

CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, May 22, 2018

7:00 PM

Council Chambers

City Council

Mayor Barbara Halliday
Mayor Pro Tempore Elisa Márquez
Council Member Francisco Zermeno
Council Member Marvin Peixoto
Council Member Al Mendall
Council Member Sara Lamnin
Council Member Mark Salinas

**SPECIAL JOINT CITY COUNCIL/HAYWARD REDEVELOPMENT SUCCESSOR
AGENCY/HAYWARD HOUSING AUTHORITY MEETING**

CALL TO ORDER Pledge of Allegiance: Council/HRSA/HHA Member Mendall

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATIONS

Certificate of Recognition: Mt. Eden High School Student Participation –
2018 National Honor Band and National Honor Orchestra of America

Presentation of Needles in the HayStack: A Community Art Exhibit

PUBLIC COMMENTS

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

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 18-071](#) Minutes of the City Council Meeting on May 1, 2018

 Attachments: [Attachment I Draft Minutes of 5/1/2018](#)

2. [CONS 18-335](#) An Ordinance Adding Section 15 to Chapter 2, Article 13 of the
 Hayward Municipal Code Relating to Electronic and Paperless
 Filing of the Fair Political Practices Commission Campaign
 Disclosure Statements

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

3. [CONS 18-177](#) Sustainable Groundwater Management: Authorization for the City Manager to Negotiate and Execute a Cooperating Agreement with the East Bay Municipal Utility District for Preparation of a Groundwater Sustainability Plan for the East Bay Plain Subbasin
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
4. [CONS 18-319](#) Adoption of a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Lisa Wise Consulting, Inc. for Review and Update of Two-Form Based Codes
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Scope of Work](#)
5. [CONS 18-326](#) FY 2019 Pavement Rehabilitation and Preventative Maintenance Project - Authorization for City Manager to Execute a Professional Service Agreement with Pavement Engineering, Inc., for Pavement Evaluation
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III List of Streets](#)
6. [CONS 18-327](#) Amendment No. 2 to Professional Services Agreement with CSG Consultants, Inc. (CSG) for Private Development Plan Check Review and Related Services
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
7. [CONS 18-359](#) Approval of Route 238 Tenant Transfer Assistance Program, Approval of Agreement with Overland, Pacific & Cutler for Tenant Assistance, and Appropriation of Program Funding
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III April 17, 2018 TTAP Staff Report](#)
 [Attachment IV CalHCD Income Limits](#)

PUBLIC HEARING

8. [PH 18-037](#) Adoption of a Resolution Associated with a Proposed Planned Development Rezone, Vesting Tentative Tract Map, Site Plan Review, and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program to Allow 18 Detached Single-Family Residences with Related Site Improvements. Application No. 201706285; Tony Dutra (Applicant) on behalf of Dutra Enterprises (Owner) (Report from Interim Development Services Director Bristow)

Attachments:[Attachment I Staff Report](#)[Attachment II Resolution](#)[Attachment III Planning Commission Meeting Minutes](#)[Attachment IV Project Plans](#)[Attachment V Initial Study and Mitigated Negative Declaration](#)[Attachment VI Mitigation Monitoring and Reporting Program](#)[Attachment VII Response to Comments Memorandum](#)

9. [PH 18-040](#) Gann Appropriations Limit for FY 2019 (Report from Director of Finance Claussen)

Attachments:[Attachment I Staff Report](#)[Attachment II Resolution](#)[Attachment III Historical Gann Calculation Summary](#)

10. [PH 18-038](#) Public Hearing for the Proposed FY 2019 Operating Budgets for the City of Hayward, Hayward Redevelopment Successor Agency, and Hayward Housing Authority; and FY 2019 Capital Improvement Program Budget; and Approval of the FY 2019 Operating Budgets and Appropriations for FY 2019; Approval of the FY 2019 Capital Improvement Program Budget and Appropriations for FY 2019; Approval of the Hayward Redevelopment Successor Agency Budget; and Approval of the Hayward Housing Authority Budget (Report from Director of Finance Claussen)

Attachments: [Attachment I Staff Report](#)
 [Attachment II FY 2019 Budget Resolution](#)
 [Attachment III Exhibit A and B FY 2019 Budget Resolution](#)
 [Attachment IV FY 2019 General Fund Resolution](#)
 [Attachment V Exhibit A Funding Recommendations](#)
 [Attachment VI FY 2019 Redevelopment Successor Resolution](#)
 [Attachment VII FY 2019 Housing Authority Budget Resolution](#)
 [Attachment VIII FY 2019 CIP Budget Resolution](#)
 [Attachment IX Updated General Fund Long Range Model](#)

LEGISLATIVE BUSINESS

11. [LB 18-023](#) East Bay Community Energy - Resolution to Select Brilliant 100 as the Default Product for all Residential Customers in Hayward (Report from Interim Public Works Director Ameri)

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Letter dated 051118 from EBCPA](#)
 [Attachment IV COH Letter to Ph I Customers](#)
 [Attachment V Email from Amanda Groziak](#)

CITY MANAGER'S COMMENTS

Oral reports 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 SPECIAL MEETING, Tuesday, May 29, 2018, 7:00 PM****PUBLIC COMMENT RULES**

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

PLEASE TAKE NOTICE

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

PLEASE TAKE FURTHER NOTICE

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

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

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

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



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
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File #: MIN 18-071

DATE: May 22, 2018

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Minutes of the City Council Meeting on May 1, 2018

RECOMMENDATION

That the City Council approves the minutes of the City Council Meeting on May 1, 2018.

SUMMARY

The City Council held a meeting on May 1, 2018.

ATTACHMENTS

Attachment I Draft Minutes of 05/01/2018



MINUTES OF THE MEETING OF THE CITY COUNCIL
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 1, 2018, 7:00 p.m.

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

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Mendall, Peixoto, Lamnin, Salinas
MAYOR Halliday
Absent: COUNCIL MEMBER Márquez

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the City Council convened in closed session at 4:15 p.m., to discuss three items: (1) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; (2) conference with property negotiators pursuant to Government Code 54956.8 regarding State owned parcels along the Route 238 bypass alignment; and (3) public employment pursuant to Government Code 54957 regarding the City Manager's annual performance evaluation. City Attorney Lawson noted there was no reportable action related to items 1 and 2, and Mayor Halliday noted that there was no reportable action related to item 3.

PRESENTATIONS

Mayor Halliday read a Proclamation declaring the week of May 6 through May 12, 2018, as Public Service Recognition Week, and presented the Proclamation to City Manager McAdoo.

Mayor Halliday read a Proclamation declaring May 1, 2018, as Volunteer Recognition Day in honor of 2018 National Volunteer Week, and presented a copy of the Proclamation to the volunteer coordinators from the Hayward Police Department, Hayward Fire Department and Library. A Certificate of Commendation was presented to Alejandra Acosta commending her service as a Social Work Intern with the City of Hayward and for earning the San Jose State University Outstanding Bachelor of Arts in Social Work (BASW) Student in Field Education Award. Volunteers from the following groups were recognized for their valuable contributions: Hayward Fire Department RACES (Radio Amateur Civil Emergency Service); Hayward Police Department; Hayward Police Department, Animal Shelter; Hayward Police Department, Explore Program; Hayward Library; Friends of the Hayward Public Library; Adult Literacy Program; and Homework Support Center.

PUBLIC COMMENTS

Mr. Jim Drake, Hayward resident, spoke about rape incidents and the need for more Police presence in Hayward.

Mr. Edward Bogue and Ms. Barbara Sacks, Hayward residents, announced the Hayward Police Department was hosting a Tip-A-Cop fundraiser at Applebee's on May 17, 2018, to support the Special Olympics.

Ms. Alicia Lawrence, Hayward resident and The Hayward Collective member, urged the Council to remove the "Vacancy Decontrol" section of the Residential Rent Stabilization Ordinance.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about improved smog check performance and submitted a related document.

HAYWARD YOUTH COMMISSION PRESENTATION

1. Hayward Youth Commission Annual Report (Report from the Hayward Youth Commission) **RPT 18-090**

Staff report submitted by Volunteer Coordinator Ebadi, dated May 1, 2018, was filed.

Mayor Halliday recognized Council Member Zermeno for serving the Hayward Youth Commission as its liaison, and introduced Hayward Youth Commission Members Andrew Herrera, Vivian Phung, Maya Branco and Gerardo Barcenas. Members of the Hayward Youth Commission provided a report of the Commission's subcommittee projects which included the Food Waste Subcommittee, Youth Scholarship Fund Subcommittee, Hayward Police Department Subcommittee, and Youth Survey Subcommittee. Chair Andrew Herrera presented a video of the trip to the State Capitol, and Commissioner Phung presented a video of the 2018 Hayward Youth Commission recruitment. The Hayward Youth Commission was commended for its goals and achievements for Fiscal Year 2018.

CONSENT

2. Minutes of the Special Joint City Council/Redevelopment Successor Agency Board/Housing Authority Board Meeting on April 17, 2018 **MIN 18-061**

It was moved by Council Member Lamnin, seconded by Council Member Mendall, and carried unanimously with Council Member Márquez absent, to approve the minutes of the Special Joint City Council/Redevelopment Successor Agency Board/Housing Board Meeting on April 17, 2018, with an amendment to the first paragraph of page 7.



MINUTES OF THE MEETING OF THE CITY COUNCIL
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 1, 2018, 7:00 p.m.

LEGISLATIVE BUSINESS (Item Continued from April 24, 2018)

3. Recommended Garbage and Recycling Rates Adjustment for 2018-2019 (Continued from April 24, 2018) (Report from Interim Public Works Director Ameri) **LB 18-017**

Staff report submitted by Utilities and Environmental Services
Director Ameri, dated May 1, 2018, was filed.

Environmental Services Director Pearson announced the item and introduced Solid Waste Program Manager Krump who provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:20 p.m.

Council Member Lamnin offered a motion to approve the recommended garbage and recycling rate adjustment. Council Member Mendall seconded the motion.

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

Resolution 18-071, "Resolution Approving the Garbage and Recycling Rate Adjustment for 2018-2019"

There was general consensus among Council Members to direct staff to review and bring back options to recover additional City costs as part of the Franchise Agreement with Waste Management of Alameda County (WMAC) and evaluate costs of operation for Rate Year Four. The following recommendations were offered: consider notifying customers who came onboard after 2014 about the amendment to the Franchise Agreement; work with WMAC about additional garbage pickup options; work with property owners of multifamily rental properties about issues related to illegal dumping; and partner with realtors and provide them with coupons for disposal of household garbage.

WORK SESSION

4. Review of Capital Improvement Program for FY 2019 - FY 2028 (Report from Interim Public Works Director Ameri) **WS 18-018**

Staff report submitted by Interim Public Works Director Ameri,
dated May 1, 2018, was filed.

Interim Public Works Director Ameri provided an overview of the staff report.

Mayor Halliday opened the public comments section at 8:59 p.m.

Mr. Zachariah Oquenda, Hayward resident, sought clarification on the transfer of funds from the General Fund to the Capital Improvement funds for project expenses.

Mayor Halliday closed the public comments at 9:03 p.m.

Discussion ensued among Council Members and City staff regarding: options for program development of unfunded needs; allocation of resources for the U.S. census; the Multimodal Plan (Project 05711) in comparison to other plans such as the Bicycle/Pedestrian Master Plan and the Intersection Improvement Plan; plans for the library plaza; the WPCF Tertiary Treated Near Shore Discharge Feasibility Study and recycled water system; the Roof Repair/Replacement for City buildings (Project 07203) and solar; the Council Infrastructure Committee (CIC) and the review of the Capital Improvement Projects (CIP) plan and five-year forecast; capital unmet needs for Street and Transportation (\$201 Million) and projects funded through SB1; cost of projects; Safe Routes to School program; MTC's Innovation Deployment to Enhanced Arterials (IDEA) funding to install technology for traffic flow and safety improvements; and the Neighborhood Traffic Calming Study.

5. Proposed FY 2019 Operating Budget - Department Budget Presentations (Continued from April 28, 2018) **WS 18-019**

Mayor Halliday noted the item was a follow-up to the meeting on April 28, 2018, and because all the department budget presentations were completed on April 28, 2018, the Council did not need to discuss the item. There were no public members wishing to speak on the item.

CITY MANAGER'S COMMENTS

City Manager McAdoo made two comments: 1) the Main and Weekes Branch libraries will be closed on May 10, 2018, to prepare for the move to the new library; and 2) the first City Manager community hours started on April 30, 2018, to give community members an opportunity to discuss City-related issues.

COUNCIL REPORTS

Council Member Lamnin, also the City's representative on the Alameda County Waste Management Authority, spoke about recycling efforts and shared information from StopWaste, Topic Brief April 2018, "A New Era for Recycling".

ADJOURNMENT

Mayor Halliday adjourned the meeting at 9:30 p.m., in memory of Ms. Ruth Jenkins, Ms. Betty Spees, and Ms. Eleanor Ann Thomsen.



MINUTES OF THE MEETING OF THE CITY COUNCIL
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 1, 2018, 7:00 p.m.

Ms. Ruth Jenkins was a resident of the Southgate neighborhood, was involved in the I-880/92 Interchange Project, and served on the I-880/92 Citizens Advisory Committee.

Ms. Betty Spees was a Kindergarten teacher at Schafer Park School and was a Lifetime Achievement Award recipient at the Hayward Volunteer Recognition in 1995.

Ms. Eleanor Ann Thomsen served as the Real Property Manager for the City of Hayward before retiring in 1995.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

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

File #: CONS 18-335

DATE: May 22, 2018

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

An Ordinance Adding Section 15 to Chapter 2, Article 13 of the Hayward Municipal Code Relating to Electronic and Paperless Filing of the Fair Political Practices Commission Campaign Disclosure Statements

RECOMMENDATION

That the Council adopts the Ordinance introduced on May 15, 2018.

SUMMARY

This item entails adoption of an Ordinance Adding Section 15 to Chapter 2, Article 13 of the Hayward Municipal Code Relating to Electronic and Paperless Filing of the Fair Political Practices Commission Campaign Disclosure Statements, introduced on May 15, 2018.

ATTACHMENTS

Attachment I Staff Report

Attachment II Summary of Ordinance Published on 05/18/2018



DATE: May 22, 2018

TO: Mayor and City Council

FROM: City Clerk

SUBJECT Adoption of an Ordinance Adding Section 15 to Chapter 2, Article 13 of the Hayward Municipal Code Relating to Electronic and Paperless Filing of the Fair Political Practices Commission Campaign Disclosure Statements

RECOMMENDATION

That the Council adopts the Ordinance introduced on May 15, 2018.

SUMMARY

This item entails adoption of an Ordinance Adding Section 15 to Chapter 2, Article 13 of the Hayward Municipal Code Relating to Electronic and Paperless Filing of the Fair Political Practices Commission Campaign Disclosure Statements, introduced on May 15, 2018.

BACKGROUND

The Ordinance was introduced by Council Member Zermeno at the May 15, 2018, meeting of the City Council with the following vote:

AYES: COUNCIL MEMBERS: Zermeno, Márquez, Mendall, Peixoto, Lamnin, Salinas
MAYOR Halliday

NOES: None

ABSENT: None

ABSTAIN: None

FISCAL IMPACT

There is no fiscal impact associated with this report.

STRATEGIC INITIATIVES

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

PUBLIC CONTACT

The summary of the Ordinance was published in the Hayward Daily Review on Friday, May 18, 2018. Adoption at this time is therefore appropriate.

NEXT STEPS

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

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

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

Kelly McAdoo, City Manager

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE ADDING SECTION 15 TO CHAPTER 2, ARTICLE 13 OF THE HAYWARD MUNICIPAL CODE RELATING TO ELECTRONIC AND PAPERLESS FILING OF THE FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS

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

Section 1. Provisions.

That new section 2-13.15 be, and the same is hereby added to, Chapter 2, Article 13 of the Hayward Municipal Code to read in full as follows:

SEC. 2-13.15 - ELECTRONIC FILING OF CAMPAIGN DISCLOSURE

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 the authority of the City, such decision shall not affect the validity of the remainder of this Ordinance, which shall continue in full force and effect, provided that the remainder of the Ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. Effective Date.

In accordance with the provisions of Section 620 of the City Charter, this Ordinance shall become effective upon adoption.

The Ordinance was introduced at a regular meeting of the City Council of the City of Hayward, held the 15th day of May 2018, by Council Member Zermeño.

This Ordinance will be considered for adoption at the meeting of the Hayward City Council, to be held on May 22, 2018, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: May 18, 2018
Miriam Lens, City Clerk
City of Hayward



CITY OF HAYWARD

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

File #: CONS 18-177

DATE: May 22, 2018

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT

Sustainable Groundwater Management: Authorization for the City Manager to Negotiate and Execute a Cooperating Agreement with the East Bay Municipal Utility District for Preparation of a Groundwater Sustainability Plan for the East Bay Plain Subbasin.

RECOMMENDATION

That Council adopts a resolution authorizing the City Manager to negotiate and execute a Cooperating Agreement with the East Bay Municipal Utility District to jointly prepare a Groundwater Sustainability Plan for the East Bay Plain Subbasin.

SUMMARY

In June 2017, the State formally designated Hayward as the Groundwater Sustainability Agency (GSA) for the portion of the East Bay Plain Subbasin that underlies the City. The East Bay Municipal Utility District (EBMUD) is the GSA for the remaining portion of the Subbasin. As a GSA, the City is responsible for developing and implementing a Groundwater Sustainability Plan (GSP) to sustainably manage the utilization of groundwater within its management area. In accordance with previous direction from the Council Sustainability Committee (CSC) and City Council, staff has negotiated a Cooperating Agreement with EBMUD, under which the parties would agree to work together and share the costs to prepare a single GSP for the East Bay Plain Subbasin. Staff is requesting that Council authorize the execution of a Cooperating Agreement with EBMUD.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: May 22, 2018

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT Sustainable Groundwater Management: Authorization for the City Manager to Negotiate and Execute a Cooperating Agreement with the East Bay Municipal Utility District for Preparation of a Groundwater Sustainability Plan for the East Bay Plain Subbasin

RECOMMENDATION

That Council adopts a resolution authorizing the City Manager to negotiate and execute a Cooperating Agreement with the East Bay Municipal Utility District to jointly prepare a Groundwater Sustainability Plan for the East Bay Plain Subbasin.

SUMMARY

In June 2017, the State formally designated Hayward as the Groundwater Sustainability Agency (GSA) for the portion of the East Bay Plain Subbasin that underlies the City. The East Bay Municipal Utility District (EBMUD) is the GSA for the remaining portion of the Subbasin. As a GSA, the City is responsible for developing and implementing a Groundwater Sustainability Plan (GSP) to sustainably manage the utilization of groundwater within its management area. In accordance with previous direction from the Council Sustainability Committee (CSC) and City Council, staff has negotiated a Cooperating Agreement with EBMUD, under which the parties would agree to work together and share the costs to prepare a single GSP for the East Bay Plain Subbasin. Staff is requesting that Council authorize the execution of a Cooperating Agreement with EBMUD.

BACKGROUND

The Sustainable Groundwater Management Act (SGMA) was signed into law in 2014 to provide for comprehensive and sustainable management of groundwater resources within the State. The legislation provides a framework for groundwater management at the local level through formation of Groundwater Sustainability Agencies (GSAs) and implementation of Groundwater Sustainability Plans (GSPs). Hayward became the GSA for the portion of the East Bay Plain Groundwater Subbasin underlying the City in June 2017. EBMUD is the GSA for the remaining portion of the Subbasin.

As the GSA for a portion of the East Bay Plain Subbasin, the City is responsible for developing and implementing a GSP to sustainably manage and utilize groundwater within its

management area without causing undesirable results. Based on direction from the Council Sustainability Committee and with Council approval on July 18, 2017, the City entered into a Memorandum of Understanding (MOU) with EBMUD in July 2017 to negotiate a Cooperating Agreement, under which the parties would jointly prepare a single GSP for the entire Subbasin. Working collaboratively with EBMUD will reduce duplication of technical work and thus the cost of preparing a GSP for both agencies. The following link to the July 18 Council report provides additional background and discussion: <http://bit.ly/2HfzooV>.

On July 18, Council also directed staff to work with EBMUD to apply for grant funding to offset the costs of preparing a GSP. Under Proposition 1, approved by voters in November 2014, the State Department of Water Resources (DWR) has established the Sustainable Groundwater Planning Grant Program to provide funds for GSP development and implementation. In September 2017, DWR released the Groundwater Sustainability Plans and Projects Proposal Solicitation Package for grant funding related to development of GSP, for which both Hayward and EBMUD were eligible. Since only one GSA per basin could apply, EBMUD was the lead agency, and with Hayward's support, submitted a grant application in October 2017 for \$1 million. In April 2018, DWR released its final recommendations for grants, which included awarding the full \$1 million to EBMUD and the City for preparation of a single GSP for the East Bay Plain Subbasin. The grant will fund about one-half of the estimated cost of preparing the GSP.

Council Sustainability Committee (CSC) Action

On March 12, 2018, staff reviewed the key terms and provisions of the draft Cooperating Agreement with the CSC, and the CSC unanimously recommended approval.

DISCUSSION

The MOU between the City and EBMUD established a framework for the parties to negotiate in good faith the terms of a Cooperating Agreement for sustainable management of the East Bay Plain Subbasin in its entirety, incorporating principles of collaboration, a clear governance and decision-making structure, stakeholder involvement, equitable cost-sharing, and effective dispute resolution. Through regular communication and discussion over the last several months, staff from both entities have prepared a draft Cooperating Agreement setting forth roles, responsibilities, cost-sharing, and other commitments to jointly develop a single GSP for the East Bay Plain Subbasin in compliance with SGMA. Staff envisions that the Cooperating Agreement would be amended, or a new agreement would be negotiated to implement the GSP in the future.

Key provisions of the draft Cooperating Agreement include:

- **Development of the GSP.** The draft Cooperating Agreement acknowledges the parties' intent to develop a single GSP for the entire East Bay Plain Subbasin which meets all SGMA requirements and anticipates the use of outside technical consultants to complete some of the work. While EBMUD is expected to be the contracting entity, the draft Agreement defines contract procurement and administration procedures that

provides both parties with representation in the selection of consultants and oversight of technical work products.

- **Collaborative Working Structure.** The draft Cooperating Agreement sets out a working structure for the GSAs that incorporates a Steering Committee to provide overall direction and management, and a Technical Team to oversee preparation of the GSP, including development of technical data and sustainability objectives. The Technical Team will also coordinate input from basin stakeholders and interested parties. The governing bodies of each entity will have responsibility for approving the GSP after a public hearing.
- **Stakeholder Communication and Engagement.** SGMA requires implementation of outreach and communication with groundwater basin stakeholders to ensure that their interests are considered in developing the GSP. The draft Cooperating Agreement commits the parties to implement a Stakeholder Communication and Engagement Plan consistent with the DWR Guidance Document. In addition to public meetings and web-based materials, the parties will jointly create a Technical Advisory Committee and Interbasin Working Group to provide input and share information.
- **Cost Sharing.** As noted earlier, there are advantages to both agencies in combining efforts and sharing the cost to develop a single GSP. It is estimated that development of the GSP will cost about \$2M, including staff costs and consulting services. Each party has agreed to be responsible for paying for its own internal staff costs. The Parties have negotiated a cost allocation of 35 percent for the City and 65 percent for EBMUD for technical consulting services, based on benefits to each agency and relative Subbasin coverage. The City overlies some of the most productive portions of the East Bay Plain Subbasin. Therefore, even though Hayward's GSA coverage accounts for less than 20 percent of the total size of the East Bay Plain Subbasin, the City's proposed cost allocation of 35 percent for technical consulting services reflects that a significant amount of effort will be dedicated to studying and establishing sustainable management criteria for the southern portion of the East Bay Plain Subbasin, beneath the City. The proposed cost share allocation also considers EBMUD's added responsibilities for being the contracting entity and agreeing to administer the consultant contract and grant funding.

As previously discussed, DWR's final recommendations for grant funding includes a \$1M Proposition 1 Sustainable Planning Grant to Hayward and EBMUD to prepare a GSP for the East Bay Plain. The grant would help fund approximately half the cost to prepare the plan. With the grant funding, Hayward's share of the cost to prepare the GSP is estimated to be about \$350,000, with approximately \$200,000 being reimbursed to EBMUD to pay for technical consultant costs and the remaining \$150,000 in City staff costs. The actual consultant and staff costs to prepare the GSP will be better known after the consultant services are procured and staff has a better understanding of the required level of effort.

- **GSP Cost Accounting.** EBMUD will establish a separate account in which to deposit the City's and EBMUD's cost share contributions, as well as grant funds, and from which to

make disbursements to consultants. Under the terms of the draft Agreement, Hayward and EBMUD would make initial contributions of \$100,000 and \$185,000 respectively to the account. Whenever the balance is drawn below \$50,000, both parties would make additional contributions of the same amount, or the proportional amount needed to complete the GSP, whichever is less. The City will receive periodic reports on the account, and when the project is complete, EBMUD will prepare a reconciliation to determine if a refund is owed to the City.

- **Dispute Resolution.** The parties have agreed to meet in good faith to resolve any disputes that may arise, and if necessary, process amendments to the Cooperating Agreement to implement terms of the resolution. In the unlikely event that a dispute cannot be resolved, provisions for cancelling the Cooperating Agreement are also included.

ECONOMIC IMPACT

The City's cost to develop the GSP is estimated at \$350,000, if EBMUD and Hayward receive the full \$1M in grant funding from DWR. Costs for implementing the GSP have not been fully evaluated and will largely depend on actions needed to sustainably manage the basin. SGMA provides mechanisms for GSAs to recover costs for groundwater management through water rates, pump and extraction fees, and grants. The City's costs are difficult to estimate at this time, but are not expected to significantly affect customer water rates.

FISCAL IMPACT

The Water Improvement Fund in the Capital Improvement Program (CIP) includes funds for groundwater-related activities such as preparation and implementation of a GSP. Based on an initial scope of work developed for the Cooperating Agreement, the City's share of the cost for developing the GSP is estimated at \$350,000, if EBMUD and Hayward receive the full \$1M in grant funding from DWR. Staff anticipates that the estimate will increase once work on the GSP begins and the internal resources needed to support development of the GSP are better understood. The existing allocation in the CIP is sufficient to fund the City's share of preparing the technical studies and investigations, along with developing a GSP that complies with SGMA requirements. Implementation costs will depend on the needed actions. There will be no impact on the General Fund.

STRATEGIC INITIATIVES

This agenda item does not directly relate to one of Council's Strategic Initiatives.

SUSTAINABILITY FEATURES

The City's emergency wells are an important part of Hayward's water supplies and critical to reliably delivering water in the event of an earthquake or other disruptions to imported surface water supplies. Hayward's role as a GSA and responsibility for developing a GSP provide the authority to ensure that the groundwater beneath the City is protected and

sustainably managed for the future. A long-term commitment to groundwater sustainability increases Hayward's overall water supply reliability, maximizes local sources, and diversifies the City's water supplies, which will help the City respond to future water supply uncertainties and the effects of climate change.

PUBLIC CONTACT

As noted in the discussion, SGMA requires active stakeholder participation in development of GSPs to ensure common understanding and transparency throughout the process. Key stakeholders include large groundwater users and neighboring agencies, such as the Hayward Area Park and Recreation District, Chabot College, Alameda County and Alameda County Water District.

Staff has developed an interested parties list to keep stakeholders apprised of the City's activities, and together with EBMUD, will be implementing a Stakeholder Communication and Engagement (C&E) Plan. The C&E Plan provides a roadmap for meeting SGMA's requirements for stakeholder outreach and incorporates a broad variety of communication methods, including stakeholder meetings, social media, and websites. The C&E Plan also calls for formation of a Technical Advisory Committee (TAC), comprised of individuals with relevant technical backgrounds, to review technical documents and provide comments and recommendations. The TAC will include professionals with diverse perspectives and experience.

City and EBMUD staff held a stakeholder meeting for the East Bay Plain Subbasin at the Hayward City Hall on February 27. During the meeting, stakeholders received information on the development of the GSP and opportunities for participation. The meeting also provided a forum for stakeholders to offer input into the process. Future meetings will be held as the GSP process moves forward. Both the City and EBMUD also maintain websites where interested parties can access information and updates. The City's website may be viewed at <https://www.hayward-ca.gov/content/sustainable-groundwater-management>.

NEXT STEPS

If Council concurs, staff will finalize and execute a Cooperating Agreement with EBMUD to jointly develop a single GSP for the East Bay Plain Subbasin.

Prepared by: Jan Lee, Water Resources Manager

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

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COOPERATING AGREEMENT WITH THE EAST BAY MUNICIPAL UTILITY DISTRICT FOR PREPARATION OF A GROUNDWATER SUSTAINABILITY PLAN FOR THE EAST BAY PLAIN SUBBASIN

WHEREAS, the California Legislature has adopted, and the Governor has signed into law, the Sustainable Groundwater Management Act of 2014 (SGMA), which authorizes local agencies to ensure sustainable management of groundwater resources; and

WHEREAS, SGMA requires that by January 31, 2022, all groundwater basins designated by the California Department of Water Resources (DWR) as high- or medium-priority basins that are not subjected to critical conditions of overdraft be managed under a single Groundwater Sustainability Plan (GSP), coordinated GSPs prepared by the Groundwater Sustainability Agency or Agencies (GSA) managing the basin, or an alternative plan, as provided for in Cal. Water Code Section 10720.7(a); and

WHEREAS, the East Bay Plain Subbasin 2-009.04 (East Bay Plain Subbasin) is categorized as a medium-priority groundwater basin and subject to the provisions of SGMA; and

WHEREAS, Hayward and EBMUD are the exclusive GSAs for their respective management areas in the East Bay Plain Subbasin; and

WHEREAS, Hayward and EBMUD have agreed that working cooperatively to prepare a single GSP that covers the entire East Bay Plain Subbasin would be feasible and mutually beneficial; and

WHEREAS, Hayward and EBMUD have developed in good faith a Cooperating Agreement setting forth the roles, responsibilities, cost-sharing, and other commitments to jointly develop a single GSP for the East Bay Plain Subbasin in compliance with SGMA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to negotiate and execute a Cooperating Agreement with the East Bay Municipal Utility District to work cooperatively to prepare a single Groundwater Sustainability Plan that covers the entire East Bay Plain Subbasin.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

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

File #: CONS 18-319

DATE: May 22, 2018

TO: Mayor and City Council

FROM: Interim Director of Development Services

SUBJECT

Adoption of a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Lisa Wise Consulting, Inc. for Review and Update of Two-Form Based Codes

RECOMMENDATION

That the City Council adopts the attached resolution authorizing the City Manager to negotiate and execute an agreement with Lisa Wise Consulting, Inc.

SUMMARY

The Development Services Department staff issued a request for proposal (RFP), and through the review process has selected consulting firm, Lisa Wise Consulting, Inc. The consulting firm will research, review, and revise sections of the City's two existing form-based codes (South Hayward BART/Mission Boulevard Form Based Code and the Mission Boulevard Corridor Form-Based Code) with an overarching goal to achieve better implementation of the Hayward 2040 General Plan and the City's Economic Development Strategy Plan.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Scope of Work



DATE: May 22, 2018

TO: Mayor and City Council

FROM: Interim Director of Development Services

SUBJECT Adoption of a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with Lisa Wise Consulting, Inc. for Review and Update of Two-Form Based Codes

RECOMMENDATION

That the City Council adopts the attached resolution authorizing the City Manager to negotiate and execute an agreement with Lisa Wise Consulting, Inc.

SUMMARY

The Development Services Department staff issued a request for proposal (RFP), and through the review process has selected consulting firm, Lisa Wise Consulting, Inc. The consulting firm will research, review, and revise sections of the City's two existing form-based codes (South Hayward BART/Mission Boulevard Form Based Code and the Mission Boulevard Corridor Form-Based Code) with an overarching goal to achieve better implementation of the Hayward 2040 General Plan and the City's Economic Development Strategy Plan.

BACKGROUND

As part of the FY2018 budget the Planning Division established a goal of revising two form-based codes within the City. Development Services has earmarked approved funds to initiate this project that will require a thorough code-review to remove internal inconsistencies within both adopted form-based codes and to streamline documents to make the codes easier to understand and administer.

The goal of this project is to take both form-based codes and adapt each code into clear and understandable regulatory sections that intuitively make sense to customers, developers and City staff. Specifically, proposed revisions to the form-based codes must directly inform users and help advance proposed development requests/applications. Soliciting input from stakeholders, City staff, and respective community members will be critical in developing a thorough code revision. The desired outcome is to revise both form-based codes to be user-friendly and reconfigured so that development standards are easy to understand and apply to projects within the specific form-based code districts.

DISCUSSION

The RFP solicitation yielded two proposals, and through the review and selection process, the Planning Division selection committee used the following criterion categories to rate the respondents relevant experience: 1) Project Management; 2) Project Approach; 3) Qualifications of Firm/Team; 4) Responsiveness; and 5) Appropriateness of Cost.

The selection process identified that only one consulting firm has relevant form-based code development experience. Planning Division staff who have current and prior working experience with one of the firms, strongly supported the selection committee's decision to award the agreement to Lisa Wise Consulting, Inc. The technical specifications within the scope of work established the estimated project cost at \$159,759 and the executed contract will specify that the awarded amount not exceed \$160,000.

The form-based code updates for South Hayward BART/Mission Boulevard area and Mission Boulevard Corridor area will be coordinated by City staff and the consultant team. Staff anticipates that project completion will occur in summer of FY19, with the intent to bring revisions to the Council to the present form-based codes and other local land development regulations that apply to these areas.

For the complete RFP technical scope-of-work, please review Attachment III. A high-level outline of the scope-of-work is broken into four key steps as outlined below.

1. Initial Code Review and Analysis
2. Drafting the updated form-based codes
3. Review and approval process
4. Environmental Review

FISCAL IMPACT

The cost of this contract is included in the proposed FY 2019 Operating Budget and execution of this contract is contingent upon Council approval of the FY 2019 Operating Budget.

STRATEGIC INITIATIVES

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

GOAL 3: Develop a Regulatory Toolkit for Policy Makers.

Objective 1: Update, streamline, and modernize zoning & codes

Objective 2: Identify and design appropriate in-lieu fees to provide community amenities

Objective 3: Develop and refine other regulatory tools

SUSTAINABILITY FEATURES

The outcome of these two form-based code updates will not produce any physical improvements to the City's infrastructure. Therefore, this section is not applicable.

PUBLIC CONTACT

Community engagement and empathy outreach will occur with various stakeholders, City staff and residents. The consultant team will lead public meetings to gather and identify community concerns, while providing a project overview and explaining the fundamentals of form-based codes.

NEXT STEPS

If Council approves the attached resolution, staff will prepare for execution the agreement between the City of Hayward and Lisa Wise Consulting, Inc. Work will commence in accordance with outlined scope of work to update form-based codes for the South Hayward BART/Mission Boulevard area and the Mission Boulevard Corridor area.

Prepared by: Anthony Sackett, Management Analyst I

Recommended by: Stacey Bristow, Interim Director of Development Services

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LISA WISE CONSULTING, INC. FOR PREPARATION OF A COMPREHENSIVE UPDATE TWO EXISTING FORM-BASED CODES; 1) SOUTH HAYWARD BART/MISSION BOULEVARD AND; 2) THE MISSION BOULEVARD CORRIDOR AREA FOR AN AMOUNT NOT TO EXCEED \$160,000.

WHEREAS, the Development Services Department established FY 2018 goals and objectives to update both form-based codes to be user-friendly and to better implement the Hayward 2040 General Plan and the City's Economic Development Strategy Plan; and

WHEREAS, Development Services Department staff planned and earmarked funds in the amount of \$159,759 within the proposed FY 2019 budget and therefore; and

WHEREAS, updating both form-based codes will support the Complete Communities Strategic Initiative to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all; and

WHEREAS, updating both form-based codes will support Complete Communities Strategic Initiative, Goal 3, Develop a Regulatory Toolkit for Policy Makers and objectives; 1) Update, streamline, and modernize zoning & codes; 2) Identify and design appropriate in-lieu fees to provide community amenities; 3) Develop and refine other regulatory tools; and

WHEREAS, a formal Request for Proposals was prepared and advertised soliciting competitive bids for consultant services to prepare a comprehensive update to the City's two form-based codes 1) South Hayward BART/Mission Boulevard area; and 2) Mission Boulevard Corridor area to which the City received two qualified bids; and

WHEREAS, a committee of Planning Division Staff reviewed the proposals and determined that Lisa Wise Consulting, Inc. was the preferred consulting firm to complete the subject work; and

WHEREAS, the Scope of Work includes four-key-steps; 1) Initial Code Review and Analysis, 2) Drafting the Updated Form-Based Codes, 3) Review and Approval Process, 4) Environmental Review; and

WHEREAS, Lisa Wise Consulting, Inc. proposed an estimated project amount of \$159,759 to update both City form-based codes; 1) South Hayward BART/Mission Boulevard area; and 2) Mission Boulevard Corridor area; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward, hereby authorizes the City Manager to negotiate and execute an Agreement with Lisa Wise Consulting Inc., for a comprehensive update to both Form-Based-Codes; 1) South Hayward BART/Mission Boulevard area; and 2) Mission Boulevard Corridor area; for an amount not to exceed \$160,000, and a term through July 31, 2019.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

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



RFP#1820-040418 REQUEST FOR PROPOSALS (RFP):

SCOPE OF WORK

This contract will result in updated form-based codes for the South Hayward BART/Mission Boulevard area and Mission Boulevard Corridor area and is intended to supersede (either entirely or in part) the present form based codes and other local land development regulations that apply to these areas. The Codes are to be consistent with the definitions and evaluation criteria established by the Form-Based Codes Institute; see www.formbasedcodes.org for more details.

A. INITIAL REVIEW AND ANALYSIS

a. Internal Kick-Off Meeting. The Consultant will meet with appropriate City staff members involved with the project to better identify the needs, goals, timeline, and deliverables of the project. This meeting will also assist the Consultant to develop a list for suggested revisions from staff. Discussion of an agreed upon “communications policy” should be discussed with steps taken to memorialize such policy.

b. Site Analysis. The Consultant will become familiar with the physical details of the South Hayward BART/Mission Boulevard and the Mission Boulevard Corridor areas.

c. Existing Document Analysis. The consultant should become familiar with the following:

- South Hayward BART/Mission Boulevard Form Based Code
- Mission Boulevard Corridor Form Based Code
- City of Hayward Zoning Ordinance
- Hayward 2040 General Plan
- Downtown Specific Plan (draft)

The consultant team shall conduct a “code analysis” of both form-based codes to be used as a guide and tool identifying what currently works and doesn’t work with each code. A clear understanding of both good and bad aspects of the existing form-based codes will help develop an agreed upon plan for revisions to each code.

d. Existing Study Analysis. The Consultant will become familiar with environmental impact analysis and studies already completed for the Form Based Codes areas, including all existing streetscape construction and design documents.

e. Stakeholder Kick-Off Meeting/HEART Outreach. The Consultant will conduct empathy interviews with various residents and stakeholders consistent with the adopted H.E.A.R.T Initiative and prepare and lead a meeting with residents, stakeholders, and City staff to introduce the process and identify a comprehensive list of revisions, including issues and

opportunities. During this meeting the Consultant will also provide a project timeline, outline the goals and objectives, and explain the fundamentals of a form-based code.

B. DRAFTING THE UPDATED FORM BASED CODES

Design Parameters for the Form-Based Code.

The updated Codes will regulate development to ensure high-quality public spaces defined by a variety of building types and uses including housing, retail, and office space. The updated codes will incorporate a regulating plan, building form standards, street standards (plan and section), use regulations as needed, and other elements needed to implement the principles of functional and vital urbanism and practical management of growth including, but not limited to, parking, lighting, landscaping, and signage.

Sections of these Codes can be amended through this process, but typically would continue to include the following components:

- Overview including definitions, guiding principles, intent, and explanation of the regulations and process in clear user-friendly language.
- Regulating Plan (a schematic representation) illustrating the location of streets, blocks, public spaces (such as greens, squares, and parks), and other special features. Regulating plans shall also include aspects of Building Form Standards such as “build-to-lines” or “required building lines” and building type or form designations.
- Building Form Standards governing basic building form, placement, and fundamental urban elements to ensure that all buildings complement neighboring structures and the street. These standards should be based upon study of building types appropriate for the region, climate, and neighborhood vitality.
- Public Space/Street Standards defining design attributes and geometries that balance the needs of motorists, pedestrians, bicyclists, and transit riders (complete streets) while promoting a vital public realm. These standards should include design specifications for sidewalks, travel lane widths, parking, curb geometry, trees, and lighting. Other standards regulating architectural criteria such as material and quality, landscaping, parking, lighting, and signage.
- Administration clearly defining a streamlined application and project review process.

Integration of the Form-Based Code

The two form-based codes must be integrated into the City of Hayward’s Zoning Ordinance in a manner that ensures procedural consistency, meshes with state and local legal requirements, provides clarity as to applicability of existing regulations, and maximizes the effectiveness of the code. Integration of the form-based codes shall be undertaken by the Consultant with the assistance of City staff.

Consistency between Form-Based Codes and Other Documents

The standards and regulations within the form-based codes shall be entirely reflective of the form and quality envisioned by the Downtown Specific Plan (draft) and be consistent with the *Hayward 2040 General Plan*. The Consultant shall update the Codes to ensure that the form-based codes are not in any way inconsistent with the aforementioned plans. In addition, the Plans mentioned, the form based codes shall be consistent with any and

all other related plans, studies, design schematics, and construction documents, including the Hillside and Urban Wildlife Interface Guidelines and the Hayward Design Guidelines. The City will provide all the current documents to the selected Consultant.

C. REVIEW AND APPROVAL PROCESS

a. Presentation of Revised Drafts. The Consultant will present the revised drafts of both form-based codes to staff for the purpose of gathering comments. Copies of the draft will need to be provided in both hardcopy and digital form. If determined as necessary, a separate presentation may be required at public work session of neighborhood residents, stakeholders, as determined by the City.

b. Meetings with City Staff. The Consultant will attend and participate in up to 3 additional in-person meetings with City staff, boards, and committees to explain the details of the revised code, and obtain further input and comments.

c. Public Hearing Presentations. The Consultant will make formal presentations to the City's Planning Commission and the Hayward City Council.

d. Additional Revisions. The Consultant will be responsible for two rounds of revisions that may become necessary between presentations. City staff will be responsible for collecting comments, questions, and suggestions for these refinements from various sources and consolidating them into a series of action items for revision or responses.

D. ENVIRONMENTAL REVIEW

a. Initial Study. The Consultant shall prepare an Initial Study for the updated Form Based Codes. For the purposes of this analysis, the Consultant should assume a Negative Declaration of Mitigated Negative Declaration.

b. Complete Environmental Documentation (CEQA). The Consultant shall prepare and complete the necessary CEQA impact analysis for the updated form-based codes.



CITY OF HAYWARD

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

File #: CONS 18-326

DATE: May 22, 2018

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT

FY 2019 Pavement Rehabilitation and Preventative Maintenance Project - Authorization for City Manager to Execute a Professional Service Agreement with Pavement Engineering, Inc., for Pavement Evaluation

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to execute a professional services agreement with Pavement Engineering, Inc., for engineering services associated with the FY 2019 Pavement Rehabilitation and Preventative Maintenance Project in an amount not-to-exceed \$219,920.

SUMMARY

Pavement Engineering, Inc., (PEI) will provide engineering services to evaluate pavement conditions, measure field quantities, design curb ramps, and provide construction support for the FY 2019 Pavement Rehabilitation and Preventative Maintenance Project.

The project budget is \$8,364,000, and the not-to-exceed amount for PEI is \$219,920. The funding will come from Gas Tax, Measure B/BB, Vehicle Registration Fees, and anticipated Road Repair and Accountability Act (SB1) funds.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	List of Streets



DATE: May 22, 2018

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT: FY 2019 Pavement Rehabilitation and Preventative Maintenance Project – Authorization for City Manager to Execute a Professional Service Agreement with Pavement Engineering, Inc., for Pavement Evaluation

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to execute a professional services agreement with Pavement Engineering, Inc., for engineering services associated with the FY 2019 Pavement Rehabilitation and Preventative Maintenance Project in an amount not-to-exceed \$219,920.

SUMMARY

Pavement Engineering, Inc., (PEI) will provide engineering services to evaluate pavement conditions, measure field quantities, design curb ramps, and provide construction support for the FY 2019 Pavement Rehabilitation and Preventative Maintenance Project.

The project budget is \$8,364,000, and the not-to-exceed amount for PEI is \$219,920. The funding will come from Gas Tax, Measure B/BB, Vehicle Registration Fees, and anticipated Road Repair and Accountability Act (SB1) funds.

BACKGROUND

On April 25, 2018, the Council Infrastructure Committee (CIC) reviewed and commented on the FY 2019 Pavement Rehabilitation and Preventative Maintenance project.

The project includes 26 street sections for rehabilitation treatment and 16 street sections for preventative maintenance treatment. These 42 street sections have been identified as high priority locations for treatment.

DISCUSSION

On February 21, 2018, staff issued a Request for Proposal (RFP) to various firms specializing in pavement engineering. Initially, three consultants expressed interest in submitting proposals; however, only one consultant, Pavement Engineering, Inc., submitted a proposal.

This firm has extensive experience with City pavement management and rehabilitation projects including the following:

- FY 2017 & FY 2018 Pavement Rehabilitation Project;
- FY 2017 & FY 2018 Pavement Preventive Maintenance & Resurfacing Project;
- FY 2016 Pavement Preventative Maintenance & Resurfacing Project;
- FY 2016 Pavement Rehabilitation Project; and the
- Community Development Block Grant for Hayward Promise Neighborhood Street Improvement Project.

The proposal submitted by Pavement Engineering, Inc., was thorough in scope and schedule and the cost proposal has been deemed appropriate. The scope of work for PEI consists of the following five tasks:

Task 1 - Street Investigation / Engineering Review:

PEI will visually evaluate the pavement condition of each of the proposed project streets. The review will confirm the appropriate pavement treatment for each street, pavement rehabilitation, and preventive maintenance and resurfacing, among other options. This task will allow PEI to recommend refinement of the project budget and identify any specific problem areas.

During the review, PEI will estimate the amount of crack sealing and dig-out repairs that will be needed. After the visual review, a preliminary cost estimate for each street will be developed based on the identified treatment and amount of crack sealing and dig-outs. This cost will be used to refine the project budget.

Task 2 – Pavement Evaluation on Pavement Rehabilitation:

PEI will perform a pavement evaluation on each street segment to determine the most cost-effective rehabilitation treatments for each street based on structural requirements, reflective cracking requirements, longevity, and economy.

The evaluation work will consist of deflection testing, each street segment or lane in each direction, on a maximum of 100-foot intervals with a minimum of 10 tests per lane. Each street will have the existing pavement section (Asphalt Concrete and Aggregate Base) measured in 500-foot intervals in alternating lanes with a minimum of 2 locations per segment. Native soil samples will be collected at 1,000-foot intervals, or a minimum of one per street segment to determine the load-bearing capacity (R-value).

Task 3 – Measurement of Field Quantities:

PEI will walk along each of the project streets identified in the project streets list to measure and record all pertinent field quantities, such as: location of crack sealing and dig-outs and other pavement repairs.

Construction of handicap ramps, PCC valley gutter, traffic detector loop, utilities adjustment, tree root pruning, striping and markings will be identified during field reviews. PEI will take note of required tasks when determining the repairs to be included in the bid quantities.

Task 4 – Curb Ramp Design:

PEI will assist the City with curb ramp designs related to this project. This task involves designing ADA ramps in the field to provide limits of removal and quantities of work.

Task 5 – Construction Support / Mark Pavement Repairs:

After the project bid and before construction begins, PEI will mark all the pavement repairs in the field. PEI will annotate any changed quantities, and provide a revised quantity summary to the City at the completion of the field work.

ECONOMIC IMPACT

The project is fully funded by the City's Capital Improvement Program.

FISCAL IMPACT

The not-to-exceed amount for PEI is as follows:

Task 1 – Street Investigation / Engineering Review	\$18,920
Task 2 – Pavement Evaluation on Pavement Rehabilitation	\$102,730
Task 3 – Measurement of Field Quantities	\$42,520
Task 4 – Curb Ramp Design	\$25,990
Task 5 – Construction Support / Mark Pavement Repairs	\$29,760

Total: \$219,920

The estimated project funding sources are as follows:

210 – Gas Tax	\$700,000
212 – Measure BB – Local Transportation	\$1,900,000
215 – Measure B – Local Transportation	\$2,350,000
218 – Vehicle Registration Fee	\$750,000
211 – SB1 (awarded amount to be announced in June 2018)	\$2,674,000

Total: \$8,374,000

The scope of work in the RFP includes costs for evaluating 42 high priority streets which are the street sections identified in the FY 2019 Pavement Rehabilitation and Preventative Maintenance Project and 24 lower priority streets. PEI will initially evaluate the higher priority streets and, if cost savings are found, will evaluate lower priority streets to be added to the project.

STRATEGIC INITIATIVES

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

SUSTAINABILITY FEATURES

The action taken for this agenda report will not result in a new physical development, purchase or service, or a new policy or legislation. Any physical work will be approved in a separate Council action. Sustainability features for individual CIP projects are listed in each staff report.

PUBLIC CONTACT

There has been no public contact related to this project to date.

NEXT STEPS

If Council approves this request, the City Manager will execute an agreement with PEI for \$219,920 for engineering services.

Prepared by: Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Interim Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH PAVEMENT ENGINEERING, INC., FOR PROFESSIONAL SERVICES FOR THE FY 2019 PAVEMENT REHABILITATION AND PREVENTATIVE MAINTENANCE PROJECT

WHEREAS, on April 25, 2018, the Council Infrastructure Committee (CIC) reviewed and commented on the FY 2019 Pavement Rehabilitation and Preventative Maintenance project; and

WHEREAS, the project includes 26 street sections for rehabilitation treatment and 16 street sections for preventative maintenance treatment. These 42 street sections have been identified as high priority locations for treatment; and

WHEREAS, on February 21, 2018, staff issued a Request for Proposal (RFP) to various firms specializing in pavement engineering; and

WHEREAS, Pavement Engineering, Inc., submitted the only proposal and has extensive experience with City pavement management and rehabilitation projects.

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to execute an agreement with Pavement Engineering, Inc. for Professional Services for the FY 2019 Pavement Rehabilitation and Preventative Maintenance Project, in an amount not to exceed \$219,920, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

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

<u>Suggested Deflection Testing and Analysis Data Requirement</u> FY 2019 Pavement Rehabilitation & Pavement Maintenance Project											Higher Priority Streets	
Item No.	Street	Limits		Length	Width	Area	Traffic Index	Max. Def. Testing Interval	Number Def. Test Points	Number of Cores (AC&AB)	Number of Cores (AC Only)	Number of R-values
		Begin	End	(ft)	(ft)	(sq ft)	(TI)	(ft)				
1	ARDEN RD	EDEN LANDING RD	CORPORATE AVE	3,244	45	145,980	6 - 7	100	66	7	-	4
2	ARROWHEAD WAY	MISSION BLVD	INDUSTRIAL PKWY	3,979	37	147,223	6 - 7	100	80	8	-	4
3	ATWELL PLACE	CUL DE SAC	BLAIN WAY	170	31	10,610	6 - 7	100	20	2	-	1
4	BLAINE WAY	BISHOP AV	CUL DE SAC	1,067	31	33,173	6 - 7	100	22	2	-	1
5	BREAKWATER AVE	BREAKWATER CT	WHITESELL	1,658	46	76,268	6 - 7	100	24	3	-	2
6	BRIERGATE WY	VANDERBILT	DEAD END	726	33	24,804	6 - 7	100	20	2	-	1
7	CATHY WY	HESPERIAN BLVD	CALAROGA AV	889	45	40,005	6 - 7	100	20	2	-	1
8	E 11TH ST	CUL DE SAC	JEFFERSON ST	2,372	29	72,658	6 - 7	100	48	5	-	3
9	ELMHURST ST	SANTA CLARA ST	AMADOR	1,031	45	46,395	6 - 7	100	22	2	-	1
10	FAIRWAY ST	MISSION BLVD	FAIRCLIFF	1,133	37	47,096	6 - 7	100	24	2	-	1
11	GARIN AV	LARRABEE ST	TRACT 1960 LINE	1,496	23	34,408	6 - 7	100	30	3	-	2
12	GARIN AV	TRACT 1960 LINE	COUNTY LINE	380	23	8,740	6 - 7	100	20	2	-	1
13	HANCOCK ST	E 10TH ST	MISSION BLVD	712	29	20,648	6 - 7	100	20	2	-	1
14	HAYMAN ST	WHIPPLE RD	SAN ANTONIO ST	3,693	45	166,185	6 - 7	100	74	7	-	4
15	HICKORY AV	EVERGREEN AV	UNDERWOOD AV	1,080	31	33,480	6 - 7	100	22	2	-	1
16	HOYLAKA AVE	ST ANNES	FAIRWAY	1,173	29	34,017	6 - 7	100	24	2	-	1
17	LESTER	HESPERIAN FRONTAGE	THELMA	986	30	29,580	6 - 7	100	20	2	-	1
18	LION ST	KIWANIS	MYRTLE	530	31	17,550	6 - 7	100	20	2	-	1
19	LOYOLA AV	PANAMA	BOLERO	1,926	45	86,670	6 - 7	100	40	4	-	2
20	MANON AV	HARRIS RD	SCHAFFER RD	2,310	38	96,068	6 - 7	100	46	5	-	3

<u>Suggested Deflection Testing and Analysis Data Requirement</u> FY 2019 Pavement Rehabilitation & Pavement Maintenance Project											Higher Priority Streets	
Item No.	Street	Limits		Length	Width	Area	Traffic Index	Max. Def. Testing Interval	Number Def. Test Points	Number of Cores (AC&AB)	Number of Cores (AC Only)	Number of R-values
		Begin	End	(ft)	(ft)	(sq ft)	(TI)	(ft)				
21	MEADOW MIST DR	BROOKSTONE WY	TARAGON ST	473	33	15,609	6 - 7	100	20	2	-	1
22	MIAMI AV	MELBOURNE	CALAROGA	1,345	45	60,525	6 - 7	100	28	3	-	2
23	MOHR DR	WEST ST	OCCIDENTAL RD	1,945	33	59,046	6 - 7	100	40	4	-	2
24	MONTGOMERY ST	B ST	COUNTY LINE	3,397	34	115,498	6 - 7	100	68	7	-	4
25	MUNSTER AV	CONNECTICUT ST	EICHLER ST	721	45	32,445	6 - 7	100	14	2	-	1
26	MYRTLE ST	C ST	B ST	325	37	12,025	6 - 7	100	20	2	-	1
27	NEVADA RD	LONGWOOD AV	TEHAMA AV	922	33	30,426	6 - 7	100	20	2	-	1
28	OAKES DR	CHATHAM CT	DURHAM	3,482	38	132,316	6 - 7	100	70	7	-	4
29	O'NEIL	ORCHARD AVE	END	854	45	38,430	6 - 7	100	20	2	2	1
30	PONTIAC ST	DALE	JACKSON	1,245	32	39,840	6 - 7	100	26	3	-	2
31	PULASKI ST	CITY LIMITS	REVERE AV	2,005	39	78,195	6 - 7	100	40	4	-	2
32	ROCHELLE AV	LANCE WAY	BEATRON	1,435	31	44,485	6 - 7	100	30	3	-	2
33	SAN ANTONIO ST	SAN LUIS OBISPO AVE	ZEPHYR AVE	1,278	37	47,286	6 - 7	100	26	3	-	2
34	SAN LUIS OBISPO AV	MEDALLION DR	SAN ANTONIO ST	958	37	35,446	6 - 7	100	20	2	-	1
35	SAN LUIS OBISPO AV	HUNTWOOD AV	MEDALLION DR	855	37	31,635	6 - 7	100	20	2	-	1
36	SCHAFER RD	GADING ROAD	HUNTWOOD AV	2,602	45	117,090	6 - 7	100	52	5	-	3
37	TIEGEN DR	ROXANNE	HIGHLAND	1,418	20	28,360	6 - 7	100	28	3	-	2
38	VANDERBILT ST	BRIERGATE WY	GARIN AVE	1,170	45	52,650	6 - 7	100	24	2	-	1
39	VANDERBILT ST	GARIN	WOODLAND	781	45	35,145	6 - 7	100	20	2	-	1
40	VANDERBILT ST	WOODLAND AV	ALQUIRE PKWY	453	19	8,607	6 - 7	100	20	2	-	1
41	WEBSTER ST	E 10TH ST	E 12TH ST	365	29	10,585	6 - 7	100	20	2	-	1
42	WEST ST	EDEN AV	MOHR DR	371	35	12,985	6 - 7	100	20	2	-	1

<u>Suggested Pavement Maintenance Streets</u> FY 2019 Pavement Rehabilitation & Pavement Maintenance Project						Higher Priority Streets	
Item No.	Street	Limits		Length	Width	Area	Class
		Begin	End	(ft)	(ft)	(sq ft)	
1	ABERDEEN PL	CUL DE SAC	OAKES	547	29	18,284	R
2	ADELINE ST	ELDRIDGE AV	BLAINE WAY	475	31	14,725	R
3	BELHAVEN ST	CATHY	FRY LN	1160	33	38,280	R
4	BRIDGEVIEW WY	ARROWHEAD WY	ARROWHEAD WY	1245	33	41,085	R
5	BROOKFIELD RD	ARROWHEAD WY	BROOKVIEW WY	888	33	29,304	R
6	BROOKSTONE WY	TARAGON ST	GUSHUE ST	510	33	16,830	R
7	CARDINAL ST	OSAGE	LILAC	606	33	21,498	R
8	DONALD AVE	HARDER	CULP AV	1053	32	33,696	R
9	EDEN LANDING RD	INVESTMENT BLVD	HWY 92 EXIT RAMP	845	45	38,025	R
10	FAIRCLIFF ST	JULLIENE WAY	DEAD END	1574	30	49,545	R
11	HANCOCK ST	MISSION BLVD	E 16TH ST	836	45	37,620	R
12	HIGHLAND BLVD	MARIE DR	BARRICADE	3145	29	91,205	R
13	HIGHLAND BLVD	CAMPUS DR	UNIVERSITY CT	645	39	25,155	R
14	HUNTWOOD AV	CUL-DE-SAC	AUSTIN AV	1286	34	43,724	R
15	MIAMI AV	CATALPA	FLORIDA ST	1006	45	45,270	C
16	MYRTLE ST	MEEK AVE	C ST	1368	31	42,408	C
17	PLEASANT WAY	BERRY AVE	ORCHARD	1237	32	39,584	R
18	PROSPECT ST	WARREN	ROSE	2180	32	69,760	R
19	ROCK SPRINGS DR	MOHR DR	YOSHIDA DR	617	2750	20,361	R
20	SHEPARD AV	TYRELL AV	HUNTWOOD AV	1771	37	65,527	C
21	SMALLEY AV	COUNTY LINE	WESTERN	1502	34	51,068	R
22	SPENCER LN	DOBBEL AV	CIRCLE	846	37	31,302	R
23	SYCAMORE AV	MISSION BLVD	EDITH ST	385	33	12,705	R
24	TARMAN AV	HARDER	JACKSON	1648	32	52,736	R



CITY OF HAYWARD

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

File #: CONS 18-327

DATE: May 22, 2018

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT

Amendment No. 2 to Professional Services Agreement with CSG Consultants, Inc. (CSG) for Private Development Plan Check Review and Related Services

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement with CSG for Private Development Plan Check Review and Related Services.

SUMMARY

A second amendment to the agreement with CSG for the review of grading plans, subdivision maps, improvement plans, and other services is needed due to increased private developments in the City. The amendment will increase the contract by \$180,000 for a total contract value not-to-exceed \$680,000 and extend it to December 31, 2018. The additional cost was included in the City's FY 2019 Operating Budget.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: May 22, 2018

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Amendment No. 2 to Professional Services Agreement with CSG Consultants, Inc. (CSG) for Private Development Plan Check Review and Related Services

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement with CSG for Private Development Plan Check Review and Related Services.

SUMMARY

A second amendment to the agreement with CSG for the review of grading plans, subdivision maps, improvement plans, and other services is needed due to increased private developments in the City. The amendment will increase the contract by \$180,000 for a total contract value not-to-exceed \$680,000 and extend it to December 31, 2018. The additional cost was included in the City's FY 2019 Operating Budget.

BACKGROUND

Public Works staff is responsible for reviewing grading plans, subdivision maps, improvement plans, and soils and geological reports for private development projects. The City entered into an agreement with CSG on November 18, 2016, to provide these services on a temporary basis due to staff vacancies, and significant private development workload. On September 17, 2017, Council approved Amendment No. 1, which increased the original \$75,000 agreement amount by an additional \$425,000, for a total agreement amount of \$500,000 and extended the agreement to June 30, 2018.

DISCUSSION

The Public Works Department has contracted with CSG for Development Review Services since 2016. The amended agreement amount of \$500,000 for CSG's services is nearly depleted. The need for these services is required through the end of the calendar year. To that end, staff is requesting Amendment No. 2 to the agreement with CSG for an additional amount of \$180,000, increasing the total of the contract to \$680,000, and extending the contract to December 31, 2018.

ECONOMIC IMPACT

There is no economic impact related to this action.

FISCAL IMPACT

The \$180,000 increase to the CSG Consultants, Inc. (CSG) contract will be partially offset by charges to developers. The offsetting amount is estimated at \$100,000. Funding for this expense will come from the General Fund and is included in the proposed FY 2019 Operating Budget.

STRATEGIC INITIATIVES

This agenda item does not relate to one of the Council's Strategic Initiatives.

SUSTAINABILITY FEATURES

CSG Consultants, Inc. does not provide any physical improvements to the City's infrastructure. Therefore, this section is not applicable.

PUBLIC CONTACT

No public contact has been made related to this amendment.

NEXT STEPS

If Council approves this request, the City Manager will execute an amendment to the agreement with CSG to increase the contract amount to \$680,000, and extend the term to December 31, 2018.

Prepared by: Karyn Neklason, Management Analyst II

Recommended by: Alex Ameri, Interim Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT 02 TO THE AGREEMENT WITH CSG CONSULTANTS, INC. FOR ADDITIONAL SERVICES ASSOCIATED WITH THE CITY OF HAYWARD DEVELOPMENT REVIEW.

WHEREAS, the aforesaid parties have entered into that certain Agreement dated the 18th day of November 2016, entitled "Agreement for Professional Services between the City of Hayward and CSG CONSULTANTS, Inc.", for temporary Development Review Services; and

WHEREAS, the City and Consultant amended that certain Agreement with Amendment 01 dated the 17th day of September 17, 2017 increasing the agreement to \$500,000 and extending the termination date to June 30, 2018; and

WHEREAS, the City and the Consultant desire to further amend the Agreement in certain respects;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute, on behalf of the City of Hayward, an amendment to the agreement with CSG CONSULTANTS, for additional services and increasing the contract price by \$180,000 for a total contract amount not-to-exceed \$680,000 associated with the City of Hayward temporary Development Review Services and extending the term to December 31, 2018, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

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

File #: CONS 18-359

DATE: May 22, 2018

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Approval of Route 238 Tenant Transfer Assistance Program, Approval of Agreement with Overland, Pacific & Cutler for Tenant Assistance, and Appropriation of Program Funding.

RECOMMENDATION

That the City Council adopt the attached resolution: 1) Establishing the rental agreement termination date for route 238 Parcel Group 5, 7 and 9 tenancies; 2) Approving revised financial terms for the Tenant Transfer Assistance Program (TTAP); 3) Authorizing the City Manager to enter into an agreement with Overland, Pacific & Cutler; and, 4) Appropriating program funding.

SUMMARY

The purpose of this item is to consider a new date for the termination of the tenant rental agreements, and a revised financial assistance program. Staff recommends proceeding with the program as a number of tenants have indicated an interest in securing the program funds and proceeding to move. By initiating the program now, the team from OPC can begin interviews with the tenants to better understand individual circumstances. After completing the interviews, staff will then have the ability to review these circumstances and make recommendations to Council for additional support or accommodations that may be necessary for certain households. In addition, staff recommends that the Council consider amending the tenant lease agreements to allow those tenants who choose to do so an opportunity to remain in the properties rent-free until they move out.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	April 17, 2018 TTAP Staff Report
Attachment IV	CalHCD Income Limits

File #: CONS 18-359



DATE: May 22, 2018

TO: City Council

FROM: City Manager

SUBJECT: Approval of Route 238 Tenant Transfer Assistance Program, Approval of Agreement with Overland, Pacific & Cutler for Tenant Assistance, and Appropriation of Program Funding.

RECOMMENDATION

That the City Council adopts the attached resolution: 1) Establishing the rental agreement termination date for Route 238 Parcel Group 5, 7 and 9 tenancies; 2) Approving revised financial terms for the Tenant Transfer Assistance Program (TTAP); 3) Authorizing the City Manager to enter into an agreement with Overland, Pacific & Cutler (OPC); and, 4) Appropriating program funding.

SUMMARY

The purpose of this item is to consider a new date for the termination of the tenant rental agreements, and a revised financial assistance program. Staff recommends proceeding with the program as a number of tenants have indicated an interest in securing the program funds and proceeding to move. By initiating the program now, the team from OPC can begin interviews with the tenants to better understand individual circumstances. After completing the interviews, staff will then have the ability to review these circumstances and make recommendations to Council for additional support or accommodations that may be necessary for certain households. In addition, staff recommends that the Council consider amending the tenant lease agreements to allow those tenants who choose to do so an opportunity to remain in the properties rent-free until they move out.

BACKGROUND

2009 Settlement Agreement and Rental Agreements

In 2009 the City executed a Settlement Agreement with Caltrans and a number of other parties regarding the Route 238 Freeway Bypass project. Pursuant to that agreement, existing tenants in Parcel Groups 5 and 9 were provided stipends for relocation benefits ranging from approximately \$2,000 to \$27,000. All tenants were also offered an opportunity to purchase the home they were currently residing in or another property in the corridor (if they were

able to financially qualify to do so). The Settlement Agreement explicitly states, "If after the payment of the Lump Sum Stipend, an Eligible Tenant Household vacates the Corridor Unit in which they reside, the Department, the City, and the County shall have no further obligations to the Corridor Tenant or their members for relocation, moving, or other similar actions..."

The tenants were not required to move when they received their payments and most are still living in their units at below market rents. For the few that moved, Caltrans re-rented the units with clauses in the rental agreements that the tenants would not be eligible for relocation benefits. The total stipends distributed to tenants in parcel groups 5 and 9 were approximately \$314,500.

In addition to the stipends paid by the City, tenants were required to execute rental agreements with clauses regarding their ineligibility for relocation advisory or financial assistance.

In addition, State legislation was passed during this time frame (Government Code Section 14528.6), which limits relocation obligations for Route 238 tenants. With respect to tenants who commenced their occupancy after the 2009 Settlement Agreement, the law states they "shall not be eligible for any additional relocation assistance under any provision of state law."

Notwithstanding the facts that there is no obligation on the City's part to provide assistance with tenant moves, the Council has been willing to consider some form of assistance to help with the transition for the tenants.

2018 Proposed Tenant Transfer Assistance Program

On April 2, a tenant meeting was conducted to explain the City's plans to resell the parcels acquired from Caltrans, a proposed rental agreement termination date, and a proposed Tenant Transfer Assistance Program (TTAP) to be recommended for City Council consideration. Approximately 35 tenants attended and expressed their concerns with the program. Concerns included not wanting to leave at all, requesting additional time to move, and requesting additional compensation for the move.

On April 17, the City Council considered a proposed Tenant Transfer Assistance Program (TTAP) including: 1) A termination date of May 1st for tenants in Parcel Group 5 (Bunker Hill), Parcel Group 7 (Carlos Bee/Mission – no residential) and Parcel Group 9 (Foothill/Oak); 2) financial assistance payments on a sliding scale ranging from \$2,000 to \$4,500 depending on how quickly the unit was vacated; and, 3) Engagement of a consultant to assist tenants with their individual moves (See attached April 17th staff report for additional background information).

At that Council meeting, several tenants spoke to the hardships of having to move. After deliberating on various aspects of the TTAP, the Council decided to hold the matter over for 30 days to consider modifications to the program and additional discussions with tenants. Staff developed program modifications to address tenant concerns, which were reviewed with

tenants in a second meeting on May 16. The purpose of this item is to provide Council with a revised program that addresses tenant concerns with the original proposed program.

DISCUSSION

The following discussion of options is divided into three parts: 1) Rental agreements termination timing; 2) Transfer assistance compensation; and, 3) Tenant Assistance Agent.

Rental Agreement Termination

Proceed with Noticing of Rental Termination on June 1st – The revised termination date of the rental agreements reflects the 30-day continuance of the consideration of the program for revisions. The new recommended termination date will have an effective date of June 1st.

Provide 180 Days Move Period – Under the leases, the City must only provide 30 days' notice to vacate. The original proposal extended this period to 90 days. This new recommendation will double the amount of time to move from the 90 days originally proposed to 180 days. The graduated payments would remain but stretched out over the longer period. There would be an additional six months for tenants to save personal funds for their moving expenses. With a June 1st termination date, the deadline for moving will be November 30th. Asbestos and lead removal activities will occur in December and demolition of the houses will occur in the first quarter of 2019 when Request For Proposals (RFP's) are distributed to developers.

Tenant Compensation

Original Recommended Financial Assistance

Table 1 sets forth the original recommendation for tenant assistance:

Table 1 – Original Financial Assistance Recommendation

INCENTIVE MOVE TIMING	AMOUNT
Move Within 30 Days of Termination Notice	\$4,500
Move Within 60 Days of Termination Notice	\$3,000
Move Within 90 Days of Termination Notice	\$2,000
After Move Deadline	\$0

A reminder that this compensation is not required and is in addition to the relocation stipends previously paid.

Enhanced Compensation Recommendations

The following recommended enhanced financial assistance responds to comments made by tenants at the meetings:

1. Provide additional assistance for low-income tenants - This enhancement would consist of an additional payment of \$5,000 for tenants with household incomes below

80% of area median income (AMI), which is the State definition of lower income for affordable housing. This payment would be in addition to the base payments in Table 3. Attachment IV contains a table, which outlines low-income levels by household size. We will not know how many low-income tenants there are until the Tenant Assistance Agent consultant is engaged and interviews the tenants.

2. Extend the \$4,500 first tier payments to apply to 90 days instead of 30 days – This creates a new graduated incentive structure for a 180-day move out period, starting with \$4,500 for moving within the first 90 days and declining periodically thereafter (See Table 3).

Recommended Revised Program Timing and Financial Assistance

Staff recommends the following revised schedule in Table 2, and the revised financial assistance in Table 3:

Table 2 – Revised Rental Termination and Move Out Schedule

ACTIVITY	TIMING
Council Approves Tenant Assistance Program	Tuesday May 22nd
Staff and Consultant Sign Assistance Agent Consulting Agreement	Thursday May 23rd
180 Day Notices to Vacate Mailed to Tenants	Friday May 25th
180 Day Notices to Vacate - Effective Date	Friday June 1st
Consultant Contacts Tenants to Start Assistance	Monday June 4th
180 Day Deadline to Move	November 30th

Table 3 – Revised Financial Assistance

MOVE TIMING	INCENTIVE BASE PAYMENT	LOW INCOME ASSISTANCE*	TOTAL POSSIBLE PAYMENTS
Within 90 Days Termination Notice	\$4,500	\$5,000	\$9,500
Within 120 Days	\$3,000	\$5,000	\$8,000
Within 180 Days	\$2,000	\$5,000	\$7,000
After Deadline Expires (11-30-18)	\$0	\$0	\$0

* For tenants with household incomes of 80% or less of area median income

The program revisions recommended above start the rental termination process on June 1, but provide 180 days for move out. The base financial assistance remains the same but provides 90 days to find a replacement dwelling and still qualify for the maximum payment. Additional help is provided for low-income households. The recommended revisions keep the schedule for vacation and demolition of the properties within the time frame for soliciting proposals for this parcel group at the end of the calendar year, yet provides additional time to find new housing. These program revisions address most of the concerns expressed by the tenants.

Tenant Transfer Agent

The City has received proposals from all three firms solicited that specialize in this type of consulting with Bay Area offices. The firm of Overland, Pacific and Cutler is recommended for selection. Staff recommends the proposed scope of the work be revised to add the following two elements:

1. Survey of households to determine income to implement the low-income assistance payments (if approved); and
2. Survey of market rate and affordable housing including negotiation of preference agreements with affordable housing projects currently under development within the City.

These additions to the scope of services set forth in the Request for Proposals increased the cost of this program element, requiring Council approval of the contract.

Future Use of Parcels 5, 7 and 9.

The current housing on Parcels 5, 7 and 9 was neglected by Caltrans for decades and is generally in disrepair, presenting general maintenance issues as well as more substantive concerns, including a potential need for septic system replacements. All of the property management companies contacted by the City to manage these parcels declined to respond due to the low rents paid by existing tenants, as well as the difficulty in managing scattered sites that have not been historically well maintained.

The sale and development of these parcels once they are vacated will, in contrast, generate new, well maintained, and environmentally friendly housing opportunities well in excess of the existing units. An increase in the number of housing units at these sites will help to address the current housing crisis and give current and future residents opportunities to continue to rent or own homes within the City. It will also bring needed infrastructure improvements to the area, including but not limited to improved sanitation, roadways, and maintained open space areas. The City's inclusionary ordinance will also work to ensure that there are additional affordable housing opportunities and units for low and moderate-income households at the parcels within the City.

Unfortunately, if the City does not sell these parcels for development, they will have to be returned to Caltrans and Caltrans is likely to proceed with its previously planned auction of the parcels either leaving the current residents subject to new third party landlords who may require immediate eviction and are unlikely to provide the assistance being considered by the City at this meeting or subjecting the current residents to eviction by Caltrans, again without any of the assistance being offered by the City.

At the May 16 meeting, some tenants indicated that they are ready to move and the continued delay in implementing this program is creating uncertainty with respect to their transition. Staff recommends proceeding with the program as a number of tenants have indicated an interest in securing the program funds and proceeding to move. By initiating the program now, the team from OPC can begin interviews with all the tenants to better understand

individual circumstances. After completing the interviews, staff will then have the ability to review these circumstances and make recommendations to Council for additional support or accommodations that may be necessary for certain households.

ECONOMIC IMPACT

This program is one further step towards returning underutilized properties to the tax roles with the development of additional new housing, consistent with the policies of the City's Housing Element of the General Plan.

FISCAL IMPACT

Table 4 sets forth the estimated cost of the revised program as recommended:

Table 4 – Total Program Cost*

PAYMENT TYPE	AMOUNT
Base Incentive Payments (all 26 move by 90 days @ \$4500 ea.)	\$117,000
Low Income Payments (assume all 26 as low income @ \$5,000 ea.)	\$130,000
Tenant Assistance Agent	\$82,000
Total Tenant Transfer Assistance Program Cost	\$329,000

* For 26 tenants in parcel groups 5 & 9 only, does not include parcel group 8

Of this amount, \$190,000 would be sourced from the General Fund. These funds are not currently included in the Proposed FY 2018 Operating Budget and this would require an additional appropriation and use of reserves.

STRATEGIC INITIATIVES

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

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

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

Implementing the program will improve the quality of life for residents that remain in, or are living near these parcel groups, through the elimination of security problems and visual deterioration in the area caused by the existing vacant and dilapidated homes. Reselling the parcels for new development will create new housing to expand the existing housing stock.

PUBLIC CONTACT

Public information has and will consist of the following items:

- Letter from Caltrans sent in November 2017 regarding ownership transfer to City.
- December information letter from City regarding ownership transfer, FAQs on what happens next, and housing resources available.
- Inspection of units by City Building Division.
- Installation of smoke and carbon dioxide detectors for some units by Building Division.
- Information meeting on April 2nd to explain proposed Tenant Transfer Assistance Program.
- Notification of tenants of the April 17th City Council meeting to consider Tenant Transfer Assistance Program, and opportunity to speak at the Council meeting.
- Information meeting #2 on May 16th to discuss recommended program revisions.
- May 22nd City Council meeting to consider revised program and opportunity to speak at the Council meeting.
- Individual meetings between tenants and Tenant Transfer Assistance Agent (if program is approved).

At the second information meeting on May 16th, the revised program was presented and comments were received from tenants. Many of the criticisms of the first version of the program were reiterated. Most do not want to move at all as they are paying below market rent and may have to leave Hayward to find an affordable unit. Some felt the new compensation is still not sufficient. Many do not want to move until a developer is ready to start building.

Some commented that the taxable nature of the incentive payments reduces their effectiveness and requested that the City allow them to stay rent-free from now until they move, to offset the tax loss and to build up savings for a new location. No information was provided at the meeting regarding the tenants' income levels and tax liabilities. It is unclear if the incentive payment would create any significant tax liability for tenants who qualify as low income. Moreover, rent forgiveness may still be taxable income and the City would issue a Form 1099 to ensure compliance with tax law, if Council opted to provide this benefit.

The suspension of rent payments would require either a written waiver issued by the City or an amendment to each of the rental agreements. If the City Council supports adding this element to the TTAP, staff would ask that the Tenant Transfer Assistance Agent would obtain rental agreement amendments, if needed, at the time they make initial contact to determine household income for the low-income payment.

The tenants are paying approximately \$36,000 per month in total rents to the City. These funds were planned to offset the costs of the incentives program. The rent concessions will make the net costs of the program higher and would require a General Fund subsidy until the eventual sale of the property. Proceeds from the future sale of the Parcels could be used to repay the City for the General Fund Expenditures. If the Council supports this amendment to the program, the motion to adopt the resolution should include adding a clause to the

resolution providing for suspension of rent during the 180-day move-out period. The resolution would also need to be revised to appropriate approximately \$190,000 from the General Fund to cover the added cost associated with a rent concession and for maintenance costs which may arise during the six-month period, as the Property Management Fund would be insufficient to cover these costs. Staff recommends the Council include this additional program element.

NEXT STEPS

Next steps will consist of:

1. Council approval of revised TTAP program on May 22nd
2. Tenant Transfer Assistance Agent to begin contacting tenants
3. Rental Agreement termination notices to be sent to tenants.

Prepared and Recommended by:

Patrick O'Keeffe, Management Partners
John Stefanski, Management Analyst

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION ESTABLISHING JUNE 1, 2018 AS THE NOTICE OF TERMINATION DATE FOR RENTAL AGREEMENTS WITH TENANTS IN ROUTE 238 PROPERTIES; APPROVING A TENANT TRANSFER ASSISTANCE PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH OVERLAND PACIFIC & CUTLER FOR TENANT ASSISTANCE; AND APPROPRIATION OF \$330,000 FROM THE FUND 412-238 PROPERTY MANAGEMENT

WHEREAS, in 2016 the City negotiated a Purchase and Sale Agreement (PSA) with Caltrans to assume responsibility for the sale of the Caltrans acquired former Route 238 properties to private developers; and

WHEREAS, Pursuant to the PSA, the City has acquired Parcel Groups 5, 7 and 9 from Caltrans, containing 26 residential and eight commercial tenants, located in the Bunker Hill, Mission/Carlos Bee and Foothill/Oak Street areas respectively; and

WHEREAS, in December 2017 the City sent notice to the tenants of the transfer of ownership and the requirement for tenants to move in 2018; followed by meetings with the tenants on April 2, 2018 and May 16, 2018 informing them of the proposed rental agreement termination date and Tenant Transfer Assistance Program; and

WHEREAS, the timely resale of the acquired properties, pursuant to the PSA with Caltrans, requires termination of the rental agreements and vacation of the units by December 31, 2018 to allow demolition and site preparation activities to commence immediately thereafter; and

WHEREAS, notwithstanding that most of the tenants received relocation stipends pursuant to the 2009 Settlement Agreement, waived any claim for such payments under their respective leases, or are ineligible for payments pursuant to California Government Code Section 14528.6, the City of Hayward desires to assist with the timely vacation of the properties through the creation of a Tenant Transfer Assistance Program;

WHEREAS, the Tenant Transfer Assistance Program will include the services of a consultant to assist with tenant transfer activities, and the staff has solicited proposals from three consulting firms and recommends selection of Overland, Pacific & Cutler to implement these services;

THEREFORE, BE IT RESOLVED, the City Council of the City of Hayward hereby establishes June 1, 2018 as the date of Notice of Termination of rental agreements in parcel groups 5, 7 and 9; and requires all tenants vacate premises by the termination date of November 30, 2018 (180 Days); and

FURTHER BE IT RESOLVED

The City Council approves the Tenant Transfer Assistance Program consisting of:
1) Incentive payments to vacate the premises before the 180-day deadline, including supplemental payments to low-income households defined as household income of 80% of area median income, on the following schedule:

MOVE TIMING	INCENTIVE BASE PAYMENT	LOW INCOME ASSISTANCE	TOTAL PAYMENTS
Within 90 Days Termination Notice	\$4,500	\$5,000	\$9,500
Within 120 Days	\$3,000	\$5,000	\$8,000
Within 180 Days	\$2,000	\$5,000	\$7,000
After Deadline Expires (11-30-18)	\$0	\$0	\$0

And, 2) authorizes the City Manager to negotiate and execute a consulting agreement, in a form approved by the City Attorney, with Overland Pacific & Cutler to act as the Tenant Transfer Assistance Program Agent providing services to tenants to assist with their timely move, including but not limited to the following:
a) Interviewing tenants to determine income status; b) Filing the appropriate forms for incentive payments; c) Obtaining the refund of security deposits including performing walk thru inspections; d) Researching and referring affordable and market rate housing opportunities; e) Obtaining and referring information on moving resources; and, f) Negotiating agreements with affordable housing developers for re-housing opportunities for low income tenants; and

FURTHER BE IT RESOLVED, the City Council hereby appropriates \$330,000 from Fund 412-238 Property Management Fund, for the costs of the program.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney for the City of Hayward



DATE: April 17, 2018

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Approval of Route 238 Tenant Transfer Assistance Program and Appropriation of Program Funding.

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) establishing the rental agreement termination date, and Tenant Transfer Assistance Program for the tenants occupying Route 238 parcel groups 5, 7 and 9.

SUMMARY

This item will: 1) Establish a date for the termination of the rental agreements and a move-out date for the parcel groups 5, 7 and 9 tenants in the properties the City acquired from Caltrans; and, 2) approve the creation of a Tenant Transfer Assistance Program to provide financial incentives to assist tenants as they vacate the properties.

BACKGROUND

After abandoning the Route 238 Bypass Project, Caltrans started selling previously acquired parcels. To ensure that future development of these parcels supports the City's land use policies and overall vision, the City negotiated a Purchase and Sale Agreement (PSA) with Caltrans to assume responsibility for the sale of the properties to private developers.

Pursuant to the PSA, the City has acquired Parcel Groups 5, 7 and 9 from Caltrans, containing 37 residential and eight commercial tenants. The locations of the parcel groups are:

- Parcel Group 5 – Bunker Hill Area including Bunker Hill Blvd. Bunker Hill Court, Maitland Drive and Central Blvd. (residential tenants only).
- Parcel Group 7 – Sloped hillside parcel bounded by Mission Blvd. and Carlos Bee Blvd. (Commercial tenants only on Mission Blvd.).
- Parcel Group 9 – Primarily vacant parcel; near Highway 238 bounded by 238 on-ramp and Oak Street (residential and commercial tenants).

Upon transfer, the tenants received notification from Caltrans and the City of the property ownership change. The City's notification in December 2017 informed tenants that a schedule would be developed for their rental termination, and the soonest they would need to move is Spring 2018. Information was included concerning available housing resources.

On April 2, the City hosted a tenant information meeting at City Hall. Tenants were notified of the meeting by certified mail. Approximately 35 residents attended and heard a presentation concerning the proposed move schedule and assistance program recommended by this agenda item. The information about housing resources that was sent in December was handed out again at the meeting. Tenant comments and questions included the following:

- Objection to having to move at all
- Request to have an additional two years to stay until development starts
- The housing market is expensive and the proposed financial assistance is inadequate
- The City provided inadequate notice of the meeting
- Crime is increasing in the area due to homeless occupying vacant City-owned houses
- Why are tenants being asked to move before the City knows if the area is developable?
- When will security deposits be refunded?
- Will incentive payments be taxed?
- Why can't we purchase our homes?
- Are there legal resources to stop the City's termination of rental agreements?

The following information was either provided at the meeting in response to the questions, or provided in this report as additional background for the recommended Council actions:

Purpose of the property acquisition – The City acquired the properties to ensure an orderly transition to new private ownership and development. Neither Caltrans nor the City has plans for continued public ownership of these parcels. The properties are not on the tax roles, are in poor condition, and can be better utilized with different and potentially higher density uses.

Timing of parcel group disposition and development – The schedule set forth in Table 1 was shared with tenants. The parcel groups are being studied for re-use options, which should be complete in fall. Proposals for developers will be distributed shortly thereafter. The parcel groups will be more marketable with the preplanning and demolition of existing structures completed first. Sufficient time must be made available for tenants to move and for buildings to be demolished. Demolition requires asbestos and lead surveys to be conducted prior to bid documents being circulated. These surveys should be conducted when the units are vacated to avoid contamination of occupied spaces. The normal demolition bid process takes 60-90 days after the asbestos surveys are complete. Starting the move out process now to allow the parcel groups to be ready for marketing at the end of the year when the preplanning tasks are completed. In addition, many of the properties are in extremely poor condition, which may necessitate significant maintenance expenditures in the short term. Since the City's ultimate objective is to clear these parcel groups for future development, it is more cost effective to begin this process now.

Development Potential of Parcel Group 5 - The consulting team of Design Workshop is analyzing the development potential of Parcel Group 5. Although this work will not be completed until fall, the City has already undertaken soils studies to determine the feasibility of development in the area given the presence of some landslide activity and fault traces. These studies indicate that the land can be suitable for development. The first study, which involved surface observations but no trenching, was cited in the second study with the following statement: *"The previous study concluded that proposed residential development of the property is feasible provided that the project is appropriately designed for the geologic and geotechnical hazards identified in the report."* The second study, which involved trenching the area also concluded the area can be developed with appropriate design mitigations: *"Based on the exploration results, from a geotechnical standpoint the site is feasible for potential development."* Based on these studies, it is not necessary to delay the move out of tenants until further studies by Design Workshop or future developers are completed.

Home Purchase Option - One of the tenants at the April 2nd meeting asked why tenants could not acquire their existing houses in Parcel Group 5. This was an option available after the 2009 Settlement Agreement was signed and the City established a two-year first-time homebuyer program to assist with resident acquisition of a portion of the Caltrans acquired homes. A few of the houses in Parcel Group 5 were acquired under this program and the City invested in acquiring the remaining property from Caltrans and planning for its development. Selling additional existing houses in a piecemeal fashion will only further fragment the area and make the redevelopment of the parcel group more difficult and less attractive to potential developers. In addition to an inefficient site area, establishing needed infrastructure improvements such as roads and sewer mains will be more difficult. Further fragmentation will delay and possibly prevent the City from accomplishing its Complete Communities Strategic Initiative and economic development goals including but not limited to job creation, strong public infrastructure, and a mix of housing stock for all residents and community members including affordable housing.

DISCUSSION

Rental Termination Date

All the units will need to be vacated and demolished prior to their conveyance to developers. The City's Building Division has inspected the units for habitability. Although all the units are habitable, they are in poor condition because of years of Caltrans ownership with minimal maintenance. Units that have already been vacated are being broken into by the homeless, and require constant attention to remove the trespassers and re-secure the units. To stay on schedule with marketing, to reduce security problems, and to reduce resources spent on property maintenance, the schedule in Table 1 is recommended for Council approval:

Table 1 Rental Termination and Tenant Assistance Schedule

ACTIVITY	TIMING
Council Approves Tenant Assistance Program	Tuesday April 17th
Staff and Consultant Sign Program Consulting Agreement*	Thursday April 19th
90 Day Notices to Vacate Mailed to Tenants	Monday April 23rd
90 Day Notices to Vacate - Effective Date	Tuesday May 1st
Consultant Contacts Tenants to Start Assistance*	Wednesday May 2nd
90 Day Deadline to Move	July 31st

*See Tenant Transfer Assistance Agent discussion below

Tenant Transfer Assistance Program

No Relocation Obligation

There is no obligation for the City to pay any further relocation payments to any tenant. The prior payments made by the City pursuant to the Settlement Agreement and special LATIP legislation comply with State Relocation Law and satisfy this requirement. In addition, all tenants, whether they received stipends or moved into their unit after the settlement agreement was approved, signed rental agreements with a clause stating they are not eligible for relocation benefits. With respect to tenants who commenced their tenancy after the settlement agreement, state law specifically states that they “shall not be eligible for any additional relocation assistance under any provision of state law.”¹

Proposed Transfer Assistance Program Elements

The following are recommended elements of an assistance program for residential tenants:

- 1. Security Deposits** – All tenants have security deposits due to be returned to them (less any damage or debris removal costs the City may incur). A total of approximately \$55,000 will be refunded to tenants.
- 2. 2010 City Relocation Payments** – Pursuant to the 2009 Settlement Agreement, the City made relocation payments (stipends) to most of the current tenants totaling approximately \$419,000. These stipends included moving costs and rent differential payments combined. Most of the residential tenants received payments. The remaining tenants allowed to occupy the units after the Settlement Agreement was executed were not eligible for stipends. Tenants that have retained all or a portion of their stipend have a resource for offsetting the higher cost of new housing.
- 3. Early Move Incentives Payments** – To assist with a timely vacation of the premises, staff recommends an incentive payment to be made available for all residential tenants. The graduated incentive utilizes a sliding scale of higher payments for immediate moves that decrease the longer the tenant stays. The recommended program would range from \$2,000 to \$4,500 as set forth in Table 2:

¹ Cal. Gov't Code § 14528.6

Table 2 Incentive Payments

INCENTIVE MOVE TIMING	AMOUNT
Within 30 Days of Termination Notice	\$4,500
Within 60 Days of Termination Notice	\$3,000
Within 90 Days of Termination Notice	\$2,000
After Move Deadline	\$0

- 4. Tenant Transfer Assistance Agent** - This program element consists of hiring a consultant to provide assistance to tenants for: 1) Filing the appropriate forms for incentive payments; 2) Obtaining the refund of security deposits including performing walk thru inspections; 3) Researching affordable and market rate housing; and, 4) Obtaining information on moving resources. An RFP has been distributed to consulting firms specializing in tenant moves, so that a Tenant Assistance Agent can be in place to start advising and supporting tenants when the rental agreement termination notices are distributed.

There are eight commercial tenants in parcel groups 7 and 9 that the above program would not apply to as they have greater financial resources and the move does not affect their place of residence.

ECONOMIC IMPACT

This program is one further step towards returning underutilized properties to the tax roles with the development of additional new housing, consistent with the policies of the City's Housing Element of the General Plan.

STRATEGIC INITIATIVES

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

- Goal 1: Improve the quality of life for residents, business owners, and community members in all Hayward Neighborhoods
- Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

Implementing the program will improve the quality of life for residents that remain in, or are living near these parcel groups, through the elimination of security problems and visual deterioration in the area caused by the existing vacant and dilapidated homes. Reselling the parcels for new development will create new housing to expand the existing housing stock.

FISCAL IMPACT

Assuming all tenants move within 30 days, the total maximum incentives payment cost is \$166,500. The tenant assistance agent element would be accomplished for a not to exceed cost under \$75,000. The total maximum program cost is \$241,500. The total amount of resources that have, and will be made available to the tenants is set forth in Table 3:

Table 3 – Total Tenant Resources

PAYMENT TYPE	AMOUNT
Security Deposits	\$55,000
Relocation Payments per Settlement Agreement	\$419,000
Incentives Payments	\$166,500
Tenant Assistance Agent	\$75,000
Total Tenant Resources and Support	\$715,500

These expenses will be paid using rental income previously collected for these properties. There is no impact to the General Fund.

PUBLIC CONTACT

Public contact has and will consist of the following items:

- Information letter from Caltrans sent in November 2017 regarding ownership transfer.
- December information letter from City regarding ownership transfer, FAQs on what happens next, and housing resources available.
- Inspection of units by City Building Division.
- Installation of smoke and carbon dioxide detectors for some units by Building Division.
- Information meeting on April 2nd to explain proposed Tenant Transfer Assistance Program.
- Notification of tenants of the April 17th City Council meeting to consider Tenant Transfer Assistance Program, and opportunity to speak at the Council meeting.
- Individual meetings between tenants and Tenant Assistance Agent (if program is approved).

NEXT STEPS

If the City Council approves the program by adopting the attached resolution, the next steps will consist of engaging a tenant assistance consultant and issuing rental termination notices pursuant to the steps set forth in Table 1.

Prepared by: Patrick O’Keeffe, Management Partners

Approved by:

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

Kelly McAdoo, City Manager

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
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April 26, 2018

MEMORANDUM FOR: Interested parties

FROM: Zachary Olmstead, Deputy Director
Division of Housing Policy Development

SUBJECT: State Income Limits for 2018

Attached are briefing materials and State Income Limits for 2018 that are now in effect and replace 2017 State Income Limits. Income limits reflect updated median income and household income levels for extremely low-, very low-, low-, and moderate-income households for California's 58 counties. The 2018 State Income Limits are on the Department of Housing and Community Development (HCD) website at <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>.

State Income Limits apply to designated programs, are used to determine applicant eligibility (based on the level of household income), and may be used to calculate affordable housing costs for applicable housing assistance programs. Use of State Income Limits are subject to a particular program's definition of income, family, family size, effective dates, and other factors. In addition, definitions applicable to income categories, criteria, and geographic areas sometimes differ depending on the funding source and program, resulting in some programs using other income limits.

The attached briefing materials detail California's 2018 Income Limits and were updated based on: (1) changes to income limits the U.S. Department of Housing and Urban Development (HUD) released on April 1, 2018 for its Public Housing and Section 8 Housing Choice Voucher Program and (2) adjustments HCD made based on State statutory provisions and its 2013 Hold Harmless (HH) Policy. Since 2013, HCD's HH Policy has held State Income Limits harmless from any decreases in household income limits and median income levels that HUD may apply to the Section 8 Income Limits. HUD determined its HH Policy was no longer necessary due to federal law changes in 2008 (Public Law 110-98) prohibiting rent decreases in federal or private activity bond funded projects.

For questions concerning State Income Limits, please contact HCD staff at (916) 263-2911.

2018 State Income Limits Briefing Materials California Code of Regulations, Title 25, Section 6932

Overview

The Department of Housing and Community Development (HCD), pursuant to Health & Safety Code Section 50093(c), must file updates to its State Income Limits with the Office of Administrative Law. HCD annually updates these income limits based on U.S. Department of Housing and Urban Development (HUD) revisions to the Public Housing and Section 8 Housing Choice Voucher Program that HUD released on April 1, 2018.

HUD annually updates its Section 8 Income Limits to reflect changes in median family income levels for different size households and income limits for extremely low, very low, and low-income households. HCD, pursuant to statutory provisions, makes the following additional revisions: (1) If necessary, increase a county's area median income to equal California's non-metropolitan median income, (2) adjusts area median income and household income category levels to not result in any decrease for any year after 2009 pursuant to HCD's February 2013 HH Policy. HCD's HH Policy was implemented to replace HUD's HH Policy, discontinued in 2009, to not decrease income limits and area median income levels below a prior year's highest level and, (3) determines income limits for California's moderate-income category.

Following are brief summaries of technical methodologies used by HUD and HCD in updating income limits for different household income categories. For additional information, please refer to HUD's briefing materials at <https://www.huduser.gov/portal/datasets/il/il18/IncomeLimitsMethodology-FY18.pdf>.

HUD Methodology

HUD Section 8 Income Limits begin with the production of median family incomes. HUD uses the Section 8 program's Fair Market Rent (FMR) area definitions in developing median incomes, which means developing median incomes for each metropolitan area, parts of some metropolitan areas, and each non-metropolitan county. The 2018 FMR area definitions are unchanged from last year. HUD calculates Section 8 Income Limits for every FMR area with adjustments for family size and for areas with unusually high or low family income or housing-cost-to-income relationships.

Extremely Low-Income

In determining the extremely low-income limit, HUD uses the Federal Poverty Guidelines, published by the Department of Health and Human Services. HUD compares the appropriate poverty guideline with 60% of the very low-income limit and choose the greater of the two. The value may not exceed the very low-income level.

Very Low-Income

The very low-income limits are the basis for all other income limits. The very low-income limit typically reflects 50 percent of median family income (MFI) and HUD's MFI figure generally equals two times HUD's 4-person very low-income limit. HUD may adjust the very low-income limit for an area or county to account for conditions that warrant special considerations. As such, the very low-income limit may not always equal 50% MFI.

Low-Income

In general, most low-income limits represent the higher level of: (1) 80 percent of MFI or, (2) 80 percent of state non-metropolitan median family income. However, due to adjustments that HUD sometimes makes to the very low-income limit, strictly calculating low-income limits as 80 percent of MFI could produce unintended anomalies inconsistent with statutory intent (e.g. very low-income limits being higher than low-income limits). Therefore, HUD's briefing materials specify that, with some exceptions, the low-income limit reflect 160 percent of the very low-income limit.

2018 State Income Limits Briefing Materials California Code of Regulations, Title 25, Section 6932

HUD may apply additional adjustments to areas with unusually high or low housing-costs-to-income relationships and for other reasons. This could result in low-income limits exceeding MFI.

Median Family Income/Area Median Income

HUD references and estimates the MFI in calculating the income limits. California law and State Income Limits reference Area Median Income (AMI) that, pursuant to Health & Safety Code 50093(c), means the MFI of a geographic area, estimated by HUD for its Section 8 Program.

HUD's calculations of Section 8 Income Limits begin with the production of MFI estimates. This year, MFI estimates use the 2015 American Community Survey. HUD then adjusts the survey data to account for anticipated income growth by applying the Consumer Price Index inflation forecast published by the Congressional Budget Office through mid-2018. HUD uses the MFI to calculate very low-income limits, used as the basis to calculate income limits for other income categories. For additional information, please see HUD's methodology describing 2018 MFI's at <https://www.huduser.gov/portal/datasets/il/il18/Medians-Methodology-FY18r.pdf>.

Adjustment Calculations

HUD may apply adjustments to areas with unusually high or low family income, uneven housing-cost-to-income relationship, or other reasons. For example, HUD applies an increase if the four-person very low-income limit would otherwise be less than the amount at which 35 percent of it equals 85 percent of the annualized two-bedroom Section 8 FMR (or 40th percentile rent in 50th percentile FMR areas). The purpose is to increase the income limit for areas where rental-housing costs are unusually high in relation to the median income.

In certain cases, HUD also applies an adjustment to the income limits based on the state non-metropolitan median family income level. In addition, HUD restricts adjustments so income limits do not increase more than five percent of the previous year's very low-income figure OR twice the increase in the national MFI, whichever is greater. For the 2018 income limits, the maximum increase is 11.5% from the previous year. This adjustment does not apply to the extremely low-income limits.

Please refer to HUD briefing materials for additional information on the adjustment calculations.

Income Limit Calculations for Household Sizes Other Than 4-Persons

The income limit statute requires adjustments for family size. The legislative history and conference committee report indicates that Congress intended that income limits should be higher for larger families and lower for smaller families. The same family size adjustments apply to all income limits, except extremely low-income limits, which are set at the poverty income threshold. They are as follows:

Number of Persons in Household:	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Adjustments:	70%	80%	90%	Base	108%	116%	124%	132%

Income Limit Calculations for Household Sizes Greater Than 8-Persons

For households of more than eight persons, refer to the formula at the end of the table for 2018 Income Limits. Due to the adjustments HUD can make to income limits in a given county, table data should be the only method used to determine program eligibility. Arithmetic calculations are applicable only when a household has more than eight members. Please refer to HUD's briefing material for additional information on family size adjustments.

2018 State Income Limits Briefing Materials

California Code of Regulations, Title 25, Section 6932

HCD Methodology

State law (Health & Safety Code Section 50093, et. seq.) prescribes the methodology HCD uses to update the State Income Limits. HCD utilizes HUD's Section 8 Housing Choice Voucher Program Income Limits. HCD's methodology involves: (1) increasing a counties' median income established by HUD to equal California's non-metropolitan county median income determined by HUD, (2) applying HCD's HH Policy, in effect since 2013, to not allow decreases in area median income levels and household income category levels, and (3) determining income limit levels applicable to California's moderate-income households defined by law as household income not exceeding 120 percent of county area median income.

Area Median Income and Income Category Levels

HCD, pursuant to federal and State law, adjusts median income levels for all to counties so they are not less than the non-metropolitan county median income established by HUD (\$59,700 for 2018). Next, HCD, for all counties, applies its HH policy to ensure area median income and income limits for all household income categories do not fall below any level achieved in the prior year.

Moderate-Income Levels

HCD is responsible for establishing California's moderate-income limit levels. After calculating the 4-person area median income (AMI) level as previously described, HCD sets the maximum moderate-income limit to equal 120 percent of the county's AMI.

Applicability of California's Official State Income Limits

Applicability of the State Income Limits are subject to particular programs as program definitions of factors such as income, family, and household size, etc. vary. Some programs, such as Multifamily Tax Subsidy Projects (MTSPs), use different income limits. For MTSPs, separate income limits apply per provisions of the Housing and Economic Recovery Act (HERA) of 2008 (Public Law 110-289). Income limits for MTSPs are used to determine qualification levels as well as set maximum rental rates for projects funded with tax credits authorized under Section 42 of the Internal Revenue Code (Code). In addition, MTSP income limits apply to projects financed with tax-exempt housing bonds issued to provide qualified residential rental development under Section 142 of the Code. These income limits are available at <http://www.huduser.org/datasets/mtsp.html>.

Section 6932. 2018 Income Limits

County	Income Category	Number of Persons in Household							
		1	2	3	4	5	6	7	8
Last page instructs how to use income limits to determine applicant eligibility and calculate affordable housing cost and rent									
Alameda County 4-Person Area Median Income: \$104,400	Extremely Low	24400	27900	31400	34850	37650	40450	43250	46050
	Very Low Income	40700	46500	52300	58100	62750	67400	72050	76700
	Low Income	62750	71700	80650	89600	96800	103950	111150	118300
	Median Income	73100	83500	93950	104400	112750	121100	129450	137800
	Moderate Income	87700	100250	112750	125300	135300	145350	155350	165400
Alpine County 4-Person Area Median Income: \$94,900	Extremely Low	18150	20750	23350	25900	29420	33740	38060	42380
	Very Low Income	30250	34600	38900	43200	46700	50150	53600	57050
	Low Income	46100	52650	59250	65800	71100	76350	81600	86900
	Median Income	66450	75900	85400	94900	102500	110100	117700	125250
	Moderate Income	79750	91100	102500	113900	123000	132100	141250	150350
Amador County 4-Person Area Median Income: \$73,600	Extremely Low	15500	17700	20780	25100	29420	33740	38060	42380
	Very Low Income	25800	29450	33150	36800	39750	42700	45650	48600
	Low Income	41250	47150	53050	58900	63650	68350	73050	77750
	Median Income	51500	58900	66250	73600	79500	85400	91250	97150
	Moderate Income	61800	70650	79450	88300	95350	102450	109500	116550
Butte County 4-Person Area Median Income: \$62,600	Extremely Low	13200	16460	20780	25100	29420	33740	37550	41320
	Very Low Income	21950	25050	28200	31300	33850	36350	38850	41350
	Low Income	35100	40100	45100	50100	54150	58150	62150	66150
	Median Income	43800	50100	56350	62600	67600	72600	77600	82650
	Moderate Income	52550	60100	67600	75100	81100	87100	93100	99150
Calaveras County 4-Person Area Median Income: \$72,300	Extremely Low	15200	17400	20780	25100	29420	33740	38060	42380
	Very Low Income	25350	28950	32550	36150	39050	41950	44850	47750
	Low Income	40500	46300	52100	57850	62500	67150	71750	76400
	Median Income	50600	57850	65050	72300	78100	83850	89650	95450
	Moderate Income	60700	69400	78100	86750	93700	100650	107550	114500
Colusa County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900
Contra Costa County 4-Person Area Median Income: \$104,400	Extremely Low	24400	27900	31400	34850	37650	40450	43250	46050
	Very Low Income	40700	46500	52300	58100	62750	67400	72050	76700
	Low Income	62750	71700	80650	89600	96800	103950	111150	118300
	Median Income	73100	83500	93950	104400	112750	121100	129450	137800
	Moderate Income	87700	100250	112750	125300	135300	145350	155350	165400
Del Norte County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900

Section 6932. 2018 Income Limits

County	Income Category	Number of Persons in Household							
		1	2	3	4	5	6	7	8
Last page instructs how to use income limits to determine applicant eligibility and calculate affordable housing cost and rent									
El Dorado County 4-Person Area Median Income: \$80,100	Extremely Low	16850	19250	21650	25100	29420	33740	38060	42380
	Very Low Income	28050	32050	36050	40050	43300	46500	49700	52900
	Low Income	44900	51300	57700	64100	69250	74400	79500	84650
	Median Income	56050	64100	72100	80100	86500	92900	99300	105750
	Moderate Income	67250	76900	86500	96100	103800	111500	119150	126850
Fresno County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900
Glenn County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900
Humboldt County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900
Imperial County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900
Inyo County 4-Person Area Median Income: \$72,000	Extremely Low	15150	17300	20780	25100	29420	33740	38060	42380
	Very Low Income	25200	28800	32400	36000	38900	41800	44650	47550
	Low Income	40350	46100	51850	57600	62250	66850	71450	76050
	Median Income	50400	57600	64800	72000	77750	83500	89300	95050
	Moderate Income	60500	69100	77750	86400	93300	100200	107150	114050
Kern County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900
Kings County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900

Section 6932. 2018 Income Limits

County	Income Category	Number of Persons in Household							
		1	2	3	4	5	6	7	8
Last page instructs how to use income limits to determine applicant eligibility and calculate affordable housing cost and rent									
Lake County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900
Lassen County 4-Person Area Median Income: \$69,400	Extremely Low	14600	16650	20780	25100	29420	33740	38060	42380
	Very Low Income	24300	27800	31250	34700	37500	40300	43050	45850
	Low Income	38850	44400	49950	55500	59950	64400	68850	73300
	Median Income	48600	55500	62450	69400	74950	80500	86050	91600
	Moderate Income	58300	66650	74950	83300	89950	96650	103300	109950
Los Angeles County 4-Person Area Median Income: \$69,300	Extremely Low	20350	23250	26150	29050	31400	33740	38060	42380
	Very Low Income	33950	38800	43650	48450	52350	56250	60100	64000
	Low Income *	54250	62000	69750	77500	83700	89900	96100	102300
	Median Income	48500	55450	62350	69300	74850	80400	85950	91500
	Moderate Income	58200	66500	74850	83150	89800	96450	103100	109750
Madera County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900
Marin County 4-Person Area Median Income: \$118,400	Extremely Low	30800	35200	39600	44000	47550	51050	54600	58100
	Very Low Income	51350	58650	66000	73300	79200	85050	90900	96800
	Low Income	82200	93950	105700	117400	126800	136200	145600	155000
	Median Income	82900	94700	106550	118400	127850	137350	146800	156300
	Moderate Income	99450	113700	127900	142100	153450	164850	176200	187550
Mariposa County 4-Person Area Median Income: \$65,500	Extremely Low	13800	16460	20780	25100	29420	33740	38060	42380
	Very Low Income	22950	26200	29500	32750	35400	38000	40650	43250
	Low Income	36700	41950	47200	52400	56600	60800	65000	69200
	Median Income	45850	52400	58950	65500	70750	76000	81200	86450
	Moderate Income	55000	62900	70750	78600	84900	91200	97450	103750
Mendocino County 4-Person Area Median Income: \$60,600	Extremely Low	12800	16460	20780	25100	29420	33740	37600	40200
	Very Low Income	21350	24400	27450	30450	32900	35350	37800	40200
	Low Income	34100	39000	43850	48700	52600	56500	60400	64300
	Median Income	42400	48500	54550	60600	65450	70300	75150	80000
	Moderate Income	50900	58150	65450	72700	78500	84350	90150	95950
Merced County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900

Section 6932. 2018 Income Limits

County	Income Category	Number of Persons in Household							
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Last page instructs how to use income limits to determine applicant eligibility and calculate affordable housing cost and rent									
Modoc County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900
Mono County 4-Person Area Median Income: \$81,200	Extremely Low	17050	19500	21950	25100	29420	33740	38060	42380
	Very Low Income	28450	32500	36550	40600	43850	47100	50350	53600
	Low Income	44750	51150	57550	63900	69050	74150	79250	84350
	Median Income	56850	64950	73100	81200	87700	94200	100700	107200
	Moderate Income	68200	77950	87700	97450	105250	113050	120850	128650
Monterey County 4-Person Area Median Income: \$69,100	Extremely Low	17550	20050	22550	25100	29420	33740	38060	42380
	Very Low Income	29250	33400	37600	41750	45100	48450	51800	55150
	Low Income	46800	53450	60150	66800	72150	77500	82850	88200
	Median Income	48350	55300	62200	69100	74650	80150	85700	91200
	Moderate Income	58050	66300	74600	82900	89550	96150	102800	109450
Napa County 4-Person Area Median Income: \$91,000	Extremely Low	19600	22400	25200	27950	30200	33740	38060	42380
	Very Low Income	32600	37250	41900	46550	50300	54000	57750	61450
	Low Income	52150	59600	67050	74500	80500	86450	92400	98350
	Median Income	63700	72800	81900	91000	98300	105550	112850	120100
	Moderate Income	76450	87350	98300	109200	117950	126650	135400	144150
Nevada County 4-Person Area Median Income: \$73,500	Extremely Low	16100	18400	20780	25100	29420	33740	38060	42380
	Very Low Income	26850	30700	34550	38350	41450	44500	47600	50650
	Low Income	42950	49050	55200	61300	66250	71150	76050	80950
	Median Income	51450	58800	66150	73500	79400	85250	91150	97000
	Moderate Income	61750	70550	79400	88200	95250	102300	109350	116400
Orange County 4-Person Area Median Income: \$92,700	Extremely Low	23000	26250	29550	32800	35450	38050	40700	43300
	Very Low Income	38300	43750	49200	54650	59050	63400	67800	72150
	Low Income	61250	70000	78750	87450	94450	101450	108450	115450
	Median Income	64900	74150	83450	92700	100100	107550	114950	122350
	Moderate Income	77900	89000	100150	111250	120150	129050	137950	146850
Placer County 4-Person Area Median Income: \$80,100	Extremely Low	16850	19250	21650	25100	29420	33740	38060	42380
	Very Low Income	28050	32050	36050	40050	43300	46500	49700	52900
	Low Income	44900	51300	57700	64100	69250	74400	79500	84650
	Median Income	56050	64100	72100	80100	86500	92900	99300	105750
	Moderate Income	67250	76900	86500	96100	103800	111500	119150	126850
Plumas County 4-Person Area Median Income: \$63,300	Extremely Low	13300	16460	20780	25100	29420	33740	38060	41800
	Very Low Income	22200	25350	28500	31650	34200	36750	39250	41800
	Low Income	35500	40550	45600	50650	54750	58800	62850	66900
	Median Income	44300	50650	56950	63300	68350	73450	78500	83550
	Moderate Income	53150	60750	68350	75950	82050	88100	94200	100250

Section 6932. 2018 Income Limits

County	Income Category	Number of Persons in Household							
		1	2	3	4	5	6	7	8
Last page instructs how to use income limits to determine applicant eligibility and calculate affordable housing cost and rent									
Riverside County 4-Person Area Median Income: \$65,800	Extremely Low	14150	16460	20780	25100	29420	33740	38060	42380
	Very Low Income	23600	27000	30350	33700	36400	39100	41800	44500
	Low Income	37750	43150	48550	53900	58250	62550	66850	71150
	Median Income	46050	52650	59200	65800	71050	76350	81600	86850
	Moderate Income	55250	63150	71050	78950	85250	91600	97900	104200
Sacramento County 4-Person Area Median Income: \$80,100	Extremely Low	16850	19250	21650	25100	29420	33740	38060	42380
	Very Low Income	28050	32050	36050	40050	43300	46500	49700	52900
	Low Income	44900	51300	57700	64100	69250	74400	79500	84650
	Median Income	56050	64100	72100	80100	86500	92900	99300	105750
	Moderate Income	67250	76900	86500	96100	103800	111500	119150	126850
San Benito County 4-Person Area Median Income: \$81,100	Extremely Low	19600	22400	25200	27950	30200	33740	38060	42380
	Very Low Income	32600	37250	41900	46550	50300	54000	57750	61450
	Low Income	52200	59650	67100	74550	80550	86500	92450	98450
	Median Income	56750	64900	73000	81100	87600	94100	100550	107050
	Moderate Income	68100	77850	87550	97300	105100	112850	120650	128450
San Bernardino County 4-Person Area Median Income: \$65,800	Extremely Low	14150	16460	20780	25100	29420	33740	38060	42380
	Very Low Income	23600	27000	30350	33700	36400	39100	41800	44500
	Low Income	37750	43150	48550	53900	58250	62550	66850	71150
	Median Income	46050	52650	59200	65800	71050	76350	81600	86850
	Moderate Income	55250	63150	71050	78950	85250	91600	97900	104200
San Diego County 4-Person Area Median Income: \$81,800	Extremely Low	20450	23400	26300	29200	31550	33900	38060	42380
	Very Low Income	34100	38950	43800	48650	52550	56450	60350	64250
	Low Income	54500	62300	70100	77850	84100	90350	96550	102800
	Median Income	57250	65450	73600	81800	88350	94900	101450	108000
	Moderate Income	68700	78500	88350	98150	106000	113850	121700	129550
San Francisco County 4-Person Area Median Income: \$118,400	Extremely Low	30800	35200	39600	44000	47550	51050	54600	58100
	Very Low Income	51350	58650	66000	73300	79200	85050	90900	96800
	Low Income	82200	93950	105700	117400	126800	136200	145600	155000
	Median Income	82900	94700	106550	118400	127850	137350	146800	156300
	Moderate Income	99450	113700	127900	142100	153450	164850	176200	187550
San Joaquin County 4-Person Area Median Income: \$66,300	Extremely Low	13950	16460	20780	25100	29420	33740	38060	42050
	Very Low Income	23250	26550	29850	33150	35850	38500	41150	43800
	Low Income	37150	42450	47750	53050	57300	61550	65800	70050
	Median Income	46400	53050	59650	66300	71600	76900	82200	87500
	Moderate Income	55700	63650	71600	79550	85900	92300	98650	105000
San Luis Obispo County 4-Person Area Median Income: \$83,200	Extremely Low	17500	20000	22500	25100	29420	33740	38060	42380
	Very Low Income	29150	33300	37450	41600	44950	48300	51600	54950
	Low Income	46600	53250	59900	66550	71900	77200	82550	87850
	Median Income	58250	66550	74900	83200	89850	96500	103150	109800
	Moderate Income	69900	79900	89850	99850	107850	115850	123800	131800

Section 6932. 2018 Income Limits

County	Income Category	Number of Persons in Household							
		1	2	3	4	5	6	7	8
Last page instructs how to use income limits to determine applicant eligibility and calculate affordable housing cost and rent									
San Mateo County 4-Person Area Median Income: \$118,400	Extremely Low	30800	35200	39600	44000	47550	51050	54600	58100
	Very Low Income	51350	58650	66000	73300	79200	85050	90900	96800
	Low Income	82200	93950	105700	117400	126800	136200	145600	155000
	Median Income	82900	94700	106550	118400	127850	137350	146800	156300
	Moderate Income	99450	113700	127900	142100	153450	164850	176200	187550
Santa Barbara County 4-Person Area Median Income: \$79,600	Extremely Low	21100	24100	27100	30100	32550	34950	38060	42380
	Very Low Income	35150	40150	45150	50150	54200	58200	62200	66200
	Low Income	56250	64250	72300	80300	86750	93150	99600	106000
	Median Income	55700	63700	71650	79600	85950	92350	98700	105050
	Moderate Income	66850	76400	85950	95500	103150	110800	118400	126050
Santa Clara County 4-Person Area Median Income: \$125,200	Extremely Low	27950	31950	35950	39900	43100	46300	49500	52700
	Very Low Income	46550	53200	59850	66500	71850	77150	82500	87800
	Low Income	66150	75600	85050	94450	102050	109600	117150	124700
	Median Income	87650	100150	112700	125200	135200	145250	155250	165250
	Moderate Income	105200	120200	135250	150250	162250	174300	186300	198350
Santa Cruz County 4-Person Area Median Income: \$87,000	Extremely Low	23450	26800	30150	33500	36200	38900	41550	44250
	Very Low Income	39100	44650	50250	55800	60300	64750	69200	73700
	Low Income	62650	71600	80550	89450	96650	103800	110950	118100
	Median Income	60900	69600	78300	87000	93950	100900	107900	114850
	Moderate Income	73100	83500	93950	104400	112750	121100	129450	137800
Shasta County 4-Person Area Median Income: \$61,800	Extremely Low	13000	16460	20780	25100	29420	33740	38060	40800
	Very Low Income	21650	24750	27850	30900	33400	35850	38350	40800
	Low Income	34650	39600	44550	49450	53450	57400	61350	65300
	Median Income	43250	49450	55600	61800	66750	71700	76650	81600
	Moderate Income	51900	59300	66750	74150	80100	86000	91950	97900
Sierra County 4-Person Area Median Income: \$71,800	Extremely Low	14800	16900	20780	25100	29420	33740	38060	42380
	Very Low Income	24650	28150	31650	35150	38000	40800	43600	46400
	Low Income	39400	45000	50650	56250	60750	65250	69750	74250
	Median Income	50250	57450	64600	71800	77550	83300	89050	94800
	Moderate Income	60300	68900	77550	86150	93050	99950	106850	113700
Siskiyou County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900
Solano County 4-Person Area Median Income: \$83,700	Extremely Low	17600	20100	22600	25100	29420	33740	38060	42380
	Very Low Income	29300	33500	37700	41850	45200	48550	51900	55250
	Low Income	46900	53600	60300	66950	72350	77700	83050	88400
	Median Income	58600	66950	75350	83700	90400	97100	103800	110500
	Moderate Income	70300	80350	90400	100450	108500	116500	124550	132600

Section 6932. 2018 Income Limits

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		1	2	3	4	5	6	7	8
Last page instructs how to use income limits to determine applicant eligibility and calculate affordable housing cost and rent									
Sonoma County 4-Person Area Median Income: \$84,100	Extremely Low	20650	23600	26550	29450	31850	34200	38060	42380
	Very Low Income	34400	39300	44200	49100	53050	57000	60900	64850
	Low Income	55000	62850	70700	78550	84850	91150	97450	103700
	Median Income	58850	67300	75700	84100	90850	97550	104300	111000
	Moderate Income	70650	80700	90800	100900	108950	117050	125100	133200
Stanislaus County 4-Person Area Median Income: \$62,000	Extremely Low	13050	16460	20780	25100	29420	33740	37650	40100
	Very Low Income	21700	24800	27900	31000	33500	36000	38450	40950
	Low Income	34750	39700	44650	49600	53600	57550	61550	65500
	Median Income	43400	49600	55800	62000	66950	71900	76900	81850
	Moderate Income	52100	59500	66950	74400	80350	86300	92250	98200
Sutter County 4-Person Area Median Income: \$60,000	Extremely Low	12600	16460	20780	25100	29420	33740	37200	39600
	Very Low Income	21000	24000	27000	30000	32400	34800	37200	39600
	Low Income	33600	38400	43200	48000	51850	55700	59550	63400
	Median Income	42000	48000	54000	60000	64800	69600	74400	79200
	Moderate Income	50400	57600	64800	72000	77750	83500	89300	95050
Tehama County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900
Trinity County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900
Tulare County 4-Person Area Median Income: \$59,900	Extremely Low	12600	16460	20780	25100	29420	33740	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	Median Income	41950	47900	53900	59900	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900
Tuolumne County 4-Person Area Median Income: \$66,700	Extremely Low	13950	16460	20780	25100	29420	33740	38060	41750
	Very Low Income	23250	26600	29900	33200	35900	38550	41200	43850
	Low Income	37200	42500	47800	53100	57350	61600	65850	70100
	Median Income	46700	53350	60050	66700	72050	77350	82700	88050
	Moderate Income	56050	64050	72050	80050	86450	92850	99250	105650
Ventura County 4-Person Area Median Income: \$96,000	Extremely Low	21300	24350	27400	30400	32850	35300	38060	42380
	Very Low Income	35500	40600	45650	50700	54800	58850	62900	66950
	Low Income	56800	64900	73000	81100	87600	94100	100600	107100
	Median Income	67200	76800	86400	96000	103700	111350	119050	126700
	Moderate Income	80650	92150	103700	115200	124400	133650	142850	152050

Section 6932. 2018 Income Limits

County	Income Category	Number of Persons in Household							
		1	2	3	4	5	6	7	8
Last page instructs how to use income limits to determine applicant eligibility and calculate affordable housing cost and rent									

Yolo County 4-Person Area Median Income: \$85,100	Extremely Low	17500	20000	22500	25100	29420	33740	38060	42380
	Very Low Income	29150	33300	37450	41600	44950	48300	51600	54950
	Low Income	46600	53250	59900	66550	71900	77200	82550	87850
	Median Income	59550	68100	76600	85100	91900	98700	105500	112350
	Moderate Income	71450	81700	91900	102100	110250	118450	126600	134750

Yuba County 4-Person Area Median Income: \$60,000	Extremely Low	12600	16460	20780	25100	29420	33740	37200	39600
	Very Low Income	21000	24000	27000	30000	32400	34800	37200	39600
	Low Income	33600	38400	43200	48000	51850	55700	59550	63400
	Median Income	42000	48000	54000	60000	64800	69600	74400	79200
	Moderate Income	50400	57600	64800	72000	77750	83500	89300	95050

Instructions:**Eligibility Determination:**

Use household size income category figures in this chart. Determine eligibility based on actual number of persons in household and total of gross income for all persons.

Determination of Income Limit for Households Larger than Eight Persons:

Per person (PP) adjustment above 8: (1) multiply 4-person income limit by eight percent (8%), (2) multiply result by number of persons in excess of eight, (3) add the amount to the 8-person income limit, and (4) round to the nearest \$50.

Yuba County				
E X A M P L E	4 persons	8% PP Adj	+ 8 persons	=9 persons
Extremely Low	25,100	2008	39,550	41,550
Very Low Income	30,000	2400	39,550	41,950
Lower Income	48,000	3840	63,250	67,100
Moderate Income	72,000	5760	94,900	100,650

8 person +	8% Adj x 2	=10 persons
39,550	4016	43,550
39,550	4800	44,350
63,250	7680	70,950
94,900	11520	106,400

Calculation of Housing Cost and Rent:

Refer to Health & Safety Code Sections 50052.5 and 50053. Use benchmark household size and multiply against applicable percentages defined in H&SC using Area Median Income identified in this chart.

Determination of Household Size:

For projects with no federal assistance, household size is set at number of bedrooms in unit plus one.

For projects with federal assistance, household size may be set by multiplying 1.5 against the number of bedrooms in unit.

HUD Income Limits release: 4/1/2018

HUD FY 2017 California median incomes:

State median income: \$77,500

Metropolitan county median income: \$78,200

Non-metropolitan county median income: \$59,700



CITY OF HAYWARD

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

File #: PH 18-037

DATE: May 22, 2018

TO: Mayor and City Council

FROM: Interim Director of Development Services

SUBJECT

Adoption of a Resolution Associated with a Proposed Planned Development Rezone, Vesting Tentative Tract Map, Site Plan Review, and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program to Allow 18 Detached Single-Family Residences with Related Site Improvements. Application No. 201706285; Tony Dutra (Applicant) on behalf of Dutra Enterprises (Owner).

RECOMMENDATION

That the City Council adopts the attached Resolution (Attachment II), approving the Planned Development (PD) Rezone with Tentative Tract Map No. 8432 and Site Plan Review Application No. 201706285, and adopting the related Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the proposed development.

SUMMARY

The applicant is requesting approval of a Planned Development (PD) Rezone, Vesting Tentative Tract Map No. 8432, and Site Plan Review Application No. 201706285, and the adoption of a Mitigated Negative Declaration (MND) with a Mitigation and Monitoring Reporting Program (MMRP) to subdivide two existing parcels totaling 1.7 acres into 21 parcels to allow the construction of 18 single-family residences with common open space areas and a private street at 25941 Gading Road (APNs 454-0020-062-02 & 454-0020-069-00).

Per Sections 10-1.2540 and 10-1.2545 of the Hayward Municipal Code (HMC), a PD Rezone requires recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission reviewed this project application on May 10, 2018 and recommended approval of the proposed project.

An Initial Study was prepared for this project with the finding that an MND was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures. A copy of the Initial Study and MND with the MMRP are included as Attachments V

and VI.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Planning Commission Meeting Minutes
Attachment IV	Project Plans
Attachment V	Initial Study/Mitigated Negative Declaration and Appendices
Attachment VI	Mitigation Monitoring and Reporting Program
Attachment VII	MND Response to Comments Memorandum



DATE: May 22, 2018

TO: Mayor and City Council

FROM: Interim Development Services Director

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An Initial Study was prepared for this project with the finding that an MND was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures. A copy of the Initial Study and MND with the MMRP are included as Attachments V and VI.

BACKGROUND

The 0.9-acre northern parcel was previously developed with two single-family residences, each with a detached garage. All structures were demolished after the approval of a demolition permit in August 2017 in preparation for the proposed development. The southern parcel has long been undeveloped. The 0.8-acre southern parcel was rezoned from RS District to PD District in 1998 to allow the subdivision of the site into four lots and develop each lot with a two-story, single-family home. However, the approved development was not constructed. Staff received the current application on October 31, 2017 and following review and input, the original proposal has since been revised to include the following: 1) enhanced street side elevations for corner lots; 2) additional articulation on the side and rear elevations; and 3) a more varied color palette.

Planning Commission. On May 10, 2018, the Planning Commission held a public hearing and voted 5:1 to recommend approval of the project to the City Council (Attachment III). Two members of the public spoke at the hearing. Mr. Schmitz expressed concerns with the height of the new homes adjacent to his property (Lots 7-9) and its potential impact on his rooftop solar panels and views. He also expressed concerns regarding the removal of trees and potential impacts to birds. Mr. Oquenda expressed that there is an opportunity for this project to incorporate higher density and multifamily housing. The Planning Commission expressed concern with the lack of on-site affordable housing units, removal of trees, and height of the new homes adjacent to the existing homes to the west (Lots 7-9) but expressed support for the overall design and layout of the project and its appropriateness for the site as an in-fill development.

DISCUSSION

Existing Conditions. The 1.7-acre project site consists of two parcels, which are currently undeveloped and generally flat. There are 49 trees protected by the City's Tree Preservation Ordinance on site and six protected trees that are off-site but have canopies encroaching onto the site. The site is located in the Harder-Tennyson neighborhood, which is characterized by single-family and multi-family suburban residential development and a mix of one- and two-story commercial buildings. The site is bordered by medical offices and multi-family residential development to the north, single-family residential development to the east and west, and multi-family residential development to the south. The northern parcel is zoned RS District and the southern parcel is zoned PD District. Both parcels are designated as MDR (Medium Density Residential) in the Hayward 2040 General Plan.

Project Overview. The project requires a rezoning and subdivision of two existing parcels into 21 parcels to allow the construction of 18 single-family residences with common open space areas and a private street that provides vehicular access from Gading Road. A zone change from the existing RS District and PD District to a new PD District is required to allow for exceptions to the development standards for single-family homes related to lot size, lot coverage, and setbacks. More detail regarding the requested exceptions is provided later in this report in Table 1. The proposed lots range in size between 2,657 and 3,206 square feet. The project will also include numerous frontage and site improvements including on-site

water and sewer utilities, a new private street, new landscaping, and reconstruction and repair of existing road and sidewalks along Gading Road.

Building Architecture. The development includes three plan types, two of which provide 3-bedroom, 2.5-bathroom units and one of which provides 4-bedroom, 3-bathroom units. The homes range in size between 1,638 and 1,956 square feet. Each new home will be two stories, with maximum heights between 24 feet and 25 feet, 7 inches. Three architectural styles of the homes consist of variations of Spanish Colonial Revival architecture with stucco walls and concrete tile roofs. The proposed building colors consist of shades of tan with darker contrasting trim and accent colors. Architectural details include stone veneer, arches, detailed garage doors, front porches, exterior shutters, and sill treatments.

Parking and Circulation. Each home will contain a two-car garage and a driveway that could accommodate two additional vehicles. A 24-foot-wide private street from Gading Road is proposed to provide vehicular access to the site. The private street, which will be maintained by the HOA, provides seven street parking spaces for guests and ends in a hammerhead configuration to provide adequate turnaround space for fire apparatus. The project includes the replacement of the sidewalk on the project frontage along Gading Road. The project also includes a 5-foot-wide sidewalk on one side of the private street to provide direct pedestrian access to Gading Road.

Landscaping and Open Space. The project proposes to plant 20 new trees throughout the project site and a varied palette of shrubs and groundcover in the common open space area and front yards of the homes. The common open space area will be 2,330 square feet in size and located in the rear of the site at the end of the private street. The common open space area will be improved with landscaping and provide an outdoor seating area. Each home will also have a private yard. All proposed landscaping and irrigation will meet the City's landscape water efficiency standards. Additionally, the project will treat storm water run-off on-site with five new bioretention treatment areas.

Tree Removals. The project requires the removal of 81 trees, 47 of which are protected by the City's Tree Preservation Ordinance. The City's Tree Preservation Ordinance requires mitigation equal in value to the total appraised value of all protected trees to be removed through replacement trees or alternative forms of mitigation acceptable to the City Landscape Architect. The project proposes mitigation in the form of 20 larger replacement trees, larger shrubs, and permeable paving. The City Landscape Architect will review the final landscape plan to confirm that the proposed mitigation cost matches or exceeds the appraised value of the removed trees prior to the issuance of a building permit.

PD Amenities. As noted earlier, the project requires a PD Rezone to provide flexibility in the site layout and to allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. Any requested exceptions to development regulations or policies must be adequately offset or compensated for by providing amenities not otherwise required or exceeding required development standards. As such, the project proposes the following amenities:

- Rooftop solar panels on each home;

- A bedroom suite on the first floor of six homes to allow for aging in place and multi-generational lifestyles; and
- 2,330 square feet of common open space area, which is typically not provided or required for detached single-family home developments.

Homeowners Association: As part of the standard conditions of approval, the project is required to form a new Homeowners' Association (HOA) with required Covenants, Conditions and Restrictions (CC&Rs) to ensure the future homeowners will be responsible for maintaining all the project components, including the private street, street lights, utilities, and other privately owned common areas and facilities on the site, including the bio-retention areas, landscaped areas, preservation and replacement of trees, and decorative paving. The CC&Rs will also contain a standard condition that if the HOA fails to maintain the common areas, private streets, lights and utilities, the City of Hayward will have the right to enter the subdivision and perform the necessary work to maintain these areas and special assessment and/or lien the properties for their proportionate share of the costs as described in Attachment II. Also, staff is recommending that the CC&Rs require that at least 75 percent of the units be owner-occupied, which will be enforced by the HOA.

Utilities and Street Improvements. The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within the new public utility easement within the project site and connect to the existing utilities on Gading Road. As previously discussed, the project will be served by a new private street. While the existing roadway is sufficient to accommodate the additional traffic generated from the project, frontage improvements will be required, including the reconstruction and repair of the existing road and sidewalks along Gading Road to meet the City's street standards.

Hayward 2040 General Plan. The project site is designated MDR, which allows for a residential density range of 8.7 to 17.4 dwelling units per net acre, in the Hayward 2040 General Plan. Properties with the MDR land use designation are typically characterized by suburban and urban areas that contain a mix of housing types. The project is consistent with the Hayward 2040 General Plan in that it is a single-family residential development with a density of approximately 15.3 dwelling units per net acre, which is within the allowable density range. The project is also consistent with applicable General Plan policies in that it will increase the housing inventory for the City of Hayward, is located close to services and amenities, and is considered an in-fill development that will result in a more complete neighborhood. The project's consistency with the Hayward 2040 General Plan and its specific goals and policies is discussed in greater detail in the project findings (Attachment II).

Zoning Ordinance. As mentioned earlier, the northern parcel is zoned RS District and the southern parcel is zoned PD District. The project proposes to rezone both parcels to a new PD District to allow for exceptions to the lot size, lot coverage, and setback requirements that are required of the RS District. As proposed, the project is proposing modified development standards related to lot size, lot width, lot coverage, and building setbacks for the front, side and rear yards. The subject parcels are narrow and deep, which limits the number of dwelling units the project site can accommodate under the typical single-family residential

development standards. As such, these modified standards are necessary to allow the project to provide more dwelling units and still comply with the maximum allowable density in the Hayward 2040 General Plan. PD Districts are also subject to the development standards of the zoning district most similar to the proposed use, which is the RS (Single-Family Residential) District in this case. The project will meet the applicable development standards of the RS District related to building height, lot frontage, and off-street parking as shown below.

Table 1

Development Standard	HMC Requirement	Proposed Project
Min. Lot Size	5,000 sq. ft.	2,657 sq. ft. ¹
Min. Lot Frontage	35 ft.	40 ft.
Min. Average Lot Width	50 ft. (interior) / 60 ft. (corner)	40 ft. ¹
Min. Average Lot Depth	80 ft.	65 sq. ft. ¹
Max. Lot Coverage	40%	47% ¹
Min. Front Yard Setback	20 ft.	18 ft. ¹
Min. Side Yard Setback	5 ft. or 10% of lot width (10 ft. max.)	4 ft. ¹
Min. Side Street Yard Setback	10 ft.	5 ft. ¹
Min. Rear Yard Setback	20 ft.	10 ft. ¹
Max. Building Height	30 ft.	25 ft. 7 in.
Min. Off-Street Parking Req.	36 enclosed spaces	36 enclosed spaces

1. The PD Rezone is required to allow for an exception to this development standard.

Vesting Tentative Map. The project proposes to create a total of 21 new parcels, including 18 single-family parcels, and three common parcels containing open space or bioretention areas. Pursuant to Section 10-3.010 of the Hayward Municipal Code (HMC), the purpose of the Subdivision Ordinance is to ensure that all proposed subdivisions are consistent with the procedures, policies, and programs of the Hayward 2040 General Plan, underlying zoning district, and Subdivision Map Act. Per Section 10-3.150 of the HMC, the following Vesting Tentative Tract Map findings are required for the project:

- The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;
- The proposed subdivision meets the requirements of the City Zoning Ordinance; and
- No approval of variances or other exceptions are required for the approval of the subdivision.

If approved, the applicant may submit a Final Map and improvement plans to the City for review. The City Engineer must determine that the Final Map and improvement plans are in substantial compliance with the approved Vesting Tentative Tract Map prior to approving the Tract Map. Prior to approval of the Tract Map, the developer shall enter into a Subdivision Agreement and post bonds with the City at which time the map can be recorded with the Alameda County Recorder's Office and construction activities can commence. In accordance with HMC Section 10-3.246, approval of this Vesting Tentative Tract Map shall expire 36 months after the effective date of approval subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act. A copy of the Vesting Tentative Tract Map is included within the Project Plans (Attachment IV).

PD Rezone. Pursuant to Section 10-1.2505 of the HMC, the purpose of the PD District is to facilitate development of land in an innovative fashion to allow for flexibility in site design and to encourage development that is sensitive to environmental and site-specific considerations. Any requested exceptions to development regulations or policies must be adequately offset or compensated for by providing amenities not otherwise required or exceeding required development standards. Per Section 10-1.2535 of the HMC, the following PD Rezone findings are required for the project:

- The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies;
- Streets and utilities, existing or proposed, are adequate to serve the development;
- In the case of a residential development, that the development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development;
- In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development;
- In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule; and
- Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

Site Plan Review. Pursuant to Section 10-1.3005 of the HMC, the purpose of the Site Plan Review is to foster development that complies with the intent of City development policies and regulations and is operated in a manner determined to be acceptable and compatible with surrounding development. Per Section 10-1.3025 of the HMC, the following Site Plan Review findings are required for the project:

- The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;
- The development takes into consideration physical and environmental constraints;
- The development complies with the intent of City development policies and regulations; and
- The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

Staff has provided a more detailed analysis for the required Vesting Tentative Map, PD Rezone, and Site Plan Review findings in Attachment II.

Affordable Housing Ordinance. The project is subject to the City's Affordable Housing Ordinance (AHO), which allows residential development projects to pay an affordable housing in-lieu fee instead of providing affordable units on site. The in-lieu fee for single-family residential projects providing 10 or more units is \$18.18 per square foot of habitable space if paid prior to issuance of a building permit or \$20 per square foot of habitable space if paid prior to approval of a certificate of occupancy. The applicant has decided to pay the affordable housing in-lieu fee.

Staff Analysis. As referenced above and pursuant to the required findings for a Tentative Tract Map, PD Rezone, and Site Plan Review included in Attachment II, staff believes the project complies with the intent of City development policies and regulations, including the Hayward 2040 General Plan, Zoning Ordinance, and Subdivision Ordinance. The project also supports several of the City's Strategic Initiatives. Staff's analysis regarding the key features of the project is discussed below.

Land Use Compatibility. The project would be compatible with the land uses and developmental pattern of the existing neighborhood, which consists of a mix of housing types. Although the project proposes lots smaller than the other single-family developments nearby, there are multifamily developments in the vicinity that contain a higher density. The project would complement the mix of housing types in the neighborhood and be consistent with surrounding land use densities. Furthermore, the new homes would be compatible in size and scale with other single-family homes nearby.

Building Architecture. Overall, the homes are attractively designed and compatible with the existing character of the neighborhood. The development provides three plan types and three architectural styles with varied building colors and materials to provide a diverse and interesting street scene. The building facades are articulated to provide visual interest from all sides of the homes, especially the front elevations, which incorporate recesses and projections through windows with sill treatments and shutters, front entry porches, stone veneer, and breaks in the building mass. Furthermore, the location of the garages on the street is minimized through enhanced trellises placed above the garages and the garage doors containing windows with enhanced designs.

Vehicular and Pedestrian Circulation. The project will be well-integrated into the existing neighborhood. The private street and sidewalk provide vehicular and pedestrian access to each home from Gading Road, which is a public street. The new private street will be designed to meet the City's public street standards and will provide adequate circulation throughout the development and from Gading Road. The project also provides driveways and street parking within the private street to accommodate the vehicles of guests and minimize street parking on Gading Road.

PD Amenities. Staff believes the project amenities adequately offset the requested exceptions. The rooftop solar panels result in a more environmentally-sensitive development and the multigenerational-friendly floor plan allows the homes to accommodate a more diverse population. The additional group open space, which will be maintained by a

homeowner's association, will provide the future residents with a usable outdoor space for recreation and public interaction, which is unique to this single-family development.

Additionally, staff believes the project is well-designed and appropriate for the neighborhood. The project is considered an in-fill development and will replace a vacant and underutilized site with attractive homes to complement the existing neighborhood.

Environmental Review. Pursuant to CEQA Guidelines Section 15220, an Initial Study was prepared by Rincon Consultants on behalf of the City of Hayward (Lead Agency) for this project with the finding that a Mitigated Negative Declaration (MND) was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures. The Initial Study found that the project would result in potential impacts to Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources. With mitigation, any potential impacts would be reduced to a level of less than significant.

A Notice of Intent (NOI) to adopt the MND with the Mitigation and Monitoring Reporting Plan (MMRP) was filed with the Alameda County Clerk on April 6, 2018. The NOI and MND were posted at City Hall and delivered to the Hayward libraries, and copies of the NOI were sent to interested parties and property owners within 300 feet of the project site on April 6, 2018. The public comment period for the MND expired on April 26, 2018 and the City did not receive any public comments.

However, as part of the formal consultation process established by California Assembly Bill 52 (AB 52), the Ione Band of Miwok Indians provided written comments outlining a treatment plan for the project. These comments have been addressed and incorporated into the MND Response to Comments Memorandum through minor modifications to the recommended mitigation measures. The modifications do not change the impact analysis, or the level of mitigation required to reduce possible impacts to a level of less than significant. The Initial Study and MMRP have been updated to reflect these modifications. A copy of the MND, MMRP, and MND Response to Comments Memorandum are attached to this report for the Commission's review and consideration (Attachments V, VI, and VII). The MND, MMRP, and MND Response to Comments Memorandum should be considered together as part of the complete CEQA document.

ECONOMIC IMPACT

The proposed project would result in the development of a currently vacant lot in an existing residential neighborhood. The proposed development would not require the expansion of public utilities or services and is not expected to have a negative impact on the City regarding public utilities or public services. Furthermore, the project would result in new residents moving into Hayward, which should generate demand for goods and services, thereby providing stimulus for new or existing jobs in the City's economy.

FISCAL IMPACT

According to the City of Hayward Fiscal Impact Model (2017) prepared by Applied Development Economics, Inc., the project would generate an estimated \$43,959 in annual revenue from property and utility user taxes and approximately \$42,788 in annual costs related to City services, resulting in a net positive impact of approximately \$1,171 per year.

STRATEGIC INITIATIVES

The project supports several of the City's Strategic Initiatives, including Complete Communities and Complete Streets. The purpose of the Complete Communities initiative is to create and support services and amenities that provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. The purpose of the Complete Streets Strategic Initiative is to build streets that are safe, comfortable, and convenient for travel for everyone, regardless of age or ability, including motorists, pedestrians, bicyclists, and public transportation riders. The project, as proposed, will create new housing opportunities that provide a mix of housing in the City and will require the construction of a new private street that will be designed to accommodate vehicles and pedestrians. The project supports the following Strategic Initiative goals and objectives that were established by the City Council:

Complete Communities

- Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.
 - Objective 4: Create resilient and sustainable neighborhoods.
- Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.
 - Objective 2: Facilitate the development of diverse housing types that serve the needs of all populations.

Complete Streets

- Goal 1: Prioritize safety for all modes of travel.
 - Objective 3: Ensure that roadway construction and retrofit programs and projects include complete streets elements.

SUSTAINABILITY FEATURES

As mentioned earlier, the project will provide rooftop solar panels on each home. The project is also required to meet CALGreen and 2016 California Energy Code standards for energy efficiency and will meet the City's requirements with respect to water efficient landscaping. Additionally, the project will comply with the City standards for recycling of waste during construction and operation and will comply with the Municipal Regional Stormwater requirements for storm water runoff prevention and treatment.

PUBLIC CONTACT

Public Outreach. Following receipt of application, staff conducted the following public outreach:

- On November 13, 2017, a Notice of Receipt of Application was sent to all property owners and interested stakeholders within 300 feet of the subject property.
- On April 6, 2018, a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) was posted at City Hall, the Alameda County Clerk's Office and delivered to the Hayward libraries. Copies of the NOI were also sent to interested parties and property owners within 300 feet of the project site and posted in the newspaper. Following the posting of the NOI, the City has not received any public comments.
- On April 26, 2018, a Notice of Public Hearing was published in the Daily Review newspaper and sent to all property owners and interested stakeholders within 300 feet of the subject property. To date, staff has not received any comments from the public regarding the project.

NEXT STEPS

If the project is approved by the City Council, the applicant may proceed with submitting a Precise Development Plan, Final Tract Map and improvement plans to the City for review. The City Engineer must find that the Final Map and site improvement plans are in substantial compliance with the approved Vesting Tentative Tract Map and recommend to the City Council for approval and recordation with the Alameda County Recorder's Office. Once the Precise Plan, Final Map and improvement plans are approved by the City, the applicant may then proceed with obtaining building permits.

Prepared by: Jay Lee, Associate Planner

Recommended by: Stacey Bristow, Interim Director of Development Services

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Councilmember _____

RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING THE PLANNED DEVELOPMENT REZONE WITH TENTATIVE TRACT MAP AND SITE PLAN REVIEW PERTAINING TO CONSTRUCTION OF 18 NEW SINGLE-FAMILY RESIDENCES AT 25941 GADING ROAD

WHEREAS, on October 31, 2017, Tony Dutra (Applicant) submitted a Planned Development Rezone, Vesting Tentative Tract Map No. 8432, and Site Plan Review Application No. 201706285 to subdivide two existing parcels totaling 1.7 acres into 21 parcels to allow the construction of 18 single-family residences with common open space areas and a private street at 25941 Gading Road (APNs 454-0020-062-02 & 454-0020-069-00); and

WHEREAS, an Initial Study and Mitigated Negative Declaration were prepared to assess the potential environmental impacts of the Project; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on May 10, 2018, and recommended that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approve the Planned Development Rezone with Tentative Tract Map No. 8432 and Site Plan Review Application No. 201706285; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on May 22, 2018.

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

VESTING TENTATIVE TRACT MAP FINDINGS

Pursuant to Section 10-3.150 of the Hayward Municipal Code (HMC), the City Council may conditionally approve a Vesting Tentative Tract Map application when all the following findings are met:

- A. The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;
The project is proposing a density of approximately 15.3 dwelling units per net acre, which is consistent with the Hayward 2040 General Plan land use designation of

Medium Density Residential (MDR), which allows for a density range of 8.7 to 17.4 dwelling units per net acre. The MDR land use designation allows for a mix of housing types including detached, single-family homes. Anticipated future changes include additional residential development, building and landscaping improvements, and neighborhood enhancements that create more complete, walkable, and sustainable neighborhoods. The project is considered an in-fill development, which will increase the housing inventory for the City of Hayward and result in a more complete neighborhood. The project is also consistent with the following General Plan policies:

- H-3.1 Diversity of Housing Types: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.

The project will subdivide an existing parcel into 21 lots and allow for 18 new single-family homes, which provide additional single-family housing opportunities in the City.

- 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.

The project is located in an established neighborhood near Southland Mall and two commercial corridors along Mission Boulevard and Jackson Street. Furthermore, recreational facilities such as the Eden Greenway and Sorensdale Park and educational facilities such as Tennyson High School and Glassbrook Elementary School are nearby.

- Land Use Policy LU-1.3 Growth and Infill Development: The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.

The project is surrounded by other single-family homes and multi-family residential developments, and is considered an in-fill project, which is appropriate for new housing development.

In addition, the project is not located within any specific plan area but is located within the Harder-Tennyson Neighborhood Plan area and is consistent with those relevant policies. Therefore, the proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans.

B. The proposed subdivision meets the requirements of the City Zoning Ordinance; and

The project requires a Planned Development (PD) Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. With the PD Rezone, the proposed subdivision

will provide modified development standards of the new PD District related to lot size, lot coverage, and setbacks. PD Districts are also subject to the development standards of the zoning district most similar to the proposed use, which is the RS (Single-Family Residential) District in this case. As proposed, the project meets the development standards of the RS District related to building height, off-street parking, and landscaping. The subdivision will also allow for the construction of eighteen new detached single-family homes, which is a permitted land use in the RM District.

- C. No approval of variances or other exceptions are required for the approval of the subdivision.
- As proposed, the new Planned Development district would establish the zoning development standards for this project. In addition, the project will also meet the requirements of the Subdivision Ordinance. Therefore, the project will not require a variance or any other exceptions from the requirements of the HMC.

PLANNED DEVELOPMENT REZONE FINDINGS

Pursuant to Section 10-1.2535 of the HMC, the City Council may conditionally approve a Planned Development Rezone application when all the following findings are met:

- A. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies;
The project is considered an in-fill development and will complete the neighborhood, which primarily consists of a mix of housing types including detached single-family homes and multi-family residential developments. The project proposes detached single-family homes, which is compatible with the surrounding neighborhood. Additionally, the project is consistent with the MDR land use designation and policies in the Hayward 2040 General Plan. The proposed density is within the density range allowed by the MDR land use designation and compatible with the overall density of the surrounding residential neighborhood.
- B. Streets and utilities, existing or proposed, are adequate to serve the development;
The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within the new public utility easement within the project site and connect to the existing utilities on Gading Road. The project will be served by a new private street. While the existing roadway is sufficient to accommodate the additional traffic generated from the project, frontage improvements will be required, including the reconstruction and repair of the existing road and sidewalks along Gading Road to meet the City's current roadway standards.
- C. In the case of a residential development, that the development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to

serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development;

The project is considered an in-fill development and will replace a vacant site with attractive single-family homes to complete the neighborhood. The scale and design of the homes are compatible with the existing neighborhood. The homes will also be served by both private and public open space within the development. Each home will have usable private outdoor yards and the project provides a 2,330-square-foot group open space area. The development will also be well-integrated into the existing neighborhood since it will be served by a new private street with street parking and a sidewalk providing vehicular and pedestrian access to and from Gading Road.

- D. In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development;

The project does not include any nonresidential uses and as such, this finding is not applicable to this project.

- E. In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule; and
The project will be developed in one phase, ensuring that the infrastructure, facilities, and services will be available to all future residents in the development in a timely manner.

- F. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

The project requires a PD Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. To offset these requested exceptions, the project proposes the following amenities:

- Rooftop solar panels on each home;
- A bedroom suite on the first floor six homes to allow for aging in place and multigenerational lifestyles; and
- 2,330 square feet of group, common open space, which is not required for detached single-family homes.

The rooftop solar panels result in a more environmentally-sensitive development and the multigenerational-friendly floor plan allows the homes to accommodate a

more diverse population. The group open space, which will be maintained by a homeowner's association, provides the future residents a usable, outdoor space for recreation and public interaction.

SITE PLAN REVIEW FINDINGS

Pursuant to Section 10-1.3025 of the HMC, the City Council may conditionally approve a Site Plan Review application when all the following findings are met:

- A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City.
The proposed 18 single-family residences would be compatible with on-site and surrounding structures and uses and would be an attractive addition to the City in that it would be consistent with the developmental pattern of the existing neighborhood, which consists of small single-family residential lots and multifamily developments. The homes would also be similar in scale to other homes nearby. In addition, the building facades are articulated to provide visual interest from all sides of the homes, especially the front elevations, which incorporate recesses and projections through windows treatments, front entry porches, and stone veneer. The design, materials, and color palette of the new homes are also compatible with the character of other homes in the neighborhood. The new homes will have composition shingle roofs and a stucco exterior with stone veneer accents, which provide additional architectural detailing. Overall, the homes are attractively designed and compatible with the existing neighborhood character.
- B. The development takes into consideration physical and environmental constraints.
The project takes into consideration physical and environmental constraints in that the scale and character of the new homes are harmonious with the surrounding neighborhood, which consists of a mix of housing types including detached single-family homes and multifamily residential developments. The new lots range between 2,657 or 3,206 square feet in size and the new homes will be two stories in height. The architectural design of the new homes is compatible with the design of the existing homes nearby and as such, the new development will blend into the existing neighborhood. In addition, the project is an in-fill development with minimal impact on the existing development pattern and will not require the demolition of any structures. Furthermore, a private street will provide access to the new homes, which will allow for safe and efficient vehicular circulation.
- C. The development complies with the intent of City development policies and regulations.
As previously discussed, the project is consistent with the MDR land use designation in the Hayward 2040 General Plan. The MDR land use designation is intended for a mix of housing types including single-family residences and the proposed density is within the allowable density range. The project is also consistent with the goals and policies of the Hayward 2040 General Plan, which encourage a diverse housing inventory and in-fill development. Furthermore, with the PD Rezone, the project

meets all the applicable regulations of the Zoning Ordinance, including the development standards of the new PD District and applicable standards of the RS District. Therefore, the project complies with the intent of City development policies and regulations.

- D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.
The project will operate in a manner determined to be acceptable and compatible with surrounding development in that the project will comply with all applicable zoning regulations, building codes, and other regulations in the HMC. The proposed site improvements will also have to meet all City standards and details to the satisfaction of the Director of Public Works as shown on the final map and improvement plans. The project will also be subject to various conditions of approval intended to protect the surrounding neighborhood from any potentially harmful impacts. In addition, the project includes guest parking spaces and a private street, which will minimize potential parking and traffic impacts on Gading Road after construction of the homes.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15220, an Initial Study was prepared for this project with the finding that a Mitigated Negative Declaration was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures.
- B. The proposed MND was prepared by Rincon Consultants on behalf of the City of Hayward, Lead Agency, and the MND was circulated to the State, all interested parties, and posted in the newspaper with a minimum 20-day public review period between April 6, 2018 and April 26, 2018.
- C. The proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgement of the Planning Commission; such independent judgement is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); the Planning Commission recommends the City Council adopt the proposed MND and its findings and conclusions as its source of environmental information; and the proposed MND is legally adequate and was completed in compliance with CEQA.
- D. The proposed MND identified all potential adverse impacts and based on the MND and the whole record before the Planning Commission, there is no substantial evidence that the Project, with mitigation measures incorporated, will have a significant effect on the environment.

- E. The project complies with CEQA, and the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior to recommending approval of the Project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program, and approves the Planned Development Rezone with Tentative Tract Map No. 8432 and Site Plan Review Application No. 201706285, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

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 PLANNING DIVISION
APPLICATION NO. 201706285
PD REZONE, VESTING TENTATIVE TRACT MAP 8432, SITE PLAN REVIEW AND
MITIGATED NEGATIVE DECLARATION WITH MITIGATION MONITORING AND
REPORTING PROGRAM
CONDITIONS OF APPROVAL

General

1. The permittee 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.
2. Vesting Tentative Tract Map (VTTM) 8432 and the Preliminary Development Plan and Site Plan Review application are approved subject to the vesting tentative tract map and project plans date stamped March 5, 2018, except as modified by the conditions listed below.
3. In accordance with Hayward Municipal Code (HMC) Section 10-3.246, approval of VTTM 8432 and the Preliminary Development Plan and Site Plan Review application shall expire 36 months after the effective date of approval subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act.
4. All permit charges accrued in the processing of VTTM 8432 and the Preliminary Development Plan and Site Plan Review application shall be paid in full prior to consideration of a request for approval extensions and/or submittal of building permits for the development.
5. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
6. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.
7. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.

8. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were pulled to construct the project.
9. Affordable housing in-lieu 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 option chosen, no final inspection will be approved and no occupancy permit will be issued for any Dwelling Unit unless all required affordable housing impact fees have been paid in full.
10. The applicant shall be responsible for adhering to the Mitigation Monitoring and Reporting Program (MMRP) for the adopted Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA) Guidelines. The applicant shall provide a copy of the adopted MMRP with the building permit submittal.

Mitigation Measures

11. Mitigation Measure BIO-1: Nesting Bird Avoidance and Minimization Efforts

If project construction activities occur between February 15 and August 31, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance by project activity to the nest (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior.

During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing any disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause reproductive failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent

encroachment, the established buffer(s) should be clearly marked by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case by case basis using the criteria described above.

12. Mitigation Measure BIO-2: Tree Replacement

As required by the HMC, the applicant shall replace removed protected trees with like-size, like-kind trees or an equal value tree, or implement alternative forms of mitigation as determined by the City's Landscape Architect. The City's Landscape Architect shall review the final landscape plan to confirm that the proposed mitigation cost matches or exceeds the appraised value of the removed trees prior to the issuance of building permit.

13. Mitigation Measure BIO-3: Tree Preservation Measures

As outlined in the arborist report (HortScience Inc. 2017), Tree Preservation measures are required to protect trees that will be preserved in place and replacement trees that will be planted as required under measures BIO-2.

Design Measures

- a. Include trunk locations and tag numbers on all plans.
- b. Use only herbicides safe for use around trees and labeled for that use, even below pavement.
- c. Design irrigation systems so that no trenching will occur within the Tree Protection Zone.

Pre-construction and Demolition Measures

- a. Prepare a site work plan which identifies access and haul routes, construction trailer and storage areas, etc.
- b. Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be the dripline or property line for trees 11, 86, and 87. No grading, excavation, construction or storage of materials shall occur within that zone.
- c. Install protection around all trees to be preserved. Use 6-foot chain link fence attached posts sunk into the ground. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.
- d. Trees to be removed shall be felled so as to fall away from Tree Protection Zone and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first

severing the major woody root mass before extracting the trees, or grinding the stump below ground.

- e. Trees to be retained may require pruning to provide clearance and/or correct defects in structure. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. The pruning contractor shall have the C25/D61 license specification.
- f. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

Tree Protection During Construction

- a. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Project Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
- b. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist.
- c. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.
- d. Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist.
- e. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.
- f. Trees shall be irrigated, except oaks, on a schedule to be determined by the Project Arborist. Each irrigation session shall wet the soil within the Tree Protection Zone to a depth of 30 inch.

14. Mitigation Measure BIO-4: Tree Replacement and Maintenance

Replacement trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment. Preserved trees shall also be maintained to ensure the continued long-term health of the tree. Trees on-site will require monitoring and routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting, and irrigation.

15. Mitigation Measure CUL-1: Unanticipated Discovery of Cultural Resources

If cultural resources are encountered during ground disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and testing for the California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as data recovery excavation, may be required to mitigate potentially significant impacts to historical resources.

16. Mitigation Measure GEO-1: Geotechnical Considerations

The project applicant shall implement all measures and recommendations set forth in the Preliminary Geotechnical Exploration prepared by ENGEO in July 2017 (Appendix B). Recommendations include but are not limited to the following topic areas:

- Grading (demolition and stripping, existing fill removal, selection of materials, differential fill thickness, fill placement)
- Building code seismic design
- Foundation design
- Pavement design
- Drainage
- Stormwater bioretention areas

In addition, a comprehensive site-specific design-level geotechnical exploration shall be prepared as part of the design process. The exploration may include borings and laboratory soil testing to provide data for preparation of specific recommendations regarding grading, foundation design, corrosion potential, and drainage for the proposed project. The recommendations set forth in the design-level geotechnical exploration shall be implemented.

17. Mitigation Measure TCR-1: Tribal Cultural Resources Spot-Checking

Initial project-related ground-disturbing activities shall be spot-checked by a qualified archaeological monitor or by an appropriate Native American representative. Spot-checking shall occur on the first day of ground disturbance, when ground-disturbance moves to a new location on the project site, and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). Each spot-checking visit shall include screening of representative soil samples through 1/8-inch mesh. If archaeological resources are encountered, spot-checking shall be increased to full-time monitoring and, if identified resources are of Native American origin, a Native American monitor shall be retained for the

duration of the project. Archaeological spot-checking may be reduced or halted at the discretion of the monitor as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of rough grading.

18. Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resources

In the event that cultural resources of Native American origin are identified during construction, all earth-disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.

Precise Plan Submittal

19. In accordance with Section 10-1.2550 of the Hayward Municipal Code (HMC) and prior to submitting a building permit application, a Precise Development Plan shall be submitted for review and approval.
20. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and incorporate conditions herein, and shall be submitted in advance of or in conjunction with the subdivision improvement plans and Final Map.
21. The project approval includes the following project amenities to support the finding required to be made that “any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards”.
 - A. Photovoltaic systems shall be installed on the rooftops of all units.
 - B. The Plan 3 units shall provide a bedroom suite on the first floor.
 - C. The project shall provide a 2,330-square-foot group open space area with landscaping and an outdoor seating area.
22. The Precise Development Plan 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 numbers shall be decorative and comply with the size requirements of the Fire Department.
- 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. All surfaces should be enhanced with 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. All mailboxes shall be locking mailboxes.
- H. A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. The final lighting plan shall incorporate pedestrian scale lighting along the sidewalk within and adjacent to the development (Gading Road). All lighting shall be erected and maintained so that adequate lighting is provided along the private street. 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.
- 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. Large expanses of blank wall shall not be allowed. Articulate or otherwise treat such expanses to avoid bulkiness.
 - 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 20-foot width by 19-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.
- 23. The Precise Development Plan shall provide enhanced architecture for side elevations facing the group open space or private street facing Gading Road for Lots 6, 7, 8, and 10. These enhanced elevations shall be comparable to the side elevation of Lot 18 facing Gading Road subject to the review and approval of the Planning Division.
 - 24. The Precise Development Plan shall provide adequate backup space for street parking space no. 7 subject to the review and approval of the Planning Division.
 - 25. 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.
 - 26. Details of all project amenities shall be submitted for review and approval by the Planning Director during the Precise Plan phase of the project.
 - 27. The project shall comply with the provisions of the 2016 California Energy Code section 110.10.

Development Review Services Engineering / Public Works Engineering

- 28. Subdivision Improvement Agreement: Prior to the issuance of building permits, the public improvements conditioned as part of this approval require the execution of a Subdivision Improvement Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, surety (i.e. bonds), insurance, and additional deposit for City staff time spent on the project.

29. Street Improvements & Dedications: Privately engineered studies and design documents shall be submitted to the Director of Public Works for review and approval prior to issuance of building permits. The engineered plans shall include, but not be limited to, the following design requirements:
- a. Dedicate Gading Road right-of-way to conform to the adjoining and the City adopted plan line.
 - b. Private Street access from Gading Road will be with an accessibility compliant City Standard driveway of width not exceeding 35 ft.
 - c. Gading Road fronting the development shall be resurfaced with hot-mix asphalt-concrete (A.C.) overlay across its full width to mitigate the impact of utility trenches and pavement excavations. The new paving shall have thermoplastic striping and markings.
 - d. Private Street and Court shall include non-exclusive easements for the water and sewer improvements to be maintained by the City, public utilities and emergency vehicle access.
 - e. The Public Utilities Easement (PUE) over individual lots for single family homes as shown on the tentative map shall be deleted or adjusted on the final map to maximize tree planting and landscaping areas to the satisfaction of the City Engineer and Landscape Architect.
 - f. Private Street and Court width, between curb faces, shall be no less than 24 feet as per the City of Hayward Standard Details SD-102 Sheet 1 of 4.
 - g. A 5-ft. wide accessibility compliant sidewalk with required ramps shall be provided behind curb fronting residences along the proposed Private Street and Court.
 - h. Private Street with length exceeding 150-ft. require a 40-ft. radius vehicular turn-around at the end as per the City of Hayward Standard Details SD-103 Sheet 1 of 2. Alternately and with approval of the City's Fire Department, the Private Court with a minimum width of 30-feet between curb faces may substitute for the vehicle turn-around as per the City of Hayward Standard Details SD-103 Sheet 2 of 2.
 - i. An on-site and off-site photometric plan shall be provided and the lighting shall comply with the City's Security Ordinance and City Street Lighting Standards. The location and details of all proposed light standards shall be shown on plans to be approved by the City Engineer and Planning Director.
 - j. Gading Road damaged curb and gutter segments, fronting the project site, shall be removed and replaced with new to match existing. Existing sidewalk shall be replaced with accessibility compliant new City Standard Sidewalk.

30. **Grading & Drainage:** A grading and drainage plan is required and shall be submitted with the improvement plans and approved by the Director of Public works prior to building permit issuance. The grading and drainage plan shall include, but not be limited to, the following design and submittal requirements:
 - a. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or less (top of wall to bottom of footing) shall be reviewed and approved by Public Works. Earth retaining structures greater than 4-feet in height shall be reviewed and approved by the Building Division of the Development Services Department. The plans should include all proposed underground pipes, building drains, area drains and inlets. The on-site storm drainage system (if applicable) shall be designed to convey a 10-year storm event.
 - b. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the Director of Public Works prior to issuance of a grading permit.
 - c. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
 - d. The project's Stormwater Control Plan shall be submitted which will show, at a minimum, drainage management areas, location and details of all treatment control measures and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidelines.
 - e. The property owner shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" as prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for private treatment control and site design measures is bound to the property in perpetuity.
31. **Undergrounding:** Developer shall complete the underground conversion of the utility facilities fronting the project along Gading Road. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of Building Permits.
32. **Construction Damages:** The Developer shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer.
33. **Large Tract Development, Releases:** All required improvement leading and adjacent to units to be occupied shall be installed according to the approved

plan, including completion of punch list items. The public shall not be allowed to pass through areas of activity to reach occupied units.

34. Homeowner's Association (HOA): 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 an 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 stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall include the following provisions:
 - a. The CC&R's shall state that the City of Hayward has the right to abate public nuisance conditions in the common area if the association or corporation fails to do so, and to assess the cost to the association, corporation or individual unit owners. In order to accomplish this, the CC&Rs shall contain the following typical statements:
 - i. In the event the Board fails to maintain the exterior portions of the common area so that owners, lessees, and their guest suffer, or will suffer, substantial diminution in the enjoyment, use or property value of the project, thereby impairing the health, safety, and welfare of the residents in the project, the City of Hayward, by and through its duly authorized officers and employees, shall have the right to enter upon the real property described in Exhibit "A" and to commence and complete such work as is necessary to maintain said exterior portions of the common area. The City shall enter and repair only if, after giving the Board written notice of the Board's failure to maintain the premises, the Board does not commence correction of such conditions in no more than 30 days from delivery of the notice and proceed diligently to completion. The Board agrees to pay all expenses incurred by the City of Hayward within 30 days of written demand. Upon failure by the Board to pay within said 30 days, the City of Hayward shall have the right to impose a lien for the proportionate share of such costs against each condominium or community apartment in the project.
 - ii. It is understood that by the provisions hereof, the City of Hayward is not required to take any affirmative action, and any action undertaken by the City of Hayward shall be that which, in its sole discretion, it deems reasonable to protect the public health, safety, and general welfare, and to enforce it and the regulations and ordinances and other laws.
 - iii. It is understood that action or inaction by the City of Hayward, under the provisions hereof, shall not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of

the rules, regulations, and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.

- iv. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law shall be cumulative and not exclusive, and the maintenance of any particular remedy shall not be a bar to the maintenance of any other remedy. In this connection, it is understood and agreed that the failure by the Board to maintain the exterior portion of the common area shall be deemed to be a public nuisance, and the City of Hayward shall have the right to abate said condition, assess the costs thereof and cause the collection of said assessments to be made on the tax roll in the manner provided by Chapter 4, Article 1, of the Hayward Municipal Code or any other applicable law.
- v. The City Council of the City of Hayward may, at any time, relinquish its rights and interest in the project as herein set forth by appropriate resolution. Any such relinquishment by the City Council shall be effective on the date that the resolution is adopted and a copy thereof is placed in the United States mail, postage prepaid, addressed to the Board. The Board shall execute and record a declaration reflecting such relinquishment within 10 days of receipt of a copy of the resolution.
- b. Each owner shall automatically become a member of the association(s) 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(s).
- d. The HOA shall own and maintain the private access roads and on-site storm drain systems in the development, excluding those located within the public right-of-way.
- e. 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 48 hours of inspection or within 48 hours of notification by the City.
- f. 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.

- g. The HOA shall conduct at least semi-annual inspections to confirm that all residents are using their garages for parking their cars and not for storage. Residents shall make garages available for such inspections, as appropriate. An automatic garage door opening mechanism shall be provided for all garage doors.
- h. 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.
- i. 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 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 homeowner's 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.
- j. Any future major modification to the approved site plan shall require review and approval by the City.
- k. 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.
- l. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.
- m. 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.

Landscape

35. Bio-retention area shall not extend into the public storm drain easement by Lot 9 unless approved by the City Engineer.
36. Rolled/ramping curb shall be considered at the entire Lot A the park frontage.
37. One additional tree shall be added for Lot 1 between Lot 1 and 2 at the discretion of the City Landscape Architect.
38. Mature plant sizes and proposed spacing shall be revised for Olea Little Ollie, Pittosporum tobira, Rosmarinus, Salvia leucantha, stachys (spreading with surface runner), Westringia f. Wynyabbie Highlight, Carex tumulicola, Thymus and Arctostaphylos Pacific Mist.
39. Front yard landscape shall be maintained by HOA; therefore, the water budget calculations for MAWA and ETWU shall include all common open space, bio-retention and front yard landscaped areas. Typical lot water budget calculations shall not be applicable for this project.
40. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven of pavement or buildings, and as recommended by the manufacturer.
41. All above ground mechanical equipment shall be screened from the street with five-gallon shrubs.
42. Required conceptual irrigation plan was not submitted as a part of Site Plan Review application process. Detailed irrigation plans, specifications and details shall be submitted for the City's approval.
43. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.
44. Prior to issuance of the first building permit, detailed landscape and irrigation improvement plans shall be approved by the City. Once approved, Mylar of the approved improvement plans shall be submitted to the City for approval signature. Copies of the signed improvement plans shall be submitted as a part of the building permit submittal. No building permit shall be issued prior to approval of landscape and irrigation improvement plans.
45. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. Mylar shall be wet-signed and

- shall be provided with a bar scale. The size of Mylar shall be twenty-two (22) inches by thirty-four (34) inches without an exception. A signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and two date lines for City of Hayward, Landscape Architect and City Engineer. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
46. A tree preservation bond equaling the total appraised value of the trees for preservation in the approved arborist report shall be submitted to City Landscape Architect prior to issuance of grading permit. The bond shall remain in effect throughout the construction period and until completion of the entire project improvements. 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
 47. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, tree protection measures in compliance with the project arborist's recommendation and the City codes shall be installed.
 48. A tree removal permit shall be obtained prior to the removal of any tree in addition to grading permit.
 49. Minimum twelve inches wide band of large size Noiya Cobblestone shall be provided around overflow catch basin or bubble up basin.
 50. Three-inch deep mulch with organic recycled chipped wood in dark brown color shall be required for all planting areas including bio-treatment areas.
 51. Bio-treatment area, when wider than ten feet, shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system that allows "cycle and soaking" program function. When the treatment area width is less than ten feet, efficient irrigation system that meets the current ordinance requirements shall be provided. The irrigation for bio-retention area shall be provided on a separate valve.
 52. All common area landscaping, irrigation and other required improvements shall be installed in accordance with the approved improvement plans prior to acceptance of tract improvements, or occupancy of eighty-percent (80%) of the dwelling units, whichever first occurs. Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted upon acceptance of the landscape improvements for the Tract to the Department of Public Works Engineering by the developer.
 53. For Model Homes: Municipal Code Article 12, Section 10-12.17 Public Education, Model Homes: All model homes that are landscaped shall use

signs and written information to demonstrate the principles of water efficient landscapes described in this Article.

- A. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
 - B. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
54. Inspection for Models: Landscape inspection shall be required prior to issuance of TCO, and another inspection prior to issuance of Certificate of Occupancy at the time of converting the model for sale. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
55. 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 City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
56. Landscaping shall be maintained by HOA and shall be in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance

with Tree Preservation Ordinance or as determined by 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.

57. A covenant or deed restriction shall address that all trees planted by the developer are "Protected Tree" including the trees in rear yards in accordance with the City's Tree Preservation Ordinance. A tree removal and a pruning permit from City Landscape Architect shall be required prior to removal and pruning of all Protected Tree. All removed trees shall be replaced in accordance with the City's Tree Preservation Ordinance. 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 HMC.

Public Works Transportation

58. Applicant shall maintain the existing striping on Gading Road for the section that will be ground & overlayed along the project frontage. Applicant shall submit a Signing & Striping Plan to Public Works-Engineering detailing signing & striping. Signing & striping plan shall be approved by the City Engineer prior to issuance of building occupancy permits.
59. Applicant shall not modify existing No Parking restrictions along the project frontage on Gading Road.

Utilities and Environmental Services

60. Please ensure the Hydro-Flo pavers at the entry to the private drive off Gading Road can accommodate a 50,000-pound garbage truck on a weekly basis.
61. Construction & Demolition Debris: The City requires that construction and demolition debris be recycled per certain ordinance requirements. At the time of your building permit, submittal of the Debris Recycling Statement will be required. The form can also be found at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>.
62. 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' wide easement shall be granted to the City.
63. 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 revision at the time of permit approval (available on the City’s website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>).

64. All water mains must be looped. Dead end water mains will not be allowed. Water mains must be connected to other water mains.
65. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant’s/developer’s expense.
66. All water services from existing water mains 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.
67. Each single-family residence (SFR) shall have an individual domestic water meter. Facilities feed for residential connections are based on the domestic demand for the home. A larger water meter may be installed if the service is combined with a private fire service. The developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces.
68. 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.
69. The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1” (combined or not) and the maximum size for combined services is 2”. 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).
70. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for development landscaping. 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.
71. 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. Water meter boxes in driveway aisle areas shall have steel H20 rated lids.

72. 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 one 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.
73. The proposed fire hydrant between lot 3 and 4 is located near the existing gas line in lot 3. Per the plans, it is proposed to remove the existing gas line in lot 3. If the existing gas line in lot 3 is not removed, the fire hydrant shall be relocated per the requirements of the Fire Department.
74. City records indicate that 25941 Gading Road is served by an existing septic system. The septic system must be abandoned in accordance with Alameda County Environmental Health's Land Use Program regulations.
75. 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.
76. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" 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. Manholes 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.
77. Each SFR shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per SD-312.
78. The developer is responsible for payment of sewer connection fees at the current rates at the time the application for building permits are submitted.

Fire Department

79. Design of the public streets and private streets and courts shall meet all City of Hayward and California Fire Code Standards.
80. All public and private streets and private courts shall be designed with an all-weather surface pavement.

81. All public streets, private streets and private courts shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete.
82. Parking of vehicles is allowed one-side parking on 30-foot-wide road. No parking is allowed on 24-foot-wide road. Where there is no on-street parking, fire lane signage shall be installed in locations required by the Hayward Fire Department. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
83. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The type of fire hydrant shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet) in single-family residential area, capable of flowing 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department.
84. Blue reflective pavement markers shall be installed at fire hydrant locations in the street. If fire hydrants are located to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
85. Buildings are required to install fire sprinkler systems in accordance with NFPA 13D Standards for residential buildings. A separate plan/permit is required prior to the installation of the overhead fire sprinkler system. All fire overhead fire sprinkler systems shall be designed and installed by a Licensed C-16 Contractor. (Deferred Submittal)
86. Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
87. Underground fire service line serving NFPA 13D sprinkler system shall be installed in accordance with NFPA 24 and the Hayward Public Work Department SD-216. Water meter shall be a minimum of one-inch in diameter for residential application.
88. An audible alarm bell (device) shall be installed to sound on the exterior of each individual building. The device shall activate upon any fire sprinkler system water flow activity and in some applications, monitored for integrity.
89. An interior audible alarm device shall be installed within residential dwellings in a location to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity.
90. All bedrooms and hallway areas shall be equipped with smoke detectors, CO detectors and/or combination CO/Smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).

91. When a flow switch is not installed on the riser of a flow thru sprinkler system, smoke alarms shall be interconnected to sound an audible alarm in all sleeping areas within the dwelling unit.
92. CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
93. A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. Otherwise, a minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.
94. Submit a Phase 1 Environmental Assessment and any other records regarding site contamination, investigation, remediation, or clearances from other regulatory agencies. Submit final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control 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.
95. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but shall not be limited to: actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
96. If hazardous materials storage and/or use are to be a part of the facility's permanent operations, then a Chemical Inventory Packet shall be prepared and submitted with building plans to the City of Hayward Fire Department at the time of application for construction permits.
97. 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.
98. Discovery of Potentially Hazardous Materials or Vessels/Containers shall be reported to the Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 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.

99. Use of Hazardous Materials or Generation of Hazardous Waste – During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 10, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

MEETING

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

CALL TO ORDER Pledge of Allegiance

Commissioner Faria led in the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Willis Jr., Bonilla Jr., Schott, McDermott, Faria
CHAIRPERSON: Goldstein
Absent: COMMISSIONER: None
Vacancy: ONE

Staff Members Present: Ameri, Brick, Chan, Lee, Lochirco, Neklason

General Public Present: 14

PUBLIC COMMENT:

There were none.

PUBLIC HEARINGS: For agenda item No. 1 and No. 2, the Planning Commission may make a recommendation to the City Council.

1. Proposed Vesting Tentative Tract Map, Planned Development (PD) Rezone, Site Plan Review, and Mitigated Negative Declaration with Mitigation and Monitoring Reporting Plan to subdivide two parcels into 21 parcels and construct 18 detached single-family residences with common open space areas and related site improvements at 25941 Gading Road (APNs 454-0020-062-02 & 454-0020-069-00). Application No. 201706285; Tony Dutra (Applicant) on behalf of Dutra Enterprises (Owner)

Associate Planner Lee provided a synopsis of the staff report and presented a PowerPoint.

Mr. Tony Dutra, applicant Dutra Enterprises, spoke about the proposed project and the Gading 1 project. Mr. Dutra thanked staff for their hard work on this project and noted that members of his group were in attendance and available to answer questions.



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Mr. Zaheer Siddiqui, with Dutra Enterprises, spoke about the proposed project and how it is an extension of the Gading 1 project.

In response to Commissioner Bonilla's questions regarding the developer reconsidering the inclusion of affordable housing instead of paying the in-lieu fees, Mr. Siddiqui said that the project has been sold to a builder and the builder prefers to pay the current in-lieu fees.

Mr. Siddiqui responded to Commissioner Willis that the private road will be managed by the Homeowner's Association (HOA). In response to Mr. Willis' question about the solar panels providing residents with net zero energy, Ms. Jill Williams, project architect, said the developer will look at the solar system to see what level of energy savings can be attained and added that it is necessary to have circulation around the solar panels for the system to perform well. Mr. Willis said it is a good project and favors the project.

Commissioner Faria asked about the driveway length and expressed concern about the pedestrian safety. Mr. Steve Lichliter, project civil engineer, responded the driveways are the standard 18 feet in length.

In response to Commissioner McDermott, Mr. Lichliter said there will be a standard six-foot wooden fence for units that back up to the nursing home. Siddiqui responded to Ms. McDermott that the builder for both Gading I, which was approved in 2016, and Gading II is Blue Mountain Communities and that Gading I is in its final stages and building should start soon. In response to Ms. McDermott regarding the external lights, Mr. Lichliter said a photovoltaic study was conducted and the lighting will meet the City's standards for the amount of light and will be shielded adequately. Ms. McDermott said she had visited the site and noted the beautiful shade trees. Mr. Siddiqui responded to Ms. McDermott that Blue Mountain Communities will be setting the price point on the units and noted that Hayward is an attractive city for professional as numerous market rate developments have done very well. Staff confirmed for Ms. McDermott that Gading II falls under the new Affordable Housing Ordinance. In response to Ms. McDermott, Mr. Dutra relayed the numerous developments that he has been involved in which totaled approximately 400 units.

In response to Commissioner Bonilla's question of how many units have been affordable housing, Mr. Dutra said that his company always pays the in-lieu fees.

In response to Commissioner Schott regarding the backup space for space #7, Associate Planner Lee said the vehicle can only backup straight and cannot turn and the new Condition of Approval addresses this by requiring the developer to provide adequate backup space for street parking space number 7. Mr. Lee said staff and the developer have been working on several options such as reducing the bio-retention area, making it a compact



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777 B Street, Hayward, CA 94541**

vehicle space or remove parking space #7. Mr. Lee responded to Mr. Schott that there are mitigation measures in place if there is any Native American activity found. Mr. Dutra said there has been no indication of Native American activity found at Gading I and does not anticipate any activity for Gading II. Principal Planner Lochirco responded to Mr. Schott that the design should be able accommodate any kind of emergency vehicle. Mr. Lochirco explained to Mr. Schott that 75% homeownership is part of the conditions for most for sale properties and is included in the development's Conditions, Covenants and Restrictions (CCNRs). Mr. Lochirco said CCNRs are reviewed and approved by the State Department of Real Estate and the City does not have the jurisdiction to enforce CCNRs.

In response to Chair Goldstein, Associate Planner Lee said the plans are reviewed by the Development Review Services Department engineer with the Public Works Engineering and Transportation Department regarding the Complete Streets component and in relation to the Bike Master Plan. Mr. Lee said per the Bike Master Plan, if bike lanes are to be planned for the area then there would be a condition for bike lanes, as for this area there are no planned bike lanes or a requirement to include a bike lane. In response to Mr. Goldstein's question if this project could be considered a transit oriented development, Principal Planner Lochirco said for this specific project, if it is on a transit line, for example if AC transit has regular bus service along the corridor, then a project can be considered transit-oriented. Mr. Lochirco noted that the developer is making all the necessary frontage improvements as well as incorporating design components that will allow for safe bicycle travel and thus meets the City's Complete Streets objective. Mr. Lochirco clarified for Mr. Goldstein that the density bonus provision is for developments that have an affordable housing element, this project as a market rate development does not qualify. Mr. Goldstein noted for Mr. Dutra that developments near transit hubs qualify for the density bonus provision that have the affordable housing element. Mr. Lee responded to Mr. Goldstein that Gading II is covered under the new Affordable Housing Ordinance and will be paying the higher in-lieu fees.

Commissioner Faria has concerns about access to the development as she visited the site as there was a semi-truck blocking the development site as it was making a delivery to the nursing home. Mr. Dutra said once homes are built this issue should be resolved.

Chair Goldstein opened and closed the public hearing at 7:51 p.m.

Mr. Bob Schmitz, Hayward resident, is concerned about the removal of eighty trees and planting of only twenty trees, the impact to migratory birds that rely on the trees for food and shelter, redwood tree construction impacts, and the impact to himself and neighbors and their existing quality of life. Mr. Schmitz has concerns about the new development impacting his solar generation and has requested that the last three lots abutting his property be single story and be in line with the rest of the neighborhood.



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Council Chambers
Thursday, May 10, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

Mr. Zachariah Oquenda, Hayward resident, felt that developer should build more units and construct a buffer space between the development and existing single-family homes. Mr. Oquenda feels the Commission should do more to encourage developers to build more density and include the affordable housing element.

Chair Goldstein closed the public hearing at 8:00 p.m.

In response to Commissioner Willis' questions about existing property owner's easement rights, Assistant City Attorney Brick said the City cannot advise property owners of their easement rights and the property owners would need to consult with their private attorneys. Mr. Brick noted that this is not the City's role. Mr. Brick noted for Commissioner Willis, that as a Planning Commissioner, Mr. Willis can consider the impacts to the surrounding properties, but as an Assistant City Attorney, Mr. Brick cannot comment on easement rights of private parties.

Commissioner Schott has concerns about setbacks and would like to set a condition of single story homes on lots 7, 8 and 9, to lessen the impact on the existing homes on the backside of Underwood. Assistant City Attorney Brick responded to Commissioner Schott that the Commission can recommend approval or denial with the additional condition.

Commissioner Willis commented that property owners must respect the rights of other property owners and cannot impede upon those rights. Mr. Schmitz said the project is west of his property and noted his neighbors are also concerned about the height of the development. Mr. Schmitz spoke about his solar panels and how he has been able to attain net zero for eight years. Mr. Willis suggested Mr. Schmitz work with the developer regarding the solar panels suggesting that Mr. Schmitz elevate his solar panels.

Commissioner Bonilla spoke about the housing affordability crisis going across the State that as members of this Commission we need to find solutions. Mr. Bonilla is very concerned that this developer has paid in-lieu fees for the majority of his projects and the lack of affordable housing greatly impacts the City and her residents. Mr. Bonilla said the lack of affordable housing does not just results in increased rent it impacts the City's firefighters, police officers and civil servants not being able to live and work in the Hayward. Mr. Bonilla said there are hotel workers commuting two hours to be able to work in the same place they have worked for twenty years. Mr. Bonilla said the impact is significant and the Commission needs to stop this gentrification and needs to stand for change if not then these impacts will continue to happen. Mr. Bonilla stated the Commission has a responsibility to serve the residents of Hayward where the average resident's income is \$68,000 per year and they would not be able to afford a three-bedroom two bath home costing \$700,000, or a four-bedroom, three back home costing \$850,000. Mr. Bonilla said developments needs to be inclusive and include affordable housing units. Mr. Bonilla said his vote will indicate how he supports this project.



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Commissioner Schott commented that it is not the Planning Commission's position to force affordable housing on developers when the City's code allows developers to pay in-lieu fees. Mr. Schott asked the Commission to consider placing a condition to restrict single story housing on lots 7, 8 and 9, and noted these units could be used as senior housing and pointed out that there is a senior housing bonus which could lessen the in-lieu fees.

In response to Chair Goldstein's question regarding Commissioner Bonilla's right to vote no because the developer is paying the in-lieu fees rather than include an affordable housing element, Assistant City Attorney Brick said this is a healthy debate and is what Commissioners do best. Mr. Brick said if the Commission acted based solely on paying the in-lieu as opposed to including the affordable housing element that would be inappropriate. Mr. Brick said the Commission is making a recommendation today and if affordable housing is one of the many considerations it is appropriate to voice those concerns. Mr. Brick said it is appropriate to discuss but it is inappropriate to discuss what an individual's basis for voting is.

Commissioner Bonilla said this project is not being built for the residents who live in Hayward. Mr. Bonilla stated he was appointed to the Planning Commission because he stands to find a solution to make Hayward affordable for the City's residents who have lived here for years and will not be able to afford to purchase homes in this new development.

Commissioner Willis said he is on the Alameda County Housing and Community Development Advisory Committee and spoke about a meeting regarding affordable housing and that Alameda County is spending \$5 million to build affordable housing in the County of which Hayward is included. Mr. Willis said housing costs are based on supply and demand and the only way to bring prices down is to build more houses and noted City code allows the developer to opt out of affordable housing.

Commissioner McDermott said she is also an advocate of affordable housing and understands and supports Commissioner Bonilla comments. Ms. McDermott said she has often stated the Commission should include their strong support of affordable housing to the Council. Ms. McDermott said there are other cities in Alameda County that have made affordable housing a COA but Hayward has not gotten to that point and the Commission needs to pressure to those who can make that decision. Ms. McDermott said this is an infill project and will blend in with the community. Ms. McDermott stated the Commission can strongly recommend that the City Council made affordable housing a COA and does not believe this will make a big impact to the real estate market and that developers will still build here.

Commissioner Bonilla agreed with Commissioner McDermott but asked when does the Commission do this. Mr. Bonilla agrees that there needs to be a balance and that perhaps City Council is looking to the Planning Commission to take a stand and solve this affordable housing crisis.



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Commissioner McDermott responded that the Planning Commission has applied pressure that has resulted in the new Affordable Housing Ordinance and increased fees.

In response to Chair Goldstein regarding the trees, Associate Planner Lee said 47 trees are protected and there are 20 large trees that will be mitigated and the mitigation measures are in the CEQA document. Mr. Lee noted the City's Landscape Architect has reviewed the plans. Mr. Lee said there are mitigation measure in place to put a buffer in place to protect birds if abnormal behavior is observed. Principal Planner Lochirco responded to Mr. Goldstein that tree mitigation measures would incorporate all necessary protections of trees on adjacent properties. Mr. Goldstein suggested Mr. Schmitz hire a professional to review the impact to his solar system and then work with the developer. Mr. Goldstein commented on being a member of the General Plan Task Force when discussions of density for different areas of the City were being weighed. Mr. Goldstein said it is a balancing act between what the community needs and wants and what the developers are willing to build. Mr. Goldstein said having affordable housing alongside market rate homes is the right thing to do and there needs to be a solution to the housing crisis. Mr. Goldstein appreciates the developer has stayed with this project and paying the new in-lieu fees and hope the next development will include affordable housing.

Commissioner Willis made a motion to approve the staff recommendation.

Commissioner Schott made a friendly amendment of adding the condition that lots 7, 8, and 9 be single-story.

Commissioner Willis does not accept the friendly amendment. Mr. Willis said the recommendation by staff is fully acceptable, supported by the law and follows all the conditions for development in the area and there are mitigation measures in place for any issues that arise.

Commissioner McDermott seconded the motion. The motion passed with the following vote:

AYES:	Willis Jr., Schott, McDermott, Faria Chair Goldstein
NOES:	Bonilla Jr.
ABSENT:	None
ABSTAIN:	None
VACANCY:	One



**MINUTES OF THE REGULAR MEETING OF THE
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2. Recommended FY 2019-FY 2028 Capital Improvement Program

Interim Public Works Director Ameri provided a synopsis of the staff report along with a PowerPoint presentation.

In response to the Commissioner Schott's question if the gas tax gets repealed, Interim Public Works Director Ameri said the impact would be great as currently the City receives \$4.25 million from gas tax funds and the City has \$10.3 million budgeted for roads and streets. Mr. Ameri noted there is an effort to place an item on the November ballot to repeal SB 1. Mr. Ameri responded to Mr. Schott about the fire training center with financial contribution coming from Chabot College.

Interim Public Works Director Ameri confirmed for Commissioner Bonilla that projects are funded according to their priority.

In response to Chair Goldstein regarding groundwater, Interim Public Works Director Ameri provided a history of when the City used primarily groundwater from the mid-1800s to 1940, in the 1940s the City started getting water from Hetch-Hetchy. Mr. Ameri said in 1962 the City entered into a water supply agreement with the City of San Francisco to receive water for all its needs from San Francisco's Hetch-Hetchy system, and no longer used groundwater. However, in the mid-1980's the City realized there needs to be a contingency plan in place in case of an emergency that the City is cut-off from Hetch-Hetchy. The City has developed five emergency wells that are on standby. Mr. Ameri spoke about how the City is developing a groundwater sustainability plan in order to meet the State's 2014 law. Mr. Ameri responded to Mr. Goldstein that in case of an emergency the five wells can provide 50% of the water use and if something happens to San Francisco, Hayward has a regional intertie and can get water from EBMUD. Mr. Ameri explained to Mr. Goldstein that the two-megawatt solar capability will be to satisfy municipal needs and the plan is to be Zero Net Energy by 2025. Related to the requested expenditure to remodel the Police Department's Records Room, Mr. Goldstein hopes in the future the City can prevent emergency remodels and have the vision to provide the police department with what they need.

Assistant City Attorney Brick confirmed for Commissioner Schott that he does not have to recuse himself because he rents a space at the Hayward Executive Airport.

Chair Goldstein opened and closed the public hearing at 9:13 p.m.

Commissioner Willis made a motion to approve the staff recommendation. Commissioner Faria seconded the motion.



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The motion passed with the following vote:

AYES:	Willis Jr., Bonilla Jr., Schott, McDermott, Faria Chair Goldstein
NOES:	None
ABSENT:	None
ABSTAIN:	None

APPROVAL OF MINUTES

3. Approval of the minutes of the Planning Commission Meeting of April 12, 2018.

Commissioner Willis made a motion, seconded by Commissioner Bonilla, to approve the Planning Commission Meeting Minutes of April 12, 2018. The motion passed with the following votes:

5:0:1 (AYES: Willis Jr., Goldstein, Bonilla Jr., Schott, Faria; ABSTAIN: McDermott)

4. Approval of minutes of the Planning Commission Meeting Minutes of April 26, 2018.

Commissioner Willis made a motion, seconded by Commissioner McDermott, to approve the Planning Commission Meeting Minutes of April 26, 2018. The motion passed with the following votes:

6:0:0 (AYES: Willis Jr., Goldstein, Bonilla Jr., Schott, McDermott, Faria)

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Principal Planner Lochirco announced it was Bike to Work Day. Mr. Lochirco said that Housing Division Manager Morales will be here for a Work Session in June, to present a report about housing issues including the New Affordable Housing Ordinance.

Commissioners' Announcements, Referrals:

There were none.

ADJOURNMENT

Chair Goldstein adjourned the meeting at 9:22 p.m.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 10, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

APPROVED:

Ray Bonilla Jr., Secretary
Planning Commission

ATTEST:

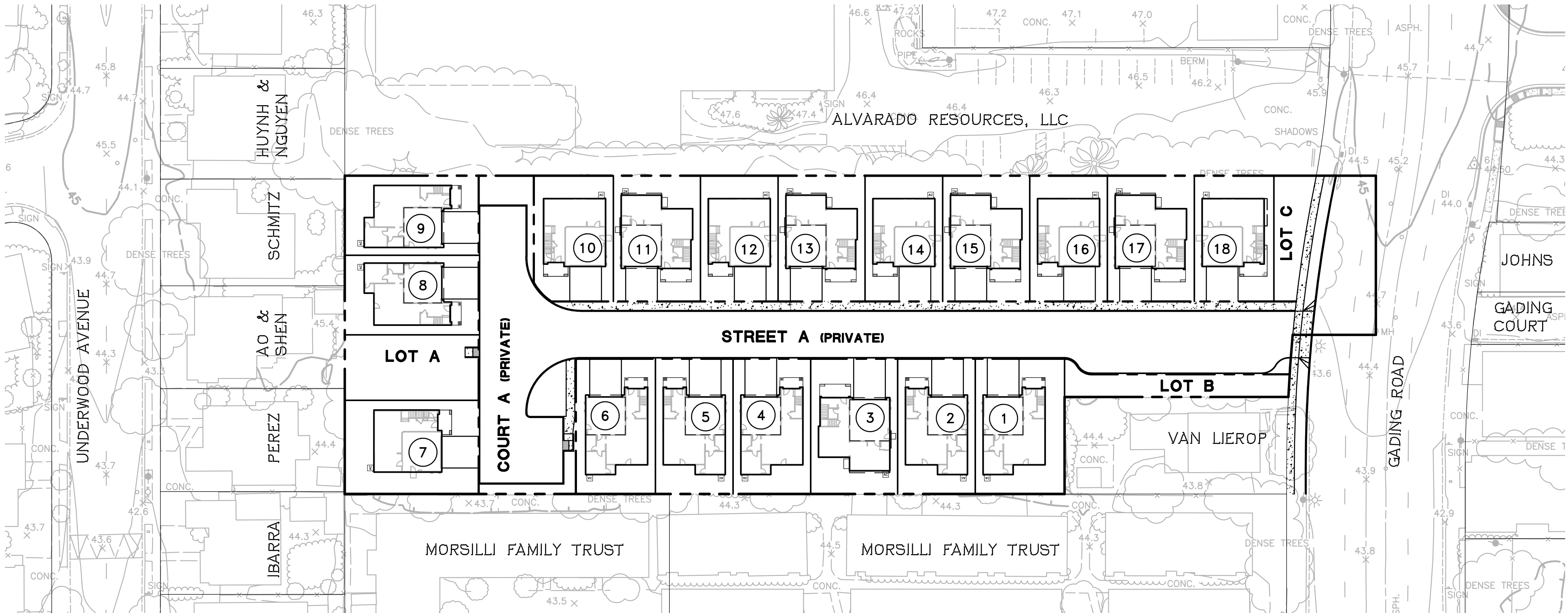
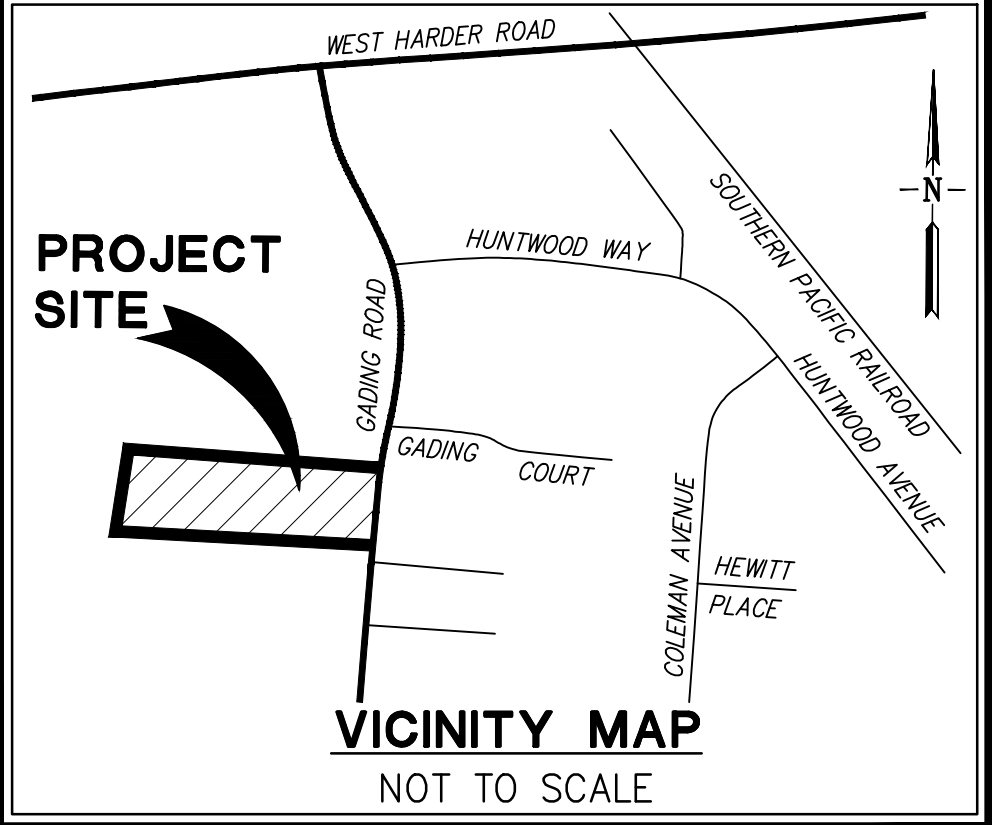
Denise Chan, Senior Secretary
Office of the City Clerk

BENCHMARK

CITY OF HAYWARD BENCHMARK. A STANDARD CITY MONUMENT DISK LOCATED AT THE INTERSECTION OF GADING ROAD AND HUNTWOOD WAY. ELEVATION = 46.705 FEET. (NGVD 29).

PRELIMINARY DEVELOPMENT PLAN
GADING II

CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: DUTRA ENTERPRISES, INC.



PROJECT TEAM

- | | |
|---------------------------|---|
| 1. APPLICANT: | DUTRA ENTERPRISES, INC.
43360 MISSION BLVD., SUITE 230
FREMONT, CA 94539
TEL: (510) 403-7973
CONTACT: ZAHEER SIDDIQUI |
| 2. CIVIL ENGINEER: | RUGGERI-JENSEN-AZAR
4690 CHABOT DRIVE, SUITE 200
PLEASANTON, CA 94588
TEL: (925) 227-9100
CONTACT: STEVE LICHLITER |
| 3. GEOTECHNICAL ENGINEER: | ENGEO, INC.
2010 CROW CANYON PL, SUITE 250
SAN RAMON, CA 94583
TEL: (925) 866-9000
CONTACT: RANDY HILDEBRANT |
| 4. ARCHITECT: | KTGY GROUP, INC.
580 SECOND STREET, SUITE 200
OAKLAND, CA 94607
TEL: (510) 463-2046
CONTACT: CINDY MA |
| 5. LANDSCAPE ARCHITECT: | RIPLEY DESIGN GROUP
1615 BONANZA STREET, SUITE 314
WALNUT CREEK, CA 94596
TEL: (925) 938-7377
CONTACT: WILL GREEN |

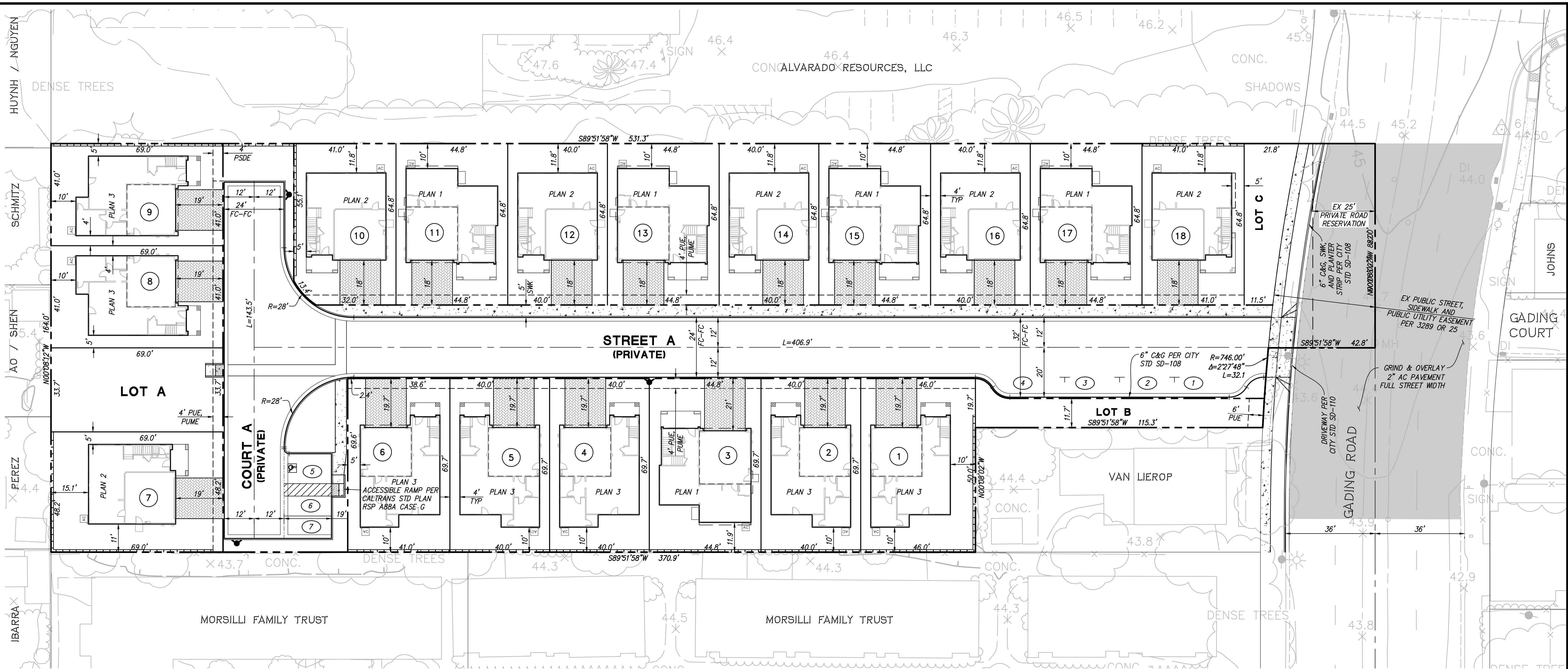
SHEET INDEX

SHEET NO.	DESCRIPTION
P-1	TITLE SHEET
P-2	PRELIMINARY SITE PLAN
P-3	PRELIMINARY GRADING PLAN
P-4	PRELIMINARY TRAFFIC CIRCULATION PLAN



RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

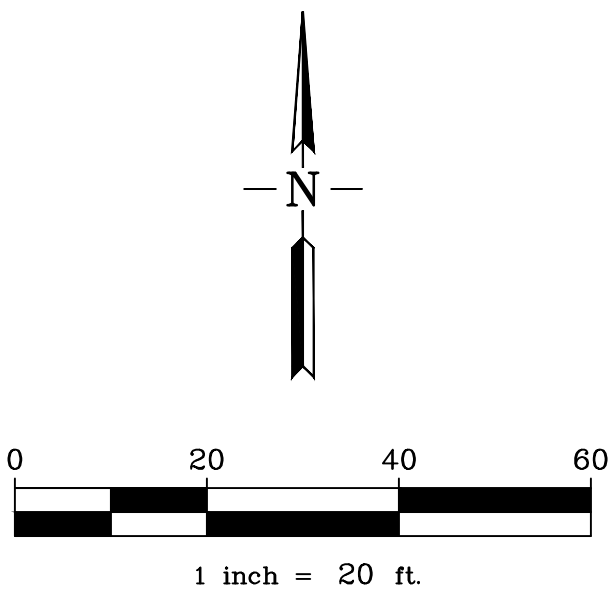
G:\JOB2017\171030\CAD FILES\02-PLANNING\PD\P-2 PRELIMINARY SITE PLANNING 2/27/2018 HILLARY RAYA



PARKING SUMMARY	
GARAGE PARKING	36
DRIVEWAY PARKING	36
STREET PARKING	7
TOTAL	79

LOT SUMMARY	
LOT NO.	AREA (SF)
1	3,206
2	2,788
3	3,124
4	2,788
5	2,788
6	2,857
7	3,329
8	2,829
9	2,829
10	2,620
11	2,905
12	2,592
13	2,905
14	2,592
15	2,905
16	2,592
17	2,905
18	2,657
LOT A	2,328
LOT B	1,048
LOT C	1,397
STREET A & COURT A	18,632
GADING ROAD	3,077
TOTAL	77,693

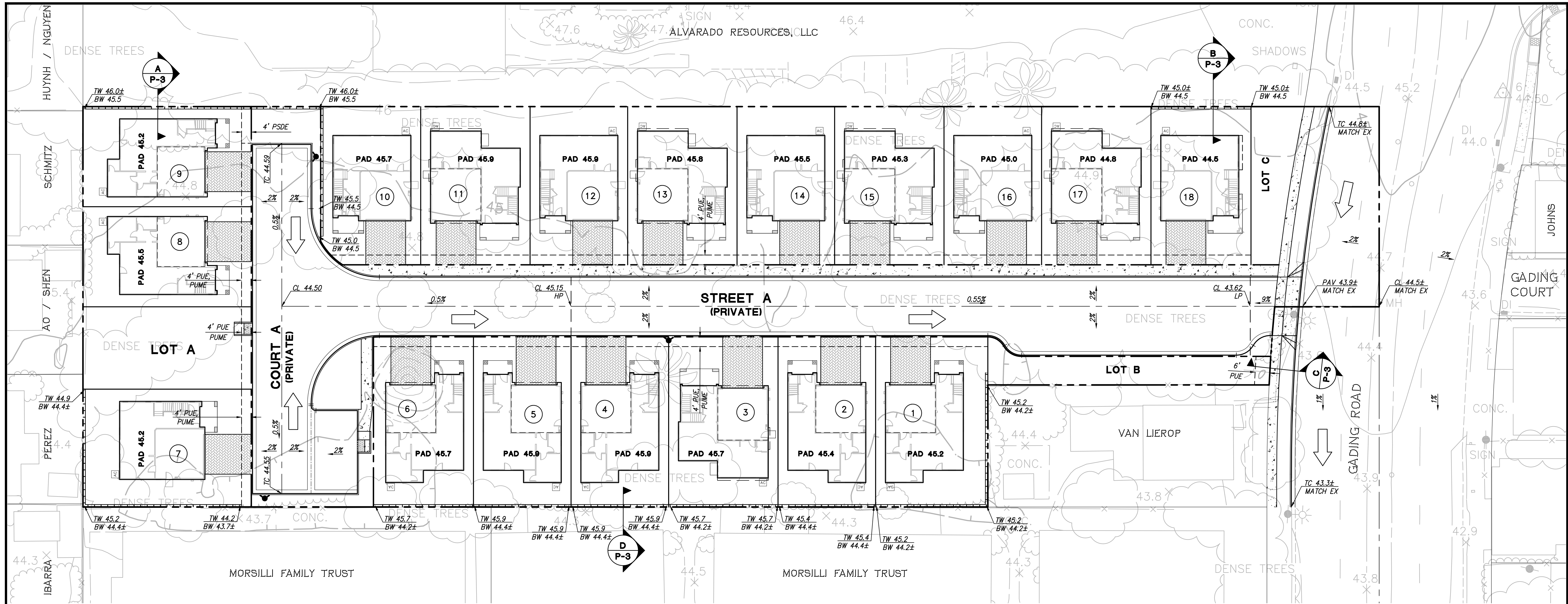
LEGEND	
	PERVIOUS PAVEMENT
	NEW CONCRETE PAVEMENT
	NEW ASPHALT PAVEMENT



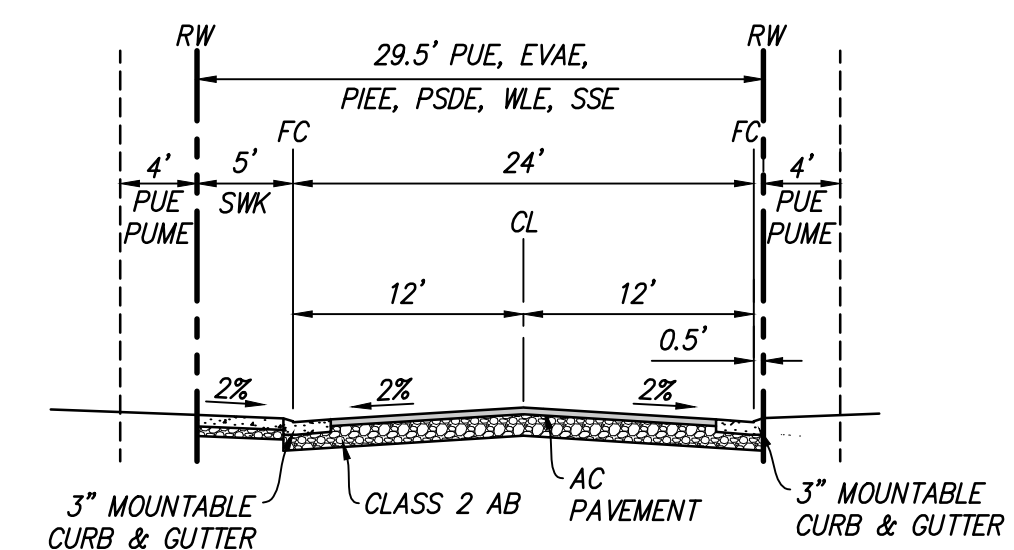
PRELIMINARY DEVELOPMENT PLAN
GADING II
PRELIMINARY SITE PLAN
CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: DUTRA ENTERPRISES, INC.

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

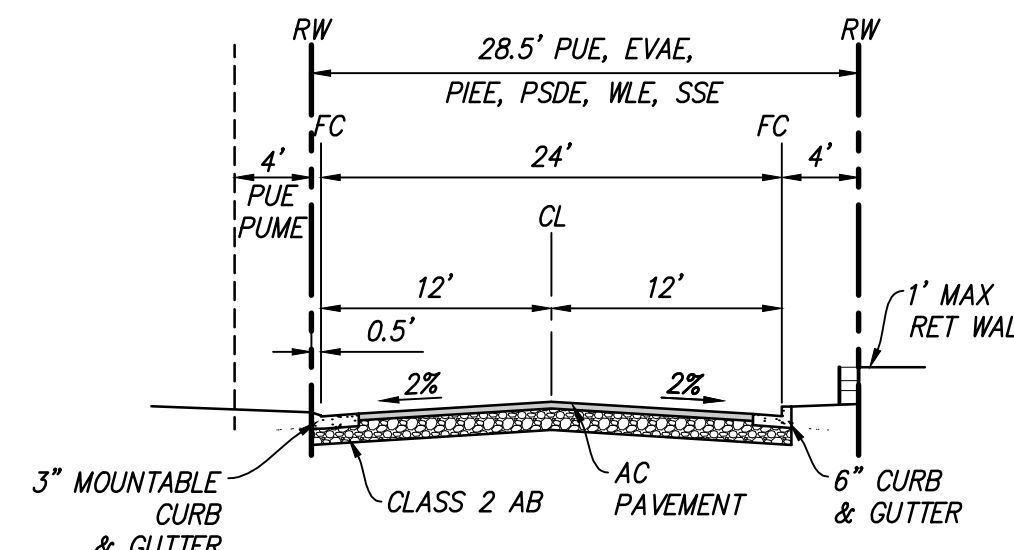
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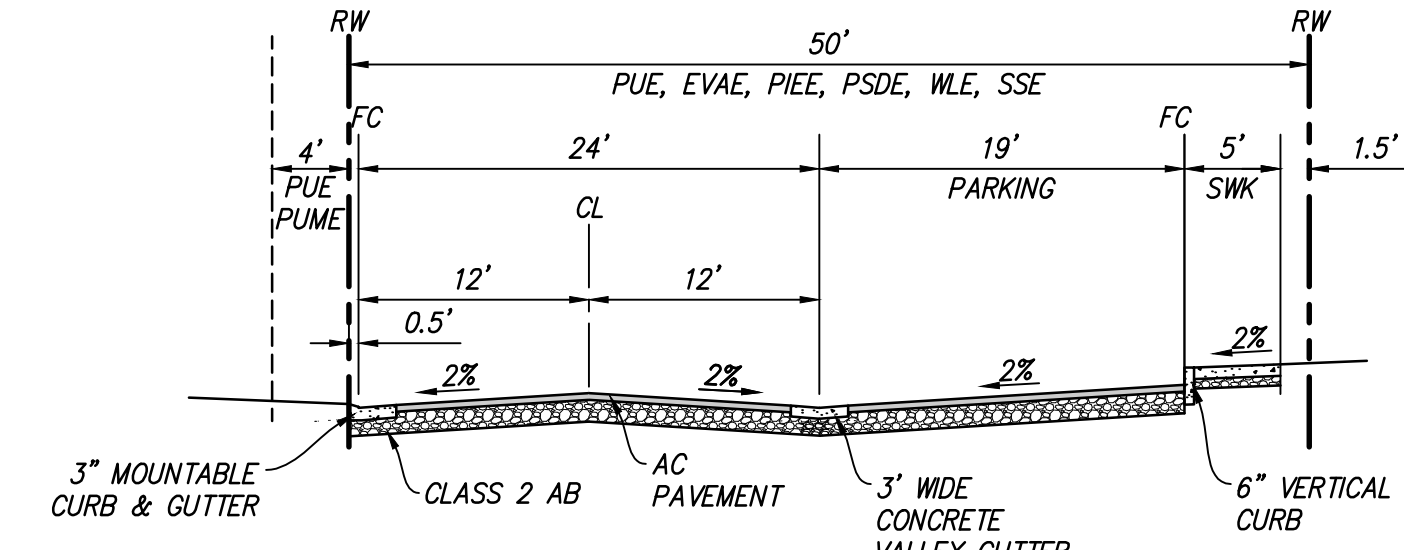
PRELIMINARY PAVEMENT DESIGN CHART				
STREET NAME	TRAFFIC INDEX	"R" VALUE	AC PAVEMENT SECTION	
			A.C.	A.B.
STREET A	5	5	3.0"	10.0"
COURT A	5	5	3.0"	10.0"



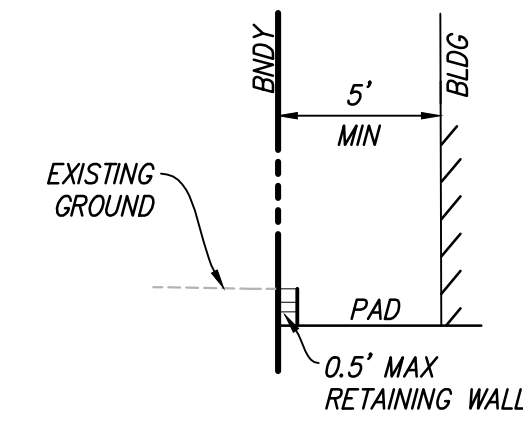
STREET A (PRIVATE)
NOT TO SCALE



COURT A (PRIVATE)
NOT TO SCALE

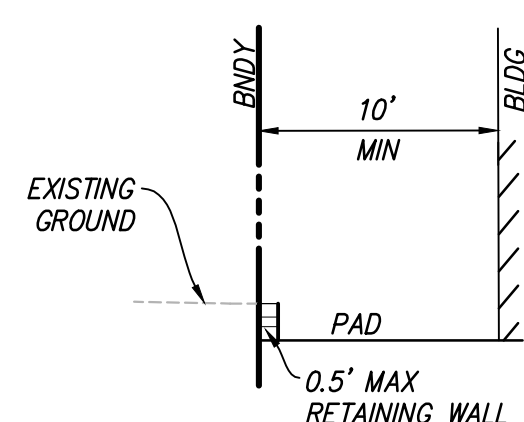


COURT A (PRIVATE)
WITH PARKING
NOT TO SCALE

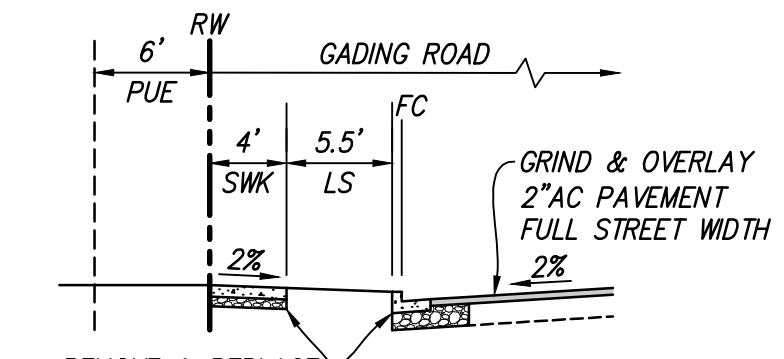


SECTION A
NOT TO SCALE

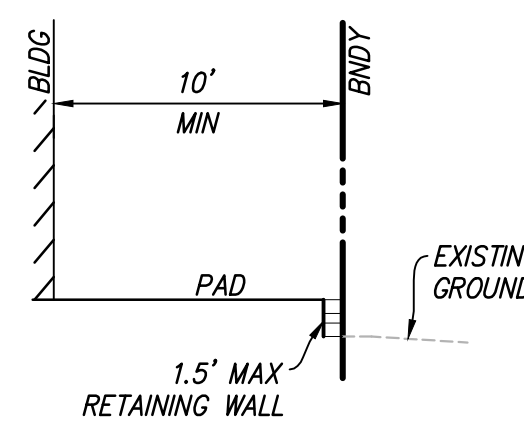
LEGEND
➡ OVERLAND RELEASE



SECTION B
NOT TO SCALE



SECTION C
NOT TO SCALE



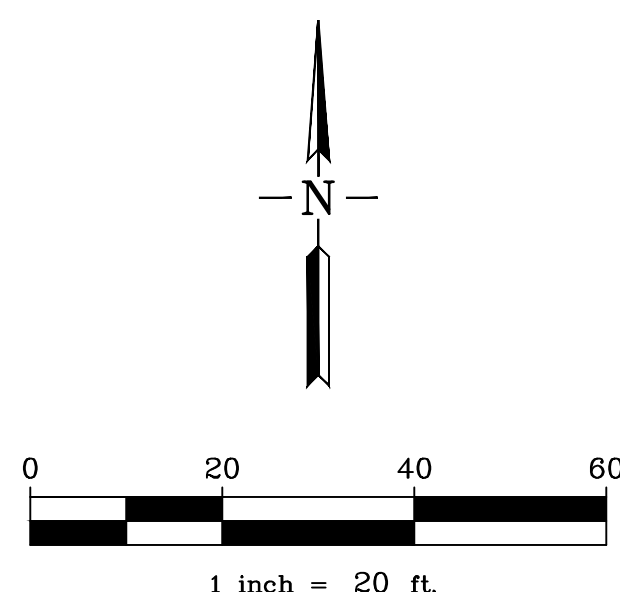
SECTION D
NOT TO SCALE

PRELIMINARY DEVELOPMENT PLAN

GADING II

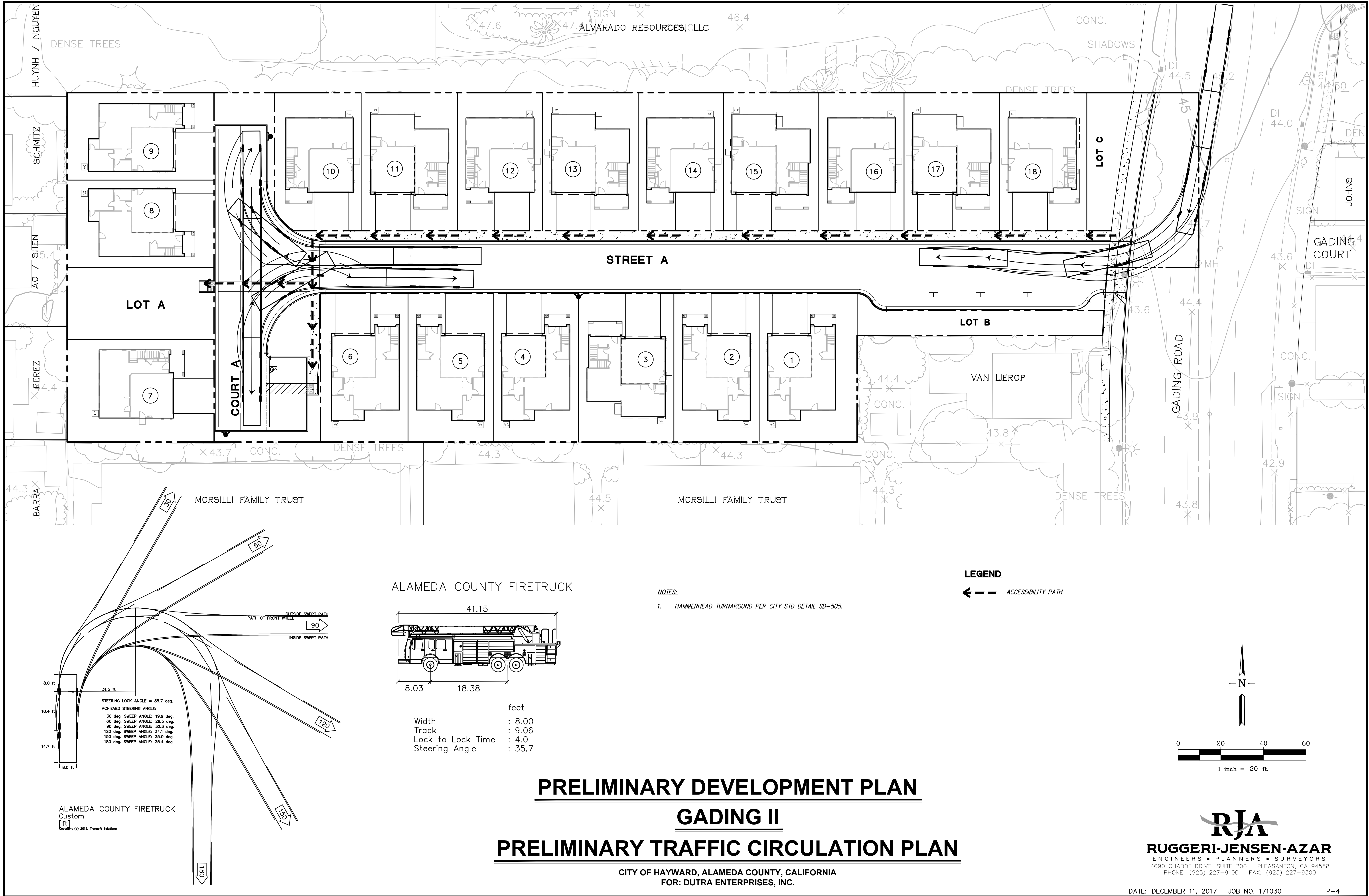
PRELIMINARY GRADING PLAN

CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: DUTRA ENTERPRISES, INC.



RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
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PHONE: (925) 227-9100 FAX: (925) 227-9300

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BENCHMARK

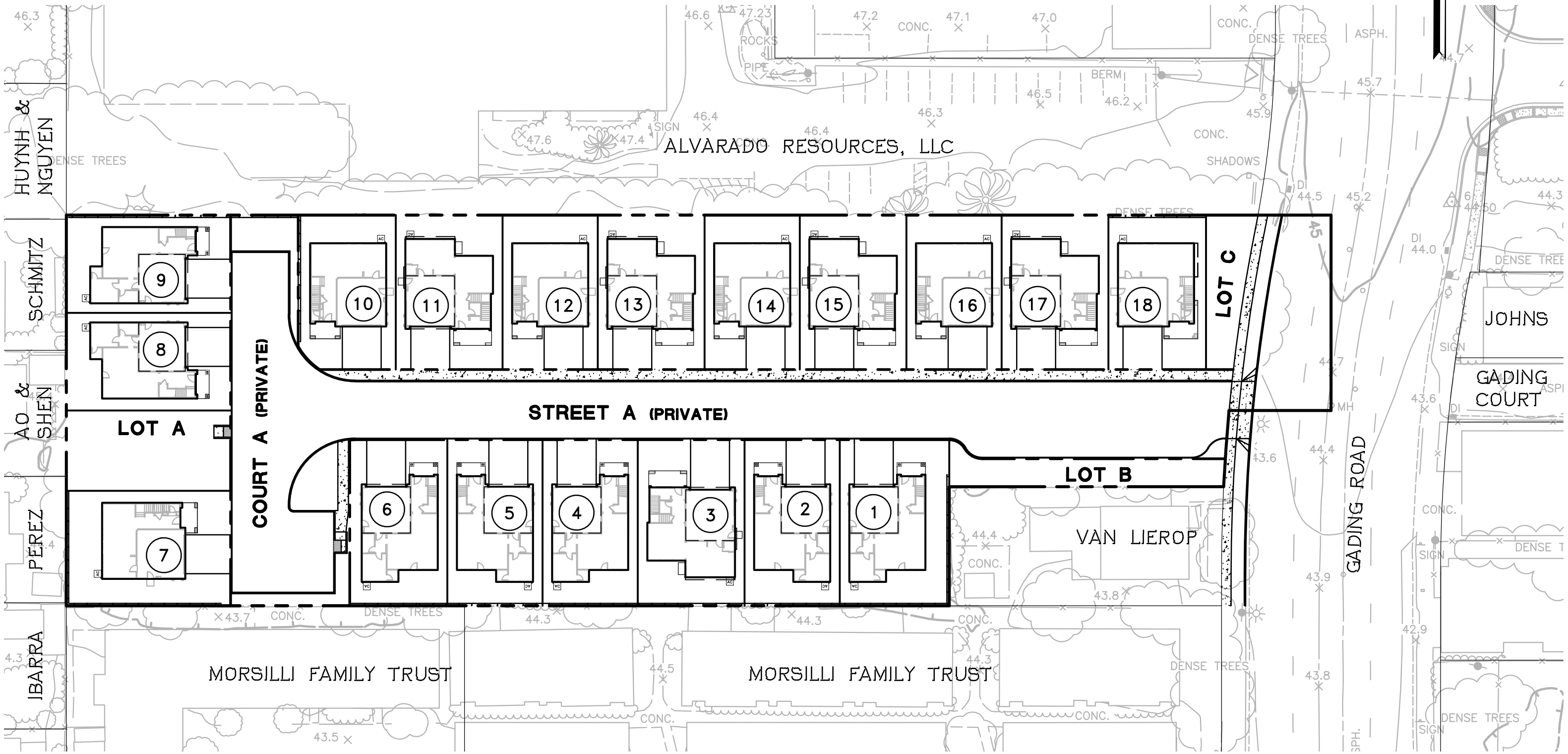
CITY OF HAYWARD BENCHMARK, A STANDARD CITY MONUMENT DISK LOCATED AT THE INTERSECTION OF GADING ROAD AND HUNTWOOD WAY.
ELEVATION = 46.705 FEET. (NGVD 29).

VESTING TENTATIVE MAP
TRACT 8432
GADING II

CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: DUTRA ENTERPRISES, INC.

LEGEND

PROPOSED	DESCRIPTION	EXISTING
	TRACT BOUNDARY	
	LOT LINE	
	RIGHT OF WAY	
	CENTER LINE	
	RETAINING WALL	
	EASEMENT LINE	
	STORM DRAIN	
	SANITARY SEWER	
	WATER	
	GAS	
	CURB & GUTTER	
	SIDEWALK	
	OVERLAND RELEASE PATH	
	STORM WATER INLET	
	DROP INLET	
	AREA DRAIN	
	DIRECTION OF FLOW	
	MANHOLE	
	FIRE HYDRANT	
	SANITARY SEWER CLEAN OUT	
	SANITARY SEWER LATERAL	
	WATER LATERAL WITH METER	
	WATER BLOWOFF	
	WATER VALVE	
	STREET LIGHT	
	TRANSFORMER	
	JOINT TRENCH BOXES	
	TREE	
	CONTOUR ELEVATIONS	
	SPOT ELEVATION	
	SLOPE	
	LOT NUMBER	
	BIO-RETENTION	



LOCATION MAP
NOT TO SCALE

SHEET INDEX

SHEET NO.	DESCRIPTION
C-1	TITLE SHEET
C-2	EXISTING CONDITIONS & DEMOLITION PLAN
C-3	PRELIMINARY SITE PLAN
C-4	PRELIMINARY GRADING PLAN
C-5	PRELIMINARY UTILITY PLAN
C-6	PRELIMINARY STORMWATER TREATMENT PLAN
C-7	DETAILS

OWNER'S STATEMENT

DUTRA ENTERPRISES, INC. AGREES TO THE FILING OF SAID MAP AND AGREES 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.

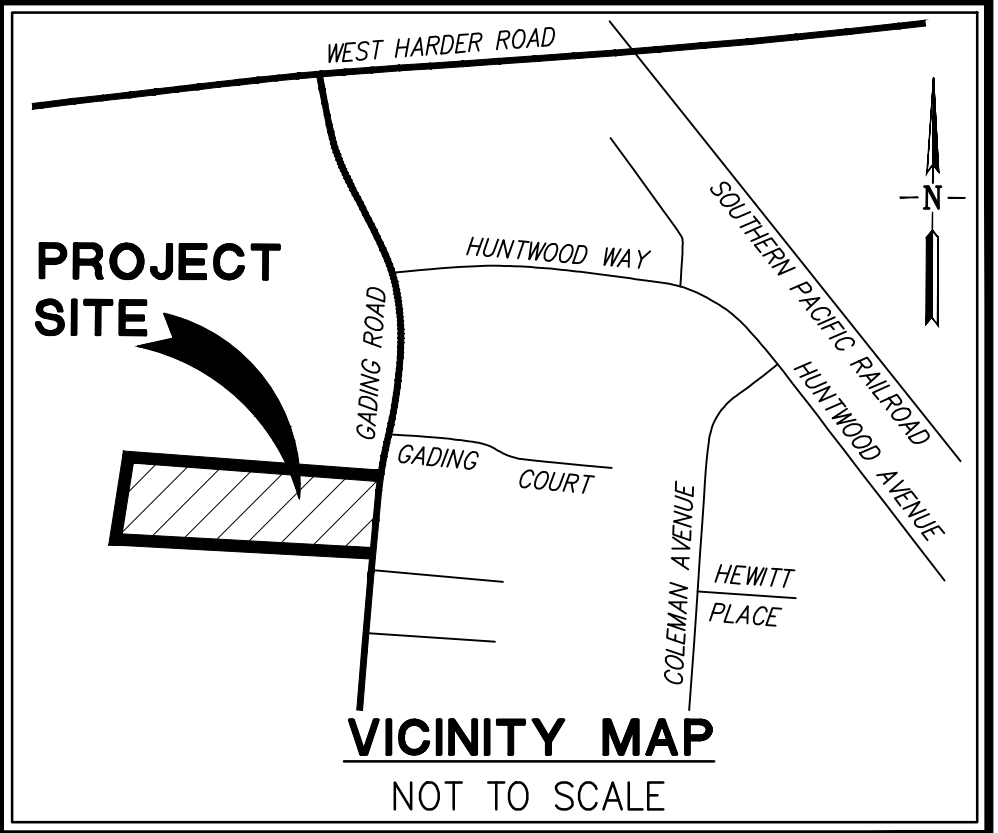
DUTRA ENTERPRISES, INC.
ZAHEER SIDDIQUI

PLANS PREPARED UNDER THE DIRECTION OF:

JOHN STEVEN LICHLITER, RCE 41637
RUGGERI-JENSEN-AZAR



DATE



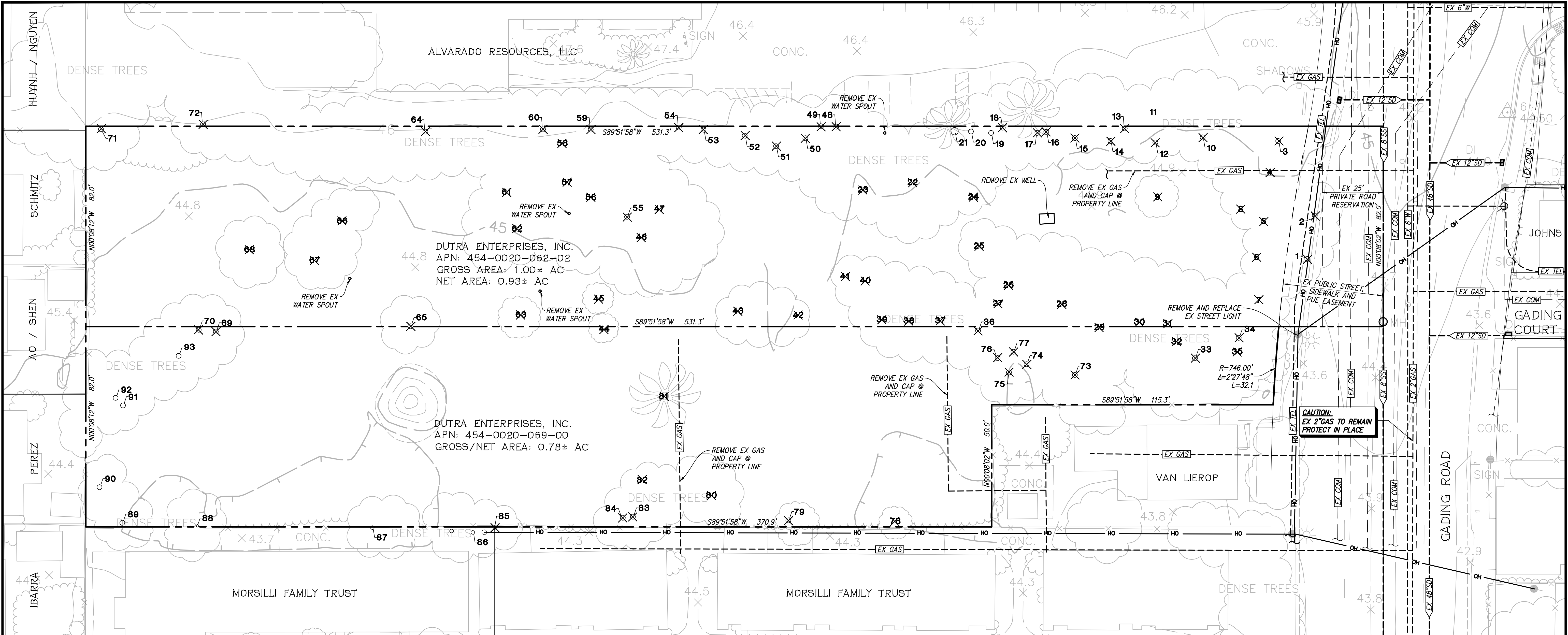
GENERAL NOTES

- OWNER: DUTRA ENTERPRISES, INC.
43360 MISSION BLVD., SUITE 230
FREMONT, CA 94539
TEL: (510) 403-7973
CONTACT: ZAHEER SIDDIQUI
- CIVIL ENGINEER: RUGGERI-JENSEN-AZAR
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PLEASANTON, CA 94588
TEL: (925) 227-9100
CONTACT: STEVE LICHLITER
- GEOTECHNICAL ENGINEER: ENGEQ, INC.
2010 CROW CANYON PL, SUITE 250
SAN RAMON, CA 94583
TEL: (925) 866-9000
CONTACT: RANDY HILDEBRANT
- ARCHITECT: KTG GROUP, INC.
580 SECOND STREET, SUITE 200
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TEL: (510) 463-2046
CONTACT: CINDY MA
- LANDSCAPE ARCHITECT: RIPLEY DESIGN GROUP
1615 BONANZA STREET, SUITE 314
WALNUT CREEK, CA 94596
TEL: (925) 938-7377
CONTACT: WILL GREEN
- ASSESSOR'S PARCEL NUMBERS: 454-0020-062-02
454-0020-069
- CURRENT USE: VACANT LOT AND ONE SINGLE-FAMILY RESIDENCE
- CURRENT GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL
- PROPOSED USE: SINGLE-FAMILY DETACHED
- EXISTING ZONING: SINGLE-FAMILY RESIDENTIAL & CIVIL SPACE ZONE
- PROPOSED ZONING: PLANNED DEVELOPMENT
- GROSS SITE AREA: 1.78 ACRES
- NET DEVELOPMENT AREAS: 1.71 ACRES
- PROPOSED SITE DENSITY: 10.5 (UNITS/ACRE)
- TOTAL NUMBER OF PROPOSED LOTS: 18 SINGLE-FAMILY LOTS
3 COMMON LOTS
TOTAL: 21 LOTS
- OPEN SPACE: LOT A (2,327 SF)
LOT B (1,397 SF)
LOT C (1,048 SF)
- UTILITIES:
 - a. WATER: CITY OF HAYWARD
 - b. SANITARY SEWER: CITY OF HAYWARD
 - c. STORM DRAIN: CITY OF HAYWARD
 - d. FIRE: CITY OF HAYWARD
 - e. GAS AND ELECTRIC: CITY OF HAYWARD
 - f. TELEPHONE: PACIFIC GAS AND ELECTRIC
 - g. CABLE TV: AT&T
COMCAST
- TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON AERIAL TOPOGRAPHIC SURVEY PROVIDED BY RADMAN AERIAL SURVEYS IN APRIL 2017.
- THIS PROPERTY LIES WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), AS SHOWN IN FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 289 OF 725, DATED AUGUST 3, 2009.
- ALL EROSION CONTROL MEASURES SHALL BE IN CONFORMANCE WITH THE CRITERIA AND STANDARDS OF THE CITY OF HAYWARD.
- THE HOMEOWNERS' ASSOCIATION WILL OWN AND MAINTAIN STREET A, COURT A, AND LOTS A, B & C.
- A PRIVATE STORM DRAIN EASEMENT SHALL BE PROVIDED OVER LOT B AND LOT C.
- BUILDING CONSTRUCTION SHALL MEET THE REQUIREMENTS OF THE 2016 CALIFORNIA RESIDENTIAL CODE.



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TREE NO.	SPECIES	TRUNK DIAMETER (IN.)	REMOVE OR PRESERVE
1	EVERGREEN PEAR	6	REMOVE
2	EVERGREEN PEAR	10	REMOVE
3	BLUE ATLAS CEDAR	36	REMOVE
4	DEODAR CEDAR	7	REMOVE
5	PURPLELEAF PLUM	9,6,4	REMOVE
6	PEAR	7,6,5,4,4	REMOVE
7	BOTTLEBRUSH	9,7,6	REMOVE
8	DOUGLAS FIR	16	REMOVE
9	BOTTLEBRUSH	13	REMOVE
10	GLOSSY PRIVET	4,4,4,3	REMOVE
11	INCENSE CEDAR	15	PRESERVE
12	ORANGE	5,4,4	REMOVE
13	GLOSSY PRIVET	4,4,4,3,2	REMOVE
14	GLOSSY PRIVET	4,3,2,2,2	REMOVE
15	AUSTRALIAN BUSH CHERRY	10,7	REMOVE
16	AUSTRALIAN BUSH CHERRY	5,4,2	REMOVE
17	AUSTRALIAN BUSH CHERRY	10	REMOVE
18	GLOSSY PRIVET	6,5,4	REMOVE
19	CAUCASIAN PERSIMMON	5,4,4	PRESERVE
20	PLUM	4,3,3,2	PRESERVE
21	CANARY ISLAND DATE PALM	38	PRESERVE
22	ALEPPO PINE	18	REMOVE
23	INCENSE CEDAR	35	REMOVE
24	APPLE	9,8	REMOVE
25	GRAPEFRUIT	5,4,3	REMOVE
26	PERSIMMON	9,7	REMOVE
27	GLOSSY PRIVET	7,4	REMOVE
28	GLOSSY PRIVET	6	REMOVE
29	LOQUAT	17	REMOVE
30	GLOSSY PRIVET	4	REMOVE

TREE NO.	SPECIES	TRUNK DIAMETER (IN.)	REMOVE OR PRESERVE
31	CHINESE HACKBERRY	15	REMOVE
32	CHINESE HACKBERRY	12	REMOVE
33	DEODAR CEDAR	28	REMOVE
34	GINKGO	7	REMOVE
35	GLOSSY PRIVET	4,3,2	REMOVE
36	COAST LIVE OAK	4,3,2	REMOVE
37	CANARY ISLAND PINE	21	REMOVE
38	OLIVE	7,6,6,5	REMOVE
39	CANARY ISLAND PINE	15	REMOVE
40	GLOSSY PRIVET	6,5,5	REMOVE
41	GLOSSY PRIVET	6	REMOVE
42	COAST LIVE OAK	4,3	REMOVE
43	MONTEREY PINE	9	REMOVE
44	FIG	9,6	REMOVE
45	BLACKWOOD ACACIA	16,15,15,12,9,5	REMOVE
46	LOQUAT	12,9	REMOVE
47	APRICOT	4	REMOVE
48	GLOSSY PRIVET	6,6	REMOVE
49	GLOSSY PRIVET	4	REMOVE
50	GLOSSY PRIVET	15,6	REMOVE
51	GLOSSY PRIVET	5	REMOVE
52	GLOSSY PRIVET	4,4,4,3,2	REMOVE
53	GLOSSY PRIVET	12,9,9,8	REMOVE
54	GLOSSY PRIVET	9,7,7,6,6,5,5,5	REMOVE
55	COAST LIVE OAK	18	REMOVE
56	GLOSSY PRIVET	6,4,3,3,2	REMOVE
57	BOXELDER	5	REMOVE
58	FIG	6,6,5,4	REMOVE
59	GLOSSY PRIVET	9,8,8,8,6,6,5,4,3	REMOVE

TREE NO.	SPECIES	TRUNK DIAMETER (IN.)	REMOVE OR PRESERVE
60	GLOSSY PRIVET	28 STEMS 10\"	REMOVE
61	AVOCADO	4,4,4	REMOVE
62	APPLE	4,4,4	REMOVE
63	APRICOT	4,2,1,1,1	REMOVE
64	GLOSSY PRIVET	50 STEMS 10\"	REMOVE
65	COAST LIVE OAK	7,6	REMOVE
66	FIG	12,11,9,8,7	REMOVE
67	FIG	7,5	REMOVE
68	FIG	11,9,7,7,5,5,5	REMOVE
69	COAST LIVE OAK	10	REMOVE
70	COAST LIVE OAK	9	REMOVE
71	GLOSSY PRIVET	10,5,3,1,1,1	REMOVE
72	GLOSSY PRIVET	4,3,1,1,1	REMOVE
73	LOQUAT	12,12	REMOVE
74	COAST LIVE OAK	5	REMOVE
75	COAST LIVE OAK	11	REMOVE
76	COAST LIVE OAK	7	REMOVE

TREE NO.	SPECIES	TRUNK DIAMETER (IN.)	REMOVE OR PRESERVE
77	COAST LIVE OAK	4	REMOVE
78	GLOSSY PRIVET	9,5,5	REMOVE
79	GLOSSY PRIVET	6	REMOVE
80	FIG	12,9,8,7,5	REMOVE
81	CANARY ISLAND DATE PALM	48	REMOVE
82	FIG	7,6,5,5,4	REMOVE
83	COAST LIVE OAK	9	REMOVE
84	COAST LIVE OAK	10	REMOVE
85	GLOSSY PRIVET	7,5,5,4,3	REMOVE
86	HOLLYWOOD JUNIPER	15,9,7,5,4	PRESERVE
87	HOLLYWOOD JUNIPER	17,14,8	PRESERVE
88	ENGLISH WALNUT	11	PRESERVE
89	GLOSSY PRIVET	7,7,6,6,5	PRESERVE
90	COAST LIVE OAK	6,5,5,4,4	PRESERVE
91	COAST LIVE OAK	9,8	PRESERVE
92	COAST LIVE OAK	12	PRESERVE
93	COAST LIVE OAK	9	PRESERVE

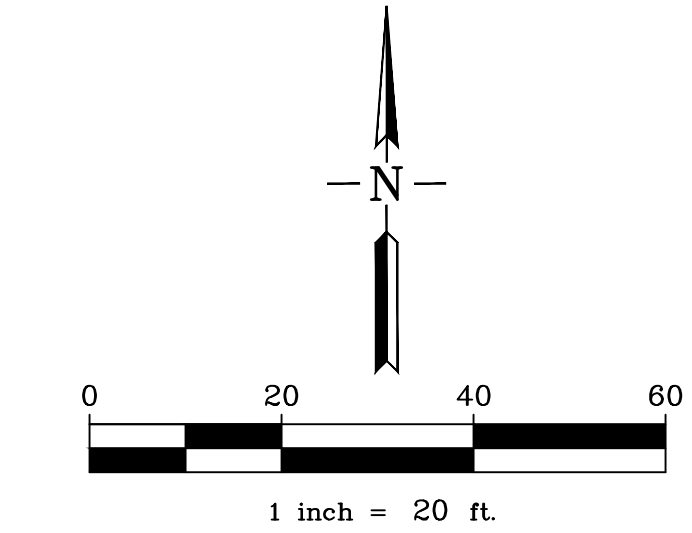
VESTING TENTATIVE MAP

TRACT 8432 - GADING II

EXISTING CONDITIONS & DEMOLITION PLAN

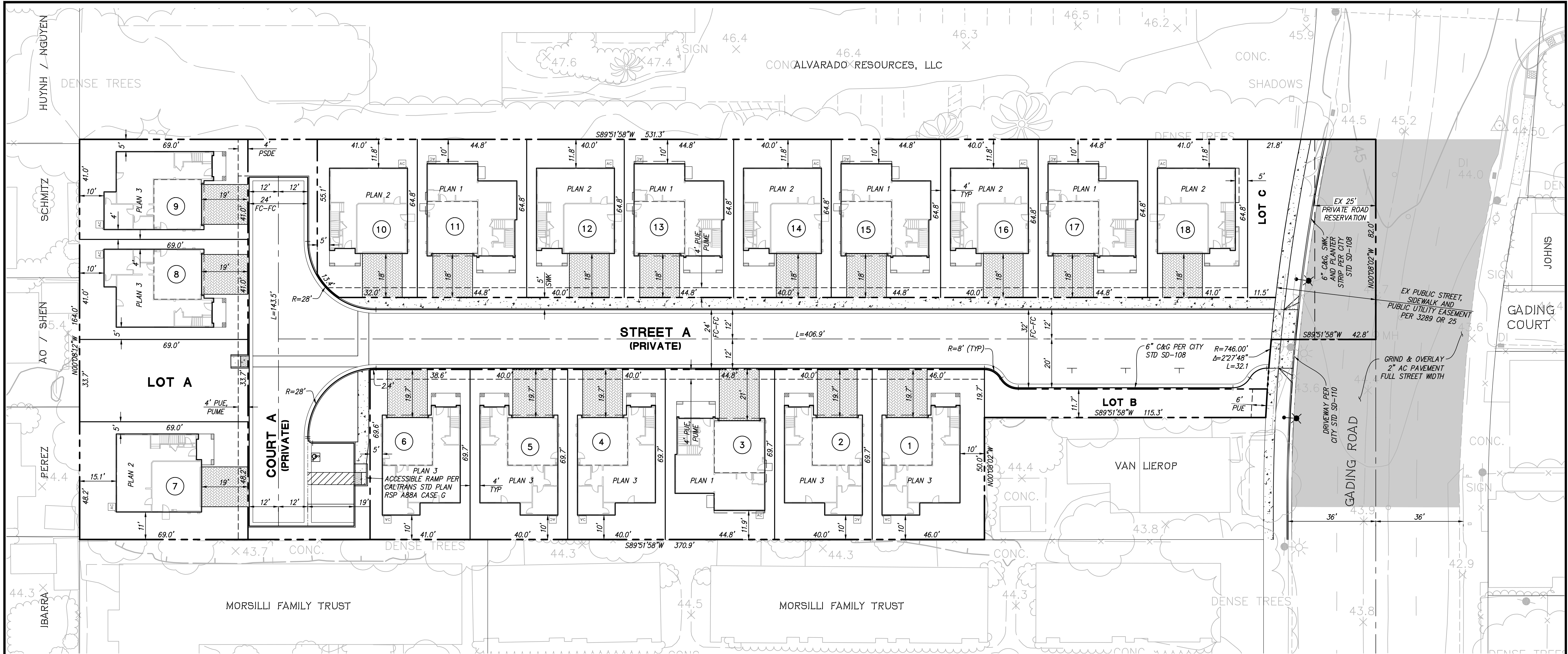
CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: DUTRA ENTERPRISES, INC.

- NOTES:
- EXISTING UNDERGROUND UTILITIES ARE BASED ON RECORDS PROVIDED BY OTHERS AND FIELD SURVEY IN GADING ROAD.
 - EXISTING ABOVE GROUND UTILITIES ON GADING ROAD FRONTING THE SITE SHALL BE PLACED IN UNDERGROUND CONDUITS AND VAULTS.
 - EXISTING WELL ON SITE TO BE ABANDONED AND DESTROYED PER ALAMEDA COUNTY STANDARDS.
 - EXISTING SEPTIC SYSTEM ON SITE TO BE ABANDONED AND DESTROYED PER ALAMEDA COUNTY ENVIRONMENT HEALTH'S LAND USE PROGRAM REGULATIONS.
 - REMOVE EXISTING CURB & GUTTER AT PROPOSED DRIVEWAY ENTRY.
 - THE EXISTING PUBLIC STREET, SIDEWALK AND PUBLIC UTILITY EASEMENT TO BE DEDICATED TO THE CITY OF HAYWARD AS PART OF GADING ROAD.



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PARKING SUMMARY	
GARAGE PARKING	36
DRIVEWAY PARKING	36
STREET PARKING	7
TOTAL	79

LEGEND

PERVIOUS PAVEMENT

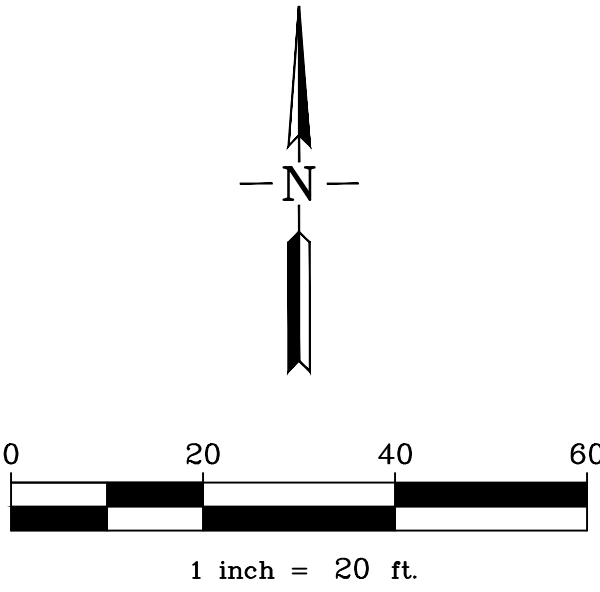
CONCRETE PAVEMENT

ASPHALT PAVEMENT
(GRIND AND OVERLAY)

VESTING TENTATIVE MAP
TRACT 8432 - GADING II
PRELIMINARY SITE PLAN

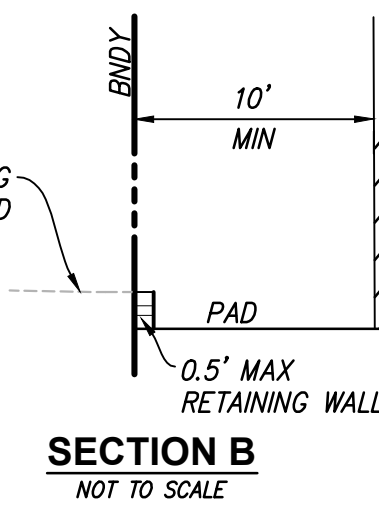
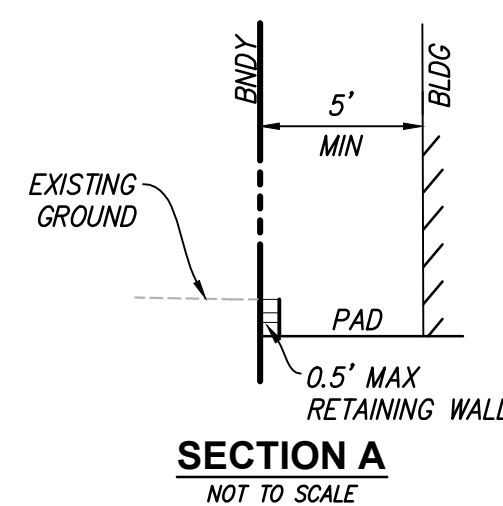
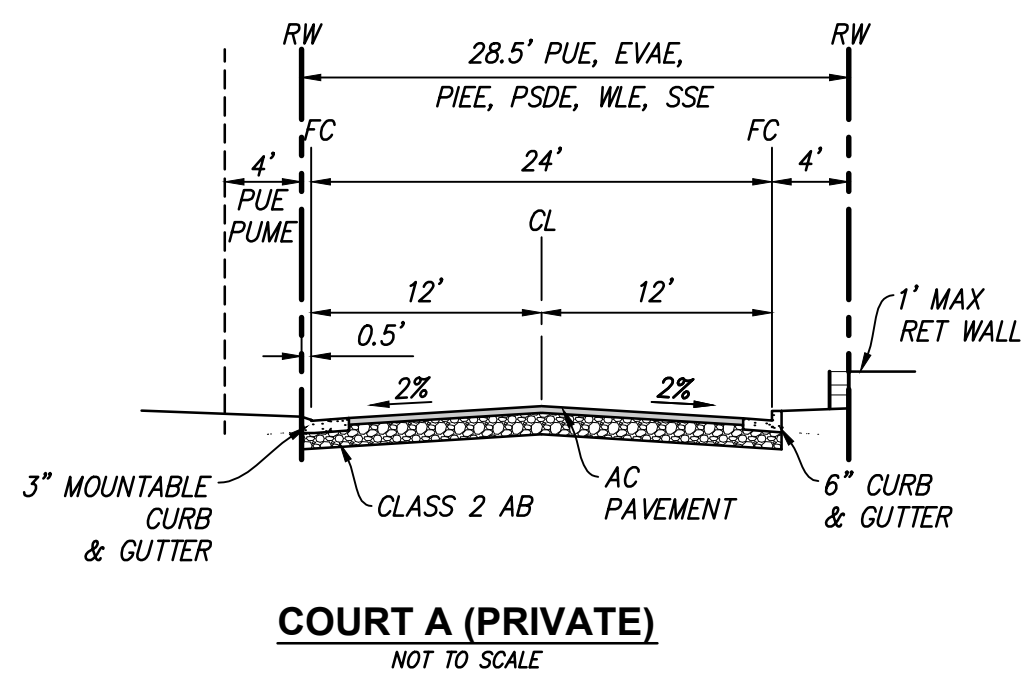
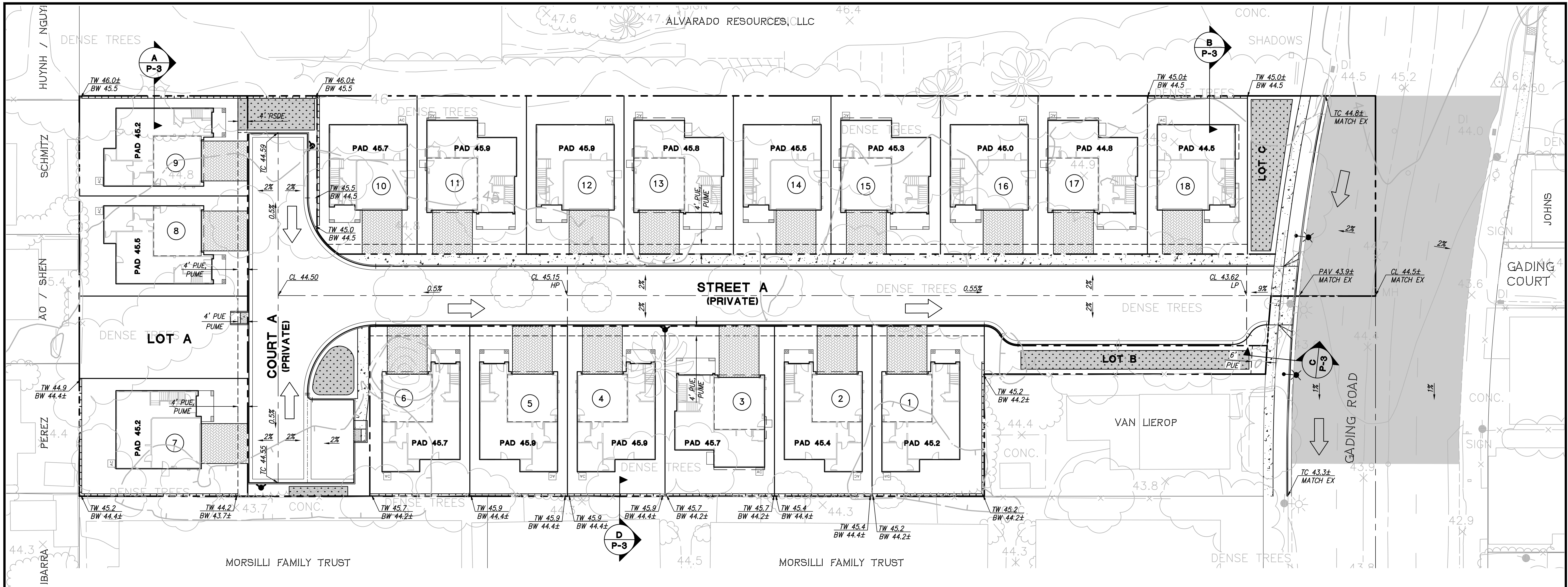
CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: DUTRA ENTERPRISES, INC.

LOT SUMMARY	
LOT NO.	AREA (SF)
1	3,206
2	2,788
3	3,124
4	2,788
5	2,788
6	2,857
7	3,329
8	2,829
9	2,829
10	2,620
11	2,905
12	2,592
13	2,905
14	2,592
15	2,905
16	2,592
17	2,905
18	2,657
LOT A	2,328
LOT B	1,048
LOT C	1,397
STREET A & COURT A	18,632
GADING ROAD	3,077
TOTAL	77,693



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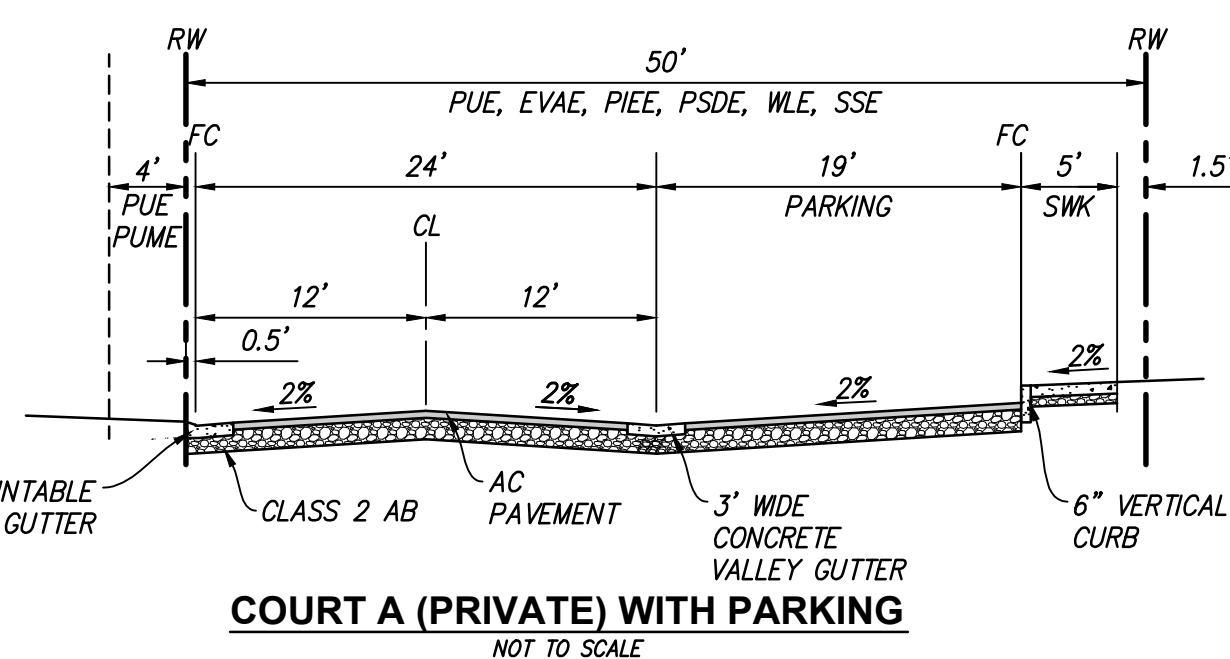
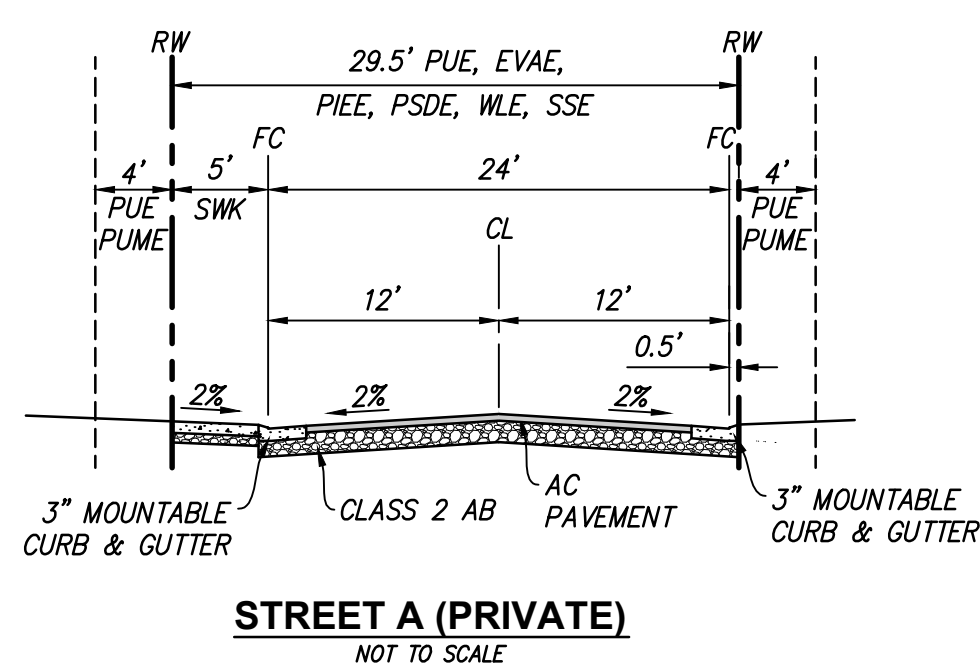
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PRELIMINARY PAVEMENT DESIGN CHART				
STREET NAME	TRAFFIC INDEX	"R" VALUE	AC PAVEMENT SECTION	
			A.C.	A.B.
STREET A	5	5	3.0"	10.0"
COURT A	5	5	3.0"	10.0"

PRELIMINARY ESTIMATED EARTHWORK QUANTITIES		
ITEMS	CUT (C.Y.)	FILL (C.Y.)
STRIPPING & DEMOLITION	-	-
LOTS	150	1,110
STREET A & COURT A	800	0
FOUNDATION & PLUMBING SPOIL	360	-
TRENCH SPOIL	760	-
C.3 SPOIL	250	-
SHRINKAGE (ASSUME 10%)	-	110
TOTAL	2,320	1,220
EXPORT	1,100	-

- NOTE:
- ALL QUANTITIES SHOWN ON THIS PLAN ARE APPROXIMATE. CALCULATED CUT AND FILL ARE TO "ROUGH GRADE" AND EXISTING GROUND. THE ACTUAL AMOUNT OF EARTH MOVED IS VARIABLE DEPENDENT ON COMPACTION, CONSOLIDATION, STRIPPING REQUIREMENTS, AND THE CONTRACTOR'S METHOD OF OPERATION.
 - THE CONTRACTOR SHALL VERIFY ALL EARTHWORK QUANTITIES BEFORE START OF WORK. THE CONTRACTOR SHALL CONTACT THE CIVIL ENGINEER WITH ANY DISCREPANCIES.
 - FOUNDATION SPOIL ASSUMED AT 20 C.Y. PER LOT.
 - IT IS ASSUMED THAT THE SITE HAS UNDERGONE STRIPPING AND DEMOLITION.

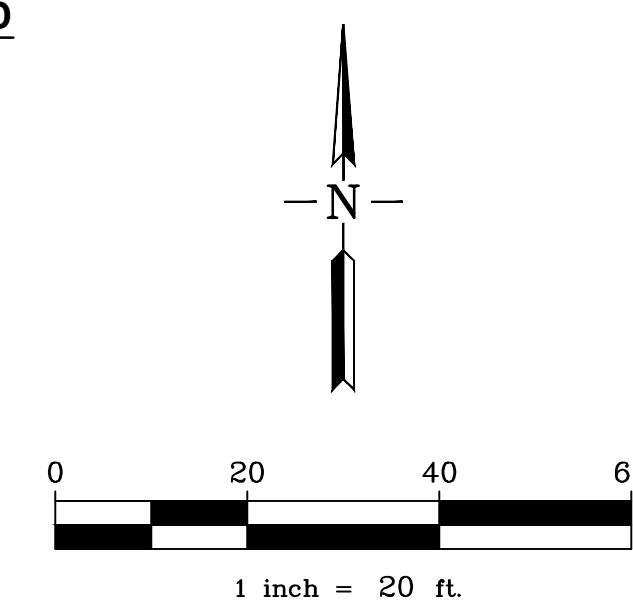


VESTING TENTATIVE MAP

TRACT 8432 - GADING II

PRELIMINARY GRADING PLAN

CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: DUTRA ENTERPRISES, INC.

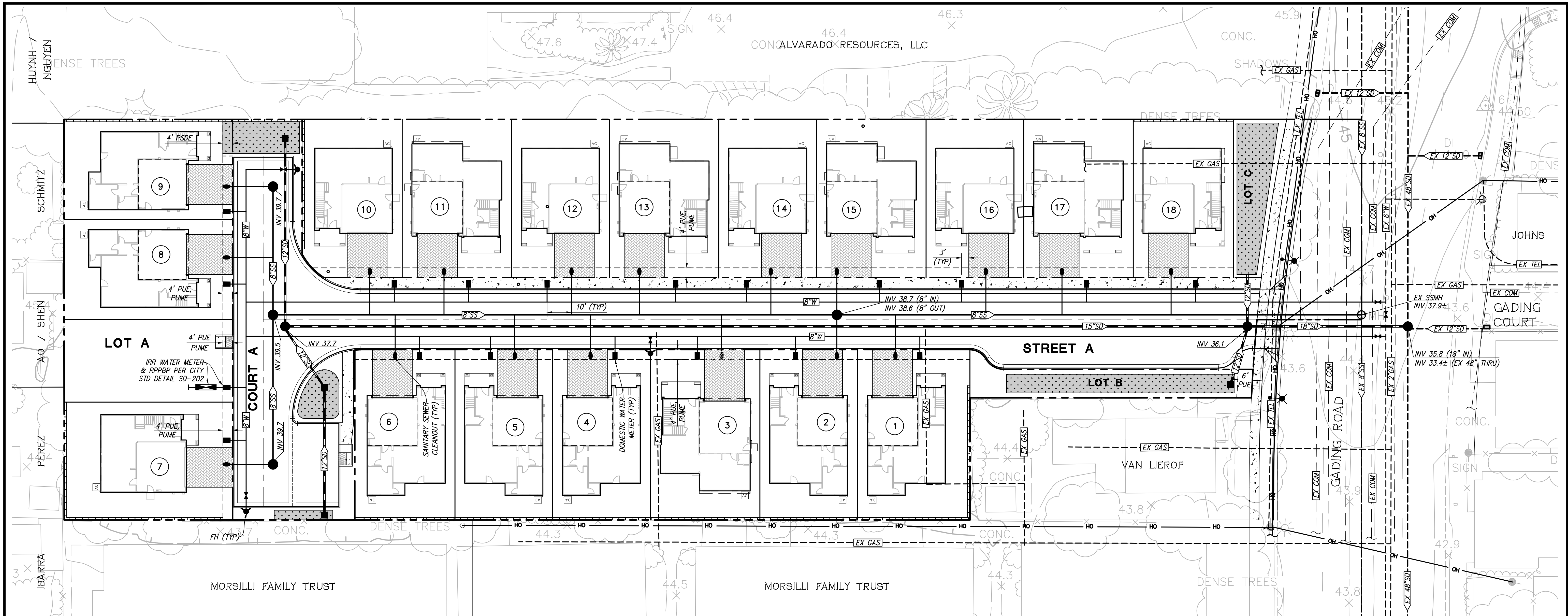


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DATE: DECEMBER 11, 2017 JOB NO. 171030

C-4

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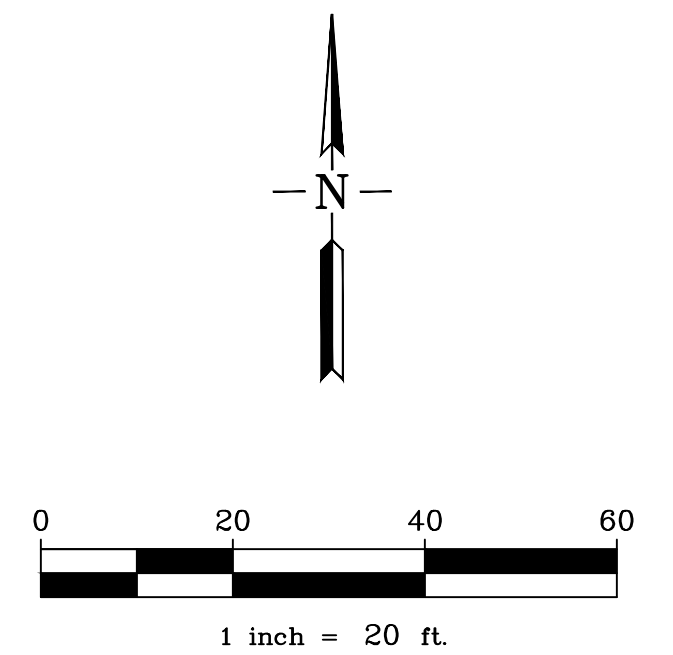
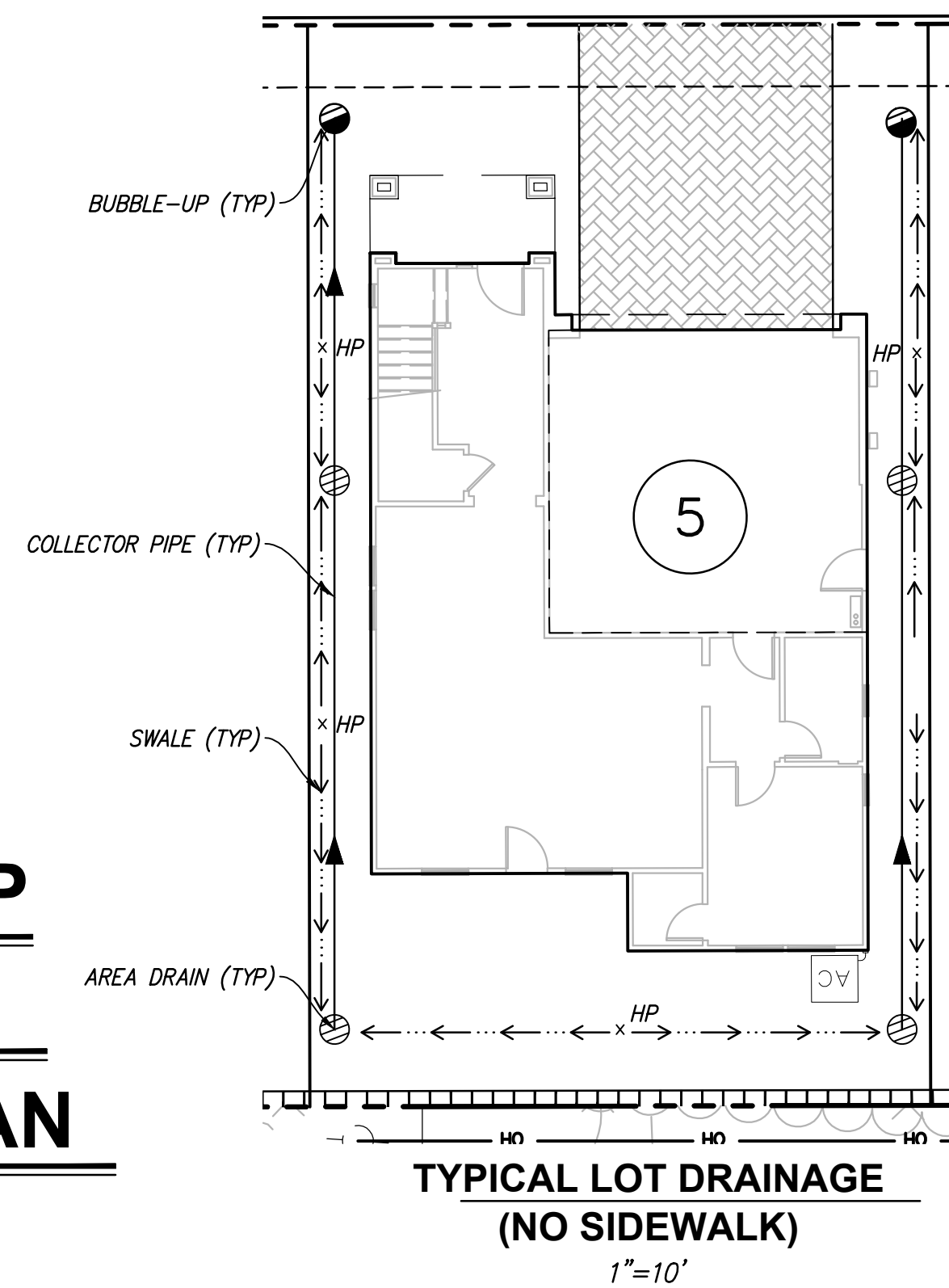


NOTES:

1. EACH RESIDENTIAL DWELLING UNIT SHALL HAVE AN INDIVIDUAL SANITARY SEWER LATERAL AND BE CONSTRUCTED PER CITY STD DETAIL SD-312.
2. ALL DOMESTIC AND IRRIGATION WATER METERS SHALL BE RADIO-READ TYPE.
3. ALL RESIDENTIAL WATER METERS SHALL HAVE COMBINED DOMESTIC AND FIRE SERVICES PER CITY STD DETAIL SD-216.
4. WHERE THE PROPOSED PUBLIC WATER MAIN HAS LESS THAN 10 FEET HORIZONTAL CLEARANCE BETWEEN STORM DRAIN AND/OR SANITARY SEWER MAINS OR IS UNDER DECORATIVE, STAMPED, OR COLORED CONCRETE, THE WATER MAIN SHALL BE CONSTRUCTED OF DUCTILE IRON PIPE.
5. SIDEWALK CROSS DRAIN TO BE INSTALLED ALONG STREET A TO CONVEY ON LOT DRAINAGE TO STREET. SEE DETAIL ON SHEET C-7.
6. THE PROPOSED GATE VALVE SHOWN AT THE NEW WATER MAIN CONNECTION IN GADING ROAD SHALL BE INSTALLED BY CITY WATER DISTRIBUTION PERSONNEL AT THE DEVELOPER'S EXPENSE.

VESTING TENTATIVE MAP TRACT 8432 - GADING II PRELIMINARY UTILITY PLAN

CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: DUTRA ENTERPRISES, INC.

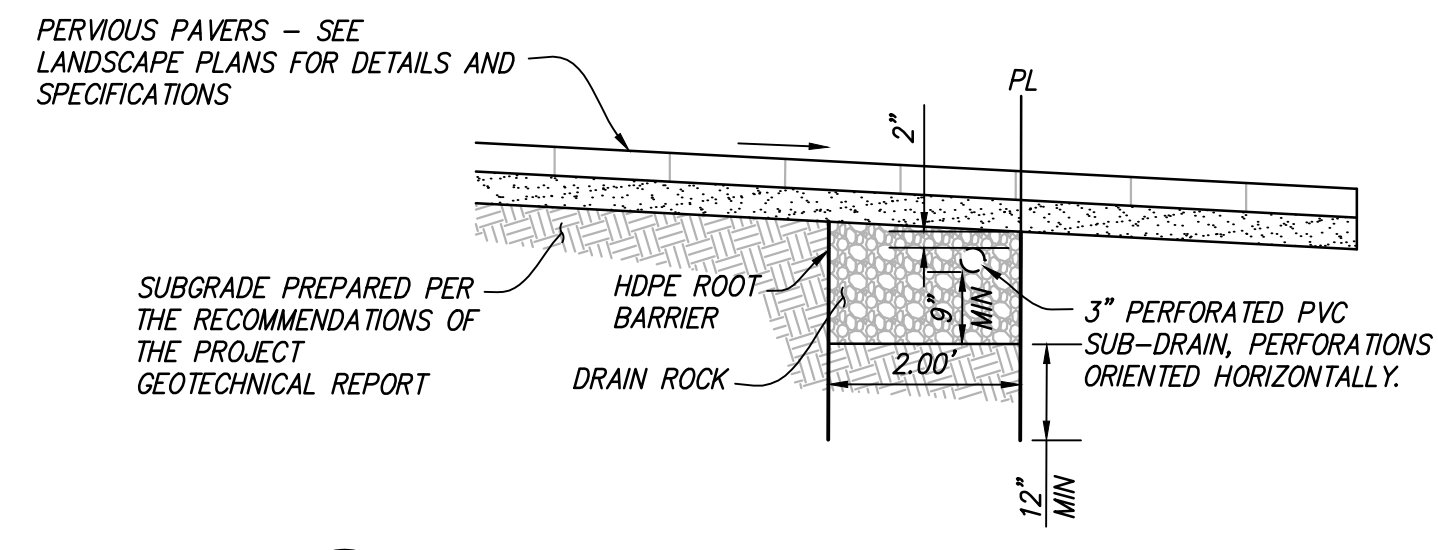
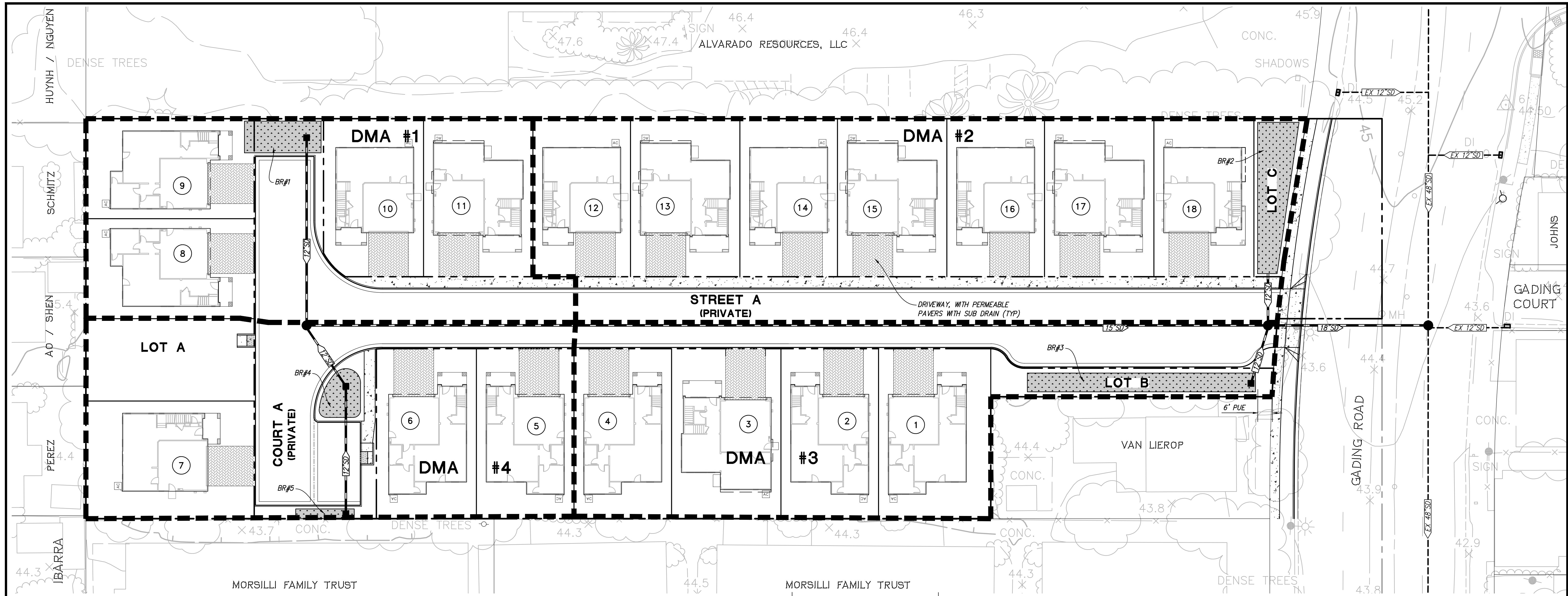


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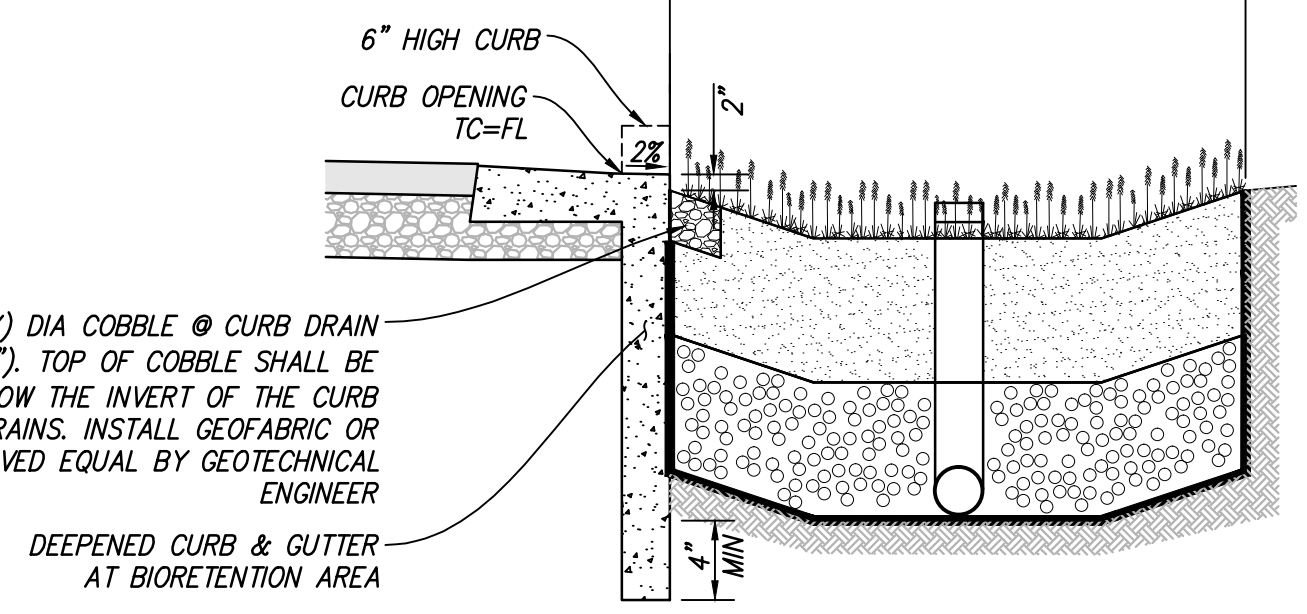
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REV DATE: JANUARY 11, 2018
DATE: DECEMBER 11, 2017 JOB NO. 171030

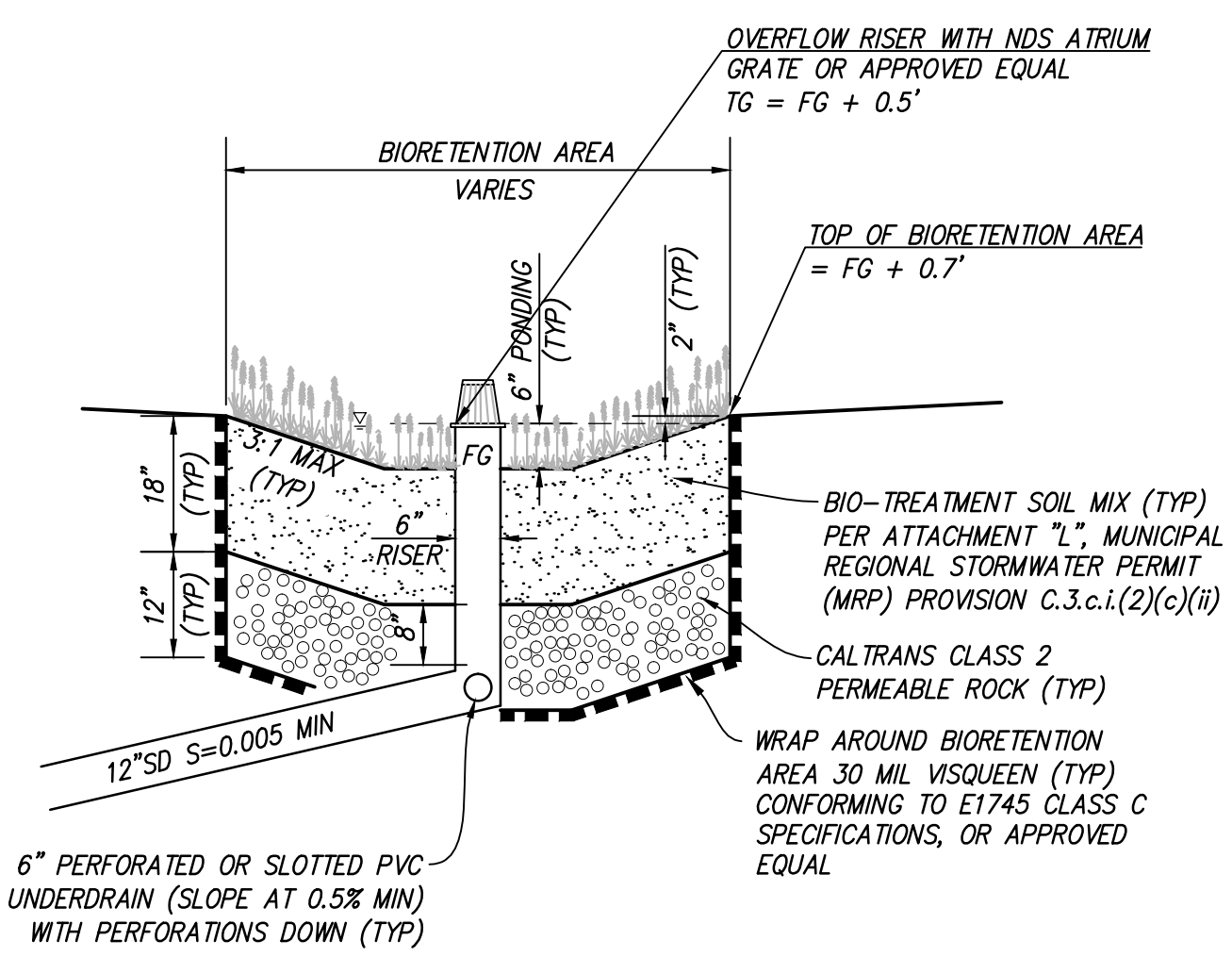
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1 DRIVEWAY SUBDRAIN
NOT TO SCALE



2 DEPEND CURB AT BIORETENTION AREA
NOT TO SCALE



3 BIO-RETENTION AREA
NOT TO SCALE

PRELIMINARY STORMWATER TREATMENT CALCULATIONS						
DMA #	SURFACE	IMPERVIOUS AREA (SF)	EFFECTIVE IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)	TREATMENT CONTROL MEASURES
1	ROOF/HARDSCAPE/LANDSCAPE/STREET	9,379	9,842	394	400	BR#1
2	ROOF/HARDSCAPE/LANDSCAPE/STREET	12,878	13,947	558	775	BR#2
3	ROOF/HARDSCAPE/LANDSCAPE/STREET	8,449	9,192	368	718	BR#3
4	ROOF/HARDSCAPE/LANDSCAPE/STREET	8,048	8,759	350	350	BR#4, BR#5

NOTES:
1. THE CALCULATIONS ARE BASED ON THE ALAMEDA COUNTYWIDE CLEAN WATER PROGRAM, C.3 STORMWATER TECHNICAL GUIDANCE, DATED MAY 2, 2016, AND THE FOLLOWING CRITERIA:
a. 0.2 INCHES/HOUR RAINFALL INTENSITY ON 100% IMPERVIOUS AREA.
b. SOIL FOR TREATMENT MEDIUM WITH A 5 INCHES/HOUR INFILTRATION RATE.
c. A TREATMENT MEDIUM OF 0.04 SIZING FACTOR FOR BIO-RETENTION AREAS.
2. SIZING FACTOR OF 0.04 NOTED ABOVE IS CALCULATED BASED ON THE FOLLOWING CRITERIA:
a. SIZING FACTOR=(0.2 IN/HR)/(5 IN/HR)=0.04
b. PERVIOUS AREAS DRAINING TO THE TREATMENT MEASURE ARE MULTIPLIED BY A FACTOR OF 0.1 TO OBTAIN THE AMOUNT OF "EFFECTIVE IMPERVIOUS AREA"

VESTING TENTATIVE MAP

TRACT 8432 - GADING II

PRELIMINARY STORMWATER TREATMENT PLAN

CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: DUTRA ENTERPRISES, INC.

LEGEND

DMA

BR

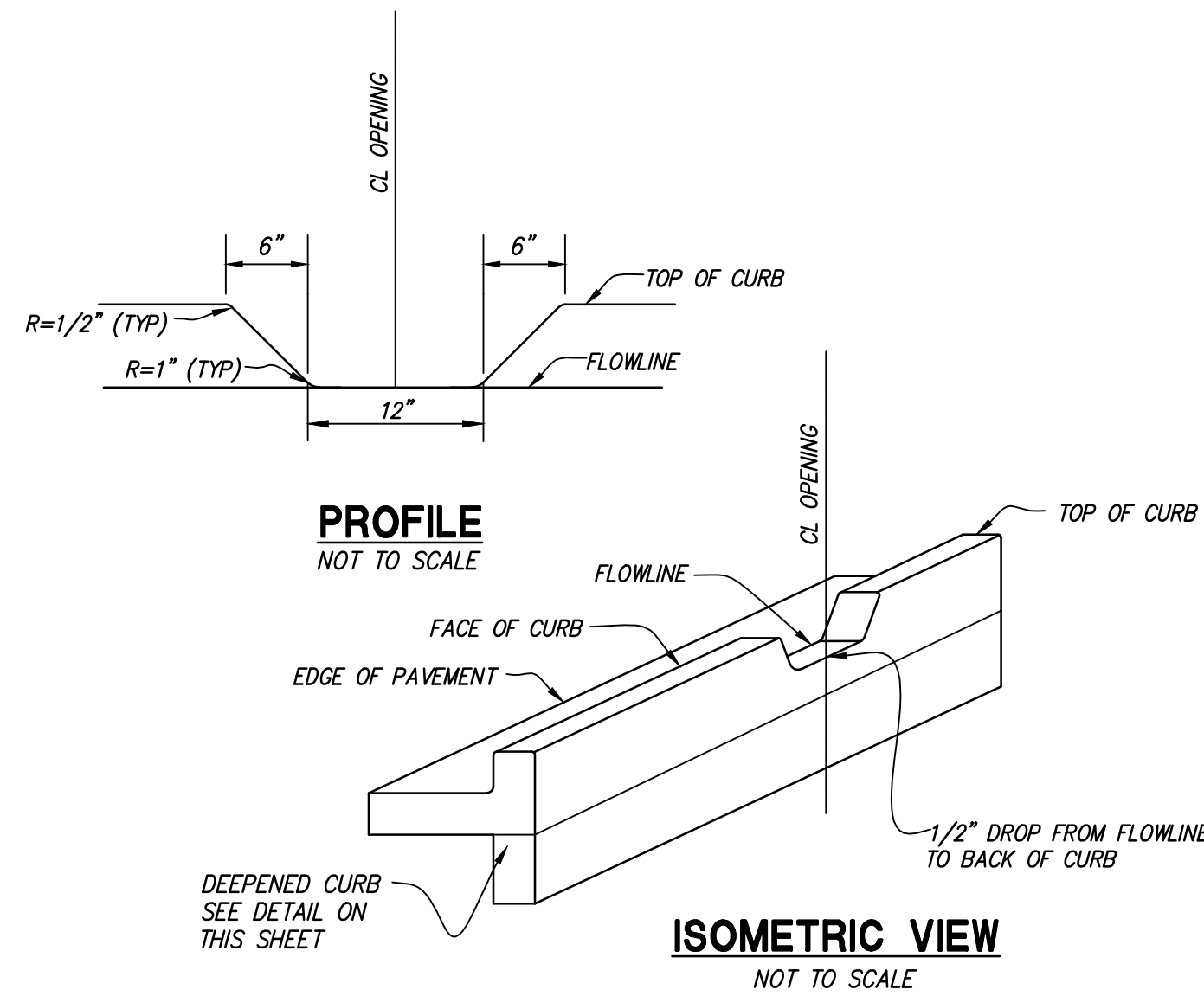
BIO-RETENTION

RUGGERI-JENSEN-AZAR

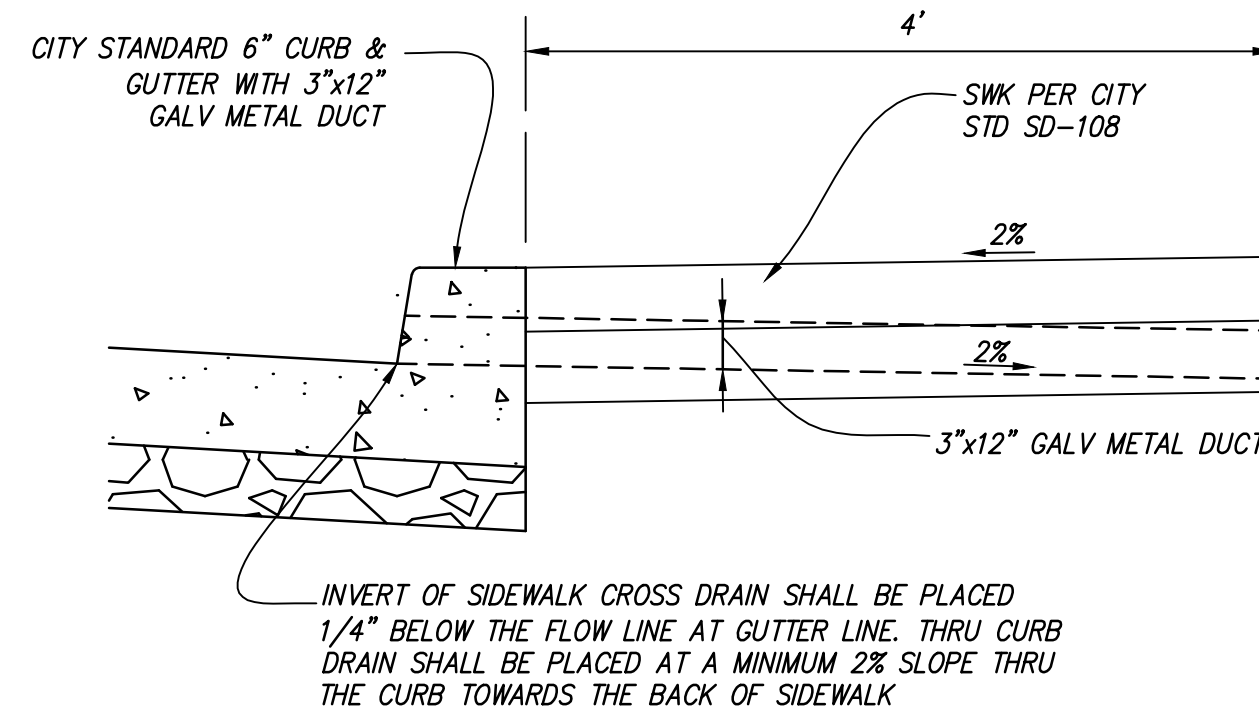
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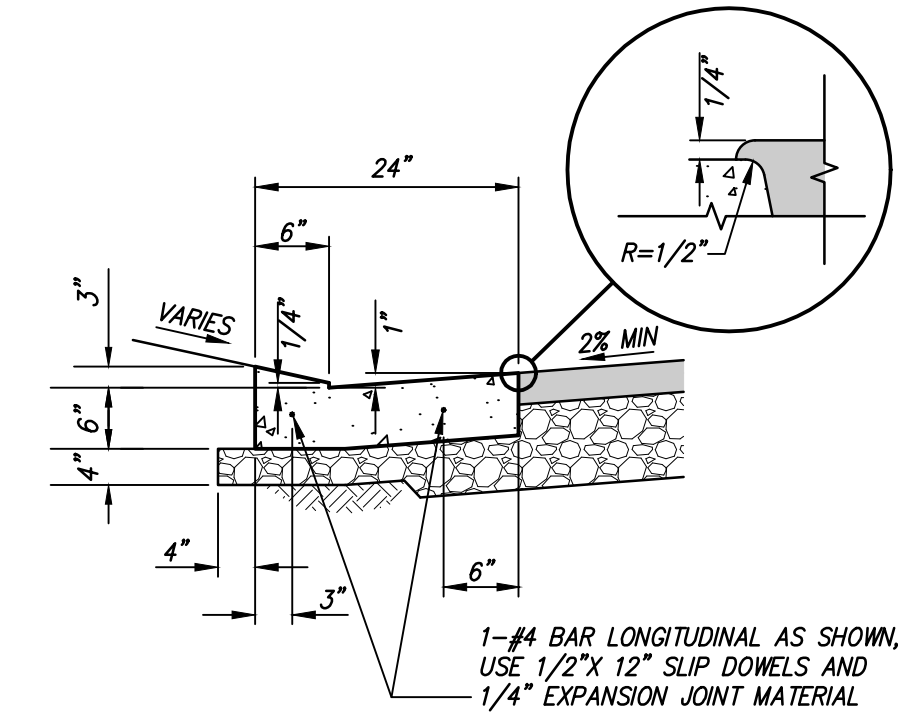
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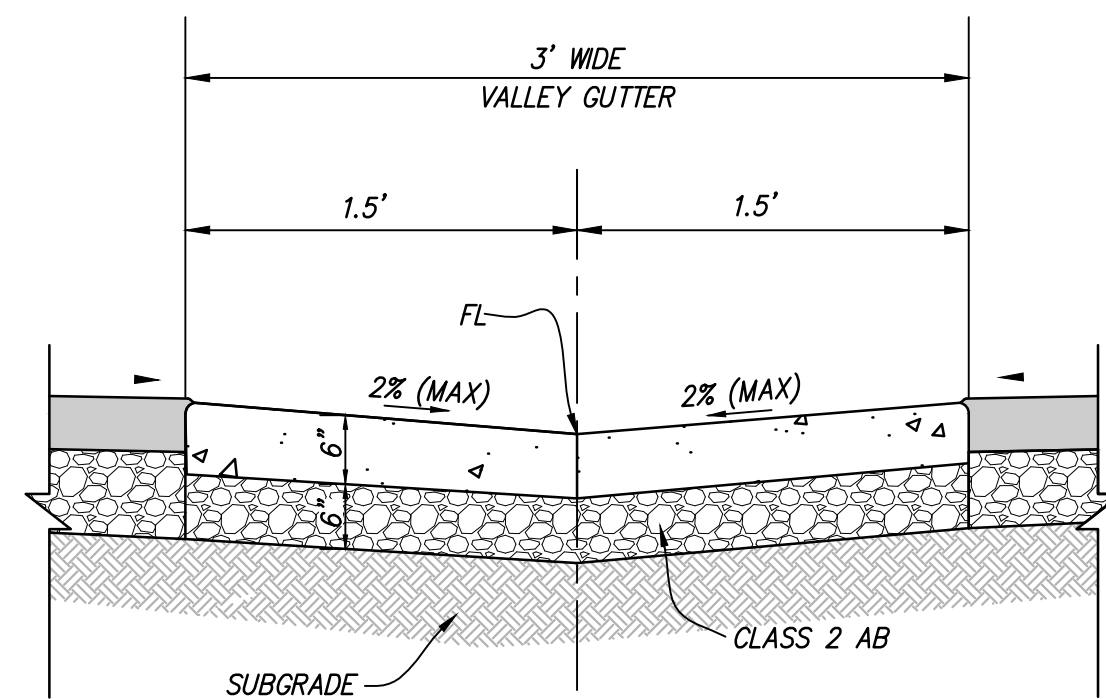
1 CURB OPENING AT BIO-RETENTION AREA
NOT TO SCALE



2 SIDEWALK CROSS DRAIN
NOT TO SCALE



3 3" MOUNTABLE CURB
NOT TO SCALE



4 3' CONCRETE VALLEY GUTTER
NOT TO SCALE

VESTING TENTATIVE MAP **TRACT 8432 - GADING II** **DETAILS**

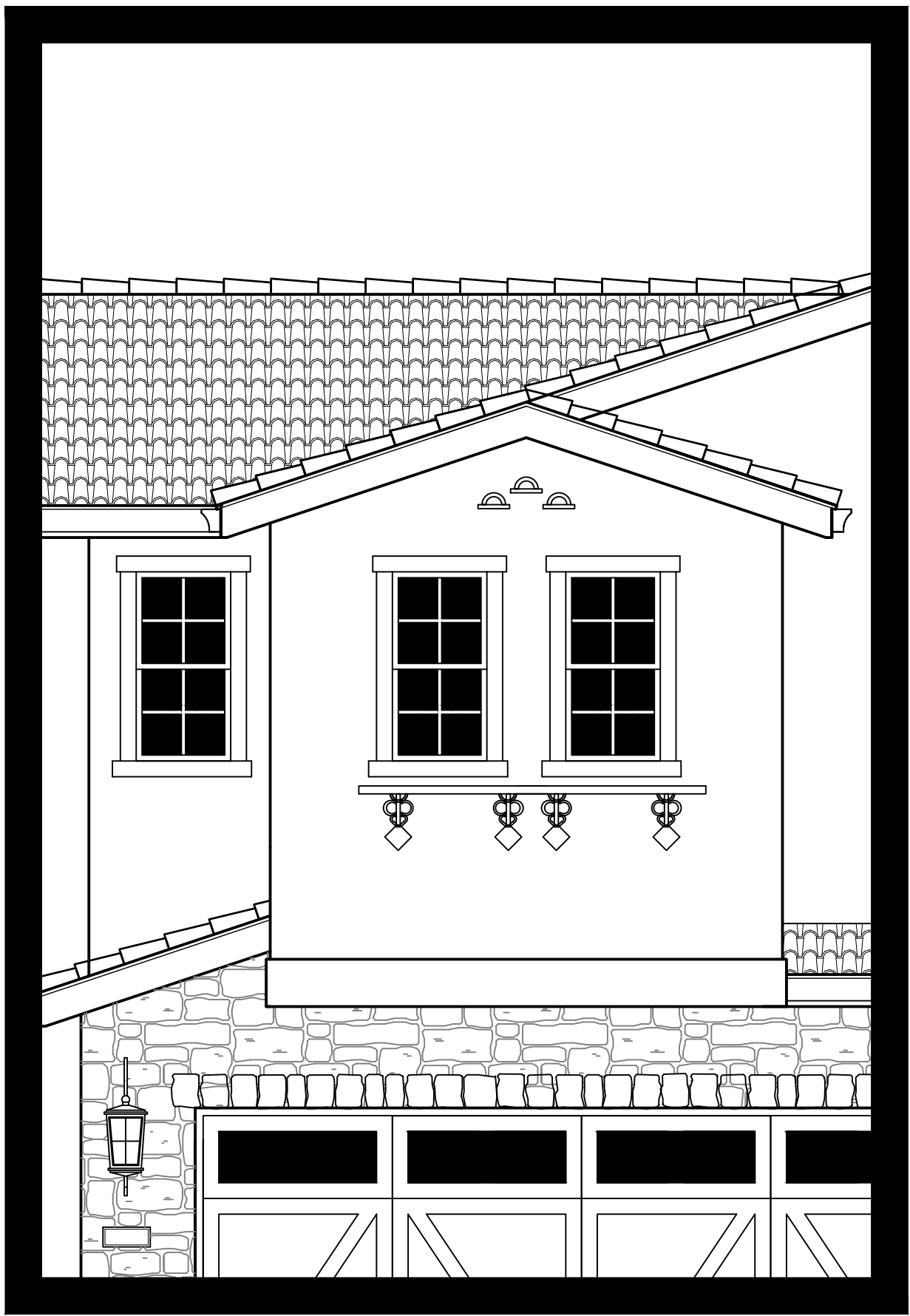
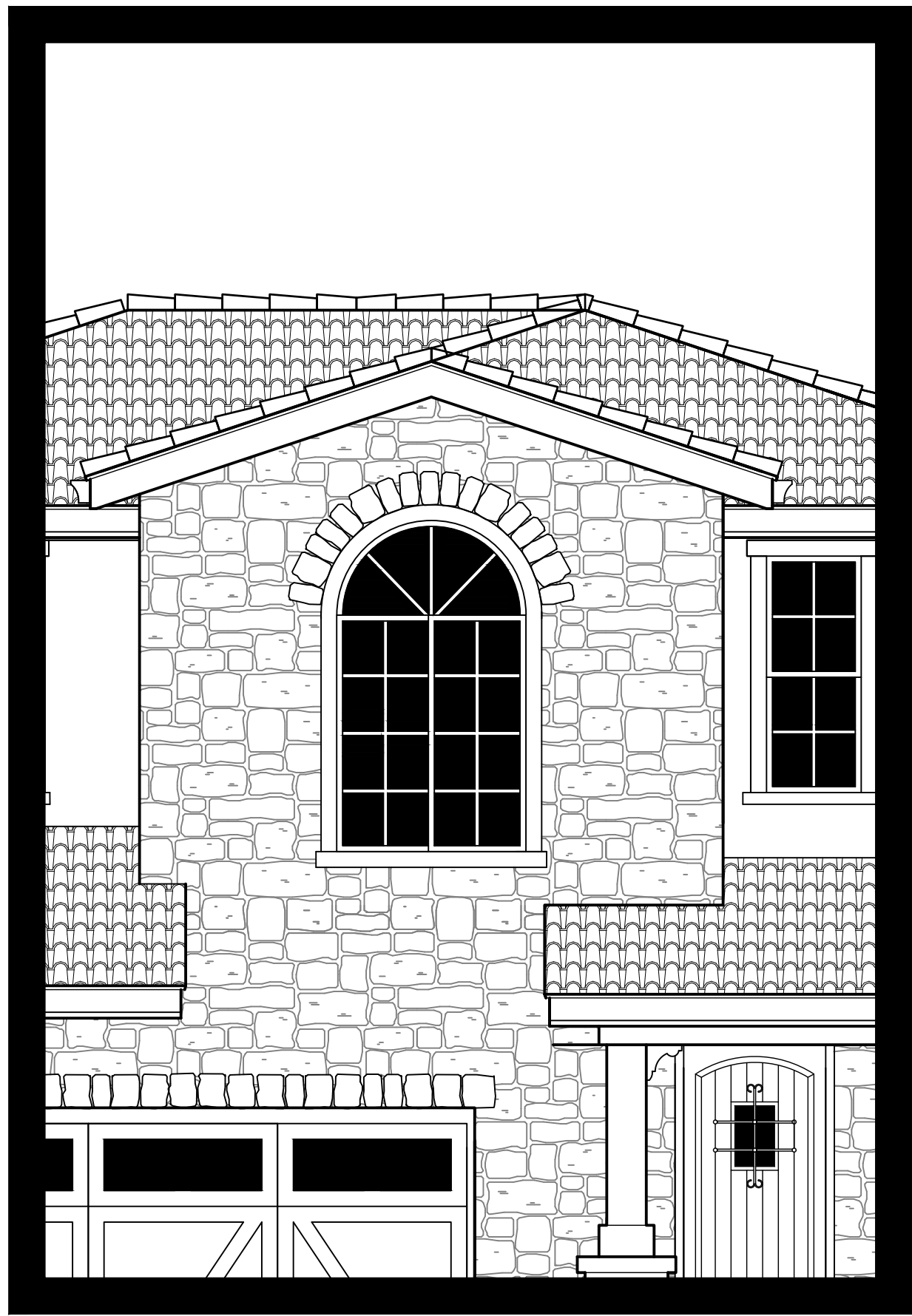
CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: DUTRA ENTERPRISES, INC.

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PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: DECEMBER 11, 2017 JOB NO. 171030

C-7

GADING II HAYWARD



NOTES:

1. Project scope of work: New Construction of 18 new single family homes, including all utilities, stormwater management and road improvements (see civil drawings)
2. Building construction shall meet the requirements of the 2016 CA Residential Code, 2016 CA Electrical, Mechanical, and Plumbing Codes, and 2016 Energy Efficiency Standards and the City of Hayward Municipal Code and Ordinances.
3. All Buildings shall be Type V-B Construction, R3 Occupancy with U Garage Occupancy. Provide NFPA 13D approved automatic fire sprinkler system.
4. All attached garages shall have conduit for electric vehicle charging capability
5. All homes shall be provided with photovoltaic solar panels

PROJECT TEAM

APPLICANT:
DUTRA ENTERPRISES, INC.
43360 MISSION BLVD. STE. 230
FREMONT, CA 94539
CONTACT: TONY DUTRA

CIVIL ENGINEER:
RUGGERI-JENSEN-AZAR
4690 CHABOT DRIVE, STE. 200
PLEASANTON, CA 94588
CONTACT: STEVE LICHLITER

ARCHITECT:
KTGY GROUP, INC.
1814 Franklin STREET, STE. 400
OAKLAND, CA 94612
CONTACT: JILL WILLIAMS

LANDSCAPE ARCHITECT:
RIPLEY DESIGN GROUP
1615 BONANZA STREET, STE 314
WALNUT CREEK, CA 94596
CONTACT: ANNIKA CARPENTER

DRAWING INDEX

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A1-11	PLAN 1A	EXTERIOR ELEVATIONS
A1-12	PLAN 1B	EXTERIOR ELEVATIONS
A1-13	PLAN 1C	EXTERIOR ELEVATIONS
A2-01	PLAN 2A,2B,2C	FRONT ELEVATIONS
A2-10	PLAN 2A	FLOOR PLANS
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A2-13	PLAN 2C	EXTERIOR ELEVATIONS
A2-14	PLAN 2A	CORNER ELEVATIONS
A3-01	PLAN 3A,3B,3C	FRONT ELEVATIONS
A3-10	PLAN 3A	FLOOR PLANS
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A3-12	PLAN 3B	EXTERIOR ELEVATIONS
A3-13	PLAN 3C	EXTERIOR ELEVATIONS



Architecture + Planning
1814 Franklin St., Suite 400
Oakland, CA. 94612
510.272.2910
ktgy.com



GADING II HAYWARD
HAYWARD, CA # 170303

SCHEMATIC DESIGN
FEBRUARY 27, 2018

COVER SHEET

A0-01

UNIT SUMMARY:

Unit Name	Description	Type	Approx Gross SF*	#	%	Approx Gross total SF
P1	3 bd + 2.5 bath	Front Loaded	1956	5	28%	9780
P2	3 bd + 2.5 bath	Front Loaded	1638	6	33%	9828
P3	4 bd + 3 bath	Front Loaded	1915	7	39%	13405
Subtotal				18	100%	33013
Overall Density			+/-	10.5	du/ac	
Approx. GROSS Avg. Unit Square Foot			+/-	1834	sq.ft.	

*Gross SF measure to outside face of stud, excludes garage area

PARKING SUMMARY:

Parking Provided				
Garage spaces:	18	x2	36	garage spaces
Private Driveway spaces:	18	x2	36	driveway spaces
On-street parking:			7	spaces
			79	total spaces provided

OPEN SPACE SUMMARY:

Open Space Required	
18 units X 350 sf/unit =	6300 SF
Open Space Provided	
Private	9750 SF
Group	2328 SF
Total:	12078 SF
671 SF/Unit	



LOT COVERAGE:

Lot No.	Lot S.F.	Plan	Ftprnt. S.F.	Coverage
1	3,206	3A	1,319	41%
2	2,788	3B	1,310	47%
3	3,124	1B	1,331	43%
4	2,788	3A	1,319	47%
5	2,788	3C	1,319	47%
6	2,857	3B	1,310	46%
7	3,329	2C	1,169	35%
8	2,829	3B	1,310	46%
9	2,829	3A	1,319	47%
10	2,620	2C	1,169	45%
11	2,905	1B	1,331	46%
12	2,592	2A	1,184	46%
13	2,905	1C	1,325	46%
14	2,592	2B	1,177	45%
15	2,905	1A	1,361	47%
16	2,592	2C	1,169	45%
17	2,905	1B	1,331	46%
18	2,657	2A	1,208	45%

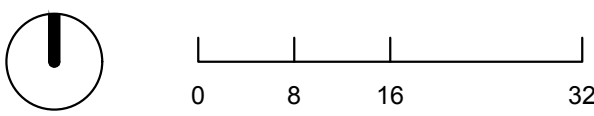


Architecture + Planning
1814 Franklin St., Suite 400
Oakland, CA. 94612
510.272.2910
ktgy.com



GADING II HAYWARD
HAYWARD, CA # 170303

SCHEMATIC DESIGN
FEBRUARY 27, 2018



SITE PLAN
SITE SUMMARY & OPEN SPACE

A0-10



1A Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves, 2" Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Corbels

ELEVATION 1A MISSION



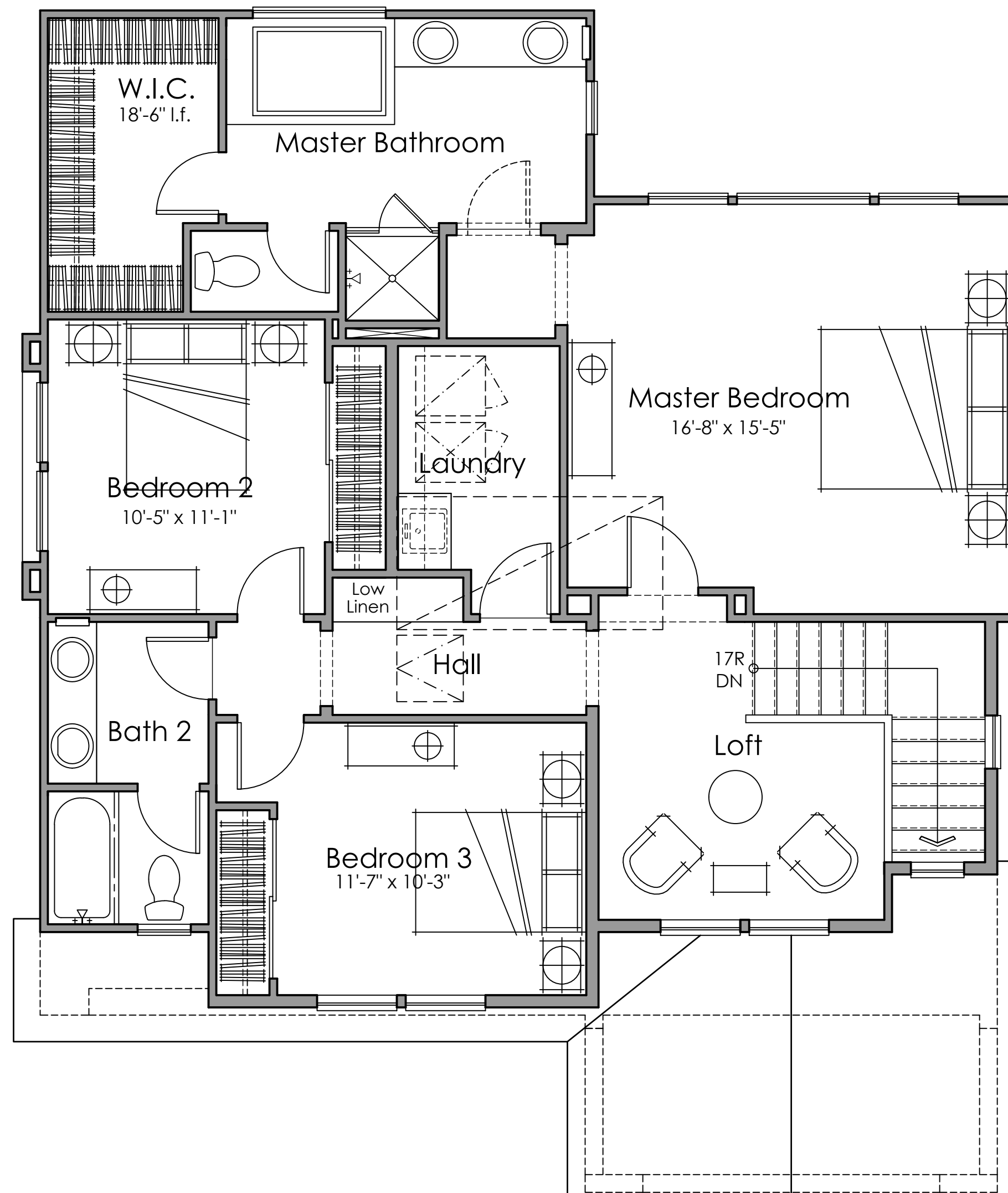
1B Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Brackets

ELEVATION 1B SPANISH RESORT

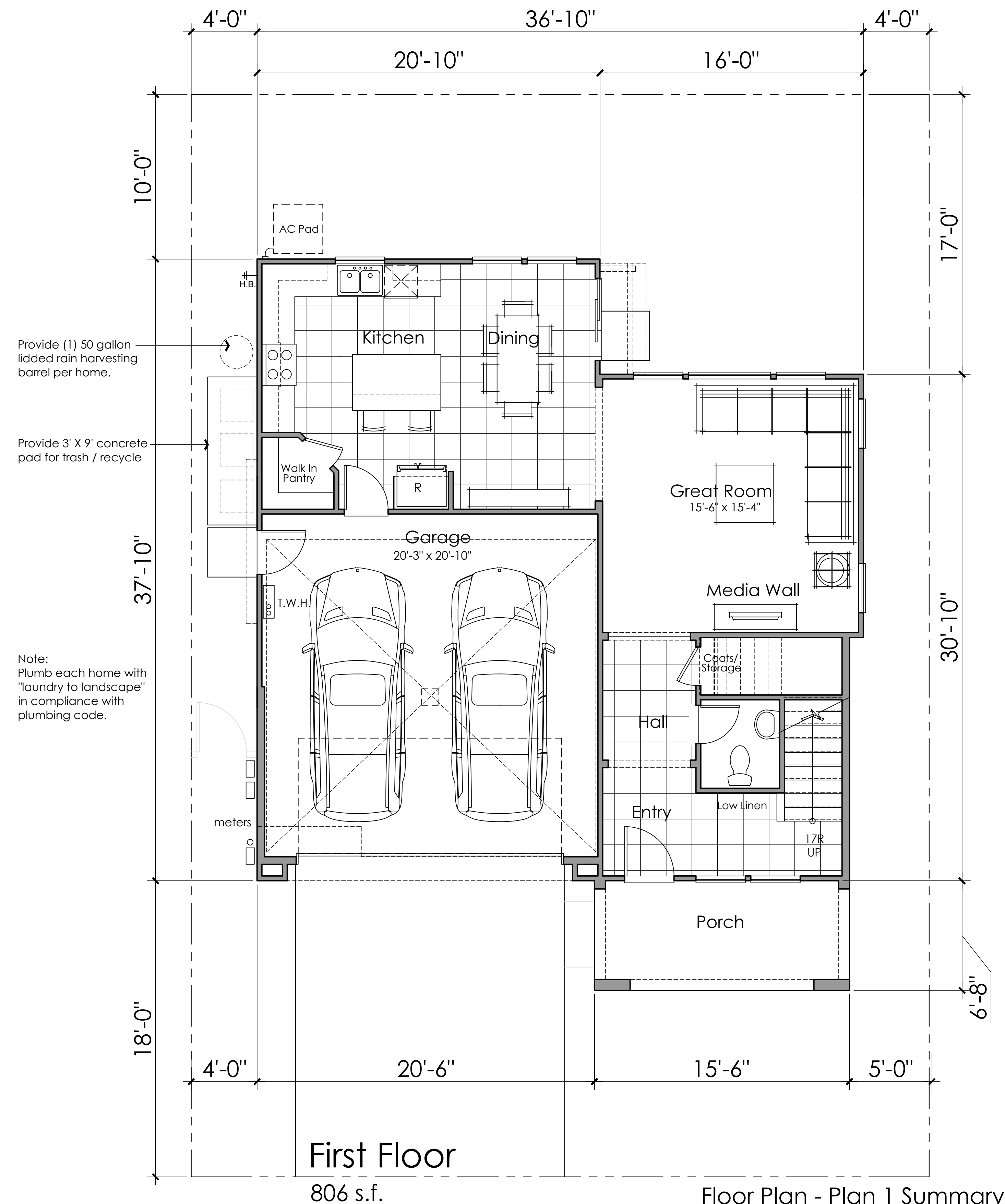


1C Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Stone Veneer
Shutters

ELEVATION 1C HACIENDA

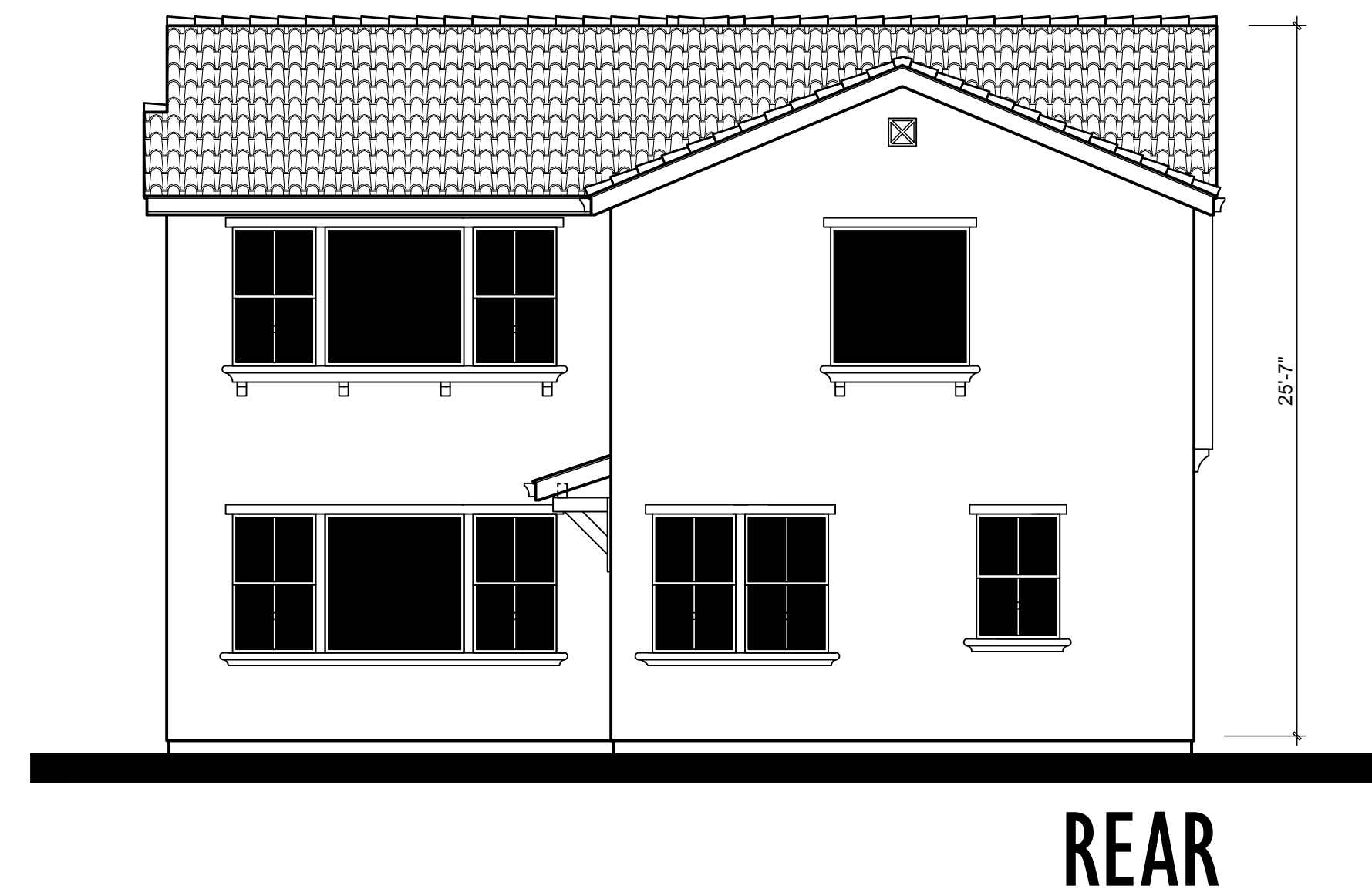
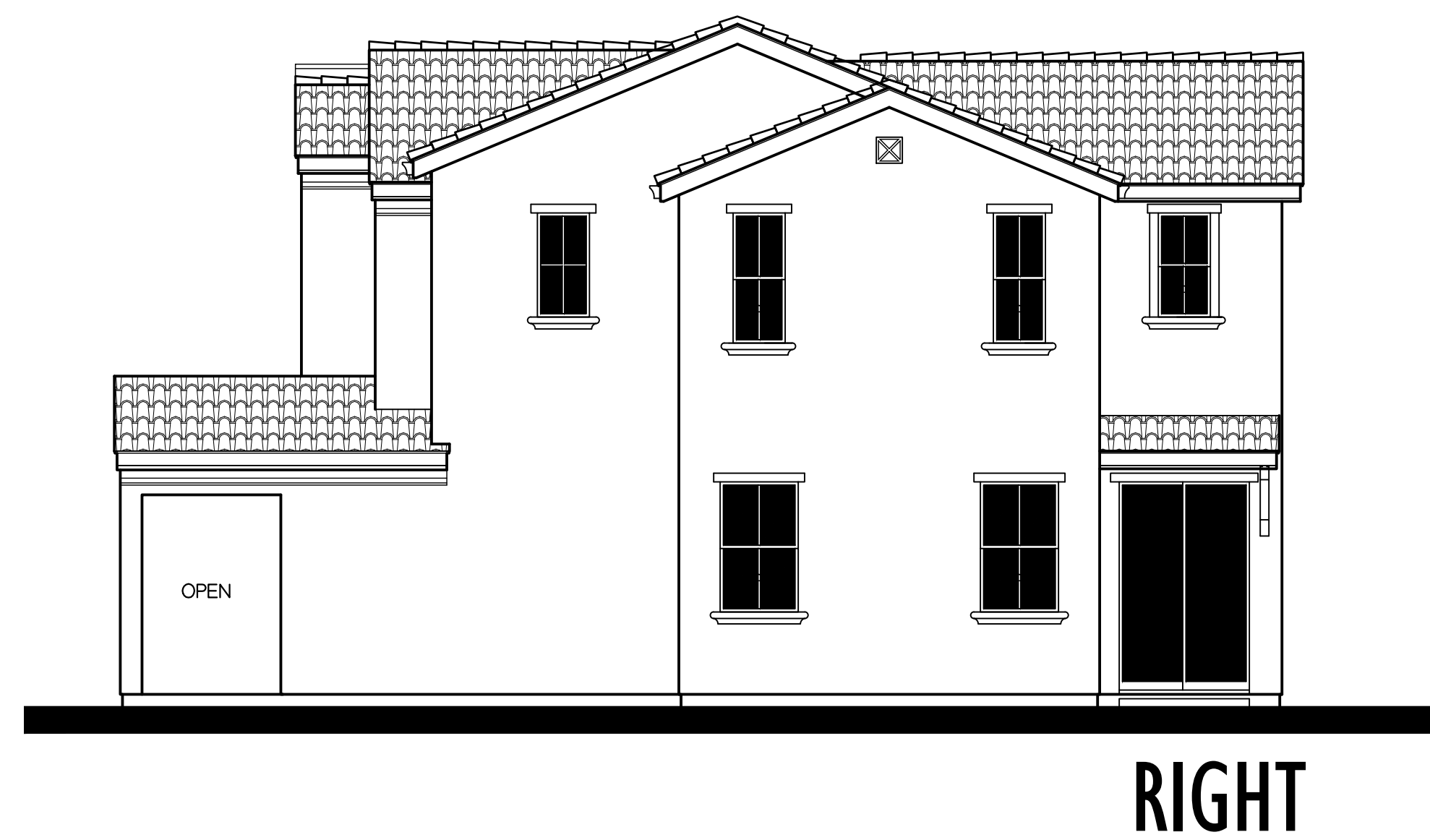
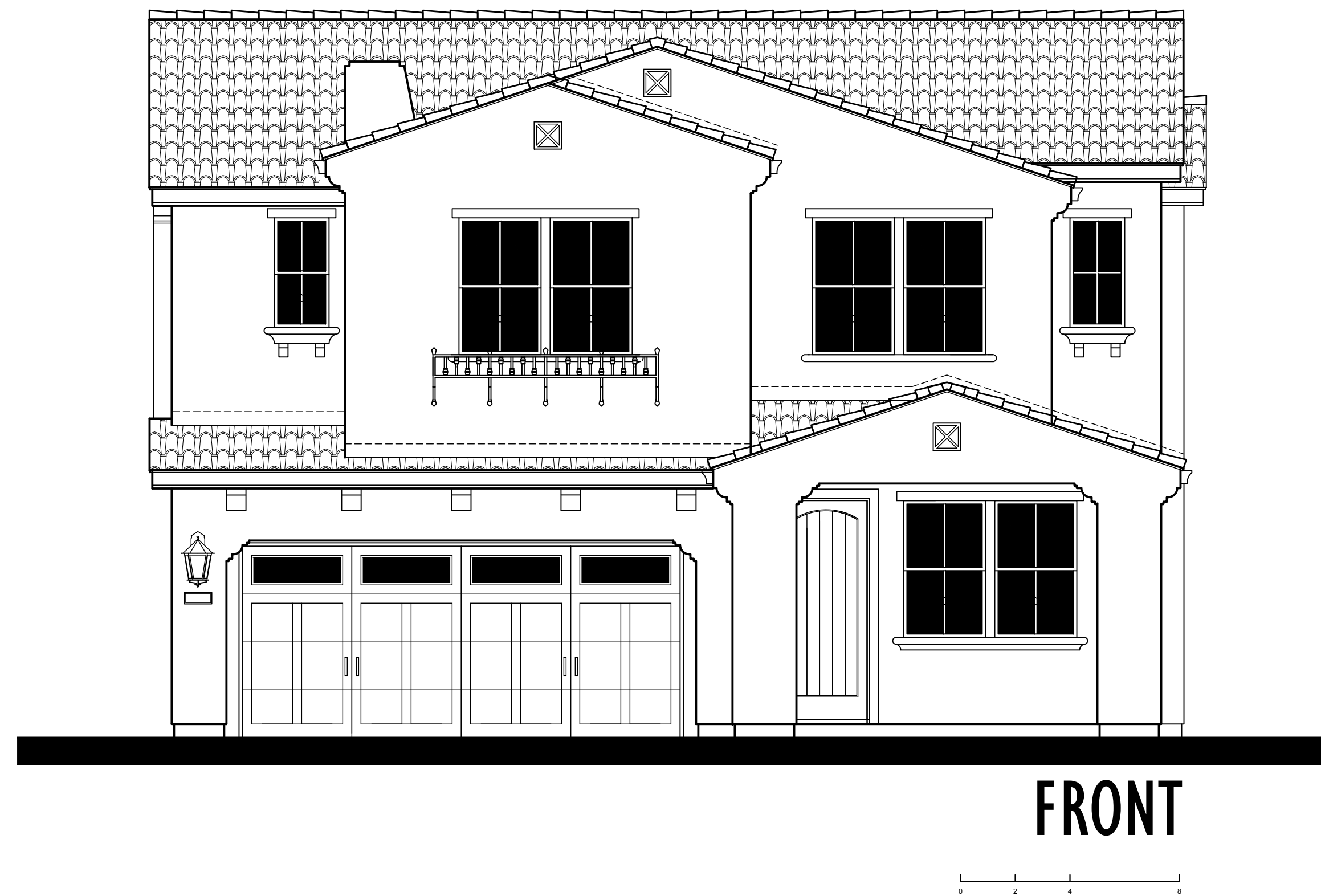


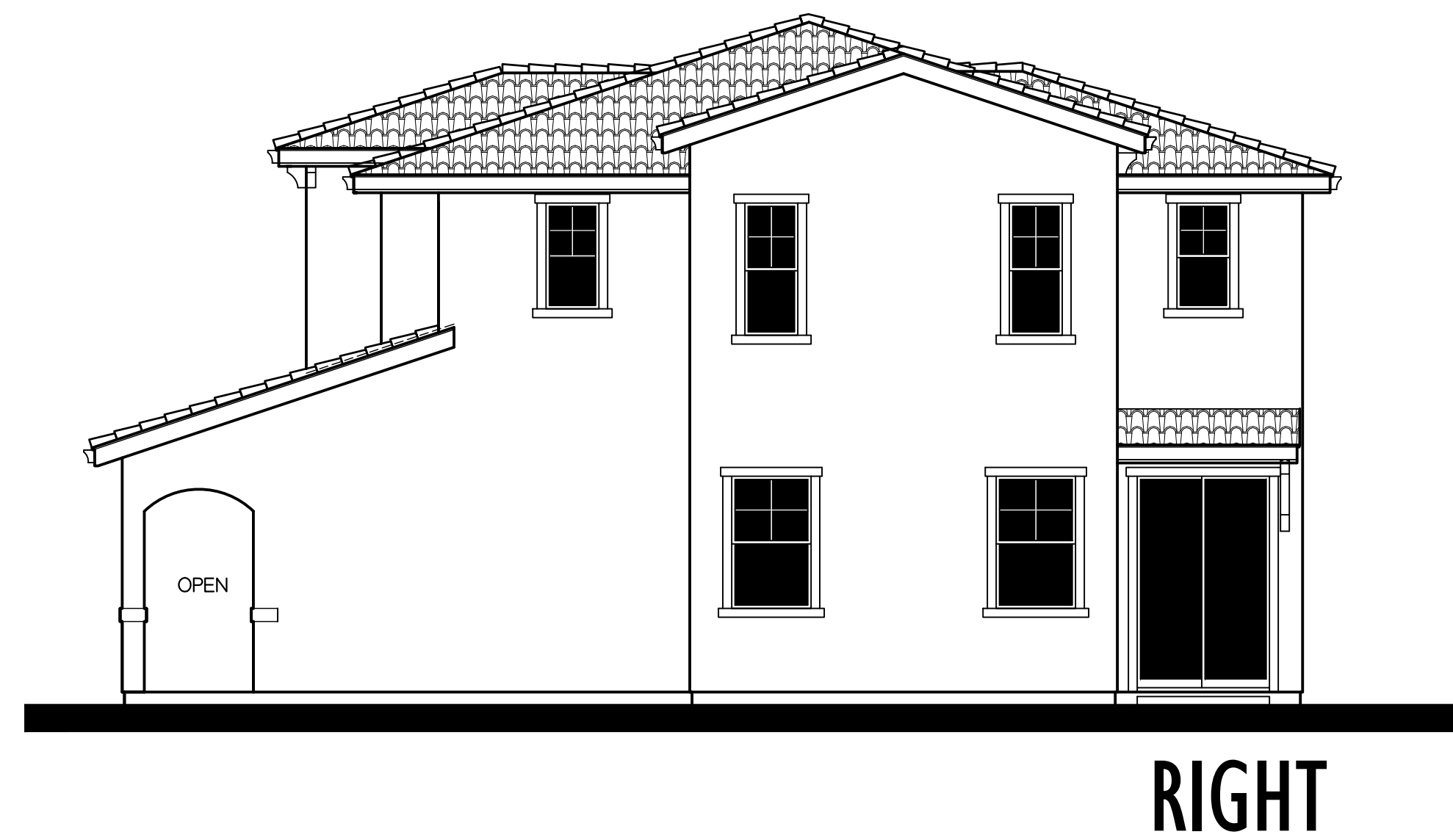
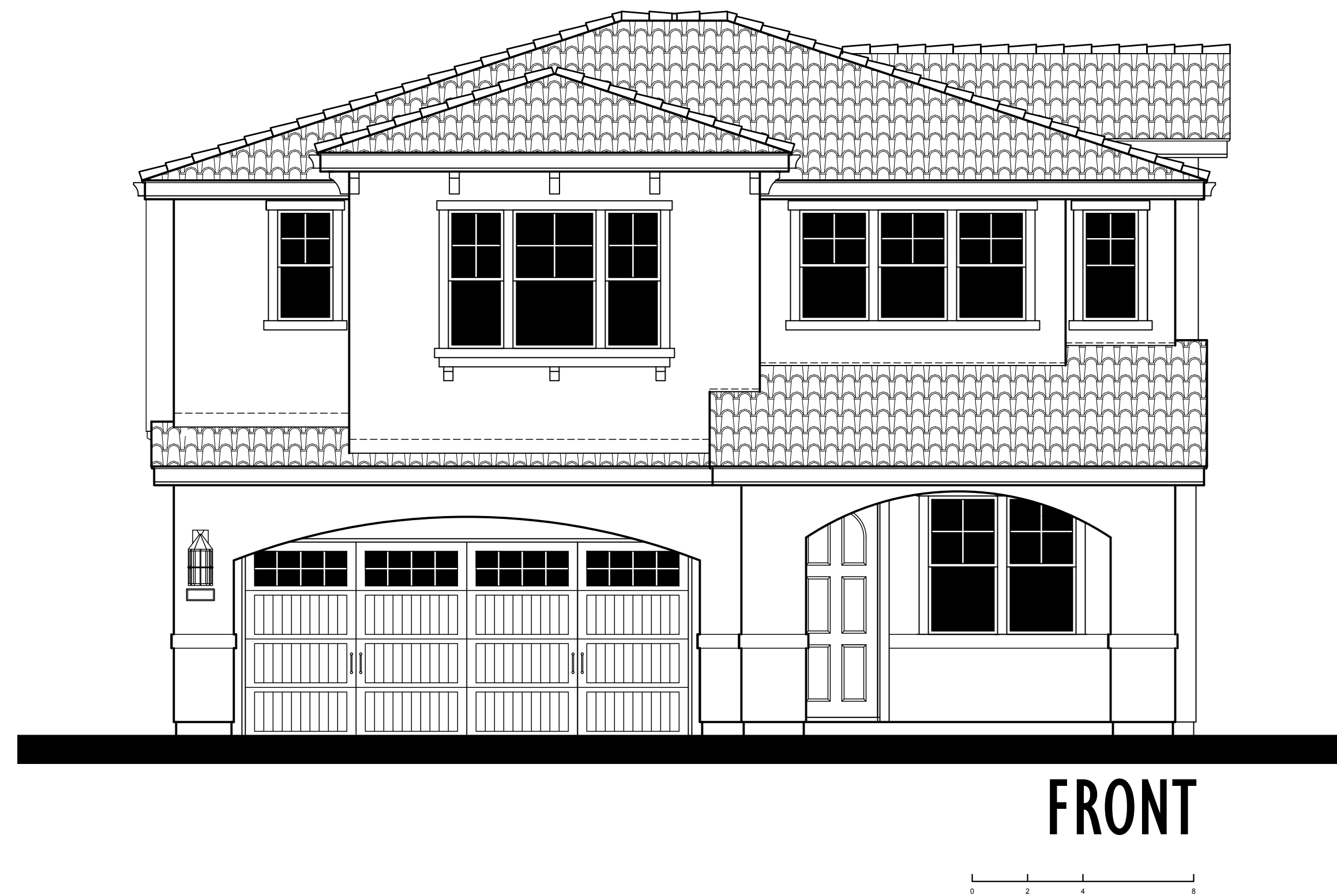
Second Floor
1150 s.f.

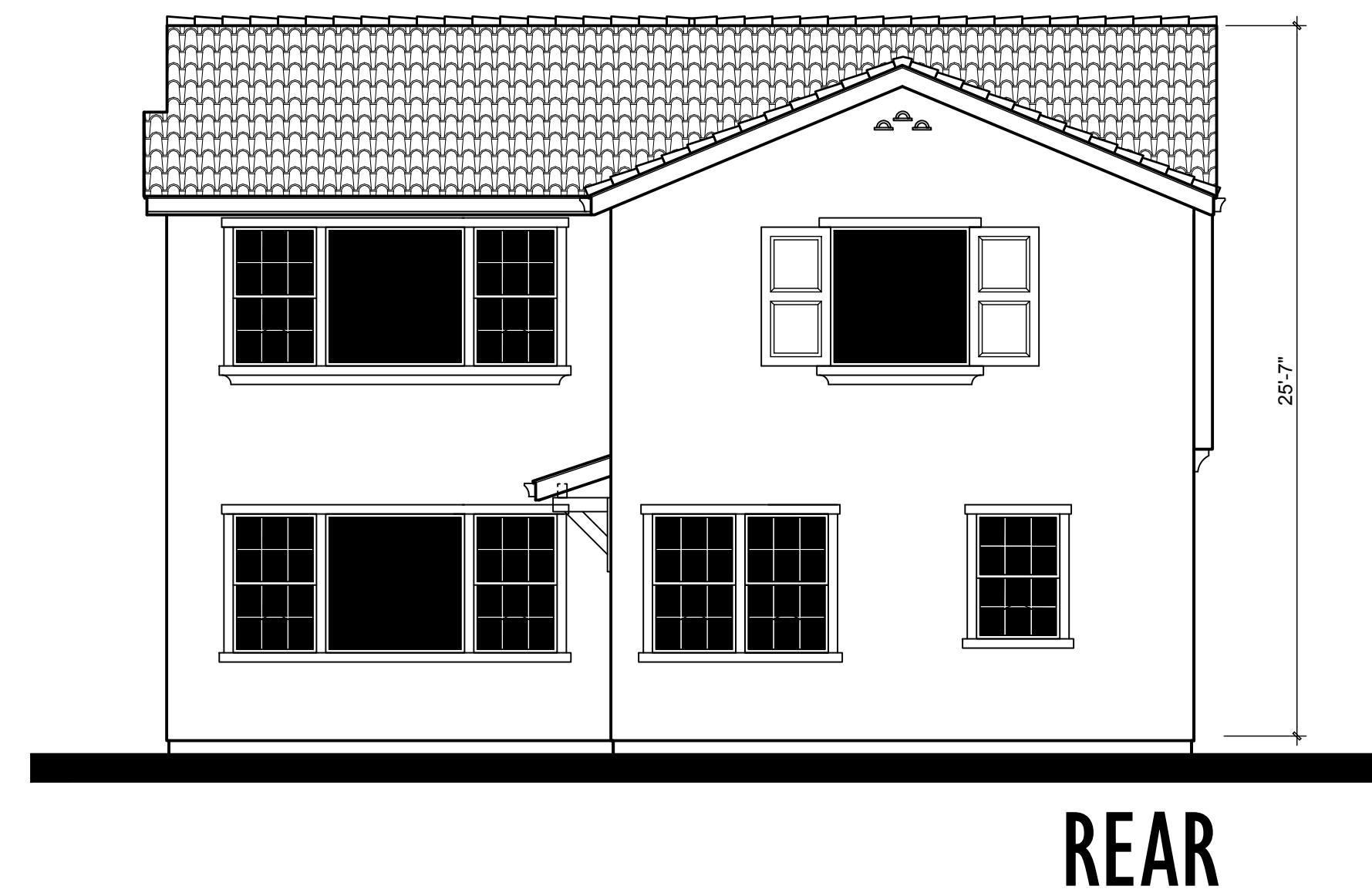
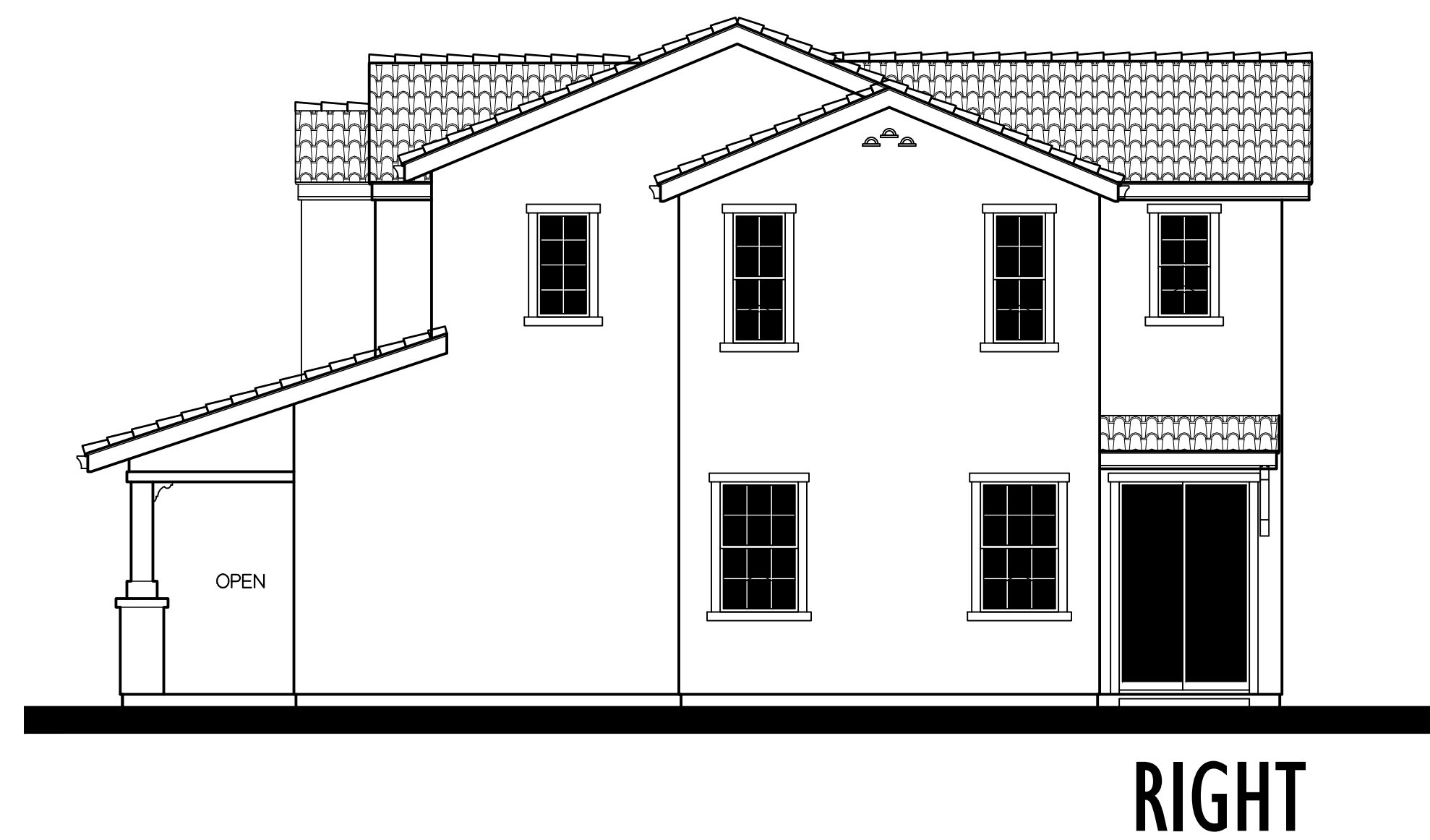
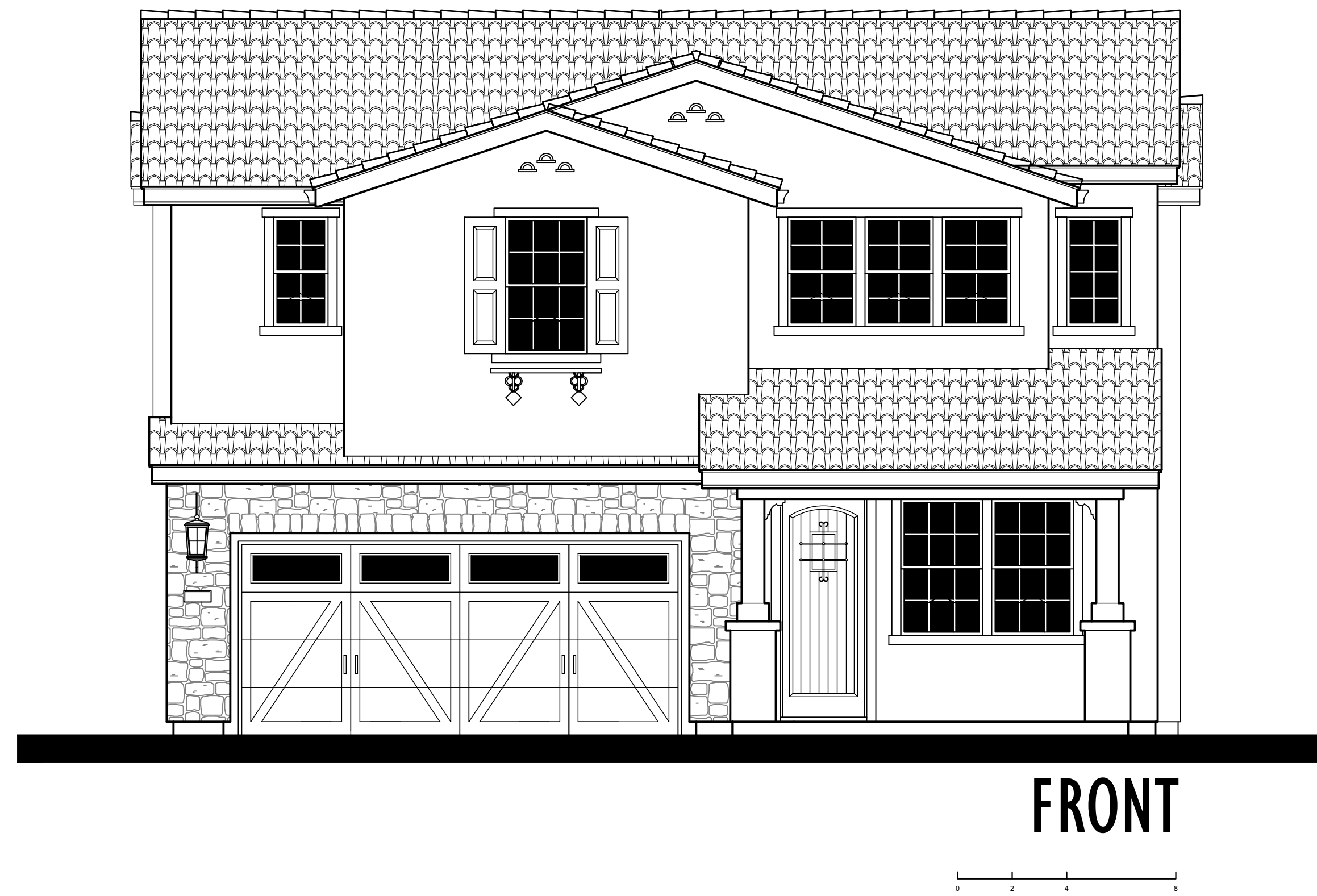


First Floor
806 s.f.

Floor Plan - Plan 1 Summary:
Great Room / Entertaining
3 Bedrooms and Loft
2.5 Baths
1,956 s.f.









1A Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves, 2" Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim

ELEVATION 2A MISSION



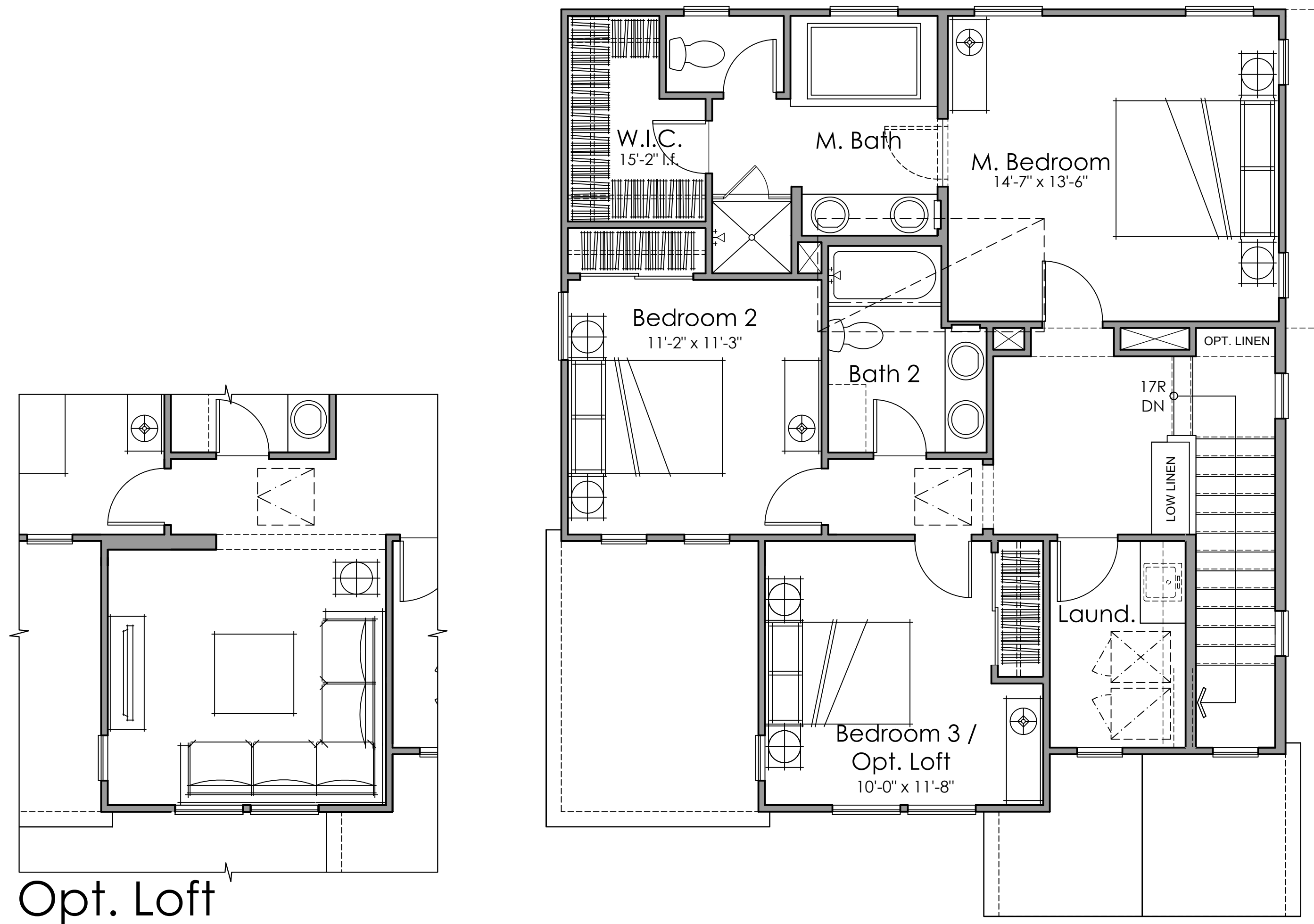
1B Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Brackets

ELEVATION 2B SPANISH RESORT

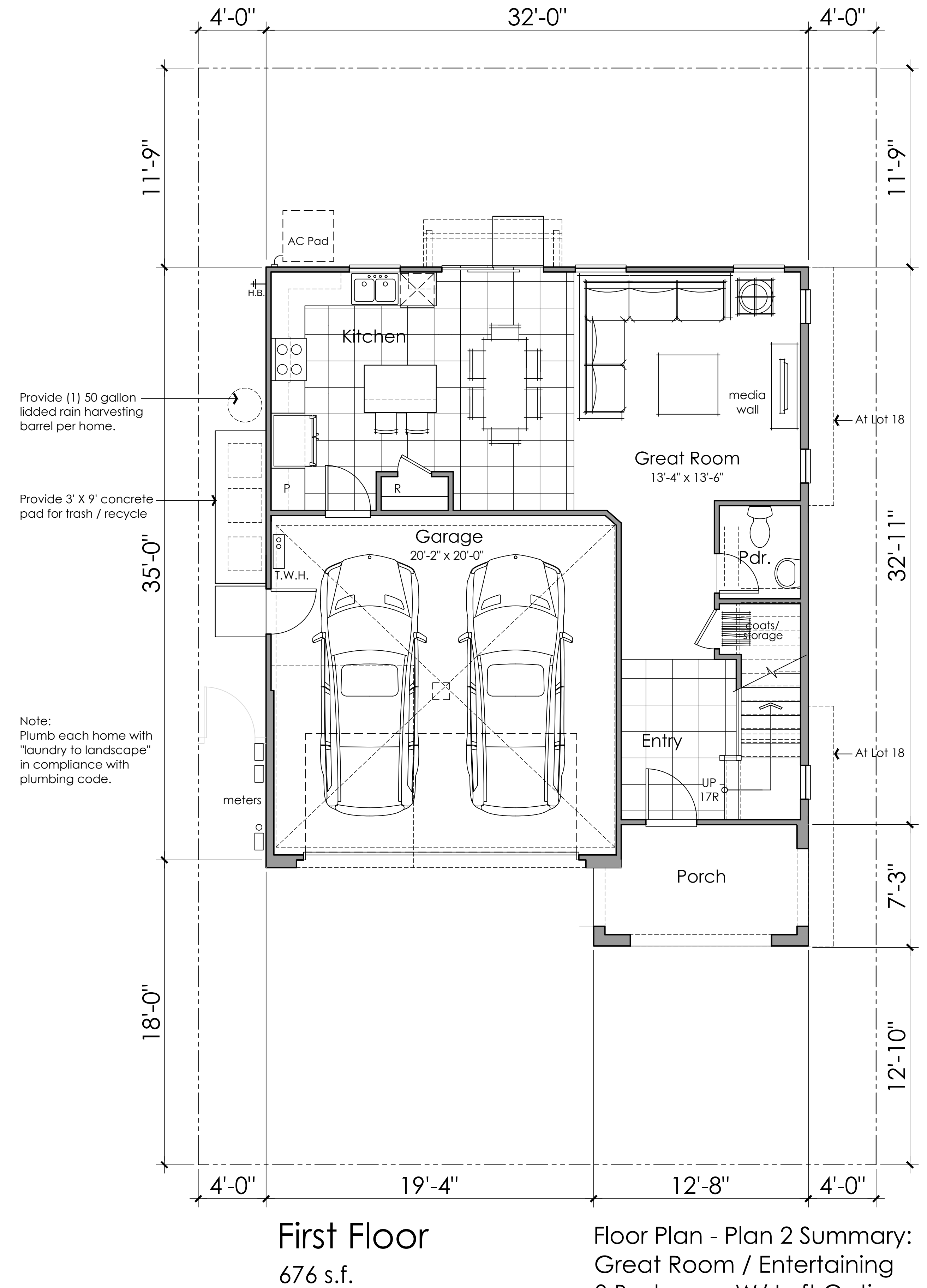


1C Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Stone Veneer

ELEVATION 2C HACIENDA

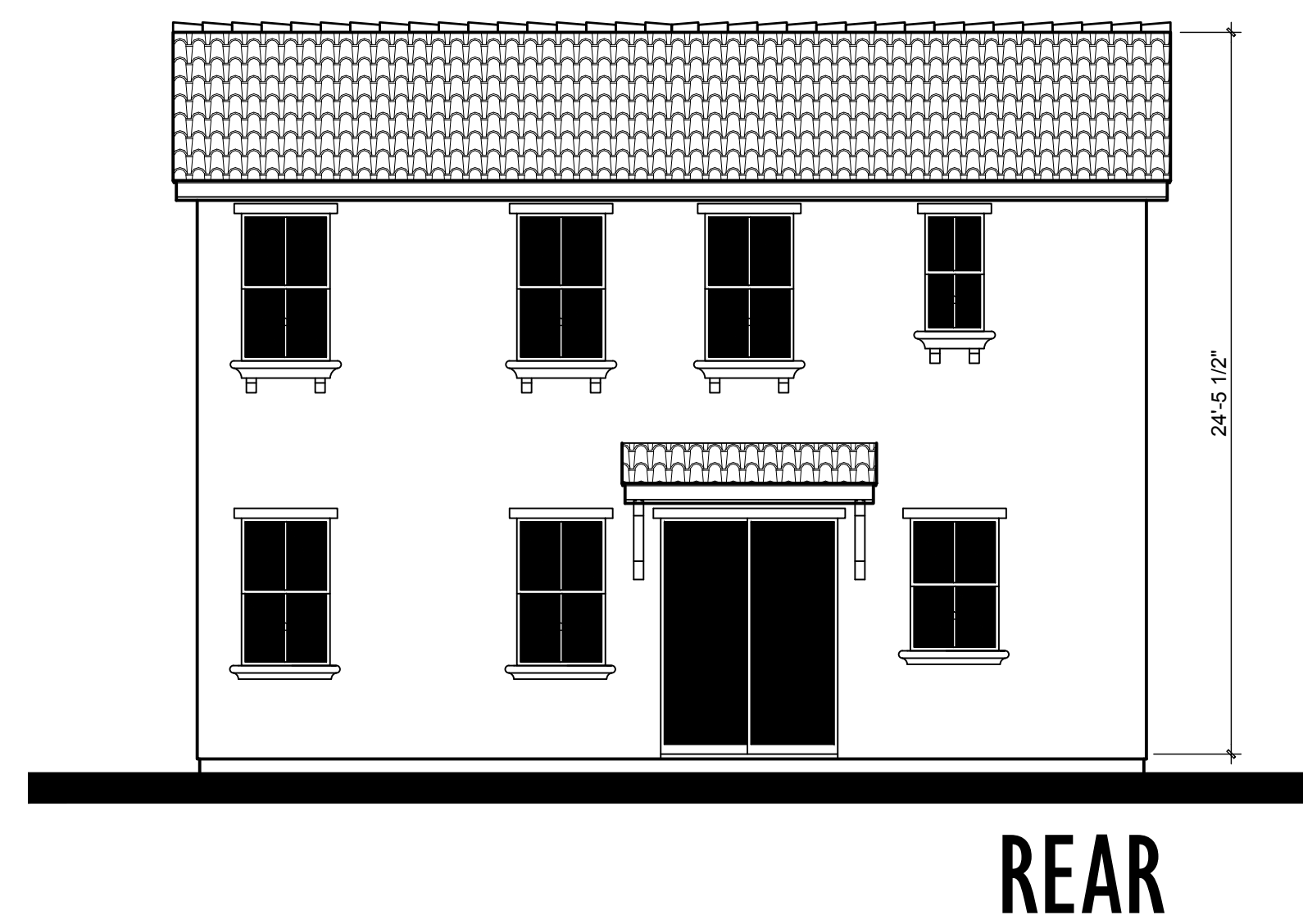
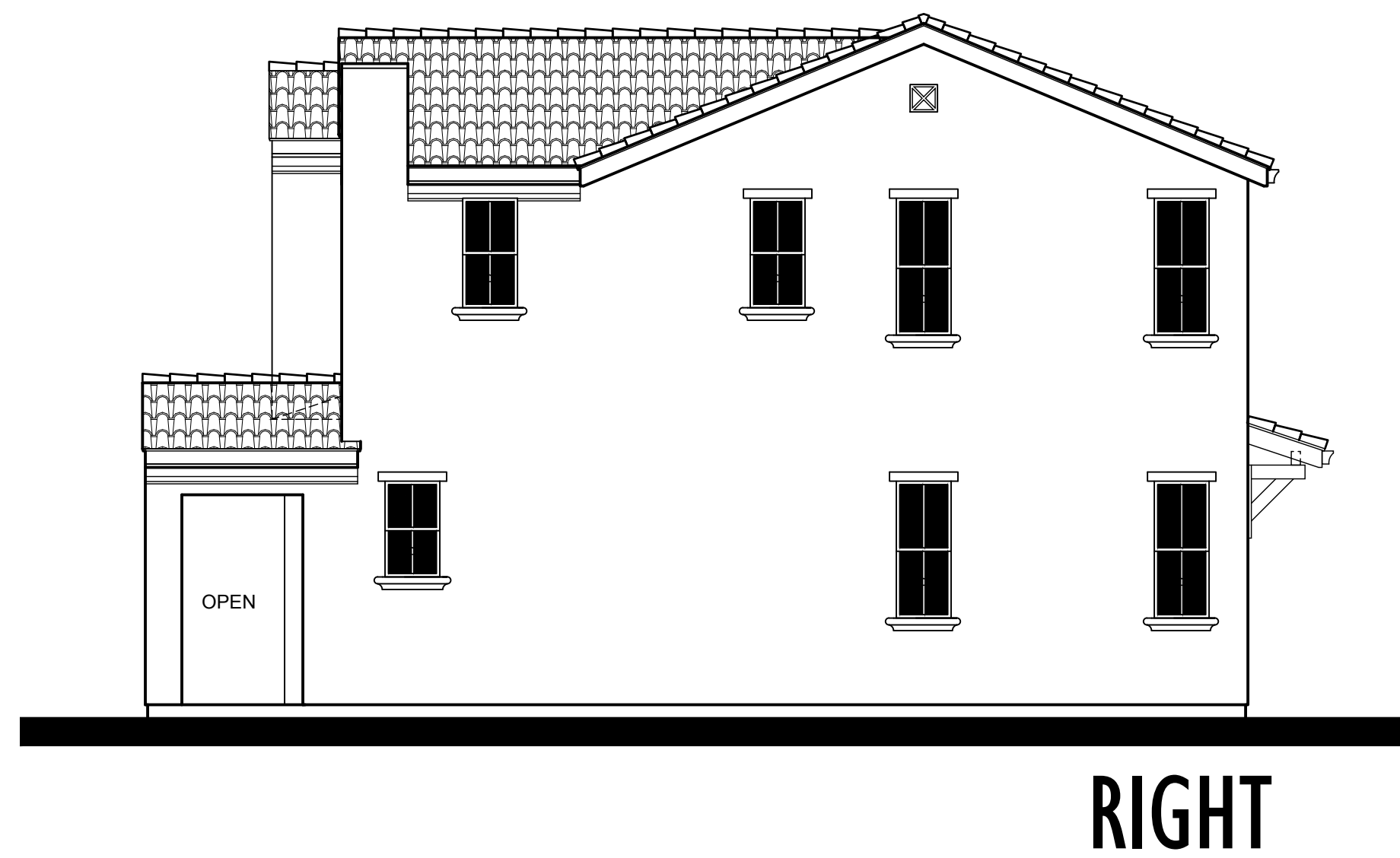


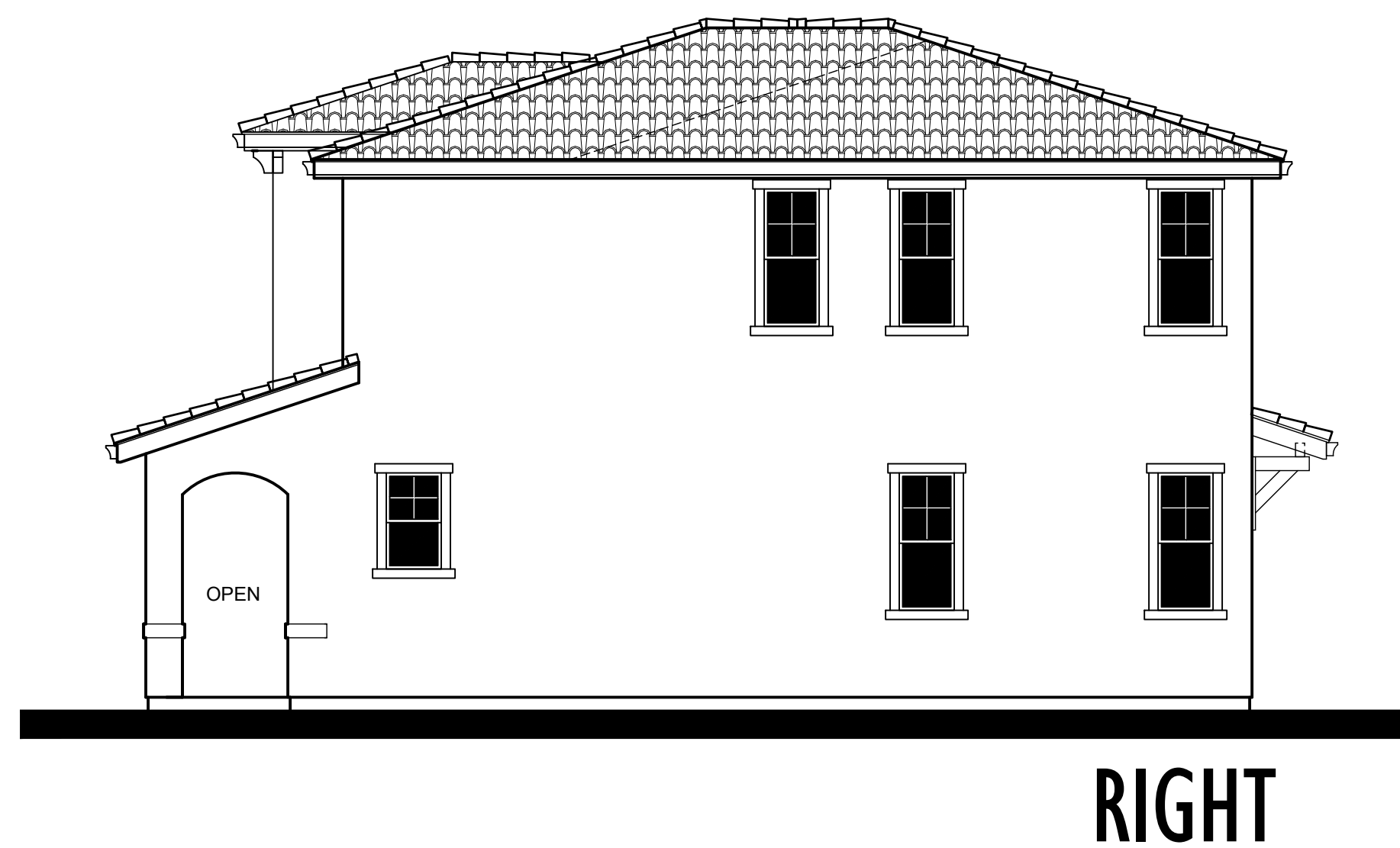
Second Floor
962 s.f.

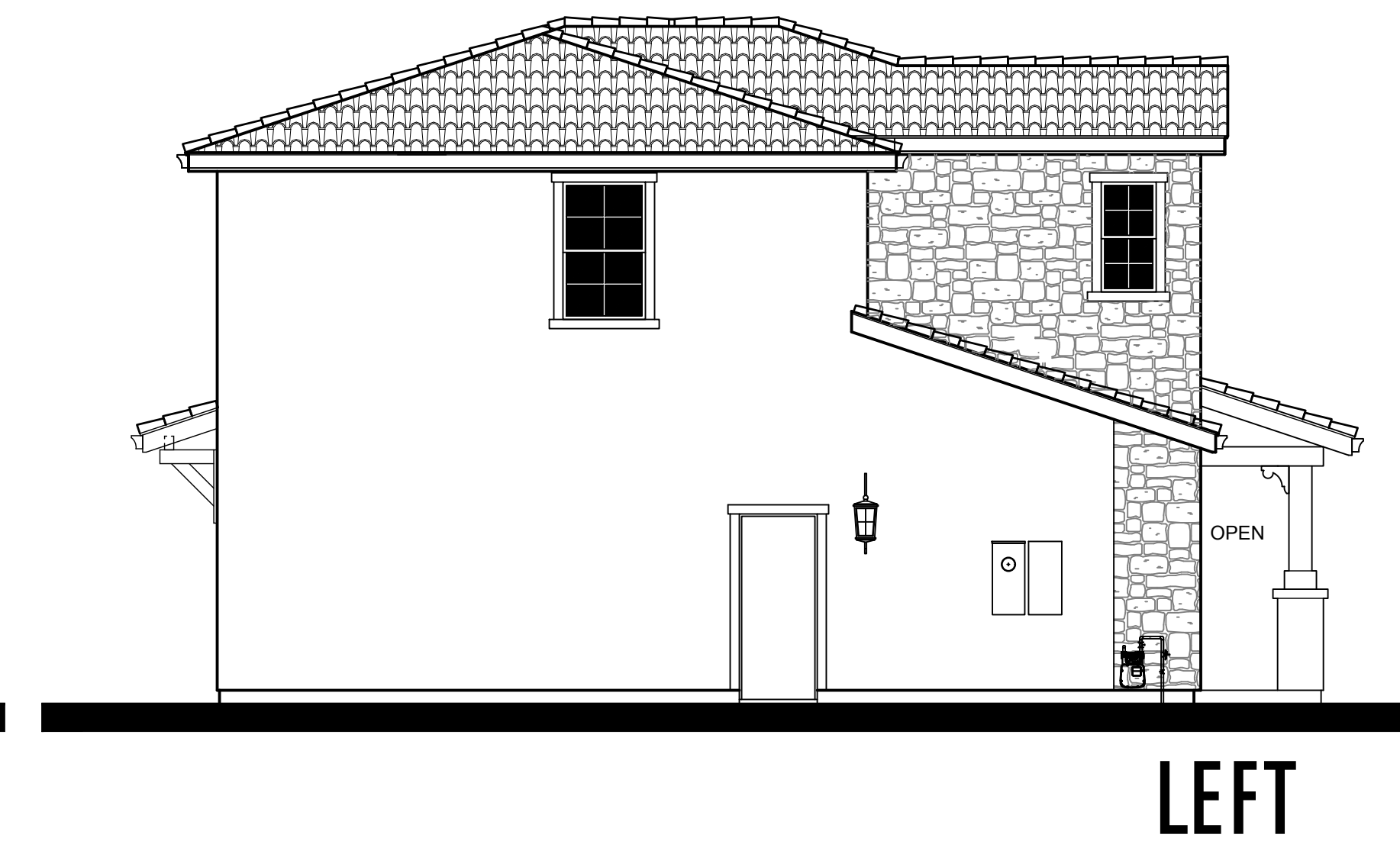
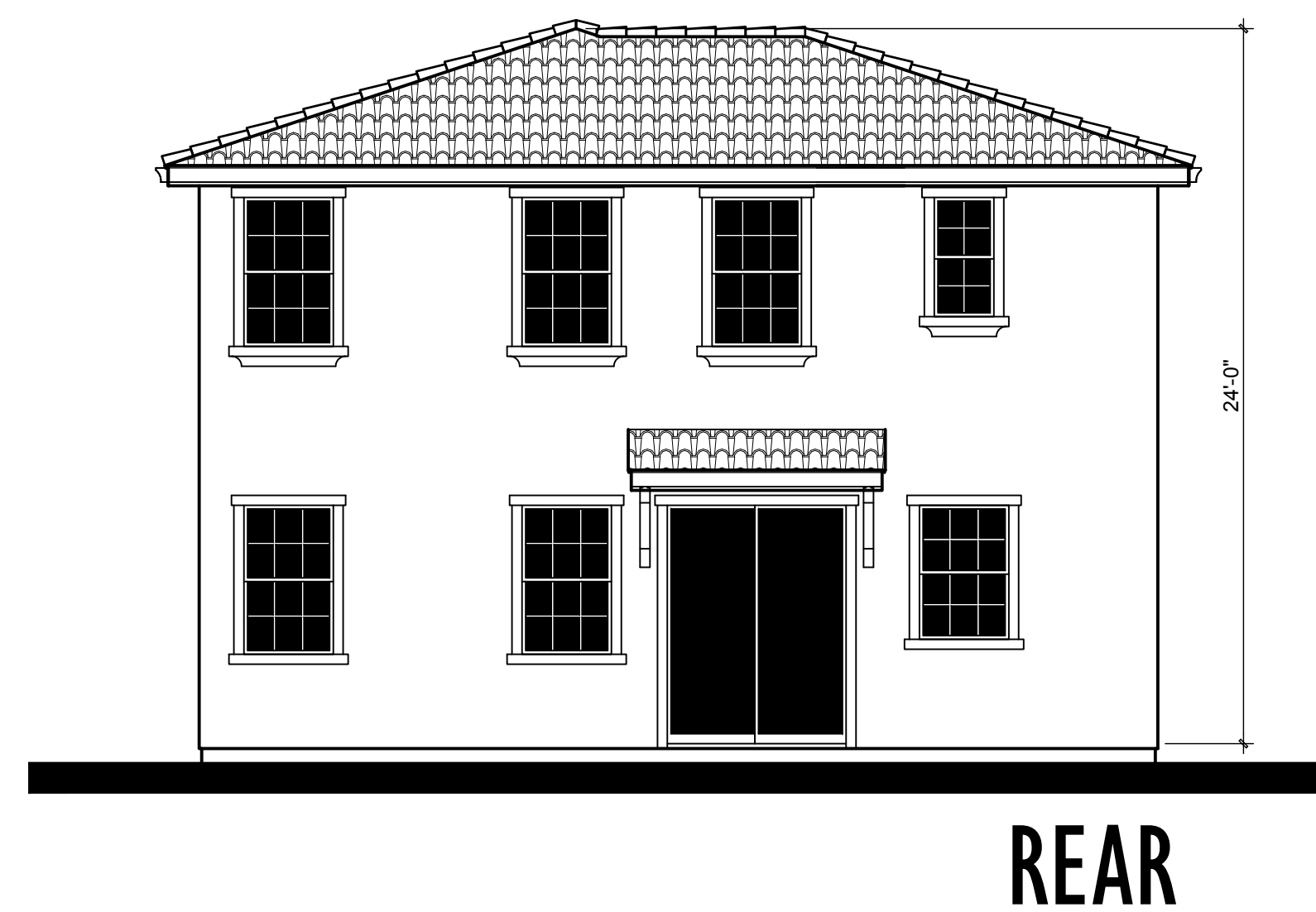
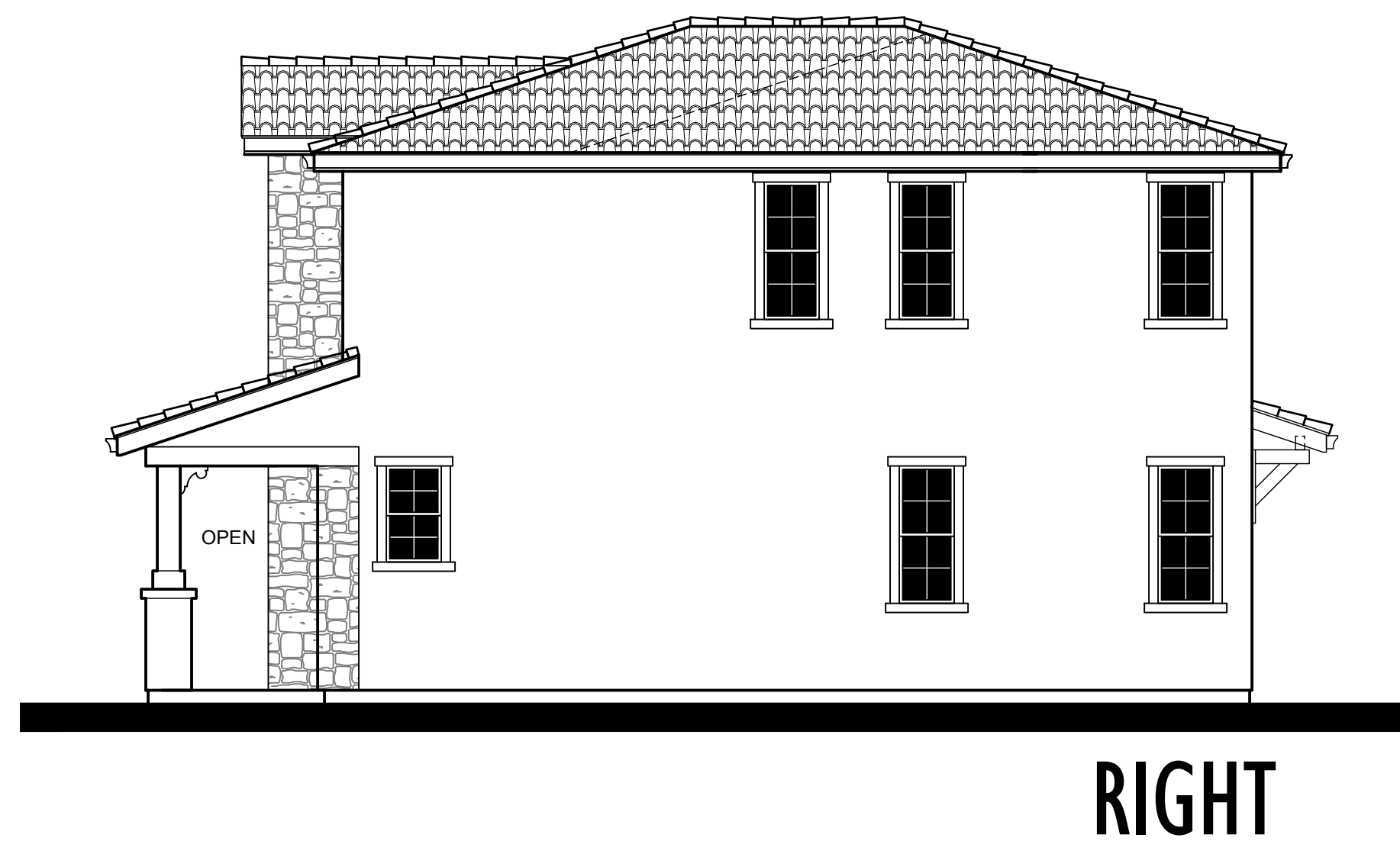


Floor Plan - Plan 2 Summary:
Great Room / Entertaining
3 Bedrooms W/ Loft Option
2.5 Baths
1,638 s.f.

PLAN 2 FLOOR PLANS





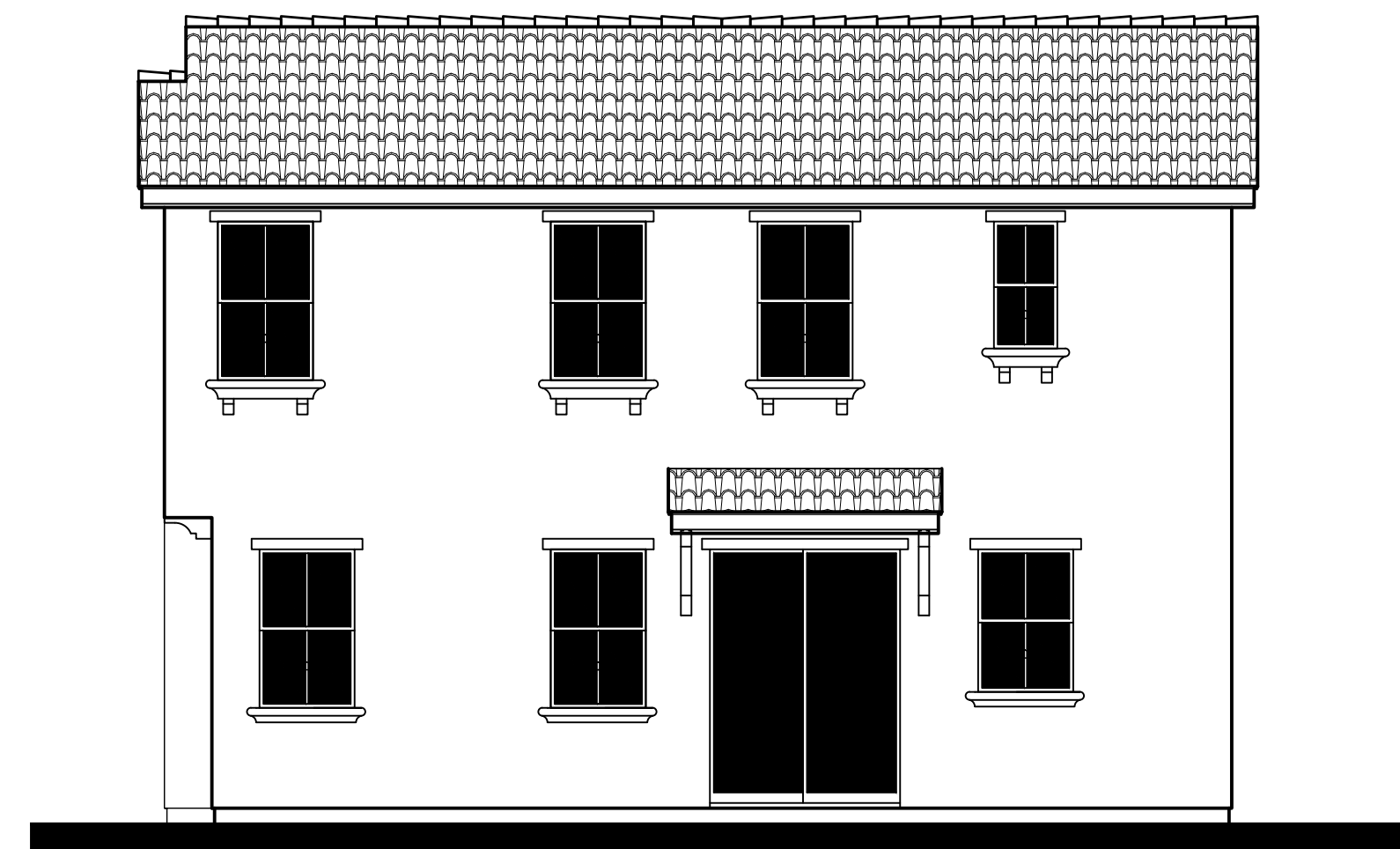




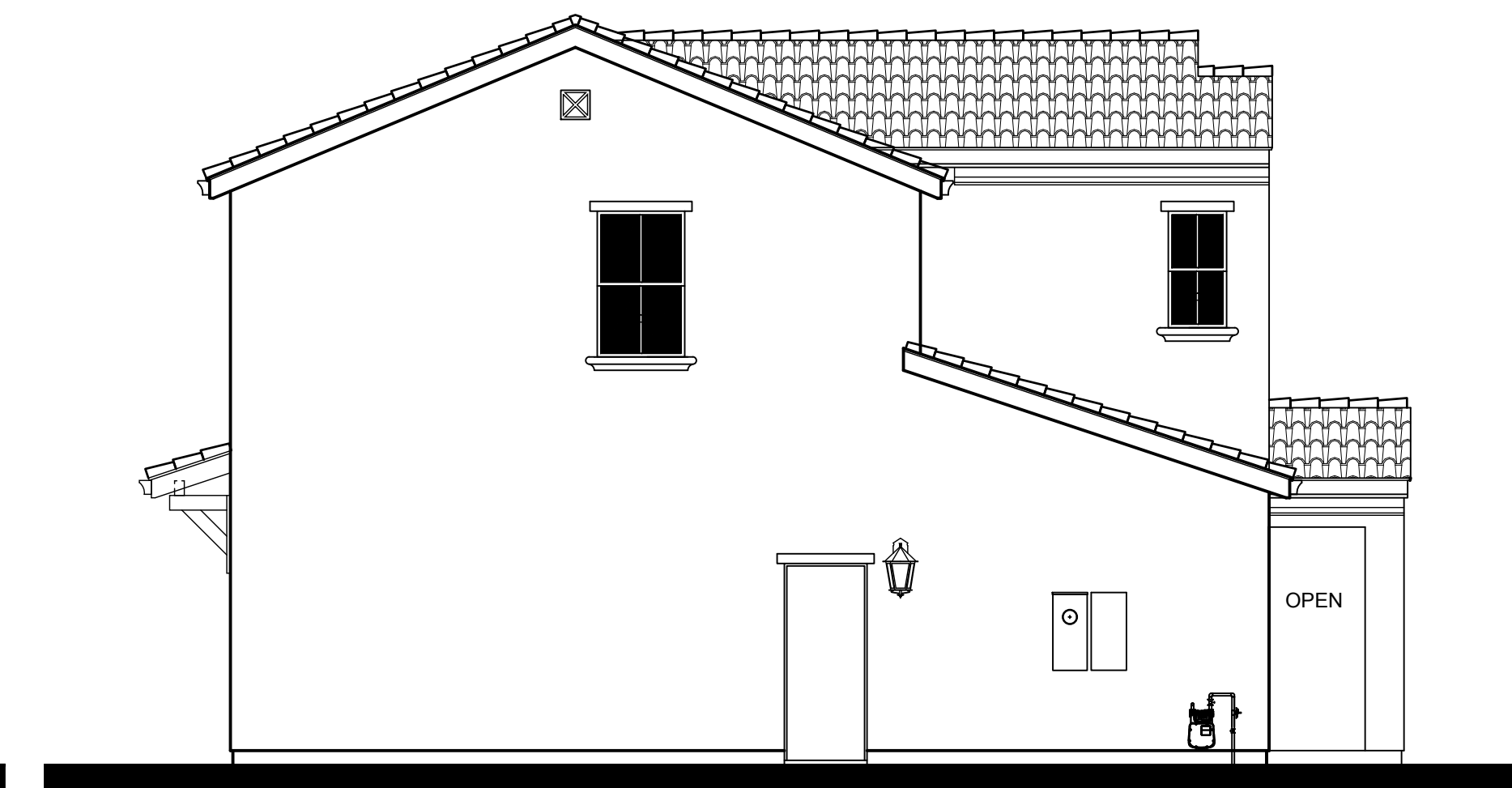
FRONT



RIGHT - CORNER



REAR



LEFT



3A Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves, 2" Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim

ELEVATION 3A MISSION



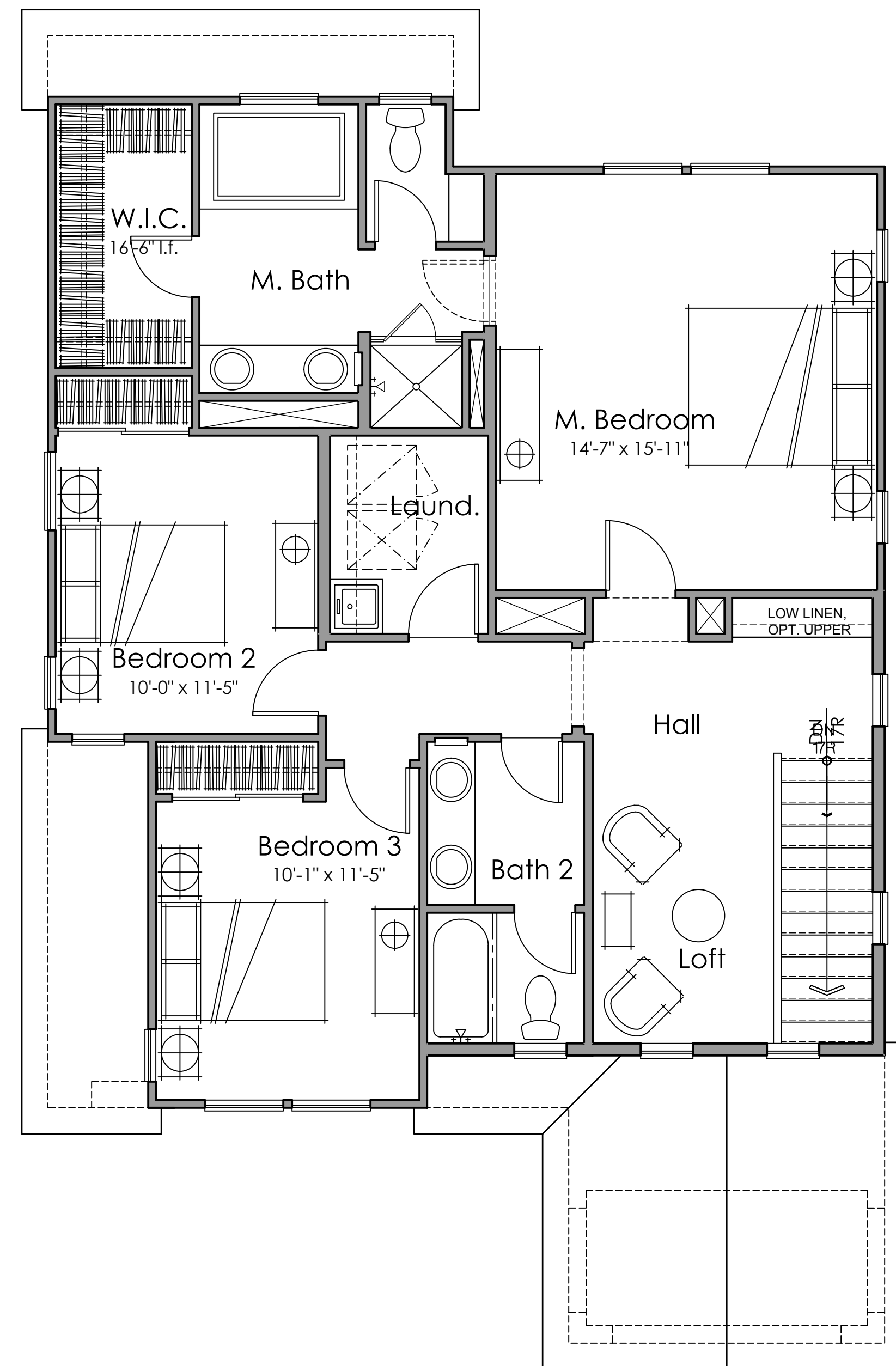
3B Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Brackets

ELEVATION 3B SPANISH RESORT



3C Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Stone Veneer

ELEVATION 3C HACIENDA

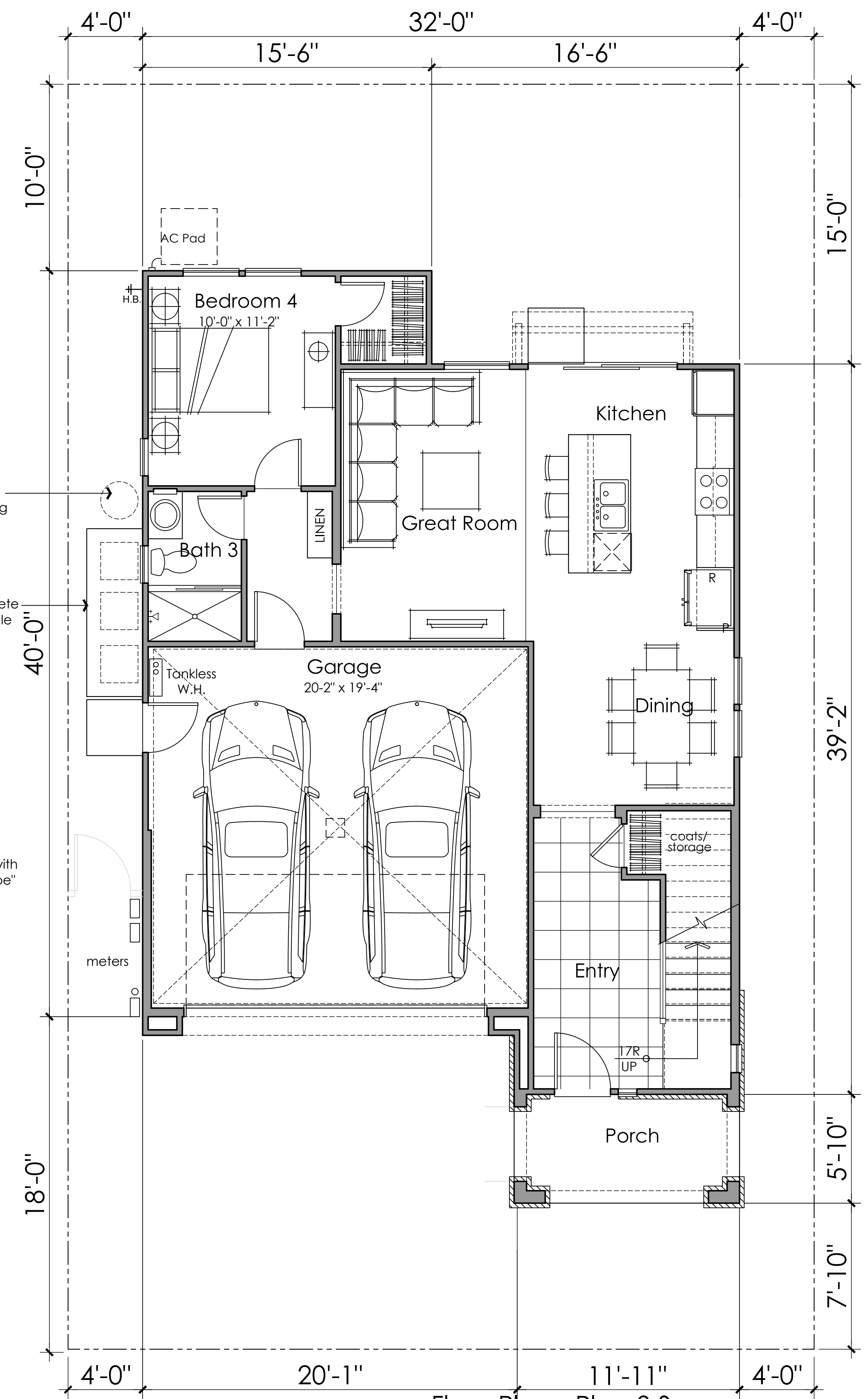


Second Floor
1080 s.f.

Provide (1) 50 gallon
lidded rain harvesting
barrel per home.

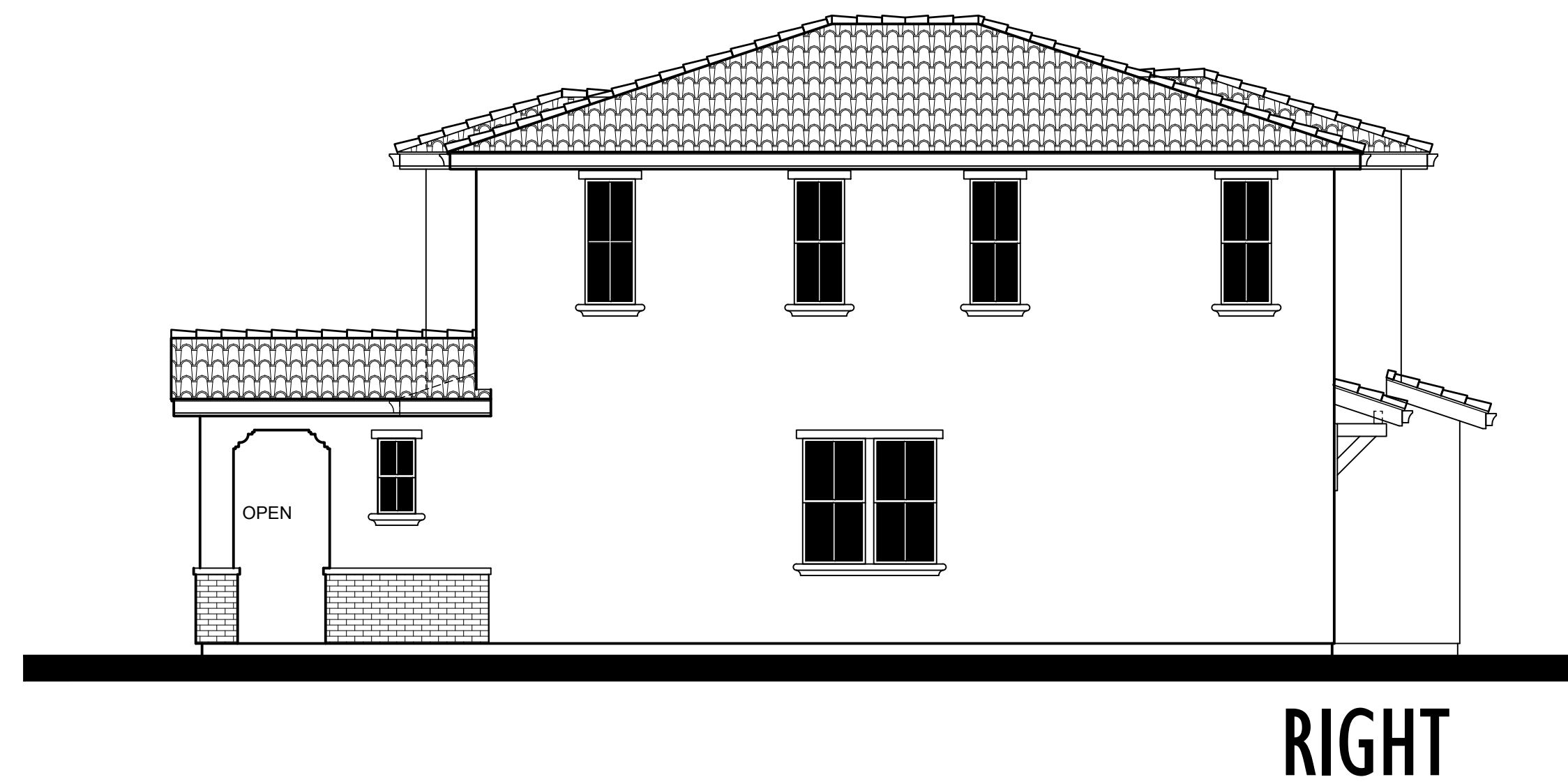
Provide 3' X 9' concrete
pad for trash / recycle

Note:
Plumb each home with
"laundry to landscape"
in compliance with
plumbing code.

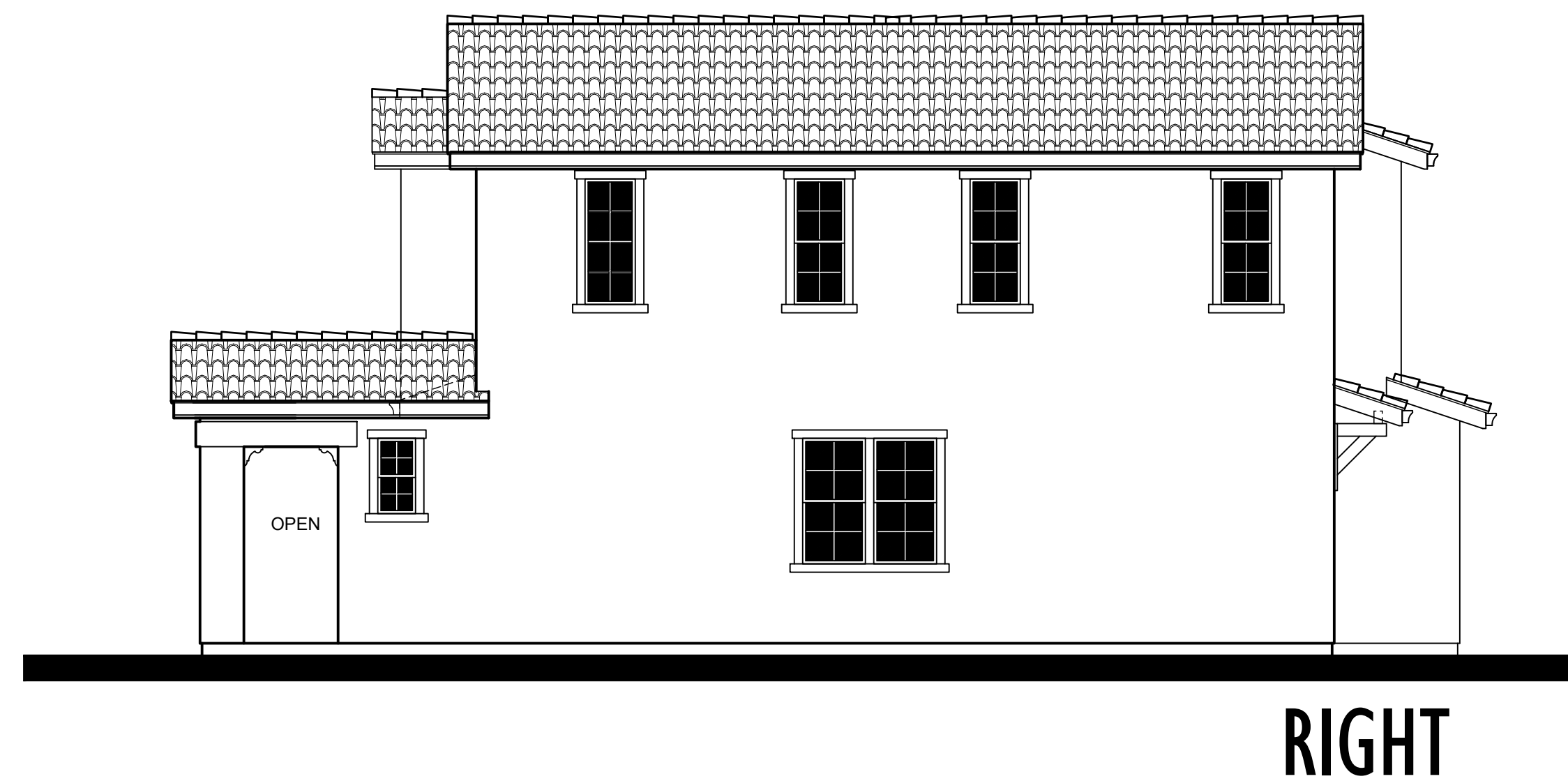


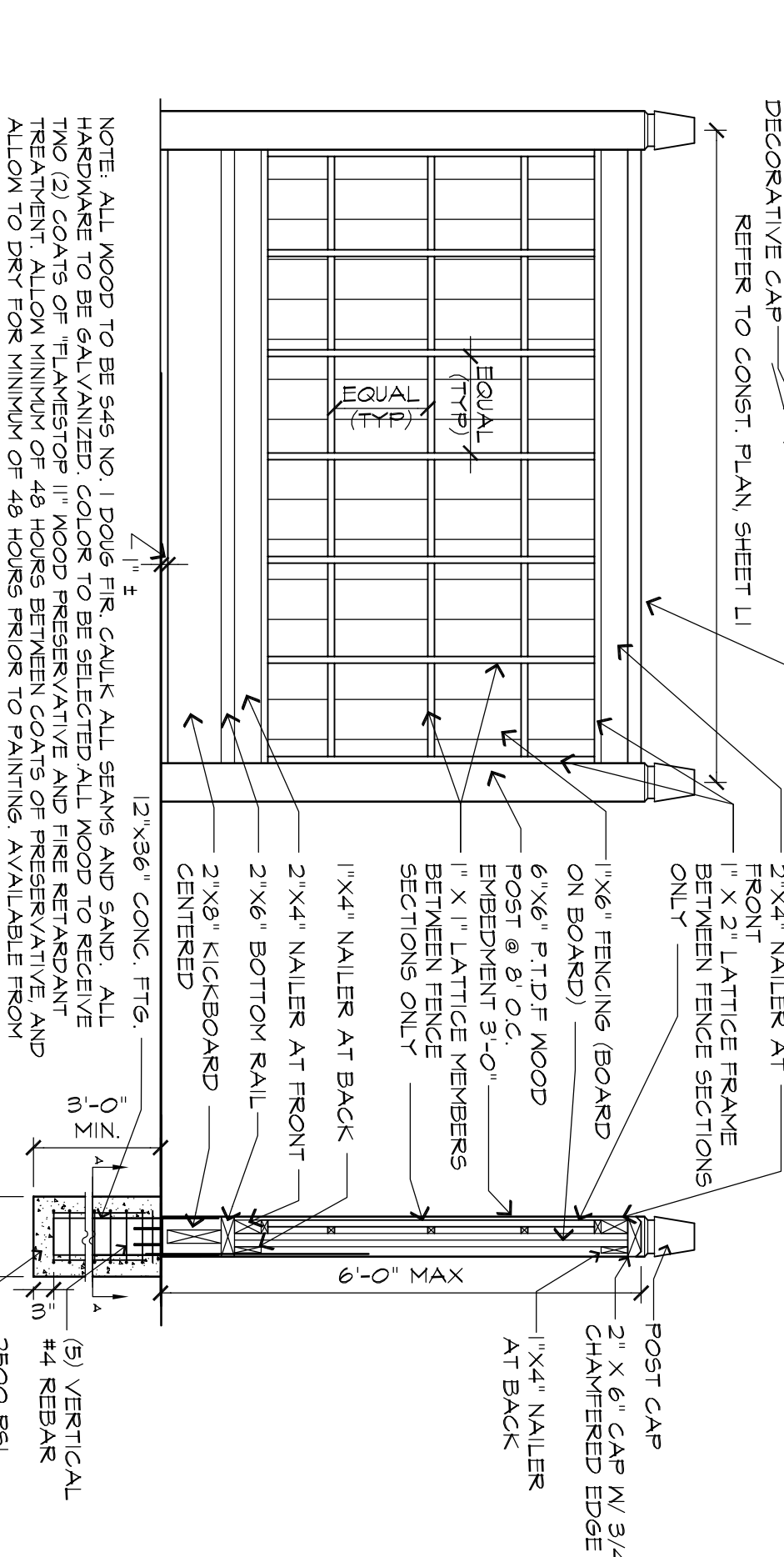
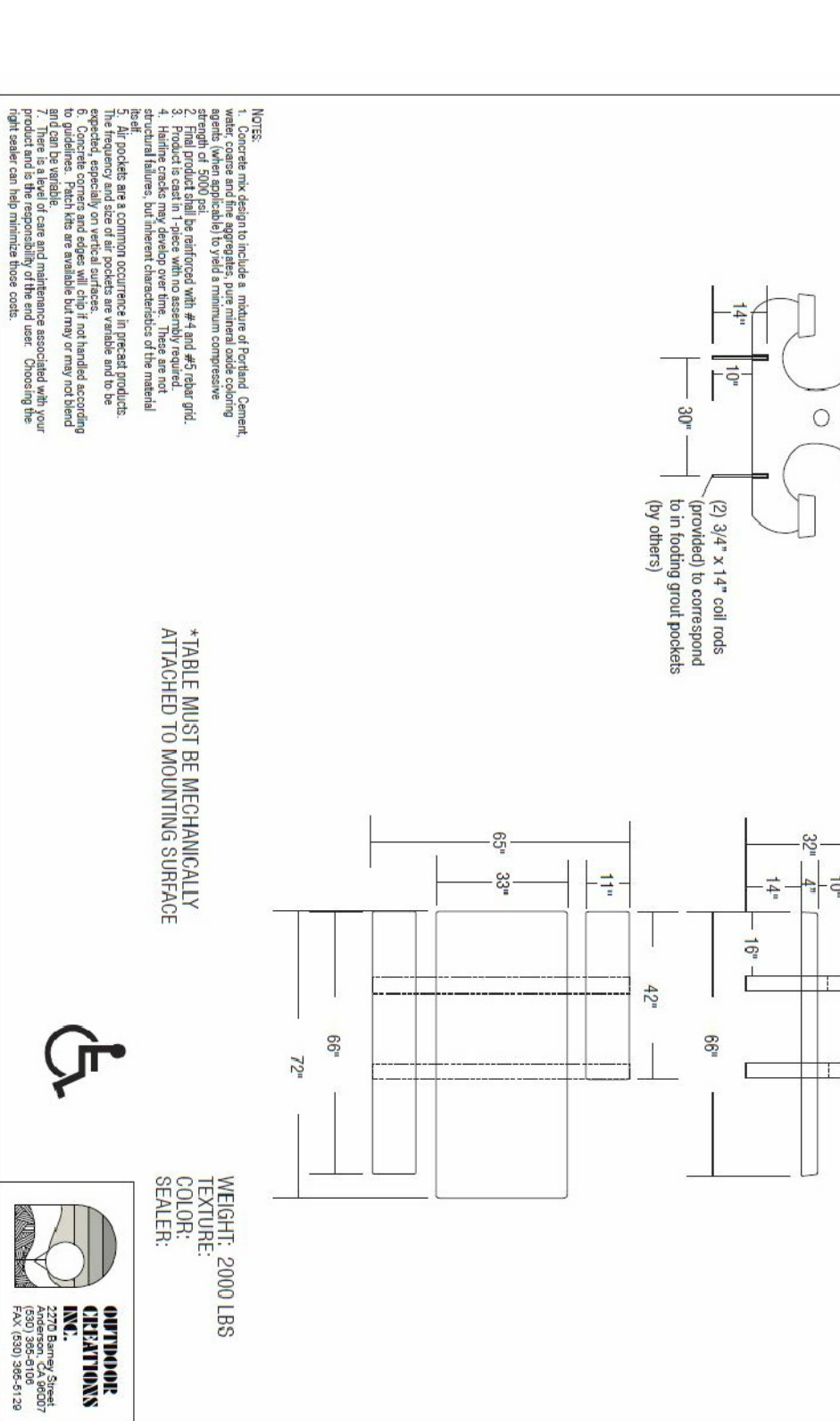
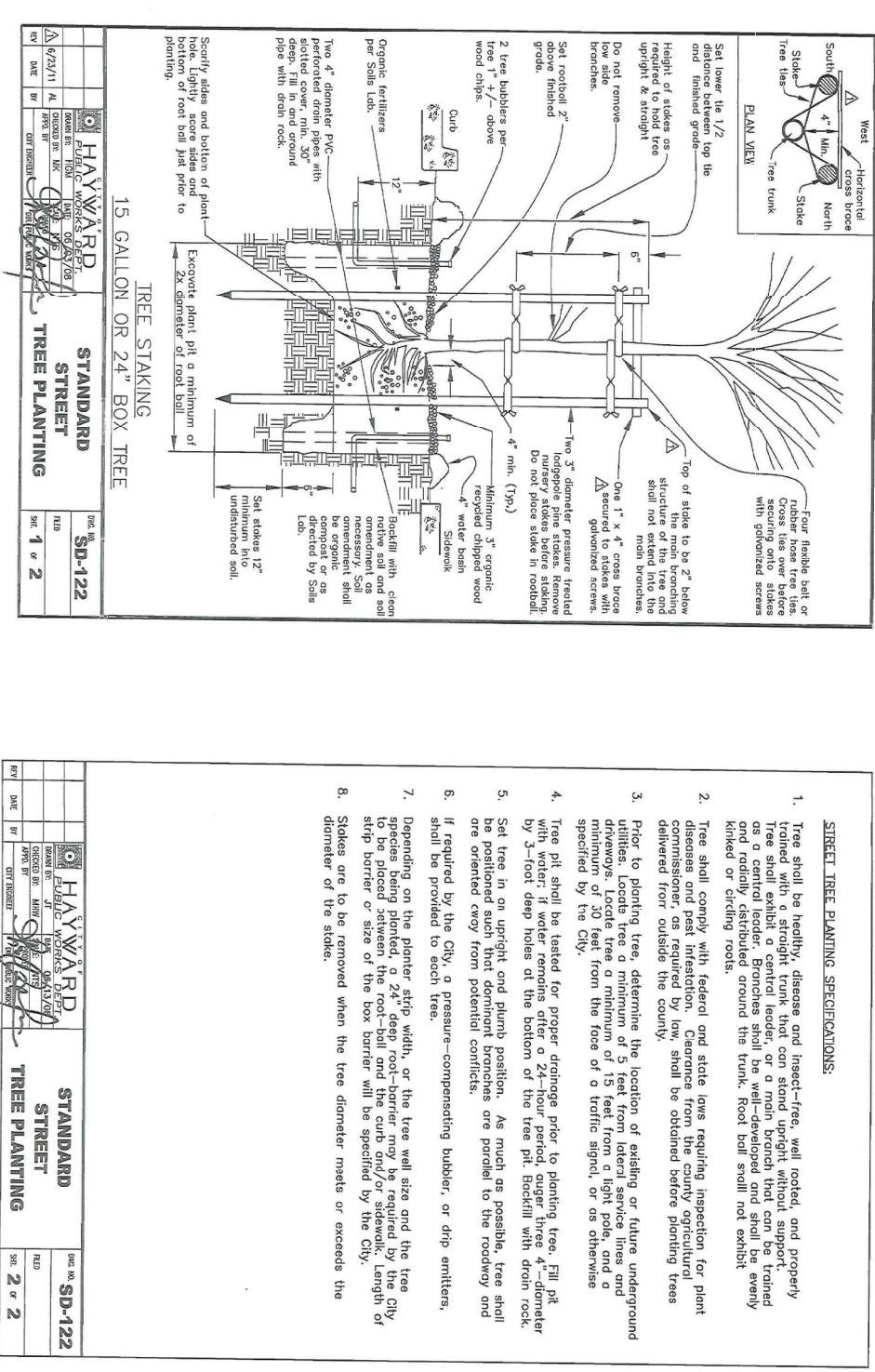
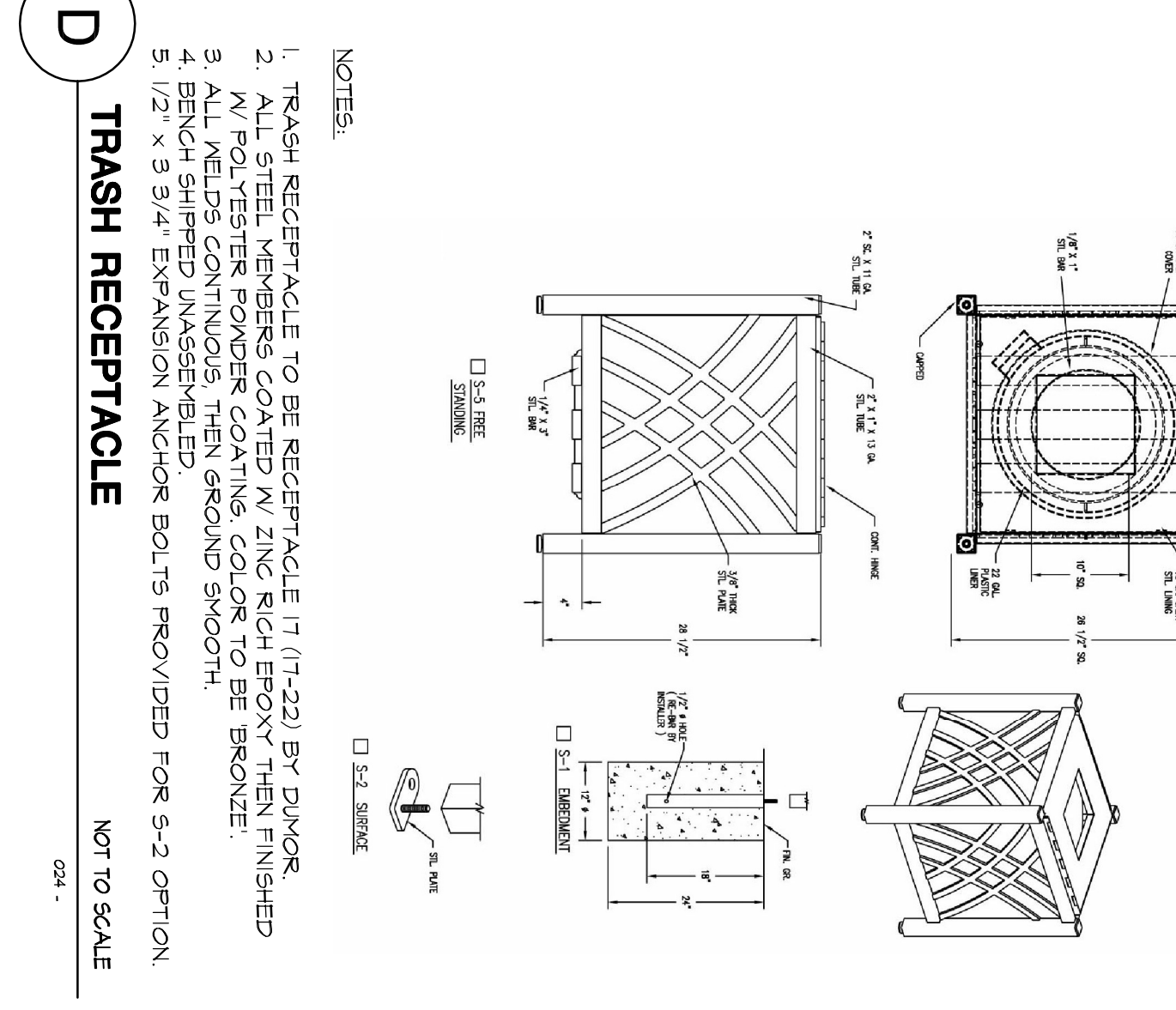
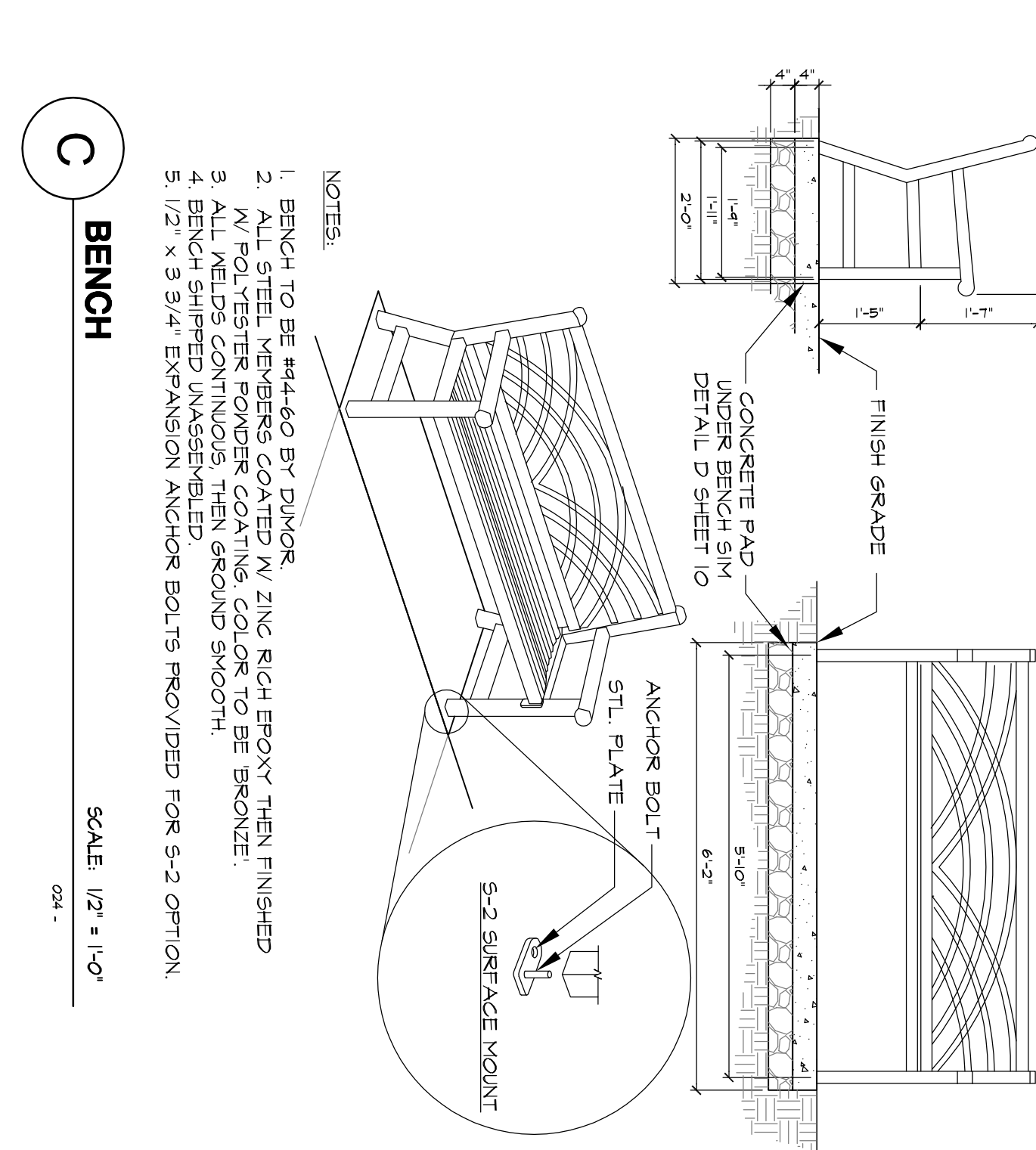
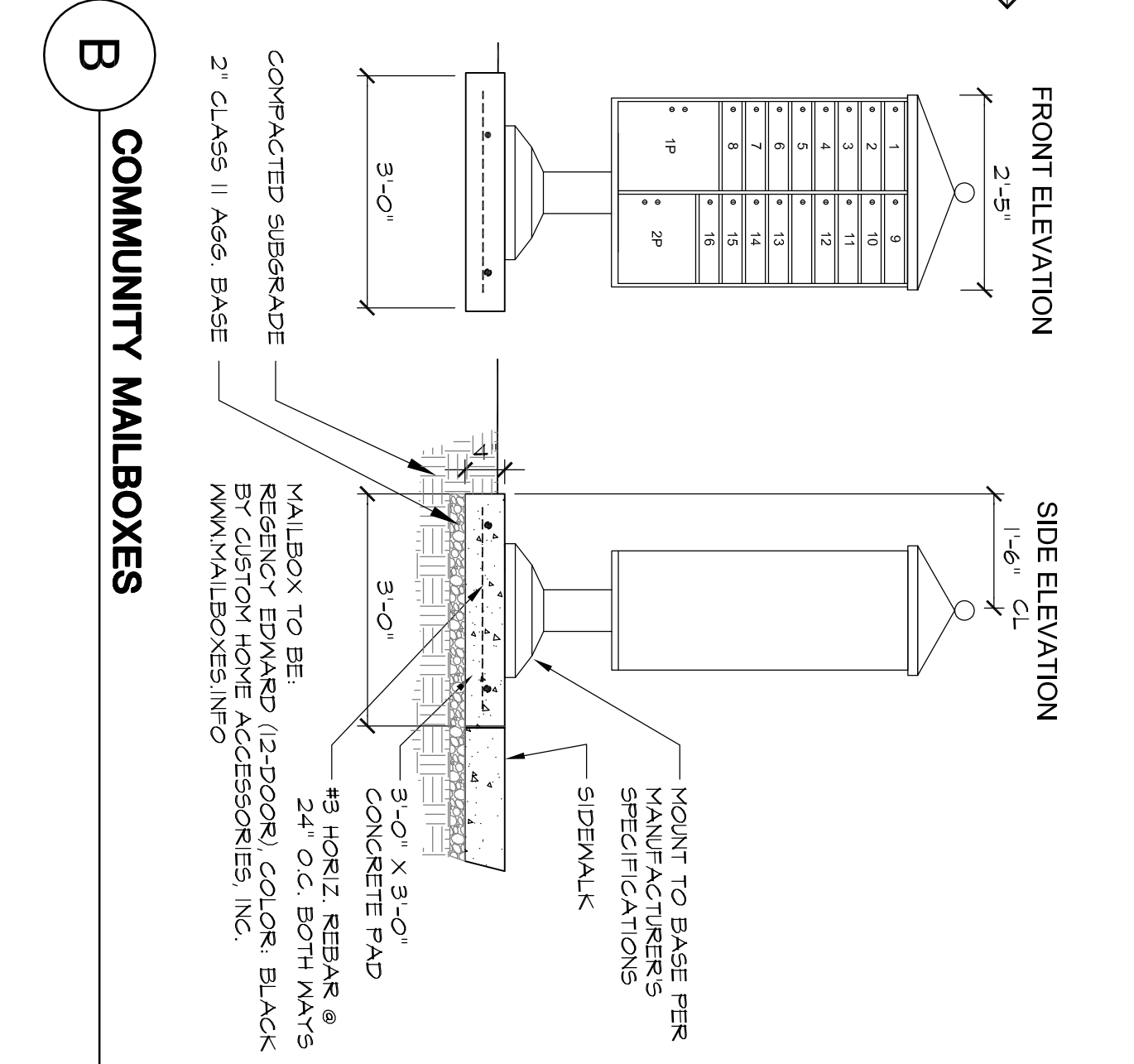
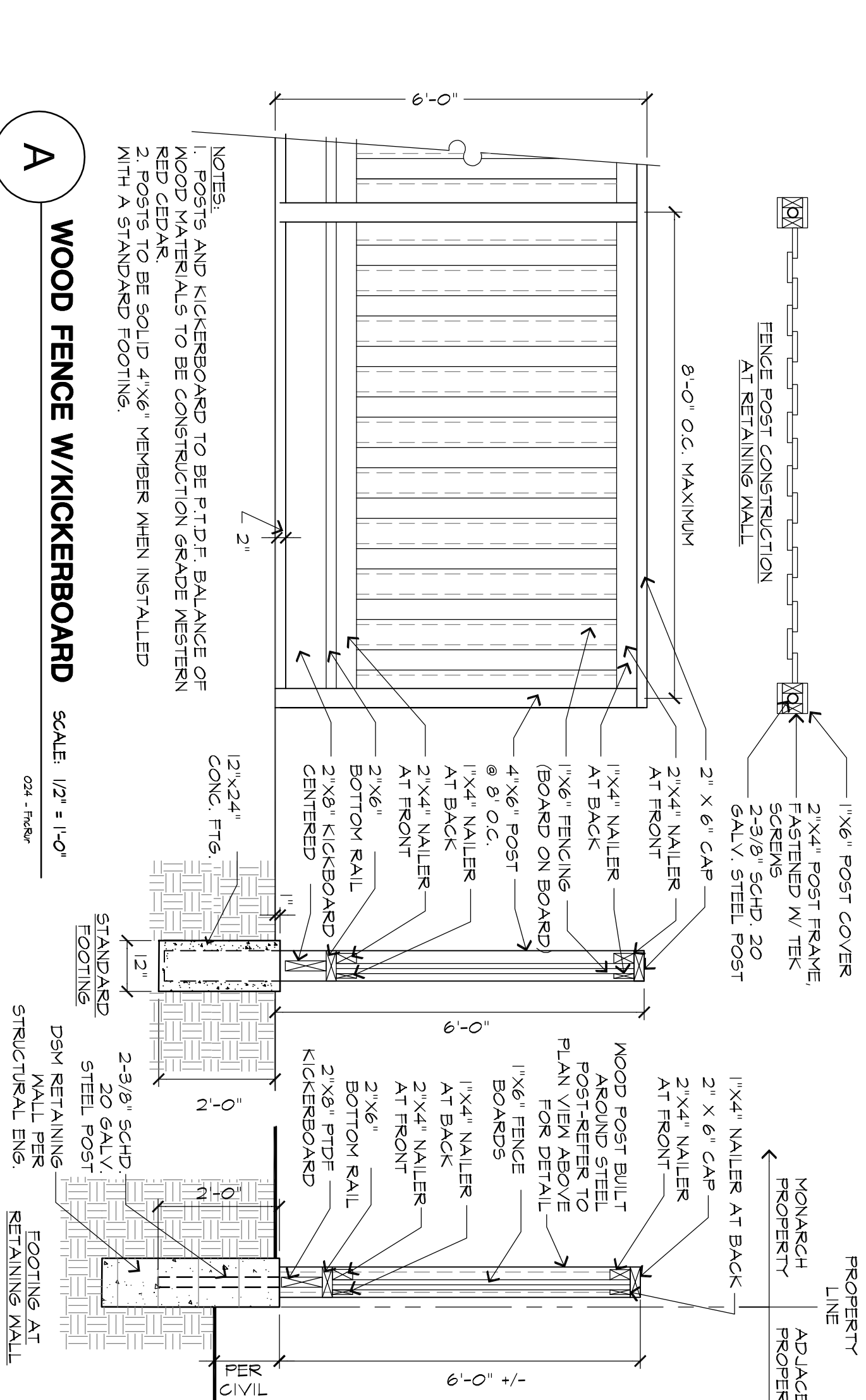
First Floor
835 s.f.

Floor Plan - Plan 3 Summary:
Great Room / Entertaining
4 Bedrooms W/ Loft
3 Baths
1,915 s.f.









E STANDARD STREET TREE PLANTING NTS

F ADA PICNIC TABLE NTS

G RAIN BARREL NTS

H DECORATIVE WOOD SCREEN SCALE: 1/2" = 1'-0" DCA - P/MSR

LANDSCAPE ARCHITECTURE
LAND PLANNING
1615 BONANZA STREET
SUITE 314
WALNUT CREEK, CA 94596
TEL: 925.938.7377
FAX: 925.938.7436

Preliminary Landscape Construction Details

Gading II
Hayward, California
March 2, 2018
L2

(PER TREE REPORT PREPARED BY HORTSCIENCE, INC. AND DATED OCTOBER 2017)

25941 Gading Road, Hayward, CA

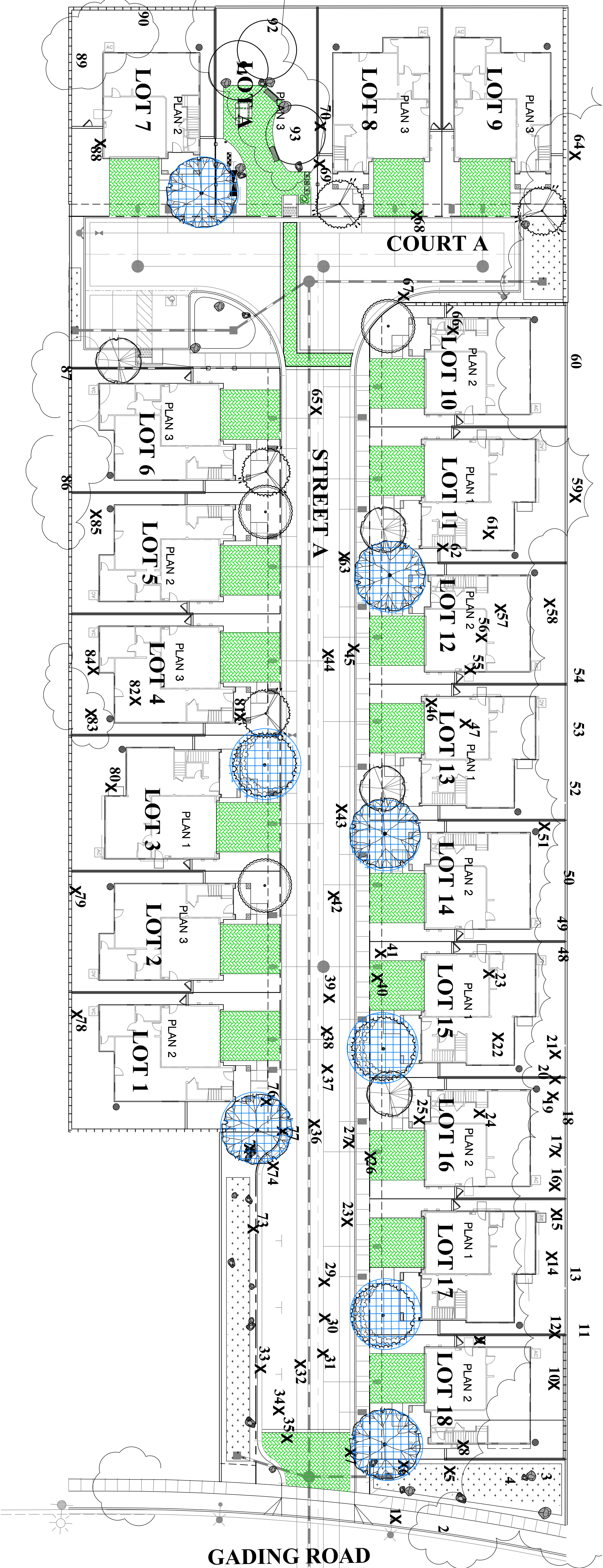
PROPOSED APPRAISED TREE VALUE: \$ 142,300

PROPOSED TREE MITIGATION MEASURES

COST OF MATERIALS - TREE UPGRADES					
15 GALLON	24" BOX	60" BOX	COST OF UPGRADE	PROPOSED QTY	COST OF IMPROVEMENT
Upgrade 15 Gallon Trees to 60" Box Trees			\$4,000.00	4	\$15,200.00
			\$3,980.00		
Upgrade 24" Box Trees to 60" Box Trees			\$4,000.00	4	\$15,400.00
			\$3,980.00		
TOTAL MATERIAL UPGRADES-					
					\$31,720.00
COST OF LABOR - TREE UPGRADES					
15 GALLON	24" BOX	60" BOX	COST OF UPGRADE	PROPOSED QTY	COST OF IMPROVEMENT
Upgrade 15 Gallon Trees to 60" Box Trees			\$20.00	4	\$1,520.00
			\$50.00		\$1,400.00
Upgrade 24" Box Trees to 60" Box Trees			\$400.00	4	\$1,400.00
			\$350.00		
TOTAL LABOR UPGRADES-					
					\$2,920.00
TOTAL UPGRADE COST-					\$34,040.00

COST OF MATERIALS - PERMEABLE PAVERS						
	STANDARD CONCRETE	PERMEABLE PAVIER	IMPROVEMENT COST	PROPOSED S.F.	COST OF IMPROVEMENT	
Upgrade Vehicular Concrete Paving to Permeable Pavers	\$3.75	\$9.90	\$6.15	6,343	\$39,008.45	
Upgrade Pedestrian Concrete Paving to Permeable Pavers	\$3.00	\$9.90	\$6.90	735	\$5,071.50	
			TOTAL MATERIAL UPGRADES=		\$44,080.95	
COST OF LABOR - PERMEABLE PAVERS						
	STANDARD CONCRETE	PERMEABLE PAVIER	IMPROVEMENT COST	S.F.	COST OF IMPROVEMENT	
Upgrade Vehicular Concrete Paving to Permeable Pavers	\$3.75	\$12.10	\$8.35	6,343	\$52,964.05	
Upgrade Pedestrian Concrete Paving to Permeable Pavers	\$3.00	\$12.10	\$9.10	735	\$6,688.50	
			TOTAL LABOR UPGRADES=		\$59,652.55	
			TOTAL UPGRADE COST=		\$103,733.50	

TOTAL PROPOSED TREE MITIGATION COSTS: \$137,773



LEGEND

PERMEABLE PAVING

DRIVEWAYS TO BE:
HYDRO-FLO TECHNOLOGY PAVERS
AREA = 5,075 SQ. FT.

TREE UPGRADES

PROPOSED 60" BOX TREE

GRAPHIC SCALE

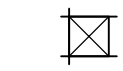
(IN FEET)
1 inch = 20 ft

Gading II

Hayward, California

March 2, 2018

14



LANDSCAPE HYDROZONE LEGEND

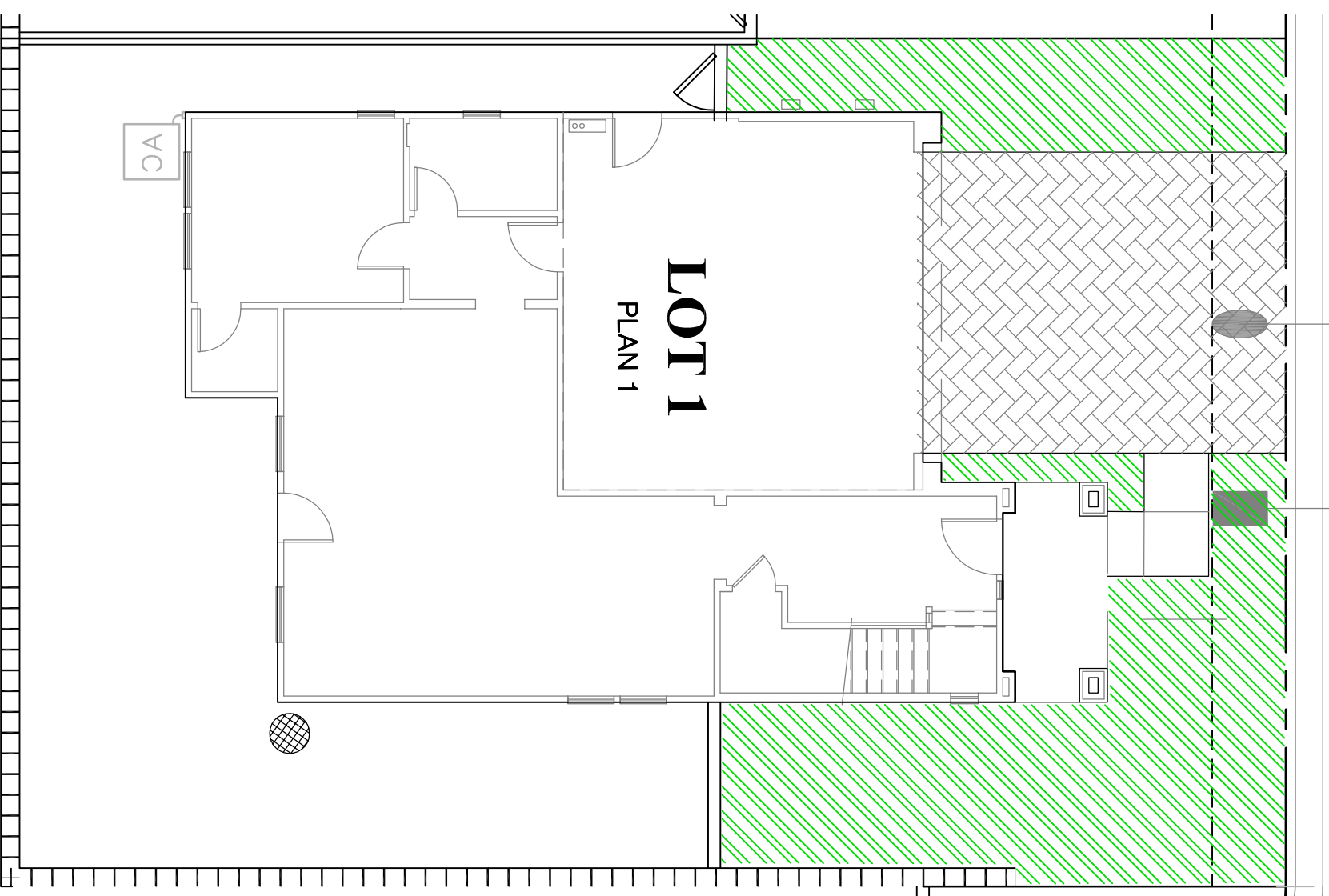
- ZONE A: PARTIAL TO FULL SUN, DROUGHT TOLERANT PLANTING WITH DRIP EMITTERS, LOW WATER USE.
- ZONE B: BIOPRETENTION PLANTING WITH DRIP EMITTERS, LOW WATER USE.
- ZONE C: STREET TREES AND ACCENT TREES WITH INDIVIDUAL BUBBLERS (NOT SHOWN)

NOTE: MEDIAN WATER USE SHRUB PLANTING AREAS SHALL NOT EXCEED 20% OF TOTAL LANDSCAPED AREA. SEPARATE VALVES TO BE USED FOR MEDIUM WATER USE SHRUBS.

WATER BUDGET CALCULATIONS:

LOW WATER USE PLANTING AREA	= 15,623 SF
MEDIUM WATER USE PLANTING AREA	= 0 SF
HIGH WATER USE AREA - TURF	= 0 SF
TOTAL PLANTING AREA	= 15,623 SF
ESTIMATED TOTAL WATER USE:	
ETWU (LOW WATER USE)	= (44.2) X (0.62) X (0.2 X 15,623) = 17,042 GAL/YR
ETWU (MEDIUM WATER USE)	= (44.2) X (0.62) X (0.4 X 0) = 0 GAL/YR
ETWU (HIGH WATER USE)	= (44.2) X (0.62) X (0.2 X 0) = 0 GAL/YR
TOTAL ETWU	= 17,042 GAL/YR
MAXIMUM APPLIED WATER ALLOWANCE:	
MAMA TOTAL LANDSCAPED AREA	= (44.2) X (0.62) X (0.45 X 15,623) = 186,974 GAL/YR

PROPOSED IRRIGATION METER LOCATION, BACKFLOW DEVICE, AND POINT OF CONNECTION. PROPOSED IRRIGATION SYSTEM TO BE DESIGNED TO MAINTAIN A MINIMUM OF 7 G.P.M. AT AN OPERATION PRESSURE OF 50 P.S.I. STATIC PRESSURE.



◆◆◆

RIPLEY

DESIGN

LANDSCAPE ARCHITECTURE

LAND PLANNING

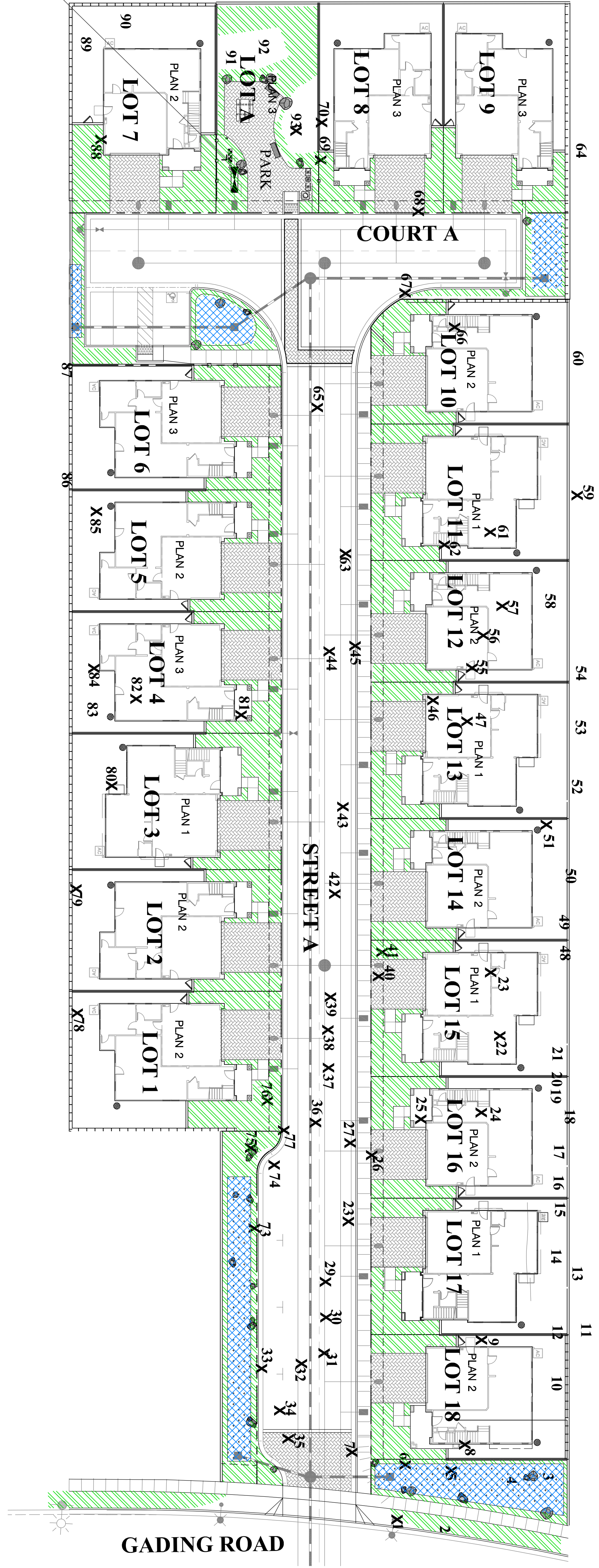
1615 BONANZA STREET

SUITE 314

WALNUT CREEK, CA 94596

TEL: 925.938.7377

FAX: 925.9387436



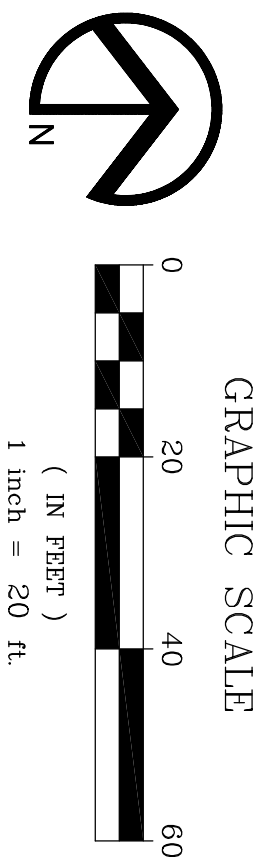
LANDSCAPE HYDROZONE LEGEND

- ZONE A: PARTIAL TO FULL SUN, DROUGHT TOLERANT PLANTING WITH DRIP EMITTERS, LOW WATER USE.
- ZONE B: BIOPRETENTION PLANTING WITH DRIP EMITTERS, LOW WATER USE.
- ZONE C: STREET TREES AND ACCENT TREES WITH INDIVIDUAL BUBBLERS (NOT SHOWN)

TYPICAL LOT WATER BUDGET CALCULATIONS (LOT 1):

LOW WATER USE PLANTING AREA	= 1,188 SF
MEDIUM WATER USE PLANTING AREA	= 0 SF
HIGH WATER USE AREA - TURF	= 0 SF
TOTAL PLANTING AREA	= 1,188 SF
ESTIMATED TOTAL WATER USE:	
ETWU (LOW WATER USE)	= (44.2) X (0.62) X (0.2 X 1,188) = 9,170 GAL/YR
ETWU (MEDIUM WATER USE)	= (44.2) X (0.62) X (0.4 X 0) = 0 GAL/YR
ETWU (HIGH WATER USE)	= (44.2) X (0.62) X (0.2 X 0) = 0 GAL/YR
TOTAL ETWU	= 9,170 GAL/YR
MAXIMUM APPLIED WATER ALLOWANCE:	
MAMA (LOW WATER USE)	= (44.2) X (0.62) X (0.45 X 1,188) = 14,650 GAL/YR

- ALL TREES SHALL BE PLANTED AND STAKED PER CITY STANDARDS.
- TREES BE PLANTED WITHIN 3' OF HARDSCAPE ELEMENTS, SHALL HAVE A LINEAR ROOT BARRIER INSTALLED ADJACENT TO THE HARDSCAPE ELEMENT AT TIME OF TREE PLANTING.
- LANDSCAPE AND IRRIGATION SHALL COMPLY WITH CITY'S CURRENT WATER-EFFICIENT LANDSCAPE ORDINANCE.
- ALL PLANTING AREAS SHALL BE AUTOMATICALLY IRRIGATED PER CITY STANDARDS, USING LOW-FLOW SPRAY, BUBBLERS OR DRIP METHODS.
- ALL PLANTING AREAS SHALL BE MULCHED TO A MINIMUM DEPTH OF 3".



✕

DUTRA ENTERPRISES, INC.

✕

Hayward, California

Conceptual Irrigation Plan

Gading II

March 2, 2018

L5



Gading II Residential Project

Initial Study – Mitigated Negative Declaration

prepared by

City of Hayward

777 B Street, 3rd Floor

Hayward, California 94541

Contact: Jay Lee, AICP, Associate Planner, (510) 583-4207

prepared with the assistance of

Rincon Consultants, Inc.

449 15th Street, Suite 303

Oakland, California 94612

April 2018

Gading II Residential Project

Initial Study – Mitigated Negative Declaration

prepared by

City of Hayward

777 B Street, 3rd Floor

Hayward, California 94541

Contact: Jay Lee, AICP, Associate Planner, (510) 583-4207

prepared with the assistance of

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449 15th Street, Suite 303

Oakland, California 94612

April 2018

This report prepared on 50% recycled paper with 50% post-consumer content.

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Appendices

Appendix A	Arborist Report
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Appendix C	Noise Measurement Data
Appendix D	AB 52 Correspondence

Initial Study

1. Project Title

Gading II Residential Project

2. Lead Agency Name and Address

City of Hayward – Development Services Department
Planning Division
777 B Street, 3rd Floor
Hayward, California 94541

3. Contact Person and Phone Number

Jay Lee, AICP, Associate Planner, (510) 583-4207

4. Project Location

The project site encompasses approximately 1.7 acres and consists of two assessor's parcels at 25941 Gading Road (close to the intersection of Gading Court) in the city of Hayward (APN# 454-0020-062-02 and 454-0020-069-00). Figure 1 shows the location of the project site in the regional context. Figure 2 shows an aerial view of the project site and immediate surroundings. Interstate 880 (I-880) and Interstate 580 (I-580) provide regional access to the project site.

5. Project Sponsor's Name and Address

Dutra Enterprises, Inc.
43360 Mission Boulevard, Suite 230
Fremont, California 94539

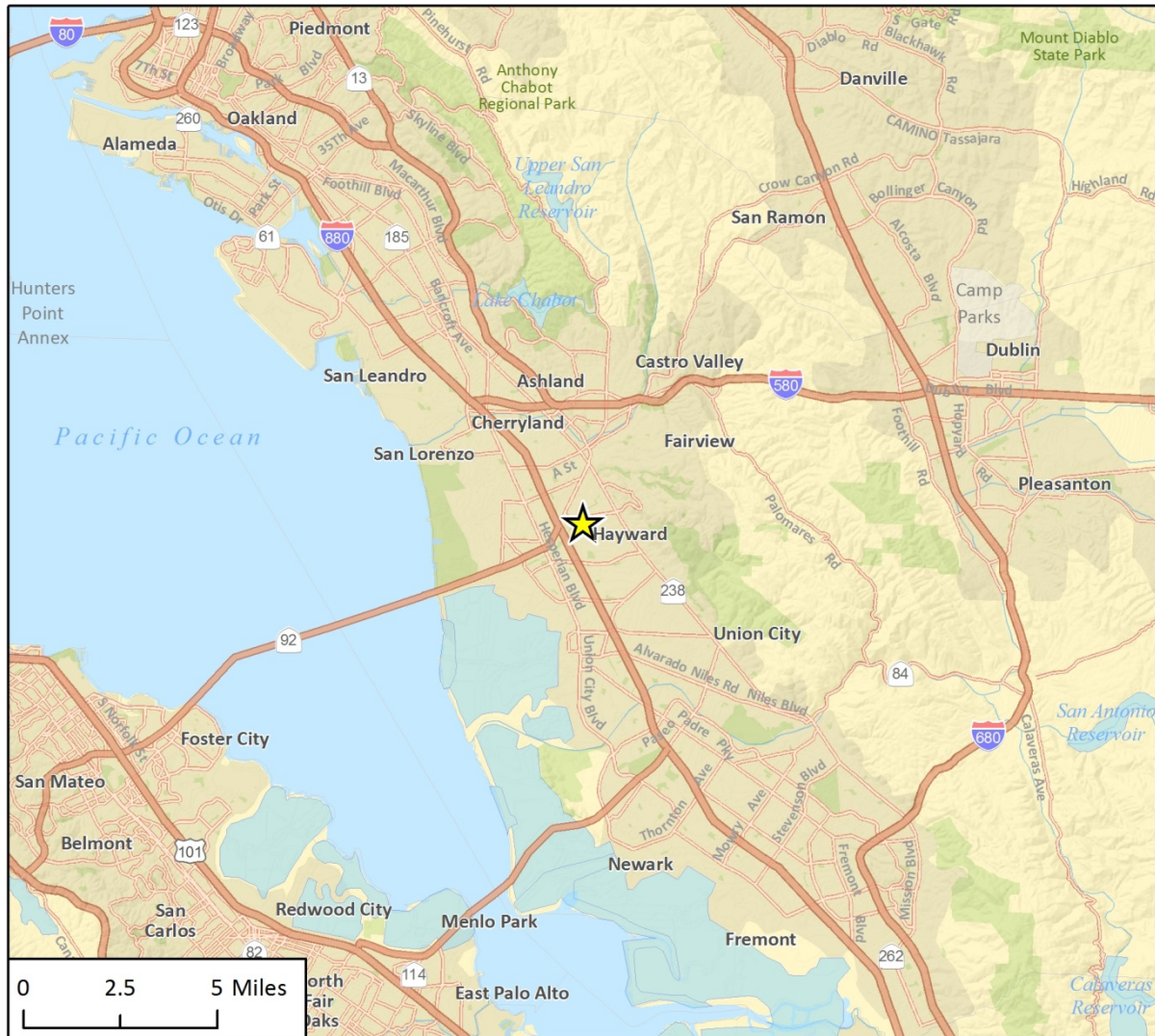
6. General Plan Designation

MDR (Medium Density Residential)

7. Zoning

APN 454-0020-062-02 is zoned RS (Single-Family Residential) District and APN 454-0020-069-00 is zoned PD (Planned Development) District.

Figure 1 Regional Location



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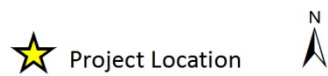


Figure 2 Project Site Location



8. Description of Project

The proposed project requires a rezoning and subdivision of an approximately 1.7-acre site into 21 lots in order to develop 18 detached, single-family residences; common open space; and a private street that would have vehicular access from a public street, Gading Road. The lots range in size between 2,657 and 3,206 square feet and 18 of the 21 lots would be developed with single-family residences, two lots would provide nearly 3,000 square feet of common open space for the residents, and one lot would contain a stormwater bioretention area. Aside from the common open space areas, the project would include private open space for each residence. The project involves a zone change from the existing RS (Single-Family Residential) District and PD (Planned Development) District to a new PD District to accommodate the project. Currently, the 1.7-acre site is undeveloped.

Table 1 summarizes the characteristics of the project. Figure 3 shows the proposed site plan.

Table 1 Project Summary

Project Size	
Square Feet	77,693 sf
Acres	1.7 acres
Residential Units	
Three-bedroom	13 units
Four-bedroom	5 units
Total	18 units
Overall Density	14.0 du/ac
Parking	
Garage	36 spaces
On-street	7 spaces
Open Space	
Private	9,914 sf
Shared	2,923 sf
Total	12,837 sf
Notes: sf = square feet, du/ac = dwelling units per acre	

Access and Parking

Vehicular access to the project site is provided via one 24-foot-wide private street from Gading Road. Each single-family residence would be accessed via a driveway from the proposed private street and includes a two-car garage. All of the units have driveways that could accommodate two additional parked vehicles. Seven on-street parking spaces would also be provided and available for use by residents and guests.

Figure 3 Proposed Site Plan



The project would include the replacement of the pedestrian sidewalk on the project frontage along Gading Road. A new 5-foot wide sidewalk inside the project site on the north side of the proposed private road would also be developed to provide direct pedestrian access to Gading Road.

Open Space and Landscaping

The landscaping plan for the proposed project is shown in Figure 4. The project includes private open space for each residential unit as well as shared common open space areas. The amount of private open space for each unit ranges between 486 and 721 square feet. Shared common open space areas are provided in two areas on the project site, one along the project frontage (593 square feet) and one in the rear of the site (2,330 square feet).

Currently, there are approximately 88 trees located on the project site and two street trees located in the Gading Road right-of-way (HortScience, Inc. 2017). Approximately 81 of these trees would be removed for the project, including the two street trees. The five trees located in the proposed open space areas would remain. The project would include the planting of 20 new trees throughout the project site. As shown in Figure 4, the landscaping and irrigation systems comply with the City's current Water-Efficient Landscape Ordinance and Bay-Friendly Water Efficient Landscape Ordinance, utilizing low-flow spray, bubbler, or drip irrigation methods.

To help reduce stormwater run-off, the residential driveways would incorporate permeable pavers. Additionally, five stormwater bioretention areas are proposed around the site to capture and treat runoff.

Building Architecture and Design

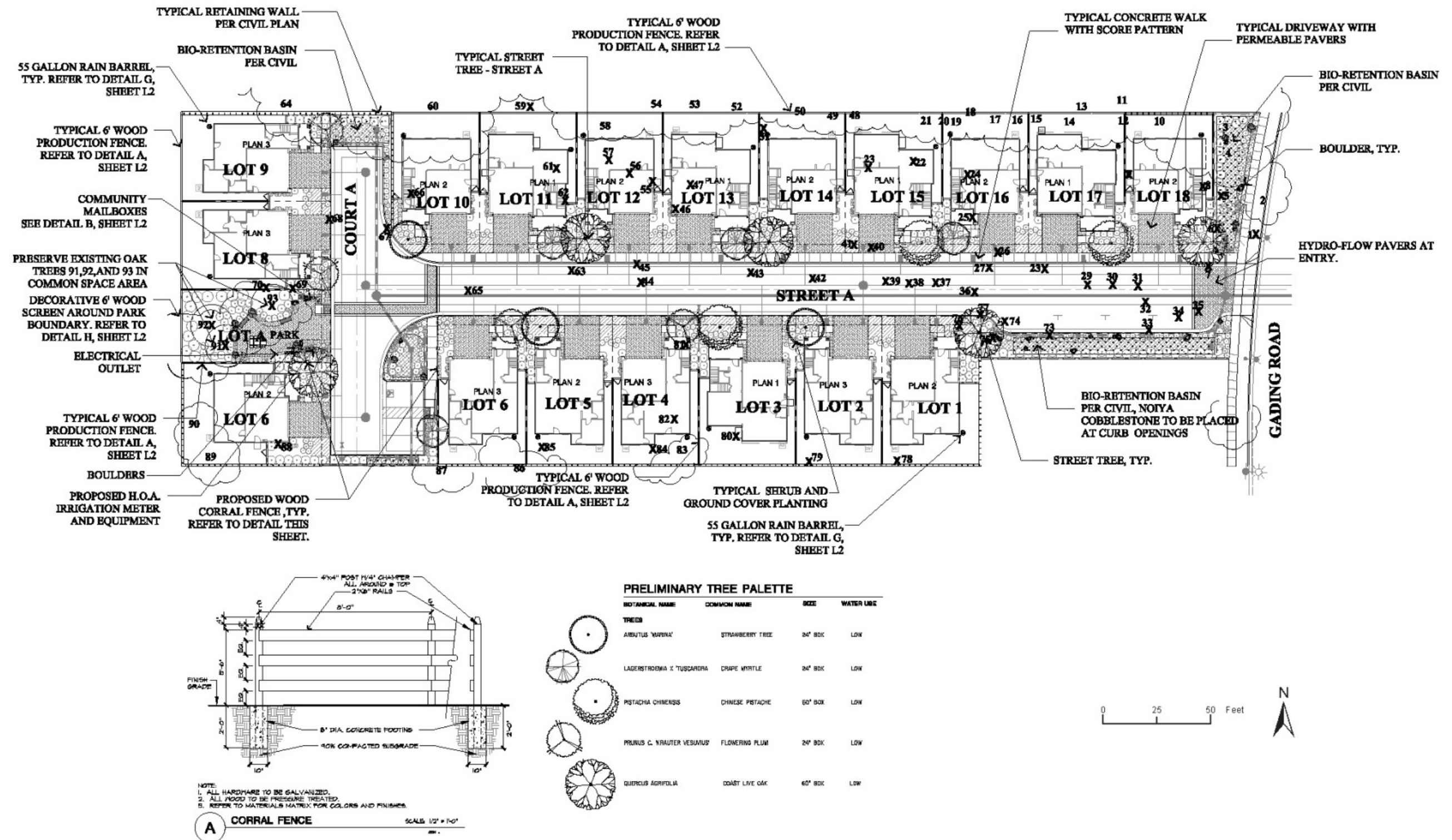
The proposed single-family, detached residential dwellings are similar in height, style, scale, and mass. Each residence would be two stories in height and range between 1,584 and 1,955 gross square feet in size (gross square feet measurement excludes garage area). The architectural style of the homes consists of a thematic Spanish styling with stucco walls and concrete roof tiles. Architectural details include stone veneers, arches, detailed garage doors, front porches, exterior shutters, and sill treatments. Although the proposed project does not include street lights, each of the residences incorporates external lighting to illuminate front yard areas and driveways. Architectural elevations are shown in Figure 5a-c.

Each home will include rooftop solar photovoltaic (PV) panels. In addition, all garages would be prewired to accommodate charging for electric vehicles.

Utilities

Utility services to the project site, including water, sanitary sewer, storm drains, fire protection, and police protection are provided by the City of Hayward. Solid waste collection and recycling are provided by Waste Management of Alameda County and Pacific Gas and Electric (PG&E) provides both gas and electric service to the project site.

Figure 4 Proposed Landscaping Plan



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Figure 5a Elevations – Building Type 1A



Figure 5b Elevations – Building Type 2A



1A Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves, 2" Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim

ELEVATION 2A MISSION



1B Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Brackets

ELEVATION 2B SPANISH RESORT



1C Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Stone Veneer

ELEVATION 2C HACIENDA

Source: KTG Y Group, 2018

0 8 16 Feet

Figure 5c Elevations – Building Type 3A



3A Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves, 2" Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim

ELEVATION 3A MISSION



3B Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Brackets

ELEVATION 3B SPANISH RESORT



3C Materials-
Concrete Roof Tile
"Low Profile S Tile"
12" Eaves & Rakes
Decorative Details
Coach Light
1x Stucco Finish Trim
Stone Veneer

ELEVATION 3C HACIENDA

Source: KTG Group, 2018

0 8 16 Feet

9. Surrounding Land Uses and Setting

The project site is located in the Harder-Tennyson neighborhood, which is characterized by single-family and multi-family residential buildings and a mix of one- and two-story commercial buildings. The suburban location consists largely of residential land uses constructed after World War II.

The project is bordered by a medical office building and associated surface parking areas to the north (Windsor Post-Acute Care Center of Hayward), single-family residential uses to the east and west, and multi-family residential uses to the south (Morpark Apartments).

The project site is currently undeveloped and generally flat. Currently, there are 88 trees of varying size and species on the project site. Previously, the northern portion of the site (APN 454-0020-062-02) was developed with two single-family residences and accessory structures that were demolished in 2017. In 1998, the southern parcel (APN 454-0020-069-00) was rezoned from RS to PD in order to subdivide the site into four lots and develop each lot with a two-story, single-family home. The rezone and the project were approved. However, the four single-family residences were never built.

Photos of the project site and surrounding area are shown in Figure 6 and Figure 7.

10. Required Approvals

The following approvals and permits from the City of Hayward would be required for the project:

- Tentative Tract Map
- Zone change from RS (Single-Family Residential) and PD (Planned Development) to a new PD District
- Grading Permit
- Building Permit

11. Other Public Agencies Whose Approval is Required

The City of Hayward is the lead agency with responsibility for approving the project. No other public agency's approval is required.

Figure 6 Site Photographs



Photo 1: Single-family residence adjacent to the project site from across Gading Road looking west.



Photo 2: Single-family residences adjacent to rear of project site from Underwood Avenue looking east.

Figure 7 Surrounding Area Photographs



Photo 1: Single-family residence adjacent to the project site from across Gading Road looking west.



Photo 2: Single-family residences adjacent to rear of project site from Underwood Avenue looking east.

Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is “Potentially Significant” or “Potentially Significant Unless Mitigation Incorporated,” as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology and Water Quality |
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

Determination

Based on this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- ☐ I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

4/5/18

Date

Jay Lee

Printed Name

Associate Planner

Title

Environmental Checklist

1 Aesthetics	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. Would the project have a substantial adverse effect on a scenic vista?

A scenic vista is generally defined as an expansive view of highly valued landscape as observable from a publicly accessible vantage point. The *Hayward 2040 General Plan* characterizes the city's scenic vistas as views of natural topography, open grassland vegetation, the East Bay hills, and the San Francisco Bay shoreline. In addition, portions of I-580, I-880, and State Route 92 (SR 92) in the city are designated as County Scenic Highways. The project site is not part of a scenic landscape in the city and is not located in the viewshed of a County Scenic Highway. The project site is flat and in an urban area surrounded by development. None of the significant view areas are located on or near the project site. In addition, there are no scenic views or views of such features as the East Bay hills available from or through the site due to the distance from such features and the intervening buildings and vegetation. The project will not block significant views or other scenic vistas. No impact will occur.

NO IMPACT

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The closest designated state scenic highway is a portion of I-580 at the northern edge of the city, approximately three miles north of the project site (Caltrans 2011). The project site is not visible

from I-580 and therefore the project will not damage scenic resources within view of a state scenic highway. No impact will occur.

NO IMPACT

- c. *Would the project substantially degrade the existing visual character or quality of the site and its surroundings?*

The project site is currently undeveloped. The visual character of the site is dominated by the numerous mature trees located on the site. Adjacent to the site to the south is a one-story craftsman-style single-family residence and an apartment complex with one- to two-story apartment buildings. To the north, east, and west are one- to two-story residential and medical office buildings. Surrounding buildings are a mix of architectural styles that typically include wood, stucco, and vinyl building materials in muted colors. Construction of the project would alter the visual character of the project site by removing 83 trees and adding 18 single-family residences to the site. However, the project would plant 20 new trees throughout the project site. The project site is currently surrounded by other single-family land uses and commercial development with similar building heights. As such, the project would be consistent with the height and architectural style of existing residential developments in the surrounding area. Therefore, the project will be compatible with the visual character of the area. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- d. *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The project site is in an urbanized area with relatively high levels of existing light. The surrounding residential and commercial uses, along with the roadway, generate light and glare adjacent to all sides of the property. Primary sources of light include interior and exterior lighting associated with the existing residential and commercial buildings, vehicle headlights, and street lights. The primary source of glare adjacent to the project site is the sun's reflection from metallic, glass, and light-colored surfaces on buildings and on vehicles parked on adjacent streets and in adjacent parking areas.

The project would introduce new sources of lighting and glare as the project site is currently undeveloped. The project would not include street lights on the private roadway, but the single-family residences would have some exterior lighting to illuminate driveways and yards. The project would also introduce light and glare from headlights from vehicles entering and exiting the project driveway on Gading Road. Sources of glare associated with the project site include vehicles parked in driveways or in the designated street parking spaces. These sources of light and glare will be similar to existing sources surrounding the site and would be consistent with other uses in the area. No highly-reflective glass or metallic elements are proposed as part of the project. Therefore, impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
--	--------------------------------------	--	------------------------------------	-----------

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a. *Would the project convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*
- b. *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*
- c. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*
- d. *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

- e. *Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?*

The project site is located in an urbanized area of Hayward. The site is designated as MDR (Medium Density Residential) in the City's General Plan and zoned RS (Single Family Residential) and PD (Planned Development). Neither the project site nor adjacent properties are identified as any of the farmland types under the Farmland Mapping and Monitoring Program or enrolled in Williamson Act contracts, or support forest land or resources (California Department of Conservation 2016). The project site is not located on or adjacent to agricultural land or forest land and the project would not involve development that could result in the conversion of farmland to non-agricultural uses. For these reasons, the project will have no impact with respect to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use; conflict with existing agricultural zoning or Williamson Act contract; result in the loss of forest land or conversion of forest land to non-forest use; or other conversion of farmland to non-agricultural use.

NO IMPACT

3 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Air Quality Standards and Attainment

The project site is located in the San Francisco Bay Area Air Basin (the Basin), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). As the local air quality management agency, the BAAQMD is required to monitor air pollutant levels to ensure that state and federal air quality standards are met and, if they are not met, to develop strategies to meet the standards.

Depending on whether or not the standards are met or exceeded, the Basin is classified as being in “attainment” or “nonattainment.” Under state law, air districts are required to prepare a plan for air quality improvement for pollutants for which the district is in non-compliance. The BAAQMD is in non-attainment for the state and federal ozone standards, the state and federal PM_{2.5} (particulate matter up to 2.5 microns in size) standards, and the state PM₁₀ (particulate matter up to 10 microns in size) standards and is required to prepare a plan for improvement (BAAQMD 2017a).

The health effects associated with criteria pollutants for which the Basin is in non-attainment are described in Table 2.

Table 2 Health Effects Associated with Non-Attainment Criteria Pollutants

Pollutant	Adverse Effects
Ozone	(1) Short-term exposures: (a) pulmonary function decrements and localized lung edema in humans and animals and (b) risk to public health implied by alterations in pulmonary morphology and host defense in animals; (2) long-term exposures: risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (3) vegetation damage; and (4) property damage.
Suspended particulate matter (PM ₁₀)	(1) Excess deaths from short-term and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease (including asthma). ^a
Suspended particulate matter (PM _{2.5})	(1) Excess deaths from short- and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes, including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children, such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease, including asthma. ¹

¹ More detailed discussions on the health effects associated with exposure to suspended particulate matter can be found in the following documents: EPA, *Air Quality Criteria for Particulate Matter*, October 2004.

Source: U.S. EPA, <http://www.epa.gov/airquality/urbanair/>

Air Quality Management

The Bay Area 2017 Clean Air Plan provides a plan to improve Bay Area air quality and protect public health as well as the climate. The legal impetus for the Plan is to update the most recent ozone plan, the 2010 Clean Air Plan, to comply with state air quality planning requirements as codified in the California Health & Safety Code. Although steady progress has been made to reduce ozone levels in the Bay Area, the region continues to be designated as non-attainment for both the one-hour and eight-hour state ozone standards as noted previously. In addition, emissions of ozone precursors in the Bay Area contribute to air quality problems in neighboring air basins. Under these circumstances, state law requires the Clean Air Plan to include all feasible measures to reduce emissions of ozone precursors and reduce transport of ozone precursors to neighboring air basins (BAAQMD 2017b).

In 2006, the U.S. Environmental Protection Agency (U.S. EPA) tightened the national 24-hour PM_{2.5} standard regarding short-term exposure to fine particulate matter from 65 µg/m³ (micro-grams per cubic meter) to 35 µg/m³. Based on air quality monitoring data for years 2006-2008 showing that the region was slightly above the standard, the U.S. EPA designated the Bay Area as non-attainment for the 24-hour national standard in December 2008. This triggered the requirement for the Bay Area to prepare a State Implementation Plan (SIP) submittal to demonstrate how the region would attain the standard. However, data for both the 2008-2010 and the 2009-2011 cycles showed that Bay Area PM_{2.5} levels currently meet the standard. On October 29, 2012, the U.S. EPA issued a proposed rule-making to determine that the Bay Area now attains the 24-hour PM_{2.5} national standard. Based on this, the Bay Area is required to prepare an abbreviated SIP submittal that includes an emission inventory for primary (directly-emitted) PM_{2.5}, as well as precursor pollutants that contribute to formation of secondary PM in the atmosphere; and amendments to the BAAQMD

New Source Review (NSR) to address PM_{2.5} (adopted December 2012).¹ However, key SIP requirements to demonstrate how a region will achieve the standard (i.e., the requirement to develop a plan to attain the standard) will be suspended as long as monitoring data continues to show that the Bay Area attains the standard.

In addition to preparing the “abbreviated” SIP submittal, the BAAQMD has prepared a report entitled *Understanding Particulate Matter: Protecting Public Health in the San Francisco Bay Area* (BAAQMD 2012). The report will help to guide the BAAQMD’s on-going efforts to analyze and reduce PM in the Bay Area in order to better protect public health. The Bay Area will continue to be designated as “non-attainment” for the national 24-hour PM_{2.5} standard until such time as the Air District elects to submit a “redesignation request” and a “maintenance plan” to the U.S. EPA, and the U.S. EPA approves the proposed redesignation.

Air Emission Thresholds

This analysis uses the BAAQMD’s May 2017 California Environmental Quality Act (CEQA) Air Quality Guidelines to evaluate air quality impacts. The May 2017 Guidelines include revisions made to the 2010 Guidelines, addressing the California Supreme Court’s 2015 opinion in the *Cal. Bldg. Indus. Ass’n vs. Bay Area Air Quality Mgmt. Dist.*, 62 Cal. 4th 369 (BAAQMD 2017c). Table 3 presents the numeric significance thresholds for construction and operational-related criteria air pollutant and precursor emissions in the May 2017 BAAQMD CEQA Air Quality Thresholds. These represent the levels at which a project’s individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the Basin’s existing air quality conditions.

Table 3 Air Quality Thresholds of Significance

Pollutant/ Precursor	Construction-Related Thresholds	Operation-Related Thresholds	
	Average Daily Emissions (pounds per day)	Maximum Annual Emissions (tpy)	Average Daily Emissions (lbs/day)
ROG	54	10	54
NO _x	54	10	54
PM ₁₀	82 (exhaust)	15	82
PM _{2.5}	54 (exhaust)	10	54

Source: Table 2-1, Bay Area Air Quality Management District, CEQA Air Quality Guidelines, May 2017.

Notes: tpy = tons per year; lbs/day = pounds per day; NO_x = oxides of nitrogen; PM_{2.5} = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM₁₀ = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; ROG = reactive organic gases; tpy = tons per year.

The BAAQMD has developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant air quality impacts. If all of the screening criteria are met by a project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project’s air pollutant emissions. These screening levels are generally representative of new development on greenfield sites without

¹ PM is made up of particles that are emitted directly, such as soot and fugitive dust, as well as secondary particles that are formed in the atmosphere from chemical reactions involving precursor pollutants such as oxides of nitrogen (NO_x), sulfur oxides (SO_x), volatile organic compounds (VOCs), and ammonia (NH₃).

any form of mitigation measures taken into consideration. For projects that are infill, such as the proposed project, emissions would be less than the greenfield-type project on which the screening criteria are based (BAAQMD 2017c). For single-family residences, the BAAQMD's operational criteria pollutant screening size is 325 dwelling units and the construction-related screening size is 114 dwelling units. The proposed project involves 18 dwelling units and is well below the screening criteria.

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

Vehicle use, energy consumption, and associated air pollutant emissions are directly related to population and housing growth. A project may be inconsistent with the applicable air quality plan if it would result in population, housing, or employment growth that exceeds growth estimates included in the plan. Such growth would generate emissions not accounted for in the applicable air quality plan emissions budget. Therefore, projects need to be evaluated to determine whether they would generate population, housing, or employment growth and, if so, whether that growth would exceed the growth rates included in the applicable air quality plan. The most recent and applicable adopted air quality plan is the 2017 Clean Air Plan. Therefore, the proposed project would result in a significant impact if it would conflict with or obstruct implementation of the 2017 Plan.

The BAAQMD uses the Association of Bay Area Government's (ABAG) growth forecast. The latest ABAG projections do not include a population forecast, but do provide a housing forecast. ABAG estimates that the number of housing units in the city in 2040 will be 54,300 (ABAG 2017a). The California Department of Finance (DOF) estimates the city currently has 49,665 housing units (DOF 2017). Therefore, the addition of 18 housing units associated with the proposed project would bring the city's total housing units to 49,683. The housing growth associated with the project is well within ABAG projections and therefore also within the BAAQMD Clean Air Plan projections.

Further, as discussed in responses to questions (b) and (c) below and in Section 7, *Greenhouse Gas Emissions*, the project not would exceed BAAQMD significance thresholds related to air quality or GHG emissions. Therefore, the project will not conflict with or obstruct the implementation of an applicable air quality plan. This impact will be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

The construction of the project would result in temporary construction emissions and long-term operational emissions. Construction activities such as the operation of construction vehicles and equipment over unpaved areas, grading, trenching, and disturbance of stockpiled soils have the potential to generate fugitive dust (PM₁₀) through the exposure of soil to wind erosion and dust entrainment. In addition, exhaust emissions associated with heavy construction equipment would potentially degrade regional air quality.

Long-term emissions associated with operational impacts would include emissions from vehicle trips (mobile sources), natural gas and electricity use (energy sources), and landscape maintenance

equipment, consumer products, and architectural coating associated with on-site development (area sources).

The BAAQMD developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant air quality impacts. If all of the screening criteria are met by a project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. These screening levels are generally representative of new development on greenfield sites without any form of mitigation measures taken into consideration. For projects that are infill, such as the project, emissions would be less than the greenfield-type project on which the screening criteria are based (BAAQMD 2017c).

The BAAQMD's construction-related screening level for single-family residential operations is 114 dwelling units. For operational emissions, the minimum screening level is 325 dwelling units (BAAQMD 2017c). The project would involve the construction of 18 dwelling units. Therefore, the project would be below the construction and operational screening level criteria for single-family land use. According to BAAQMD, if all of the screening criteria are met by a project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. Since the screening criteria are met, the project would not exceed BAAQMD air pollutant thresholds. The project would not violate an air quality standard or contribute to an existing or projected air quality violation.

As noted above, the Basin is currently nonattainment for the federal and state standards for ozone, as well as state standards for particulate matter (PM_{2.5} and PM₁₀) and the federal standard for 24-hour PM_{2.5}. According to BAAQMD, if a project meets the screening criteria, the project would result in a less-than-significant cumulative impact to air quality from criteria air pollutant and precursor emissions. Since the project is below the operational screening level thresholds, cumulative impacts for criteria pollutants will be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project expose sensitive receptors to substantial pollutant concentrations?

The California Air Resources Board (CARB) has identified diesel particulate matter as the primary airborne carcinogen in the state (CARB 2014). In addition, Toxic Air Contaminants (TACs) are a defined set of air pollutants that may pose a present or potential hazard to human health. Common sources of TACs and PM_{2.5} include gasoline stations, dry cleaners, diesel backup generators, truck distribution centers, freeways, and other major roadways (BAAQMD 2017c). The project does not include construction of new gas stations, dry cleaners, highways, roadways, or other sources that could be considered new permitted or non-permitted source of TAC or PM_{2.5} in proximity to receptors. In addition, the project would not introduce a new stationary source of emissions and would not result in particulate matter greater than BAAQMD thresholds (see response under questions a, b, and c). Therefore, a Health Risk Assessment was not performed for this project. Impacts under this criterion will be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project create objectionable odors affecting a substantial number of people?

Table 3-3 in the BAAQMD's 2017 *CEQA Guidelines* provides odor screening distances for land uses that have the potential to generate substantial odor complaints. The uses in the table include wastewater treatment plants, landfills or transfer stations, refineries, composting facilities, confined

animal facilities, food manufacturing, smelting plants, and chemical plants (BAAQMD 2017c). The proposed project involves residential uses. None of the uses identified in the table would occur with the project. The proposed project would not generate objectionable odors affecting a substantial number of people during operation.

During construction activities, heavy equipment and vehicles would emit odors associated with vehicle and engine exhaust both during normal use and when idling. However, these odors would be temporary and would cease upon completion. Overall, the proposed project would not generate objectionable odors affecting a substantial number of people. This impact will be less than significant.

LESS THAN SIGNIFICANT IMPACT

4 Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Existing Setting

Topography on the project site is generally flat due to prior residential development, ranging in elevation from approximately 47 to 50 feet above mean sea level. The site is enclosed by a wooden fence on three sides with a chain link fence along the east side and Gading Road. The project site was previously developed with two residences and accessory structures, which were removed in 2017. Information contained in this section comes from background literature, resource agency database reviews, and from a survey of the project site conducted in February 2018.

Regulatory Setting

Federal and State

Regulatory authority over biological resources is shared by federal, state, and local agencies under a variety of laws, ordinances, regulations, and statutes. Primary authority for biological resources lies within the land use control and planning authority of local jurisdictions (in this instance, the City of Hayward).

The California Department of Fish and Wildlife (CDFW) is a trustee agency for biological resources throughout the state under CEQA and has direct jurisdiction under the California Fish and Game Code (CFGF). Under the California Endangered Species Act (CESA) and the federal Endangered Species Act (ESA), the CDFW and the U.S. Fish and Wildlife Service (USFWS), respectively, have direct regulatory authority over species formally listed as threatened or endangered (and listed as rare for CDFW). Native and/or migratory bird species are protected under the federal Migratory Bird Treaty Act (MBTA) and CFGF Sections 3503, 3503.5, and 3511.

Statutes in the Clean Water Act (CWA), CFGF, and the California Code of Regulations (CCR) protect wetlands and riparian habitat. The U.S. Army Corps of Engineers (USACE) has regulatory authority over wetlands and waters of the United States under Section 404 of the CWA. The State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCB) ensure water quality protection in California pursuant to Section 401 of the CWA and Section 13263 of the Porter-Cologne Water Quality Control Act. The CDFW regulates Waters of the State under the CFGF Section 1600 et seq.

Special-status species are those plants and animals 1) listed, proposed for listing, or candidates for listing as Threatened or Endangered by the USFWS and the National Marine Fisheries Service (NMFS) under the FESA; 2) listed or proposed for listing as Rare, Threatened, or Endangered by the CDFW under the CESA; 3) recognized as California Species of Special Concern (CSSC) by the CDFW; 4) afforded protection under MBTA or CFGF; and 5) occurring on Lists 1 and 2 of the CDFW California Rare Plant Rank (CRPR) system.

City of Hayward

The City of Hayward Municipal Code (HMC) Chapter 10, Article 15, Tree Preservation, requires a permit for the removal, destruction, or cutting of branches over one inch in diameter, or disfigurement of any protected tree. It also requires that all removed or disfigured trees be replaced with like-size, like-kind trees or equivalent value of trees as determined by the City's landscape architect. Protected trees are defined as follows:

- Trees having a minimum trunk diameter of eight inches measured 54 inches above the ground. When measuring a multi-trunk tree, the diameters of the largest three trunks shall be added together.

- Street trees or other required trees such as those required as a condition of approval, Use Permit, or other Zoning requirement, regardless of size
- All memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community
- Trees of the following species that have reached a minimum of four inches diameter trunk size:
 - Big leaf maple (*Acer macrophyllum*)
 - California buckeye (*Aesculus californica*)
 - Madrone (*Arbutus menziesii*)
 - Western dogwood (*Cornus nuttallii*)
 - California sycamore (*Platanus racemosa*)
 - Coast live oak (*Quercus agrifolia*)
 - Canyon live oak (*Quercus chrysolepis*)
 - Blue oak (*Quercus douglasii*)
 - Oregon white oak (*Quercus garryana*)
 - California black oak (*Quercus kelloggii*)
 - Valley oak (*Quercus lobata*)
 - Interior live oak (*Quercus wislizenii*)
 - California bay (*Umbellularia californica*)
- A tree or trees of any size planted as a replacement for a protected tree

Additional conditions of approval under the HMC may include, but are not limited to the following:

- Monitoring of all pruning (including roots), trimming, or relocation of protected trees by a certified arborist.
- Root zone protection measures, including non-movable fencing to establish and maintain protection zones prior to and through completion of construction
- Maintenance of protected trees throughout construction

Methods

Literature Review

Rincon Consultants, Inc. (Rincon) biologists reviewed agency databases and relevant literature for baseline information on special-status species and other sensitive biological resources occurring or potentially occurring at the project site and in the immediate surrounding area. The following sources were reviewed for background information:

- CDFW California Natural Diversity Data Base (CNDDDB) (CDFW 2018a) and Biogeographic Information and Observation System (BIOS) (CDFW 2018b)
- CDFW Special Animals List (CDFW 2017) and Special Vascular Plants, Bryophytes, and Lichens List (CDFW 2018c)
- CNPS Online Inventory of Rare and Endangered Plants of California (CNPS 2018)
- USFWS Information for Planning and Consultation (IPaC) (USFWS 2018a)
- USFWS Critical Habitat Portal (USFWS 2018b)

- USFWS National Wetlands Inventory (USFWS 2018c)
- United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey (NRCS 2018)

Rincon biologists conducted a review of the CNDDDB (CDFW 2018a) for recorded occurrences of special-status plant and wildlife taxa in the region prior to conducting a reconnaissance-level field survey. For this review, the search included all occurrences within the United States Geological Survey (USGS) 7.5-minute topographic quadrangle encompassing the project site (*Hayward*), and the eight surrounding quadrangles (*Oakland East*, *Las Trampas Ridge*, *Diablo*, *San Leandro*, *Dublin*, *Redwood Point*, *Newark*, and *Niles*). Strictly marine, estuarine, and aquatic species were excluded from further analysis given the upland terrestrial nature of the project site. Plant species with specific habitat requirements not present at the site such as vernal pools, alkali or serpentine soils, or higher elevation ranges were also excluded from this analysis.

Rincon compiled the results of the background literature review into a list of regionally occurring special-status plants and animals, and evaluated each species for potential to occur based on habitat conditions and proximity to known occurrences. Rincon also reviewed the National Wetlands Inventory (NWI) (USFWS 2018c) and the National Hydrography Datasets (USGS 2017) for potential aquatic resources, including jurisdictional waters of the United States or waters of the State.

Rincon reviewed the arborist report prepared in support of project permitting by HortScience, Inc. (Appendix A). The arborist report identified and assessed 93 trees for the project, including 88 trees located on site and five trees which are located in the adjacent Gading Road right-of-way (two trees), or on adjacent sites where canopies extend onto the project site (three trees). The majority of the analyzed trees were non-native species such as glossy privet (*Ligustrum lucidum*), Loquat (*Eriobotrya japonica*), fig (*Ficus carica*), and several other ornamental and fruit tree species (HortScience, Inc. 2017). Sixteen coast live oak (*Quercus agrifolia*) trees were identified, some of which are naturally occurring (HortScience, Inc. 2017).

Biological Survey

On February 20, 2018, Rincon conducted a reconnaissance-level survey of the project site to document site conditions, assess the presence of on-site habitat, and evaluate the potential for special-status species and other sensitive biological resources to occur on the project site. The majority of the site consists of ruderal vegetation, ornamental trees, and ornamental herbaceous plants. Ruderal plant communities observed in the project site are dominated by herbaceous plants (i.e., forbs) such as cut-leaf geranium (*Geranium dissectum*), mustards (*Brassica* spp.), wild radish (*Raphanus sativus*), mallows (*Malva* spp.), and Himalayan blackberry (*Rubus armeniacus*). Escaped or remnant ornamentals include English ivy (*Hedera helix*), lily of the Nile (*Agapanthus* sp.), Italian lords and ladies (*Arum italicum*), and Swiss chard (*Beta vulgaris* ssp. *vulgaris*). Grass species observed throughout the site were primarily non-native annual grasses such as ripgut brome (*Bromus diandrus*), wild oats (*Avena* spp.), rattail fescue (*Festuca myuros*), and annual blue grass (*Poa annua*).

- a. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?*

Based on the database and literature review conducted for the project, 63 special-status plant species and 59 special-status animal species have been previously documented in the regional vicinity of the project site.

Special-status Plants

Review of the resource agency databases for known special-status plant occurrences within the nine USGS quadrangles containing and surrounding the project site identified 63 special-status plant species (CDFW 2018a, CNPS 2018, USFWS 2018a). Based on the species reported in the area in the aforementioned databases and datasets, and habitat observations during the reconnaissance site visit, Rincon biologists determined that one special-status species has low potential to occur in or adjacent to the project site:

- Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*) – CRPR 1.B1

Congdon's tarplant is found primarily in valley and foothill grasslands with alkaline soils, sometimes described as heavy white clay. This species is known to occur along roadsides and in disturbed areas. However, an occurrence was reported to the CNDDDB approximately 2.7 miles south west of the site in 2009 (CDFW 2018a). The soil types mapped inside the project site are not alkaline. However, the NRCS maps soil units at a 1:24,000 scale, and as such it may not be accurate at the scale of the project site. Therefore, this species has a low potential to occur. Impacts to this species would only be considered significant under CEQA if the loss of individuals on the project site represented a population-level impact that resulted in a loss of, or risk to the entire regional population. Due to the small size of the site and surrounding developed area, if present, loss of individuals resulting from construction is not likely to cause population-level impacts.

Other plant species listed in the database search would not be expected to occur due to an absence of suitable habitat or anthropogenic disturbances within and around the project site.

Special-status Wildlife

The review of the resource agency databases for known special-status animal occurrences in the nine USGS quadrangles containing and surrounding the project site identified 59 special-status animal species (CDFW 2018a, USFWS 2018a). This list was reviewed and refined according to the potential for species to occur on the project site based on the presence and quality of habitats within the project site. During the field site visit, no habitat was observed that could support special-status animal species. The project site contains non-native and ornamental plantings surrounded by development and does not contain potentially suitable habitat for special-status animals.

Although vegetation communities observed in the project site are primarily non-native, ornamental, and/or disturbed, the site could be used by numerous species of migratory birds that utilize sparse ground cover or ornamental shrubs and landscaping as nesting habitat. Native bird nests are protected by CFGC Section 3503 and the MBTA. Migratory nesting birds that could nest in this type of habitat and were observed on site include western scrub jay (*Aphelocoma californica*) and Anna's hummingbird (*Calypte anna*). Many other species are expected to occur in the area and may nest in the project site, including American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous*

mexicanus), and American robin (*Turdus migratorius*). The nesting season generally extends from February through August in California, but can vary based upon annual climatic conditions. Thus, construction activities could result in impacts to birds or their nests as the result of tree removals or disturbance related nest abandonment. Impacts to these species and nesting birds may be considered significant under CEQA. However, potential impacts to migratory nesting birds will be reduced to less than significant with implementation of Mitigation Measure BIO-1.

Mitigation Measure

The following mitigation measure would be required to avoid or reduce the project's potentially significant impacts to potential nesting birds and special-status wildlife in the adjacent corridor.

BIO-1 Nesting Bird Avoidance and Minimization Efforts. If project construction activities occur between February 15 and August 31, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance by project activity to the nest (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior.

During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing any disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause reproductive failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be clearly marked by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case by case basis using the criteria described above.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

- b. *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Based on a review of information on biological resources within the project region and data collected during the reconnaissance site visit, no riparian habitats or sensitive natural communities are present in the project area. No impacts will occur as a result of project activities.

NO IMPACT

- c. *Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Based on a review of information on biological resources in the project region and data collected during the reconnaissance site visit, no wetlands or potentially jurisdictional features occur in the project area. No impacts will occur as a result of project activities.

NO IMPACT

- d. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The project area consists of developed and disturbed areas with primarily ornamental vegetation and weedy species dispersed throughout. Land uses in the vicinity are primarily infill commercial and residential and do not support wildlife movement. No impacts to wildlife movement corridors will occur as a result of project activities.

NO IMPACT

- e. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

As discussed above under regulatory setting, HMC Chapter 10, Article 15, Tree Preservation, requires a permit for the removal, destruction, or cutting of branches over one inch in diameter, or disfigurement of any protected tree, among other requirements. An arborist report was prepared in October 2017 for submission to the City in support of an application for a tree removal/pruning permit (HortScience, Inc. 2017, Appendix A). As shown in Table 4, of the 93 trees assessed in the report (including three off-site trees on an adjacent property and two street trees), 55 of the trees qualified as protected trees.

Table 4 Location and Number of Trees to be Removed and Preserved

	On-site	Off-site Adjacent (with Canopy On-site)	Street	Total
Existing number of trees	88	3	2	93
Existing number of protected trees	50	3	2	55
Number of trees removed	79	0	2	81
Number of protected trees removed	45	0	2	47
Number of trees preserved	9	3	0	12
Number of protected trees preserved	5	3	0	8

Notes: Numbers reflect the preliminary development plan, existing conditions and demolition plan (RJA 2017a)

As shown in Table 4, the proposed project would involve the removal of 81 trees of which 47 are considered protected. The total estimated value of the protected trees to be removed is \$123,700 (HortScience, Inc. 2017). To mitigate the loss of the 47 protected trees, the Preliminary Landscape Plan (Ripley Design Group 2017) includes planting 20 replacement trees (including seven coast live oaks) with a total value of \$42,660. Under Article 15, the City Landscape Architect has the discretion

to allow for alternative forms of mitigation, such as permeable paving, in addition to planting replacement trees. The project also includes proposed mitigation in the form of design improvements, including the use of permeable paving and larger replacement trees and shrubs. Mitigation Measure BIO-2 is required to confirm that the proposed mitigation cost matches or exceeds the appraised value of the removed trees.

Further, in order to protect existing trees during and after construction to ensure long-term health and sustainability of preserved and replacement trees, mitigation measures BIO-3 and BIO-4 are required. With mitigation, impacts will be less than significant.

Mitigation Measures

The following mitigation measures would be required to ensure the project is consistent with the tree preservation requirements included in HMC Chapter 10, Article 15, Tree Preservation. With implementation of the measures below, the project would not conflict with any local or regional ordinance.

BIO-2 Tree Replacement. As required by the HMC, the applicant shall replace removed protected trees with like-size, like-kind trees or an equal value tree, or implement alternative forms of mitigation as determined by the City's Landscape Architect. The City's Landscape Architect shall review the final landscape plan to confirm that the proposed mitigation cost matches or exceeds the appraised value of the removed trees prior to the issuance of building permit.

BIO-3 Tree Preservation Measures. As outlined in the arborist report (HortScience Inc. 2017), Tree Preservation measures are required to protect trees that will be preserved in place and replacement trees that will be planted as required under measures BIO-2.

Design Measures

1. Include trunk locations and tag numbers on all plans.
2. Use only herbicides safe for use around trees and labeled for that use, even below pavement.
3. Design irrigation systems so that no trenching will occur within the Tree Protection Zone.

Pre-construction and Demolition Measures

1. Prepare a site work plan which identifies access and haul routes, construction trailer and storage areas, etc.
2. Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be the dripline or property line for trees 11, 86, and 87. No grading, excavation, construction or storage of materials shall occur within that zone.
3. Install protection around all trees to be preserved. Use 6-foot chain link fence attached posts sunk into the ground. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.
4. Trees to be removed shall be felled so as to fall away from Tree Protection Zone and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the

consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.

5. Trees to be retained may require pruning to provide clearance and/or correct defects in structure. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. The pruning contractor shall have the C25/D61 license specification.
6. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

Tree Protection During Construction

1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Project Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
2. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist.
3. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.
4. Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist.
5. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.
6. Trees shall be irrigated, except oaks, on a schedule to be determined by the Project Arborist. Each irrigation session shall wet the soil within the Tree Protection Zone to a depth of 30 inch.

BIO-4 Tree Replacement and Maintenance. Replacement trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment. Preserved trees shall also be maintained to ensure the continued long-term health of the tree. Trees on-site will require monitoring and routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting, and irrigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

- f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

There are no habitat conservation plans, natural community conservation plans, or other similar plans that govern activities on the project site. Therefore, the project will not be in conflict with any habitat conservation plans and no impact will occur.

NO IMPACT

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5 Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Historical and Archaeological Resources Investigation

Rincon conducted a search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) located at Sonoma State University on February 22, 2018. The search was performed to identify previously recorded cultural resources, as well as previously conducted cultural resources studies within the project site and a 0.8-kilometer (0.5-mile) radius surrounding it. The CHRIS search included a review of available records at the NWIC, as well as the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the Office of Historic Preservation Historic Properties Directory, the California Inventory of Historic Resources, the Archaeological Determinations of Eligibility list, and historic maps.

The NWIC records search identified 17 cultural resources studies conducted within a 0.5-mile radius of the project site, none of which included the project site.

The NWIC records search identified one previously recorded cultural resource (P-01-010843) within a 0.5-mile radius of the project site, located outside of the project site. The resource consists of a church building constructed between the 1950s and 1979 and located approximately 200 meters (655 feet) south of the project site. No archaeological resources have been recorded in the 0.5-mile radius of the project site.

On February 23, 2018, Rincon contacted the Native American Heritage Commission (NAHC) and requested a search of the Sacred Lands File (SLF). The NAHC emailed a response on March 12, 2018 stating that the results of the SLF search were negative.

Rincon Archaeologist Sydni Kitchel conducted an intensive field survey of the project site on February 27, 2018. Ms. Kitchel walked 5- to 10-meter transects and examined exposed ground surface for artifacts (e.g., flaked stone tools, tool-making debris, stone milling tools, ceramics, fire-

affected rock [FAR]), ecofacts (marine shell and bone), soil discoloration that might indicate the presence of a cultural midden, soil depressions, and features indicative of the former presence of structures or buildings (e.g., standing exterior walls, postholes, foundations) or historic debris (e.g., metal, glass, ceramics). Additionally, ground disturbances, such as animal burrows and drainages, were visually inspected.

Ground visibility inside the project site was poor due to thick vegetation. A brick and concrete foundation was identified on the project site along with other building debris (primarily clay and metal pipe fragments, cinder blocks, and brick fragments), small fragments of white glazeware ceramics, and one glass jar base with the maker's mark "BY W.J. Latchford" dating to 1925-1938 (Lockhart et al. 2017).

Paleontological Resources Investigation

Rincon evaluated the paleontological sensitivity of the geologic units that underlie the project area using the results of the paleontological locality search and literature review. Rincon reviewed fossil collections records from the University of California Museum of Paleontology (UCMP) online database, which contains known fossil localities in Alameda County, and reviewed geologic maps and scientific literature including Barron 1989, Bartow et al. 1990, California Geological Survey [CGS] 2002, Fossen 2010, Graymer 2000, Graymer et al. 1996, Helley and Graymer 1997, Norris and Webb 1990, and Schemmann et al. 2008.

Rincon assigned a paleontological sensitivity to the geologic units within the project area. The potential for impacts to significant paleontological resources is based on the potential for ground disturbance to directly impact paleontologically sensitive geologic units as defined by the Society for Vertebrate Paleontology (SVP 2010).

The project area is mapped at a scale of 1:50,000 by Graymer (2000) and includes one (1) geologic unit mapped at ground surface as Holocene floodplain deposits (Qhfp). The younger Quaternary deposits are composed of medium to dark gray, dense, sandy to silty clay (Helley and Graymer 1997). These Holocene deposits are underlain by rocks of the Cretaceous Central Valley Sequence and older Pleistocene alluvium at moderate depth (approximately 10 to 20 feet below ground surface [bgs]). Holocene deposits are generally considered too young to contain fossilized remains.

A search of the paleontological locality records on the UCMP online database resulted in no previously recorded vertebrate fossil localities within Holocene sedimentary deposits within the project vicinity.

Consistent with SVP (2010) guidelines, Rincon determined the paleontological sensitivity of the project area based on a literature review and museum locality search. Holocene sedimentary deposits, particularly those younger than 5,000 years old, are generally too young to contain fossilized material. Therefore, the Holocene floodplain sediments mapped at the surface of the project area have been assigned a low paleontological sensitivity.

- a. *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*
- b. *Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?*

As discussed above, the results of the cultural resources records search, Native American outreach, and intensive pedestrian field survey described above concluded that no significant cultural

resources are known to exist within the project site. One archaeological resource, a foundation and refuse scatter, was identified inside the project site as a result of the pedestrian survey, but has been recommended ineligible for listing in the CRHR (Haas and Duran 2018). The site was associated with residential structures that were previously identified as ineligible for listing as historic resources by the City and demolished. The foundation and refuse cannot be identified to be associated with significant events in California history (CRHR Criterion 1). A search of historic directory listings and voting records identified a past resident of the property as Albert W. and Ellen LaPointe in 1944 (Ancestry.com 2008). The LaPointes have not been identified as important to the history of the project site or the City of Hayward. No information regarding other residents of the property could be identified, nor could the architect or builder. Thus, the resource does not appear to be associated with the lives of important people in our past (CRHR Criterion 2). The foundation is a simple brick and concrete foundation and does not embody any distinctive characteristics (CRHR Criterion 3). Only one diagnostic artifact, a glass jar base dating to 1925-1938, and a very limited amount of other refuse was present at the site indicating that the data potential of the resource has been exhausted within this recording. For this reason, the resource is not likely to yield information important in history (CRHR Criterion 4). Thus, the resource is recommended ineligible for listing in the CRHR under all four criteria (1-4).

No other resources were identified within the project site nor are any archaeological resources known to exist within a 0.5-mile radius of the project site. Thus, the project site is not considered archaeologically sensitive. Nevertheless, the following mitigation measure is required to reduce impacts to less than significant in the case of unanticipated discoveries.

CUL-1 Unanticipated Discovery of Cultural Resources. If cultural resources are encountered during ground disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and testing for the California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as data recovery excavation, may be required to mitigate potentially significant impacts to historical resources.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

- c. *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?*

The proposed project involves minimal excavation and grading and the project site does not contain unique geologic features. The Holocene floodplain deposits mapped at ground surface in the project area are determined to have a low paleontological resource potential and they are likely too young to contain fossilized material. Therefore, the proposed project would not unearth paleontological resources during construction. No impacts to paleontological resources will occur.

NO IMPACT

d. Disturb any human remains, including those interred outside of formal cemeteries?

The discovery of human remains is always a possibility during ground disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance may occur until the county coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the county coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant (MLD). The MLD would complete the inspection of the site and provide recommendations for treatment to the landowner within 48 hours of being granted access. With adherence to existing regulations, impacts to human remains will be less than significant.

LESS THAN SIGNIFICANT IMPACT

6 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:				
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is made unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a.1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*

According to a Preliminary Geotechnical Exploration prepared by ENGEO in July 2017 (Appendix B), the project site is not located in an Alquist-Priolo Earthquake Fault Zone and there are no known faults crossing or projecting toward the site. Table 5 shows the distances from the project site to the nearest faults. As shown in Table 5, the nearest fault is the Hayward Fault, approximately 1.2 miles northeast of the project site. Therefore, ground rupture due to faulting is unlikely at the project site. No impact will occur.

Table 5 Approximate Fault Distances from the Project Site

Fault Name	Distance (miles)
Hayward Fault	1.2
Calaveras Fault	8.7
San Andreas Fault	17.2

Source: ENGEO 2017 (Appendix B)

NO IMPACT

- a.2. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*
- a.3. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*
- c. Would the project be located on a geologic unit or soil that is made unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?*

The San Francisco Bay Area region is one of the most seismically active areas in the country. While seismologists cannot predict earthquake events, the USGS's Working Group on California Earthquake Probabilities (WGCEP) estimates the likelihood that California will experience a magnitude 8 or larger earthquake in the next 30 years is about 7.0 percent (Working Group on California Earthquake Probabilities [WGCEP] 2015). The WGCEP also estimates that each region of California will experience a magnitude 6.7 or larger earthquake in the next 30 years. Additionally, there is a 63 percent chance of at least one magnitude 6.7 or greater earthquake occurring in the Bay Area region between 2007 and 2036.

The site is located in an area of relatively high seismic potential. The faults in the area are capable of generating earthquakes that could produce strong to violent ground shaking at the project site. The active fault nearest the site is the Hayward fault, which is located approximately 1.2 miles to the northeast (Table 5).

The project site is also in a state-designated Liquefaction Hazard Zone (CGS 2003). Soil liquefaction results from loss of strength during cyclic loading, such as imposed by earthquakes. Soils most susceptible to liquefaction are clean, loose, saturated, and uniformly graded fine-grained sands. As part of the geotechnical exploration, ENGEO performed a detailed liquefaction potential analysis.

The results indicated that there are layers of soil beneath the site that are potentially susceptible to liquefaction, primarily the medium dense sand layer (ENGEO 2017).

Lateral spreading and earthquake-induced landsliding involve lateral ground movements caused by seismic shaking. These lateral ground movements are often associated with a weakening or failure of an embankment or soil mass overlying a layer of liquefied sands or weak soils. Due to the relatively flat site topography and depth of liquefiable material, lateral spreading is unlikely at the site (ENGEO 2017).

Due to the potential hazards of liquefaction, impacts are potentially significant without mitigation. Nonetheless, the report concluded that from a geotechnical viewpoint, the project is feasible provided the considerations, included in Mitigation Measure GEO-1 below, are addressed in the project design.

Mitigation Measures

The following mitigation measure shall be implemented prior to and during project construction:

GEO-1 Geotechnical Considerations. The project applicant shall implement all measures and recommendations set forth in the Preliminary Geotechnical Exploration prepared by ENGEO in July 2017 (Appendix B). Recommendations include but are not limited to the following topic areas:

- Grading (demolition and stripping, existing fill removal, selection of materials, differential fill thickness, fill placement)
- Building code seismic design
- Foundation design
- Pavement design
- Drainage
- Stormwater bioretention areas

In addition, a comprehensive site-specific design-level geotechnical exploration shall be prepared as part of the design process. The exploration may include borings and laboratory soil testing to provide data for preparation of specific recommendations regarding grading, foundation design, corrosion potential, and drainage for the proposed project. The recommendations set forth in the design-level geotechnical exploration shall be implemented.

Pursuant to the 2017 Preliminary Geotechnical Exploration for the project (Appendix B), provided the recommendations presented in the report are complied with and implemented during design and construction, construction of the project would not create hazards related to site geology or soils and the effects of liquefaction-induced settlement on the proposed structure would be mitigated. Therefore, with implementation of Mitigation Measure GEO-1, the potentially significant impact associated with ground shaking and liquefaction will be reduced to a less than significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

a.4. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

The project site and surroundings are generally level, and no steep slopes are located near the site. Therefore, there is no potential for landslides at the site. No impact will occur.

NO IMPACT

b. Would the project result in substantial soil erosion or the loss of topsoil?

Construction of the project would require earthwork activities to prepare the site for 18 single-family residences. As the project would disturb over one acre of land, the applicant would be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ or 2009-0009-DWQ General Permit) to comply with Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) requirements. Compliance with these requirements would include preparation of a Storm Water Pollution Prevention Plan (SWPPP), which would specify Best Management Practices (BMP) to quickly contain and clean up accidental spills or leaks. In accordance with HMC Section 10-3.705, the project applicant is also required to prepare and implement an Erosion and Sediment Control Plan to prevent illicit discharge. Appropriate erosion control and permanent site surface drainage elements per the latest California Building Code would also be implemented. With required implementation of these plans, permits, and BMPs, substantial erosion or the loss of top soil would not occur at the project site. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

The Preliminary Geotechnical Exploration found the project site to have expansive clay near the surface of the site. Expansive soils change in volume with changes in moisture. These soils can shrink or swell and cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations, resulting in a potentially significant impact. However, implementation of Mitigation Measure GEO-1 would reduce the swell potential of the clay by compacting the soil at a high moisture content, controlling the amount of soil compaction. Impacts from expansive soil will be less than significant with implementation of mitigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The project would not include components that would require the use of septic tanks. The project would connect to the City of Hayward municipal sewer system. There will be no impact.

NO IMPACT

7 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with any applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Climate Change and Greenhouse Gas (GHG) Emissions

Climate change is the observed increase in the average temperature of the earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period of time. Climate change is the result of numerous, cumulative sources of greenhouse gases (GHG), gases that trap heat in the atmosphere, analogous to the way in which a greenhouse retains heat. Common GHGs include water vapor, carbon dioxide (CO₂), methane (CH₄), nitrous oxides (N₂O), fluorinated gases, and ozone. GHGs are emitted by both natural processes and human activities. Of these gases, CO₂ and CH₄ are emitted in the greatest quantities from human activities. Emissions of CO₂ are largely by-products of fossil fuel combustion, whereas CH₄ results from off-gassing associated with agricultural practices and landfills. Man-made GHGs, many of which have greater heat-absorption potential than CO₂, include fluorinated gases, such as hydrofluorocarbons (HFC), perfluorocarbons (PFC), and sulfur hexafluoride (SF₆) (CalEPA 2015).

The accumulation of GHGs in the atmosphere regulates the earth's temperature. Without the natural heat-trapping effect of GHGs, Earth's surface would be about 34° C cooler (CalEPA 2015). However, it is believed that emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

Thresholds

Pursuant to the requirements of SB 97, the Resources Agency adopted amendments to the *CEQA Guidelines* for the feasible mitigation of GHG emissions and analysis of the effects of GHG emissions. The adopted *CEQA Guidelines* provide regulatory guidance on the analysis and mitigation of GHG emissions in CEQA documents, while giving lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts.

The vast majority of individual projects do not generate sufficient GHG emissions to directly influence climate change. However, physical changes caused by a project can contribute

incrementally to cumulative effects that are significant, even if individual changes resulting from a project are limited. The issue of climate change typically involves an analysis of whether a project's contribution towards an impact would be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (*CEQA Guidelines*, Section 15064[h][1]).

According to the *CEQA Guidelines*, projects can tier off of a qualified GHG reduction plan, which allows for project-level evaluation of GHG emissions through the comparison of the project's consistency with the GHG reduction policies included in a qualified GHG reduction plan. This approach is considered by the Association of Environmental Professionals (AEP) in their white paper, *Beyond Newhall and 2020*, to be the most defensible approach presently available under CEQA to determine the significance of a project's GHG emissions (2016). Hayward does not currently have a qualified GHG reduction plan and thus this approach is not currently feasible.

To evaluate whether a project may generate a quantity of GHG emissions that may have a significant impact on the environment, a number of operational bright-line significance thresholds have been developed by state agencies. Significance thresholds are numeric mass emissions thresholds that identify the level at which additional analysis of project GHG emissions is necessary. Projects that attain the significance target, with or without mitigation, would result in less than significant GHG emissions. Many significance thresholds have been developed to reflect a 90 percent capture rate tied to the 2020 reduction target established in Assembly Bill (AB) 32. These targets have been identified by numerous lead agencies (including the City of Hayward) as appropriate significance screening tools for residential, commercial, industrial, and public land uses and facilities projects with horizon years before 2020.

In the 2017 BAAQMD *CEQA Air Quality Guidelines*, the BAAQMD outlines an approach to determine the significance of projects. For residential, commercial, industrial, and public land use development projects, the thresholds of significance for operational-related GHG emissions are as follows:

- Compliance with a qualified GHG Reduction Strategy
- Annual emissions less than 1,100 metric tons per year (MT/yr) of equivalent carbon dioxide (CO₂e)
- Service person threshold of 4.6 MT CO₂e/SP/yr (residents + employees)

The annual emissions threshold of 1,100 MT of CO₂e per year applies best to the proposed project. Hayward does not have a qualified GHG reduction plan and the project is not a high-density project whose impacts would be more appropriately quantified by a service population threshold to reflect the per-person emission efficiency. The BAAQMD annual emissions threshold was designed to capture 90 percent of all emissions associated with projects in the Basin and require implementation of mitigation so that a considerable reduction in emissions from new projects would be achieved. According to the California Air Pollution Control Officers Association (CAPCOA) white paper, *CEQA & Climate Change* (2008), a quantitative threshold based on a 90 percent market capture rate is generally consistent with AB 32 (CAPCOA 2008). Additionally, the AEP white paper, *Beyond Newhall and 2020*, recommends that for projects with a horizon of 2020 or earlier, a threshold based on meeting AB 32 targets should be used (AEP 2016). Thus, projects with horizon years of 2020 or earlier, and emissions below the BAAQMD threshold are not expected to require GHG mitigation for state mandates to be achieved. The project would be fully operational in 2020. Therefore, its horizon year is 2020.

Methodology

As discussed under Section 3, *Air Quality*, the BAAQMD developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant GHG impacts. If all of the screening criteria are met by a project, then the lead agency or applicant would not need to perform a detailed GHG assessment of their project's GHG emissions (BAAQMD 2017c). For single-family residences, the operational GHG screening size is 56 dwelling units. The proposed project involves 18 dwelling units and is below the screening level. Therefore, a detailed GHG assessment was not required for the project.

- a. *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*

The project's proposed construction activities, energy use, daily operational activities, and mobile sources (traffic) would generate GHG emissions. As mentioned under *Methodology*, according to BAAQMD, as the project's proposed 18 residential units are well below the 56-unit screening criteria, a detailed air quality assessment of the proposed project's GHG emissions is not required as operational GHG emissions would not exceed BAAQMD thresholds. In addition, the project will be required to comply with all BAAQMD rules and regulations regarding emission control measures. Therefore, impacts related to GHG emissions will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. *Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

As discussed above, the project would not result in GHG emissions above thresholds that were established by BAAQMD to identify projects that require additional mitigation measures to achieve statewide GHG targets contained in AB 32.

The project is in an urban area near transit and schools and would be constructed in accordance with CALGreen (Part 11 of Title 24 of the California Code of Regulations) requirements for Residential Development. The site is not in a Priority Development Area as designated in the Plan Bay Area, a regional plan designed to reduce greenhouse gas emissions through land use planning and the provision of adequate housing to meet regional needs (ABAG 2017b).

The City's Climate Action Plan (CAP) was adopted by the Hayward City Council on July 28, 2009. The purpose of the CAP is to make Hayward a more environmentally and socially sustainable community. The overall objective of the CAP is to reduce Hayward's greenhouse gas emissions by the following:

- 20 percent below 2005 baseline levels by 2020
- 62.7 percent below 2005 baseline levels by 2040
- 82.5 percent below 2005 baseline levels by 2050

The proposed project involves infill development in an urban area. The houses would include solar panels to reduce energy use and associated GHG emissions. The project would not conflict with the Climate Change Scoping Plan developed per AB 32, the land use assumptions in the Plan Bay Area, or regulations adopted by the City of Hayward to reduce greenhouse gas emissions. Therefore, the project will have a less than significant impact related to GHG emissions.

LESS THAN SIGNIFICANT IMPACT

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8 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
<hr/>				
a. <i>Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>				
b. <i>Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>				

Construction Activities

The project would involve the construction of 18 single-family residences, paved circulation and parking areas, and landscaping. Construction activities may include the temporary transport, storage, use, or disposal of potentially hazardous materials including fuels, lubricating fluids, cleaners, solvents, or contaminated soils. If spilled, these substances could pose a risk to the environment and to human health. However, the transport, storage, use, or disposal of hazardous materials will be subject to federal, state, and local regulations pertaining to the transport, use, storage, and disposal of hazardous materials, which would assure that risks associated with hazardous materials are minimized. In addition, construction activities that transport hazardous materials will be required to transport such materials along designated roadways in the city, thereby limiting risk of upset.

As the project would disturb over one acre of land, the applicant would be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ) to comply with CWA NPDES requirements. Compliance with these requirements will include preparation of a SWPPP, which would specify BMPs to quickly contain and clean up accidental spills or leaks. Therefore, the potential for an accidental release of hazardous materials to harm the public or the environment will be minor. Impacts related to hazardous materials during construction will be less than significant.

Operational Uses

The project would involve construction of 18 new single-family residences. Residential uses typically do not use or store large quantities of hazardous materials other than those typically used for

household cleaning, maintenance, and landscaping. Therefore, the proposed project would not involve the use, storage, transportation, or disposal of hazardous materials and would not release such materials into the environment. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- c. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

The project site is located approximately 1,670 feet (approximately 0.32 mile) northeast of Schafer Park Elementary School and approximately 1,750 feet (approximately 0.33 mile) northwest of Glassbrook Elementary School. No existing or proposed schools are within 0.25 mile of the project site. Therefore, no impact will occur.

NO IMPACT

- d. *Would the project be located on a site included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

California Government Code Section 65962.5 requires various state agencies to compile lists of hazardous waste disposal facilities, unauthorized release from underground storage tanks, contaminated drinking water wells, and solid waste facilities from which there is known migration of hazardous waste and submit such information to the Secretary for Environmental Protection on at least an annual basis. The project site is not listed as a known hazardous cleanup site, does not contain a hazardous waste facility, and has no record of known contamination (Department of Toxic Substances Control [DTSC] 2007). No cleanup sites are located within a 0.5-mile radius of the project site. Therefore, contamination from other sites is not expected to have migrated such that the project site is affected by off-site contamination. The project will not create a significant hazard to the public or environment and there will be no impact.

NO IMPACT

- e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*
- f. *For a project near a private airstrip, would it result in a safety hazard for people residing or working in the project area?*

The nearest airport to the project site is the Hayward Executive Airport, located approximately 1.6 miles to the northwest. The project site is not located within the Hayward Executive Airport Influence Area and is located outside the existing noise level contours for the airport (Alameda County Airport Land Use Commission [ALUC] 2012). The project would not subject persons working at the site to safety hazards, and there will be no impact from potential air traffic safety risks.

NO IMPACT

- g. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The City of Hayward adopted the *Local Hazard Mitigation Plan* in 2016 (City of Hayward 2016a). Construction of the proposed project would occur within the boundary of the project site and no

street closures would occur. The project does not involve the development of structures that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No streets or property access points would be closed, rerouted, or substantially altered during or after construction. There will be no impact.

NO IMPACT

- h. Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The project site is located in a developed urbanized area that is surrounded by residential and commercial uses and no adjacent wildlands or densely vegetated areas are located in the area that would represent a significant fire hazard. The project site is not located in a Fire Hazard Severity Zone or Very High Hazard Severity Zone for wildland fires (California Department of Forestry and Fire Protection [CAL FIRE] 2007, 2008). Therefore, the project would not expose people or structures to significant risk of loss, injury, or death involving wildland fires. There will be no impact.

NO IMPACT

9 Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
g. Place housing in a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Place structures in a 100-year flood hazard area that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including that occurring as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<hr/>				
a. <i>Would the project violate any water quality standards or waste discharge requirements?</i>				
c. <i>Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?</i>				
f. <i>Would the project otherwise substantially degrade water quality?</i>				

Construction Impacts

During grading activities, the site's soils would be exposed to wind and water erosion that could transport sediments into local stormwater drainages. Also, accidental spills of fluids or fuels from construction vehicles and equipment, or miscellaneous construction materials and debris, could be mobilized and transported off-site in overland flow. These contaminant sources could degrade the water quality of receiving water bodies (i.e., San Francisco Bay), potentially resulting in a violation of water quality standards.

As part of Section 402 of the CWA, the U.S. EPA has established regulations under the National Pollution Discharge Elimination System (NPDES) program to control both construction and operation (occupancy) stormwater discharges. The federal CWA was first adopted in 1972 and is intended to protect and preserve water supply and quality in the "waters of the nation." In the Bay Area, the San Francisco Regional Water Quality Control Board (RWQCB) administers the NPDES permitting program and is responsible for developing permitting requirements. The project will be subject to the San Francisco Bay Region Municipal Regional Stormwater Permit (MRP), NPDES Permit Order No. R2-2015-0049, and the provisions set forth in Section C.3 *New Development and Redevelopment*. Under the conditions of the permitting program, the applicant will be required to eliminate or reduce non-stormwater discharges to waters of the nation, develop and implement a

SWPPP for construction activities, and perform inspections of the stormwater pollution prevention measures and control practices to ensure conformance with the site SWPPP. Because the project would disturb at least one acre of land, the project must provide stormwater treatment and would be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ or 2009-0009-DWQ General Permit).

Further, in accordance with HMC Chapter 10, Article 8 (Grading and Clearing), all grading activities must be conducted in a manner that will minimize the potential for erosion from the site. If requested by the City engineer, the project applicant would be required to prepare and implement an Erosion and Sediment Control Plan that specifies control techniques that would prevent erosion during construction. Therefore, with compliance with construction-related water quality and erosion control requirements, construction of the project would not violate any water quality standards, substantially alter the drainage pattern of the area such that substantial erosion or siltation would occur and would not degrade water quality. Impacts during construction will be less than significant.

Operational Impacts

The project would increase the total area of impervious surfaces on the project site by approximately 38,750 square feet. Increasing the total area of impervious surfaces can result in a greater potential to introduce pollutants to receiving waters. Urban runoff can carry a variety of pollutants, including oil and grease, metals, sediment, and pesticide residues from roadways, parking lots, rooftops, and landscaped areas depositing them into adjacent waterways via the storm drain system.

Stormwater discharge during operation is regulated by the Municipal Separate Storm Sewer System (MS4) Permit, issued by the RWQCB, pursuant to NPDES regulations. Water quality in stormwater runoff is regulated locally by the Alameda County Clean Water Program, which includes the C.3 provisions set by the San Francisco Bay RWQCB. Provision C.3 of the MRP addresses post-construction stormwater requirements for new development and redevelopment projects that add and/or replace 10,000 square feet or more of impervious area. Because the project would replace in excess of 10,000 square feet of the impervious surface of the project site, it must comply with the C.3 provisions set by the RWQCB. Therefore, the project must meet certain criteria including 1) incorporate site design, source control, and stormwater treatment measures into the project design; 2) minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge; and 3) minimize increases in runoff flows as compared to pre-development conditions. A Stormwater Control Plan (SCP) that details the site control, source control, and stormwater measures that would be implemented at the site must be submitted to the City. In addition, Low Impact Development (LID) requirements apply. The Alameda County Clean Water Program's C.3 Technical Guidance document (2016) provides guidance on how to meet the C.3 requirements.

Pursuant to C.3 requirements, the project is required to include design features that would reduce impacts associated with the increased impervious surfaces. The project would direct runoff from roofs and sidewalks into vegetated areas and include landscaped bioretention areas to collect, store, and treat runoff before entering the stormwater system. By adhering to the provisions of NPDES Section C.3, the SWPPP, and the stormwater control plan, the project would not result in adverse effects on water quality and or in the violation of water quality standards or waste discharge requirements during construction or operation. Therefore, the project will have a less than significant impact on water quality. With implementation of the measures contained in these

plans, excessive stormwater runoff, erosion, and sedimentation would not occur and the potential for the project to violate water quality standards and substantially degrade water quality would be reduced. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. *Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?*

As discussed in Section 18, *Utilities and Service Systems*, the project would receive its water from the City of Hayward. Hayward receives its water from the Hetch Hetchy regional water system, which is owned and operated by the San Francisco Public Utilities Commission (SFPUC) (City of Hayward 2010, SFPUC 2017). Hayward does not currently use groundwater to meet the City's water demand and does not plan to in the future (City of Hayward 2010). Therefore, the project would not rely on groundwater for its water supply and would not increase groundwater usage such that a net deficit in aquifer volume would occur.

Development under the project does not include installation of new groundwater wells or use of groundwater from existing wells. The project would increase the total area of impervious surfaces on the project site by approximately 38,750 square feet. However, the construction of stormwater management bio-retention areas would allow much of the stormwater runoff from the project site to infiltrate into the ground surface and would not substantially interfere with groundwater recharge of water supply aquifers. Therefore, the project would not substantially interfere with groundwater recharge. Impacts related to groundwater will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- d. *Would the project substantially alter the existing drainage pattern of the site or area, including the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?*
- e. *Would the project create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

Zeile Creek, located over 0.25 mile southeast of the project site, is the nearest watercourse to the site and does not flow through or adjacent to the site. The area is currently developed and construction of the proposed project would not alter the course of this creek or other stream or river (no other surface water features are identified in the project area). Project runoff would not be directed to the banks of any creek and no impacts to bank stability would occur.

The project site is currently undeveloped. The proposed project would include bio-retention basins to treat roof, sidewalk, and driveway water runoff and permeable pavers on driveways. According to the preliminary stormwater treatment plan (RJA 2017b), the project would involve an effective impervious area² of approximately 47,740 square feet. In accordance with Alameda County C.3 requirements (see discussion above under questions a, c, f), the project would be required to

² Effective impervious area includes all roofs, hardscapes, and streets plus 10 percent of the area that is in landscape that would drain to treatment areas.

provide 1,670 square feet of treatment area. The proposed project would provide 2,243 square feet of treatment area; therefore, it is consistent with the County's C.3 requirements. Thus, the project would not substantially increase stormwater discharge, substantially alter drainage patterns on-site or the surrounding area, and would not contribute runoff that would exceed the capacity of the existing on-site or off-site stormwater drainage system. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- g. Would the project place housing in a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map?*
- h. Would the project place structures in a 100-year flood hazard area that would impede or redirect flood flows?*

The Federal Emergency Management Agency (FEMA) is responsible for the preparation of Flood Insurance Rate Maps (FIRMs). These maps present flood hazard, expressed as areas that are subject to inundation in a storm with either a 1 percent Annual Exceedance Probability (AEP), also referred to as a 100-year flood, or a 0.2 percent AEP (500-year flood). The project site is located in Flood Zone X, which is considered an area of minimal flood hazard and is outside of FEMA designated flood zones (FEMA FIRM #06001C0289G, effective August 3, 2009). Therefore, the project is not located within a flood zone and impacts concerning flood hazards will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- i. Would the project expose people or structures to a significant risk of loss, injury, or death involving flooding, including that occurring as a result of the failure of a levee or dam?*

The closest dam to the project site is the South Reservoir dam located approximately four miles northwest of the site (City of Hayward 2014). The project site is not located inside the inundation area of the South Reservoir dam or any other nearby dams. Therefore, development of the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam. No impact will occur.

NO IMPACT

- j. Would the project result in inundation by seiche, tsunami, or mudflow?*

The nearest largest body of water to the project is the San Francisco Bay, which is approximately four miles to the west of the project site. The project is also approximately five miles from Lake Chabot to the northwest. Since the project site is not near a large body of water and is four miles inland from the San Francisco Bay, the project site would not be subject to inundation by seiche, tsunami, or mudflow. No impact will occur.

NO IMPACT

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10 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with an applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. Would the project physically divide an established community?

The project would involve development of 18 single-family residences on approximately 1.7 acres of land, which is surrounded by other single-family dwellings and commercial uses. No operational or structural changes are proposed that would separate connected areas physically or socially, nor are any linear features, new roads or other barriers to movement proposed. There will be no impact.

NO IMPACT

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The project's consistency with the City of Hayward's General Plan and Zoning Ordinance is discussed below.

Hayward 2040 General Plan

The project site has a land use designation of MDR (Medium Density Residential). As described in the City's General Plan, the MDR designation generally applies to suburban and urban areas that contain a mix of housing types. The MDR designation allows for single-family residences, second units, duplexes, triplexes, fourplexes, townhomes, multi-story apartment and condominium buildings, and ancillary structures. Development standards under the MDR designation include density's ranging from 8.7 to 17.4 dwelling units per net acre and a maximum floor area ratio (FAR) of 0.6. The City's General Plan indicates that net acreage is calculated by netting out public and

private streets and publicly-dedicated open space from the gross acreage. The maximum FAR of 0.6 only applies to public and quasi-public uses, neighborhood commercial uses, and neighborhood mixed-use.

The project would involve the development of 18 single-family residences. As shown in Table 1, the project would have an overall density of 14 dwelling units per net acre, which is within the acceptable range. Therefore, the project will be consistent with the City's General Plan.

City of Hayward Zoning Ordinance

The northern portion of the project site (APN 454-0020-062-02) is zoned RS (Single-Family Residential) District and the southern portion of the project site (APN 454-0020-069-00) is zoned PD (Planned Development) District per the Hayward Zoning Map. The southern parcel was previously rezoned to PD District to accommodate a development that was never constructed. The RS District is designed to accommodate only single-family residences and the community services appurtenant thereto (HMC Section 10-1.205). The purpose of the PD District is to "encourage development, redevelopment, and rehabilitation" and "foster well designed residential and nonresidential development, encouraging projects incorporating a variety of housing types" (HMC Section 10-1.2505). The PD District is intended to facilitate development of land in an innovative fashion to allow for flexibility in site design and encourage development that is sensitive to environmental and site-specific considerations.

The project includes a request to rezone the existing RS-zoned parcel and PD-zoned parcel into a new PD District to accommodate the proposed development. A PD rezone is necessary because the project does not meet the RS District development standards related to lot size and yard size. The project involves lots between 2,657 and 3,206 square feet, which are smaller than the minimum lot size requirement of 5,000 square feet required by HMC Section 10-1.230. The project also involves 10-foot rear yard setbacks for most units, which is smaller than the 20-foot rear yard setback required by HMC Section 10-1.230. The PD rezone provides flexibility in these development standards for the project by allowing reduced lot sizes and setbacks. Therefore, assuming the request for rezoning is approved, the project and use will be consistent with the zoning provisions of the HMC. Pending approval of the requested zone change, the project would not conflict with the City's General Plan or zoning ordinance. Therefore, impacts of the project will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- c. *Would the project conflict with an applicable habitat conservation plan or natural community conservation plan?*

As discussed in Section 4, *Biological Resources*, the project site is not part of or near an existing Habitat Conservation Plan or Natural Communities Conservation Plan or any other local, regional, or state habitat conservation plan. Therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no related impact will occur.

NO IMPACT

11 Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

Hayward's principal mineral resources are stone, limestone, clay, fire clay, halite, and salt (City of Hayward 2014). The only designated mineral resource sector of regional significance in Hayward is the La Vista Quarry, operated roughly two miles southeast of the project site (City of Hayward 2014). Future quarrying is unlikely due to environmental impacts and stringent permitting. The project would involve the construction of 18 single-family residences and would not result in a loss of available minerals. There will be no impact.

NO IMPACT

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12 Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels above those existing prior to implementation of the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project near a private airstrip, would it expose people residing or working in the project area to excessive noise?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Fundamentals of Noise

Noise is unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Noise level measurements include intensity, frequency, and duration, as well as time of occurrence. Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). Because of the way the human ear works, a sound must be about 10 dBA greater than the reference sound to be judged as twice as loud. In general, a 3 dBA change in community noise levels is noticeable, while 1 to 2 dBA changes generally are not perceived. Quiet suburban areas typically

have noise levels in the range of 40 to 50 dBA, while arterial streets are in the 50 to 60+ dBA range. Normal conversational levels are in the 60 to 65 dBA range, and ambient noise levels greater than 65 dBA can interrupt conversations.

Noise levels typically attenuate at a rate of 6 dBA per doubling of distance from point sources (such as construction equipment). Noise from lightly traveled roads typically attenuates at a rate of about 4.5 dBA per doubling of distance. Noise from heavily traveled roads typically attenuates at about 3 dBA per doubling of distance, while noise from a point source typically attenuates at about 6 dBA per doubling of distance. Noise levels may also be reduced by the introduction of intervening structures. For example, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm that breaks the line-of-sight reduces noise levels by 5 to 10 dBA. The construction style for dwelling units in California generally provides a reduction of exterior-to-interior noise levels of about 30 dBA with closed windows (Federal Highway Administration [FHWA] 2006).

Some land uses are more sensitive to ambient noise levels than other uses due to the amount of noise exposure and the types of activities involved. For example, residences, motels, hotels, schools, libraries, churches, nursing homes, auditoriums, museums, cultural facilities, parks, and outdoor recreation areas are more sensitive to noise than commercial and industrial land uses. The nearest sensitive receptors to the project site are single- and multi-family residences located adjacent to the project site along three sides: the north, south, and west.

Existing Setting

The noise environment on the project site is dominated by noises typical of residential neighborhoods, including vehicular traffic, pedestrian conversations, and doors slamming. Noise from wildlife (e.g., bird song) is also audible at the project site. On February 15, 2018, Rincon Consultants, Inc. performed two 15-minute weekday noise measurements using an ANSI Type II integrating sound level meter. Both measurements were taken during rush hour, between 4:00 p.m. and 6:00 p.m. The noise monitoring results are summarized in Table 6. Figure 8 shows the locations of the noise measurements.

Table 6 Noise Measurement Results

Site	Measurement Location	Sample Times	Primary Noise Source	Leq[15] (dBA) ¹
1	Project site frontage on Gading Rd.	5:16 p.m. – 5:31 p.m.	Gading Rd. (45 feet from centerline)	67.9
2	West of project site on Underwood Ave.	5:38 p.m. – 5:53 p.m.	Underwood Ave. (25 feet from centerline)	61.5

See Figure 8 for a map of Noise Measurement Locations.

¹ The equivalent noise level (Leq) is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time (essentially, the average noise level). For this measurement, the Leq was over a 15-minute period (Leq [15]).

Source: Rincon Consultants, field measurements conducted on February 15, 2017, using ANSI Type II Integrating sound level meter. See Appendix C.

The Hayward 2040 General Plan states the highest level of exterior noise exposure regarded as “normally acceptable” for single-family residences is 60 dB Ldn. Ldn or Day Night Average is an average 24-hour noise measurement that factors day and night noise levels. The City’s General Plan also states the maximum acceptable interior noise level for all new residential units is 45 dB Ldn.

Figure 8 Noise Measurement Locations



- a. *Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*
- c. *Would the project result in a substantial permanent increase in ambient noise levels above levels existing without the project?*
- d. *Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

The proposed project could generate temporary noise increases during construction and long-term increases associated with project operation. However, as discussed below, both construction-related and operational noise will be less than significant.

Construction Noise

Noise levels from construction of the project would result from construction activities on-site and traffic noise from construction vehicles. Nearby noise-sensitive land uses, including the single- and multi-family residences adjacent to the project site, would be exposed to temporary construction noise during development of the project. Noise impacts are a function of the type of activity being undertaken and the distance to the receptor location. Table 7 shows typical noise levels at construction sites.

Table 7 Typical Noise Levels at Construction Sites

Equipment On-Site	Typical Level (dBA) 25 Feet from the Source	Typical Level (dBA) 50 Feet from the Source	Typical Level (dBA) 100 Feet from the Source
Air Compressor	87	81	75
Backhoe	86	80	74
Concrete Mixer	91	85	79
Crane, mobile	89	83	77
Dozer	91	85	79
Jack Hammer	94	88	82
Paver	95	89	83
Saw	82	76	70
Truck	94	88	82

Noise levels assume a noise attenuation rate of 6 dBA per doubling of distance.

Source: Federal Transit Administration (FTA) 2006.

The distance to the nearest sensitive receptors to the project site, single-family residences located adjacent to the west and multi-family residences located adjacent to the south, is approximately 50 feet. Typical construction noise levels at 50 feet from the source range from about 76 to 89 dBA. Such levels would exceed ambient noise and would be audible on adjacent properties, including residences immediately west and south of the project site. However, HMC Section 4-1.03.4 limits the hours of construction and maintenance activities to the less sensitive hours of the day (7:00 a.m. – 7:00 p.m. Monday through Saturday and 10:00 a.m. – 6:00 p.m. on Sundays and holidays). Therefore, construction would not occur during recognized sleep hours for residences. In addition, the project site is located in an urban area where some construction noise is expected and the

construction methods and equipment would be typical for residential construction in urban and suburban areas (e.g., no pile driving or major excavation would be required). Therefore, construction-related noise would not result in a substantial temporary or periodic increase in ambient noise levels. Impacts would be less than significant.

Operational Noise

Operational noise associated with the project would be typical of residential uses in a residential neighborhood and would not have a significant impact on ambient noise levels. Operation of the project will not result in a substantial temporary or periodic increase in ambient noise levels. Impacts will be less than significant.

Exposure of New Residents to Noise

The California Supreme Court in a December 2015 opinion (*BIA vs. BAAQMD*) confirmed that CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. However, the State of California and City of Hayward have policies that address existing conditions (e.g., ambient noise) affecting a proposed project, which are addressed below.

The project would locate new residences next to arterial roadways (Gading Road and Underwood Avenue) that generate traffic noise. Therefore, the project could result in exposure of future residents to noise levels in excess of standards established in the City's General Plan. One residence would have upper-floor windows facing Gading Road at a distance of approximately 80 feet from the roadway centerline. Based on the measured ambient noise level of 67.9 dBA Leq at a distance of 45 feet from the roadway, new residents would be exposed to noise levels exceeding 65 dBA Leq. Therefore, this future residence may be exposed to noise levels above the acceptable exterior noise level for single-family residences of 60 dB Ldn in the City's General Plan. Other proposed residences would be set back from Gading Road and would experience noise attenuation as the result of the placement of the new homes and as such, the noise exposure from vehicular traffic would be reduced.

To avoid adverse noise exposure, the project is required to attenuate interior noise so that it does not exceed 45 dBA Ldn. The California Building Code (CBC) requires that interior noise levels for new residences be below 45 dBA CNEL (California Building Standards Commission 2017). In order to comply with CBC requirements, the project applicant is required to design the structure such that interior levels of 45 dBA CNEL are achieved. This requirement would be included as a condition of approval of the project to ensure compliance with California Building Code. With compliance with existing regulations, the proposed project will not result in exposure of future residents to noise levels in excess of standards established in the City's General Plan.

LESS THAN SIGNIFICANT IMPACT

- b. Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

Construction of the project would intermittently generate vibration on and adjacent to the project site. Vibration-generating equipment would include bulldozers and loaded trucks to move materials and debris, caisson drills to install shoring, and vibratory rollers for paving. It is assumed that pile drivers, which generate strong groundborne vibration, would not be used during construction. The distance to the nearest sensitive receptors to the project site, single-family residences located

adjacent to the west and multi-family residences located adjacent to the south, is approximately 50 feet. Table 8 identifies vibration velocity levels at a distance of 50 feet from the source.

Table 8 Vibration Levels for Construction Equipment at Noise-Sensitive Receptors

Construction Equipment	Estimated VdB at Nearest Sensitive Receptors
	50 feet
Vibratory roller	88
Caisson drill	80
Large bulldozer	80
Loaded trucks	79
Small bulldozer	51
Source: FTA 2006	

As shown in Table 8, noise-sensitive receptors would experience the strongest vibration of up to 88 VdB during paving with vibratory rollers and up to 80 VdB during the use of caisson drills and grading activity with large bulldozers. Compliance with Section 4-1.03.4 of the HMC would restrict vibration-generating construction activity to daytime hours that are outside of normal sleeping hours, i.e., 7:00 a.m. – 7:00 p.m. Monday through Saturday and 10:00 a.m. – 6:00 p.m. on Sundays and holidays. While vibration from construction activity could be perceptible at adjacent residences during daytime hours, this timing restriction would ensure that vibration does not exceed the FTA’s criterion of 72 VdB during normal sleeping hours at residential uses. In addition, no fragile historic buildings are located in close proximity to the project site and would not be damaged. The project will have a less than significant impact from groundborne vibration.

LESS THAN SIGNIFICANT IMPACT

- e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*
- f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise?*

As discussed in Section 8, *Hazards and Hazardous Materials*, the nearest airport to the project site is the Hayward Executive Airport, located approximately 1.6 miles to the northwest. The project site is not located within the Hayward Executive Airport Influence Area and is located outside the existing noise level contours for the airport (ALUC 2012). The project will not subject workers at the site to excessive noise and there will be no impact.

NO IMPACT

13 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial amounts of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. *Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The project would involve the construction of 18 new single-family residences and would directly generate population growth in the city. The city currently has a population of 161,040, has 49,665 housing units, and has an average household size of 3.24 persons per household (DOF 2017). The City's 2040 General Plan would allow up to approximately 7,472 additional single-family dwelling units, 7,339 additional multi-family housing units, and 25,787 additional jobs over 2010 conditions (City of Hayward 2013). According to the DOF, the average household size in the city of Hayward is approximately 3.24 persons per household (DOF 2015). Therefore, the proposed project would add 18 housing units or approximately 59 new residents to the city (18 households x 3.24 persons per household = 58.32 new residents). As discussed in Section 10, *Land Use and Planning*, the project is consistent with the General Plan's MDR land use designation. The addition of 18 units and 59 residents to the city of Hayward would be within the growth envisioned under the City's General Plan and would not be considered substantial population growth. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. *Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*
- c. *Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The project site is currently vacant. No existing residences would need to be demolished or existing residents displaced due to the development of the project. No impact will occur.

NO IMPACT

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14 Public Services

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1 Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4 Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5 Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Fire protection is provided to the City by the Hayward Fire Department (HFD). The HFD provides fire suppression, advanced life support/emergency medical, emergency services, and public education. Station 2 is the closest fire station to the project site. Located at 360 West Harder Road, this station is located approximately four minutes driving time, 0.6 mile west of the project site. Hayward adopted the 2015 edition of the International Fire Code and the 2016 California Fire Code as the City's Fire Code in 2017 (HMC Section 3-14.00).

The proposed project involves the development of 18 residential units on an undeveloped site surrounded by residential and commercial development. Therefore, the proposed project would incrementally increase the demand for fire and medical services. The proposed project would be required to comply with City requirements for fire access and on-site fire prevention facilities (e.g., fire hydrants and sprinkler systems). The project involves residential development on a site that is planned for residences. As described under Section 10, *Land Use and Planning*, and Section 13, *Population and Housing*, the project is consistent with the General Plan's MDR land use designation and would not generate growth beyond that anticipated in the General Plan. Therefore, the

proposed project would not place an unanticipated burden on fire protection services or affect response times or service ratios such that new or expanded fire facilities would be needed. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The Hayward Police Department (HPD) provides law enforcement services in Hayward. The nearest police station to the site is located at 300 West Winton Avenue, 1.5 miles northwest of the project site (approximately six minutes driving time). The project would involve the construction of 18 single-family residences on a site surrounded by existing development. Although the project would incrementally increase the demand for police services, the project site is located in the close vicinity (within 1.5 miles) of the City's police headquarters and was envisioned for future residential development in the City's General Plan. As such, the proposed project would not require the construction or expansion of police protection facilities beyond those already planned under General Plan assumptions. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The project site is served by the Hayward Unified School District (HUSD). The project would involve the construction of 18 single-family residences. Assuming a conservative student generation rate of one student per residence, the proposed project would increase the number of students attending schools operated by HUSD by approximately 18 additional students. The addition of 18 students to the HUSD would not result in the need for additional school facilities. In addition, pursuant to Senate Bill 50 (Section 65995[h]), payment of mandatory fees to the affected school district would reduce potential school impacts to less than significant level under CEQA. Therefore, the project will have a less than significant impact with respect to schools.

LESS THAN SIGNIFICANT IMPACT

a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

The Hayward Area Recreation and Park District (H.A.R.D.) is an independent special-use district created to provide park and recreational services for over 280,000 residents in the city (City of Hayward 2018). The project would include both private open space for each residence and two shared open space areas. The closest park to the project site is Schafer Park, located less than 0.2 mile to the southwest. In addition, the project is approximately 0.2 mile east of a long public trail that connects to Southgate Park. Pursuant to City Code (Chapter 10.16), payment of mandatory park

in-lieu fees would reduce potential park impacts to less than significant level under CEQA. Therefore, the project will have a less than significant impact with respect to city parks.

LESS THAN SIGNIFICANT IMPACT

a.5. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?

As discussed in Section 13, *Population and Housing*, the project would not add substantial population to Hayward and is consistent with growth anticipated in the City's General Plan. The project involves infill development and the addition of 18 single-family homes would not result in a material effect on the need for additional public facilities. Therefore, the project would not substantially increase demand for public facilities and resources. Impacts to stormwater, wastewater, and water facilities are discussed in Section 18, *Utilities and Service Systems*. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

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15 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

The addition of an estimated 59 new residents to the city population with the proposed project (Section XIII, *Population and Housing*) would increase demand for parks and recreational facilities. The closest park to the project site is Schafer Park, which is located less than 0.2 mile to the southwest. In addition, the project is approximately 0.2 mile east of a long public trail that connects to Southgate Park. Future residents would be likely to use these parks and recreational facilities as well as others in the city and region. However, the addition of 59 new residents would not increase the use of local and regional parks and recreational facilities such that substantial physical deterioration of the facility would be accelerated. The project itself includes both private open space for each residence and shared open space areas that would partially offset use of local and regional parks and recreational facilities. In addition, pursuant to City Code (Chapter 10.16), the project would be required to pay mandatory park in-lieu fees, which helps fund maintenance and upkeep of area parks and recreational facilities. Payment of these fees would reduce potential impacts on park and recreational facilities to a less than significant level. The project would not substantially alter citywide demand for parks such that substantial physical deterioration of the park would occur or the construction of new recreational facilities would be required. Therefore, impacts will be less than significant.

- b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The project proposes development of residential uses that include both private open space for each residence and two common, shared open space areas. The common open space areas are not specifically a recreational use but may be used for recreational purposes by the future residents. The impacts associated with development of these open space areas are discussed throughout this document as part of the analysis of project construction as a whole and would not create any physical adverse effects on the environment. As discussed above under question (a), the proposed

project would not substantially increase demand for parks or recreational facilities. Therefore, the project would not require the expansion or construction of new recreational facilities that would create a physical adverse effect on the environment. This impact will be less than significant. .

LESS THAN SIGNIFICANT IMPACT

16 Transportation/Traffic

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. *Would the project conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?*

Table 9 shows the estimated trip generation from the project based on trip generation rates provided by the Institute of Transportation Engineers (ITE).

Table 9 Proposed Project Trip Generation – Single-Family Homes

Land Use	Dwelling Units	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
Single-Family Homes ¹	18	171	3	10	13	11	7	18

¹ Trip generation rates from ITE *Trip General Manual, 9th Edition*, land use category 210 (Single Family Homes).

As shown in Table 9, the project would generate approximately 171 daily trips including 13 AM peak hour trips and 18 PM peak hour trips. The primary roadway that would be affected is Gading Road, a five-lane road designed to carry relatively high levels of vehicle traffic. The modest number of new trips associated with the project does not warrant a detailed traffic study and would not significantly alter the area's transportation network and operations. Alameda County does not require transportation impact analyses for projects generating fewer than 100 PM peak hour trips. The proposed project would generate approximately 18 PM peak hour trips. The project would not create conflicts with applicable plans, ordinance, or policies related to the City's circulation system. Therefore, impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. *Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

As the Congestion Management Agency (CMA) for Alameda County, the Alameda County Transportation Commission (ACTC) is responsible for establishing, implementing, and monitoring the County's Congestion Management Program (CMP). Through its implementation of the CMP, the ACTC works to ensure that roadways operate at acceptable levels of service (LOS) and reviews development proposals to ensure that transportation impacts are minimized.

As shown in Table 9, the project would generate 171 daily trips. The additional trips from the project would not create conflicts with Alameda County CMP impact criteria. The County does not require transportation impact analyses for projects generating fewer than 100 PM peak hour trips; the proposed project would generate approximately 18 PM peak hour trips. Therefore, impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- c. *Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

The nearest airport to the project site is the Hayward Executive Airport, located approximately 1.6 miles to the northwest. The project site is not located within the airport influence area. The project

would involve the construction of 18 two-story single-family residences in an area with structures of similar size and scale. Therefore, the project will have no impact on air traffic.

NO IMPACT

- d. *Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?*

Project implementation would occur on the existing parcels and would not alter or affect existing street and intersection networks. The proposed project would be required to comply with the City's street standards for vehicular access and circulation, including fire and emergency access. Compliance would prevent hazardous design features and would ensure adequate and safe site access and circulation. The project involves residential uses on a site designated for residential uses and would not introduce an incompatible use. There will be no impact.

NO IMPACT

- e. *Would the project result in inadequate emergency access?*

The project site is directly accessible from Gading Road. The project would be required to comply with all building, fire, and safety codes, and specific development plans would be subject to review and approval by the City's Public Works Department and HFD. Required review by these departments would ensure the circulation system for the project site would provide adequate emergency access. In addition, the project would not require any temporary or permanent closures to roadways. There will be no impact.

NO IMPACT

- f. *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?*

The project would not conflict with any adopted policies, plans, or programs regarding alternative transportation since no changes to the existing transportation policies, plans, or programs would result, either directly or indirectly, from development on the project site. In addition, the project would not involve the removal or relocation of existing transit, pedestrian, or bicycle facilities. There will be no impact.

NO IMPACT

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17 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 2024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that "A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is either of the following:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

One tribe, the Lone Band of Miwok Indians, has requested to be notified of projects proposed in the City of Hayward. The City of Hayward initiated AB 52 consultation with this tribe on Thursday, February 22, 2018. On March 16, 2018, the City met with the Lone Band of Miwok Indians and a representative from Rincon Consultants to discuss the project and potential tribal cultural resources. The Tribe did not identify any specific tribal cultural resources within or near the project site. The Tribe requested copies of the biological analysis, arborist report, and geotechnical report prepared for the project so they may better understand the potential for tribal cultural resources in the area. On March 19, 2018, Rincon provided the requested materials to the Tribe. Correspondence between the Tribe and City and Rincon staff are included in Appendix D.

- a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*
- b. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 2024.1?*

The City of Hayward initiated AB 52 consultation on Thursday, February 22, 2018. Consultation occurred between the City and the Lone Band of Miwok Indians. Consultation with the Tribe did not result in the identification of tribal cultural resources. Although no tribal cultural resources are expected to be present on-site, there is the possibility of encountering undisturbed subsurface tribal cultural resources. The proposed excavation of the project site could potentially result in adverse effects on unanticipated tribal cultural resources. However, impacts from the unanticipated discovery of tribal cultural resources during construction will be less than significant with Mitigation Measure TCR-1 and TRC-2.

Mitigation Measure

The following mitigation measure would reduce impacts regarding disrupting tribal cultural resources to a less than significant level.

TCR-1 Tribal Cultural Resources Spot-Checking. Initial project-related ground-disturbing activities shall be spot-checked by a qualified archaeological monitor or by an appropriate Native American representative. Spot-checking shall occur on the first day of ground disturbance, when ground-disturbance moves to a new location on the project site, and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). If archaeological resources are encountered, spot-checking shall be increased to full-time monitoring and, if identified resources are of Native American origin, a Native American monitor shall be retained for the duration of the project. Archaeological spot-checking may be reduced or halted at the discretion of the monitor as warranted by

conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of rough grading.

TCR-2 Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all earth-disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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18 Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. *Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

Water quality in the State of California is regulated by the SWRCB and the nine RWQCBs. The city of Hayward is located in the jurisdiction of the San Francisco Bay RWQCB. Section 303(d) of the CWA requires that states identify water bodies including bays, rivers, streams, creeks, and coastal areas

that do not meet water quality standards and the pollutants that are causing the impairment. Total Maximum Daily Loads (TMDLs) describe the maximum amount of a pollutant that a water body can receive while still meeting established water quality standards. A TMDL requires that all sources of pollution and all aspects of a watershed's drainage system be reviewed and set forth action plans that examine factors and sources adversely affecting water quality and identify specific plans to improve overall water quality and reduce pollutant discharges into impaired water bodies.

The project would connect to the City of Hayward Sanitary District sanitary sewer system. Sanitary sewage from the City's system is treated at the Hayward Water Pollution Control Facility (WPCF). The treatment facility discharges into the San Francisco Bay under a permit with the RWQCB. Since the WPCF is considered a publicly-owned treatment facility, operational discharge flows treated at the WPCF would be required to comply with applicable water discharge requirements issued by the RWQCB. Compliance with conditions or permit requirements established by the City as well as water discharge requirements outlined by the RWQCB would ensure that wastewater discharges coming from the project site and treated by the WPCF system would not exceed applicable RWQCB wastewater treatment requirements. Therefore, impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*
- e. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The project site is located in an urban area within the boundaries of the City of Hayward Water District. Utility infrastructure would not require significant improvements other than infrastructure to service the proposed 18 single-family residences. The project is consistent with the General Plan's MDR land use designation and would not generate growth beyond that anticipated in the General Plan. The Environmental Impact Report (EIR) for the City's General Plan found that there was adequate capacity at the WPCF to serve development under the General Plan. Therefore, there is adequate capacity at the WPCF to service the project and no expansion of the WPCF would be required (City of Hayward 2013). Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- c. Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The project site is currently vacant. Stormwater runoff from the site drains into catch basins located along Gading Road. Major storm drainage facilities in Hayward are owned and maintained by the Alameda County Flood Control and Water Conservation District (ACFCWCD), and include gravity pipelines predominantly made of reinforced concrete, which discharge to underground storm drain lines or manmade open channels. Storm drain pipes smaller than 30 inches are typically owned by the City and are generally provided within local streets and easements.

This system of stormwater collection and filtration would not change with implementation of the project. However, the project would increase the amount of impervious surfaces on the project site by approximately 38,750 square feet, which would incrementally reduce the potential for

groundwater recharge, increasing stormwater runoff from the site. However, as discussed in Section 9, *Hydrology and Water Quality*, the proposed project would include permeable pavement and stormwater bioretention areas to assist with groundwater recharge and would be required to comply with all applicable stormwater management requirements. Therefore, the project would not result in the need for new off-site stormwater drainage facilities. All site runoff would be directed to the City's existing municipal storm drainage system, which was designed to accommodate flows resulting from buildout in the project area. The project would be subject to local policies requiring that post-construction runoff volumes be less than or equal to preconstruction volumes (MS4 C.3, discussed further in Section 9). Therefore, expansion of the existing stormwater collection system is not required. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- d. *Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

The project would receive its water from the City of Hayward. The City of Hayward provides water for residential, commercial, industrial, governmental, and fire suppression uses. The City owns and operates its own water distribution system and receives its water from the Hetch Hetchy regional water system, which is owned and operated by the SFPUC. Emergency water supplies are available through connections with Alameda County Water District (ACWD) and East Bay Municipal Utility District (EBMUD) in case of disruption of delivery (City of Hayward 2016b).

The City's Urban Water Management Plan (UWMP) assesses Hayward's water supply reliability, and describes the City's anticipated water demand, water shortage contingency plans, and water conservation strategies. The UWMP is based on the growth projections in the City's General Plan. Major water system projects in the near-term focus on replacing and renovating existing water storage reservoirs to increase storage capacity and improve structural reliability. Hayward has also made extensive efforts to improve the seismic safety of the water system, including seismic retrofits of several reservoirs and improvements to pipes at fault line crossings (City of Hayward 2016b).

As determined in the City's UWMP, there is adequate water supply available to serve anticipated growth in Hayward. The project is consistent with the General Plan's MDR land use designation and would not generate growth beyond that anticipated in the General Plan. Therefore, there would be sufficient potable water supply to accommodate the anticipated demand increases resulting from the project. Impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

- f. *Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*
- g. *Would the project comply with federal, state, and local statutes and regulations related to solid waste?*

The City of Hayward provides weekly garbage collection and disposal services through a Franchise Agreement with Waste Management, Inc. (WMI), a private waste management company. WMI subcontracts with a local non-profit, Tri-CED Community Recycling, for residential collection of recyclables. Altamont Landfill is the designated disposal site in the City's Franchise Agreement with WMI, which is approximately 25 miles northeast of the project site. Altamont Landfill is a Class II facility that accepts municipal solid waste from various cities, including Hayward. The landfill occupies a 2,170-acre site, of which 472 acres are permitted for landfill. In 2001, the landfill received

County approval to increase capacity, adding 25 years to the life of the landfill and extending the anticipated closure date to the year 2040.

HMC Chapter 5, Article 10 requires that applicants for all construction and demolition projects that generate significant debris recycle 100 percent of all asphalt and concrete and 50 percent of remaining materials. Through these measures, the City plans to meet the statewide diversion goal of 75 percent by 2020.

The Altamont Landfill processes approximately 1,500,000 tons of solid waste per year and has a remaining permitted capacity of 42.4 million tons (WMI 2014). Given the available capacity at the landfill, the incremental additional of solid waste generated by the proposed 18 single-family residences would not cause the facility to exceed its daily permitted capacity. In addition, implementation of the City's recycling programs, including construction debris, would further reduce solid waste generation. Therefore, impacts will be less than significant.

LESS THAN SIGNIFICANT IMPACT

19 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Does the project:				
a. Have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- a. *Does the project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

Based on the information and analysis provided throughout this Initial Study, implementation of the project would not substantially degrade the quality of the environment and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of California history or prehistory. Cultural resources, which illustrate examples of California history and prehistory, are discussed in Section 5, *Cultural Resources*, and Section 17, *Tribal Cultural Resources*. Mitigation measures CUL-1, CUL-2, TCR-1 and TCR-2 have been designed to reduce potential impacts of disturbing archaeological and tribal cultural resources and human remains. Biological

resources are addressed in Section 4, *Biological Resources*. With Mitigation Measure BIO-1 related to nesting birds, the project would not substantially reduce wildlife habitat or population. Based on the ability of the identified mitigation measures to reduce potential impacts to less than significant levels, the project's impacts will be less than significant with mitigation incorporated.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

- b. *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Cumulative impacts associated with some of the resource areas are addressed in the individual resource sections above, including Air Quality, Greenhouse Gases, Water Supply, and Solid Waste (CEQA Guidelines Section 15064[h][3]), and would be less than significant. Some of the other resource areas were determined to have no impact in comparison to existing conditions and therefore would not contribute to cumulative impacts, such as Mineral Resources and Agricultural Resources. As such, cumulative impacts in these issue areas would also be less than significant (not cumulatively considerable). The project would incrementally increase traffic compared to existing conditions. However, due to the low volume of traffic generated by the project, the project would not significantly contribute to cumulative impacts to nearby roadways. The project involves development of 18 residential units and would be consistent with the City's General Plan designation and density for the site. The project will not result in a significant contribution to cumulatively considerable impacts.

LESS THAN SIGNIFICANT IMPACT

- c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Effects to human beings are generally associated with air quality, noise, traffic safety, geology/soils and hazards/hazardous materials. As discussed in this Initial Study, implementation of the project would result in less than significant environmental impacts with respect to these issue areas with mitigation incorporated. The geotechnical recommendations and mitigation measure discussed in Section 6, *Geology and Soils*, would ensure that soils and grounds are stable, and that liquefaction risks are less than significant. Mitigation Measure GEO-1 would reduce health and safety risks to human beings and would result in less than significant impacts. The project would not cause substantial adverse effects on human beings, either directly or indirectly. Impacts will be less than significant with mitigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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List of Preparers

Rincon Consultants, Inc. prepared this IS-MND under contract to the City of Hayward. Persons involved in data gathering analysis, project management, and quality control are listed below.

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Mitigation Monitoring and Reporting Program

The Initial Study-Mitigated Negative Declaration (IS-MND) for the Gading II Residential Project identifies the mitigation measures that will be implemented to reduce the impacts associated with the project. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a mitigated negative declaration.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Hayward departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

The first column identifies mitigation measures that were identified in the Final IS-MND. The second column, entitled "Action Required," refers to the monitoring action that must be taken to ensure the mitigation measure's implementation. The third column, entitled "Monitoring Timing," refers to when the monitoring will occur to ensure that the mitigation action is complete. The fourth column, "Responsible Agency," refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The "Compliance Verification" column is where the Responsible Agency verifies that the measures have been implemented.

Mitigation Measure TCR-1 includes a minor revision made as a result of the responses to comments on the Draft IS-MND.

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Biological Resources						
BIO-1: Nesting Bird Avoidance and Minimization Efforts						
<p>If project construction activities occur between February 15 and August 31, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance by project activity to the nest (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior.</p> <p>During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing any disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause reproductive failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be clearly marked by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case by case basis using the criteria described above.</p>	<p>Verify that if initial ground disturbing activities occurs between February 15 and August 31, a qualified biologist has prepared a pre-construction survey two weeks prior to start of construction. If active nests are discovered, verify that buffers have been established and work is avoided in in the buffer as appropriate.</p>	<p>Once before construction to review pre-construction survey; as needed during construction to verify buffers established and work is avoiding buffer zones.</p>	<p>City of Hayward Planning Division</p>			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
BIO-2: Tree Replacement						
As required by the HMC, the applicant shall replace removed protected trees with like-size, like-kind trees or an equal value tree, or implement alternative forms of mitigation as determined by the City's Landscape Architect. The City's Landscape Architect shall review the final landscape plan to confirm that the proposed mitigation cost matches or exceeds the appraised value of the removed trees prior to the issuance of building permit.	Review the final landscape plan to confirm that the proposed mitigation cost matches or exceeds the appraised value of the removed trees	Once prior to issuance of building permit	City of Hayward Landscape Architect			
BIO-3: Tree Preservation Measures						
As outlined in the arborist report (HortScience Inc. 2017), Tree Preservation measures are required to protect trees that will be preserved in place and replacement trees that will be planted as required under measures BIO-2.	Verify adherence to tree preservation measures	Periodically during construction	City of Hayward Planning Division			
Design Measures						
1. Include trunk locations and tag numbers on all plans.						
2. Use only herbicides safe for use around trees and labeled for that use, even below pavement.						
3. Design irrigation systems so that no trenching will occur within the Tree Protection Zone.						
Pre-construction and Demolition Measures						
1. Prepare a site work plan which identifies access and haul routes, construction trailer and storage areas, etc.						
2. Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be the dripline or property line for trees 11, 86, and 87. No grading, excavation, construction or storage of materials shall occur within that zone.						
3. Install protection around all trees to be preserved. Use 6-foot chain link fence attached posts sunk into the ground. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.						
4. Trees to be removed shall be felled so as to fall away from Tree Protection Zone and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.						
5. Trees to be retained may require pruning to provide clearance and/or correct defects in structure. All pruning is to be performed by an ISA Certified						

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<p>Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. The pruning contractor shall have the C25/D61 license specification.</p> <p>6. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.</p> <p>Tree Protection During Construction</p> <p>1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Project Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.</p> <p>2. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist.</p> <p>3. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.</p> <p>4. Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist.</p> <p>5. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.</p> <p>6. Trees shall be irrigated, except oaks, on a schedule to be determined by the Project Arborist. Each irrigation session shall wet the soil within the Tree Protection Zone to a depth of 30 inch.</p>						
BIO-4: Tree Replacement and Maintenance						
<p>Replacement trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment. Preserved trees shall also be maintained to ensure the continued long-term health of the tree. Trees on-site will require monitoring and routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting, and irrigation.</p>	<p>Verify replacement trees are properly planted and maintained</p>	<p>Once after tree planting, and periodically thereafter</p>	<p>City of Hayward Planning Division, City of Hayward Landscape Architect</p>			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Cultural Resources						
CUL-1: Unanticipated Discovery of Cultural Resources						
If cultural resources are encountered during ground disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and testing for the California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as data recovery excavation, may be required to mitigate potentially significant impacts to historical resources.	Verify that in the event that archaeological artifacts are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated	As needed during construction activities; work must stop immediately if resources are discovered, and consultation initiated as soon as practical	City of Hayward Planning Division			
Geology and Soils						
GEO-1: Geotechnical Considerations						
<p>The project applicant shall implement all measures and recommendations set forth in the Preliminary Geotechnical Exploration prepared by ENGEO in July 2017 (Appendix B). Recommendations include but are not limited to the following topic areas:</p> <ul style="list-style-type: none">Grading (demolition and stripping, existing fill removal, selection of materials, differential fill thickness, fill placement)Building code seismic designFoundation designPavement designDrainageStormwater bioretention areas <p>In addition, a comprehensive site-specific design-level geotechnical exploration shall be prepared as part of the design process. The exploration may include borings and laboratory soil testing to provide data for preparation of specific recommendations regarding grading, foundation design, corrosion potential, and drainage for the proposed project. The recommendations set forth in the design-level geotechnical exploration shall be implemented.</p>	Verify that building plans incorporate all design and construction criteria specified in the geotechnical report	Once prior to approval of grading permit; periodically on site during grading and construction	City of Hayward Planning Division			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Tribal Cultural Resources						
TCR-1: Tribal Cultural Resources Spot-Checking						
Initial project-related ground-disturbing activities shall be spot-checked by a qualified archaeological monitor or by an appropriate Native American representative. Spot-checking shall occur on the first day of ground disturbance, when ground-disturbance moves to a new location on the project site, and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). Each spot-checking visit shall include screening of representative soil samples through 1/8-inch mesh. If archaeological resources are encountered, spot-checking shall be increased to full-time monitoring and, if identified resources are of Native American origin, a Native American monitor shall be retained for the duration of the project. Archaeological spot-checking may be reduced or halted at the discretion of the monitor as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of rough grading.	Verify spot-checking is occurring Verify that in the event that archeological resources are encountered during project construction, monitoring is increased to full time and that a Native American monitor is used if resources are of Native American origin	On the first day of ground disturbance, when ground-disturbance moves to a new location on the project site, and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock)	City of Hayward Planning Division			
TCR-2: Unanticipated Discovery of Tribal Cultural Resources						
In the event that cultural resources of Native American origin are identified during construction, all earth-disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.	Verify that in the event that cultural artifacts of Native American origin are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated	As needed during construction activities; work must stop immediately if resources are discovered, and consultation initiated as soon as practical	City of Hayward Planning Division			

Responses to Comments on the Draft IS-MND

This document includes comments received during the circulation of the Draft Initial Study-Mitigated Negative Declaration (IS-MND) prepared for the Gading II Residential Project (proposed project) and responses to those comments.

The Draft IS-MND was circulated for a 20-day public review period that began on April 6, 2018 and ended on April 26, 2018. The City of Hayward received one comment letter on the Draft IS-MND from Randy Yonemura of the Lone Band of Miwok Indians. The comment letter and responses follow. Each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

In one instance the text of the Draft IS-MND has been modified in response to comments received. Added text discussed in the responses to comments is shown in underline format. This change did not identify new significant impacts or significant impacts of increased severity compared to the impacts identified in the Draft IS-MND. Because this change to the IS-MND is not considered substantial in accordance with CEQA Guidelines Section 15073.5(b) and the information added merely clarifies and amplifies the information previously provided in the analysis, recirculation of the MND is not required.

Cultural Resources Treatment Plan

City of Hayward: Gading II

April 25, 2018

I. PURPOSE

The purpose of this Cultural Resources Treatment Plan (“Treatment Plan”) is to formalize protocols and procedures for the protection and culturally-appropriate treatment of tribal cultural resources such as cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, for known sites and sites discovered in conjunction with the Project’s development, excavation, grading, and all ground-disturbing activity. The Treatment Plan also formalizes procedures for Tribal Native American monitoring.

II. SPECIAL TREATMENT OF PROJECT SITE

The City of Hayward & staff in consultation will develop and required site specific treatment regarding final construction and engineering designs. This includes such things as vegetation removal, revegetation, type of rock or geotextiles, and use of flat blade for bucket. Site visits between the City of Hayward in consultation has included the implementation of such enhancement and protection measures.

III. TESTING/SAMPLING (PRE-CONSTRUCTION)

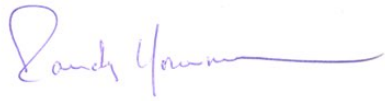
Archaeological monitoring and sampling will include screening. The sample sized to be screed will be 50cm x 50cm and 1m x 1m test units. Archaeologists will use a 1/8 in. screen.

IV. UNRECORDED SITES SIGNIFICANTLY IMPACTED BY THE PROJECT

The Parties agree that sites or discoveries not identified in the environmental review process may be subject to further archaeological and cultural significance evaluation as determined in consultation and carried out in accordance with the California Environmental Quality Act.

If necessary, a test plan will be written by the City of Hayward’s archaeological consultant in consultation to determine if there are any intact cultural deposits that have the potential to be impacted. Further evaluation shall include a determination of eligibility and adverse effects, additional avoidance, alternatives, feasibility, or mitigation measures to treat sites in a culturally appropriate and respectful manner consistent with policies and this Treatment Plan.

This area is culturally sensitive, regardless of negative record searches. There are sites present in and throughout this area, which is why this treatment plan was developed.

A handwritten signature in purple ink, reading "Randy Yonemura". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Randy Yonemura

Letter 1

COMMENTER: Randy Yonemura, Ione Band of Miwok Indians

DATE: April 25, 2018

Response 1.1

The commenter provides a Cultural Resources Treatment Plan that he requests be incorporated into the project, and explains that the purpose of the plan is to formalize protocols and procedures for the protection and culturally-appropriate treatment of tribal cultural resources discovered during project development. The Plan also formalizes procedures for Tribal Native American monitoring.

Responses 1.1 through 1.4 below explain how procedures listed in the Plan have been incorporated into the Final IS-MND or will be otherwise addressed.

Response 1.2

The commenter states an opinion that City staff should develop site specific treatments regarding final construction and engineering designs, including vegetation removal, revegetation, type of rock or geotextiles, and use of flat blade for bucket.

Mitigation measures TCR-1 (as revised below under Response 1.3) and TRC-2 set procedures for the development of site specific treatments if resources are discovered during construction. As described under Mitigation Measure TRC-2, if resources are discovered, work will be halted and the find will be evaluated in consultation with an appropriate Native American representative. At that time, a mitigation plan which includes site specific treatments would be developed and implemented in consultation with tribal representatives.

Response 1.3

The commenter requests that archaeological monitoring and sampling include screening and specifies protocols for screening such as sample sizes of 50 centimeters by 50 centimeters (50cm x 50cm) and 1 meter by 1 meter (1m x 1m) test units using a 1/8-inch screen.

In response to this comment, the text of Mitigation Measure TCR-1 on Page 83 of the Draft IS-MND has been modified to the following to include the screening of representative soil samples:

TCR-1 Tribal Cultural Resources Spot-Checking. Initial project-related ground-disturbing activities shall be spot-checked by a qualified archaeological monitor or by an appropriate Native American representative. Spot-checking shall occur on the first day of ground disturbance, when ground-disturbance moves to a new location on the project site, and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). Each spot-checking visit shall include screening of representative soil samples through 1/8-inch mesh. If archaeological resources are encountered, spot-checking shall be increased to full-time monitoring and, if identified resources are of Native American origin, a Native American monitor shall be retained for the duration of the project. Archaeological spot-checking may be reduced or halted at the discretion of the monitor as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of rough grading.

The project site has been identified by the Lone Band of Miwok Indians as culturally sensitive and there is always potential to encounter subsurface resources during ground disturbing activities; however, no specific tribal cultural resources or archaeological resources have been identified nor is there evidence indicating high enough sensitivity to warrant preconstruction excavation. Thus, the requested requirement of 50cm x 50cm or 1m x 1m test units has not been included. Screening representative soil samples as determined by the qualified archaeological monitor would ensure that cultural resources, if present, would be identified during construction. This revision does not change the findings or conclusions of the IS-MND, which already identified a potentially significant impact and mitigation for tribal cultural resources. Rather, it clarifies and amplifies the information previously provided in the environmental analysis in response to this comment from the Tribe.

Response 1.4

The commenter states an opinion that sites or discoveries not identified in the environmental review process may be subject to further archaeological and cultural significance evaluation in accordance with CEQA. The commenter states that if necessary, a test plan should be written by an archeologist to identify, evaluate, and develop additional avoidance or mitigation measures to treat sites in a culturally appropriate manner.

Mitigation Measure TCR-2 establishes protocols for unanticipated discoveries not identified in the environmental review process. As described on Page 83 of the IS-MND, Mitigation Measure TCR-2 requires that earth-disturbing work stop in the event unanticipated tribal cultural resources are unearthed during construction and that the resources be evaluated by an archeologist in consultation with a Native American representative. If the resources is found to be significant under CEQA, a mitigation plan must be prepared and implementation in consultation with Native American groups. This is consistent with the comment and no changes to the IS-MND are needed.

Response 1.5

The commenter states that the area is culturally sensitive regardless of negative record searches and that there are sites present in and around the area, necessitating the Cultural Resources Treatment Plan.

The City acknowledges that the project site is culturally sensitive. Mitigation Measures TCR-1 and TCR-2, as described on Page 83 of the Final IS-MND and modified in accordance with Response 1.3, are required to ensure proper treatment of tribal cultural resources unearthed during project implementation. With these measures, potential impacts to tribal cultural resources would be less than significant.



CITY OF HAYWARD

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

File #: PH 18-040

DATE: May 22, 2018

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT

Gann Appropriations Limit for FY 2019

RECOMMENDATION

That City Council adopts a Resolution establishing the appropriations limit for Fiscal Year 2019.

SUMMARY

Each fiscal year, the City is required to calculate and establish its appropriations limit. The Gann Limit for FY 2019 is calculated at \$297,666,782, and the appropriations subject to the limit total is \$121,761,732.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Historical Gann Calculation Summary



DATE: May 22, 2018

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT Gann Appropriation Limit for FY 2019

RECOMMENDATION

That City Council adopts a Resolution establishing the appropriations limit for Fiscal Year 2019.

SUMMARY

Each fiscal year, the City is required to calculate and establish its appropriations limit. The Gann Limit for FY 2019 is calculated at \$297,666,782, and the appropriations subject to the limit total is \$121,761,732.

BACKGROUND

State Proposition 4, commonly known as the Gann Initiative, was approved by California voters in November 1979. Proposition 4 created Article XIII B of the State Constitution, which places limits on the amount of revenue that can be spent by government agencies. This is referred to as the Gann Appropriation Limit, or Gann Limit.

A subsequent related State initiative, Proposition 111, was approved by the voters in June 1990 and provided new adjustment formulas to make the Gann Limit more responsive to local growth issues and to address concerns regarding the accountability of local governments in adopting their limits. Prior to each fiscal year, city councils must adopt by resolution the Gann Appropriation Limit for the city for the upcoming year. In addition, cities are required to conduct a review of their limits during annual financial audits.

The appropriations limitation imposed by Propositions 4 and 111 creates a restriction on the amount of revenue that can be appropriated in any fiscal year. The limit is based on actual appropriations during the 1978-79 fiscal year and is increased each year using population and inflation growth factors. Only revenues that are classified as "proceeds of taxes" are subject to the limit. The use of "non-tax proceeds" (user fees, rental income, franchise fees, Gas Tax revenue) is not restricted.

DISCUSSION

During any fiscal year, a city may not appropriate any proceeds of taxes it receives in excess of its established limit. Excess funds received in any year may be carried into the subsequent year for use if the city is below its limit for that year. Any excess funds remaining after the second year would be required to be returned to local taxpayers by reducing tax rates or fees. As an alternative, a majority of the voters may approve an "override" to increase the city's appropriation limit.

Senate Bill 1352 requires that 1) the governing body of each local jurisdiction shall, by a legislative action, establish its appropriations limit at a regularly scheduled or special meeting and that the documentation used in the determination of the appropriations limit shall be made available to the public fifteen days before that meeting. Government Code Section 7910 requires that the City adopt its appropriations limit prior to the beginning of each fiscal year.

The Finance Department of the City of Hayward compiles the data and makes calculations incident to the determination of the XIIIB appropriations limit. The amount of the Fiscal Year 2019 appropriations limit and the documentation substantiating this determination are available for review by the public in the Office of the City Clerk.

FISCAL IMPACT

There are no present fiscal impacts related to establishing the limit for FY 2019. The amount of appropriations subject to the limit is the budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those transfers exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.), and the total of these budgeted revenues cannot exceed the total appropriations limit.

The City's actual appropriations in each fiscal year have been significantly below the limit, as they will be for Fiscal Year 2019. The table below summarizes the limit for FY 2019 and the preceding three years.

	Appropriations Limit	Appropriations Subject to Limit
FY 2015	256,614,221	87,400,385
FY 2016	269,880,304	103,998,849
FY 2017	287,387,229	107,969,124
FY 2018	292,844,454	108,609,975
FY 2019	297,666,782	121,761,732

STRATEGIC INITIATIVES

This is a routine operational item and does not related to any of the three Council Strategic Initiatives.

Prepared by: Nicole Gonzales, Budget Officer

Recommended by: Dustin Claussen, Director of Finance

Approved by:

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

Kelly McAadoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

ADOPTION OF APPROPRIATIONS LIMIT FOR FISCAL YEAR 2019 PURSUANT
TO ARTICLE XIII B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA

WHEREAS, on November 6, 1979, the citizens of the State of California approved Proposition 4, which added Article XIII B to the Constitution of the State of California to place various limitations on the fiscal powers of State and local government; and

WHEREAS, Senate Bill 1352, Government Code Section 7900, et. seq. enacted by the California Legislature, provides for the implementation of Article XIII; and

WHEREAS, the City is required to establish its appropriations limit at a regularly scheduled meeting or noticed special meeting, and 15 days prior to such meeting, the documentation used in the determination of the appropriations limit shall be made available to the public; and

WHEREAS, the Gann Limit for FY 2019 is calculated at \$297,666,782 and the appropriations in FY 2019 subject to this limit total \$121,761,732; and

WHEREAS, the FY 2019 Gann Limit was calculated using the change in the cost of living based on the change in California per capita personal income, and the change in population based on the percentage change in population within Alameda County.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hayward that at its meeting of May 22, 2018, Council will adopt a Resolution which establishes the appropriations limit for the 2019 Fiscal Year pursuant to Article XIII B of the Constitution of the State of California.

BE IT FURTHER RESOLVED that the documentation used in the determination of the appropriation limit for Fiscal Year 2019 was be made available for public review in the Office of the City Clerk of the City of Hayward.

IN COUNCIL, HAYWARD, CALIFORNIA May 22, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

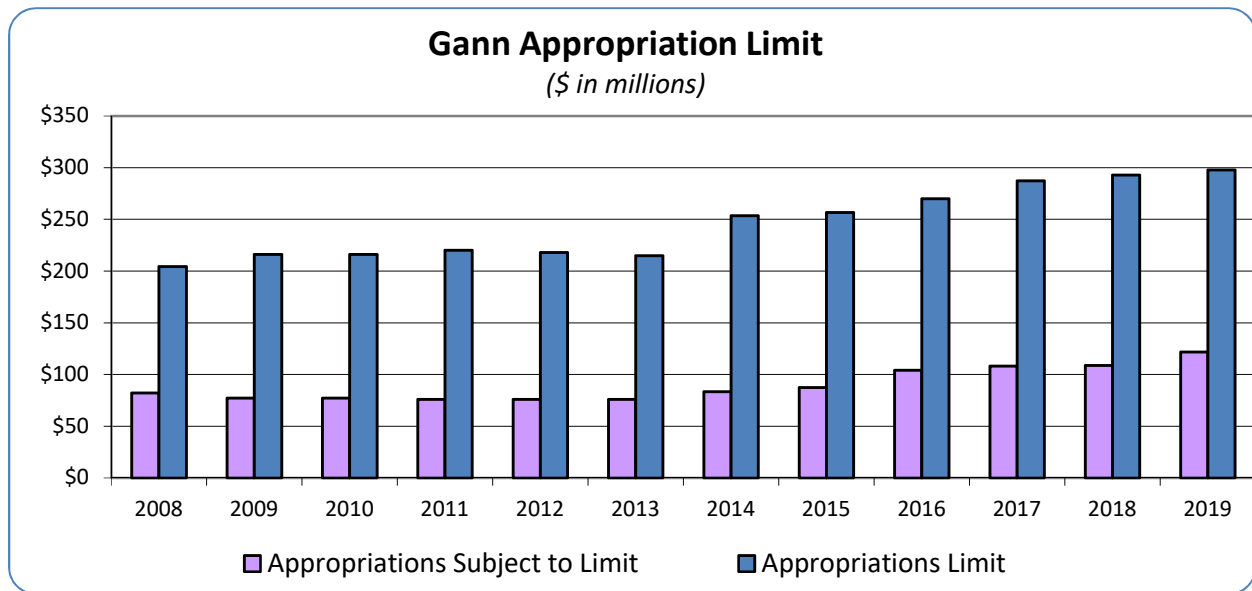
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Gann Appropriation Limit

Fiscal Year	Population		Total	Appropriations		Appropriations	
	Factor	Inflation Factor	Adjustment Factor	Limit	% Change	Subject to Limit	% of Limit Appropriated
2008	1.0700	4.4200	1.055	\$204,242,163	17.5%	\$82,136,688	40.2%
2009	0.0116	4.4500	1.019	\$216,147,439	17.0%	\$77,285,005	35.8%
2010	1.3000	0.6200	1.019	\$220,314,761	7.9%	\$76,355,082	34.7%
2011	1.4000	-2.5400	0.988	\$217,723,859	0.7%	\$75,558,103	34.7%
2012	1.3900	2.5100	1.039	\$226,291,051	2.7%	\$76,362,500	33.7%
2013	1.3900	3.7700	1.052	\$238,086,253	9.4%	\$74,542,885	31.3%
2014	1.2500	5.1200	1.064	\$253,404,723	12.0%	\$83,291,710	32.9%
2015	1.5000	-0.2300	1.267	\$256,614,221	1.3%	\$87,400,385	34.1%
2016	1.3000	3.8200	5.170	\$269,880,304	5.2%	\$103,998,849	38.5%
2017	1.0600	5.3700	6.487	\$287,387,229	6.5%	\$107,969,124	37.6%
2018	0.9900	0.9000	1.899	\$292,844,454	1.9%	\$108,609,975	37.1%
2019	0.8400	0.8000	1.647	\$297,666,782	1.6%	\$121,761,732	40.9%



CITY OF HAYWARD

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

File #: PH 18-038

DATE: May 22, 2018

TO: Mayor and City Council
Redevelopment Successor Agency Board of Directors
Housing Authority Board of Directors

FROM: Director of Finance

SUBJECT

Public Hearing for the Proposed FY 2019 Operating Budgets for the City of Hayward, Hayward Redevelopment Successor Agency, and Hayward Housing Authority; and FY 2019 Capital Improvement Program Budget; and Approval of the FY 2019 Operating Budgets and Appropriations for FY 2019; Approval of the FY 2019 Capital Improvement Program Budget and Appropriations for FY 2019; Approval of the Hayward Redevelopment Successor Agency Budget; and Approval of the Hayward Housing Authority Budget

RECOMMENDATION

That the Council considers the Proposed FY 2019 Operating Budgets of the City, Redevelopment Successor Agency, Housing Authority and Capital Improvement Program (CIP) Budget; conducts a Public Hearing on each; and adopts each of the above-mentioned documents should there be no further action needed based on public testimony or at Council's request.

SUMMARY

The Council will conduct the first public hearing for the adoption of the Proposed FY 2019 Operating Budgets; and FY 2019 Capital Improvement Program Budget. Should there be no needed actions resulting from public testimony or Council direction, Council will consider adoption of the FY 2019 Operating Budgets, and FY 2019 Capital Improvement Program Budget.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	FY 2019 Budget Resolution
Attachment III	Exhibit A and Exhibit B FY 2019 Budget Resolution
Attachment IV	FY 2019 General Fund Community Agency Funding Resolution
Attachment V	Exhibit A Funding Recommendations
Attachment VI	FY 2019 Successor Redevelopment Agency Budget Resolution

File #: PH 18-038

Attachment VII	FY 2019 Housing Authority Budget Resolution
Attachment VIII	FY 2019 CIP Budget Resolution
Attachment XI	Updated General Fund Long Range Financial Model



DATE: May 22, 2018

TO: Mayor and City Council
Redevelopment Successor Agency Board of Directors
Housing Authority Board of Directors

FROM: Director of Finance

SUBJECT Public Hearing for the Proposed FY 2019 Operating Budgets for the City of Hayward, Hayward Redevelopment Successor Agency, and Hayward Housing Authority; and FY 2019 Capital Improvement Program Budget; and Approval of the FY 2019 Operating Budgets and Appropriations for FY 2019; Approval of the FY 2019 Capital Improvement Program Budget and Appropriations for FY 2019; Approval of the Hayward Redevelopment Successor Agency Budget; and Approval of the Hayward Housing Authority Budget

RECOMMENDATION

That the Council considers the Proposed FY 2019 Operating Budgets of the City, Redevelopment Successor Agency, Housing Authority and Capital Improvement Program (CIP) Budget; conducts a Public Hearing on each; and adopts each of the above-mentioned documents should there be no further action needed based on public testimony or at Council's request.

SUMMARY

The Council will conduct a public hearing for the adoption of the Proposed FY 2019 Operating Budgets; and FY 2019 Capital Improvement Program Budget. Should there be no needed actions resulting from public testimony or Council direction, Council will consider adoption of the FY 2019 Operating Budgets, and FY 2019 Capital Improvement Program Budget.

BACKGROUND

The City Manager presented the Proposed FY 2019 Operating Budget to City Council on April 17, 2018. The operating budget is comprised of different funding sources, with the General Fund representing the largest single fund for which the City Council has the most discretion. The total City expenditure budget for the Proposed FY 2019 Annual Budget as presented on April 17, 2018, was \$318.5 million, with a General Fund budget of \$165.2 million.

Since April 17th, Council held two additional budget work sessions (April 28th and May 15th)

to further discuss the proposed budget. These work sessions included presentations, Council discussions, and a time for public input on the following:

- The City's FY 2019 overall operating budget
- Department/Program budgets and operations
- Proposed CIP budget
- City's benefit liabilities
- Strategies for closing the FY 2019 budget gap

Following these work sessions, changes to the FY 2019 Proposed Operating and CIP Budgets are recommended as detailed in this report. This meeting has been noticed as a public hearing on the FY 2019 Proposed Operating and CIP budgets and is another opportunity to receive public input. Upon closure of the public hearing, Council will provide any additional comments and direction to staff and, should there be no public testimony or Council directed changes to the FY 2019 Proposed Operating and CIP budgets, both documents will be considered for adoption upon the closing of the Public Hearing. Should there be public testimony and/or direction from the Council that requires changes to either the FY 2019 Operating or CIP budgets, the public hearing will be closed, and the FY 2019 Proposed Operating and CIP budgets will be presented for adoption on May 29, 2018.

DISCUSSION

The Proposed FY 2019 Operating Budget and CIP documents provide the foundation for the budget discussions. Through discussions at the various budget work sessions/meetings, recommended adjustments to the proposed budget are incorporated in this report, which contains a summary of the changes to date, and the impacts to the General Fund and other revenue funds.

This FY 2019 Operating Budget recommends the use of \$3.0 million of General Fund Reserves, \$2.5 Million less than was originally proposed. At the May 15th Council meeting, staff proposed expenditure reductions and cost saving measures that reduce the originally proposed \$5.5 million use of General Fund reserves. The City will continue to review existing programs and expenditures, evaluate and search out new revenue opportunities, and develop prudent financial strategies to address the structural budget deficit.

The tables below illustrate a comparison between the Proposed FY 2019 Budget presented on April 17, 2018 and the proposed FY 2019 Budget after the proposed expenditure reductions and cost saving measures from the May 22, 2018 meeting were incorporated.

Table 1 – Citywide Expenditure Budget

in the 1,000's	FY 2018 Adopted	FY 2019 Proposed 4/17/18	FY 2019 Proposed 5/22/18	Change from 4/17/18	\$ Change from FY 2018	% Change from FY 2018
General Fund	151,562	165,219	162,790	(2,428)	11,228	7.4%
All Other Funds	135,938	153,316	152,473	(843)	16,535	12.2%
Total City Budget	287,500	318,535	315,264	(3,271)	27,764	9.7%

The significant changes for General Fund and All Other Funds include the following:

General Fund:

1. Reduce General Fund personnel expenses in the Fire Department due to negotiated labor savings (minus \$822,000)
2. Reduce the General Fund Allocation to Fleet Replacement Internal Service Fund (ISF) (minus \$1.0M)
3. Prepay the PERS ARC (minus \$850,000)
4. Implement a 3-Month hiring deferral of non-sworn vacant positions (minus \$322,000)
5. Increase the General Fund Allocation to Information Technology Capital Replacement (plus \$472,000)
6. Increase various operating budgets (plus \$94,000)

All Other Funds:

1. Delete 1.0 FTE - Economic Development Manager - Special Projects (minus \$213,000)
2. Prepayment of PERS ARC (minus \$630,000)

Table 2 – Citywide Revenue Projections

in the 1,000's	FY 2018 Adopted	FY 2019 Proposed 4/17/18	FY 2019 Proposed 5/22/18	Change from 4/17/18	\$ Change from FY 2018	% Change from FY 2018
General Fund	149,087	159,748	159,748	-	10,661	7.2%
All Other Funds	144,331	153,807	153,807	-	9,476	6.6%
Total City Revenue	293,418	313,555	313,555	-	20,137	6.9%

There is no change to the citywide revenue budget since the proposed FY 2019 Operating Budget was presented to Council on April 17.

Table 3 - Citywide Staffing

	FY 2018 Adopted	FY 2019 Proposed 4/17/18	FY 2019 Proposed 5/22/18	% Change from FY 2018
General Fund	654.50	664.10	664.10	1.5%
All Other Funds	226.30	231.20	230.20	1.7%
Total City Budget	880.80	895.30	894.30	1.5%

The total number of staff is reduced by 1.0 FTE. During the FY 2017 mid-year process, Council approved the addition of a second Economic Development Manager (Special Projects) to oversee the disposition of the Route 238 property disposition. In FY 2018, the City entered into a contractual agreement for professional services to perform the necessary role to manage the 238-property disposition. Council approved this professional services contract separately; therefore, this vacant position has been eliminated, as there is no longer the need for adding a position.

Capital Improvement Program (CIP) FY 2019 – FY 2028

On April 25, 2018, the Council Infrastructure Committee reviewed and discussed the proposed FY 2019 CIP budget. On May 10, 2018, the Planning Commission held a public hearing and found the document in conformance with the General Plan. On May 1, 2018, the Council reviewed and discussed the FY 2019 CIP budget during a work session.

The FY 2019 CIP appropriations total approximately \$81.6 million, and a projected total programming of \$501 million for the period of FY 2019 through FY 2028.

FISCAL IMPACT

Table 4 below summarizes the FY 2019 Citywide Operating & CIP expenditure budgets.

Table 4 – Summary of Citywide Operating & CIP Budgets

City of Hayward Budget	FY 2019
City Funds	
General Fund	162,790,311
Measure C Fund	18,236,152
Special Revenue Funds (excluding Agency Funds)	10,168,534
Debt Service Funds (excluding Agency debt service)	9,458,087
Enterprise Funds	79,017,081
Internal Service Funds	30,894,098
	310,564,262
City of Hayward Budget	FY 2019
Agency Funds	
Hayward Successor Redevelopment Agency Operating Fund	4,499,711
Housing Authority Fund	199,682
	4,699,394
Total City Operating Budget	315,263,656
Total CIP Budget	81,551,064

PUBLIC CONTACT

The Proposed FY 2019 Operating Budget was reviewed in public meetings by City Council over the last couple of months. A public notice was published in The Daily Review on May 11 and May 18, 2018 announcing the date, time, location, and subject matter of this public hearing. A notice advising residents about the Planning Commission's public hearing on the CIP was published in The Daily Review newspaper more than the requisite ten days in advance.

The FY 2019 Proposed Operating Budget is currently available for public review in the City Clerk's Office at City Hall, at the Main Library and the Weekes Library Branch, and on the City's website at: <https://www.hayward-ca.gov/sites/default/files/Proposed%20FY%202019%20-%20Final%20-%20Copy.pdf>

A schedule of the FY 2019 Proposed Operating Budget work sessions is available for public information on the City's website at: <https://www.hayward-ca.gov/services/city-services/review-city-budget-and-finance-reports>

The FY 2019 Capital Improvement Program Budget is currently available for public review in the City Clerk's Office at City Hall and on the City's website at: <https://www.hayward-ca.gov/sites/default/files/pdf/Recommended%20Book%20for%20Council%20052218.pdf>

NEXT STEPS

If Council adopts the FY 2019 Operating Budget and Capital Improvement Program (CIP) Budget this evening, staff will take the appropriate steps to effectuate the adoption.

Prepared by: Nicole Gonzales, Budget Officer

Recommended by: Dustin Claussen, Director of Finance

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION APPROVING THE OPERATING BUDGET OF THE CITY
OF HAYWARD FOR FISCAL YEAR 2019; ADOPTING
APPROPRIATIONS FOR FISCAL YEAR 2019, EXCEPT FOR GENERAL
FUND COMMUNITY AGENCY FUNDING

WHEREAS, the City Manager has submitted to the City Council of the City of Hayward estimates of revenues from all sources and estimates of expenditures required for the proper conduct of the activities of the City of Hayward for fiscal year 2019 contained in those documents entitled "City of Hayward Proposed FY 2019 Operating Budget," with adjustments to the Proposed Budget as discussed at the May 22, 2018 Council Public Hearing and contained herein;

WHEREAS, two Council Work Sessions and a public hearing were held by the City Council of the City of Hayward, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the budget recommended by the City Manager.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward as follows:

1. That the budget presented by the City Manager in the document entitled "City of Hayward Proposed FY 2019 Operating Budget," with adjustments to the proposed budget as outlined in the May 22, 2018 staff report is hereby approved and adopted as the budget of the City of Hayward for FY 2019, with specific exception of General Fund Community Agency funding, which is separately addressed in Resolution No. 18-064. Copies of the budget documents and the staff reports presented by the City Manager are on file in the office of the City Clerk and are hereby referred to, incorporated herein, and made a part of this resolution as though set forth in full.
2. That except as may be otherwise provided, any and all expenditures relating to the objectives described in the budget are hereby approved and authorized and payments therefore may be made by the Director of Finance of the City of Hayward without further action of Council.
3. That for the purposes of determining whether the City Manager is authorized to execute a contract for a commodity or service pursuant to City Charter section 701 subsection 8, the City Manager shall have the authority to expend such funds and enter into and

execute any and all contracts and documents necessary to carry out the priorities and service delivery outcomes of the Council's appropriations as set forth in this budget.

4. The City Manager shall have the authority to bind and prepay all coverage and to negotiate and execute all documents necessary to obtain the insurance, third party administration services, loss fund stabilization and defense of claims budgeted for in the Liability Insurance Fund. In consultation with the City Attorney, the City Manager and/or City Attorney shall be authorized to represent the City on the board of the Exclusive Risk Management Authority of California and take any and all actions necessary or appropriate to advance the City's interests in connection with risk management services and procuring of insurance coverage.
5. The Director of Finance is hereby authorized to transfer the amounts from one fund to another as indicated in Exhibit A at such time as he/she may determine, giving consideration to the intended purposes for which the transfers are made and available balances in each of the funds.
6. The amounts as reflected in Exhibit B are hereby appropriated for expenditure.
7. Any monies received during FY 2019 as a consequence of a grant application approved by the City Council are hereby appropriated for the purposes for which the grant has been approved. Such appropriation includes authorization for the City Manager to expend such monies and for the Director of Finance to make payments therefore in accordance with the terms and conditions and for the purposes of the grant.
8. The Director of Finance is directed to comply with GASB 31 (Unrealized investment gains and losses) and is authorized to make such entries as are required to the City's financial records. In addition, the Director of Finance is authorized to make such changes to the budget as are required by GASB 31.
9. There are hereby appropriated the following amounts to the General Fund Reserve and Designation of Fund Balances, which the Director of Finance shall enter upon the records and reflect in the financial statement of the City:

General Fund - Fund Balance Designations	FY 2019
Unassigned	26,352
Total Designated Fund Balance	\$ 26,352
Proposed Use of Fund Balance	(3,043)
Total Reserves & Designated	\$ 23,309

In addition to the above specified amounts, the balances in each fund that are not otherwise appropriated are hereby appropriated to Contingency Reserves in those funds.

Expenditures from Reserves or Designated Fund Balances shall require the approval of the City Council.

10. The Director of Finance is hereby authorized and directed to distribute the above appropriations, transfers, and reserves to the various accounts of the City in accordance with generally accepted accounting principles and consistent with the purposes and objectives as outlined in the approved budget.
11. Any contract for professional services included in the annual budget that will cost more than \$75,000 shall be executed by the City Manager only upon approval of the contract by the City Council given at a meeting of the City Council.

IN COUNCIL, HAYWARD, CALIFORNIA May 22, 2018

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

FY 2019 Fund Transfers To/From

ATTACHMENT III
EXHIBIT A

General Fund Transfers In

100-00-0000-00000-49100	217	Cost Allocation From Paratransit Measure B Fund	(39,319)
100-00-0000-00000-49100	231	Cost Allocation From Used Oil Fund	(930)
100-00-0000-00000-49100	232	Cost Allocation From Measure D Fund	(37,327)
100-00-0000-00000-49100	245	Cost Allocation From Housing Authority Fund	(3,897)
100-00-0000-00000-49100	246	Cost Allocation From Affordable Housing Fund	(13,474)
100-00-0000-00000-49100	605	Cost Allocation From Water Enterprise Fund	(1,207,770)
100-00-0000-00000-49100	606	Cost Allocation From Water Inter-tie Fund	(21,329)
100-00-0000-00000-49100	610	Cost Allocation From Sewer Enterprise Fund	(823,783)
100-00-0000-00000-49100	615	Cost Allocation From Stormwater Enterprise Fund	(125,049)
100-00-0000-00000-49100	620	Cost Allocation From Airport Enterprise Fund	(185,168)
100-00-0000-00000-49530	815	Transfer From Successor RDA Fund D/S Repayment	(800,000)
100-00-0000-00000-49535	210	Transfer From Gas Tax Fund	(231,000)
100-00-0000-00000-49545	810	Misc. Transfer From CFD #1 for Trustee Costs	(8,000)
100-00-0000-00000-49545	810	Misc. Transfer From CFD #2 for Police Services	(290,000)
100-00-0000-00000-49545	810	Misc. Transfer From CFD #3 for Police & Fire Services	(175,000)
Transfers In Total			(3,962,046)

General Fund Transfers Out

100-00-0000-00000-98100	102	Transfer to Economic Development Fund	350,000
100-00-0000-00000-98100	720	OPEB Contribution	2,200,000
100-00-0000-00000-98110	300	D/S ABAG 2001-02 (ABAG 33)	84,875
100-00-0000-00000-98110	300	D/S City Hall Debt Service	1,973,506
100-00-0000-00000-98110	300	Transfer D/S Fire Station #7	452,854
100-00-0000-00000-98110	300	Miscellaneous Transfer To Debt Service Fund	4,900
100-00-0000-00000-98110	300	D/S 15 Streetlight Conversion #05188	276,262
100-00-0000-00000-98110	605	Fire Station #7 Repayment to Water Fund	137,741
100-00-0000-00000-98115	401	Strategic Initiatives	155,500
100-00-0000-00000-98115	405	Transfer To Capital Projects	968,000
100-00-0000-00000-98115	460	Capital Transfer To Transportation Sys Improvement Fund	350,000
100-00-0000-00000-98115	731	Supplemental To Technology Replacement Fund	1,500,000
100-00-0000-00000-98115	726	Facilities Capital Improvements	280,000
100-00-0000-00000-98200	710	Liability Insurance Allocation	2,950,290
Transfers Out Total			11,683,928

Measure C Fund

101-00-0000-00000-98110	301	D/S New Library & Education Center	5,426,563
101-00-0000-00000-98110	301	D/S New Library & Education Center Admin Fees	3,500
101-00-0000-00000-98115	406	CIP Transfer	9,187,000
101-00-0000-00000-98200	710	Transfer Out to Liability Insurance	70,163
Measure C Fund			14,687,226

Economic Development Fund

102-00-0000-00000-98200	710	Transfer Out to Liability Insurance	3,508
102-00-0000-00000-49530	100	Transfer In From General Fund	(350,000)
Economic Development Fund			(346,492)

Paratransit Fund

217-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	39,319
217-00-0000-00000-98200	710	Transfer Out To Liability Insurance	10,525
Paratransit Fund			49,844

Used Oil Fund

231-00-0000-00000-98100	100	Transfer Out Cost Allocation to General Fund	930
Used Oil Fund			930

Measure D Fund

232-00-0000-00000-97100	100	Transfer Out Cost Allocation to General Fund	37,327
232-00-0000-00000-98200	710	Transfer Out Liability Insurance	9,647
Measure D Fund			46,974

Housing Authority Fund

245-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	3,897
Housing Authority Fund			3,897

Affordable Housing Fund

246-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	13,474
246-00-0000-00000-98200	710	Transfer Out To Liability Insurance	10,525
Affordable Housing Fund			23,999

Certificates of Participation Fund

300-00-0000-00000-49555	100	Transfer In D/S ABAG 2001-02 (ABAG 33)	(84,875)
300-00-0000-00000-49555	100	Transfer In D/S City Hall Debt Service	(1,973,506)
300-00-0000-00000-49555	100	Transfer In D/S Fire Station #7	(452,854)
300-00-0000-00000-49555	100	Transfer In D/S 15 Streetlight Conversion #05188	(276,262)
300-00-0000-00000-49555	100	Transfer In Misc. Transfer From General Fund	(4,900)
Certificates of Participation Fund			(2,792,397)

Measure C Debt Service Fund

301-00-0000-00000-49555	101	D/S New Library & Education Center	(5,426,563)
301-00-0000-00000-49555	101	D/S New Library & Education Center Admin Fees	(3,500)
Measure C Debt Service Fund			(5,430,063)

Water Maintenance & Operations Fund

605-00-0000-00000-49555	100	Transfer In From General Fund Fire Station #7 Repayment	(137,741)
605-00-0000-00000-49555	604	Transfer In D/S 13 Water System	(701,992)
605-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	1,207,770
605-00-0000-00000-98200	710	Transfer Out To Liability Insurance	305,215
605-00-0000-00000-98110	705	Transfer Out to Risk Management for Safety Gap Curing	100,000
605-00-0000-00000-98115	604	Transfer Out Capital Reserves To Water	265,000
605-00-0000-00000-98115	737	Transfer Out Vehicle Capital Replacement	180,000
605-00-0000-00000-98115	603	Transfer Out Capital Reserves To Water	3,000,000
Water Maintenance & Operations Fund			4,218,252

Water Inter-Tie Fund

606-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	21,329
Water Inter-Tie Fund			21,329

Sewer Maintenance & Operations Fund

610-00-0000-00000-49555	612	Transfer In D/S CEC Loan	(217,810)
610-00-0000-00000-49555	612	Transfer In D/S CA SWRCB Loan/Sewer	(1,529,504)
610-00-0000-00000-97100	100	Transfer Out Cost Allocation to General Fund	823,783
610-00-0000-00000-98115	611	Transfer Out Capital Reserves to Sewer Replacement	4,000,000
610-00-0000-00000-98200	711	Transfer Out To Liability Insurance	389,406
610-00-0000-00000-98110	705	Transfer Out to Risk Management for Safety Gap Curing	100,000
610-00-0000-00000-98115	737	Transfer Out Vehicle Capital Replacement	215,000
Sewer Maintenance & Operations Fund			3,780,875

Stormwater Maint. & Operations Fund

615-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	125,049
615-00-0000-00000-98115	737	Transfer Out Vehicle Capital Replacement	85,000
615-00-0000-00000-98200	710	Transfer Out To Liability Insurance	47,117
Stormwater Maint. & Operations Fund			257,166

Airport Operations Fund

620-00-0000-00000-97100	100	Transfer Out Cost Allocation To General Fund	185,168
620-00-0000-00000-98200	710	Transfer Out To Liability Insurance	69,259
620-00-0000-00000-98115	737	Transfer Out Vehicle Capital Replacement	71,000
620-00-0000-00000-98115	621	Transfer Out Cap Reserves To Airport Capital	950,000
Airport Operations Fund			1,275,427

Workers' Compensation Fund

705-00-0000-00000-98200	710	Transfer Out To Liability Insurance	12,103
Workers' Compensation Fund			12,103

Risk Management Fund

710-00-0000-00000-49100	100	Transfer In Liability Insurance-General Fund	(2,950,290)
710-00-0000-00000-49100	101	Transfer In Liability Insurance-Measure C Fund	(70,163)
710-00-0000-00000-49100	102	Transfer In Liability Insurance-Econ Dev	(3,508)
710-00-0000-00000-49100	217	Transfer In Liability Insurance-Meas B2 PRTRNST	(10,525)
710-00-0000-00000-49100	232	Transfer In Liability Insurance-Recycling	(9,647)
710-00-0000-00000-49100	246	Transfer In Liability Insurance-Housing Mortg	(10,525)
710-00-0000-00000-49100	605	Transfer In Liability Insurance-Water M & O	(305,215)
710-00-0000-00000-49100	610	Transfer In Liability Insurance-WWTP M & O	(389,406)
710-00-0000-00000-49100	615	Transfer In Liability Insurance-Stormwater	(47,117)
710-00-0000-00000-49100	620	Transfer In Liability Insurance-Airport	(69,259)
710-00-0000-00000-49100	705	Transfer In Liability Insurance-Workers Comp	(12,103)
710-00-0000-00000-49100	725	Transfer In Liability Insurance-Facilities FD	(37,676)
710-00-0000-00000-49100	730	Transfer In Liability Insurance-Tech Services FD	(87,165)
710-00-0000-00000-49100	735	Transfer In Liability Insurance-Equip Mgmt.	(60,248)
710-00-0000-00000-49100	815	Transfer In Liability Insurance-Successor RDA Fund	(43,119)
Risk Management Fund			(4,105,966)

Retiree Medical Fund

720-00-0000-00000-49530	100	OPEB Transfer Out of General Fund	(2,000,000)
Retiree Medical Fund			(2,000,000)

Facilities Management Fund

725-00-0000-00000-98200	710	Transfer Out To Liability Insurance	37,676
Facilities Management Fund			37,676

Information Technology Fund

730-00-0000-00000-98115	731	Transfer Out To IT Replacement Fund	630,000
730-00-0000-00000-98200	710	Transfer Out To Liability Insurance	87,165
Information Technology Fund			717,165

Fleet Management Fund

735-00-0000-00000-98200	710	Transfer Out To Liability Insurance	60,248
Fleet Management Fund			60,248

FY 2019 Fund Transfers To/From

ATTACHMENT III
EXHIBIT A

Comm. Facility District Fund

810-00-0000-00000-98100	100	Transfer Out To General Fund for Trust Expenses CFD #1	8,000
810-00-0000-00000-98100	100	Transfer Out To General Fund for Police Services CFD #2	290,000
810-00-0000-00000-98100	100	Transfer Out To General Fund for Police&Fire Svcs CFD #3	175,000
<i>Comm. Facility District Fund</i>			473,000

Successor Agency-RDA of COH

815-00-0000-00000-98100	100	Transfer Out To General Fund D/S Loan Repayment	800,000
815-00-0000-00000-98200	710	Transfer Out To Liability Insurance	43,119
<i>Successor Agency-RDA of COH</i>			843,119

FY 2019 Fund Expenditure Appropriations - Operating Budget

ATTACHMENT III
EXHIBIT B

General Fund

100		162,790,311
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Measure C Fund

101		18,236,152
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Special Revenue Funds

102	Economic Development Fund	353,508
214	Paratransit Fund - Measure BB	310,000
217	Paratransit Fund - Measure B	1,369,401
220	Home Loan Fund	385,321
223	CDBG-Housing Rehab Loan Fund	152,442
225	Community Development Block Grant Fund	1,749,110
227	CDBG - Small Business Loan Fund	78,510
230	Recycling Fund	35,946
231	Used Oil Fund	40,930
232	Recycling/Measure D Fund	569,081
240	Local Grants	25,000
245	Housing Authority	199,682
246	Affordable Housing Fund	496,304
255	Park Dedication - Zone A	1,261,916
256	Park Dedication - Zone B	71,300
257	Park Dedication - Zone C	657,300
258	Park Dedication - Zone D	447,650
259	Park Dedication - Zone E	200,650
266	LLD Zone 1	8,938
267	LLD Zone 2	10,579
268	LLD Zone 3	160,886
269	LLD Zone 4	20,689
270	MD 1	40,900
271	MD 2	102,579
272	LLD Zone 5	7,226
273	LLD Zone 6	13,820
274	LLD Zone 7	266,340
275	LLD Zone 8	6,011
276	LLD Zone 9	2,368
277	LLD Zone 10	178,728
278	LLD Zone 12	35,463
279	LLD Zone 11	146,339
280	Downtown Bus Improvement	96,000
281	LLD Zone 13	208,882
282	LLD Zone 14	2,500
284	LLD Zone 15	23,650
285	Inclusionary Housing	46,047
295	So. Hayward B.A.R.T. JPA	586,220
<i>Special Revenue Fund Total</i>		10,368,216

Enterprise Funds

605	Water	49,710,649
606	Regional Intertie	131,329
610	Wastewater	22,530,446
615	Stormwater	3,042,162
620	Airport	3,602,495
<i>Enterprise Fund Total</i>		79,017,081

Debt Service/Non-Departmental Funds

300	Certificate of Participation	2,792,397
301	Measure C Debt Service	5,430,363
805/810	Special Assessment District	1,235,327
<i>Debt Service Fund Total</i>		9,458,087

Internal Service Funds

705	Worker's Compensation	7,047,620
710	Risk Management	4,805,278
720	Employee Benefits	3,409,784
725	Facilities	4,016,559
730	Information Technology	7,379,622
735	Fleet	4,235,235
<i>Internal Service Fund Total</i>		30,894,098

Hayward Redevelopment Successor Agency (HRSA)

815		4,499,711
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Total Appropriation Authority**315,263,656**

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION APPROVING AND APPROPRIATING THE
COMMUNITY AGENCY FUNDING RECOMMENDATIONS
FOR FISCAL YEAR 2019

BE IT RESOLVED that the City Council of the City of Hayward hereby approves and appropriates the Community Agency Funding recommendations for Fiscal Year 2019, as approved by City Council on April 17, 2018 and shown in Exhibit A, in a total amount not to exceed \$1,465,933 which is incorporated by reference herein.

BE IT FURTHER RESOLVED that except as may be otherwise provided, any and all expenditures relating to the objectives described in the Community Agency budget are hereby approved and authorized and payments therefore may be made by the Director of Finance of the City of Hayward without further action of Council.

IN COUNCIL, HAYWARD, CALIFORNIA May 22, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ATTACHMENT V Exhibit A								
Community Services Commission: FY 2019 Community Agency Funding Recommendations								
Source	Category	Agency Name	Project	FY 2016 Award	FY 2017 Award	FY 2018 Award	FY 2019 Request	FY 2019 Recommended
JOBS, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT CATEGORY								
CDBG	Economic Development	4Cs of Alameda County	Training in-home childcare providers	\$27,000	\$27,625	\$30,000	\$30,000	\$30,000
CDBG	Economic Development	Downtown Streets Team	Jobs placement for homelessness individuals	NA	\$90,000	\$90,000	\$149,999	\$149,999
CDBG	Economic Development	Elevating Soulciety	Job placement	NA	NA	\$40,000	\$50,000	\$45,000
CDBG	Infrastructure	East Bay Community Recovery Project	HVAC Replacement	NA	NA	NA	\$37,000	\$0
CDBG	Infrastructure	Hayward Area Recreation	Mia's Dream Playground soil grading	NA	NA	NA	\$96,000	\$96,000
CDBG	Infrastructure	Magnolia Recovery	Bathroom Renovation	NA	NA	NA	\$25,000	\$25,000
			SUBTOTAL:					\$345,999
SERVICES CATEGORY								
GF	Food Security	Alameda County Community Food Bank	Food scholarships for pantries and shelters	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000
GF	Food Security	Spectrum Services	Meal program for seniors	\$21,000	\$21,000	\$22,000	\$30,000	\$15,000
GF	Health	Tri-City Health	HIV early intervention	NA	NA	\$10,000	\$20,000	\$10,000
GF	Housing	Centro Legal de la Raza †	Anti-Displacement Affirmative Litigation program	\$26,000	\$26,000	\$38,000	\$135,000	\$54,000
GF	Housing	Abode Services	AC Impact Program - permanent supportive housing	\$39,000	\$30,000	\$38,000	\$51,822	\$40,000
GF	Housing	Eden I&R	211 System	\$50,000	\$40,000	\$38,000	\$50,000	\$50,000
GF	Housing	FESCO Family Shelter	Shelter services	\$40,000	\$40,000	\$38,000	\$50,000	\$30,000
GF	Housing	Family Violence Law Center	Violence and homelessness prevention	\$60,000	\$40,000	\$40,000	\$50,000	\$30,000
GF	Housing	Ruby's Place	Shelter and children's programs	\$60,000	\$40,000	\$38,000	\$40,000	\$30,000
GF	Housing	South Hayward Parish ‡	Case manager	NA	\$15,000	\$15,000	\$38,000	\$38,000
GF	Legal Services	International Institute of the Bay Are	Legal services for immigrants	\$10,000	\$10,000	\$10,000	\$20,000	\$15,000
GF	Legal Services	Legal Assistance for Seniors	Legal services for seniors	\$20,000	\$20,000	\$20,000	\$22,000	\$17,000
GF	Youth and Family	CALICO	Interviewing and case management	\$25,000	\$20,000	\$20,000	\$35,000	\$18,000
GF	Youth and Family	East Bay Agency For Children (EBAC)	Hayward HUB services coordination	NA	NA	NA	\$0	\$0
GF	Youth and Family	Eden Youth and Family Center	EYFC/HPD Gang prevention project	NA	NA	NA	\$50,000	\$20,000
GF	Youth and Family	Horizon Services	School based LGBTQ programming	\$48,000	\$30,000	\$30,000	\$65,000	\$15,000
GF	Youth and Family	SAVE/COPS	Domestic violence counseling	\$24,000	\$15,000	NA	\$10,000	\$10,000
GF	Youth and Family	St. Rose Hospital Foundation	Healthcare internships	\$17,500	\$17,500	\$18,000	\$29,000	\$18,000
			SUBTOTAL:					\$450,000
ARTS & MUSIC CATEGORY								
GF	Arts & Music	Hayward Area Historical Society	Fiscal Administrator	\$8,199	\$8,199	\$8,199	\$9,614	\$7,450
GF	Arts & Music	Hayward Arts Council	Galleries and Education Program	\$16,321	\$16,321	\$16,321	\$27,000	\$16,500
GF	Arts & Music	Hayward Arts Council	Band & Orchestra Festival	\$7,326	\$7,326	\$7,326	\$7,550	\$7,550
GF	Arts & Music	Hayward Municipal Band	Summer Performances at parks	\$13,500	\$13,500	\$13,500	\$15,688	\$9,600
GF	Arts & Music	Pacific Chamber Symphony	Music is Fun! School program	\$6,208	\$6,208	\$6,208	\$8,800	\$8,800
GF	Arts & Music	Sun Gallery	Art Gallery and Education	\$27,176	\$27,176	\$27,176	\$33,000	\$28,000
GF	Arts & Music	Youth Orchestra of So. Alameda County	Scholarships for advance instruction	\$3,265	\$3,265	\$3,265	\$4,100	\$4,100
			SUBTOTAL:					\$82,000
CITY OF HAYWARD - City-Operated and HUD Required Fair Housing Activities Category								
CDBG	City-Operated Services	Housing Rehabilitation Program	Housing Rehabilitation, ADA upgrades and Brace and Bolt Program	\$344,496	\$344,496	\$349,500	\$350,000	\$350,000
CDBG	City-Operated Services	Family Education Program	Literacy and academic support for low-income Hayward Families	\$147,864	\$147,864	\$161,268	\$185,000	\$180,934
CDBG	HUD-Required Fair Housing	Eden council for Hope and Opportunity (ECHO	Fair-housing audits, tenant/landlord counseling	\$51,000	\$51,000	\$51,000	\$57,000	\$57,000
			SUBTOTAL:					\$587,934
			TOTAL FY 2019 RECOMMENDATIONS:					\$1,465,933

Final CDBG awards are dependent upon FY 2019 Adopted Federal funding allocations.

† Centro Legal de la Raza 2019 application is for a new program - Affirmative Litigation Anti-Displacement Pilot

‡ South Hayward Parish 2019 application is for a new program - Case Manager for Food Pantry Clients

REDEVELOPMENT SUCCESSOR AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RSA 18-

Introduced by Agency Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HAYWARD, ACTING AS THE GOVERNING BOARD OF
THE SUCCESSOR AGENCY FOR THE REDEVELOPMENT
AGENCY OF THE CITY OF HAYWARD, APPROVING THE
BUDGET OF THE REDEVELOPMENT SUCCESSOR
AGENCY OF THE CITY OF HAYWARD AND ADOPTING
APPROPRIATIONS FOR FISCAL YEAR 2019

WHEREAS, the City Manager has submitted to the Successor Agency of the Redevelopment Agency (the "Redevelopment Successor Agency") of the City of Hayward estimates of revenue from all sources and estimates of expenditures required for the proper conduct of the activities of the Redevelopment Successor Agency of the City of Hayward for fiscal year 2019; and

WHEREAS, a public hearing was held by the Redevelopment Successor Agency of the City of Hayward, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the recommended budget.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Successor Agency of the City of Hayward that:

1. The budget presented by the Executive Director is hereby approved and adopted as the budget of the Redevelopment Successor Agency of the City of Hayward for FY 2019.
2. Any and all expenditures relating to the objectives described in the budget are hereby approved and authorized and payments therefore may be made by the Finance Director of the City of Hayward.
3. The Director of Finance is directed to comply with GASB 31 (Unrealized investment gains and losses) and is authorized to make such entries as are required to the Redevelopment Successor Agency's financial records. In addition, the Director of Finance is authorized to make such changes to the budget as are required by GASB 31.

4. The following amounts are hereby estimated resources and appropriated expenditures:

Hayward Redevelopment Successor Agency (HRSA) Fund (815)	FY 2019
<u>Revenue</u>	
Property Tax (Tax Increment)	2,883,636
Successor Agency Administrative Allowance	250,000
School Impact Fee Reimbursement	326,906
Lease Payment - Cinema Place	50,000
<u>Total Revenue</u>	<u>3,510,542</u>
 <u>Operating Expenses</u>	
Salary & Benefits	278,411
Supplies & Services	104,968
Maintenance & Utilities	8,200
Internal Service Fees	29,038
<u>Total Operating Expenses</u>	<u>420,617</u>
 <u>HRSA Debt Service & Transfers Out</u>	
HRSA Debt Service, 2016 TABS	3,235,975
HRSA Debt Service, General Fund Repayment	800,000
Liability Insurance Premium	43,119
<u>Total Debt Service & Transfers Out</u>	<u>4,079,094</u>
<u>Total Expenditures</u>	<u>4,499,711</u>

5. Except as limited in paragraph 6 of this resolution, the Executive Director is authorized without further action from the Board to enter into a contract or agreement for any commodity or service included in the annual budget of the Redevelopment Successor Agency.
6. For the purposes of determining whether the Executive Director has the authority to execute a contract for a commodity or service pursuant to section 4 above, the Executive Director shall have the authority to expend such funds and enter into and execute any and all contracts and documents necessary to carry out the objectives of the Redevelopment Successor Agency's appropriations as set forth in this budget.
7. Any contract for professional services included in the annual budget that will cost more than \$75,000 shall be executed by the Executive Director only upon approval of the contract by the Redevelopment Successor Agency Board given at a meeting of the Redevelopment Successor Agency and upon final approval by the Oversight Board and Department of Finance.

HAYWARD, CALIFORNIA May 22, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:

CHAIR:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ATTEST:

Secretary of the Redevelopment Successor
Agency of the City of Hayward

APPROVED AS TO FORM:

General Counsel of the Redevelopment Successor
Agency of the City of Hayward

HOUSING AUTHORITY OF THE CITY OF HAYWARD

RESOLUTION NO. HA 18-_____

Introduced by Board Member _____

RESOLUTION CONFIRMING THE PROPOSED HAYWARD
HOUSING AUTHORITY BUDGET FOR FISCAL YEAR 2019

WHEREAS, the Executive Director has submitted to the Hayward Housing Authority Board of Directors estimates of revenues from all sources and estimates of expenditures required for the proper conduct of the activities of the Hayward Housing Authority for fiscal year 2019 contained in those documents entitled "Proposed FY 2019 Operating Budget;" and

WHEREAS, a public hearing was held by the Housing Authority Board of Directors, on May 22, 2018, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the budget recommended by the Executive Director; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Hayward Housing Authority as follows:

1. That the budget for FY 2019 presented by the Executive Director in the document entitled Proposed FY 2019 Operating Budget is hereby accepted and confirmed as the budget of the Hayward Housing Authority for FY 2019. Copies of the budget documents and the staff reports presented by the Executive Director are on file in the office of the City Clerk and are hereby referred to, incorporated herein, and made a part of this resolution as though set forth in full.
2. The Director of Finance is directed to comply with GASB 31 (Unrealized investment gains and losses) and is authorized to make such entries as are required to the Housing Authority's financial records. In addition, the Director of Finance is authorized to make such changes to the budget as are required by GASB 31.
3. Except as limited in paragraph 5 of this resolution, the Executive Director is authorized without further action from the Board to enter into a contract or agreement for any commodity or service included in the annual budget of the Housing Authority.
4. For the purposes of determining whether the Executive Director has the authority to execute a contract for a commodity or service pursuant to section 3 above, the Executive Director shall have the authority to expend such funds and enter into and execute any and all contracts and documents necessary to carry out the objectives of the Housing Authority's appropriations as set forth in this budget.

5. Any contract for professional services included in the annual budget that will cost more than \$75,000 shall be executed by the Executive Director only upon approval of the contract by the Housing Authority Board given at a meeting of the Housing Authority.

HAYWARD, CALIFORNIA, May 22, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:
 CHAIR:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ATTEST: _____
Secretary of the Housing Authority
of the City of Hayward

APPROVED AS TO FORM:

General Counsel of the Housing Authority
of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION APPROVING CAPITAL IMPROVEMENT PROJECTS
FOR FISCAL YEAR 2019

WHEREAS, the City Manager has submitted to the City Council of the City of Hayward estimates of revenues from all sources and estimates of expenditures required for the proper conduct of the activities of the City of Hayward for Fiscal Year 2019 contained in the document entitled "Recommended Capital Improvement Program FY 2019-28"; and

WHEREAS, a public hearing was held by the City Council of the City of Hayward, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the Capital Improvement Program budget recommended by the City Manager; and

WHEREAS, by Resolution No. 18-xxx, dated May 22, 2018, the City Council adopted the budget and appropriated funds for operating expenses for Fiscal Year 2019.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward as follows:

1. That the Capital Improvement Projects for Fiscal Year 2019, as embodied in Recommended Capital Improvement Program FY 2019-28, are hereby adopted as the Capital Improvement Program for Fiscal Year 2019. Copies of the budget documents and the staff reports presented by the City Manager are on file in the office of the City Clerk and are hereby referred to, incorporated herein, and made a part of this resolution as though set forth in full.
2. That, except as may be otherwise provided, any and all expenditures relating to the objectives described in the Capital Improvement Program budget are hereby approved and authorized and payments therefore may be made by the Director of Finance without further action of Council.
3. That, for the purposes of determining whether the City Manager is authorized to execute a contract for a commodity or service pursuant to City Charter section 701 subsection 8, the City Manager shall have the authority to expend such funds and enter into and execute any and all contracts and documents necessary to carry out the objectives of the Council's appropriations as set forth in this Capital Improvement Program budget.

4. The following are hereby approved for expenditure:

I. CAPITAL PROJECTS EXPENDITURE APPROPRIATIONS

Capital Projects Expenditure Appropriations

Fund	Amount
Gas Tax Fund (210)	2,323,000
SB1 (211)	2,674,000
Measure BB Tax Fund (Local Transportation) (212)	2,135,000
Measure BB Tax Fund (Local Transportation) (213)	345,000
Measure B Tax Fund (Local Transportation) (215)	2,440,000
Measure B Tax Fund (Pedestrian & Bicycle) (216)	470,000
Vehicle Registration Fee Fund (218)	750,000
Strategic Initiative (401)	155,500
Capital Projects (Governmental) Fund (405)	1,496,000
Measure C Fund (406)	20,487,000
Route 238 Corridor Improvement Fund (410)	60,000
Route 238 Corridor Improvement Fund (412)	100,000
Street System Improvements Fund (450)	1,640,000
Transportation System Improvement Fund (460)	355,000
Water Replacement Fund (603)	4,057,000
Water Improvement Fund (604)	6,005,000
Sewer Replacement Fund (611)	7,869,000
Sewer Improvement Fund (612)	16,766,000
Airport Capital Fund (621)	4,059,878
Facilities Capital Fund (726)	570,000
Information Technology Capital Fund (731)	3,134,686
Fleet Management Capital Fund (736)	3,049,000
Fleet Management Enterprise (737)	610,000
TOTAL: ALL CAPITAL FUNDS	81,551,064

5. The Director of Finance is hereby authorized to transfer the following amounts from one fund to another as indicated below at such time as she may determine, giving consideration to the intended purposes for which the transfers are made and available balances in each of the funds.

II. FUND TRANSFERS

Fund Transfers

FROM FUND	TO FUND	AMOUNT
General (100)	Capital Projects (Governmental) (405)	968,000
General (100)	Transportation System Improvement (460)	350,000
General (100)	Information Technology Capital (731)	1,500,000
General (100)	Strategic Initiatives (401)	155,500
General (100)	Facilities Capital (726)	280,000
Measure C (101)	Measure C Capital (406)	9,187,000
Gas Tax (210)	General (100)	231,000
Gas Tax (210)	Street System Improvements (450)	1,235,000
Federal Grants (220)	Information Technology Capital (731)	96,000
UUT Prior Period Reserves (400)	Fleet Management Capital (736)	400,000
Water Improvement (604)	Sewer Improvement (612)	117,000
Water Improvement (604)	Water Operations (605)	701,992
Water Improvement (604)	Water Replacement (603)	500,000
Water Improvement (604)	Water Replacement (603)	265,000
Water Operations (605)	Water Replacement (603)	3,000,000
Water Operations (605)	Fleet Management Capital (737)	180,000
Sewer Operations (610)	Sewer Replacement (611)	4,000,000
Sewer Operations (610)	Fleet Management Capital (737)	215,000
Sewer Replacement (611)	Sewer Improvement (612)	270,000
Sewer Improvement (612)	Sewer Operations (610)	1,529,504
Sewer Improvement (612)	Sewer Operations (610)	217,810
Stormwater Operating (615)	Fleet Management Capital (737)	85,000
Airport Operations (620)	Airport Capital (621)	950,000
Airport Operations (620)	Fleet Management Capital (737)	71,000
Information Technology Operations (730)	Information Technology Capital (731)	630,000

In order to provide for completion of work on projects previously authorized but not completed as of June 30, 2018, in addition to the above appropriations for capital expenditures, appropriation balances remaining as of June 30, 2018, for capital projects previously authorized but uncompleted, are hereby appropriated for expenditure in fiscal year 2019.

6. Any monies received during fiscal year 2019 as a consequence of a grant application approved by the City Council are hereby appropriated for the purposes for which the grant has been approved. Such appropriation includes authorization for the City Manager to expend such monies and for the Finance Director to make payments therefore in accordance with the terms and conditions and for the purposes of the grant.
7. The Director of Finance is hereby authorized and directed to distribute the above appropriations to the various accounts of the City in accordance with generally

accepted accounting practices and consistent with the purposes and objectives as outlined in the approved budget.

8. The budget for capital projects for fiscal year 2019, as contained in the document entitled "Recommended Capital Improvement Program FY 2019-28," is hereby approved.
9. Any contract for professional services included in the annual budget that will cost more than \$75,000 shall be executed by the City Manager only upon approval of the contract by the City Council given at a meeting of the City Council.

IN COUNCIL, HAYWARD, CALIFORNIA May 22, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

SUMMARY FORECAST	Revised budget FY 2014	Actual FY 2014	Revised budget FY 2015	Actual FY 2015	Revised budget FY 2016	Actual FY 2016	Revised budget FY 2017	Actual FY 2017	Adopted budget FY 2018	Projected Actual FY 2018	ADOPTED FY 2019	Projected FY 2020	Projected FY 2021	Projected FY 2022	Projected FY 2023	Projected FY 2024	Projected FY 2025	Projected FY 2026	Projected FY 2027
(\$ in Thousands)																			
Property Tax	\$40,710	\$38,971	\$40,830	\$42,128	\$43,573	\$44,159	\$47,734	\$47,198	\$48,912	\$48,912	53,267	55,390	55,570	58,479	61,538	\$64,705	\$67,288	\$69,401	\$72,134
Sales Tax	30,500	31,019	31,719	31,058	33,275	33,059	33,401	34,839	32,609	33,540	34,817	34,112	35,555	37,024	38,529	39,524	40,547	41,600	40,649
UUT	15,000	15,762	15,750	15,681	22,494	22,041	19,620	20,754	17,663	18,663	19,000	20,143	20,621	21,111	21,612	22,044	22,485	22,935	23,107
Real Property Transfer Tax	5,000	4,879	5,269	5,710	7,000	7,849	7,154	8,350	7,154	7,154	7,369	7,221	7,546	7,886	8,241	8,488	8,742	9,005	8,825
Transient Occupancy Tax	1,700	1,918	1,957	2,033	1,996	2,591	2,036	2,560	2,077	2,036	2,077	2,014	2,085	2,158	2,233	2,278	2,324	2,370	2,299
Cannabis Revenue	-	-	-	-	-	-	-	-	-	-	750	1,000	1,250	1,302	1,356	1,391	1,427	1,465	1,430
Other Tax/Franchises	14,627	14,062	13,592	14,618	14,211	14,915	14,618	14,470	14,203	15,146	15,699	15,780	16,164	16,558	16,962	17,302	17,648	18,001	18,095
Permits & Fees	8,696	10,466	9,381	9,939	10,105	12,218	11,787	15,435	12,689	12,929	13,192	13,147	13,521	13,907	14,304	14,609	14,920	15,239	15,194
Other Revenue	13,601	13,641	13,322	14,211	15,702	17,429	15,091	14,383	13,779	13,648	13,577	13,990	14,213	14,389	14,679	15,014	15,359	15,716	16,084
Transfer In-Measure C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Revenues	129,834	130,718	131,820	135,378	148,356	154,262	151,441	157,989	149,087	152,028	159,748	162,798	166,525	172,813	179,454	185,355	190,740	195,730	197,815
Salaries/Wages	63,760	63,649	66,343	63,732	67,035	67,497	69,169	71,003	74,243	74,257	77,845	81,259	83,183	85,125	87,098	89,106	91,152	93,239	95,369
Overtime	5,615	7,831	7,279	6,973	7,299	7,778	5,716	8,161	5,566	7,021	3,320	3,400	3,477	3,555	3,636	3,718	3,801	3,887	3,975
Retirement	16,014	14,736	18,265	18,008	21,222	20,689	23,687	23,021	23,600	23,600	28,147	31,142	34,996	38,079	40,641	42,372	43,880	44,872	45,888
Health/Other Benefits	13,018	11,468	13,296	12,241	14,017	13,142	14,418	12,585	14,585	14,581	14,534	15,328	16,185	17,092	18,052	19,068	20,142	21,280	22,484
Retiree Medical	2,345	4,327	2,242	4,308	2,810	3,916	2,846	2,847	3,794	3,794	5,020	5,879	7,838	9,798	10,197	10,615	10,976	11,336	11,759
Workers Comp	4,975	5,585	5,013	5,324	5,224	5,732	6,340	6,284	5,899	5,903	6,599	6,888	7,051	7,216	7,383	7,553	7,727	7,904	8,084
Interdept Charges	(5,315)	(5,120)	(5,179)	(3,731)	(5,019)	(4,451)	(4,513)	(4,069)	(4,602)	(4,602)	(4,507)	(4,616)	(4,720)	(4,827)	(4,936)	(5,047)	(5,161)	(5,277)	(5,396)
Vacancy Savings	-	-	-	-	-	-	-	-	(1,931)	(4,396)	(3,439)	(2,021)	(2,081)	(2,137)	(2,193)	(2,254)	(2,316)	(2,380)	(2,447)
Subtotal Personnel	100,412	102,476	107,259	106,855	112,587	114,303	117,663	119,831	121,155	120,158	127,518	137,260	145,929	153,903	159,878	165,130	170,201	174,861	179,716
Supplies & Services	9,007	8,502	12,273	10,767	11,574	9,807	12,618	10,294	9,268	10,574	10,084	10,285	10,491	10,701	10,915	11,133	11,356	11,583	11,815
Internal Service Fees	9,409	9,677	11,515	11,553	13,336	13,336	14,413	14,413	11,863	11,863	15,504	15,814	16,131	16,453	16,782	17,118	17,460	17,809	18,166
Debt Service	2,809	2,809	3,302	3,302	3,445	3,445	3,568	3,640	3,283	3,283	2,930	3,417	3,417	3,417	3,417	3,417	3,417	3,418	3,419
Capital Outlay/Projects/Other	5,353	5,489	2,294	1,925	4,191	5,864	2,029	1,769	2,736	2,861	3,254	1,285	1,260	2,385	1,853	1,990	1,674	1,755	1,601
Economic Development	-	-	-	350	-	-	350	556	350	350	550	350	350	350	350	350	350	350	350
Insurance	2,621	2,621	2,385	2,385	2,385	2,338	4,389	4,389	2,907	2,907	2,950	3,024	3,085	3,147	3,209	3,274	3,339	3,406	3,474
Additions/(Reductions)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UUT transfer out	-	-	-	-	-	6,023	-	4,248	-	-	-	-	-	-	-	-	-	-	-
Subtotal O&M	29,199	29,098	31,769	30,281	34,931	40,813	37,367	39,308	30,408	31,838	35,272	34,176	34,733	36,453	36,527	37,282	37,596	38,321	38,824
Total Expense	129,611	131,574	139,027	137,136	147,519	155,116	155,030	159,139	151,562	151,996	162,790	171,436	180,662	190,355	196,405	202,412	207,798	213,183	218,540
Chng in Reserve-Surplus/(Shorfall)	223	(856)	(7,207)	(1,758)	837	(854)	(3,589)	(1,150)	(2,475)	33	(3,042)	(8,639)	(14,137)	(17,542)	(16,951)	(17,057)	(17,057)	(17,452)	(20,725)
UUT Set-asides	-	-	-	-	-	(6,023)	-	(4,248)	-	-	-	-	-	-	-	-	-	-	-
Beginning Balance	-	27,292	-	33,420	-	31,684	-	30,830	29,679	29,679	29,713	26,671	18,032	3,895	(13,647)	(30,598)	(47,655)	(64,712)	(82,164)
Ending Balance	-	26,435	-	31,662	-	30,830	-	29,679	27,204	29,713	26,713	18,032	3,895	(13,647)	(30,598)	(47,655)	(64,712)	(82,164)	(102,890)
Balance as % of Total Expense	-	20.1%	-	23.1%	-	19.9%	-	18.6%	17.9%	19.5%	16.4%	10.5%	2.2%	-7.2%	-15.6%	-23.5%	-31.1%	-38.5%	-47.1%
Balance at 20% of Expenses	-	26,315	-	27,427	-	31,023	-	31,828	30,312	30,399	32,558	34,287	36,132	38,071	39,281	40,482	41,560	42,637	43,708
Amount Above or (Below) 20%	-	120	-	4,235	-	(194)	-	(2,148)	(3,108)	(686)	(5,887)	(16,255)	(32,238)	(51,718)	(69,879)	(88,137)	(106,272)	(124,801)	(146,598)



CITY OF HAYWARD

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

File #: LB 18-023

DATE: May 22, 2018

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT

East Bay Community Energy - Resolution to Select Brilliant 100 as the Default Product for all Residential Customers in Hayward

RECOMMENDATION

That Council reviews and comments on this report and considers adoption of the attached draft resolution.

SUMMARY

East Bay Community Energy (EBCE) will begin serving non-residential customers in June 2018 and residential customers in November 2018. Starting in June, EBCE will offer two products to non-residential customers. The products will be Bright Choice, which will be a minimum of 85% carbon free electricity and Brilliant 100, which will be 100% carbon free, but not necessarily 100% renewable. On April 18, 2018, the EBCE Board decided to offer a third product, 100% renewable energy, which will be available starting in November 2018. EBCE made Bright Choice the default product for all customers, but on March 6, 2018 Council voted to select Brilliant 100 as the default product for Hayward's non-residential customers. Council now has the opportunity to select the default product for Hayward's residential customers.

Council Sustainability Committee - On May 14, 2018, the Council Sustainability Committee recommended that Council adopt a resolution selecting Brilliant 100 as the default product for most residential customers. While no customer will be paying any more than they currently pay to PG&E, the Committee recommended that certain income-qualified customers who currently receive rate discounts from PG&E be enrolled in Bright Choice so that they can benefit from slightly lower rates than they currently pay to PG&E.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Draft Resolution

File #: LB 18-023

Attachment III	Letter Dated May 11, 2018 from East Bay Clean Power Alliance
Attachment IV	City Letter to Phase 1 Customers
Attachment V	Email Dated May 15, 2018 from Amanda Groziak



DATE: May 22, 2018

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT East Bay Community Energy – Resolution to Select Brilliant 100 as the Default Product for all Residential Customers in Hayward

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BACKGROUND

In December 2016, Hayward joined ten other cities in Alameda County and the County of Alameda to establish a joint powers authority to form EBCE. The cities of Newark and Pleasanton did not join, and the City of Alameda is served by its own electric utility. The EBCE

Board of Directors meets regularly and their meeting packets are available at <http://ebce.org/archive/>.

On March 6, 2018, Council voted to designate Brilliant 100 as the default product for non-residential customers in Hayward. Council also chose to select Brilliant 100 for all municipal facilities. All previous Council and Sustainability Committee reports regarding EBCE are available at <http://www.hayward-ca.gov/cce>.

On March 21, 2018, the EBCE Board approved Hayward and Albany's requests to enroll all non-residential customers into Brilliant 100 and to make necessary changes to marketing materials and program terms and conditions. Most Board members did not like the idea of having certain cities choose their own default product, but they did want to respect and support the decisions made by the Hayward and Albany city councils. Several members of the audience spoke at the Board meeting, urging the Board to not allow cities to choose their own default product. Comments made at the March 21st meeting included:

- EBCE has been marketed as a program that will be cheaper than PG&E.
- Brilliant 100 as the default will cause complexity for the EBCE call center and will be confusing for customers.
- Brilliant 100 as the default will be a violation of public trust and will be discriminatory.
- Having customers enrolled in Brilliant 100 will create less demand for the 100 percent renewable option (when it is offered) because they may be confused by already having a 100% product.
- The San Francisco Business Times noted that customers should opt out if they want to avoid the higher cost. There are already arguments that CCAs are elite programs.
- Customers will see this as a bait and switch.
- All cities need to move together toward 100% renewable energy.
- Brilliant 100 as the default will cause more opt outs.

While some of these comments are unfounded and unfair, staff wanted the Council to be informed of the broad range of comments.

DISCUSSION

EBCE will begin serving residential customers in November of this year. EBCE has set a deadline of June 6, 2018, for any cities to choose something other than Bright Choice as the default product for their residential customers. Beginning in November, EBCE will offer three products:

	Bright Choice	Brilliant 100	100% Renewable
Sources	38% renewable, 47% large hydro ¹	40% renewable, 60% large hydro	100% renewable

¹ Under California's renewable portfolio standard (RPS) requirements, solar, wind, geothermal and small hydroelectric facilities qualify as eligible renewable energy resources. Power from large hydroelectric facilities does not qualify as an eligible resource due to impacts to fisheries and watershed hydrology.

GHG Emissions	85% GHG free	100% GHG free	100% GHG free
Rate	1.5% less than PG&E ²	Equal to PG&E	3 to 5% more than PG&E

The 100% renewable energy product has not yet been named. On May 16, 2018, the EBCE Board set the rate premium for the 100% renewable energy product at \$0.01 per kilowatt hour above PG&E's rates, which is approximately 3 to 5% more than PG&E rates.

Hayward's currently stated goal is to reduce GHG emissions by 20% below 2005 levels by 2020. As noted in the [March 6 Council report](#) and the [2015 greenhouse gas inventory report](#) presented to the Council Sustainability Committee, Hayward, like almost all other Bay Area cities, is unlikely to meet its 2020 reduction target unless the entire community is enrolled in 100% carbon free energy. According to EBCE's Technical Study that was completed in July 2016, approximately 30% of Hayward's electrical load is residential. Therefore, making Brilliant 100 the default product for residential customers could make a significant difference in community-wide emissions.

In April 2018, EBCE began mailing opt-out notices for Phase 1, which includes all non-residential customers. Phase 2 customers, which are all residential accounts, will receive opt-out notices starting in September. If Brilliant 100 is the default for residential customers, the opt out notices would provide the following options: 1) do nothing to automatically enroll in Brilliant 100 and continue to pay rates equal to PG&E; 2) opt down to Bright Choice; 3) opt up to 100% renewable energy; or 4) opt out to continue receiving electricity from PG&E.

Concerns Raised at the March 21 EBCE Board Meeting – The rate discount relative to PG&E does not appear to be a significant factor in a program's opt out rate. For example, EBCE staff have noted that Peninsula Clean Energy (with a 5% discount compared to PG&E) and Silicon Valley Clean Energy (with a 1% discount) both have similar opt out rates. If Brilliant 100, which will have rates equal to PG&E, is chosen as the default for Hayward's residents, staff does not believe that the rate itself will be the determining factor for any opt outs that may occur.

In addition, staff makes the following points in response to the concerns raised at the March 21st meeting:

- For customers expecting EBCE to provide rates cheaper than PG&E, that alternative will still be available as an opt down option.
- Regarding potential for increased complexity, regardless of the default selected for Hayward, customers will still have the same number of choices.
- Regarding potential confusion between 100% carbon free and 100% renewable, EBCE's marketing materials will clearly distinguish between the two.

² The 1.5% discount only applies to the "generation" line item on the PG&E bill. Depending on a customer's electricity usage, the generation charge may only be approximately half of the total electric charges, so the total savings will be less than 1.5%.

- Regarding the idea that customers should opt out of the program to avoid higher costs, no customers will pay higher rates unless they actively choose the 100% renewable product.
- Regarding the need to transition EBCE's entire portfolio toward 100% renewable energy, Hayward's choice of a different default product will not inhibit that effort. In fact, customers enrolled in the 100% carbon free product may be more likely to see 100% renewable as their sole option for improvement.

There are approximately 48,000 residential accounts in Hayward, including approximately 14,000 California Alternate Rates for Energy (CARE) customers and 500 Family Electric Rate Assistance (FERA) customers. The CARE and FERA programs offer discounts to income-qualified customers. Also, approximately 4% of customers in the EBCE territory are Medical Baseline customers. They pay special rates due to equipment or heating/cooling needs related to medical conditions. All customers in EBCE territory who are currently enrolled in these discount programs will continue to receive the same discounts. If Council adopts the attached resolution and as noted in the resolution, Hayward's residential customers currently enrolled in these discount programs will also continue to receive the same discounts.

Council Sustainability Committee – On May 14, 2018, the Council Sustainability Committee considered the products available for Phase 2 and recommended that Council adopt a resolution selecting Brilliant 100 as the default product for residential customers. Furthermore, the Committee also requested that certain income-qualified customers currently enrolled in CARE, FERA, or medical baseline programs be enrolled in Bright Choice. These customers not only will continue to receive their existing discounts, but by being enrolled in Bright Choice, they will also be paying slightly less than their current payment to PG&E. Public members attending the meeting made the following comments:

- Barbara Stebbins, representing the East Bay Clean Power Alliance, summarized their letter of May 11, 2018 (see Attachment III) and noted that Brilliant 100 would be discriminatory toward lower income households and that the large hydro associated with Brilliant 100 is not a sustainable source of electricity.
- Jillian Buckholz, Sustainability Director at CSU East Bay, asked for confirmation that Pioneer Heights would be automatically enrolled in EBCE in November. Staff responded that it will.

The Committee commented that:

- It will be less confusing to have the same default product for all customers in Hayward.
- We'll need significant outreach to residential customers, including low income customers, leading up to the November launch.
- All customers will have the ability to opt out to return to PG&E, opt down to Bright Choice, or opt up to the 100% renewable product.
- Current opt out rates by jurisdiction should be presented at the May 22 Council meeting.

Other Cities – In addition to Hayward, the EBCE member jurisdictions of Albany and Piedmont are exploring the idea of selecting a product with less GHG emissions than Bright Choice for their residential default product. The City of Piedmont’s recently updated climate action plan calls for selecting 100% renewable energy as the default for the entire community. On May 7th, the Piedmont City Council discussed the possibility of choosing either Brilliant 100 or the 100% renewable product as their default for Phase 2. Piedmont and Albany will consider their residential default product on May 21st. Other member jurisdictions have not made a decision yet.

STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not relate to any of the three Council Strategic Initiatives.

ECONOMIC IMPACT

If Brilliant 100 is chosen as the default for Hayward, customers will see no change in their cost of electricity. If Bright Choice is chosen as the default for residential customers, they would see a very small amount of savings on their electric bills. As noted above, the 1.5% discount for Bright Choice only applies to the generation charge, which is only a portion of the electric charges on a utility bill. According to the California Public Utilities Commission, the average household electricity use is approximately 400 kilowatt hours (kWh) per month. As shown in the table below, Bright Choice would save the average household less than \$1 per month. The cost of Bright Choice would be 15% more GHG emissions.

Electricity Usage (kWh)	Bright Choice	PG&E	Brilliant 100	Monthly Difference
300	\$63.03	\$63.51	\$63.51	\$0.48
400	\$88.99	\$89.66	\$89.66	\$0.67
500	\$116.77	\$117.65	\$117.65	\$0.88

FISCAL IMPACT

There is no fiscal impact on the General Fund associated with this action.

SUSTAINABILITY FEATURES

Community choice energy was identified in the City’s Climate Action Plan as a program with the greatest potential to reduce community-wide GHG emissions. As noted above, if the entire community is enrolled in Brilliant 100, and if opt outs are kept to a minimum,

then Hayward could come close to meeting its 2020 reduction target. If large accounts that currently have direct access to wholesale power switch over to EBCE using Brilliant 100, then Hayward could meet its 2020 reduction target. Actual GHG savings resulting from EBCE remain to be seen. Even if GHG reductions are modest at first, the program is expected to provide cleaner electricity over time and develop local renewable energy projects that benefit the local economy. If Hayward chooses Bright Choice as the default, then GHG emissions would be very similar to staying with PG&E and Hayward would miss its 2020 reduction target.

PUBLIC CONTACT

Staff worked with EBCE staff and sent a letter (Attachment IV) to all non-residential customers in Hayward informing them of the Brilliant 100 default product and encouraging them to remain with Brilliant 100. In addition to the comments made at the Council Sustainability Committee meeting, staff received an email (Attachment V) in support of Council selecting Brilliant 100 as the default for residential customers.

As requested by the Council Sustainability Committee on May 14, 2018, staff will implement a public outreach campaign to ensure that Hayward customers are aware of their choices as well as the benefits of the program.

NEXT STEPS

If Council adopts the attached resolution, staff will inform EBCE in writing. Regardless of Council's decision, staff will work with EBCE to perform outreach to Hayward customers to minimize opt-outs.

Prepared by: Erik Pearson, Environmental Services Manager

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

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO REQUEST THAT EAST BAY COMMUNITY ENERGY (EBCE) SET BRILLIANT 100 AS THE DEFAULT PRODUCT FOR ALL HAYWARD RESIDENTIAL CUSTOMERS SERVED BY EBCE

WHEREAS, on December 6, 2016, the City of Hayward City Council adopted Ordinance 16-21 authorizing Hayward's participation in Alameda County's Community Choice Energy program known as East Bay Community Energy (EBCE); and

WHEREAS, on February 7, 2018, the EBCE Board of Directors decided to offer customers a default product called Bright Choice that will be sourced from 38% renewable and 47% hydro for a total of 85% GHG free or carbon free electricity. Bright Choice will be offered at rates that are less than PG&E rates. The Board decided that the second product, called Brilliant 100, will be 40% renewable and 60% hydro for a total of 100% GHG free electricity and it will be offered at the same price as PG&E rates; and

WHEREAS, the energy mix offered by Pacific Gas and Electric (PG&E) in 2018 is not yet available and it is possible that EBCE's Bright Choice will have a higher GHG intensity than electricity from PG&E; and

WHEREAS, on March 6, 2018, Council voted to designate Brilliant 100 as the default product for all non-residential customers in Hayward and Brilliant 100 for all municipal facilities; and

WHEREAS, on March 21, 2018, the EBCE Board of Directors approved Hayward's request to enroll all non-residential customers into Brilliant 100; and

WHEREAS, on May 14, 2018, the Council Sustainability Committee voted to recommend that Council adopt a resolution selecting Brilliant 100 as the default product for residential customers and that all Hayward income-qualified customers enrolled in the California Alternate Rates for Energy (CARE), Family Electric Rate Assistance (FERA), and Medical Baseline programs will be enrolled in Bright Choice; and

WHEREAS, the City of Hayward General Plan includes policy NR-2.4 (Community Greenhouse Gas Reduction), which states, "The City shall work with the community to reduce community-based GHG emissions by 20% below 2005 baseline levels by 2020 and strive to reduce community emissions by 61.7% and 82.5% by 2040 and 2050, respectively."; and

WHEREAS, the enrollment of Hayward customers in Brilliant 100 electricity will be a significant step toward meeting Hayward's GHG reduction goal for 2020; and

WHEREAS, Hayward customers will have the choice to change their enrollment from Brilliant 100 to Bright Choice and they will also have the ability to opt out of the program completely; and

WHEREAS, all Hayward customers currently enrolled in the California Alternate Rates for Energy (CARE), Family Electric Rate Assistance (FERA), and Medical Baseline programs will continue to receive discounted rates.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves Brilliant 100 as the default product for all residential customers in Hayward.

BE IT FURTHER RESOLVED that all Hayward income-qualified customers enrolled in the California Alternate Rates for Energy (CARE), Family Electric Rate Assistance (FERA), and Medical Baseline programs will be enrolled in Bright Choice.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

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



East Bay Clean Power Alliance
Jessica Tovar
339 15th Street #208 Oakland, CA 94612
jessica@localcleanenergy.org 415-766-7766

Subject: Residential default to Brilliant 100

May 11, 2018

Dear City Councilmembers & EBCE board members,

East Bay Clean Power Alliance supports East Bay Community Energy's (EBCE) stated commitment to developing local clean energy resources as the path to a sustainable energy future, and pleased that your city is a member of this promising program.

However, we do not support enrolling all residential and commercial accounts into EBCE's higher-priced "Brilliant 100" product, which contains only 40% renewable energy, while the lower-priced default product is 38% renewable.

Here are the reasons why **East Bay Clean Power Alliance** thinks it is wrong for cities to decide on a more expensive option for everyone:

- It discriminates against low income customers, who would have to opt down to get the less expensive product.
- It is an abuse of the automatic enrollment mechanism of Community Choice, and leaves East Bay Community Energy vulnerable to reputational attacks.
- It puts the emphasis on carbon-free resources that give a false sense of a solution and have the potential to displace true local renewable energy.
- It takes away the, "choice" from the customer and leaves the EBCE program prone to customer opt-outs. Thereby, losing customers and business revenue.

All these issues put our very own EBCE at risk of losing public support. By contrast EBCE's work through the Local Development Business Plan to invest in local clean energy resources and provide community benefits will build public support.

Please refrain from enrolling all customer accounts into the "Brilliant 100" product and, instead, support the development of local renewable energy, not just carbon-free power.

Thank you,

A handwritten signature in blue ink, appearing to read "Jessica Tovar".

Jessica Tovar, Coordinator of the East Bay Clean Power Alliance

East Bay Clean Power Alliance on Getting to 100% Renewable



East Bay Clean Power Alliance supports an East Bay Community Energy (EBCE) program goal of 100% renewable energy, achieved through conserving energy and developing local renewable energy sources as quickly as possible. This approach stems from the necessity to address the looming climate disaster while providing multiple economic, health, and equity benefits to our communities.

However, some advocates want to accelerate the transition to 100% by enrolling all customers—not just municipal accounts—in a 100% renewables option at program launch, based on the purchase of remote renewable energy.

While the Alliance recognizes the good intentions of this proposal, enrolling all customers in a 100% option by default poses a serious threat to the success of the program, not only because of high opt-outs due to higher electricity rates, but also because it short-circuits the many community benefits that would come from developing renewable energy resources locally, as explained below.

Many benefits of developing local renewable resources

When renewable resources are developed locally, there are many benefits to be gained other than the obvious reduction of greenhouse gases.

Local renewable resource development produces healthier, more sustainable communities, creating jobs and stimulating local economies. Local energy resources result in more secure and self-sufficient energy supplies. All the above benefits can be shared by low income communities and communities of color, historically those most devastated by the fossil fuel economy, and most impacted by economic inequality.

The robust and equitable economic development that can be realized in developing local energy resources can result in huge safety net savings for local governments, as well as increased tax revenues from new business activity. Local governments that invest in local renewable resources will create a stable revenue stream to boost available funds.

The benefits above will contribute to customer satisfaction, reducing the threat of opt-outs from the Community Choice program. A renewable energy portfolio that increasingly consists of local resources is also one that avoids the volatility of the energy market. Investments in local energy projects come with more stable and more manageable costs.

Getting to 100% through local renewable development

EBCE has already committed to developing local renewable resources, and will soon have a Local Development Business Plan to guide that process. Planning is critical to successfully developing and integrating local energy resources and avoiding market-purchase contracts that lock out the development of local resources.

The plan should include aggressive goals for both local generation and demand reduction. It should use a significant share of EBCE's net revenues to accelerate the development of local resources through incentive programs, targeted subsidies, leveraged investments, and in-house expertise.

Based on this plan, EBCE would enroll customers in a competitively priced renewable portfolio option with higher renewable content and lower cost than PG&E. EBCE would then develop local renewable resources to replace fossil fuel energy, getting to 100% renewables as quickly as net revenues make possible.

Clearly, to get to 100% renewable energy by developing local resources in this fashion will take longer than buying 100% renewables on the market. But the result will be more sustainable, economically vibrant and equitable communities, local government with more revenue and less debt and a more stable Community Choice program.

What's wrong with starting at 100% renewables?

EBCEPA opposes enrolling all customers in a 100% renewable option by default. We find it would discriminate against lower income customers, substantially threaten the ability of EBCE to develop local renewable energy resources, and completely short-circuit EBCE's community benefits promises.

It will worsen economic discrimination

The 100% renewable options found in existing Community Choice programs are more expensive than the enrollment options at a lower renewable portfolio. Automatically enrolling all customers in a pricey 100% renewable option (likely more expensive than PG&E rates) increases the economic burden of energy on those who can least afford it. It will aggravate already difficult economic pressures among communities of color and low-income people who already feel the pinch of electricity bills.

Enrolling such customers at the 100% option requires them to take explicit action to opt-down to a lower-priced, more affordable option. To impose a high-priced option by default—one that only 1-2% of customers in existing Community Choice programs have chosen—and then require the majority of customers to opt down if they don't like it, amounts to economic hostage-taking and an abuse of the automatic enrollment mechanism of the Community Choice program.

Automatic enrollment in a less-expensive renewable option does not prevent any customer from opting up to a 100% renewable option, including any city that wants to enroll all its municipal accounts at 100%.

It will increase the opt-out rate and otherwise threaten the ability of EBCE to develop local renewable energy resources

Those who cannot afford the 100% renewable option, as well as those who resent being automatically enrolled in a premium-priced option (likely more expensive than PG&E) will simply opt-out of EBCE and revert to PG&E.¹ This defection will undermine the revenues needed to develop local resources.

Equally significant is that the higher cost of 100% renewables means that, if it is to compete in electricity rates with PG&E, EBCE will have lower net revenues. That means too little resources to implement programs for developing local renewable resources.

It will broadly undermine EBCE and community benefits

The opponents of Community Choice regularly attack it as consumer unfriendly because it is based on an opt-out model of enrollment rather than an opt-in model. Enrolling residential and commercial customers in a pricey option that requires them to opt-down or opt-out if they don't like it, will not only strengthen opposition, but leave the program vulnerable to accusations of elitism.

Rather than being perceived as a broad-based Community Choice program that will bring economic and other community benefits to a majority of residents and businesses, EBCE will be tagged as a boutique program that would only appeal to affluent customers.

What if a city wants to enroll its customers at 100%?

Aside from all the down-sides discussed above, allowing any city to enroll all its residential and commercial customers at a non-standard default option (like 100%) will impose additional administrative costs on EBCE. It would require administrative support for an additional Community Choice configuration; different marketing materials, customer notices, web sites, call center operations, and other interactions with customers would have to be developed for the non-standard configuration.

The increased EBCE staffing and administrative costs associated with any city having 100% renewable enrollments would be borne by all EBCE customers, amounting to a subsidy of what is already a problematic enrollment approach.

¹ Portola Valley, the wealthiest jurisdiction in San Mateo County's Peninsula Clean Energy, and the only city in any Community Choice program to enroll customers by default in a 100% renewable option, has the highest opt out rate in the County—5.1%, compared to the overall opt out rate of 1.88%.

Dear City of Hayward Commercial Electricity Customer,

The City of Hayward appreciates your business being part of the Hayward community. It is the City's mission to create and sustain a safe, clean, green, and fiscally sound business environment that benefits residents, businesses, and the region. To that end, the City is now part of a local effort to provide your business with clean energy at comparable cost to PG&E.

The City of Hayward is pleased to announce the launch of a new electricity provider, East Bay Community Energy (EBCE). EBCE was established through a cooperative effort of the City of Hayward, ten other cities in the County, and the County of Alameda. EBCE is a not-for-profit public agency that will deliver a Community Choice Energy program which will procure your power, increase the use of renewable energy, and invest revenues back into the community. EBCE will begin providing your power in June of this year. You do not need to take any action to participate; your business will be automatically enrolled and you will see this information reflected on your PG&E bill. PG&E will continue to provide the same reliable service, and you can still contact them in the case of an outage.

In March 2018, the Hayward City Council passed a resolution requesting EBCE to provide its *Brilliant 100* energy service to all commercial and municipal customers within the City. *Brilliant 100* service is 100% carbon-free power offered at the same rate you currently pay to PG&E.

Increased use of both carbon-free and renewable energy can have a profound and positive environmental impact on the reduction of greenhouse gas (GHG) and other toxic emissions. A carbon-free electricity mix is a cost-effective way to reduce Hayward's greenhouse gas emissions footprint. And we can accomplish this without any additional cost, as the price of *Brilliant 100* electricity will remain the same as it is with your current PG&E service.

EBCE will offer a second product called *Bright Choice*, which is 85% carbon-free and offered at a 1.5% discount to the PG&E generation rate. In many cases, the generation rate is approximately half of the total electric charges on a bill, so the total discount on electric charges may be less than 1%. PG&E's service is approximately 80% carbon-free power. You have three choices:

- 1) Do nothing to receive *Brilliant 100* electricity, which has zero GHG emissions and is offered at the same rates as PG&E;
- 2) opt down to receive *Bright Choice* electricity, which is 85% carbon-free; or
- 3) opt out of all EBCE service and remain with PG&E for bundled generation service.

We hope that your business will stay with *Brilliant 100*. If, however, you decide to change your service to Bright Choice or opt out, please call EBCE at 1-833-699-EBCE (3223), or visit ebce.org. You will receive a letter in April and three follow-up postcards through July from EBCE. These notices contain information about EBCE rates and terms of service, as well as information on how to opt out if you choose to remain with PG&E. The City hopes you stay with EBCE for your electricity service and help to reduce the GHG emissions in our community. If you have any questions, please contact EBCE at 1-833-699-EBCE (3223).

Sincerely,



Al Mendall
Hayward City Council Member
EBCE Board Member



Elisa Márquez
Hayward City Council Member
EBCE Board Member Alternate



Frequently Asked Questions

How does EBCE work?

East Bay Community Energy purchases power with higher renewable and lower greenhouse gas (GHG) content than is offered by PG&E. Other than receiving cleaner electricity at competitive prices, all other aspects of your electricity service remain the same. PG&E continues to deliver the electricity, maintain the power lines, handle billing, and respond to new service requests and emergencies.

How do I enroll in EBCE?

EBCE will replace PG&E as the default electricity provider in eleven cities in Alameda County and the unincorporated areas of the county. Anyone with a PG&E electric account in these areas will automatically be enrolled in EBCE. The cities of Newark and Pleasanton are currently not members of EBCE. The City of Alameda is not eligible to participate since it is served by its own municipal utility. Business customers will be enrolled in June 2018. Residential customers will be enrolled in November 2018. Customers with on-site solar power will be enrolled in 2019 around the time of their annual true-up with PG&E.

Why am I automatically enrolled in EBCE? Do I have a choice?

That's the way the law governing the formation of CCE programs like EBCE was written. When a city or county decides to participate, all their residents and businesses are automatically enrolled. Nevertheless, if you wish to remain with PG&E for bundled generation service, you may do so by opting out of EBCE.

Does my business retain PG&E benefits like energy efficiency programs?

Yes, Businesses on EBCE service continue to receive the same reliable service from PG&E, the same quality of power, and the same access to energy efficiency programs. Large businesses retain their key account representative. All services from PG&E remain the same.

Why is the City of Hayward doing this?

EBCE is a Community Choice Energy (CCE) program, and CCEs have a track record of providing cleaner energy at lower rates. EBCE is the tenth CCE to launch in California. The other CCEs such as MCE Clean Energy, Sonoma Clean Power, Peninsula Clean Energy, and Silicon Valley Clean Energy are all saving customers money while investing in renewables. Since CCEs are public agencies, excess revenue is reinvested in the community by lowering rates and/or offering energy programs that complement PG&E's programs. EBCE's service helps the City of Hayward to reach our Climate Action Plan goals by providing an option to eliminate emissions related to electricity usage without additional cost. In addition, while the City already generates close to 60% of the electricity used by municipal facilities, the City has decided to receive Brilliant 100 for all of the electricity purchased for municipal facilities.

For more information, please visit <https://ebce.org/> or call 1-833-699-EBCE (3223).

From: Amanda Groziak [mailto:]
Sent: Tuesday, May 15, 2018 10:33 AM
To: Erik Pearson <Erik.Pearson@hayward-ca.gov>
Cc: Carol Lee <Carol.Lee@hayward-ca.gov>
Subject: Re: Public Comments for Hayward Sustainability Committee meeting

Dear Hayward City Councilmembers,

Please accept this public comment in support of switching the default energy product for East Bay Community Energy to Brilliant 100 for all resident customers. Combating climate change is extremely important as we are already seeing the beginning effects of a warming atmosphere in California with more fires and more frequent droughts. I urge the Council to choose Brilliant 100 as the default for resident customers of East Bay Community Energy so that more households run on 100% clean renewable energy and combat our warming climate.

Please submit these comments for consideration at today's meeting.

Thank you,

Amanda Groziak
Hayward voting citizen