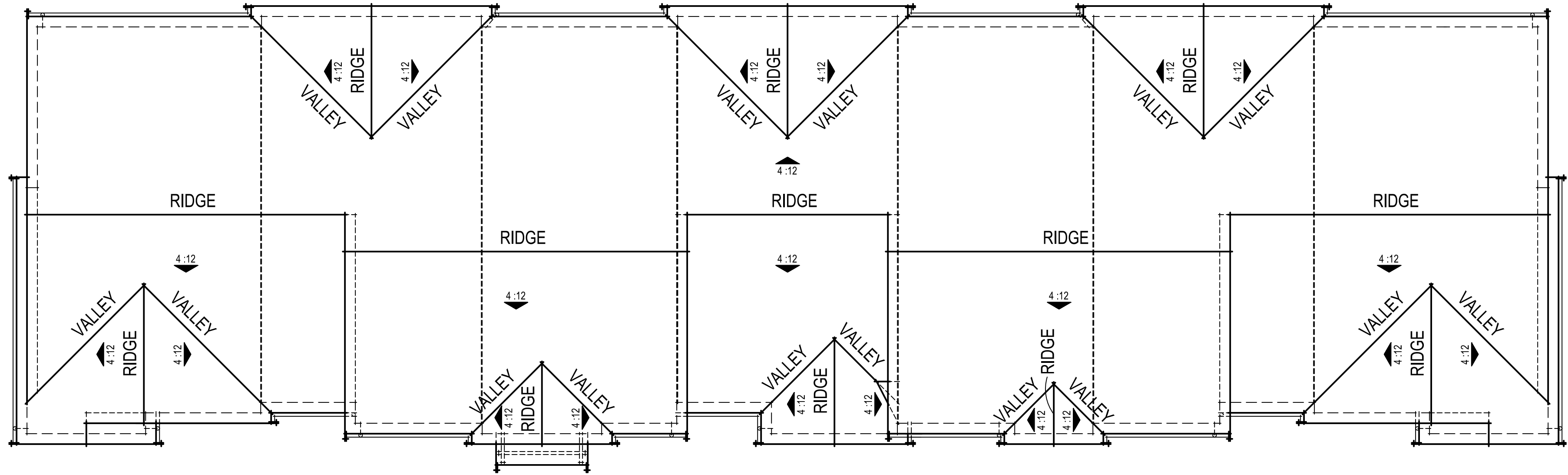
Harvest Park  
Hayward, CA  
June 5, 2015

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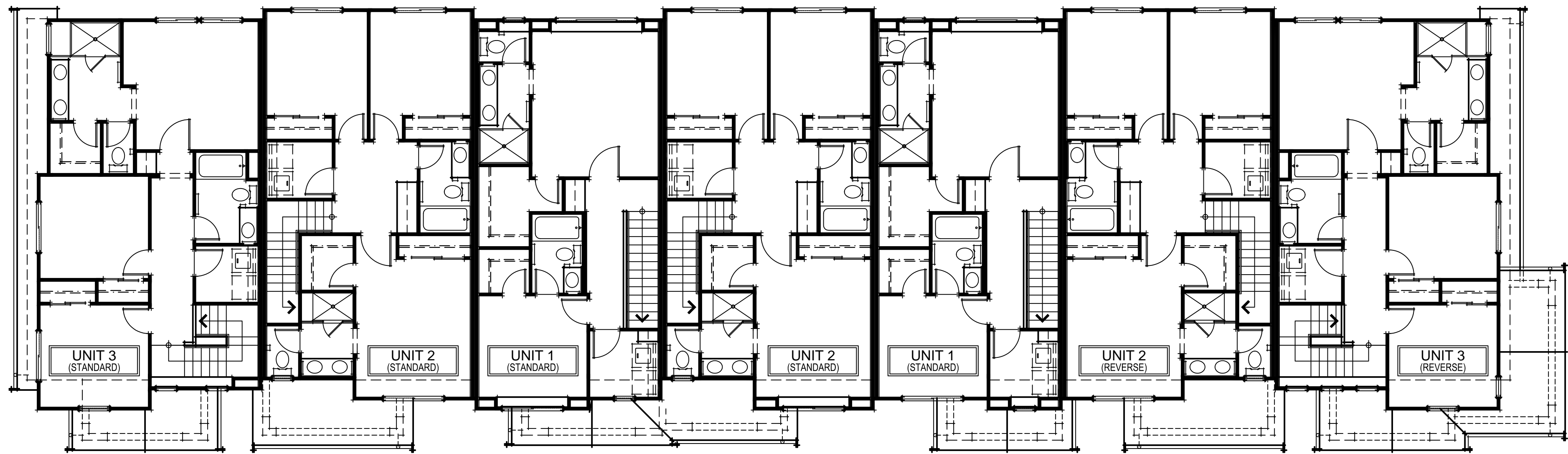
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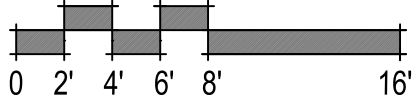




UPPER ROOF PLAN



THIRD FLOOR PLAN



Harvest Park  
Hayward, CA  
June 5, 2015

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BUILDING F THIRD FLOOR & ROOF PLANS  
A19

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June 5, 2015

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BUILDING F FRONT ELEVATION  
A20

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RIGHT ELEVATION



LEFT ELEVATION



UNIT 3R

UNIT 2R

UNIT 1

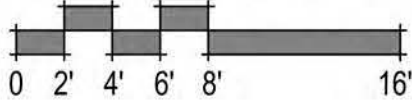
UNIT 2

UNIT 1

UNIT 2

UNIT 3

REAR ELEVATION



Harvest Park  
Hayward, CA  
June 5, 2015

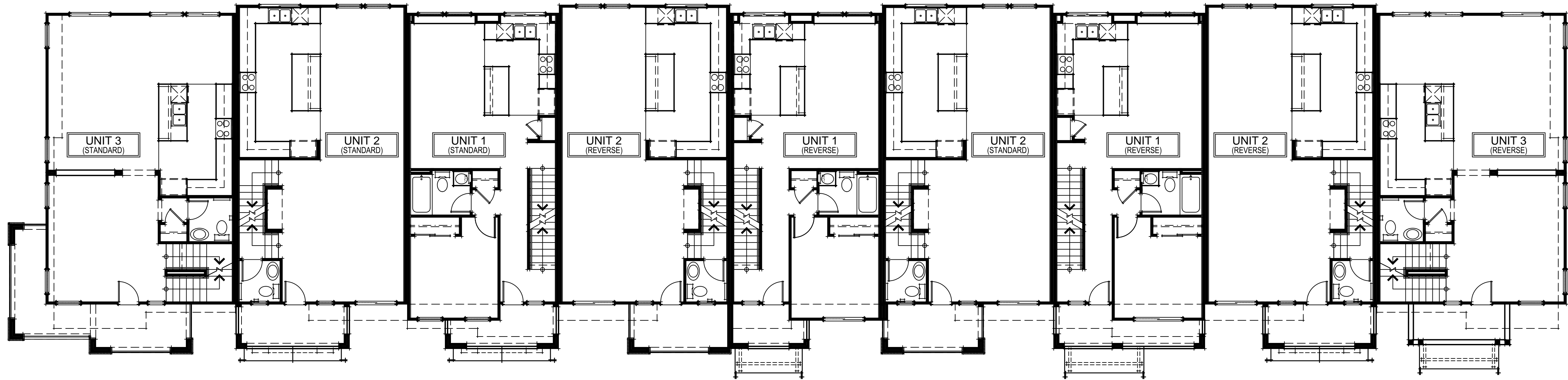
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BUILDING F SIDE & REAR ELEVATIONS  
A21

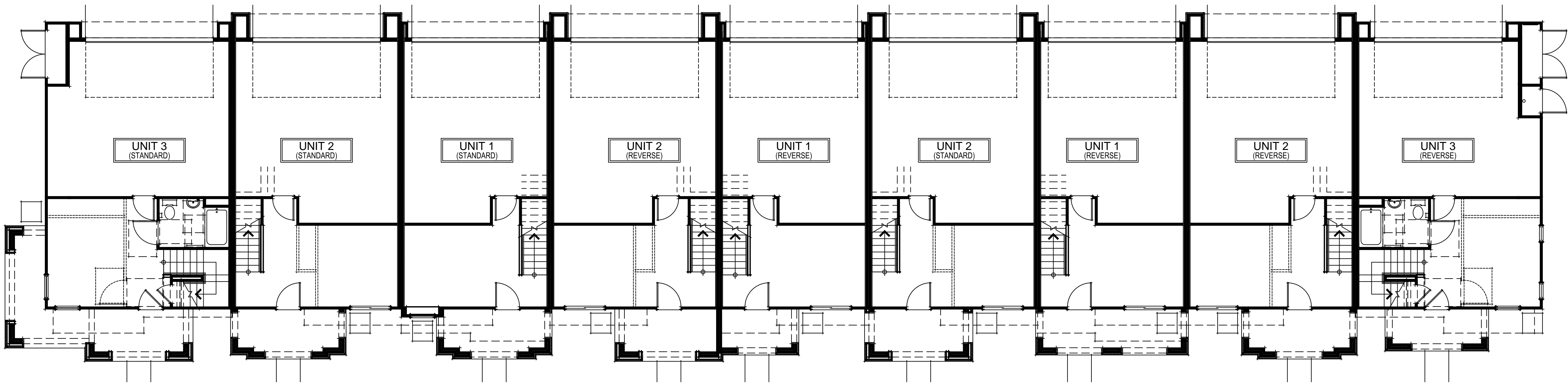
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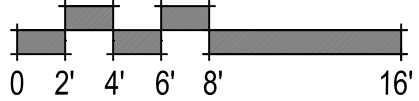




SECOND FLOOR PLAN



FIRST FLOOR PLAN



Harvest Park  
Hayward, CA  
June 5, 2015

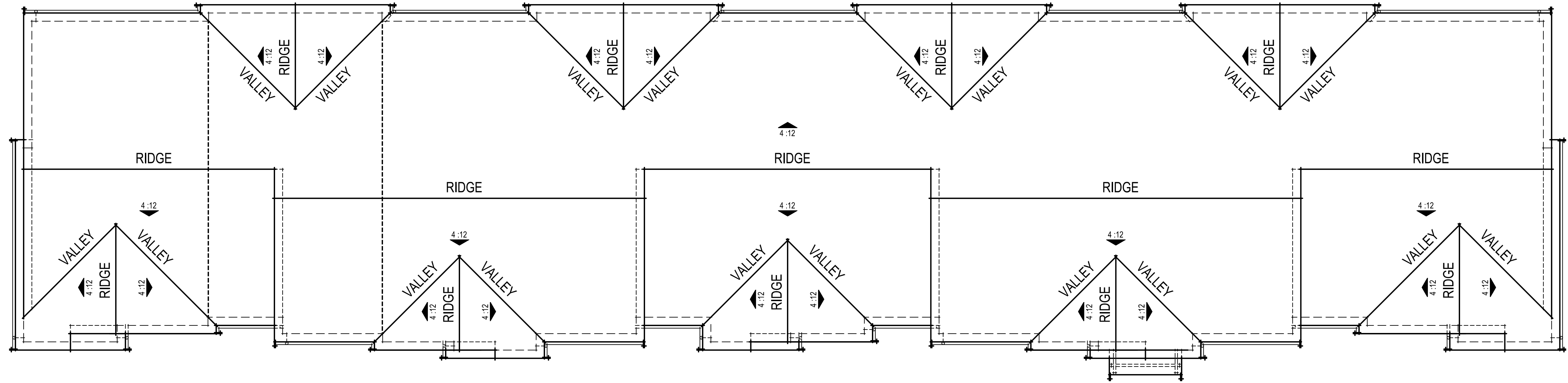
BUILDING G FIRST & SECOND FLOOR PLANS  
A22

Felson Companies  
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510.583.3403

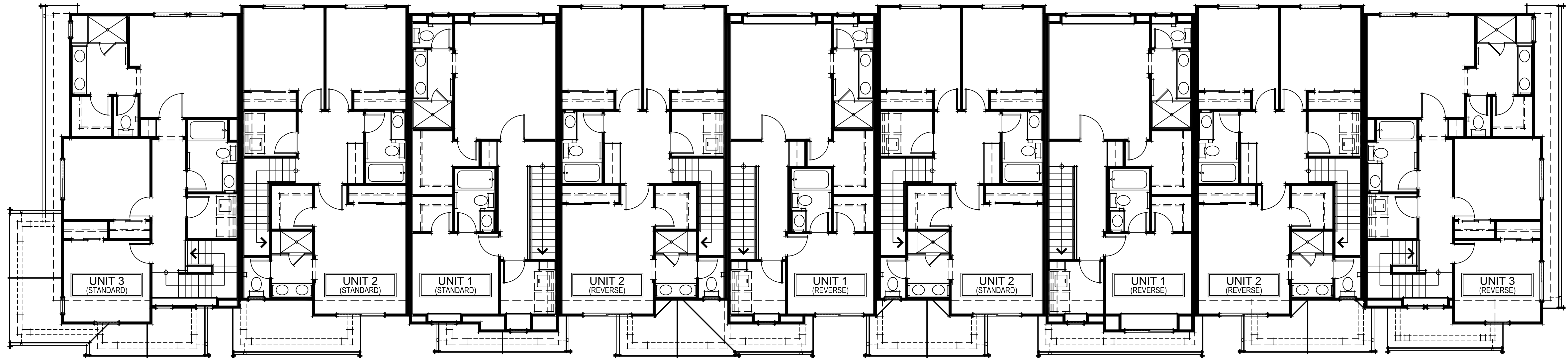
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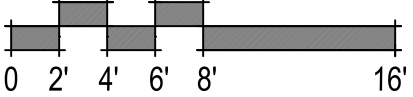




UPPER ROOF PLAN



THIRD FLOOR PLAN

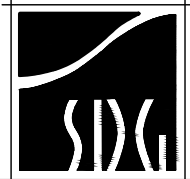


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BUILDING G THIRD FLOOR & ROOF PLAN  
A23

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UNIT 3

UNIT 2

UNIT 1

UNIT 2R

UNIT 1R

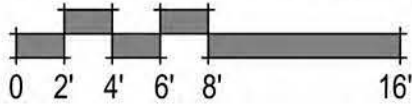
UNIT 2

UNIT 1R

UNIT 2R

UNIT 3R

FRONT ELEVATION



Harvest Park  
Hayward, CA  
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BUILDING G FRONT ELEVATION  
A24

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SDG Architects, Inc.





RIGHT ELEVATION



LEFT ELEVATION



UNIT 3R

UNIT 2R

UNIT 1R

UNIT 2

UNIT 1R

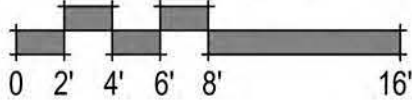
UNIT 2R

UNIT 1

UNIT 2

UNIT 3

REAR ELEVATION



Harvest Park  
Hayward, CA  
June 5, 2015

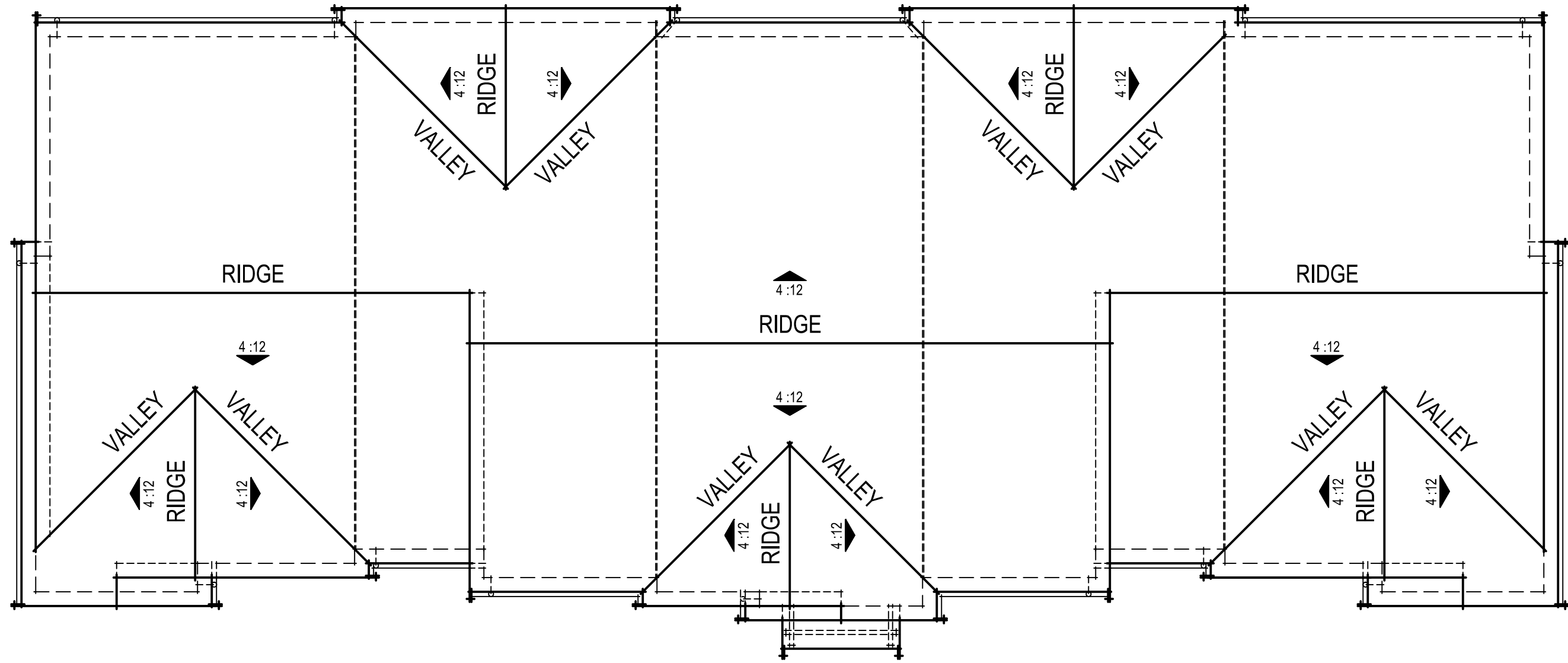
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BUILDING G SIDE & REAR ELEVATIONS  
A25

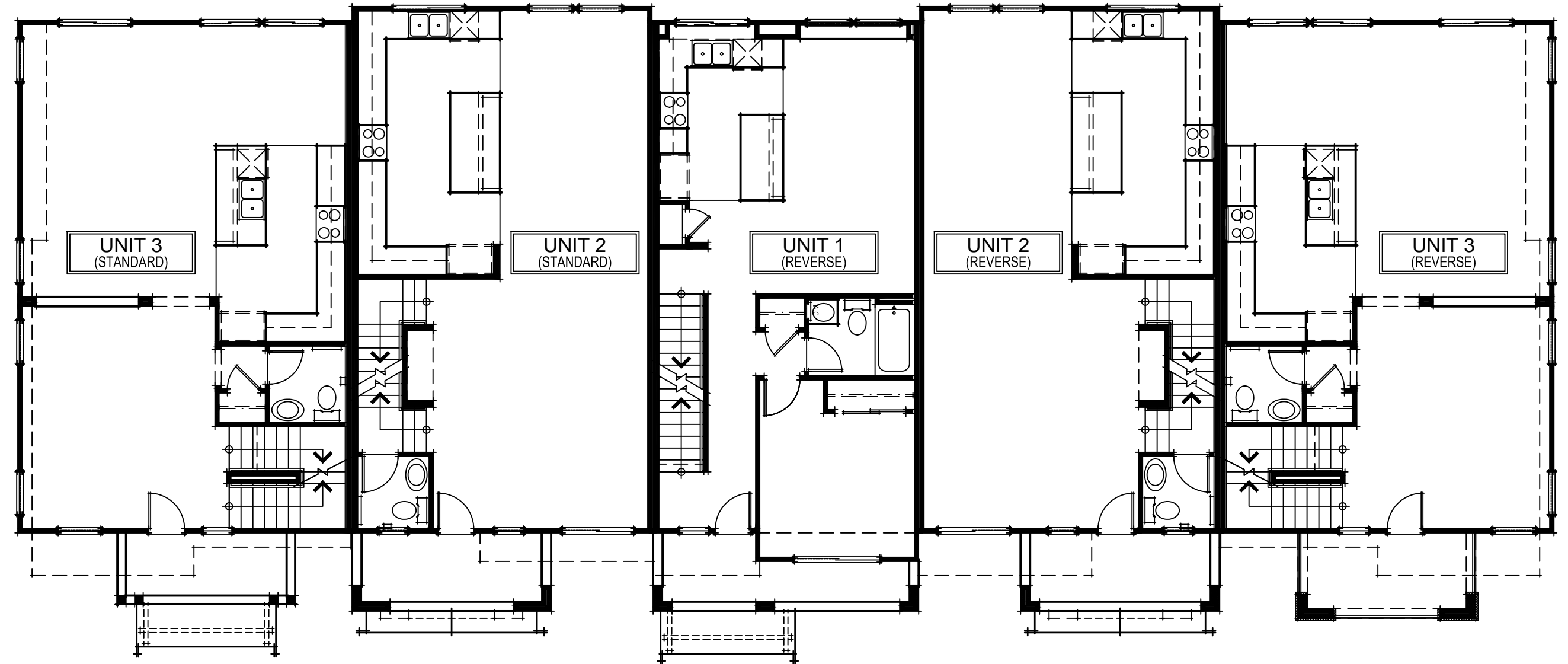
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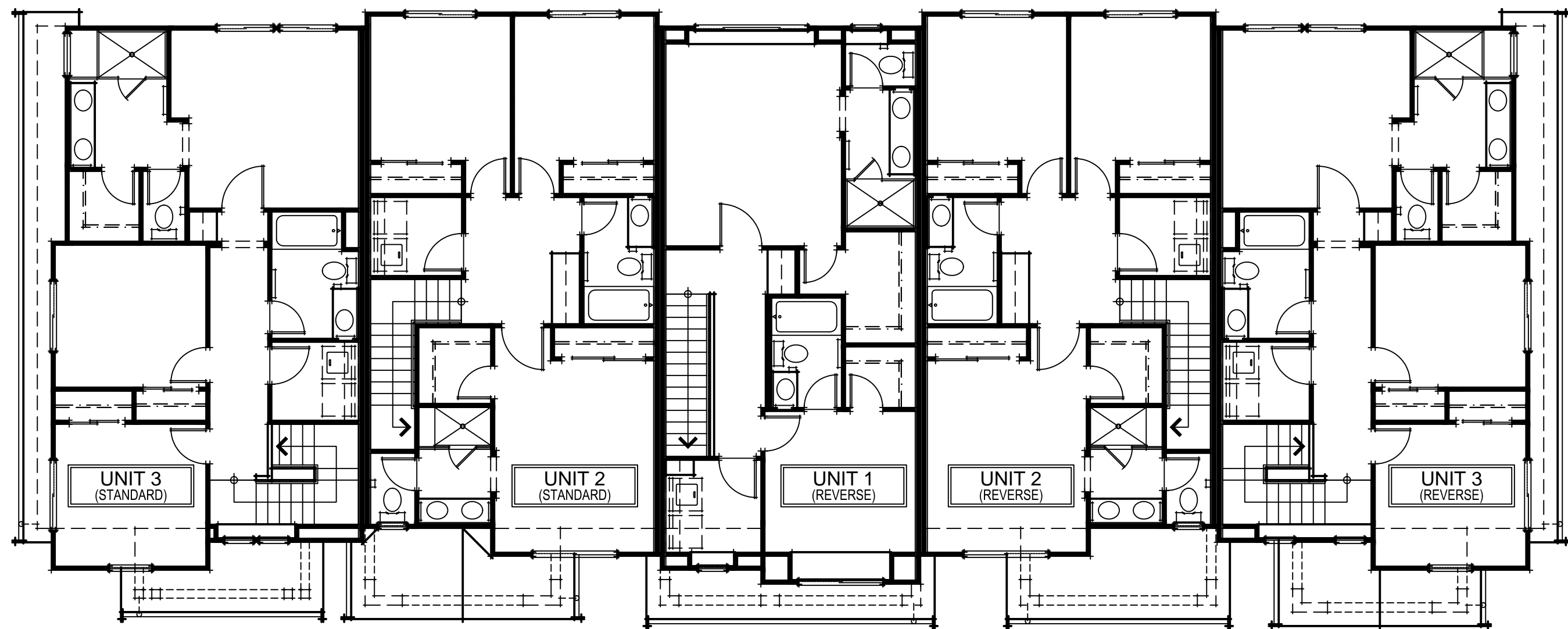




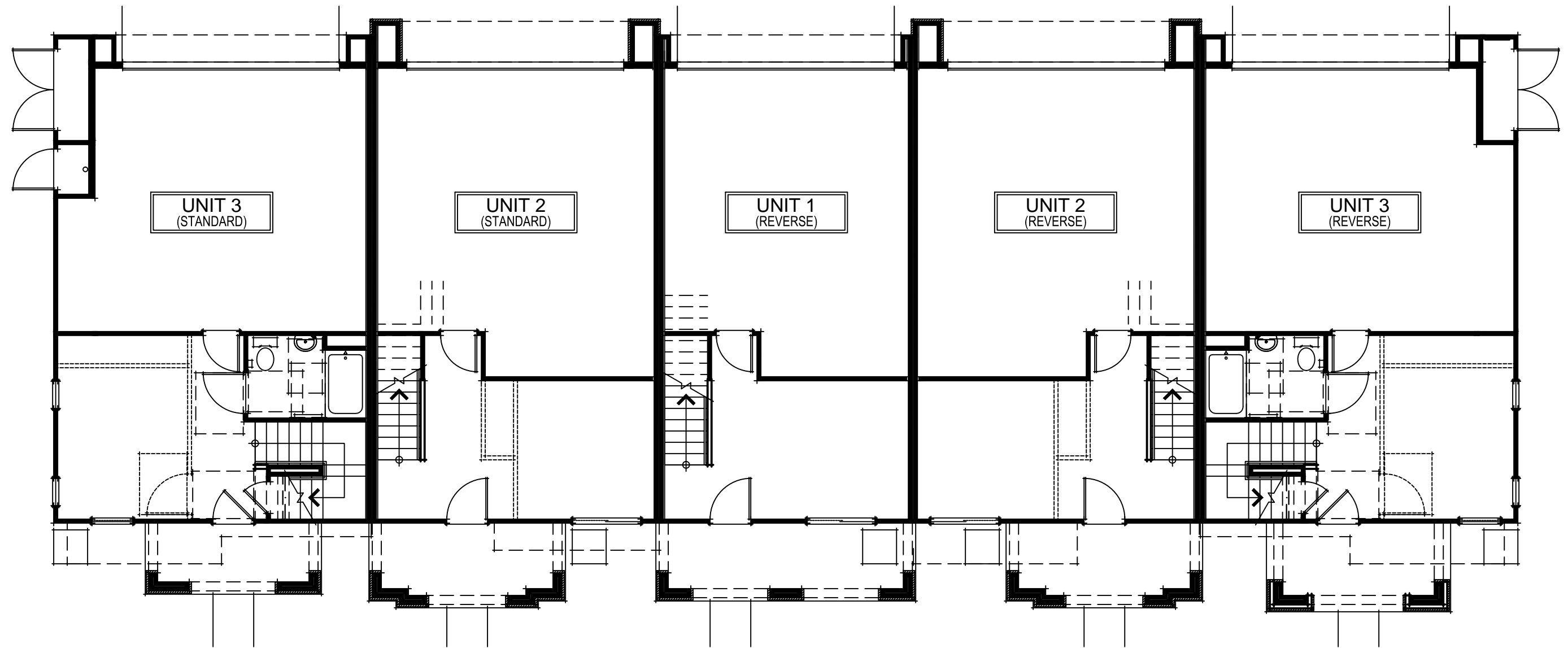
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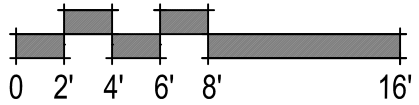
SECOND FLOOR PLAN



THIRD FLOOR PLAN



FIRST FLOOR PLAN



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June 5, 2015

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BUILDING H FLOOR & ROOF PLANS  
A26

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UNIT 3

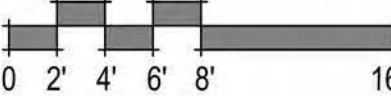
UNIT 2

UNIT 1R

UNIT 2R

UNIT 3R

FRONT ELEVATION



Harvest Park  
Hayward, CA  
June 5, 2015

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BUILDING H FRONT ELEVATION  
A27

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RIGHT ELEVATION



LEFT ELEVATION



UNIT 3R

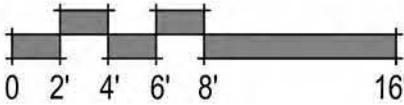
UNIT 2R

UNIT 1R

UNIT 2

UNIT 3

REAR ELEVATION



Harvest Park  
Hayward, CA  
June 5, 2015

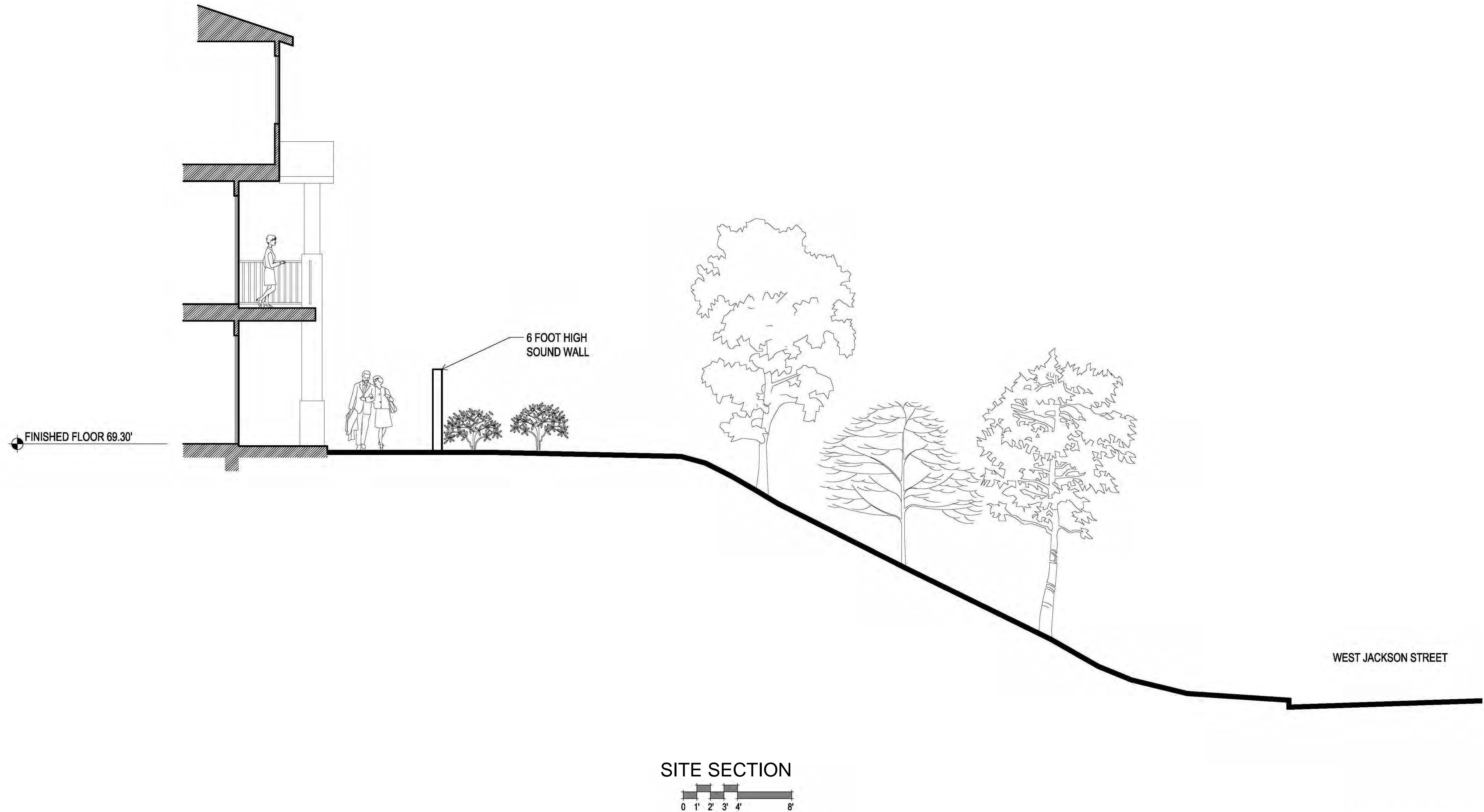
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BUILDING H SIDE & REAR ELEVATIONS  
A28

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Harvest Park  
Hayward, CA  
June 5, 2015

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SITE SECTION AT SOUND WALL  
A29

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

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1  
OF THE HAYWARD MUNICIPAL CODE BY REZONING  
CERTAIN PROPERTY IN CONNECTION WITH ZONE  
CHANGE APPLICATION NO. 201400466 RELATING TO  
VESTING TENTATIVE TRACT MAP NO. 8240; HARVEST PARK

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

Section 1.      Rezoning.

Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to rezone the properties located at 73 West Jackson Street (APN: 443-0050-012-00) and an 11,326 square foot portion of the right-of-way adjacent to 31 (APN: 443-0050-006-00) and 73 West Jackson Street from Planned Development District to High Density Residential.

Section 2.      Severance.

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

Section 3.      Effective Date.

This ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held on the 5th day of April 2016, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the 19<sup>th</sup> day of April 2016, by the following votes of members of said City Council.

AYES:              COUNCIL MEMBERS:

NOES:             COUNCIL MEMBERS:

ABSTAIN:        COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

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

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

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

APPROVED AS TO FORM:

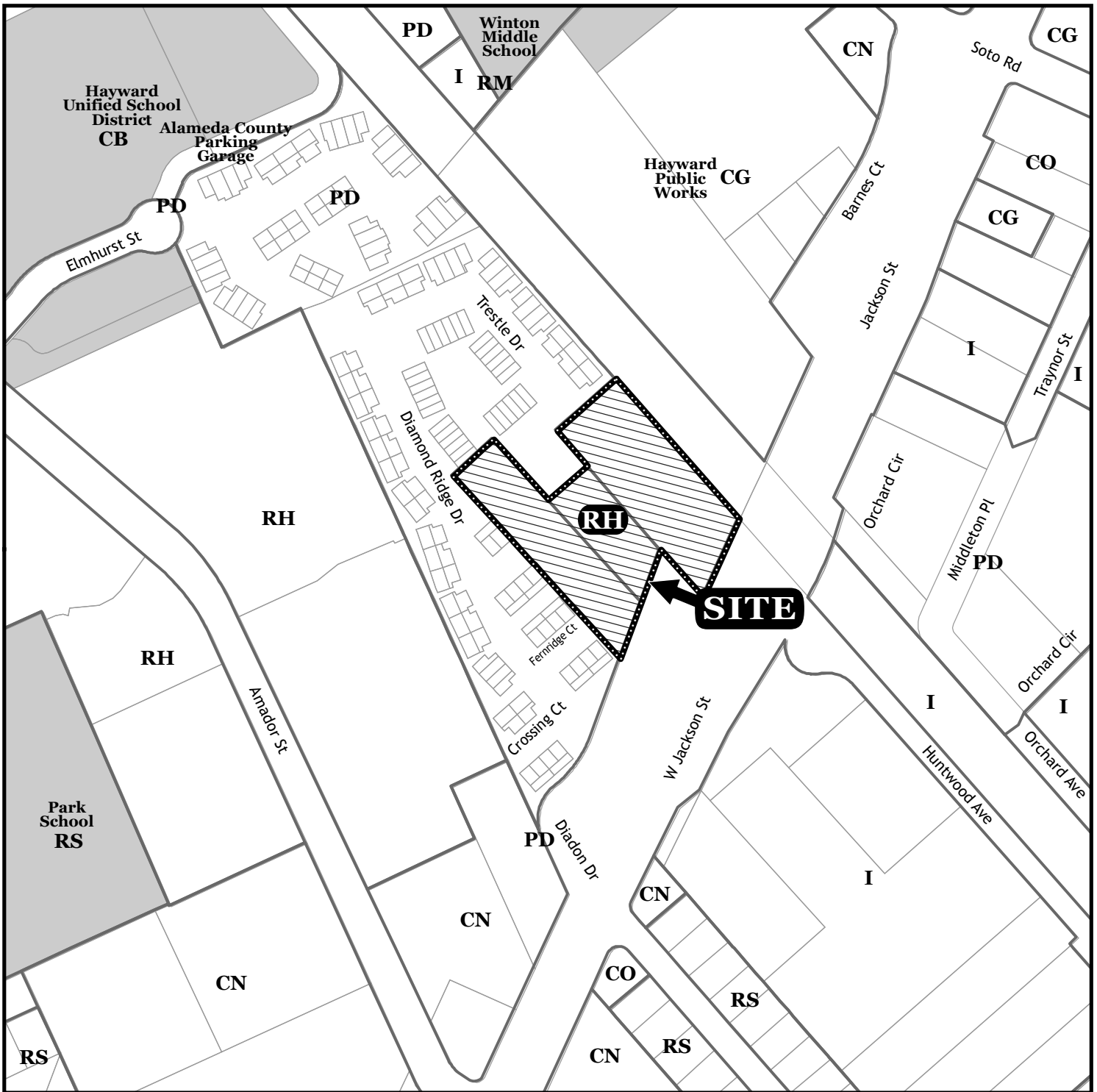
\_\_\_\_\_  
City Attorney of the City of Hayward





# Area & Zoning Map

Attachment III



**201400466**

Address:  
**31 W Jackson St**

Applicant:  
**FELSON PARTNERS LP**

Owner:  
**FELSON PARTNERS LP**

## Zoning Classifications

### RESIDENTIAL

- RH** High Density Residential, min lot size 1250 sqft
- RM** Medium Density Residential, min lot size 2500 sqft
- RS** Single Family Residential, min lot size 5000 sqft

### COMMERCIAL

- CB** Central Business
- CG** General Commercial
- CN** Neighborhood Commercial
- CO** Commercial Office

### INDUSTRIAL

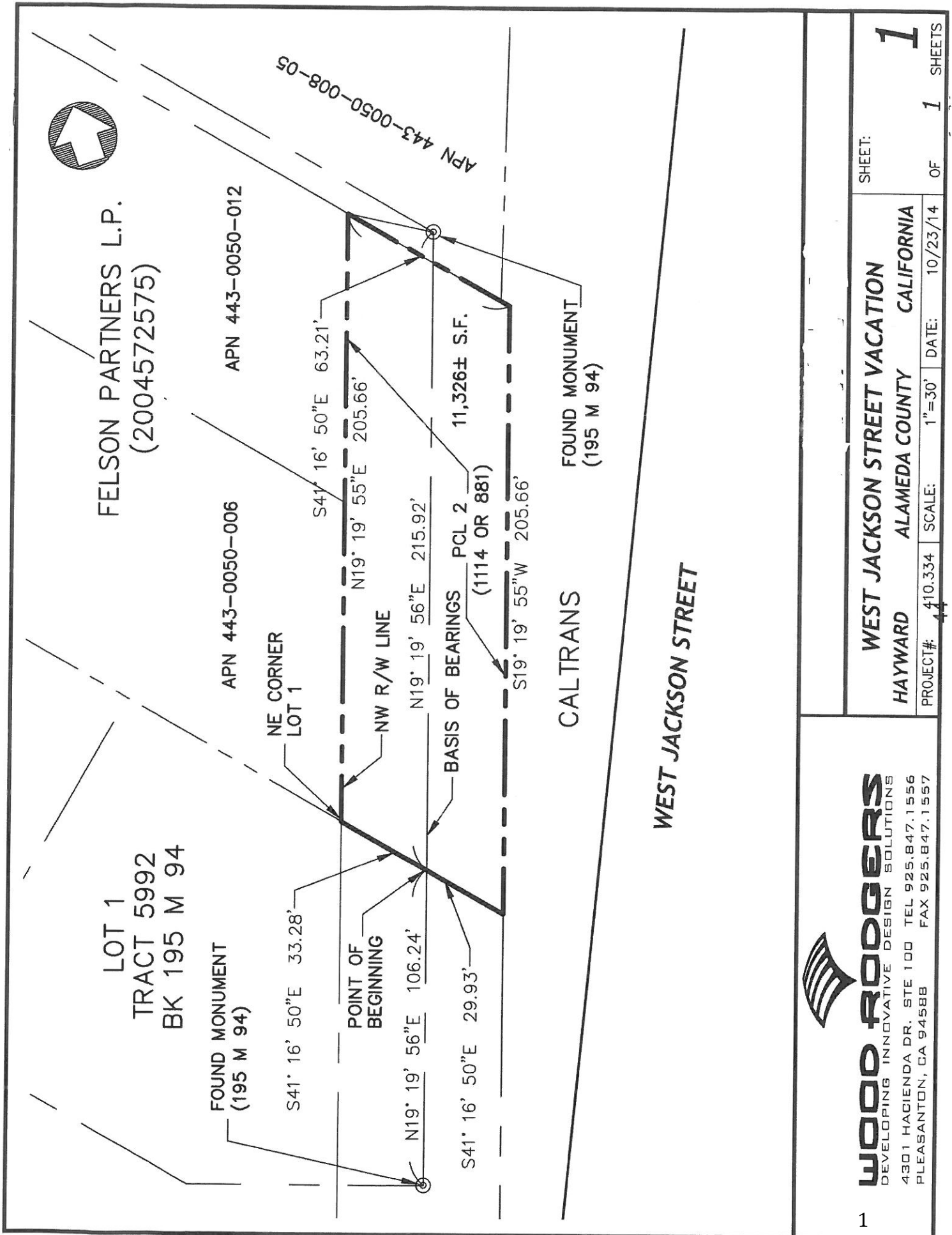
- I** Industrial

### OTHER

- PD** Planned Development

0 100 200 300 Feet

February, 2015





Attachment V

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, February 25, 2016, 7:00 p.m.  
777 B Street, Hayward, CA94541**

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## **MEETING**

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Parso-York.

## **ROLL CALL**

Present: COMMISSIONERS: Willis Jr., Goldstein, Enders, Schott, McDermott,  
CHAIRPERSON: Parso-York  
Absent: COMMISSIONER: Faria

Commissioner Enders arrived at 7:04 pm.

## **SALUTE TO FLAG**

Commissioner Goldstein led in the Pledge of Allegiance.

Staff Members Present: Alvarado Jr., Brick, Buizer, Camire, Hamilton, Madhukansh-Singh, Chan

General Public Present: 7

## **PUBLIC COMMENT:**

There were none.

**PUBLIC HEARINGS:** For agenda item No. 1, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision. For agenda item No. 2, the Planning Commission may make a recommendation to the City Council.

1. Request to Operate a Spa with Full Body Massage in Conjunction with a Nail Salon at 199 Jackson Street, requiring approval of a Conditional Use Permit. Luu Que, Que Beauty Spa (Applicant) / Shamco Investment (Owner)

Planning Manager Buizer introduced new Associate Planner Hamilton.

Associate Planner Hamilton provided a synopsis of the staff report.

There being no public comments, Chair Parso-York opened and closed the public hearing at 7:08 p.m.





Attachment V

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, February 25, 2016, 7:00 p.m.  
777 B Street, Hayward, CA94541**

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Associate Planner Hamilton responded to Commissioner Schott that the Police Department (HPD) recommendations as stated in the staff report was for the applicant to follow the permit requirements which include the Massage Establishment Permit and the Massage Therapist Certification and all massage therapist must comply with the standards established by the Alameda County Health Services.

Associate Planner Hamilton responded to Commissioner McDermott that there was rear parking along Jackson and did not know if there would be dual certification. Planning Manager Buizer said the City does not have limitations on massage establishments, businesses owners must comply with the Massage Permit Ordinance and obtain the required certifications and permits.

Assistant City Attorney Alvarado said to perform massage services locally the massage therapists must be certified by the State of California Massage Therapy Council. Mr. Alvarado added that the owner was responsible for all activities that occur at the establishment.

Commissioner Willis expressed concern about the location of the massage tables as compared to the proximity to the rest of the salon. Associate Planner Hamilton said within the Massage Permit Ordinance there were specific regulations that address the massage rooms that will allow for privacy and also protections for the patrons to feel secure.

Commissioner Enders apologized to everyone for being late. Ms. Enders asked about the success rate of tenants as there seems to be a high turnover at this site; and if adding the massage element was supposed to guarantee the success of the business. Associate Planner Hamilton said in her estimation the massage element was just one part that will contribute to the success of this business along with the four foot massage chairs, facials and full nail service. Ms. Enders spoke about a previous City Council meeting in January 2015 regarding an update to the Massage Permit Ordinance which included a map of the many massage establishments in the City. Ms. Enders said she was trying to remain objective and cites the Police Department's support that the addition of the massage element does not pose a safety or security concern for the City.

Associate Planner Hamilton confirmed for Commissioner Goldstein that the owner plans to close another business on C Street and if this application was approved and noted the closing of the C Street business was not a Condition of Approval (COA). Ms. Hamilton added that through the HPD's review of the C Street business, it has not presented any issues.



Attachment V

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, February 25, 2016, 7:00 p.m.  
777 B Street, Hayward, CA94541**

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Commissioner Schott made a motion to move the item per the staff recommendation to allow the Conditional Use Permit for the applicant.

Commissioner Willis Jr. seconded the motion.

The motion passed with the following vote:

AYES:	Commissioners Willis Jr., Goldstein, Enders, Schott Chair Parso-York
NOES:	None
ABSENT:	Faria
ABSTAIN:	McDermott

2. Proposal to subdivide 2.6 acres and Construct 50 Townhome-Style Condominiums located at 31 West Jackson Street east of Amador Street, requiring approval of a Zone Change, Variance and Vesting Tentative Tract Map; Blake Felson/Felson Companies, Inc. (Applicant); Felson Partners, LP, and Diamond Crossing Associates LP (Owners)

Associate Planner Camire provided a synopsis of the staff report.

Chair Parso-York opened the public hearing at 7:30 p.m.

Mr. Blake Felson, with Felson Companies project applicant, provided a brief history of his company that has developed over 2000 residential units in the city; owns and manages 900 units in Hayward and is committed to the City.

Mr. Jeff Potts, with SDG Architects, thanked staff for the report; spoke about the project and plans for the site and the efforts to get the site in line with the General Plan. Mr. Potts spoke about the following: the odd shaped lot; efforts to mitigate sound from the railroad; locating a least traveled alley as a buffer between neighbors and the development; additional buffers of open spaces and safe open spaces for children, safe walking paths throughout site; and orientation of the front doors. Mr. Potts also spoke about the green elements; large porches, open decks, and solar zones on roof.

Chair Parso-York closed the public hearing at 7:40 p.m.

Mr. Potts responded to Commissioner Willis Jr. that there will be a Homeowner's Association (HOA) where meetings can be held at someone's residence. Mr. Pott's said a project of this size does not usually have a clubhouse. Mr. Willis Jr. noted that meeting at a residence or



Attachment V

**MINUTES OF THE REGULAR MEETING OF THE  
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restaurant could be inconvenient for HOA members.

Commissioner Schott disclosed meeting with applicant and he favored the project and the project will clean up the Jackson area; the homes were well done; and a clubhouse for small development would be an additional cost to HOA members.

Mr. Potts noted for Commissioner McDermott that there was a sound report done which calculated the number of train trips which was ten per day and sound mitigation measures were put in place; such as a separation wall and insulation inside the units; safety measures to ensure children do not get onto the train tracks; some units will have triple pane windows according to the recommendations in the sound report. Ms. McDermott supported the item, it is a great infill project and will add value to the area and her concerns were about the train tracks and noise. Ms. McDermott noted that the Planning Commission has been asked quite a lot to waive setbacks and/or parking requirements and asked if there should be consideration to make changes to the requirements.

Planning Manager Buizer explained that the City currently does not have design standards or regulations to regulate small lot single family developments and an instrument most used was Planned Development Zoning (PD). Through the PD developers can request exceptions to current standards and in turn the developer provides an offset. Ms. Buizer said for this specific development, this was a variance not associated with PD rezone but to provide flexibility and given the median and landscape median and the way the road runs along West Jackson, this was a deviation from the standard. Staff's analysis was this development can be supported given the median and the greater separation, that even though five feet less, there was additional landscaping and the median will allow for separation and act as a buffer and will feel greater.

Mr. Potts responded to Commissioner McDermott that it was decided to provide more open spaces for children and the price range will be driven by the market as prices have changed over the last year. Mr. Felson said as soon as they receive City Council approval they can then move forward with the project.

Mr. Potts responded to Commissioner Enders that what sets this project apart was the following: high quality architecture; local Hayward developer who was committed to the community; walkable project to services; the geometry of the project will give it a different character than other cookie cutter projects; and there was only one paseo and the rest was open space.

Commissioner Enders thanked the developer for environmental features; there was a lot of thought into the surrounding neighborhood and future residents; high quality architecture; buffer zones and frontage to the street. Ms. Enders supported the project as it was perfect for





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the neighborhood, close to amenities; such as banks, grocery stores; coffee shops, transportation and she thanked the applicant.

Mr. Felson explained the process that took place in naming the project. Mr. Felson said they looked at the history of the area; how it used to be a lumberyard and an apricot orchard. He said the public liked Harvest Park the most.

Commissioner Enders liked the name and the carrying on of the heritage of Hayward as a farming community.

Commissioner Schott was encouraged that a developer comes in to build a development and was very supportive of the project. Mr. Schott said that Felson Companies have been in operation for 60 to 70 years and they maintained their properties very well. Mr. Schott addressed staff that Southern Pacific Railroad has been out of operation for 15 years and the railroad was owned by Union Pacific.

Commissioner McDermott was generally pleased with the project and that this was a Hayward developer who was vested in the community. Ms. McDermott noted Hayward already has an overabundance of apartments and was very encouraged that this project would move us toward the goal of more homeownership.

The applicant confirmed for Chair Parso-York that the development was intended for home ownership.

Commissioner Schott said there was a federal law that has reduced the condominium ownership rate to 35 %.

Chair Parso-York wanted to ensure that potential homeowners can obtain loans.

Commissioner Willis Jr. made a motion to move the item per the staff recommendation.

Commissioner McDermott seconded the motion.

The motion passed with the following vote:

AYES:	Commissioners Willis Jr., Goldstein, Enders, Schott, McDermott Chair Parso-York
NOES:	None
ABSENT:	Faria
ABSTAIN:	None



Attachment V

**MINUTES OF THE REGULAR MEETING OF THE  
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**COMMISSION REPORTS**

3. Oral Report on Planning and Zoning Matters

Planning Manager Buizer reported about the noise impacts issues relayed during Public Comments at the Planning Commission meeting of February 11, 2016. Code Enforcement staff conducted their investigation and does have an active case and staff has made the determination that the existing use does require an administrative use permit, the businesses have been notified if they wish to continue to operate in that location and staff will continue to keep the complaining party updated.

Ms. Buizer said at this time there are no items for the March 10<sup>th</sup> regular Planning Commission meeting and will most likely be cancelled. The next regular meeting will be March 24, 2016.

4. Commissioners' Announcements, Referrals

Commissioner Schott pointed out that the entire Planning Commission will attend a Planning Commission Academy conference sponsored by the California League of Cities at the San Ramon Marriott from March 2<sup>nd</sup> through March 4<sup>th</sup>.

Commissioner Enders thanked staff for recommending the Planning Commissioners Academy and was looking forward to attending the Academy and thanked the City for approving the budget for the conference.

**APPROVAL OF MINUTES**

5. None.

**ADJOURNMENT**

Chair Parso-York adjourned the meeting at 7:58 p.m.

**APPROVED:**

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Brian Schott, Secretary



Attachment V

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
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Planning Commission

**ATTEST:**

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Avinta Madhukansh-Singh, Management Analyst I  
Office of the City Clerk





Revised: June 17, 2014  
Original: February 10, 2014

**SDG Architects, Inc.**  
3361 Walnut Boulevard, Suite 120  
Brentwood, California 94513

Attention: **Mr. David Myers, Architect, Senior Project Manager**

Subject: **31 West Jackson Street  
Hayward, California  
Exterior Envelope Acoustical Design  
VA Project #5345-001**

Dear Mr. Myers:

Veneklasen Associates (VA) has completed our acoustical review of the 31 West Jackson Development Site located in Hayward, California. This report represents the results of our findings.

## **1.0 INTRODUCTION**

This study was conducted to determine the impact of the exterior noise sources on the 31 West Jackson Residential Development. VA's scope of work included calculating the exterior noise and vibration levels impacting the site, determining the method, if any, required to lower the exterior sound and vibration levels to meet the applicable code requirements and review the planned exterior facade construction (including doors, windows, walls and roofs) to determine compliance of the interior sound and vibration levels with the State of California and the City of Hayward noise requirements. The results of VA's analysis are presented in this report.

The project reviewed consists of a 2.5 acre site containing approximately 50 townhome units. The project site is bounded by Jackson Street and Diadon Drive to the southeast, the Union Pacific Railroad to the northeast, and residential developments to the south and west.

## **2.0 NOISE CRITERIA**

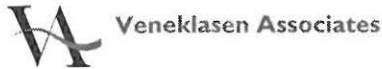
LDN is the 24-hour equivalent sound pressure level in which the nighttime noise levels, occurring between the hours of 10 p.m. and 7 a.m., are weighted by adding 10 dB of sound level to the measured hourly average. Since this is a 24 hour metric, single event noise levels (truck pass-by, bus, trains, etc.) are smoothed over the hour time frame meaning that the single event noise levels are not as prominent in the analysis.

Leq (equivalent continuous sound level) is defined as the steady sound pressure level which, over a given period of time, has the same total energy as the actual fluctuating noise.

### **2.1 Interior Average Noise Levels (LDN)**

The City of Hayward General Plan states that *interior LDN* values for residential land uses are not to exceed 45 LDN in any habitable room.

If the windows must be closed to meet an interior level of 45 LDN, then a mechanical ventilating system or other means of natural ventilation shall be provided.



31 West Jackson – Exterior Envelope Acoustical Design  
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## 2.2 Interior Maximum Noise Levels

The General Plan also states that interior maximum noise levels should not exceed 50 dBA in bedrooms at night and 55 dBA in bedrooms and other rooms during the day.

## 2.3 Exterior Noise Levels

Exterior noise levels at primary open space areas of townhomes and multi-family developments are acceptable up to 65 LDN. This standard does not apply to secondary open space areas, such as front yards, balconies, stoops, and porches.

## 2.4 Vibration Criteria

The General Plan does not specifically state vibration criteria due to trains. For this analysis, VA utilized the ground vibration goals recommended by the U.S. Department of Transportation, Federal Transit Administration (FTA), Office of Planning, "Transit Noise and Vibration Impact Assessment," dated May 2006. The criterion, presented in Table 8-1 of that report, is shown in Table 1, below.

**Table 1 – Ground-borne Vibration Impact Criteria**

Land Use Category	Ground-borne Vibration Impact Levels (re: 10 <sup>-6</sup> inches per second)		
	Frequent Events (> 70 events/day)	Occasional Events (30-70 events/day)	Infrequent Events (< 30 events/day)
Residences and buildings where people normally sleep	< 72 VdB	< 75 VdB	< 80 VdB

## 3.0 EXTERIOR NOISE MEASUREMENTS

### 3.1 Noise Measurements

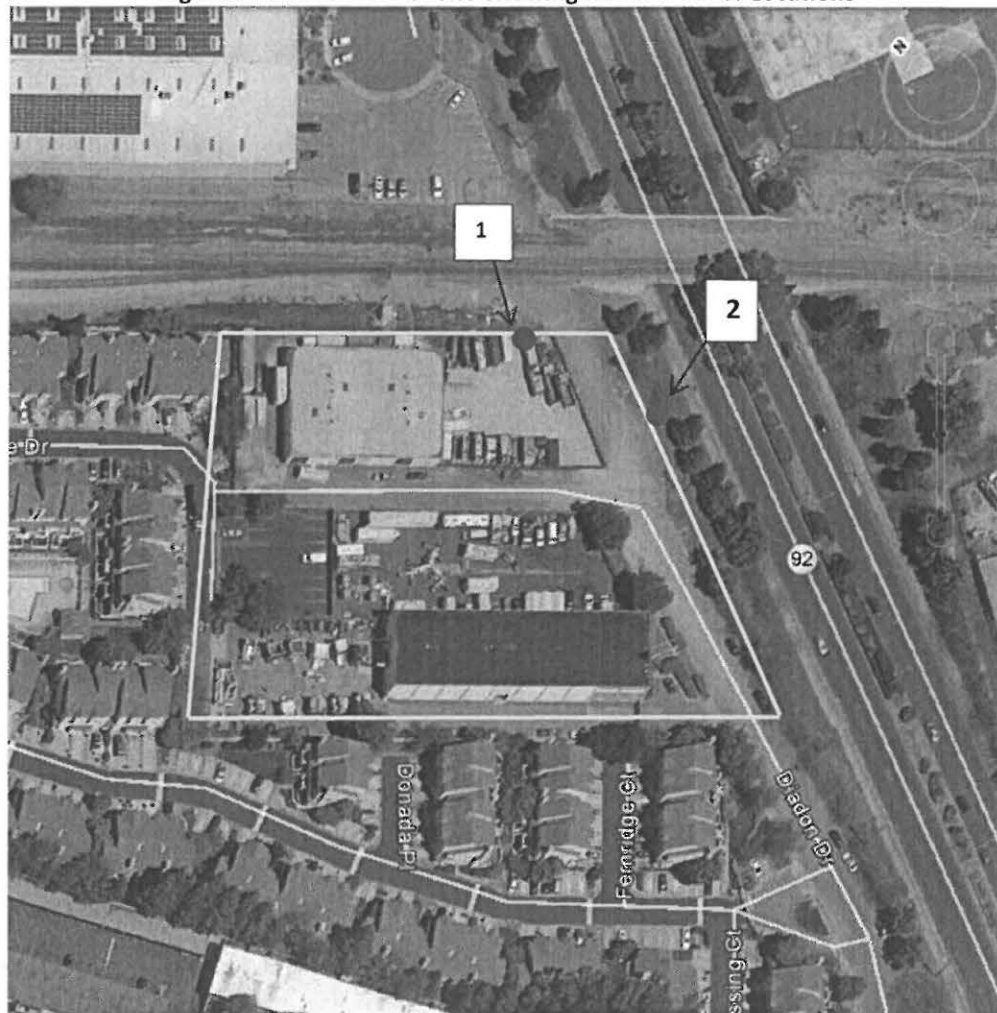
Vehicular movement on the surrounding streets and railway activity are the dominant exterior sound sources affecting the site. A site visit was performed to complete acoustical measurements of the existing sound exposure. VA performed noise and vibration measurements on the project site on Tuesday, January 21, to Wednesday, January 22, 2014. Table 2 provides a calculated LDN value and measured maximum sound level for the monitor locations. The LDN values were estimated from the measurements.

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Table 2 – Measured Sound Levels

Measurement	Exterior Sound Level, LDN	Exterior Maximum, dBA	
		Freight Train	Commuter Train
1	65	92	88
2	71	-	81

Figure 1 – Aerial View of Site Showing Noise Monitor Locations

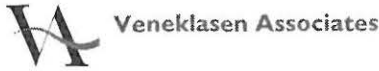


### 3.2 Computer Modeling

VA has utilized the Traffic Noise Model computer software program developed by the FHWA (Federal Highway Administration) in order to predict vehicular noise levels at various locations. The primary purpose of the computer model was to determine how the noise environment will change due to traffic and site changes.

Current and future traffic conditions were obtained from the West Jackson Street Housing Traffic Impact Analysis Report by Kittelson and Associates, dated December 20, 2013. According to this





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information, the future traffic count for Jackson Street near the project site is not expected to change significantly.

### **3.3 UPRR Railway**

VA understands that the railway is used by Commuter and Freight trains. VA understands that there are between 5-10 trains per day, operating at all hours. There are no at-grade crossings so the trains are not expected to sound the horn. However, VA understands that the train will sound the horn if pedestrians are present near the site. The current condition of the site vicinity allows for pedestrians to cross the tracks at unauthorized crossings. For this reason, the trains may sound the horn. During the measurement period, VA did not capture a measurement of the horn. Typically, horn events would be louder than the train pass-bys that were measured during the site visit.

## **4.0 EXTERIOR NOISE ENVIRONMENT**

### **4.1 Noise Barrier**

In order to reduce the noise levels from train pass-bys to the project site, a noise barrier is recommended adjacent to the railway. The tracks are elevated near the project site approximately 2-3 feet. This will reduce the effectiveness of the barrier. VA understands that the City will only allow the maximum barrier heights as shown in Figure 2, measured from the project grade (not the train tracks). The future mitigated noise levels with noise barriers are shown in Table 3.

### **4.2 Overall Exterior Noise**

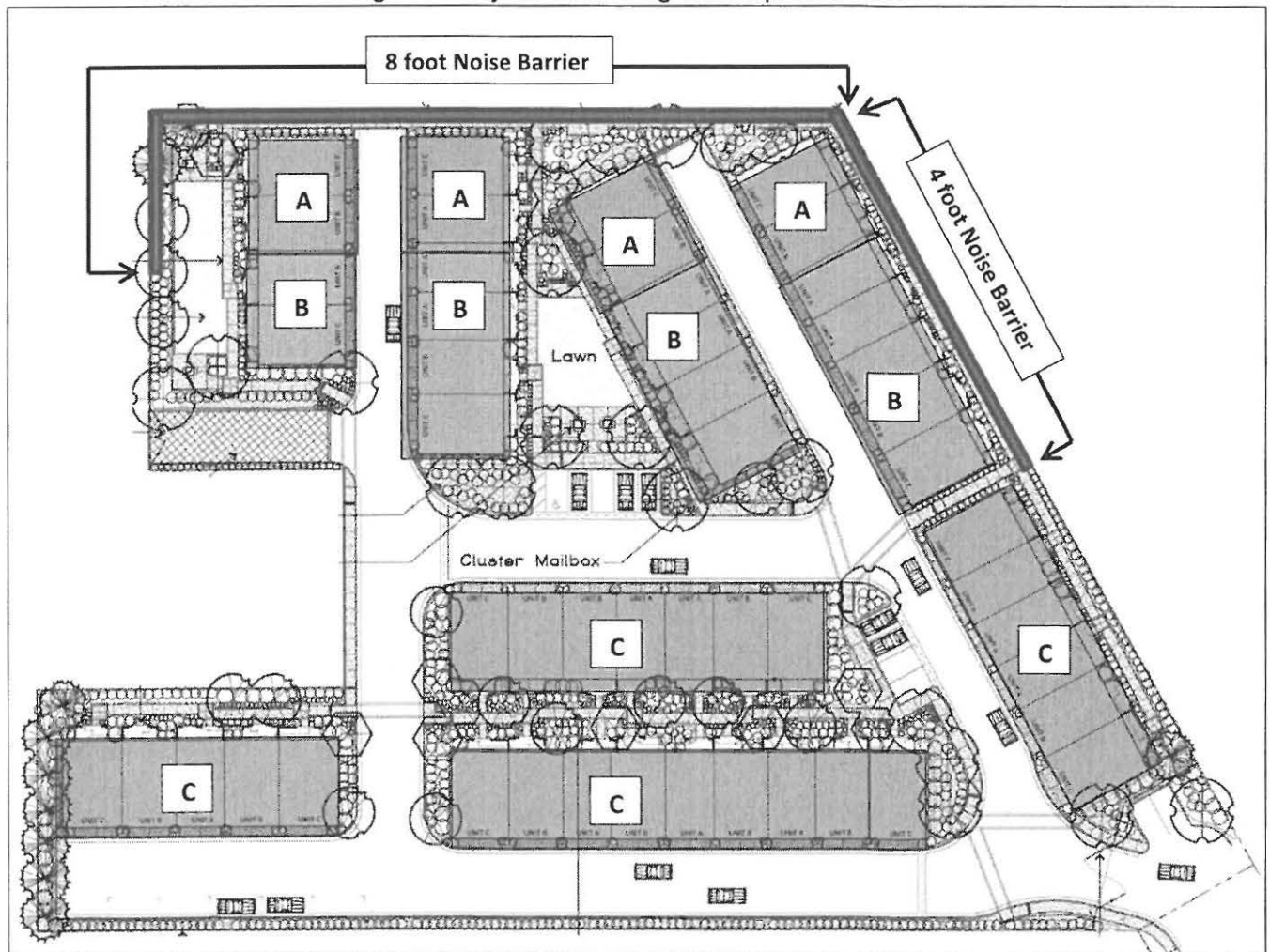
Based on our measurements, the computer model, and the project site plan provided by the Client, VA calculated the existing and future (year 2023) LDN noise levels at various locations within the project site. To simplify the analysis and presentation of our results, VA has separated the site into locations based on the sound exposure and required mitigation. The noise levels reported are worst-case for each location and some areas will be exposed to a lower noise level due to shielding from building facades and structures on site. The predicted sound levels at each location, shown in Figure 2, are listed in Table 3.

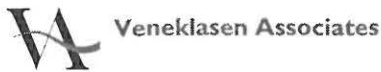
31 West Jackson – Exterior Envelope Acoustical Design  
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Table 3 – Future Exterior Noise Levels

Location	Floor	Future Average Noise Level, LDN	Future Maximum Noise Level, dBA
Zone A	1	60-63	87
	2-3	65-68	92
Zone B	1	57-63	81
	2-3	62-68	86
Zone C	All	60-68	78

Figure 2 –Project Site Showing Noise Exposure Zones





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#### 4.3 Exterior Noise Levels at Outdoor Use Areas

As described in section 2.1, exterior noise levels at primary open space areas of townhomes and multi-family developments are acceptable up to 65 LDN. This standard does not apply to secondary open space areas, such as front yards, balconies, stoops, and porches.

With the recommended noise barrier along the railway side, all first floor outdoor use areas included within the project will have exterior noise impacts less than 65 LDN. No further mitigation is required.

#### 5.0 INTERIOR NOISE CALCULATION

##### 5.1 Assembly Descriptions

VA calculated the interior level within the residential units given the measured noise environment. Floor plans and elevations were not available and VA estimated the dimensions using typical unit layouts and glazing areas. VA also utilized the assumed construction assemblies shown in Table 4.

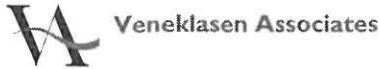
**Table 4 – Example Glazing Assembly Descriptions**

Assembly	Assembly Rating	Thickness	Typical Glazing Construction		
Windows, Sliding Doors, French Doors	STC 30	1" dual	1/8" lite, 3/4" airspace, 1/8" lite		
	STC 35	1" dual	1/4" laminate, 1/2" airspace, 1/4" laminate		
	STC 40	3-1/2" triple	1/8" lite, 1/2" airspace, 1/8" lite, 2.5" airspace, 1/8" storm		
	STC 44	3-1/2" triple	3/16" lite, 7/16" airspace, 1/8" lite, 2.5" airspace, 1/4" storm		
	STC 54 Double Window	5" double window	Approx. STC 31 dual window assembly (1/8" lite, 1/2" airspace, 1/8" lite)	Min. 4" airspace	Single glazed window assembly (7/32" laminate)
Wall	Standard	Stucco, wood studs with batt insulation, 1 layer gypsum board			
	Upgraded	Stucco, 2x4 wood studs staggered on 2x6 plate with batt insulation, 2 layers gypsum board or Stucco, wood studs with batt insulation, resilient channel, 2 layers gypsum board			
	Double	Stucco, double wood studs with 1-inch airspace and batt insulation, 2 layers gypsum board or Standard wall, airspace, wood or light gauge steel studs with batt insulation, 1 layer gyp bd			

##### 5.2 Interior Noise Levels

As stated in Section 2.0, there are criteria for interior average noise levels (LDN) and interior Maximum noise levels (dBA). The glazing recommendations in the following tables show what is required to meet both criteria. Due to the vicinity of the project to the railway, the noise level impacts will be controlled by the maximum noise levels from train pass-bys.





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As stated in Section 2.0, interior maximum noise levels should not exceed 50 dBA in bedrooms at night and 55 dBA in bedrooms and other rooms during the day. The results for each location are presented in Table 5.

**Table 5 – Recommended Mitigation to Meet Interior Noise Criteria**

Location	Floor	Exterior Maximum Noise Level, dBA	Room	Glazing Rating	Exterior Wall
Zone A	1	87	Bedroom	STC 44	Upgraded
	2-3	92	Living room	STC 44	Upgraded
			Bedroom	Double	Double
Zone B	1	81	Bedroom	STC 35	Standard
	2-3	86	Living rooms	STC 40	Standard
			Bedroom	STC 44	Upgraded
Zone C	All	78	Living rooms	STC 30	Standard
			Bedrooms	STC 35	Standard

### 5.3 Mechanical Ventilation Requirement

Because the windows and doors must be kept closed to meet the noise requirements at some locations, mechanical ventilation is required. All of the residential units will require mechanical ventilation. The mechanical ventilation shall meet all Code requirements, including the capability to provide sufficient fresh air exchanges, without depending on open windows or leakage through windows and doors. The ventilation system shall not compromise the sound insulation capability of the exterior facade assembly.

### 6.0 VIBRATION IMPACT

VA measured existing ground borne vibration from the railway on the project site at Position 1. The measured vibration levels were compared with the ground vibration criteria recommended by the Federal Transit Administration. VA understands that there are approximately 5-10 train events per day. According Section 2.3, the FTA criteria for infrequent events (< 30 per day) is 80 VdB. Note that the Federal Guideline does not specifically have input for freight trains and this guideline is specifically for light rail.

The vibration measurement location was approximately 50 feet from the railroad tracks, near where the proposed building façade will be. VA measured one freight train and three commuter train pass-bys during the measurement period. The average measured ground vibration velocity level is shown in Table 6.



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**Table 6 – Measured Ground Vibration Impact Levels Compared with FTA Criteria**

Location	Vibration Level, VdB	Criteria, VdB	Conclusion
Zone A	83	80	Site vibration level greater than criteria
Zone B	80	80	Site vibration level equal to criteria
Zone C	< 80	80	Site vibration level below criteria

As shown in the table above, the ground vibration levels exceed the FTA criterion at Zone A and meets the criterion in Zone B, resulting in feelable vibration and a level of annoyance. Feelable vibration occurs at approximately 65 VdB so the Federal guideline does not mean that vibration is not feelable.

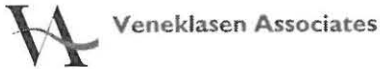
VA has used the Federal guideline calculation method to provide information within this report. It is not straightforward to translate ground vibration to floor vibration in the units. A massive spread foundation will reduce the transfer of vibration from the soil into the structure. On the other hand, vibration levels are usually amplified as the height of a structure increases, because of the nature of lightweight construction. Actual vibration propagation and structural amplification can vary greatly and cannot be predicted with precision. Based on our experience VA would expect the vibration levels to be amplified slightly from the ground level at the upper floors. No structural damage should occur, however, tenants will feel vibration from trains.

Lightweight structures tend to have low stiffness and therefore increased vibration levels on upper floors. Therefore, a reduction in vibration level on the upper floors can be achieved by stiffening the structure beyond typical structural design. The structure should be designed to achieve a minimum natural frequency of around 19 Hz. VA therefore suggests that the following measures be incorporated into the project structural design.

The structural changes will likely include the following:

- Shorter joist spans: add bearing walls or break spans with LVL or steel beams.
- Deeper joists.
- Stronger joists (for engineered I-joists).
- Additional blocking and strapping.
- Reduced joist spacing.
- Glue and screw plywood sheathing to joists.
- Thicker or stronger plywood sheathing.

VA recommends these structural changes be installed for the entire building. Additionally, disclosure of the vibration should be part of the documents to potential occupants.



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## 7.0 CONCLUSIONS

The following is a summary of the conclusions within this report.

- Noise barriers are required, as shown in Figure 2.
- Exterior glazing and wall mitigation shown in Table 5 should be implemented.
- Disclose the sound level due to train operations will be clearly audible.
- Disclose that vibration from train operations may be feelable.
- All units will require mechanical ventilation.
- There are no City or State code requirements for train vibration. However, existing vibration levels will exceed the FTA ground vibration goals at Zones A and B. VA recommends investigating options to stiffen the structure to a natural frequency of 19 Hertz to reduce the amplification of vibration in the structure.

Various noise mitigation methods may be utilized to satisfy the noise criteria described in this report. Alteration of mitigation methods that deviate from requirements should be reviewed by the acoustical consultant.

We trust this information is satisfactory. If you have any questions or comments regarding this report, please do not hesitate to contact us.

Sincerely,  
**Veneklasen Associates, Inc.**

A handwritten signature in black ink, appearing to read 'John LoVerde'.

John LoVerde  
Associate Principal

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# CITY OF HAYWARD

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

## Staff Report

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**File #:** LB 16-033

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**DATE:** April 5, 2016

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT**

Increase Funding for Downtown Specific Plan

**RECOMMENDATION**

That Council adopts the attached resolution (Attachment I) approving an additional \$230,000 (\$305,000 total) for the Downtown Specific Plan project based on information provided in this staff report.

**SUMMARY**

The contract with the original firm retained to complete the Downtown Specific Plan, Dyett & Bhatia, was terminated “for convenience” on Monday October 19, 2015, due to a variety of factors, including delays in submittals and lack of vision for this important document. Staff is working with the Alameda County Transportation Commission (ACTC), manager of the project grant funding, to retain the next ranked firm to complete all remaining aspects of the project, anticipated to be completed by no later than February of 2018.

Because of poor performance from the original consultant, the need for additional scope of work, increased of costs in the market since the contract was originally awarded, and the need to add a zoning code element to the Plan, estimated costs to complete the Downtown Specific Plan have increased above original staff estimates. Additionally, after repeated requests, the prior consulting firm failed to produce a detailed community engagement strategy, which is a key element of the project, ensuring community participation in all phases of the project.

Finally, ACTC rejected a request from City staff to provide additional funding above the original \$950,000 grant funds awarded to the City for this project. ACTC staff has requested that the project funding shortfall be addressed prior to executing a contract with Lisa Wise Consulting to complete work on the Downtown Specific Plan project. Therefore, staff is requesting an additional \$230,000 in addition to the \$75,000 already approved by Council (as matching grant funds) to fund completion of the Downtown Specific Plan.

## **BACKGROUND**

The Downtown Specific Plan will provide a community-supported vision for the Downtown, specific development and zoning standards, and implementation measures to realize the Plan's goals and objectives. The Plan area has two supermarkets, several cafes and restaurants, a drugstore and a movie theater with excellent transit connectivity. The plan will build upon existing strengths and continue efforts to energize the City's emerging Downtown. This effort will also bring the Downtown Specific Plan into compliance with the updated General Plan and provide implementation strategies for some of the over-arching policies in the General Plan, including providing clarity of land use.

Much of the work completed by the previous consulting firm provided some generalized background information as a basis to launch or undertake other project tasks; however, this basic information needs additional work ensuring all remaining project tasks have the depth and volume of information needed to make key project decisions related to Plan formation. For example, additional data collection and analysis is needed related to the economic assessment of existing sites within the plan area to provide a foundation for appropriate massing of key blocks in the Downtown core and surrounding supporting areas.

While evaluating work completed for the project, all remaining project tasks, and desirable project outcomes; and the reality that a year has gone by since the original pool of consulting firms submitted proposals for the project, the cost of preparing planning studies and documents has gone up like all things in the booming Bay Area economy. Also, the most desirable and sought after consulting firms are busy with similar projects, which may lead to a premium attached to the cost of their services. The next ranked team as approved by ACTC pursuant to their rules and processes, Lisa Wise Consulting (LWC), is available to complete the Downtown Specific Plan project. The new consulting firm has outstanding qualifications and City and ACTC staff have worked with this consulting firm to substitute some team members with others better suited to Hayward's Downtown Specific Plan project.

LWC has completed several local projects that have been judged to be useful tools in bringing about successful change to key areas within some Bay Area cities, specifically for the cities of Richmond, Petaluma, Livermore, and Benicia. Most of these projects have been used as case studies at the most recent American Planning Association California Chapter Conference (Oakland, CA) as successful examples of how to effectuate meaningful change to the long-term growth and development of key areas of various Bay Area cities. Details regarding these projects can be found [here](http://www.lisawiseconsulting.com/site/proj_planning_OLD.html).  
<[http://www.lisawiseconsulting.com/site/proj\\_planning OLD.html](http://www.lisawiseconsulting.com/site/proj_planning_OLD.html)>

## **DISCUSSION**

The revised project scope put together by LWC (Attachment II) is more robust than the previous scope. For example, LWC is proposing a comprehensive community engagement strategy with more ways to reach Hayward's diverse community and there is a stronger emphasis on the economic analysis of various key elements of the project. As it relates to the economic analysis of key opportunity sites within the Plan area, a much stronger, thoughtful and quantitative analysis will be done related to these sites. Not only will the project sub consultants have more relevant experience, but the primary consultant, Lisa Wise of LWC, specializes in the economics of what will work and what will not work in the Plan area. It

will be clearly articulated that some opportunity sites may be better suited to incorporating successful ground-floor uses than other sites within the Plan and this will be based upon a strong and understandable economic analysis.

The Downtown Specific Plan Task Force will play a key role in helping develop and formulate a new vision for Downtown Hayward through eleven planned meetings with City staff and the LWC team. Only one previous Task Force meeting occurred back in June of 2015: the prior consulting team conducting some elementary SWOT exercises (Strengths, Weaknesses, Opportunities and Treats Analysis). Rudimentary discussion about opportunity sites and perceived transportation issues were carried out with little to show for work conducted by the Task Force.

For most of the duration of this project, the Task Force will meet bimonthly (with meetings projected to start in June, 2016 pending contract approval by ACTC) working on key issues associated with Specific Plan formation. During the last five months of the project, the Task Force will be meeting monthly reviewing an administrative draft zoning code, several administrative and final draft specific plan documents, and final environmental impact report documents within the context of previous work completed by the Task Force. Guidance of the Task Force by City staff and the LWC team will help realize the overarching General Plan goal of a vibrant, dynamic and economically robust Downtown Hayward through the Specific Plan process and ultimately by adoption by Council of a final development plan.

LWC is excited about the project and has assembled a top notch team that will produce a Specific Plan that will invigorate Downtown Hayward, build upon previous successes and provide for “user-friendly” understandable code regulations. The planned CEQA analysis will consist of a Program Environmental Impact Report (EIR) that will have already evaluated impacts within the Plan area with minimal need for additional CEQA analysis when projects actually are submitted for entitlements.

Lisa Wise, AICP, is currently the Chairman of the Board of the Form-Based Code Institute (FBCI), based out of Washington D.C. FBCI is a non-profit professional organization dedicated to advancing the understanding and use of form-based codes, which have now evolved into “SmartCodes”. Specifically, “smart codes” contain elements such as performance-based measures, form-based elements, and conventional or traditional (Euclidian) zoning code elements.

FBCI seeks the widespread adoption of well-crafted and effective codes and interacts with professionals across a wide range of disciplines to foster discussion and reach consensus on the highest standards for form-based codes. Lisa also has over twenty-five years of professional experience in land development codes, specific plans, housing policy, financial feasibility analysis and economic assessment of land use. This expertise and innovative approach will be applied to the development of our Downtown Specific Plan through LWC as our consultant.

## **ECONOMIC IMPACT**

Creating a new Specific Plan for the long-term growth and development of Downtown Hayward will bring a mix of successful uses creating a new and exciting place for Bay Area residents to frequent as they do with other cities such as Berkeley, Concord, Fremont and Santa Rosa. More customers, residents and visitors frequenting Downtown Hayward once the Specific Plan is completed and implemented will bring more revenue to Hayward via increased sales tax and eventual increases in property tax via new



building construction.

Also, having a Plan and code that clarifies the community vision will help streamline the development review process, which is critical for new developers and tenants interested in investing in our Downtown.

## **FISCAL IMPACT**

This funding request for an additional \$230,000 (\$75,000 grant matching fund was previously approved) will have a direct impact on the City's General Fund. In order to offset this General Fund impact, as well as provide a consistent stream of revenue to support Advanced or long-Range/Policy Planning activities, staff is developing a new 16% Policy Planning Fee that will equal 16% of most building permit fees be established in the Fiscal Year 2017 Master Fee Schedule.

This 16% Policy Planning Fee, which is in line with what other cities, such as in Fremont (15%), (15% on zoning certificates and use permits), and San Rafael (35.5%), would replace the existing 12% General Plan Update Fee, which was adopted to pay off the costs of updating the General Plan that was done in 2014, and building up reserves for the next General Plan update. The General Plan Update Fee is currently 12% of most building permits (building permits for solar projects are precluded from such fees).

The proposed new 16% Policy Planning Fee, which would still include revenue to cover costs for General Plan Updates, is anticipated to generate as much as \$390,000 per year. This proposed fee increase would help off-set the costs of all long-range planning, not just the General Plan update; and will come forward as part of the update of the Master Fee Schedule later this spring. The following display demonstrates the likely impact of the new fee under development.

	Fee on a \$50K Tenant Impr.	Fee on New 1,500 sf House	Fee on New 2,500 sf House	Water Heater
0% (no planning fee)	\$816	\$2,111	\$2,866	\$54
Current Fee: 12%	\$98	\$253	\$344	\$6.48
Proposed Fee: 16%	<u>\$131</u>	<u>\$338</u>	<u>\$459</u>	<u>\$8.64</u>
<b>Difference:</b>	<b>\$33</b>	<b>\$85</b>	<b>\$115</b>	<b>\$2.16</b>

Ultimately, the City may see eventual additional return of this revenue through implementation of the Downtown Specific Plan by increased construction and accompanying/additional building permit fees, increase sales tax and property tax revenue.

## **PUBLIC CONTACT**

The Downtown Specific Plan project, once up and running again, will have extensive public outreach as part of the Plan development process. Stakeholder interviews, workshops, a charrette, and joint City Council and Planning Commission meetings will also occur. Task Force meetings will be an integral part of a way to participate in the Downtown Specific Plan process. Additionally, presentations to the Economic Development Committee, the Chamber of Commerce and other associated downtown business

groups will occur. The project team will reach out to Downtown building owners, commercial real estate brokers, neighborhood/homeowners' associations, Cal State East Bay, BART, and AC Transit to afford opportunities for input and participate in the plan process.

City staff will be working with the consultant team to use a dedicated project website and social media to provide updated information on Plan development as well as solicit continuous input on the project.

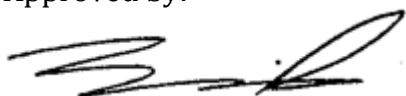
## **NEXT STEPS**

Should the additional funding be approved, ACTC staff will complete contract execution with Lisa Wise Consulting and work will commence on the Downtown Specific Plan. A Task Force meeting will be scheduled and advertised on the project website, "Imagine Downtown." Staff will be providing regular updates to Council and the Commission regarding the project and opportunities will also be afforded to evaluate and provide input during development of the Downtown Plan document through joint meetings with the Planning Commission.

As part of the process to bring the new fee forward, staff will conduct outreach to all relevant stakeholders prior to the hearing when the FY 2017 Master Fee Schedule is scheduled to be presented to Council for consideration and adoption. Prepared by: Damon Golubics, Senior Planner

*Recommended by:* David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

## **Attachments:**

Attachment I	Draft Resolution
Attachment II	Draft Revised Project Scope

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

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

RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR THE  
DOWNTOWN SPECIFIC PLAN PROJECT

WHEREAS, the City of Hayward was successful in 2014 in securing a \$950,000 grant through the Alameda County Transportation Commission (ACTC) for a new Downtown Specific Plan for Hayward, with a \$75,000 match requirement; and

WHEREAS, a contract between ACTC and the firm Dyatt & Bhattia was executed on March 2, 2015, and work on the Downtown Specific Plan was initiated; and

WHEREAS, it was determined for a variety of reasons that the contract with Dyatt & Bhattia should be terminated, and such contract was terminated by the Alameda County Transportation Commission in October of 2015; and

WHEREAS, another consultant team, led by Lisa Wise Consulting (LWC), has been selected as the new consultant team, and an additional \$230,000, in addition to the \$75,000 match, is needed for completion of the project per a new agreement with LWC; and

WHEREAS, City staff recommends that LWC be selected as the new firm; and

WHEREAS, ACTC staff has informed City staff that it will not contribute any more to the project beyond \$950,000 associated with the above-referenced grant; and

WHEREAS, City staff has identified, via a new Policy Planning Fee (equal to 16% of building permit fees), a way for the needed additional \$230,000 contribution to be paid back over the next three fiscal years, which will be proposed as part of the new Fiscal Year 2017 Master Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves an additional \$230,000, plus the previously approved \$75,000 match, for development by Lisa Wise Consulting of the Downtown Specific Plan and related implementation Code.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby directs the Finance Director to include the referenced new 16% Policy Planning Fee into the Fiscal Year 2017 Master Fee Schedule.



IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016

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  
Downtown Specific Plan, Code, and EIR  
Draft Scope of Work  
Revised – February 10, 2016**

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Lisa Wise Consulting, Inc. (LWC) and the Consultant Team propose the following Scope of Work to complete the City of Hayward Downtown Specific Plan, Code, and EIR. The Scope of Work is organized into ten tasks, from project initiation to adoption of the Specific Plan and certification of the environmental document. LWC remains available and amenable to revise the Scope of Work as well as the timeline and budget to accommodate the City's expectations.

The Consultant Team includes Lisa Wise Consulting, Inc., Opticos Design, Inc., MJB Consulting, Nelson\Nygaard Consulting, Kittelson & Associates, Inc. (KAI), Sherwood Design Engineers (SDE), and PlaceWorks. The table below presents the changes in the Consultant Team from the original 2014 LWC led proposal.

<b>LWC Team</b>		
<b>Primary Discipline</b>	<b>2014 Proposal</b>	<b>Recommended Nov 2015</b>
Lead, Planning, Economics, Outreach	Lisa Wise Consulting, Inc.	Same
Urban Design	Opticos Design, Inc.	Same
Downtown Retail Expert	MJB Consulting	Same
Multimodal Mobility, Parking	Nelson Nygaard Consulting	Same
Technical Modeling and EIR	Kittelson & Associates, Inc.	Same
Sustainable Infrastructure	Sherwood Design Engineers	Reduced Role
CEQA	MIG Consulting, Ascent	PlaceWorks
Economics	Metropolitan Research and Econ.	Covered by LWC/MJB
Crime Prevention Through Design	Local Government Commission	Covered by Consultant Team
Web-Based Platform	Urban Insight	Not Included

## **TASK 1: PROJECT INITIATION & BACKGROUND ANALYSES**

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The primary objectives of Task 1 are to establish a clear direction for the project, collect baseline data, and develop a relationship with the Task Force.

### **TASK 1.1: PROJECT COORDINATION MEETING & SITE TOUR**

The Consultant Team will prepare for and attend one project coordination meeting with Staff to discuss project goals, objectives, schedule, and areas of concern. As part of this meeting, the Consultant Team will also conduct a walking/driving tour of the Project Area with Staff, collect preliminary data, and photo document important intersections, corridors, parcels, and buildings. LWC will prepare and submit a Coordination Meeting and Site Tour Summary Memo and conduct one round of review and edit with the City, if needed.

LWC will also prepare and submit to the City a draft Project Management Plan (PMP) for review and comment as a part of this Task (see deliverables below). Review of the draft PMP at the Coordination Meeting will help the Consultant Team better achieve City goals and meet or exceed community expectations for the project. The draft PMP will include the Scope of Work, roles and responsibilities, schedule, turnaround times for producing

documents, protocol for City comments on deliverables (i.e. one set of consolidated comments), table of public meetings with dates and purpose, communication protocol, and invoicing requirements. LWC will conduct one round of review and edit on the PMP with the City, if needed.

#### TASK 1.2: BACKGROUND DATA COLLECTION & REVIEW

The Consultant Team will rely on the October 2015 Hayward Downtown Specific Plan Existing Conditions and Opportunities Analysis (Dyett & Bhatia), which will not be revised or reproduced as part of this Scope of Work. However, as necessary, the Consultant Team will complete a focused review of relevant documents and background data in order to gain a better understanding of existing land use policy and configuration, civil infrastructure, transit, circulation and parking, and economic and demographic conditions to establish a foundation from which to conduct on-going research and inform the prioritization of the most important issues to be considered in the Specific Plan process.

#### TASK 1.3: COMMUNITY OUTREACH STRATEGY

The Consultant Team, led by LWC, will develop a comprehensive Community Outreach Plan (COP) that 1) describes outreach objectives, 2) lists proposed meetings and events, and 3) establishes a tentative schedule. The COP will assure the Project messaging and communication with the community is clear and consistent, emphasizes feedback loops to ensure better outcomes, and stress multiple and substantive opportunities for the community to engage in the process. LWC will prepare and submit to the City a draft COP for review and comment and finalize the document after one round of revisions (see deliverables below).

The Consultant Team will work closely with the City to assure that COP establishes a blueprint for engaging local residents, businesses, property owners, elected officials, neighborhood groups, faith-based and conservation organizations, as well as public agencies. As described throughout the Scope of Work, components of the community outreach strategy include facilitation of the Task Force, stakeholder interviews (see Task 1.7), a Design Charrette (see Task 2), and workshops as outlined under individual tasks. It is anticipated that all Task Force meetings are public meetings. The Table below lists all proposed meetings.

In the case of web-based outreach, LWC will rely on the City's website, Facebook page, and Twitter account to inform the community on project progress, announce opportunities for participation, and gather input. As project deliverables are completed, LWC will provide graphics, documents, narrative, and maps for online posting. A description of the online media outreach campaign will be included in the COP. It is expected that the City will manage and maintain online media.

The City will be responsible for noticing, organizing, securing locations, and providing refreshments, if any. The Consultant Team will work closely with the City to develop and refine outreach materials and collaborate on scheduling meetings as the project progresses.



Complete List of Meetings and Outreach Events		Consultant Attendance
#	Meeting	
Task 1: Project Initiation and Background Analysis		
1	Task 1.1: Project Coordination Meeting & Site Tour	All
2	Task 1.4: Task Force Meeting #1 – Intro & Direction Setting	LWC, ODI, PW, NN
3	Task 1.7: Stakeholder Interviews	LWC, ODI, MJB
5	Task 1.8: Task Force Meeting #2 – Mkt Analysis & Comm. Char.	LWC, ODI, MJB
Task 2: Visioning and Direction Setting		
5	Task 2.1: Public Workshop – Kick-off & Visioning	LWC, ODI, PW
6	Task 2.2: Staff & Agency Meeting	LWC, PW
7	Task 2.3: Task Force Meeting #3 – Pre-charrette	LWC, ODI
Task 3: Design Charrette and Preferred Alternative		
8	Task 3.1: Pre-charrette Meeting (Staff)	LWC, ODI
9	Task 3.2: Five-Day Design Charrette	All
10	Task 3.5: Task Force Meeting #4	LWC, ODI
11	Task 3.6: City Council/Planning Commission Study Session	LWC, ODI, NN
Task 4: Admin Draft Specific Plan		
12	Task 4.2: Task Force Meeting #5	LWC
13	Task 4.4: Staff Meeting on Admin Draft Specific Plan	LWC
14	Task 4.5: Task Force Meeting #6	LWC, NN
15	Task 4.6: Task Force Meeting #7	LWC
Task 5: Code		
16	Task 5.1: Code Coordination Meeting	LWC, ODI
17	Task 5.7: Task Force Meetings #8 and #9	LWC, ODI
18	Task 5.6: Public Workshop	LWC, ODI
Task 6: Public Review Draft Specific Plan		
19	Task 6.2: Open House Meetings - PRD Specific Plan (2)	LWC, ODI, NN
20	Task 6.2: City Council / Planning Commission Hearing on the PRD Specific Plan and Code	LWC
Task 7: Environmental Impact Report		
21	Task 7.2: Scoping Meeting	PW
22	Task 7.5: Internal Focus Group & Staff Meetings on EIR	PW, KAI
23	Task 7.6: Task Force Meeting #10	PW, KAI
24	Task 7.7: Planning Commission Meeting (Draft EIR)	PW, KAI
Task 8: Hearing Draft Specific Plan and Code		
25	Task 8.1: Task Force Meeting #11 on Final Draft Documents	LWC
Task 9: Planning Commission Hearing		
26	Task 9.1: Planning Commission Hearing	LWC, PW, NN
Task 10: City Council Hearing		
27	Task 10.1: City Council Adoption Hearing	LWC, PW, NN

**TASK 1.4: TASK FORCE MEETING #1**

The Consultant Team will meet with the Task Force to introduce individual team members, describe roles and responsibilities, provide an overview of the Scope of Work focusing on opportunities for public participation, and discuss the goals and expectations of the Task Force on behalf of their constituents.

For all Task Force meetings, LWC will prepare a concise Task Force Meeting Summary. Summaries will identify key takeaways and action items. For each Meeting Summary, LWC will conduct one round of review and edit with the City to produce a final version of the Task Force Meeting Summary, which will be appropriate for posting (excerpt or in its entirety) on the website, web page and/or on project-related social media. The City will be responsible for confirming the date, time, and place of the meeting, and coordinating participation of Task Force members.

**TASK 1.5: MARKET DEMAND ANALYSIS**

Building off the 2013 Economic Development Strategic Plan, the Consultant Team, experts in development feasibility, retail environments, and entertainment districts, will conduct a market analysis of existing and future demand for retail, entertainment, office, and residential space. This analysis will be used to inform the optimal mix of uses in creating a vibrant and sustainable downtown, and it will be used as the basis for strategic economic development recommendations in the Specific Plan goals, policies, programs, and development standards.

Much of the material that would normally go into a market demand analysis, such as demographic trends of Hayward, is already presented in the Dyett and Bhatia Background Report. Therefore, the scope of this market analysis will focus more on updating market metrics; evaluating opportunities and constraints the existing conditions present to future revitalization efforts; and crafting repositioning strategies consistent with the City's goal to revitalize and enhance the Downtown Hayward.

The Consultant Team will also assess the feasibility of development on select opportunity sites that are representative of potential market scenarios (approximately four). The feasibility analysis will provide tools the City may draw upon in future economic development efforts and could include a vacant/underutilized lot survey and an infrastructure system evaluation matrix (in context of market competitiveness). (Note: See also Task 2.3 for discussion of analysis of the Preferred Alternative.)

A key effort of the team will be to augment the retail market metrics in the Dyett and Bhatia background report with a robust retail strategy in support of the City's economic revitalization goals for downtown. MJB Consulting will devise a realistic strategy for "positioning" Downtown Hayward within the broader retail/entertainment ecology (e.g. target customer, merchandise mix, price point, etc.) and will identify the kinds of concepts and operators that would correspond to such positioning. This strategy will be grounded in nuanced analyses of the two interrelated yet discrete "markets" that impact retail potential: consumers buying goods and services from retailers and retailers leasing space from landlords. For these analyses, MJB will draw on the data already collected by EPS as part of this planning process, and will undertake any additional research deemed necessary following a more thorough read of EPS' findings. The team will also focus considerable

attention on the qualitative dimension of retail revitalization, specifically, the role of “psycho-graphics” and sensibilities and the influence of perceptions and narratives.

#### TASK 1.6: COMMUNITY FORM & CHARACTER ANALYSIS

ODI will conduct a community form and character analysis of the Plan Area. This analysis will include mapping and graphics of existing zoning, figure ground plans, and public amenities to frame the existing physical framework and design opportunities and constraints. In particular, this analysis will prepare the Consultant Team for the Design Charrette and identify opportunity sites for further analysis.

#### TASK 1.7: STAKEHOLDER INTERVIEWS

The Consultant Team, with assistance from the City, will develop a comprehensive and diverse contact list of potential participants for personal and small group interviews that includes public officials, representatives from special districts and regional agencies, transit agency partners, local community groups, service organizations, businesses, neighborhood groups, developers, local colleges, and other interest groups. LWC will lead the interview process and enlist members of the Consultant Team where necessary to assist. Interviews will be conducted over the course of two days at City facilities and follow up interviews on the phone and via email will be conducted, as needed, to achieve the target a total of twenty (20) interviews.

Individual and small group interviews are intended to give the Consultant Team greater insight into the highest priority issues in the Plan Area from the perspective of a “user” or local stakeholder. This more intimate approach enables the Consultant Team to gather insight that they would not be able to gather in larger settings where group dynamics play a greater influence. LWC will work closely with the City to develop a survey instrument and protocol aimed at gathering key input while not posing a burden to respondents. The survey will employ open-ended questions which enable the interviewee to drive the process in a conversational style. This method is extremely effective at gathering accurate data and helping create a connection between the project and the community.

LWC will summarize the findings of the interviews in a Stakeholder Interview Summary, a concise memo that assesses the type or affiliation of participants in the interviews, number of interviews conducted, and responses to individual survey questions. LWC will conduct one round of review and edits with the City to produce a final version of the Stakeholder Interview Summary, which will be appropriate for posting (excerpt or in its entirety) on the website, web page and/or on project-related social media.

#### TASK 1.8: TASK FORCE MEETING #2

The Consultant Team will meet with the Task Force to discuss the market analysis, community character analysis, the results of the stakeholder interviews, and the upcoming workshop in Task 2.

#### TASK 1 DELIVERABLES

1. Coordination Meeting & Site Tour Summary (pdf)
2. Project Management Plan (pdf)
3. Community Outreach Plan (pdf)
4. Market Demand Analysis – PowerPoint Format (ppt and pdf)



5. Community Form and Character Analysis (pdf)
6. Stakeholder Interview Summary (pdf)
7. Task Force Meetings Summaries (2) (pdf)

## **TASK 2: VISIONING AND DIRECTION SETTING**

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### **TASK 2.1: PUBLIC WORKSHOP**

Prior to the Design Charrette in Task 3, the Consultant Team will conduct a public workshop to: 1) provide an overview of the project, 2) summarize data and trends, including the market demand and the community form and character analysis, and 3) engage community members in a feedback loop about their concerns, priorities, and vision for Downtown. The Consultant Team will work closely with the City to determine the most effective workshop strategy such as breakout groups, facilitated dialogue, mapping exercises, roving topic stations, or open Q&A.

LWC will summarize the findings from the workshop in a concise Workshop Summary Memo that identifies the workshop agenda, engagement methods used at the workshop, affiliation and number of participants, and feedback gathered from the attendees. LWC will conduct one round of review and edits on the Memo with to produce a final version of the Workshop Summary Memo, which will be appropriate for posting (excerpt or in its entirety) on the website, web page and/or on project-related social media.

### **TASK 2.2: STAFF AND AGENCY MEETING**

The Consultant Team will facilitate a meeting with the City and key agencies to: 1) engage them in the project, 2) inform them on goals and objectives, 3) outline progress to date, 4) provide a summary of community input received to date, 5) gather technical support and guidance on existing conditions and critical elements of the Plan Area, such as land use, zoning, mobility, transit, infrastructure, public services, safety, and financing, and 6) establish the range of alternatives that will be explored during the charrette.

Anticipated attendees from the City include representatives from the Development Services Department, Economic Development Department, Fire Department, Police Department, Library and Community Services Department, and Public Works Department. Other key agencies include, but are not limited to infrastructure and transit service providers, such as BART and AC Transit; Hayward Unified School District; Hayward Area Recreation and Park District; and CSU East Bay.

LWC will summarize the findings from the Staff and Agency Meeting and identify attendees and their affiliations in a concise Staff and Agency Meeting Summary Memo. The Summary Memo will also identify key takeaways, and action items. LWC will conduct one round of review and edits with the City to produce a final version of the Task Force Meeting Summary Memo, which will be appropriate for posting (excerpt or in its entirety) on the website, web page and/or on project-related social media.

### **TASK 2.3: TASK FORCE MEETING #3**

The Consultant Team will meet with the Task Force to discuss the results of the interviews and workshop and the goals and objectives of the Charrette.

**TASK 2 DELIVERABLES**

1. Public Workshop Presentation Materials & Summary Memo (pdf)
2. Staff and Agency Meeting Summary (pdf)
3. Task Force Meeting Summary (1) (pdf)

**TASK 3: DESIGN CHARRETTE & PREFERRED ALTERNATIVE DEVELOPMENT**

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The Consultant Team, led by Opticos Design, will conduct a five-day Charrette to generate detailed design alternatives for Downtown opportunity areas and effectively engage stakeholders, property owners, businesses, City decision makers, and Staff in development of a Preferred Alternative for the Plan Area. For this task, the City will be responsible for preparing and distributing noticing materials.

**TASK 3.1: PRE CHARRETTE LOGISTICS & PREPARATION**

As part of this task, the Consultant Team will meet with the City and establish goals for the charrette, provide input to the City on the logistics, and establish a clear, detailed agenda for the charrette.

**TASK 3.2: FIVE-DAY DESIGN CHARRETTE - DEVELOPING PREFERRED ALTERNATIVE**

Opticos Design shall set up a studio on site in Hayward to work collaboratively with the community. The following will be included in the charrette:

**Opening Presentation:** The opening presentation is designed to engage stakeholders and the public on concepts related to design, land use, mobility, public amenities, and other core components of the Plan (meeting should include Planning Commission (PC), City Council (CC), and other boards and commissions).

**Focused Meetings & Presentations:** Focused meetings with City Staff, outside agencies, and other key stakeholders, as needed, during the charrette.

At one of these meetings, MJB Consulting will provide basic education -- in language that is clear, accessible and jargon-free — on the logic and theory that underlies how different kinds of retailers think about site location; what they typically consider, value and seek; and what all of it means for Downtown Hayward. All of the stakeholders involved in retail revitalization — municipal staffers, elected officials, community groups, property owners, non-retail brokers, etc. — would be invited and encouraged to attend. MJB has found in the past that this sort of workshop can help immensely in managing expectations from the outset as well as ensuring constructive input throughout the planning process.

Nelson\Nygaard will participate in the charrette and present on the multi-modal aspects of the Plan focusing on the concept of “Complete Streets”, that meet the needs of all users, including pedestrians, bicyclists, transit users, and motorists, with a particular attention to the connections between the BART station and the rest of Downtown.

Kittelson & Associates will participate in the charrette to discuss traffic circulation and the potential conversion of B and C Streets from one-way to two-way traffic.

SDE will lead a discussion/presentation on stormwater management, green infrastructure solutions for urban environments and opportunities and constraints related to utilities.

**Open Studio:** The open studio is time scheduled at key points throughout the charrette for the public to view and comment on the work produced during the charrette.

**Preferred Alternative:** The charrette will be utilized to generate and obtain community feedback on a number of plan alternatives, specific design solutions, and streetscape improvements, working toward the determination of a Preferred Alternative for land use and circulation. The Preferred Alternative will provide the foundation for Specific Plan content, including policies and implementation actions.

**Final Presentation:** The Consultant shall conduct a closing presentation to highlight the work done and conclusions made during the charrette.

#### TASK 3.3: PREFERRED ALTERNATIVE FRAMEWORK

Based on the work completed at the charrette, the Consultant Team will prepare a Preferred Alternative Framework. The Framework will describe the Preferred Alternative, guiding principles, and potential development intensities. The Framework will consist primarily of maps, graphics, and images.

As part of the Framework, LWC will conduct a feasibility analysis for infill development on several infill sites that are likely to include three sites identified in previous planning efforts: the former Hayward City Hall and conference center, the area of A Street between the BART station and Mission Boulevard, and the area of the current and proposed sites of the Hayward Library.

The Consultant Team will approach the analysis from the perspective of a future developer and will prepare a pro-forma based on the community vision. If the community vision for the opportunity sites produces infeasible financial results, LWC will recommend strategies (funding and other) the City may pursue to make desired development feasible. MJB will also assess the retail/entertainment potential of the opportunity sites identified, indicating, in each case, what kinds of tenants (if any) would be realistic and under what conditions (e.g. square footage, location, rents/concessions, etc.).

#### TASK 3.4: ONLINE COMMENT FORUM

The Consultant Team will employ an on-line comment forum, such as Open Town Hall or MySidewalk, to supplement the results of the charrette and gather input on the Preferred Alternative. This tool will make it easier for residents to participate in the process, provide another avenue to solicit feedback, and help to cast a wider net to gather input.

#### TASK 3.5: TASK FORCE MEETING #4

The Consultant Team will meet with the Task Force to review and solicit input on the Preferred Alternative Framework and prepare for the joint City Council/Planning Commission Study Session.



**TASK 3.6: CITY COUNCIL/PLANNING COMMISSION STUDY SESSION**

The Consultant Team will present information collected to date, results of the charrette, and the Preferred Alternative Framework to a joint session of the City Council and Planning Commission. Input and comments received during the study session will be incorporated in the Draft Specific Plan and the Preferred Plan will be revised, as necessary.

**TASK 3 DELIVERABLES**

1. Preferred Alternative Framework (pdf)
2. Online Tool Result Memo (pdf)
3. Task Force Meeting Summary (1) (pdf)
4. City Council/Planning Commission Summary (pdf)

**TASK 4: ADMINISTRATIVE DRAFT SPECIFIC PLAN**

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In this Task, the Consultant Team will work together to prepare the Administrative Draft Specific Plan, incorporating the work completed in the preceding tasks.

**TASK 4.1: ANNOTATED TABLE OF CONTENTS**

LWC will develop an Annotated Table of Contents (TOC) for Staff review. The annotated TOC will present the general structure and provide a brief discussion of components to be included in the Specific Plan.

**TASK 4.2: TASK FORCE MEETING #5**

LWC will meet with the Task Force to discuss the Annotated Table of Contents and structure of the Administrative Draft Specific Plan.

**TASK 4.3: PREPARE ADMINISTRATIVE DRAFT SPECIFIC PLAN**

Based on the Preferred Alternative and Staff and Task Force input on the Annotated TOC, the Consultant Team will prepare an illustrated Administrative Draft Specific Plan for Staff review and comment. Unless directed otherwise, the Admin Draft Specific Plan will cover the following components:

**Background & Relationship to GP & ZO:** Provide an overview of existing conditions, discuss compliance with State enabling legislation, and summarize consistency with the City's recently adopted General Plan, Zoning Ordinance, and other relevant documents.

**Community Involvement:** Recap the community involvement process undertaken to generate alternatives and select the Preferred Alternative.

**Land Use:** The Consultant Team will incorporate the Preferred Plan and developed in Task 2, including land uses, intensities, and the proposed development program.

**Affordable Housing:** LWC will prepare an affordable housing strategy that builds on the existing Housing Element Goals to facilitate the production of affordable housing units in Downtown Hayward. The strategy will identify partnerships,

incentives, and financing mechanisms to help provide a range of housing options and minimize displacement of lower income Hayward residents.

**Multimodal Access & Connectivity:** Nelson\Nygaard will lead the multi-modal access and connectivity element. Collaborating closely with BART and AC Transit, Nelson\Nygaard will also develop strategies to improve connections between Downtown Hayward, Hayward BART station, and surrounding destinations, including Amtrak, Cal State East Bay, Chabot College, and industrial employment areas to the east. This component of the Specific Plan will draw from the findings of the Downtown Hayward Parking Study led by CDM Smith and the Caltrans funded shuttle feasibility study (expected July 2016), provide additional information and analysis as necessary, and make recommendations regarding all modes of transportation within the project area, addressing elements such as:

- A coherent and effective street network, cross sections, and performance standards for streets, intersections, greenways, and trails in coordination with regional planning efforts, that will result in the creation of “Complete Streets”, which meet the needs of all users, including pedestrians, bicyclists, transit users, and motorists, with a particular attention to the connections between the BART station and the rest of Downtown.
- An effective parking plan that implements the strategies of the Downtown Hayward Parking Study, including proposed public parking facilities and design and performance standards for private parking.
- An integrated transit network that: coordinates with AC Transit’s long term planning efforts and considers additional services as required; integrates preferred alternatives of the City-wide shuttle service considered by the recent Caltrans-financed study
- Further development of plans to improve the BART station plaza with additional bike storage, lighting, and signage.
- Bike and pedestrian improvements that set the stage for the City-wide bicycle and pedestrian plan updates.

The recommendations will be designed to help achieve overall community goals for economic development, environmental protection, and quality of life, such as:

- Providing “complete streets” for travel by all modes, as well as transit and shuttle services, giving residents a wide range of transportation choices. This work will include coordination with the larger Alameda CTC – Countywide Multimodal Arterial Plan and the Central County Complete Streets Implementation Study , for which the City of Hayward will be collaborating to ensure that consistent standards are developed for major arterial streets.
- Providing parking that is efficiently located and shared, in order to minimize parking construction costs and improve urban design.
- Ensuring the feasibility of desired types of development in the project area.
- Providing effective and efficient connectivity and integration among all modes of transportation.

- Minimizing motor vehicle trips, congestion, and pollution. Specific recommendations may address a possible conversion of B and C Streets to two-way travel.
- Maximizing transit ridership, in order to maximize the public's return on its investment in public transit.

Throughout this task, Nelson\Nygaard will work closely with the Consultant Team to simultaneously achieve several imperatives for transit-oriented development: helping to further develop Downtown Hayward as a great place, enabling efficient movement by a variety of transportation modes, and finding creative solutions to resolve the tension and trade-offs between sometimes conflicting objectives.

Nelson\Nygaard will also support Kittleson & Associates in preparing the analysis that is to be included in the project's environmental review document and that will address transportation-related matters.

**Parking Analysis:** Nelson\Nygaard will lead the parking analysis in a collaborative manner that maintains consistent messaging across all project components and team members. This element of the Plan will implement strategies of the Downtown Hayward Parking Study and will include:

- Development of appropriate vehicular and bicycle parking standards and strategies, given the land use goals and vision for the Specific Plan.
- Shared parking strategies to maximize the efficiency of existing parking facilities, limit the construction of unneeded new parking facilities, and maximize the feasibility of the construction.
- Appropriate pricing strategies and/or permit parking programs, if necessary and not already addressed by the CDM Smith Downtown Hayward Parking Study.
- Potential expansion of the South Hayward BART station JPA, with attention to the impacts of the parking fees implemented in South Hayward and city-owned garages.
- Transportation Management Strategies to reduce parking demand and encourage non-auto modes of transportation.

**Infrastructure & Utilities:** Based on the Preferred Land Use Alternative and new or revised street alignments, Sherwood Design Engineers (SDE) will provide water, sewer, and utility recommendations. This will include: evaluating water and sewer distribution needs created by changes in density and relocating utilities, if needed, to accommodate circulation and other infrastructure improvements. SDE will prepare maps and cost estimates, within an order of magnitude, the Preferred Alternative for the upgrades and improvements defined in the Specific Plan.

SDE will also develop water and sewer usage criteria in order to evaluate and track capacity consumption. SDE will provide innovative strategies for the City to reduce water use and promote the use of non-potable water within the City. Precedents from other Cities and site/district scale strategies appropriate to Hayward will be



discussed. A Water Supply Assessment (WSA) pursuant to SB 610 is not included in this Scope of Work.<sup>1</sup>

Although stormwater management is required by the City of Hayward and Alameda County for new construction sites, these requirements are limited to certain types/sizes of projects. SDE will work with the Consultant Team to develop site-specific strategies to improve stormwater quality throughout the Plan Area. These strategies will be integrated with the other components of the Plan to produce synergistic benefits. The final deliverable will be a map that indicates locations where specific green infrastructure interventions can be implemented to treat stormwater runoff. Examples of these interventions could be landscape-based stormwater management best management practices (i.e. wetlands, rain gardens, wet ponds) integrated into the key opportunity sites, neighborhood parks, underutilized street ROWs, etc.

**Public Facilities Services:** The Consultant Team will evaluate existing public facilities and services, such as schools, parks, fire, and police, and provide recommendations for additional services, if needed.

**Implementation Plan & Financing Strategy:** LWC will develop an Implementation Plan that identifies feasible actions the City can take to implement the Specific Plan. The Implementation Plan will include a list of catalytic public and private projects the City may undertake to bring about economic revitalization in the Downtown area and funding strategies for these catalytic projects.

The implementation Plan will also include actions for the City to implement other Plan priorities, such as targeted industry outreach, marketing and branding campaigns, entertainment district promotion efforts, community benefits, public art, streetscape amenities, signage programs, community coalition-building, infrastructure improvements, and other items that could catalyze beneficial economic revitalization in Downtown Hayward. Such actions will be prioritized into short-, medium-, and long-term horizons.

Funding sources for projects and improvements may include tax increment –backed public bonds, tax credit allocations, grants, and community foundation resources, among others. Funding strategies may include working with the existing Downtown Hayward Business Improvement District, formation of a community foundation, and establishment of a special district (community facilities district, enhanced infrastructure financing district, or other).

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<sup>1</sup> Based on build-out projections in the Specific Plan, anticipated future water demands within the EBMUD and City of Hayward service territories may be accounted for in their respective Urban Water Management Plans and the City of Hayward General Plan. The Consultant Team will work with City staff to review available data and determine the extent of analysis required for compliance with SB 610.

**TASK 4.4: STAFF REVIEW OF ADMIN DRAFT SPECIFIC PLAN AND SECOND ADMIN DRAFT**  
LWC and the Consultant Team will review the Admin Draft Specific Plan with key City and outside agency Staff, provide clarifications as needed, and facilitate Staff input. All Staff input will be compiled into a single list of non-conflicting comments by the City. LWC will revise the Administrative Draft Specific Plan and prepare a Second Administrative Draft Specific Plan for review with the Task Force.

**TASK 4.5: TASK FORCE MEETING #6**

LWC will meet with the Task Force to present and discuss the Administrative Draft Specific Plan and clarify any questions regarding its content. This meeting will focus on land use and mobility.

**TASK 4.6: TASK FORCE MEETING #7**

LWC will meet with the Task Force to discuss programs and implementation measures contained in the Specific Plan. This meeting will focus on economics and financing.

**TASK 4 DELIVERABLES**

1. Annotated Table of Contents (pdf)
2. First Administrative Draft Specific Plan (original source file and one hard copy)
3. Second Administrative Draft Specific Plan (original source file and one hard copy)
4. Task Force Meeting Summaries (3) (pdf)

## **TASK 5: CODE**

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The following Tasks outline the steps to complete the Code. The timing of work and deliverables will be coordinated with the development, review, and adoption of the Specific Plan as determined by the Consultant Team and the City. It is assumed that the Code would be a hybrid (conventional and form-based) code, with form-based zones developed for the pre-identified focus areas.

**TASK 5.1: CODE COORDINATION MEETING**

The Consultant Team will prepare for and attend a Code Coordination Meeting with City Staff. The Consultant Team will discuss problems or issues with current regulations relevant to the Specific Plan, identify project goals, and review the project timeline.

**TASK 5.2: CODE DIAGNOSIS, MICROSCALE ANALYSIS, AND APPROACH**

The Consultant Team will conduct an analysis of the existing Zoning Code to determine the best approach to restructuring, revising, and improving the Code, including a targeted micro-scale analysis of areas to analyze opportunities and constraints for development. Tasks to be performed at this stage include:

- Analyze the existing Zoning Code, form-based codes, design guidelines, and other regulatory documents, and summarize key issues and regulatory impediments relevant to implementing the Specific Plan.
- Document the block and lot-level pattern of development (“micro-scale analysis”) of three or four pre-identified ‘focus areas’ in order to calibrate the Code to existing conditions. The purpose of this work is to calibrate appropriate development

- standards to existing urban patterns and lot sizes in the focus areas. The analysis will build upon the Community Form and Character Analysis (Task 1.6).
- Prepare an annotated outline, style sheet, and sample layouts for the Code.

The Consultant Team will prepare a memo summarizing the Code diagnosis.

#### TASK 5.3: ADMINISTRATIVE DRAFT CODE

Based on the results of Task 4.2 and input from Staff, the Consultant Team will prepare the Administrative Draft Code. It is anticipated that the Consultant Team will develop a combination of conventional and form-based zones (up to four form-based zones. The form-based code could be developed to incentivize lot assembly and new development over time. For example, greater intensity or height could be allowed if lots are assembled.

The Code components may include, but are not limited to:

- Applicability and Intent
- Zones
- Development Standards and Building Placement
- Use Tables
- Frontage Standards
- Civic Space Standards
- Parking
- Procedures (the Code will rely on existing City procedures where appropriate)
- Definitions
- Regulating Plan

#### TASK 5.4: ADMINISTRATIVE DRAFT CODE REVIEW

LWC and the Consultant Team will review the Admin Draft Code with key Staff, provide clarifications as needed, and facilitate Staff input. All City Staff input will be compiled into a single list of non-conflicting comments. (Note: A second admin draft Code will not be prepared. Components of the Code will be presented to the Task Force in Task 4.5.)

#### TASK 5.5: TASK FORCE MEETINGS (#8-#9)

The Consultant Team will conduct two meetings with the Task Force to present and discuss the following topics related to the Code, such as the Code Diagnosis, Micro-scale analysis, and Approach, and Zones and Development Standards.

#### TASK 5.6: PUBLIC WORKSHOP

The Consultant Team will prepare for and conduct a public workshop to introduce major components of the Code. The Team will present the major components of the Code and facilitate a public discussion. The City will be responsible for securing a meeting space and distributing outreach materials via email and other avenues.

#### TASK 5 DELIVERABLES

1. Code Diagnosis, Micro-scale analysis, and Approach Memo (pdf)
2. Administrative Draft Code (original source file and one hard copy)
3. Task Force Meeting Summaries (2) (pdf)
4. Public Workshop Presentation Materials and Summary (pdf)



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**TASK 6: PUBLIC REVIEW DRAFT (PRD) SPECIFIC PLAN AND CODE**

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**TASK 6.1: PREPARE PUBLIC REVIEW DRAFT SPECIFIC PLAN AND CODE**

The Consultant Team will prepare a Public Review Draft Specific Plan and Code (including maps) based on input from the Task Force, Staff, and public meetings.

**TASK 6.2: OPEN HOUSE MEETINGS ON PRD SPECIFIC PLAN AND CODE**

LWC and select members of the Consultant Team will prepare for and facilitate a total of two (2) Open House Meetings to present and discuss the Public Review Draft Specific Plan and Code. Additionally, LWC will present the PRD Specific Plan and Code for comment at a joint Planning Commission and City Council meeting. LWC will document and compile input received. The Consultant Team will work closely with the City to determine the most effective workshop strategy such as breakout groups, facilitated dialogue, roving topic stations, or open Q&A. The City will be responsible for preparing and distributing all noticing materials for the Meetings.

**TASK 6 DELIVERABLES**

1. Public Review Draft Specific Plan and Code (original source file and one hard copy)
2. Public Workshop/Open House meeting materials and presentations (pdf)
3. Joint Planning Commission and City Council meeting on the Public Review Draft Specific Plan and Code
4. Compiled Public Comments (pdf)

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**TASK 7: ENVIRONMENTAL IMPACT REPORT**

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PlaceWorks will lead the preparation of the Environmental Impact Report. Kittleson will conduct the traffic and transportation analysis.

**TASK 7.1: NOTICE OF PREPARATION**

PlaceWorks will prepare the Notice of Preparation (NOP) for the Specific Plan EIR. PlaceWorks will then help City staff distribute the NOP to the State Clearinghouse and local agencies to begin the 30-day scoping process.

**TASK 7.2: SCOPING MEETING**

PlaceWorks will attend a public scoping meeting to hear public comments on the environmental issues to address in the EIR. We assume that this meeting could be part of a regularly scheduled Planning Commission meeting.

**TASK 7.3: ADMINISTRATIVE DRAFT EIR**

In this task, PlaceWorks will prepare the Administrative Draft Program EIR at a level adequate to satisfy all CEQA requirements. The Administrative Draft Program EIR will include the introduction, document summary, Project Description, setting, impacts, and mitigation measures for all CEQA-required topic areas. The ADEIR will also cover the following topics: executive summary, alternatives evaluation, CEQA required assessment conclusions, scoping sessions summary, references, and report preparers.

The Administrative Draft Program EIR will address impacts in the following areas at a minimum:

- Aesthetics
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise and Vibration
- Population and Housing
- Public Services & Recreation
- Transportation and Traffic
- Utilities and Public Services

**Transportation and Traffic:** Kittelson & Associates, Inc. (KAI) would be responsible for conducting the traffic analysis and preparing the draft transportation section for the EIR. The analysis would be approached from a programmatic level tiering off the General Plan but with more detail around the opportunity sites. The analysis would be fully consistent with the new Traffic Impact Analysis Guidelines currently being prepared by City. The transportation section of the EIR will include:

- **Setting.** To the extent possible, KAI will base the traffic EIR task on the completed Hayward 2040 General Plan as well as the recent Downtown Specific Plan Existing Condition Report.
- **Significance Thresholds.** Although the latest guidelines for S.B. 743 were released on January 20, 2016<sup>2</sup> and include VMT-based metrics, the traffic impact analysis will continue to apply level of service, but Kittelson will provide VMT summaries for informational purposes.
- **Scenarios.** KAI will analyze impacts for existing plus project, and cumulative plus project conditions.
- **Analysis Locations.** Consistent with the Existing Conditions Report, KAI will analyze impacts at a maximum of 25 study intersection. This assumes that the City will provide the traffic counts for the 12 intersections that are not reported in the Existing Conditions Report. No new traffic counts are included in this budget.
- **Cumulative.** KAI envisions the cumulative analysis for the traffic to be consistent with the general plan analysis with some additional effort to quantify the opportunity sites trip generation (as discussed previously) and overlaid on the cumulative modeling conducted as part of the Hayward 2040 General Plan using the Alameda Countywide Projections 2009 model. This will ensure consistency with the recently adopted general plan analysis. If the opportunity site land uses were represented as part of the General Plan, then there would be no new

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<sup>2</sup> Office of Planning and Research. *Revised Proposal on Update to the CEQA Guidelines on Evaluation Transportation Impacts in CEQA*, January 20, 2016

impacts. But if the new sites reflect higher densities or different land uses, then KAI would identify any new potential impacts and mitigations.

- If the opportunity sites generate more than 100 net new peak hour trips, KAI would also address the CMP analysis to satisfy the requirements of the Alameda CTC for the land use analysis program.

#### TASK 7.4: PUBLIC REVIEW DRAFT EIR PUBLICATION

Based on comments received from City staff, PlaceWorks will revise the Administrative Draft EIR to create the Draft EIR for circulation and public review. Prior to circulating the Draft EIR, PlaceWorks will submit a Screencheck draft for City staff review.

#### TASK 7.5: INTERNAL FOCUS GROUP AND STAFF MEETINGS ON EIR SECTIONS

During the review period, the City will hold a series of focus group and staff meetings, as necessary. The focus group will include regional agencies, public service providers, and stakeholders. City staff will hold meetings with responsible parties to solicit comments on the relevant Draft EIR sections. PlaceWorks will be available for advice and provide meeting materials, as necessary. One staff person will attend up to two (2) two-hour meetings to provide assistance to the City. It is assumed that City staff will provide written comments to PlaceWorks after these meetings.

#### TASK 7.6: TASK FORCE MEETING #10

The Consultant Team will meet with the Task Force to review the Draft EIR sections.

#### TASK 7.7: PLANNING COMMISSION MEETING (DRAFT EIR)

PlaceWorks and Kittelson will attend one (1) public hearing with the Planning Commission on the Draft EIR. The hearing will allow the Commission to comment and recommend changes to the Draft EIR.

#### TASK 7.8: FINAL EIR AND MITIGATION MONITORING PROGRAM PREPARATION

Following the mandatory CEQA 45-day review period, PlaceWorks will prepare a Draft of responses to all comments received during the circulation period. Based on the City's comments on the draft responses to comments, PlaceWorks will prepare a Final EIR that shows all changes to the Draft EIR based on comments received. The Final EIR will also include a revised summary of impacts and mitigation measures and will include all comments and responses received on the Draft EIR. A Mitigation Monitoring and Reporting Program (MMRP) will be assembled by PlaceWorks to ensure that procedures are put in place so that the EIR mitigation measures are carried out in an appropriate, timely, and verifiable manner. The MMRP will be submitted as a draft document to the City and revised for publication with the Final EIR. The City shall prepare the Findings of Fact and Statement of Overriding Considerations, if required.

#### TASK 7 DELIVERABLES

1. Notice of Preparation (pdf)
2. Administrative Draft EIR (pdf)
3. Task Force Meeting Summary (1) (pdf)
4. Final EIR and Mitigation Monitoring Program (pdf)



**TASK 8: HEARING DRAFT SPECIFIC PLAN AND CODE**

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**TASK 8.1: TASK FORCE MEETING #11**

LWC will meet with the Task Force to present and discuss the final Draft Specific Plan, EIR, and public hearing process.

**TASK 8.2: PREPARE HEARING DRAFT SPECIFIC PLAN AND CODE**

The Public Review Draft will be modified according to recommendations from Staff, the Task Force, and community. The Consultant Team will prepare the Hearing Draft Specific Plan and Code.

**TASK 8 DELIVERABLES**

1. Hearing Draft Specific Plan and Code (original source file and pdf)
2. Task Force Meeting Summary (1) (pdf)

**TASK 9: PLANNING COMMISSION MEETING**

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**TASK 9.1: PLANNING COMMISSION MEETING**

The Consultant Team will prepare for and attend one meeting with the Planning Commission to present the Final Draft Specific Plan, Code, and EIR at which the Planning Commission will recommend adoption of the Specific Plan and certification of the EIR to Council. The Consultant Team will prepare a brief PowerPoint presentation and, with assistance from City staff and facilitate a discussion with the Planning Commission on the Final Draft Specific Plan and EIR.

**TASK 9.2: PREPARE FINAL SPECIFIC PLAN AND CODE FOR ADOPTION**

The Consultant Team will make any final revisions per feedback from the Planning Commission and prepare the Final Specific Plan for Adoption.

**TASK 9.3: PREPARE FINAL EIR FOR ADOPTION**

PlaceWorks will incorporate revisions into the Final EIR.

**TASK 9 DELIVERABLES**

1. Prepare for and attend one Planning Commission Hearing
1. Final Specific Plan and Code (original source file and one hard copy)
2. Final EIR

**TASK 10: CITY COUNCIL ADOPTION OF SPECIFIC PLAN & EIR CERTIFICATION**

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**TASK 10.1: CITY COUNCIL ADOPTION HEARING**

The Consultant Team will prepare for and attend one public meeting before the City Council to present the Final Specific Plan and Code for adoption and EIR for certification. The Consultant Team will prepare a brief PowerPoint presentation and, with assistance from City staff and facilitate a discussion with the City Council on the Final Specific Plan, Code, and EIR.

**TASK 10.2: FINAL ADOPTED SPECIFIC PLAN**

The Consultant Team will make any final modifications to the Adopted Specific Plan, Code, and EIR, as needed, and deliver a complete digital document package to the City.

**TASK 10 DELIVERABLES**

1. Prepare for and attend one City Council Hearing
2. Adopted Specific Plan (final modifications, as needed)