

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, November 27, 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

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

Resolution Recognizing Sikh American Awareness and Appreciation Month

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. [CONS 18-757](#) Adoption of an Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map Application No. 201704262 to Accommodate Eight Townhomes at 420 Smalley Avenue

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

2. [CONS 18-748](#) Adoption of a Resolution Approving an Amended Side Letter Agreement between the City of Hayward and the Unrepresented Executives, Management, City Manager, Human Resources and City Attorney Employees to Revise Current Contributions to the Voluntary Employee Beneficiary Association (VEBA) Plan

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Unrep Side Letter Agreement](#)

3. [CONS 18-758](#) Authorization for the City Manager to Negotiate and Execute an Exclusive Negotiating Agreement with Red Bridge Partners for the Purchase of Three Parcels Located at the Northeast Corner of C and Main Streets for a Mixed-Use Housing and Commercial Project. This Action Is Exempt from CEQA Pursuant to Section 15332- In-Fill Development Projects

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

4. [CONS 18-764](#) Adoption of a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2019 pursuant to California Government Code Section 22892 of the Public Employees Medical and Hospital Care Act

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

5. [CONS 18-772](#) Authorization for the City Manager to Submit a Sustainable Communities Grant application to the California Department of Transportation (Caltrans) Division of Transportation Planning in the amount of \$354,120

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

6. [CONS 18-787](#) Authorization to Negotiate and Execute a Design-build Contract with Engie Services U.S. Inc. to Build the First Phase of the Two-Megawatt Solar Photovoltaic Energy System to be Installed at the Water Pollution Control Facility (WPCF)

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

7. [CONS 18-776](#) Approval of Final Map Tract 8447 (SoHay), Associated with the Previously Approved Tentative Map for Tract 8428 and Proposed Development of 126 Residential Condominium Units and a Public Trail on a 10.91-acre site Located at 29629 Dixon Street; William Lyon Homes, Inc. (Applicant/Owner)

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

LEGISLATIVE BUSINESS

8. [LB 18-053](#) Adoption of a Resolution Approving an Extension and Modification to Employment Agreement with the City Manager and Authorizing the Mayor to Execute the Agreement (Report from Director of Human Resources Collins)

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

CITY MANAGER'S COMMENTS

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

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

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

ADJOURNMENT

NEXT MEETING, December 4, 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 #: CONS 18-757

DATE: November 27, 2018

TO: Mayor and City Council

FROM: Deputy City Clerk

SUBJECT

Adoption of an Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map Application No. 201704262 to Accommodate Eight Townhomes at 420 Smalley Avenue

RECOMMENDATION

That the City Council adopts the Ordinance introduced on November 13, 2018.

SUMMARY

This item entails adoption of an Ordinance amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code, introduced on November 13, 2018. The Conditions of Approval, section 33E, have been revised to include Revised Conditions of Approval (Attachment III) to reflect the intent that: "An added condition of approval is to include easements for potential, future connectivity of the 'driveway' to connect with the three neighboring properties if-and-when they are developed in the future."

ATTACHMENTS

- Attachment I Staff Report
- Attachment II Summary of Ordinance Published November 23, 2018
- Attachment III Revised Conditions of Approval



DATE: November 27, 2018

TO: Mayor and City Council

FROM: Deputy City Clerk

SUBJECT: Adoption of an Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map Application No. 201704262 to Accommodate Eight Townhomes at 420 Smalley Avenue

RECOMMENDATION

That the Council adopts the Ordinance introduced on October 16, 2018.

SUMMARY

This item entails adoption of an Ordinance amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code, introduced on November 13, 2018. The Conditions of Approval, section 33E, have been revised to include Revised Conditions of Approval (Attachment III) to reflect the intent that: "An added condition of approval is to include easements for potential, future connectivity of the 'driveway' to connect with the three neighboring properties if-and-when they are developed in the future."

BACKGROUND

The Ordinance was introduced by Council Member Mendall at the November 13, 2018, meeting of the City Council with the following vote:

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

NOES: COUNCIL MEMBERS: Peixoto, Lamnin

ABSENT: None

ABSTAIN: None

STRATEGIC INITIATIVES

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

FISCAL IMPACT

There is no fiscal impact associated with this report.

PUBLIC CONTACT

The summary of the Ordinance was published in the Hayward Daily Review on Friday, November 23, 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: Roxanne Epstein, Deputy City Clerk

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is positioned 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 AMENDING CHAPTER 10, ARTICLE 1 (ZONING ORDINANCE) OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN PROPERTY TO PLANNED DEVELOPMENT DISTRICT IN CONNECTION WITH ZONE CHANGE AND VESTING TENTATIVE MAP APPLICATION NO. 201704262 TO ACCOMMODATE EIGHT TOWNHOMES AT 420 SMALLEY AVENUE

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

Section 1. Provisions. Chapter 10 of the Hayward Municipal Code and the Official Zoning Map of the City of Hayward is hereby amended to rezone the property located at 420 Smalley Avenue (Assessor's Parcel Number 431-0008-020-00) from RM, Single Family Residential to PD, Planned Development District, to allow for the condominium subdivision of a 0.47-acre site to accommodate the construction of 8 new attached townhomes with common open space and bioretention areas, as well as related site and frontage improvements, subject to the findings and conditions of approval set forth in the companion Resolution to this Ordinance.

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

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 13th day of November 2018, by Council Member Mendall.

This ordinance will be considered for adoption at the meeting of the Hayward City Council, to be held on November 27, 2018, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance, including the Resolution, is available for examination by the public in the Office of the City Clerk.

Dated: November 23, 2018
Miriam Lens, City Clerk
City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Councilmember _____

RESOLUTION ADOPTING THE CEQA INFILL CHECKLIST AND APPROVING
THE PLANNED DEVELOPMENT REZONE WITH TENTATIVE TRACT MAP
AND SITE PLAN REVIEW PERTAINING TO CONSTRUCTION OF 8 NEW
TOWNHOMES AT 420 SMALLEY AVENUE

WHEREAS, On July 12, 2017, GKW Architects (Applicant) submitted a Planned Development Rezone, Vesting Tentative Tract Map No. 8429, and Site Plan Review Application No. 201704262 to construct 8 attached townhouse condominium units with common open space areas and related site improvements at 420 Smalley Avenue (APN 431-0008-020-00); and

WHEREAS, A CEQA Infill Checklist was prepared to assess the potential environmental impacts of the Project; and

WHEREAS, The Planning Commission considered the Project at a public hearing held on October 25, 2018, and recommended that the City Council adopt the CEQA Infill Checklist, and approve the Planned Development Rezone with Tentative Tract Map No. 8429 and Site Plan Review Application No. 201704262; 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 November 13, 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 site is designated MDR (Medium Density Residential), which allows for a residential density range of 8.7 to 17.4 dwelling units per net acre, in the Hayward 2040 General Plan. The project is proposing a total net density of approximately 17 dwelling units per net acre, which is within the allowed density range in the Hayward 2040 General Plan. The MDR land use designation allows for a mix of

housing types including multi-family residential developments. 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 allow for 8 new townhomes, which provide additional 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 Downtown Hayward and a commercial corridor along B Street. Furthermore, recreational facilities such as the Hayward Japanese Gardens and San Felipe Community Park and educational facilities such as Hayward High School and Faith Ringgold School of Arts and Science 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 development on all sides, including other single-family homes, multi-family residential developments, and various commercial uses. As such, the project 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 Burbank 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 minimum lot area per dwelling unit. With the PD Rezone, the proposed subdivision will provide modified development standards of the new PD District related to minimum lot area per dwelling unit. PD Districts are also subject to the development

standards of the zoning district most similar to the proposed use, which is the RM (Medium Density 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 8 attached townhomes, 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 commercial development and a mix of housing types including detached single-family homes and multi-family residential developments. The project proposes townhouse condominium units, which is compatible with the surrounding neighborhood. Additionally, the project is consistent with the MDR land use designations 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 project site and connect to the existing utilities on Smalley Avenue. The project will be served by a new private driveway. While the existing roadways are sufficient to accommodate the additional traffic generated from the project, frontage improvements will be required, including the reconstruction and repair of the existing sidewalk along Smalley Avenue 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 an underutilized site with attractive townhomes to complete the neighborhood. The scale and design of the proposed building are compatible with the existing neighborhood. The townhouse units will also be served by both private and public open space within the development. Each unit will have usable private outdoor rear yards and the project provides a 1,660-square-foot common open space area. The development will also be well-integrated into the existing neighborhood since it will be served by a new driveway and sidewalks providing vehicular and pedestrian access to and from Smalley Avenue.

- D. 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.

- E. 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 an exception to the minimum lot area per dwelling unit. To offset these requested exceptions, the project proposes the following amenities:

- Rooftop solar panels on each home;
- One moderate-income affordable dwelling unit on site instead of paying the affordable housing in-lieu fee;
- A bedroom suite on the first floor of all units to allow for aging in place and multigenerational lifestyles; and
- 3,070 square feet of private and common open space, which exceeds the open space requirement for the development.

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 on-site affordable dwelling unit will provide a social benefit to the community. The 1,660-square-foot common open space area, which will be maintained by a homeowner's association, provides the future residents with a usable outdoor area for recreation and public interaction. Each home will have a private back yard and private balcony, which will provide additional outdoor space.

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 development 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 Burbank neighborhood, which is characterized by single-family and multi-family residences and commercial buildings. The neighborhood consists of a mix of traditional architectural styles, including Cottage and Craftsman homes. The proposed building would be similar in scale to other multi-family developments nearby. The development provides a diverse range of units ranging from 1,289 to 2,016 square feet in size. In addition, the new homes incorporate a mix of traditional and contemporary architectural styles to blend in with the existing neighborhood character. The building facades are articulated with wall offsets, private balconies, and front entry porches to provide visual interest from all sides of the homes. The new homes will incorporate a standing seam metal roof and full wrap siding and the development provides varied colors and materials, which provide additional architectural detailing and contribute to a diverse and interesting street scene. Overall, the homes are attractively designed and will improve the neighborhood by replacing an underutilized site with new development that is compatible with the 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 proposed building are harmonious with the surrounding neighborhood, which consists of a mix of housing types including single-family homes and small multi-family developments. Although the project proposes a three-story building in a neighborhood consisting primarily of one- and two-story buildings, the height of the proposed building will be similar to the height of other two-story buildings in the area. 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 only require the demolition of an existing single-family home on the site. A private driveway will also provide access to the units, 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. MDR land use designation is intended for a mix of housing types including single-family residences. Additionally, 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 RM (Medium Density Residential) District such as lot coverage, building setbacks, building height, and parking. Additionally, the project is required to repair and reconstruct existing sidewalk along Smalley Avenue to meet the City's street standards. The project will also provide bioswales to meet stormwater requirements and proposes landscaping in compliance with the City's water efficient landscaping standards. 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 driveway, which will minimize potential parking and traffic impacts on Smalley Avenue after construction of the development.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183.3, an Infill Checklist was prepared for this project with the finding that no additional environmental review is required. The purpose of an Infill Checklist is to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been previously addressed in a planning-level decision or would be addressed by uniformly applicable development policies. The Infill Checklist for this project tiers off the Environmental Impact Report (EIR) for the Hayward 2040 General Plan and confirms that the project would not have any significant effects on the environment that either have not already been analyzed in the Hayward 2040 General Plan EIR, are more significant than previously analyzed, or would not be substantially mitigated by uniformly applicable development policies.
- B. The proposed Infill Checklist 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 administrative record as a whole); the Planning Commission recommends the City Council adopt the proposed Infill Checklist and its findings and conclusions as its source of environmental information; and the proposed Infill Checklist is legally adequate and was completed in compliance with CEQA.

- C. The proposed Infill Checklist identified all potential adverse impacts and based on the Infill Checklist and the whole record before the Planning Commission, there is no substantial evidence that the Project will have a significant effect on the environment.
- D. The project complies with CEQA, and the proposed Infill Checklist 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 CEQA Infill Checklist and approves the Planned Development Rezone with Tentative Tract Map No. 8429 and Site Plan Review Application No. 201704262, subject to the adoption of the companion ordinance (Ordinance No. 18-___) rezoning the property located at 420 Smalley Avenue to Planned Development District, Assessor Parcel Number (APN) 431-0008-020-00, 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. 201704262
PD REZONE, VESTING TENTATIVE TRACT MAP 8429, SITE PLAN REVIEW AND
CALIFORNIA ENVIRONMENTAL QUALITY ACT INFILL CHECKLIST
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) 8429 and the Preliminary Development Plan and Site Plan Review application are approved subject to the vesting tentative tract map and project plans date stamped September 28, 2018, except as modified by the conditions listed below.
3. In accordance with Hayward Municipal Code (HMC) Section 10-3.246, approval of VTTM 8427 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 8429 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. 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.
6. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.
7. 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.
8. The property owner shall demolish any vacant structures within 60 days of their being made vacant.
 9. The property owner shall be responsible for securing and clearing any vacant structure(s) prior to demolition and commencement of construction activities.
 10. Prior to, during and following demolition of vacant structures, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4, Article 1, Public Nuisances; HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.
 11. The applicant shall comply with the City's Affordable Housing Ordinance, Article 17 of HMC Chapter 10, pertaining to the required provision of Affordable Housing by providing one moderate-income affordable housing unit as part of the project rather than electing to pay the affordable housing in-lieu fee. The Affordable Housing Agreement shall be executed prior to issuance of building permits.
 12. Nesting Bird Surveys: Preconstruction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 7 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary. If an active nest is found in an area that would be disturbed by construction, the biologist or ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife. The buffer would ensure that nests are not disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts. The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Development Services, prior to any tree removal or prior to the issuance of a grading permit or demolition permit.
 13. Roost Surveys: Preconstruction roost assessment survey: A qualified biologist shall conduct a roost assessment survey of the existing buildings on the project site. The survey shall assess use of the structures for roosting as well as for the potential presence of bats. If the biologist finds no evidence of or potential to support bat roosting, no further measures are required. If

evidence of bat roosting is present, the additional measures described below shall be implemented:

- A. Work activities outside the maternity roosting season: If evidence of bat roosting is discovered during the preconstruction roost assessment and demolition is planned during the period from August 1 through February 28 (outside the bat maternity roosting season), a qualified biologist shall implement passive exclusion measures to prevent bats from re-entering the structures. After sufficient time to allow bats to escape and a follow-up survey to determine if bats have vacated the roost, demolition may continue and impacts to special-status bat species will be avoided.
 - B. Work activities during the maternity roosting season: If the preconstruction roost assessment discovers evidence of bat roosting in buildings during the maternity roosting season (March 1 through July 31) and determines maternity roosting bats are present, demolition of maternity roost structures shall be avoided during the maternity roosting season or until a qualified biologist determines the roost has been vacated.
14. Trees: In accordance with the City of Hayward Tree Preservation Ordinance, the project applicant shall implement the recommendations of the arborist report prepared in June 2018 by HortScience, Inc. The recommendations of the report include, but are not limited to, the following:
- A. The 12 off-street trees shall be preserved. A tree protection zone shall be established for these trees, in which no grading, excavation, construction, or storage of materials shall occur, as further detailed in the arborist report.
 - i. Off-site trees would require crown and root pruning to provide construction clearance. Such pruning shall be performed with the property owner's permission and in accordance with the guidelines detailed in the arborist report.
 - ii. Of the on-site trees, attempts shall be made to preserve one tree, with the other six removed. The tree that may be preserved is on the eastern property line, in a proposed landscaped area. Once the trunk is located and plotted on all plans and once grading, drainage, and utility plans are prepared, a final determination shall be made as to whether the tree can be preserved.
- The appraised value of the six trees that would be removed is \$6,850. The project applicant shall be responsible for replacing the trees on- or off-site to the satisfaction of the City Landscape Architect.
15. Unanticipated Archeological Discovery: In the event that any historical surface or subsurface archaeological features or deposits, including locally darkened soil indicative of an archaeological midden that could conceal

- cultural deposits, animal bone, shell, obsidian, mortars, or human remains, are uncovered during on-site or off-site construction, all work within 100 feet of the find shall cease and the construction contractor will notify the City. An archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards shall be contacted to determine if the resource is significant and to determine appropriate mitigation. Any artifacts uncovered shall be recorded and removed to a location to be determined by the archaeologist.
16. **Unanticipated Paleontological Discovery:** In the event of discovery of fossils during excavation, the construction contractor will notify the City and immediately cease work in the area of the find. The contractor will retain a qualified paleontologist to evaluate the resource and prepare a recovery plan for immediate implementation, including field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City to be necessary and feasible will be implemented before construction activities resume in the area where the paleontological resources were discovered.
 17. **Discovery of Human Remains:** The discovery of human remains shall be reported to the county coroner, in accordance with Section 7050.5 of the California Health and Safety Code, and the Native American Heritage Commission (NAHC) for further investigation. If the remains are determined to be Native American, the NAHC shall inform the most likely descendant and will determine the appropriate disposition of the remains and grave goods.
 18. **Geotechnical Report Implementation:** The project applicant shall implement the recommendations of the design-level geotechnical engineering study that was prepared for the project by Geo-Engineering Solutions (2017). The recommendations include, but are not limited to, building design that considers seismic activity in accordance with the latest edition of the CBC; removal of undocumented fill soils and replacement by engineered compacted fill; measures for any winter construction; site grading parameters; utility trench construction parameters; temporary excavation parameters for below-grade construction, if any; foundation parameters; retaining/basement wall parameters; parameters for concrete slabs on grade; post-tension slab parameters; and observation and testing during construction.
 19. **Asbestos-Containing Materials and Lead-Based Paint Surveys:** The project applicant shall conduct a preconstruction asbestos-containing materials (ACM) survey in accordance with the Asbestos Hazard Emergency Response Act (AHERA) prior to any activities with the potential to disturb building materials to determine whether ACM is present. In the event ACM is present, it shall be properly removed and disposed of in accordance with applicable regulations, including the BAAQMD rule related to asbestos. In

addition, the applicant shall conduct a lead-based paint (LBP) survey prior to the demolition activities with the potential to disturb building materials to determine whether LBP is present. In the event LBP is present, it shall be properly removed and disposed of in accordance with applicable regulations.

20. Construction Restrictions: To prevent damage to off-site buildings during construction activities, the project applicant and/or its contractor shall ensure compliance with, and the City shall note on grading and building permits, the following restrictions:
 - A. Vibratory rollers shall not be used in dynamic mode (i.e., rolling motion only with no vibration) within 25 feet of any existing off-site building.
 - B. Bulldozers and trucks exceeding 30 tons gross weight shall not be operated on the project site within 25 feet of any existing off-site building.

Precise Plan Submittal

21. 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.
22. 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.
23. 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 project shall provide one moderate-income affordable dwelling unit on site.
 - C. 3 of the 8 units shall provide a bedroom suite on the first floor.
 - D. The project shall provide a total 3,070 square feet of open space, including 1,410 square feet of private rear yard and balcony space and a 1,660-square-foot common open space area with landscaping and an outdoor seating area.
24. 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. All lighting shall be erected and maintained so that adequate lighting is provided along the private driveway. 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.
 - O. All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. 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.
- 25. The Precise Development Plan shall clearly show all proposed fences and walls. All proposed fences and walls shall comply with the City's maximum fence height requirements in the HMC.
 - 26. The Precise Development Plan shall provide a project data table that accurately indicates the total lot, building pad, living, private open space, common open space, and total open space areas.
 - 27. 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.
 - 28. Details of all project amenities shall be submitted for review and approval by the Planning Director during the Precise Plan phase of the project.
 - 29. The project shall comply with the provisions of the 2016 California Energy Code section 110.10.

Building

- 30. 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.
- 31. The project shall comply with the 2016 California Green Building Standards Code (CalGreen). A key requirement from this set of regulations is related to EV charging infrastructure. 2016 CalGreen Section 4.106.4.1 outlines the specific requirements for townhomes. A listed raceway shall be installed in each garage to accommodate a future 208/240-volt branch circuit. The service panel shall also be designed to accommodate this future load if the resident chooses to install an EV charging system.

32. The building permit application submittal shall include details for the fire-rated common walls. Plumping piping is not allowed in the walls separating dwelling units if they are R-3.

Development Review Services Engineering / Public Works Engineering

33. 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. If legally permissible, the HOA shall grant private ingress-egress easements to the neighboring properties to provide connectivity between the HOA's private street and any private street on the three neighboring properties, specifically 408 Smalley Avenue, 426 Smalley Avenue, and 445 Laurel Avenue at the time those properties redevelop.
 - F. 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.

- G. The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The HOA representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
 - H. 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.
 - I. The exterior elevations of the proposed building shall be maintained in good repair. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting. The CC&Rs shall include provisions to ensure that maintenance and repairs are completed within a timely manner.
 - J. 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.
 - K. Any future major modification to the approved site plan shall require review and approval by the City.
 - L. 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.
 - M. Street sweeping of the private driveway and private parking stalls shall be conducted at least once a month.
34. Subdivision Improvement Agreement: Prior to the issuance of building permits, the public and necessary private 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 surety (i.e. bonds), insurance, and additional deposit for City staff time and City resources to be expended on the project.
35. Grading & Drainage: A grading and drainage plan is required and shall be submitted with the Final Map and Improvement Plans for review and approval by the Director of Public Works prior to the issuance of building permits. Developer has the option to apply for a rough grading permit. The grading and drainage plan shall include, but not be limited to, the following design & submittal requirements:
- A. Developer shall be responsible for the preventing the discharge of pollutants (sediments) into the street and/or the storm drain system from the project site. An erosion control plan may be required.
 - B. All on-site storm drainage conveyance facilities and earth retaining structures 4-feet 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.
 - C. 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.
 - D. Prior to subdivision map approval, 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.
36. Construction Damage: 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.

Landscape

37. No building permit shall be issued prior to approval of landscape and irrigation improvement plans. Mylar of the approved landscape and

irrigation improvement plans shall be submitted to Public Works Engineering for signatures. Once signed, copies of Mylar shall be included in the building permit submittal.

38. Mylar shall be wet-signed by the project landscape architect and shall be provided with a bar scale. The size of Mylar shall be twenty-four (24) inches by thirty-six (36) inches without an exception. A signature block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain a signature line and a date line for City of Hayward, Landscape Architect. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
39. A tree mitigation summary chart on L8 shall be revised to state that the total required mitigation shall be \$6,850 and the total tree preservation bond shall be \$19,325.
40. Tree preservation bond for the amount of \$19,325 shall be submitted prior to issuance of grading and demolition permits.
41. A separate tree removal permit in addition to grading and demolition permits shall be obtained from City Landscape Architect prior to issuance of grading and demolition permits.
42. Tree protection fence shall be installed at the dripline of existing trees for preservation prior to commencement of grading and demolition work. Failure to erect the tree protection fence shall result in immediate suspension of all site work. The tree protection fence shall remain in place until all site improvements have been completed and accepted.
43. Base information for plans shall include not only all existing trees shown on the survey plan and designation of existing trees whether to be preserved or removed, but also all proposed underground utilities for domestic and fire water and irrigation water meter and lateral locations as well as sewer and storm drain lateral lines shown on C2 on all landscape and irrigation plans.
44. Base information for landscape plans shall delineate accurate bioretention area that matches A003 and C2.
45. Open wire fence with stainless steel wire that solely relying on successful vine establishment for proving privacy between properties shall not be acceptable. Privacy fencing on all three sides shall be done with solid and opaque material such as wood, pour-in-place concrete, modular concrete block, prefabricated modular wall system, or approved equal. It is acceptable to use stainless steel wire fastened onto the fence for supporting vine growth.

46. Trees in the front yard setback area are required tree planting in accordance with Zoning Ordinance and shall not be eliminated at any circumstance. Although the response letter states that the tree at the southwest corner is located outside of the bioretention area, it isn't certain due to different configuration of the bioretention area delineated in A003, C2 and L2. Clear delineation of the bioretention area and tree trunk locations on the landscape plan will be helpful. The tree location shall be verified again.
47. Planting Plan: Size of each circle representing different shrubs shall match the proposed spacing and shall be show as such on the planting plan in order to avoid measuring the plan to verify spacing.
48. Planting in the front area around the bioretention area as well as sides and rear planting areas are too sparsely planted to have full plant coverage at maturity. Additional planting shall be provided.
49. Spacing for *Pittosporum tenuifolium* has been increased to meet the required minimum spread; however, *Pittosporum* that will outgrow the four (4) feet wide planting strip and will require routine shearing or hedging: Chapter 10 Zoning Ordinance, Article 12, Section 10-12.07 (2)(c)2.
50. Plant legend and Notes on L2:
 - A. Clarify which is spread and which is height at maturity.
 - B. Variety shall be specified for *Ginkgo biloba*.
 - C. Note E: The City shall not specify the length of root barrier. The length of root barrier shall conform to the manufacturer's guidelines.
51. Spelling errors on L2 and L8 have not been corrected: for *Lagerstroemia*, *Pistacia* and *Saucer Magnolia*.
52. Quantity and location of picnic table on the landscape plan doesn't match A003. ADA compliant picnic table shall be provided.
53. Erosion control material shall be placed on slopes equal or steeper than three to one (3:1).
54. Irrigation Legend: Sleeve size shall be specified.
55. All landscape construction, planting and irrigation details and specifications shall be provided. Fastening detail for vine support shall be provided. Maintenance specifications shall be included on the landscape plan for specifications.
56. Proposed irrigation watering schedule for establishment period and permanent irrigation schedules shall be included on the irrigation plan.

57. Municipal Code Article 12 - Bay-Friendly Water Efficient Landscape Ordinance requires the following for single-family residential developments with usable yard: Section 10-12.14 requirement for installing basic “laundry to landscape” plumbing in each residence. Plumb-ready “laundry to landscape” system shall meet Plumbing Code and shall be addressed in the plumbing plan during building permit process.
58. For Model Homes: Municipal Code Article 12, Section 10-12.17 Public Education, Model Homes:
 - A. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Article.
 - B. 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. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
59. 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.
60. 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.
61. 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.
62. 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.

63. 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 programed 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.

Utilities and Environmental Services

64. Please submit the Construction and Demolition Debris Recycling Statement at the time of your building permit (section 4). You only need to submit the top "applicant" half of the form during the building permit. The bottom half of the form should be completed upon completion of the project to receive final building inspection approval. You can find the form online at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>.
65. City records indicate that the parcel has one existing ¾" service line and 5/8" domestic meter (account # 3897). If the water service cannot be reused for the proposed development, it shall be abandoned by the City's Water Distribution personnel at the owner's/applicant's expense.
66. Each residential dwelling unit shall have an individual domestic water meter. Facilities fees 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.

67. Based on the water fixtures shown on the plans, it is estimated that Units 1 & 8 will have a potential domestic water demand of 37.5, which requires a minimum $\frac{3}{4}$ " domestic water meter, and Units 2-7 will have a potential domestic water demand of 41.5, which requires a minimum 1" domestic water meter. Note that this estimate does not include any allowance for residential fire sprinklers or irrigation.
68. 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. Per SD-216, flow-through fire sprinkler systems do not require the installation of an above ground backflow prevention assembly. They do require the installation of a N36 meter box or a B16 and a B9 meter box.
69. Alternatively, the development could use a standard 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. New fire services must be installed by City Water Distribution Personnel at the owner's/applicant's expense. Fire service installations are billed on an actual cost basis with a time and materials deposit due prior to the start of installation. The final billing of the job will be the actual costs of the work performed and materials used. If actual costs are less than the deposit amount, the owner/applicant will receive a refund in the amount of the unused deposit. If actual costs exceed the deposit amount, the owner/applicant will receive an invoice in the amount of the overage.
70. A separate irrigation water meter must be installed to serve the property's landscape. The size of the irrigation meter will be determined by the gallon per minute demand of the irrigation system. An above ground Reduced Pressure Backflow Prevention Assembly (RPBA) shall be installed on each irrigation water meter, per SD-202. Backflow prevention 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. All water services from existing water mains shall be installed by City Water Distribution Personnel at the applicant's/developer's expense.
72. 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.
73. 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.
74. 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>).
 75. The development's sanitary sewer shall be private, owned and maintained by the property owner. The private building court sewer main shall be installed per SD-301. Install a manhole at the upstream end of the sanitary sewer and at the change in alignment in the driveway area. Call out the size, slope, and rim and invert elevation of the proposed sanitary sewer.
 76. Each residential dwelling unit shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per SD-312.
 77. 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

78. The private driveway 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. Design of the private driveway and court shall meet City of Hayward Fire Department Standards.
79. The minimum width of fire lane is 20 feet. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be maintained at all time. Fire lane of 20 to 26 feet wide shall be posted on both sides as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
80. Addressing of the buildings shall be in compliance with the Hayward Fire Department requirements. All buildings shall have a minimum 4-inch self-illuminated address installed on the front of the building so as to be visible from the street.
81. Submit for proper building permits for the construction of the building to the Building Department. All building construction shall meet the requirements of the California Residential Code.
82. Buildings are required to install fire sprinkler systems in accordance with NFPA 13/13D (dependent on construction). A separate fire permit is required for the fire sprinkler system installation. A State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system

installation. (deferred submittal)

83. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC) and NFPA 72.
84. 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.
85. Per the requirement of Hayward Public Works Department, a static pressure of 80 PSI should be used when a water test data indicates a higher pressure. The residual pressure should be adjusted accordingly.
86. Underground fire service line serving NFPA 13/13D sprinkler systems shall be installed in accordance with the Hayward Public Work Department SD-216/204. Water meters shall be minimum one-inch in diameter.
87. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home with bedroom doors close. The device shall activate upon any fire sprinkler system water flow activity.
88. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).
89. 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.
90. If fire hydrants are located so as to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
91. All new fire hydrants shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet). The capacity of each individual hydrant shall be 1,500 GPM. Vehicular protection may be required for the fire hydrants. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. (if applicable)
92. 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.
93. 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.
 94. 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 submittal with building plans to the City of Hayward Fire Department at the time of application for construction permits.
 95. 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.
 96. 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.
 97. Use of Hazardous Materials or Generation of Hazardous Waste – During construction, hazardous materials used, and hazardous waste generated shall be properly managed and disposed.



CITY OF HAYWARD

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

File #: CONS 18-748

DATE: November 27, 2018

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adoption of a Resolution Approving an Amended Side Letter Agreement between the City of Hayward and the Unrepresented Executives, Management, City Manager, Human Resources and City Attorney Employees to Revise Current Contributions to the Voluntary Employee Beneficiary Association (VEBA) Plan

RECOMMENDATION

That the City Council adopts a Resolution authorizing an amended side letter agreement between the City of Hayward ("City") and the Unrepresented Executives, Management, City Manager, Human Resources and City Attorney Employees ("Unrepresented Employees") for an increase in current contributions and a decrease in contributions upon retirement, to the Voluntary Employee Beneficiary Association (VEBA) Plan.

SUMMARY

The City makes available to members of the Unrepresented Employees group the Voluntary Employee Beneficiary Association (VEBA) Plan, which enables eligible employees to accumulate funds in a tax-exempt trust for reimbursement of qualified medical expenses.

Pursuant to the terms of the Unrepresented Employees' VEBA agreement, changes to the plan are made with the consensus of the majority of participants. A survey was conducted by the Human Resources Department, which determined that the majority of participants wanted an increase in current contributions per pay period, and a decrease in contributions upon retirement.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Side Letter of Agreement

File #: CONS 18-748



DATE: November 27, 2018

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Adoption of a Resolution Approving an Amended Side Letter Agreement between the City of Hayward and the Unrepresented Executives, Management, City Manager, Human Resources and City Attorney Employees to Revise Current Contributions to the Voluntary Employee Beneficiary Association (VEBA) Plan

RECOMMENDATION

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SUMMARY

The City makes available to members of the Unrepresented Employees group the Voluntary Employee Beneficiary Association (VEBA) Plan, which enables eligible employees to accumulate funds in a tax-exempt trust for reimbursement of qualified medical expenses.

Pursuant to the terms of the Unrepresented Employees' VEBA agreement, changes to the plan are made with the consensus of the majority of participants. A survey was conducted by the Human Resources Department, which determined that the majority of participants wanted an increase in current contributions per pay period, and a decrease in contributions upon retirement.

BACKGROUND

VEBA is an entity established as a tax-exempt trust under Section 501(c)(9) of the Internal Revenue Service (IRS) Code to provide employees with the ability to save money for health care expenses. Participants, their spouses, and eligible dependents are able to receive reimbursement for qualified medical expenses while actively employed, following separation from employment, and during retirement.

The City contracts with California Government Voluntary Employee Beneficiary Association (CALGOVEBA) to provide a healthcare funding vehicle for employees to make tax-free contributions to a trust for accumulating funds for the reimbursement of health care costs. Employees who participate in the VEBA program realize a tax benefit because both eligible contributions and the reimbursed expenses are tax-exempt.

In 2011, the City restructured its Plan to comply with a change in the IRS Code that required all employees within a bargaining unit or employee group to make the same contribution amount. The contribution amount is negotiated within the employee group. While participation in the Plan is up to the employee group, should the group opt to participate, the employee group must work together to determine what the contribution levels will be.

Following restructuring of the Plan, the Unrepresented Unit opted to participate in the Plan. Beginning May 1, 2012, Unrepresented Employees were given fifteen (15) days to opt in or out of the VEBA program upon hire, or if promoting into the bargaining unit. The decision to opt in or opt out of the program is irrevocable.

The agreement in May 2012 set biweekly contributions at various amounts based on years of service. The table below shows the amounts previously selected:

Employee Category	Per Pay Period Contributions
0 - 4 Years of Service	\$25
5 - 9 Years of Service	\$40
10 - 14 Years of Service	\$55
15 - 19 Years of Service	\$75
20+ Years of Service	\$100

Contributions upon retirement are 100% of eligible sick leave, and 50% of the cash value of accumulated leave balances (vacation and compensatory time) AFTER deducting 200 hours of leave payout that can be paid out in cash or contributed to the employee's deferred compensation account (subject to IRS limitations). There is no contribution of leave balance payouts for non-retirement separations.

DISCUSSION

On February 28, 2018, the Human Resources Department sent to Unrepresented Employees currently participating in the Plan, a survey with questions regarding the Plan's existing structure and contribution schedule.

On July 16, 2018, the Human Resources Department completed an analysis of the survey's findings; based on majority input, the existing VEBA Plan contributions are being increased and the contributions upon retirement are being decreased.

Effective December 10, 2018, the agreement will set biweekly contributions at an amount ranging from \$65-\$140 based on years of service. Contributions upon retirement are being reduced to 50% of eligible sick leave, and 25% of vacation and compensatory leave payouts after deducting 300 hours of leave payout that can be paid out in cash or contributed to the employee's deferred compensation account (subject to IRS limitations). There is still no contribution for non-retirement separations, such as resignations or probationary releases.

FISCAL IMPACT

There is no fiscal impact associated with the agreement authorizing Unrepresented Employees to increase contributions to the VEBA Plan. All VEBA contributions are funded through employee contributions to the Plan. The City does not contribute to the Plan. Costs associated with administering payroll deductions for participating employees are minimal and are not expected to change as a result of this agreement.

STRATEGIC INITIATIVES

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

NEXT STEPS

Staff will finalize the side letter agreement and obtain necessary review by the City Attorney and approval by the City Manager to execute them. The Human Resources and Finance Departments will work together to implement these changes.

Prepared by: Vanessa Lopez, Senior Human Resources Analyst

Recommended by: Nina S. Collins, Director of Human Resources

Approved by:

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

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION APPROVING AN AMENDED SIDE LETTER AGREEMENT WITH THE UNREPRESENTED EXECUTIVES, MANAGEMENT, CITY MANAGER, HUMAN RESOURCES AND CITY ATTORNEY EMPLOYEES TO REVISE CURRENT CONTRIBUTIONS TO THE VOLUNTARY EMPLOYEE BENEFICIARY ASSOCIATION (VEBA) PLAN

WHEREAS, The City of Hayward will make available to The Unrepresented Executives, Management, City Manager, Human Resources, and City Attorney Employees, and its members (collectively, “Unrepresented Employees”) a Voluntary Employee Beneficiary Association (“VEBA”) Plan; and

WHEREAS, VEBA is an entity established as a tax exempt Trust under Section 501(c)(9) of the Internal Revenue Service (IRS) Code; and

WHEREAS, The City has contracted with California Government Voluntary Employees’ Benefit Association (CALGOVEBA) since 2006 to provide a healthcare funding vehicle where employees make tax-free contributions to a trust for accumulating funds for reimbursement of health care costs in accordance with Section 501(c)(9) of the IRS Code; and

WHEREAS, The majority of Unrepresented Employees currently participating in the VEBA Plan have opted to change contributions to the Plan; and

WHEREAS, The amended side letter agreement provides that participating members of the Unrepresented Employees group who opt in to the VEBA Plan shall contribute between sixty-five dollars (\$65) and one-hundred and forty (\$140) dollars, depending on years of service, per pay period to the Plan; and

WHEREAS, The amended side letter agreement further provides that members of the Unrepresented Employees group who opt in to participate in the VEBA Plan shall also contribute 50% of the eligible sick leave payout and 25% of the cash value of accumulated vacation and compensatory leave payouts after deducting three-hundred (300) hours of leave payout that can be paid in cash or contributed to the employee’s deferred compensation account (subject to IRS limitations); and

WHEREAS, VEBA participants of the Unrepresented Employees group opted for the terms of the amended VEBA agreement via a survey on February 18, 2018.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the agreement to participate in the VEBA Plan between it and the Unrepresented Employees group effective November 26, 2018.

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
and
Unrepresented Executives, Management, City Manager,
Human Resources, & City Attorney Employees**

SIDE LETTER OF AGREEMENT

Voluntary Employee Beneficiary Association (VEBA) Plan

The City will make available for Unit members a Voluntary Employee Beneficiary Association (VEBA) Plan (collectively, "Plan") to enable eligible employees to accumulate funds in a tax-exempt trust from which qualified medical expenses can be paid including certain post-retirement medical expenses benefit accounts. The City will not contribute to employee VEBA accounts.

Participating members opted into the Plan effective May 1, 2012, or upon hire. Pursuant to the terms of the VEBA agreement, changes to the Plan are made with the consensus of the majority of participants.

On February 18, 2018, participating members were surveyed to determine if the Plan's existing contributions were satisfactory; the majority of participants opted to increase current contributions per pay period and decrease contributions upon retirement from the City.

Plan requirements are as follows:

1. Eligibility Defined

Effective May 1, 2012 or upon hire, all eligible employees, who are members of the Unrepresented Unit, may participate in the Plan. An eligible employee is an employee who is a member of the Unrepresented Unit and is in an allocated position of twenty (20) or more hours per week and receives benefits.

Beginning May 1, 2012 or upon hire, all eligible employees will have fifteen (15) days to "opt-in" or "opt-out" of the plan. Elections to "opt-in" or "opt-out" are irrevocable for the duration of the employee's tenure within the bargaining unit.

Participation will be subject to and governed by all IRS requirements applicable to the VEBA Plan. Unrepresented Unit members who elect to "opt-in" will make uniform monthly contributions and contributions upon separation as outlined in Sections 2 and 3.

2. Employee Contributions

Participation in the Plan by an employee who elects to "opt-in" requires a payroll deduction each pay period to fund the employee's account.

Effective December 10, 2018, the Unrepresented Unit's contributions to the Plan shall consist of the following and in the amounts indicated:

Employee Category	Per Pay Period Contributions
0 - 4 Years of Service	\$65
5 - 9 Years of Service	\$80
10 - 14 Years of Service	\$95
15 - 19 Years of Service	\$115
20+ Years of Service	\$140

For the purposes of VEBA, years of service will be defined as years of California public service (e.g. State, County, City, Court, Special District) as certified by the employee. Certification of previous service must be received within the 15 day "opt-in" period to be eligible. Otherwise, City of Hayward years of service will be used to determine employee category.

Contributions made by an eligible employee must be made through payroll deductions. Eligible employees cannot make direct contributions to the Plan. Once separated from the City, the (former) employee can no longer make contributions to the Plan.

Employees who "opt-out" will not contribute to the plan on a per pay period basis. Those who previously had a VEBA account and have a balance, will continue to be eligible to submit for reimbursement of eligible medical expenses; however, they will not be able to make any further contributions to their accounts.

3. Leave Payout

Each eligible employee who "opts-in" to the plan will be required upon service or disability retirement from the City to contribute:

- 50% of eligible sick leave payouts; and
- 25% of the cash value of the accumulated leave balances (vacation and compensatory time) AFTER deducting 300 hours of leave payout¹ that can be paid out in cash or contributed to the employee's deferred compensation account (subject to IRS limitations).

¹ Leave Payout = Cash value of 300 hours of leave payout before taxes. Any combination of the cash value can be taken as cash payment and/or deposited into the employee's deferred compensation account so long as the sum of the elections does not exceed 300 hours of leave payout.

Each eligible employee who “opts-in” to the Plan will not be required to contribute any leave balance payouts to VEBA upon separation (excluding retirement) from employment with the City.

Employees who have “opted-out” of the Plan will not be eligible to contribute leave payouts to the Plan upon retirement or separation. Those who have a VEBA account with a balance will continue to be eligible to submit for reimbursement of eligible medical expenses, however, they will not be able to make any further contributions to their accounts.

4. New Employees or Newly Eligible Employees

Employees, whether new to the City or to the Unrepresented Unit, who become eligible to participate in the Plan after May 1, 2012 will have fifteen (15) calendar days from the date of eligibility to elect whether they would like to “opt-in” or “opt-out” of the Plan. If a newly eligible employee elects to “opt-in,” payroll deductions will begin in accordance with Section 2(A) of this Side Letter.

If a newly eligible employee fails to make an election within fifteen (15) days from the date of plan eligibility, it will be deemed that the newly eligible employee has elected to “opt-out.”

5. Participant Account

A separate account is maintained for each contributing eligible employee, which documents the employee’s contributions and disbursements. Contributions to VEBA, as well as any disbursements to cover non-reimbursed post-tax medical care expenses, are both tax-free. Eligible benefits subject to reimbursement by the Plan shall be limited to long-term care expenses and non-reimbursed medical premiums, co-pays, prescribed drug expenses and other medical care costs as defined by the Internal Revenue Code Section 213.

6. Administrative Fees

An eligible employee’s Plan account is subject to a monthly administrative fee for expenses related to recordkeeping, claims processing and claims reimbursement. The fee will be deducted from the eligible employee’s individual account.

7. Dispute Resolution

This Side Letter and any disputes arising under or in connection with this Side Letter shall not be subject to the dispute resolution procedure contained in the Unrepresented Unit’s Resolution or in the City’s Personnel Rules, nor shall this Side

Letter and any such dispute relating thereto be subject to the jurisdiction of the City's Personnel Commission for any reason whatsoever.

8. Indemnification

The Unrepresented Unit agrees to indemnify and hold the City of Hayward harmless against any claims made of any nature and against any suit instituted against the City arising from this Side Letter, including but not limited to claims arising from an employee's participation in VEBA or from any salary reduction initiated by the City for VEBA contributions.

9. Superseding Agreement

This Side Letter agreement supersedes all previous VEBA Side Letter agreements.

For City of Hayward

Kelly McAdoo, City Manager

Dated _____



CITY OF HAYWARD

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

File #: CONS 18-758

DATE: November 27, 2018

TO: Mayor and City Council

FROM: Deputy City Manager

SUBJECT

Authorization for the City Manager to Negotiate and Execute an Exclusive Negotiating Agreement with Red Bridge Partners for the Purchase of Three Parcels Located at the Northeast Corner of C and Main Streets for a Mixed-Use Housing and Commercial Project. This Action Is Exempt from CEQA Pursuant to Section 15332- In-Fill Development Projects.

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II) authorizing the City Manager to negotiate and execute an Exclusive Negotiating Agreement (ENA) for the sale of three parcels of land at the northeast corner of C and Main Streets in Downtown Hayward for a mixed-use housing and commercial project.

SUMMARY

The purpose of this item is to authorize the City Manager to enter into an ENA with the developer, Red Bridge Partners (RBP), to prepare conceptual development plans and commence negotiations of a Disposition and Development Agreement for acquisition and development of City owned parcels for a mixed-use housing project in Downtown Hayward. The ENA gives RBP reassurance that the City will not negotiate with another development entity while they are expending funds to conduct due diligence during the ENA negotiation period.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: November 27, 2018

TO: Mayor and City Council

FROM: Deputy City Manager

SUBJECT: Authorization for the City Manager to Negotiate and Execute an Exclusive Negotiating Agreement with Red Bridge Partners for the Purchase of Three Parcels Located at the Northeast Corner of C and Main Streets for a Mixed-Use Housing and Commercial Project.

RECOMMENDATION

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SUMMARY

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BACKGROUND

The City of Hayward purchased three parcels located on C Street and Main Street in downtown in 2014 (APNs: 428-66-38-01, 486-66-37, 428-66-38-2) with the street addresses of 1026 C Street and 22696 Main Street totaling 0.70 acres. The City purchased the properties as a strategic acquisition to attract new development to the downtown, including for the adjacent Green Shutter site to the north. The property is a vacant parcel consisting of a small unoccupied office building located at the corner of C Street and Main Street, which will be demolished given structural damage.

In a separate action, the Green Shutter site was acquired by Structure Properties, a private development company, in April 2016 and received development approvals for renovation of the property into 41 apartments with commercial ground floor tenants. The project is nearing completion and is actively leasing the remodeled residential units.

Consistent with the vision and plan to revitalize the downtown, the City issued a Request for Proposals (RFP) on October 31st, 2017 for acquisition and development of the C and

Main Street properties and received no responses. With competing Citywide development activity and staffing priorities, the disposition process for the C and Main Street properties was placed on hold.

In the summer of 2018, the City received an unsolicited offer for a mixed-use housing project from the developer, Red Bridge Partners (RBP), a residential developer, who are also partners in the redevelopment of the adjacent Green Shutter Project.

The three parcels under consideration for sale total 0.79 acres in size and are in the Central City Commercial and Central City Plaza zoning districts. The General Plan designation is Central City-Retail and Office Commercial. The allowed density on the site is 30 – 65 units per acre.

DISCUSSION

The City evaluated an initial proposal received by RBP for the purchase of the City parcel and is recommending moving forward with exploring further the RBP proposal subject to certain conditions outlined below. Their proposal includes a mixed-use project with ground floor commercial space and residential units located above.

Staff is recommending that the City Council approve entering into an ENA to allow exploration of RBP's mixed-use project proposed for a prime corner in the downtown core. The ENA is only the first step in the land disposition process. RBP will need to prepare site development and feasibility studies to develop a project description and project proforma and obtain environmental clearance and land use entitlements. The ENA simply provides RBP reassurance that the City will not negotiate with another entity while they are expending funds during the due diligence and commencing negotiation of the key terms of future a Disposition and Development Agreement with the City. Listed below is a summary of key elements of the proposed ENA:

Key Elements of the ENA

Due to the high visibility and central location of this development site, staff is recommending a short negotiating period of 90 days with required performance markers to ensure the developer performs within set time periods. The negotiating period may be extended for an additional 90 days if the first performance measures are met. At the end of the 180 days, staff recommends the project returns to the City Council for a determination whether the project will move forward with a Disposition and Development Agreement (DDA) or the City will issue a Request for Proposals for other developments on the site.

The required performance measures are as follows:

At the end of the initial 90 days, RBP must submit the following prepared to the satisfaction of the City Manager, in addition to the required good faith deposit and reimbursement deposit:

1. Conceptual Site Plans, elevations, and project description indicating number of units, retail space and parking;
2. Proposed financing plan and project proforma; and
3. Estimated project timeline.

If these items have all been submitted prior to the end of the initial 90-day period to the satisfaction of the City Manager, an additional 90 days will be added to the ENA. For staff to bring the final recommendation of moving forward with the negotiation of a DDA, the following items would need to be completed:

1. Developer has completed a concept level review with the Council Economic Development Committee;
2. Developer submits a completed application and project plans for the required planning entitlements; and
3. Developer provides City with copies of the final version of all reports, studies, analyses, and similar documents prepared to date.

Upon completion of these items, prior to the end of the second 90-day period, staff will return to the City Council seeking authorization to execute a DDA with RBP. If these items are not completed, the ENA will expire.

As part of the ENA, the City will require that future development of the site include the following:

- Affordable housing units to be incorporated into the project, rather than the payment of in-lieu fees consistent with the Affordable Housing Ordinance.
- Commercial storefronts shall be located along both the Main Street and C Street frontages.
- Parking shall be unbundled from the rest of the units allowing tenants to lease a parking space separate from their housing unit.
- Developer will submit a good faith deposit and staff and City consultant time will be billed against the deposit.

ECONOMIC IMPACT

The proposed sale of the three City owned parcels would have a significant positive economic impact for the City. No property taxes are currently being paid on the parcel group. Sale of the parcels to a non-governmental entity will place it back on the tax rolls. In addition, RBP is proposing to purchase the parcels and construct a new mixed-use development on the site with potentially for-sale units. The development also includes commercial space along the ground floor, which could potentially generate positive sales tax revenue and create local jobs. This development could serve as a revitalization project strengthening Hayward's downtown and encouraging other development or investments in the area, specifically along C Street.

The sale of the parcel group will be made pursuant to SB 470, which allows cities to sell public land for private development if the sale creates economic opportunity. Economic opportunity includes the creation and retention of jobs, increasing property tax revenues to all taxing entities and implementation of a transit-related project. If the project moves forward to the DDA phase, the DDA for the project will need to include one or more of these elements as an obligation and/or outcome of the development.

FISCAL IMPACT

This is the initial phase of potential property disposition and development. There are no anticipated fiscal impacts with the ENA/DDA negotiations as the developer deposit will pay for staff time and consulting costs. The estimated amount of new tax revenue to be generated will be calculated at the time the DDA moves forward for City Council consideration.

STRATEGIC INITIATIVES

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

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

Objective 1: Increase neighborhood safety and cohesion – The sale of the properties would remove three vacant parcels along a major street in the downtown to create a more cohesive neighborhood.

PUBLIC CONTACT

No public notice is required with this action. As the developer begins to put together the preliminary land use plan, community outreach will be an expectation of this process. In addition, there will be the standard public hearings before the Planning Commission and City Council as the City considers the necessary planning and environmental approvals for the proposed project should it move forward to those phases.

NEXT STEPS

If Council authorizes the action, the City Manager will negotiate and execute the ENA and staff will begin work with the developer. Should staff be successful in the negotiations with the developer, and the developer meets all performance measures as described above, the project will return to the City Council for final determination on whether the project moves forward with a Disposition and Development Agreement.

Prepared by: Catherine Ralston, Economic Development Specialist

Recommended by: Jennifer Ott, Deputy City Manager

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION 18-____

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN
EXCLUSIVE NEGOTIATION AGREEMENT BETWEEN THE CITY OF HAYWARD
AND RED BRIDGE PARTNERS FOR A PROPOSED MIXED-USE DEVELOPMENT
LOCATED AT 1026 C STREET

WHEREAS, The City purchased the three parcels located at the southeast corner of C and Main Streets in 2014 for the redevelopment of the site; and

WHEREAS, The City issued a Request for Proposals in April 2018 and received no response; and

WHEREAS, The City received an unsolicited offer for purchase in July 2018 from Red Bridge Partners and chose to explore further their proposal; and

WHEREAS, The City will resell the properties to private developers pursuant to SB 470, which allows cities to sell public land for private development if the sale creates economic opportunity; and

WHEREAS, The potential sale and development of the above identified property would create housing units, increasing property tax revenues to all taxing entities, implement a transit-oriented development and increase sales tax revenues; and

WHEREAS, Due to the high visibility of the project site, the Exclusive Negotiation Agreement (ENA) shall include performance measures that are to be met by the development team.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes and directs the City Manager to negotiate and execute an ENA with Red Bridge Partners consistent with the terms generally outlined in the accompanying staff report, in a form approved by the City Attorney, and providing for the payment of a reimbursement deposit.

IN COUNCIL, HAYWARD, CALIFORNIA _____.

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 18-764

DATE: November 27, 2018

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adoption of a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2019 pursuant to California Government Code Section 22892 of the Public Employees Medical and Hospital Care Act

RECOMMENDATION

That the City Council approves the attached resolution (Attachment II) authorizing the implementation of the mandatory minimum employer contributions to active and retiree medical premiums for calendar year 2019.

SUMMARY

The minimum employer contribution to the health premiums of active and retired employees has increased to \$136 dollars per month for calendar year 2019. This contribution amount is adjusted annually by CalPERS. The City's current contribution exceeds this amount.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: November 27, 2018

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Adoption of a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2019 pursuant to California Government Code Section 22892 of the Public Employees Medical and Hospital Care Act

RECOMMENDATION

That the City Council approves the attached resolution (Attachment II) authorizing the implementation of the mandatory minimum employer contributions to active and retiree medical premiums for calendar year 2019.

SUMMARY

The minimum employer contribution to the health premiums of active and retired employees has increased to \$136 dollars per month for calendar year 2019. This contribution amount is adjusted annually by CalPERS. The City's current contribution exceeds this amount.

BACKGROUND AND DISCUSSION

The City contracts with CalPERS to provide quality health benefits to its active and retired employees. California Government Code Section 22892 of the Public Employees Medical and Hospital Care Act (PEMHCA) establishes the minimum employer health contribution. The CalPERS Board annually adjusts the employer contribution to reflect any change in the Medical Care Component of the Consumer Price Index, rounded to the nearest dollar. The table below shows the minimum employer contribution per month required by CalPERS for the last six years, and the 2019 rate:

Calendar Year	Monthly Employer Contribution
2013	\$115.00
2014	\$119.00
2015	\$122.00
2016	\$125.00
2017	\$128.00
2018	\$133.00
2019	\$136.00

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

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

FISCAL IMPACT

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

STRATEGIC INITIATIVES

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

NEXT STEPS

The change in the PEMHCA minimum will be reflected in the City's Benefits Summary effective January 1, 2019.

Prepared by: Anthony Phillip, Human Resources Analyst II

Recommended by: Nina S. Collins, Director of Human Resources

Approved by:

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

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION AGREEING TO MEET THE MINIMUM EMPLOYER CONTRIBUTION TOWARD MEDICAL COST AS SET BY CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM ONE HUNDRED THIRTY-SIX DOLLARS (\$136) PER MONTH FOR CALENDAR YEAR 2019

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

WHEREAS, Government Code 22892 of the Public Employees Health and Medical Care Act (PEHMCA) states that a local agency provides a minimum health premium contribution for their participating active members; and

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

NOW, THEREFORE, BE IT RESOLVED, that effective January 1, 2019, the employer's contribution towards the cost of employee and retiree cost of health benefits shall be a minimum of \$136 per month as required by CALPERS.

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 18-772

DATE: November 27, 2018

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT

Authorization for the City Manager to Submit a Sustainable Communities Grant application to the California Department of Transportation (Caltrans) Division of Transportation Planning in the amount of \$354,120.

RECOMMENDATION

That Council authorizes the City Manager to submit a Sustainable Communities Grant application to the California Department of Transportation (Caltrans) Division of Transportation Planning in the amount of \$354,120.

SUMMARY

Staff requests authorization to submit a Sustainable Communities Grant application in the amount of \$354,120 to study and develop context sensitive complete street plans for roadways in Downtown Hayward. These plans will be used to improve safety, and support reduction strategies related to Green House Gas (GHG) emissions and Vehicle Miles Traveled (VMT).

If awarded, the grant would lessen the financial burden on the City to procure a transportation consulting firm to prepare a feasibility analysis and conceptual plans for Downtown Hayward traffic circulation improvements.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: November 27, 2018

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT: Authorization for the City Manager to Submit a Sustainable Communities Grant application to the California Department of Transportation (Caltrans) Division of Transportation Planning in the amount of \$354,120

RECOMMENDATION

That Council authorizes the City Manager to submit a Sustainable Communities Grant application to the California Department of Transportation (Caltrans) Division of Transportation Planning in the amount of \$354,120.

SUMMARY

Staff requests authorization to submit a Sustainable Communities Grant application in the amount of \$354,120 to study and develop context sensitive complete street plans for roadways in Downtown Hayward. These plans will be used to improve safety, and support reduction strategies related to Green House Gas (GHG) emissions and Vehicle Miles Traveled (VMT).

If awarded, the grant would lessen the financial burden on the City to procure a transportation consulting firm to prepare a feasibility analysis and conceptual plans for Downtown Hayward traffic circulation improvements.

BACKGROUND

Caltrans recently released the FY 2019-20 call-for-applications for Sustainable Communities, Strategic Partnerships, and Adaptation Planning Grants. A total of \$40 million is available for transportation planning grant awards statewide. The Sustainable Communities Grant was created to support Caltrans' Mission: Provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability. Eligible projects plan for reductions in GHG and VMT, and/or integrate Land Use and Transportation Planning. Examples of these projects include, but are not limited to:

- Studies, plans or planning methods that assist transportation agencies in creating sustainable communities and transit-oriented development
- Context-sensitive streetscapes or town center plans
- Complete Street plans

- Traffic calming and safety enhancement plans

The Sustainable Communities Grant provides a timely opportunity to study the feasibility and to develop a detailed conceptual complete street plan for downtown. It aligns with the Downtown Specific Plan, which was initiated in August 2016, and proposes multi-modal enhancements to the Downtown circulation network for a more active, safe, and attractive environment that promotes walking, biking, and transit as viable alternatives to single occupancy vehicles.

DISCUSSION

In 2013, as part of the Route 238/Mission-Foothill-Jackson Corridor Improvement Project, several improvements were made to the roadway network in Downtown Hayward. These improvements included an one-way system of streets along portions of Mission Boulevard, Foothill Boulevard and A Street, which is also referred to as the Downtown Loop. Prior to the implementation, Downtown Hayward consisted primarily of two-way streets, with B Street and C Street as east-west, one-way pairs. The loop improved the regional traffic flow along Mission Boulevard and Foothill Boulevard through downtown Hayward. However, the lane configuration of the loop and irregular pairing of one-way streets creates navigation and wayfinding challenges in the Downtown area, often resulting in safety and operational concerns for all modes of transportation.

Hayward's grant application would request funding for a feasibility study and conceptual plan to address public concerns related to the safety, operational, and circulation challenges with the Loop.

In 2017, the City Manager recommended the development and implementation of a Grant Management Policy, with the general purpose of establishing a process by which departments shall seek administrative approval prior to that of City Council to proceed with grant applications.

Grant Management Policy (A.R. 3.6) – Effective October 12, 2017

In accordance with A.R. 3.6, staff submitted the grant review application, along with intent and supporting documents to the City's established Grant Administrative Oversight Committee (GAOC). After thorough review, the GAOC supports the application and recommends approval to the City Manager and City Council.

Support of General Plan Policies

This agenda item supports numerous General Plan policies:

Land Use - Goal LU-2: To accommodate and encourage growth within compact, mixed-use and walkable neighborhoods and districts that are located near the City's job centers and regional transit facilities, among others.

Mobility - Goal M-1: To provide a comprehensive, integrated and connected network of transportation facilities and services for all modes of travel.

Community Health and Quality of Life - Goal HQL-2: To create convenient and safe opportunities to incorporate physical activity into the everyday activities of residents, employees, and visitors, among others.

This item also supports the City's Climate Action Plan by improving circulation and promoting the reduction of greenhouse gas emissions, development of multi-modal transportation networks, and a diversity of land uses over reducing congestion of single occupancy vehicles.

ECONOMIC IMPACT

Implementation of the specific improvements identified in the Downtown Specific Plan will improve access to the Hayward BART station, improve circulation, and allow better connection between the Downtown area and the rest of the City, creating more business opportunities for downtown area merchants and restaurants. The multi-modal improvements will create a more pedestrian- and bicycle-friendly community, thus providing positive health benefits and reduction of GHG emissions.

FISCAL IMPACT

A Sustainable Communities Grant has a minimum award of \$100,000 and maximum award of \$1,000,000, with \$29.5 million available for grant awards. The grant requires a 11.47% minimum local match contribution in cash or in the form of an in-kind match. Staff time dedicated to the project is considered as cash match for this grant and may be used to fulfill the entire match requirement.

The project cost is estimated to be approximately \$400,000. The proposed grant funds request is \$354,120. The minimum local match requirement for our grant request is \$45,880, which is equivalent to 319 staff working-hours.

In the event the grant is not awarded, there will be a financial impact to the City as staff will need to identify other sources of funds to further evaluate the proposed improvements.

STRATEGIC INITIATIVES

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

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

Objective 2: Increase walking, biking, transit usage, carpooling, and other sustainable modes of transportation by designing and retrofitting streets to accommodate all modes.

SUSTAINABILITY FEATURES

Multi-modal transportation and land use planning contributes to the State's GHG reduction targets, addresses the needs of disadvantaged communities, improves accessibility for all, and improves traffic safety. The proposed improvements will align with the City's 2040 General Plan, Complete Streets Policy, Pedestrian and Bicycle Master Plan, Traffic Calming Program, and other regional improvements.

PUBLIC CONTACT

If the grant is awarded, the work will include comprehensive outreach to include residents and community-based organizations to understand community-identified needs and to meaningfully engage in developing the final product. Public outreach will consist of community surveys, meetings, charrettes, and/or focus groups.

NEXT STEPS

If Council approves this request, staff will prepare the grant application and submit it to Caltrans.

SCHEDULE

Grant Application Deadline:	November 30, 2018
Award Notice:	Spring 2019
Anticipated Start Date:	October 2019
Work Completed By:	April 2022

Prepared by: Vasavi Pannala, Senior Transportation Engineer

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 APPLY FOR A
SUSTAINABLE COMMUNITIES GRANT FROM THE CALIFORNIA
DEPARTMENT OF TRANSPORTATION

WHEREAS, The California Department of Transportation (Caltrans) has released the FY 2019-20 call-for-applications for Sustainable Communities, Strategic Partnerships, and the Adaptation Planning Grants; and

WHEREAS, A total of \$40,000,000 is available for transportation planning grant awards statewide; and

WHEREAS, The Sustainable Communities Grant provides a timely opportunity to study the feasibility and develop a detailed conceptual complete street plan; and

WHEREAS, Hayward's grant application would request funding for a feasibility study and conceptual plan addressing public concern related to the safety, operational, and circulation challenges with the Downtown Loop; and

WHEREAS, In accordance with Administrative Rule 3.6, staff submitted the grant review application, along with intent and supporting documents to the City's Grant Administrative Oversight Committee (GAOC); and

WHEREAS, The GAOC supports the application and recommends approval; and

WHEREAS, If awarded, grant funds of \$354,120, will lessen the financial burden on the City to procure professional services of a transportation consulting firm to prepare a feasibility analysis and conceptual plans for Downtown Hayward traffic circulation improvements included in Downtown Specific Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to proceed with applying for a Sustainable Communities Grant from the California Department of Transportation.

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 18-787

DATE: November 27, 2018

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT

Authorization to Negotiate and Execute a Design-build Contract with Engie Services U.S. Inc. to Build the First Phase of the Two-Megawatt Solar Photovoltaic Energy System to be Installed at the Water Pollution Control Facility (WPCF)

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to negotiate and execute a design-build contract with Engie Services U.S. Inc., to build the first phase of the two-megawatt solar photovoltaic energy system to be installed at the Water Pollution Control Facility (WPCF).

SUMMARY

In March this year, Council approved a new two-megawatt solar photovoltaic facility for the WPCF. The approved project was for construction of the entire facility at once and supplying the electricity generated to two recipients - East Bay Community Energy (EBCE) and Pacific Gas & Electricity (PG&E). Staff has been working with EBCE but has not been able to successfully negotiate terms of an economically viable power purchase agreement. Rather than delay the entire project, staff recommends the project be built in phases and to begin with the first phase, which is the portion of the project that will generate power for PG&E.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: November 27, 2018

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services

SUBJECT Authorization to Negotiate and Execute a Design-build Contract with Engie Services U.S. Inc. to Build the First Phase of the Two-Megawatt Solar Photovoltaic Energy System to be Installed at the Water Pollution Control Facility (WPCF)

RECOMMENDATION

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SUMMARY

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BACKGROUND

On March 6, 2018, Council approved a two megawatt (MW) solar project for the WPCF. As described in the March 6 Council report, 600 kilowatt (kW) of the power will be used to further offset the power demands of City facilities through PG&E's Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT) program to help the City get closer to meeting its goal of zero net energy for its municipal facilities, with the remaining 1,400 kW exported to EBCE as clean, renewable, locally produced energy.¹ Under the RES-BCT regulations, the City is authorized to produce up to five MW of power and export its excess energy to a limited number of other City facilities. Due to the existing 1.0 MW solar and 1.13 MW cogeneration facilities at the WPCF, the RES-BCT tariff allows for the addition of only 600 kW of solar energy.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=3361904&GUID=5FA0A52F-BE9D-4266-BFA2-E186DC901EEF&Options=&Search=>

On July 16, 2018, the Council Sustainability Committee considered a staff report about a potential feed-in-tariff (FIT) program that might be offered by EBCE.² The report noted that the FIT program would enable the City to sell power to EBCE, but that the timing of the availability of the FIT program was uncertain and had significant implications on the construction schedule of the solar facility. The report presented three different scenarios:

1. Build in Single Phase. Sell portion to PG&E through RES-BCT and portion to EBCE through FIT program.
2. Build in Two Phases. The EBCE portion would have to start within 180 days of the Notice to Proceed. The additional cost for building in two phases is estimated to be up to \$169,293. Pricing beyond 180 days cannot be guaranteed by the contractor.
3. Build in Single Phase and sell all power to PG&E.

The Committee expressed a preference for Scenario 1 because it had the shortest payback period, and the Committee voted unanimously to support Scenario 1.

DISCUSSION

Staff has been in conversations with EBCE staff since May 2018 when EBCE released a draft of its Local Development Business Plan (LDBP). The draft LDBP included recommendations for a municipal feed-in-tariff or MuniFIT program, which would offer a fixed price for power with a 20-year contract. The final LDBP, approved by the EBCE Board on July 18, 2018, includes less specificity about the MuniFIT program and suggests that the program could be implemented with a collaborative procurement that would involve several or possibly all member jurisdictions. EBCE staff have been working with the City with the understanding that the Council-approved 2 MW solar project for the WPCF needs to proceed prior to a collaborative procurement, but staff has not been able to reach tentative terms of an economically viable agreement to allow the city to recover its costs in a reasonable length of time.

Per the authorization granted by Council on March 6, 2018, staff is ready to execute a contract with a contractor (Engie) for this design build project assuming all 2 MW would be constructed in a single phase. Engie has confirmed they will honor the low bid amount of the contract price until the end of November. Due to the uncertainty associated with selling 1,400 kW to EBCE, staff recommends that the project be built in two phases and that Council authorize the City Manager to execute a contract for the first phase, which is the 600 kW RES-BCT portion of the project.

Staff has successfully obtained PG&E approval for interconnection of the RES-BCT portion of the project. The approval requires that the RES-BCT portion be constructed and interconnected to PG&E by the end of 2019. Not meeting the December 31, 2019 deadline would result in a lower rate offered by PG&E.

ECONOMIC IMPACT

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=3551023&GUID=4F0D14F4-3B3B-4557-8FA2-166E0074593E&Options=&Search=>

Unlike the existing solar PV facility, the energy produced by the first phase of the new facility would almost exclusively be used for export to either other City buildings or facilities to help the City meet its ZNE goal. While the financial variables are numerous and hard to precisely predict at this time, staff believes the project's impact on City residents and businesses to be neutral.

FISCAL IMPACT

On October 3, 2018, the California Energy Commission (CEC) approved a \$2.1 million low interest loan for the RES-BCT portion of the project. The annual debt service will be paid from the Wastewater Operating Fund. Annual operating and maintenance costs will also be paid from the Wastewater Operating Fund. These expenses will be offset by the revenues from the sale of electricity to benefitting accounts.

On March 6, 2018, City Council authorized staff to negotiate and execute a contract with Engie Services U.S. for a 2 MW solar photovoltaic facility in an amount not to exceed \$5,740,000, which included the low bid of \$5,464,360 and a \$275,640 administrative change order contingency for unforeseen changes and conditions during design and construction. During preparation of the contract with Engie, part of the administrative change order budget was expended by adding a few items to the scope of work that were omitted from the original RFQ including a fire alarm panel, extending the water line for cleaning the panels, and lime treatment for the road subgrade. These items added \$131,387 to the low bid resulting in a revised contract amount of \$5,595,747, or \$2.80/watt. The remaining administrative change order contingency is \$144,253.

Subsequently, when staff realized an agreement with EBCE to accept power from the 1,400 kW portion of the project might be delayed, staff requested Engie Services U.S. to estimate the cost impact for a phased approach and to revise the contract assuming a phased approach. The phased approach assumes a notice-to-proceed (NTP) would be issued for only the RES-BCT portion of the array, and after an agreement with EBCE was reached, a second NTP would be issued for the EBCE portion of the array. Engie has indicated that they will honor the pricing included in their bid only if the second NTP is issued between 30 to 180 days following the initial NTP. This phased approach added an additional \$169,294 in additional costs primarily associated with mobilization and engineering. Under the phased approach, the facility costs are as follows:

Phase		Cost (\$)	\$/watt	Interconnect to
First Phase	RES-BCT (600kw)	\$2,150,955	\$3.58	PG&E
Second Phase	EBCE (1400kw)	\$3,614,086	\$2.58	EBCE
Overall	(2MW)	\$5,765,041	\$2.88	

Note that the higher cost per watt for the first phase (RES-BCT portion) results from higher initial costs including grading, fencing, preparing documentation such as storm water pollution prevention plans, etc., that are not required for the second phase (EBCE portion) of the project. The overall cost at \$2.88/watt is slightly higher than the cost to construct the project in one phase as noted above (\$2.80/watt).

To implement the phased approach, staff estimates the project cost will increase from \$5,740,000 to \$6,055,850, which includes \$290,809 in administrative change order

contingency. The administrative change order contingency would cover unforeseen conditions and changes during construction, as well as potential additional costs should the NTP for the second phase (EBCE portion) of the project be issued more than 180 days following the NTP for the first phase. To construct the first phase only, the cost is \$2,323,031, which includes an eight percent change order contingency.

A comparison of the total estimated project costs for the 2 MW single phase project versus the phased approach project is summarized in the following table:

	Original Costs - 2MW Constructed in One Phase	Revised Total Costs for Phased Project	Costs for First Phase Only
Design and Administration Services – City Staff	\$ 70,000	\$70,000	\$40,000
Design and Construction Contract (including administrative change orders)	\$5,740,000	\$6,055,850	\$2,323,031
Estimated PG&E Interconnection Service Upgrade fee (only applies to EBCE portion)	\$250,000	\$250,000	-
Inspection– City Staff and Third-Party Testing Companies	\$100,000	\$100,000	\$60,000
Total	\$6,160,000	\$6,475,850	\$2,423,031

STRATEGIC INITIATIVES

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

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

Objective: Create resilient and sustainable neighborhoods.

By producing more renewable energy free from greenhouse gas emissions, this project will improve the community's sustainability and in a small measure contribute to the health and wellbeing of our residents throughout the City.

SUSTAINABILITY FEATURES

Future implementation of the second phase of the project is contingent on reaching an agreement with EBCE. The installation of additional solar PV in municipal facilities would allow the City to work towards producing local, GHG-free electric energy, from renewable sources. This project will get the City a step closer to meeting the Council's stated ZNE goal for City municipal

services by 2025. The City is currently producing more than 50 percent of its electric energy from renewable sources and purchases just over 8,000 megawatt hours from PG&E. This project can potentially produce an additional 4,806 megawatt hours and get the City substantially closer to meeting its municipal ZNE goal. In addition, if the City is able to initiate a new energy purchase agreement with EBCE in the near future, the second phase of this project will enable the City to generate and sell clean, renewable, locally produced electricity for local communities.

PUBLIC CONTACT

As noted in the March 6 Council report, the California Environmental Quality Act (CEQA) Initial Study and Draft Mitigated Negative Declaration were circulated and posted for public review and comment.

NEXT STEPS

The revised estimated schedule for this project is summarized as follows:

Complete Construction Contract	December 2018
Initiate Construction on First Phase	January 2019
Begin Operation of First Phase	July 2019

Staff will continue to work with EBCE to negotiate the terms of a power purchase agreement for the remaining 1,400 kW of the project. Once tentative terms of an agreement are reached, staff will present them to Council.

Prepared by: Terence Lai, Associate Civil Engineer
Erik Pearson, Environmental Services Manager

Reviewed by: Suzan England, Senior Utility Engineer

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 CONTRACT WITH ENGIE SERVICES U.S. INC. FOR THE FIRST PHASE OF A TWO-MEGAWATT SOLAR PHOTOVOLTAIC ENERGY SYSTEM AT THE WATER POLLUTION CONTROL FACILITY (WPCF), PROJECT NO. 07530 IN AN AMOUNT NOT TO EXCEED \$2,323,031

WHEREAS, On March 6, 2018, Council approved a two megawatt (MW) solar project for the WPCF and authorized staff to negotiate and execute a contract with Engie Services U.S. Inc., for the design, construction and operation/maintenance of the project; and

WHEREAS, Electricity from the project will be directed to two recipients – East Bay Community Energy (EBCE) and Pacific Gas & Electricity (PG&E); and

WHEREAS, 600 kilowatts (kW) of the power will be used to further offset the power demands of City facilities through PG&E's Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT) program and the remaining 1,400 kW was intended for export to EBCE as clean, renewable, locally produced energy; and

WHEREAS, Staff has not been able to successfully negotiate terms of an economically viable power purchase agreement with EBCE; and

WHEREAS, An approved loan from the California Energy Commission and PG&E's interconnection approval both require the 600kW portion of the project to be constructed by December 31, 2019; and

WHEREAS, The Capital Improvement Program Sewer Improvement Fund includes sufficient funding for Engie Services U.S. Inc., to perform the scope of work required by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to negotiate and execute a contract with Engie Services U.S. Inc., for the design, construction and operation/maintenance of first phase of the a two-megawatt solar photovoltaic energy system to be located at and interconnected with the Water Pollution Control Facility's PG&E service meter, in an amount not to exceed \$2,323,031.

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 18-776

DATE: November 27, 2018

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Approval of Final Map Tract 8447 (SoHay), Associated with the Previously Approved Tentative Map for Tract 8428 and Proposed Development of 126 Residential Condominium Units and a Public Trail on a 10.91-acre site Located at 29629 Dixon Street; William Lyon Homes, Inc. (Applicant/Owner)

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II) approving Final Map 8447, finding it in substantial conformance with the approved Vesting Tentative Tract Map 8428 and the Conditions of Approval thereof, and authorizing the City Manager to take other administrative actions and execute a Subdivision Agreement and such other documents as are appropriate to effectuate the required improvements for the development located at 29629 Dixon Street.

SUMMARY

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

If the City Council approves the Final Map, the applicant will have the final map recorded, obtain construction permits, and commence the construction of improvements shown on the approved Improvement Plans.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Vicinity Map
Attachment IV	Site Map

File #: CONS 18-776

Attachment V

Final Map



DATE: November 27, 2018

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Approval of Final Map Tract 8447 (SoHay), Associated with the Previously Approved Tentative Map for Tract 8428 and Proposed Development of 126 Residential Condominium Units and a Public Trail on a 10.91-acre Site Located at 29629 Dixon Street; William Lyon Homes, Inc. (Applicant/Owner)

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment II) approving Final Map Tract 8447, finding the map in substantial conformance with the approved Vesting Tentative Tract Map 8428 and the Conditions of Approval thereof, and authorizing the City Manager to take other administrative actions and execute a Subdivision Agreement and such other documents as are appropriate to effectuate the required improvements for the SoHay development.

SUMMARY

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

If the City Council approves the Final Map, the applicant will have the final map recorded, obtain building permits, and commence the construction of improvements shown on the approved Improvement Plans.

BACKGROUND

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

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

On May 8, 2018, Council approved the Vesting Tentative Tract Map and other discretionary approvals to subdivide the property and construct 35 townhome style residential condominiums as well as construct 20,000 square feet of commercial space, public park and trail, 198 residential condominium units and 72 apartment units. The Vesting Tentative Map will expire on May 8, 2021.

On March 15, 2018, the applicant submitted Improvement Plans and the Final Maps for Tracts 8428 and 8444 to the City Engineer for review and approval. A grading permit to allow the developer to perform clearing and rough grading of project properties was issued by the City Engineer on August 6, 2018.

Council approved the first phase of the project, Final Maps for Tracts 8428 and 8444, on November 13, 2018.

DISCUSSION

Tract 8447 is located across three (3) parcels totaling 10.91-acres at 29629 Dixon Street. (see Attachment III- Vicinity Map) and will create lots required to construct a public trail and 126 residential condominium units. The approved SoHay development is comprised of five (5) Tracts. Improvement plans and Final Maps for the remaining two (2) Tracts are currently under review by the City Engineer.

SoHay has a condition of approval that requires the mixed-use buildings locating along Mission Blvd to begin vertical construction prior to the issuance of the certificate of occupancy for the first condominium unit and shall be completed prior to issuance of certificate of occupancy for the last condominium unit. The mixed-use buildings are comprised of two (2) 55-foot buildings that will have a combined 20,000 square feet of commercial space and 72 apartment units.

The Applicant submitted building permit applications for the mixed-use buildings on July 30, 2018 and those applications are currently under review by the Building Official.

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

The City Council's approval of the Final Maps shall not become effective until and unless the developer enters into a Subdivision Agreement with the City for the construction of improvements and other obligations required per conditions of approval of the Vesting Tentative Tract Map.

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

ECONOMIC AND FISCAL IMPACT

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

STRATEGIC INITIATIVES

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

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

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

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

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

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

Objective 3: Conserve and improve the existing housing stock

PUBLIC CONTACT

A public hearing is not required for the filing and approval of the Final Maps for Tract 8447. Public hearings were already conducted as part of the approval of the Vesting Tentative Map for Tract 8428.

NEXT STEPS

If the City Council approves the Final Map, the applicant will have the final map recorded, obtain construction permits, and commence the construction of improvements shown on the approved Improvement Plans.

Prepared by: Allen Baquilar, Senior Civil Engineer

Recommended by: Laura Simpson, Development Services Director

Approved by:

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

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION APPROVING FINAL MAP FOR TRACT 8447 AND AUTHORIZING
THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT

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

WHEREAS, The Final Map for Tract 8447 has been presented to the City Council of the City of Hayward for development of 126 residential condominiums located on 29629 Dixon Street; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby find that the Final Map for Tract 8447 is in substantial compliance with the approved Vesting Tentative Tract Map and does hereby approve the Final Map for Tract 8447, subject to the subdivider entering into a subdivision agreement for the construction of improvements and other obligations, as required by the conditions of approval of the Vesting Tentative Tract Map for Tract 8428, and that the approval of the Final Map for Tract 8447 shall not be effective until and unless such agreement is entered into.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized for and on behalf of the City of Hayward to negotiate and execute a subdivision agreement in a form 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:

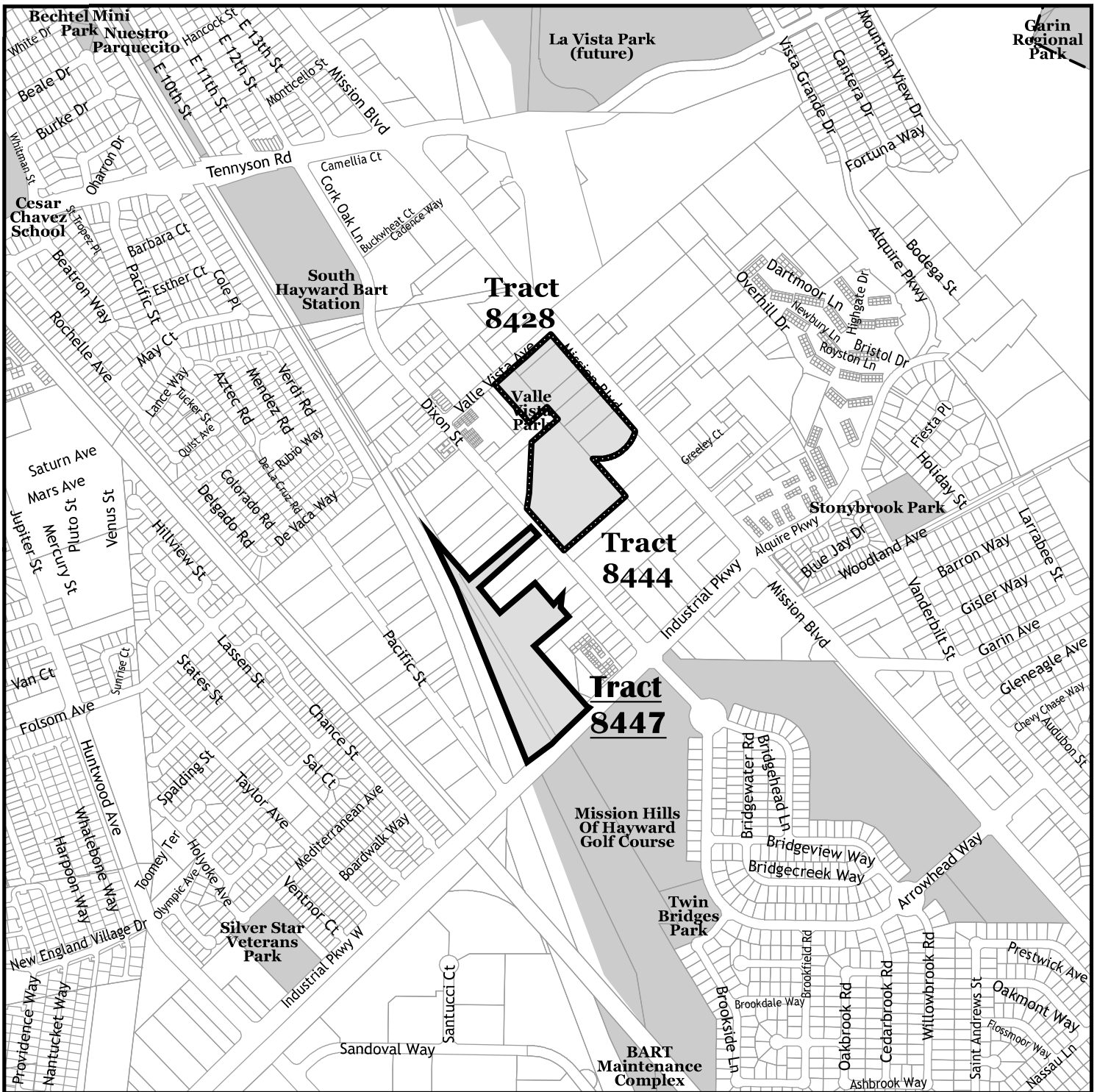
ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Vicinity Map



Final Map 8447

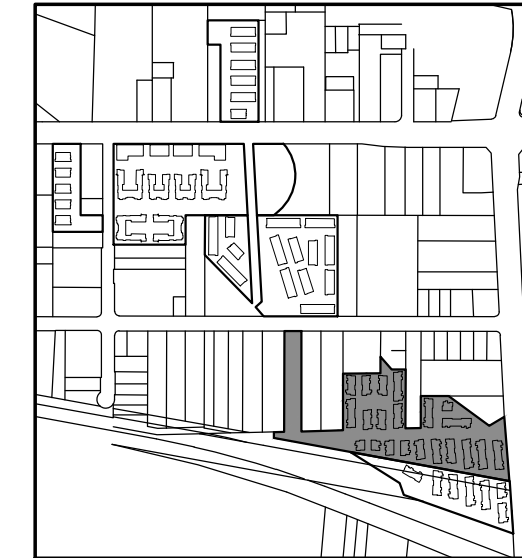
Address:

Mission, Valle Vista, Industrial

Applicant:

Steven Jones/William Lyon Homes Inc.

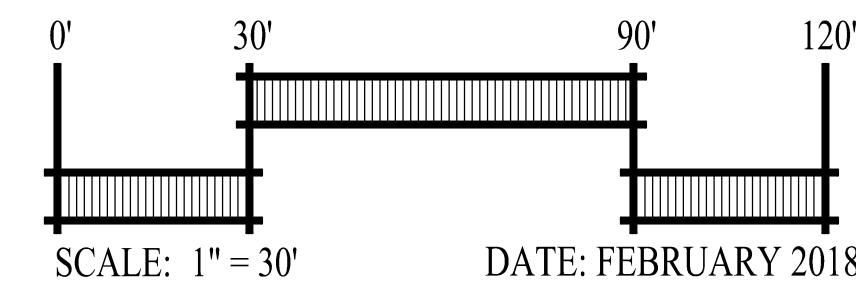
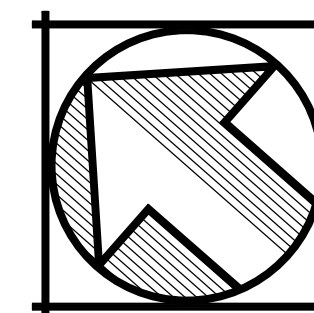
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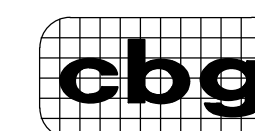
KEY MAP

NOT TO SCALE

FOR MORE INFORMATION SEE SHEETS:
 TM.0.1 FOR NOTES, ABBREVIATIONS & LEGEND
 TM.0.2 FOR TYPICAL SETBACKS
 TM.0.3C FOR PA-3 STREET SECTIONS



CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



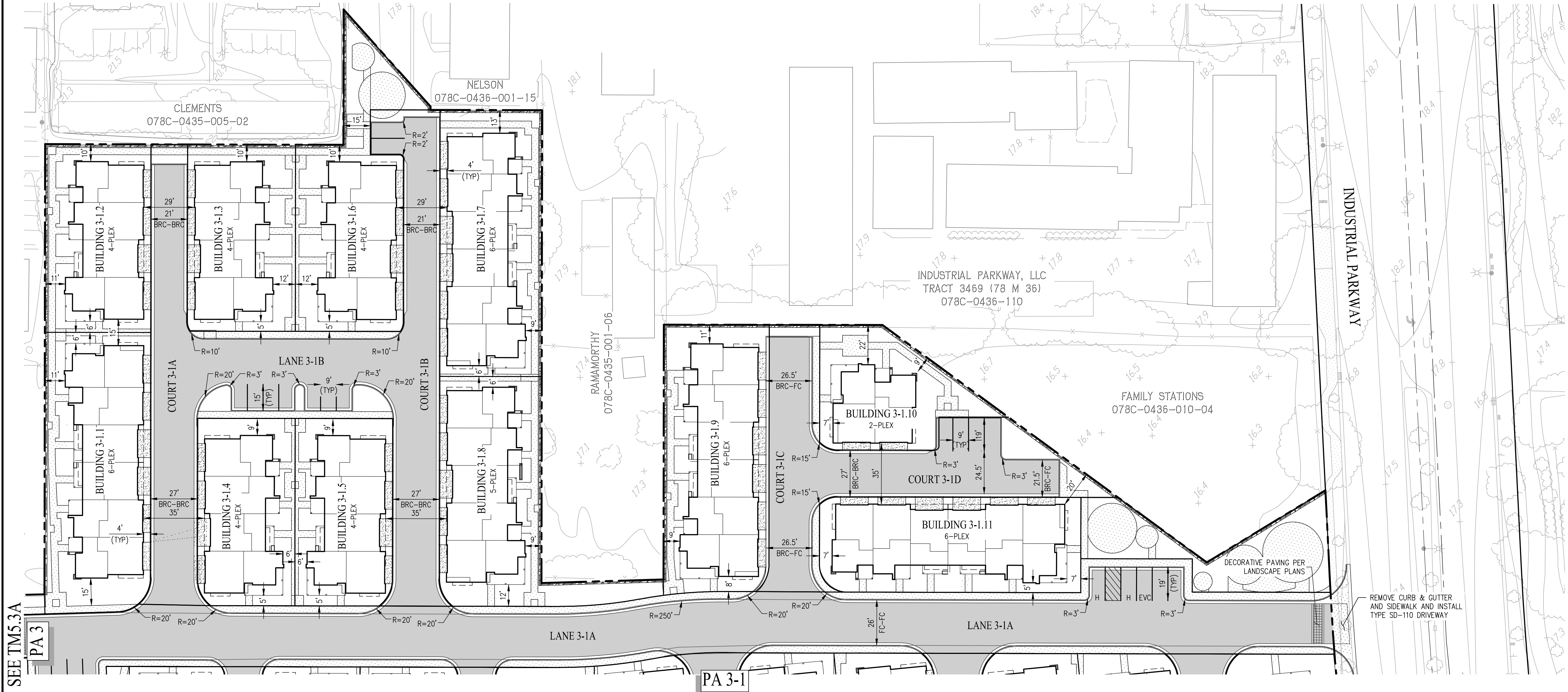
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SAN RAMON, CALIFORNIA 94583

(925) 866-0322
www.cbandg.com

SHEET NO.

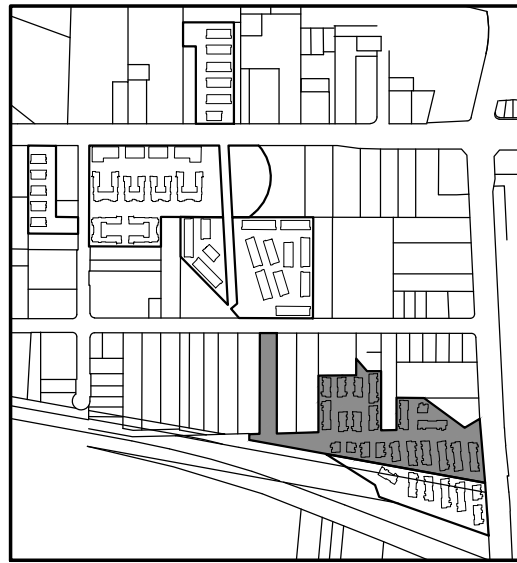
TM5.3A



SEE TM5.3A
PA 3

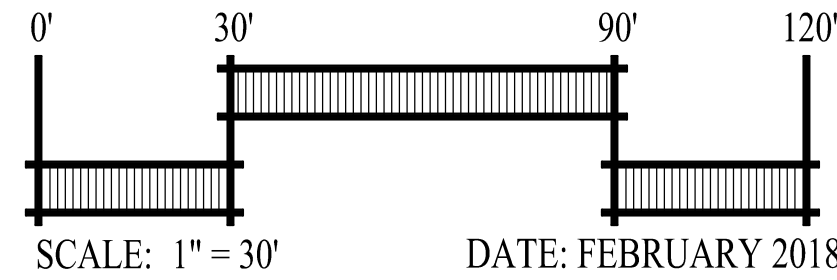
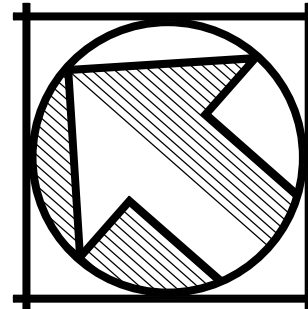
PA 3-1

SEE TM5.3C



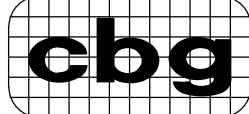
KEY MAP
NOT TO SCALE

FOR MORE INFORMATION SEE SHEETS:
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TM0.2 FOR TYPICAL SETBACKS
TM0.3C FOR PA-3 STREET SECTIONS



DATE: FEBRUARY 2018

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

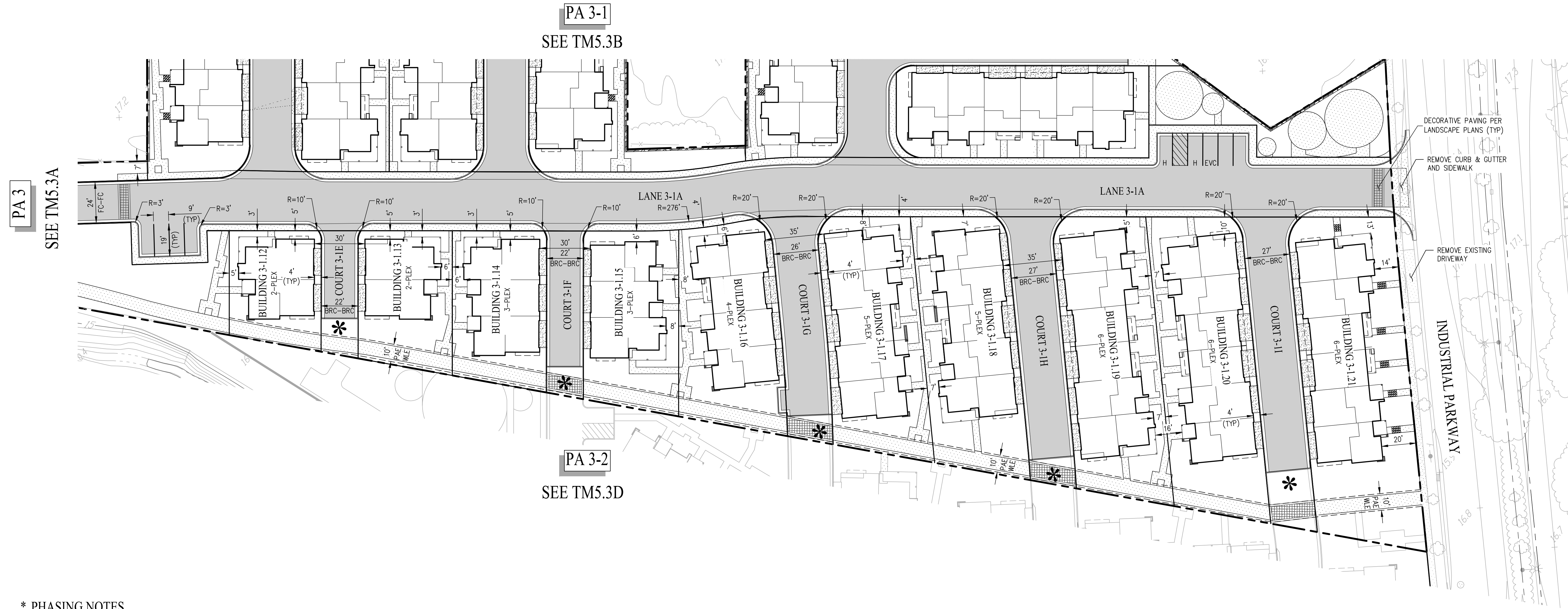


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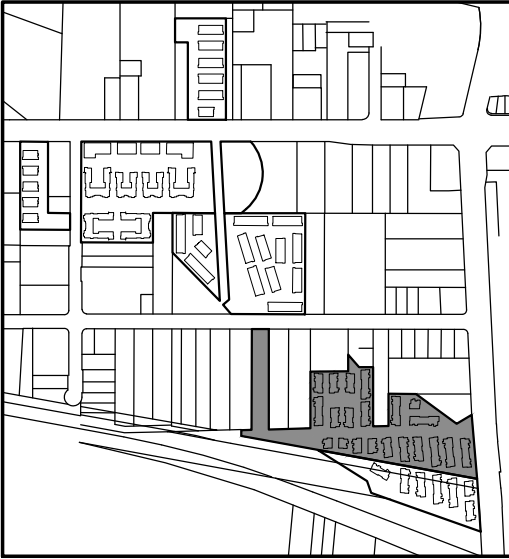
(925) 866-0322
www.cbandg.com

SHEET NO.
TM5.3B



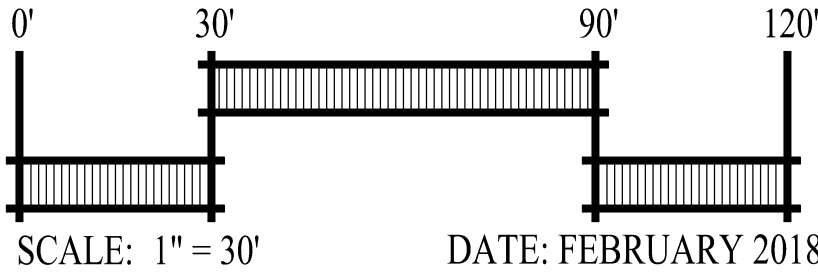
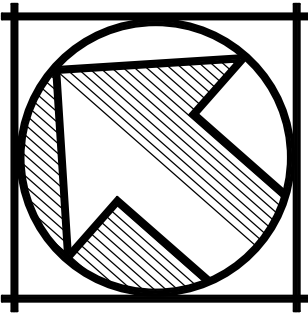
*** PHASING NOTES**

1. COURTS INCLUDING STREET IMPROVEMENTS AND UTILITIES TO DEAD END IF DEVELOPER IS UNABLE TO ACQUIRE BART AND ACFC PROPERTIES.
2. IMPROVEMENTS TO CONTINUE THROUGH AS SHOWN ON TM5.3D IF SAID PROPERTIES ARE ACQUIRED.



KEY MAP
NOT TO SCALE

FOR MORE INFORMATION SEE SHEETS:
TM0.1 FOR NOTES, ABBREVIATIONS & LEGEND
TM0.2 FOR TYPICAL SETBACKS
TM0.3C FOR PA-3 STREET SECTIONS



CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



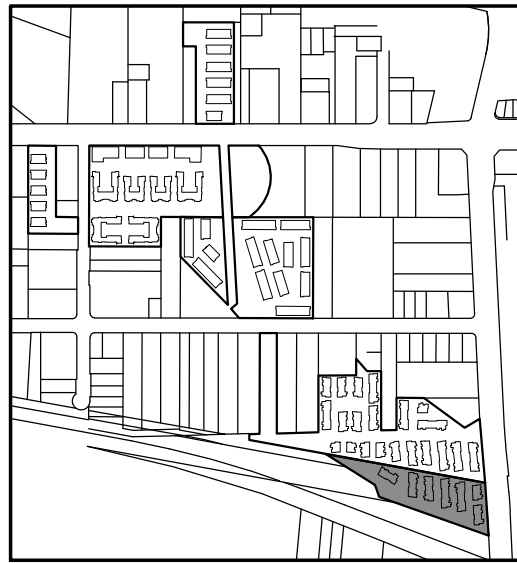
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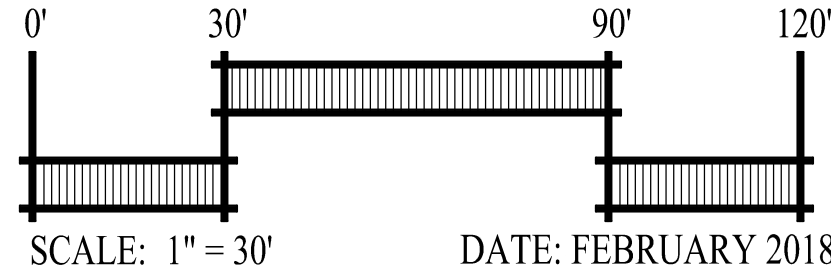
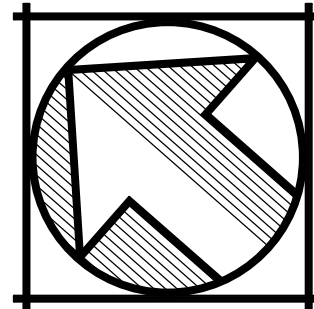
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TM5.3C



KEY MAP
NOT TO SCALE

FOR MORE INFORMATION SEE SHEETS:
TM0.1 FOR NOTES, ABBREVIATIONS & LEGEND
TM0.2 FOR TYPICAL SETBACKS
TM0.3C FOR PA-3 STREET SECTIONS



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SHEET NO.

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1/16/2017 8:58 PM

OWNER'S STATEMENT

THE UNDERSIGNED, SOHAY–HAYWARD, L.P., DOES HEREBY STATE THAT THEY ARE THE OWNERS OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREIN EMBODIED MAP ENTITLED "TRACT 8447 SOHAY", CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA" CONSISTING OF 10 SHEETS, THIS STATEMENT BEING ON SHEET ONE (1) THEREOF; THAT SAID UNDERSIGNED ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THAT GRANT DEED RECORDED AUGUST 3, 2018, AS INSTRUMENT NUMBER 2018152492, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, AND THAT SAID UNDERSIGNED HAS CAUSED SAID MAP TO BE PREPARED FOR RECORD; AND THAT SAID UNDERSIGNED CONSENTS TO THE PREPARATION AND FILING OF THIS MAP;

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

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

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

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

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

AND THE UNDERSIGNED DO HEREBY RESERVE THE PARCELS LABELED PARCEL I, PARCEL J, PARCEL K, PARCEL O AND PARCEL P FOR ACCESS, OPEN SPACE, UTILITY, DRAINAGE, WALL/FENCE MAINTENANCE, STORM WATER TREATMENT, AND LANDSCAPING PURPOSES. SAID PARCELS SHALL BE OWNED AND MAINTAINED IN ACCORDANCE WITH COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8447.

AND THE UNDERSIGNED DO HEREBY RESERVE THE PARCELS LABELED PARCEL A, PARCEL B, PARCEL C, PARCEL D, PARCEL E, PARCEL F, PARCEL G, PARCEL H, PARCEL L, PARCEL M, AND PARCEL N FOR THE PURPOSES OF PRIVATE STREETS, PARKING AND DRIVEWAYS; SAID PARCELS HEREBY CONSTITUTES PRIVATE INGRESS/EGRESS EASEMENT (PIEE) AND PRIVATE STORM DRAINAGE EASEMENTS (PSDE) FOR THE BENEFIT OF ALL THE LOTS AND PARCELS WITHIN THIS MAP; MAINTENANCE OF SAID PARCEL SHALL BE THE RESPONSIBILITY OF SAID HOMEOWNER'S ASSOCIATION IN ACCORDANCE WITH THE RESTRICTIONS GOVERNING THIS SUBDIVISION; SAID PARCELS ARE NOT OFFERED FOR DEDICATION TO THE PUBLIC.

AND THE UNDERSIGNED DO HEREBY RESERVE A PRIVATE EASEMENT WITH THE RIGHT OF INGRESS AND EGRESS FOR MAINTENANCE PURPOSES DESIGNATED AS "MAE" (MAINTENANCE ACCESS EASEMENT) OVER PARCEL A, PARCEL F, PARCEL L, PARCEL N AND PARCEL O TO BE CONVEYED TO ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT BY SEPARATE INSTRUMENT.

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

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

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

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

BY: _____
STEVEN C. PORATH
AUTHORIZED PERSON

TRACT 8447
SOHAY

CONSISTING OF 10 SHEETS
FOR 126 CONDOMINIUM UNITS
BEING A SUBDIVISION OF PARCELS 12, 13, 14 , 15, 19 AND 20
DESCRIBED IN THE GRANT DEED RECORDED UNDER
INSTRUMENT NUMBER 2018152492
OFFICIAL RECORDS OF ALAMEDA COUNTY.
CITY OF HAYWARD, CALIFORNIA

Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON • WEST SACRAMENTO

NOVEMBER 2018

OWNER'S ACKNOWLEDGMENT

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

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA }

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

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

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

OPTIONEE'S STATEMENT

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

WILLIAM LYON HOMES, INC., A CALIFORNIA CORPORATION

BY: _____ BY: _____

NAME (PRINT): _____ NAME (PRINT): _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

OPTIONEE'S ACKNOWLEDGMENT

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

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA }

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

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

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

OPTIONEE'S ACKNOWLEDGMENT

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

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA }

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

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

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

COUNTY RECORDER'S STATEMENT

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

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

BY: _____
DEPUTY COUNTY RECORDER

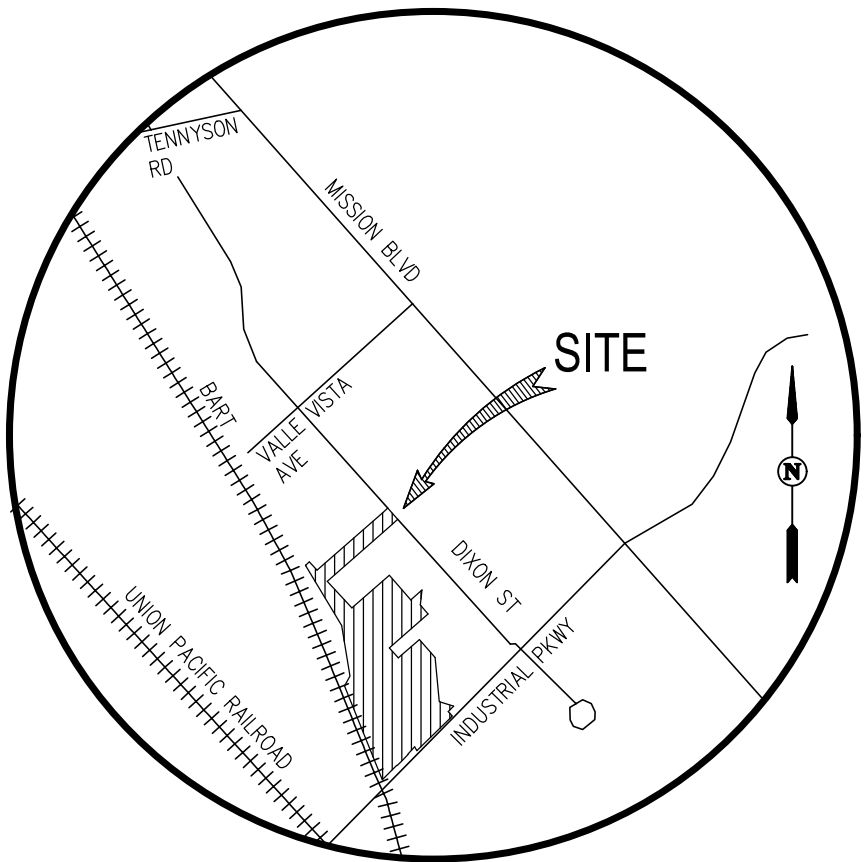
TRACT 8447
SOHAY

CONSISTING OF 10 SHEETS
FOR 126 CONDOMINIUM UNITS
BEING A SUBDIVISION OF PARCELS 12, 13, 14 , 15, 19 AND 20
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CITY OF HAYWARD, CALIFORNIA

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NOVEMBER 2018



VICINITY MAP

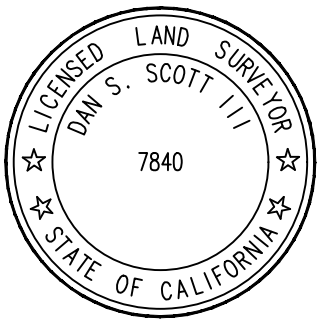
NOT TO SCALE

CITY SURVEYOR'S STATEMENT

I, DAN S. SCOTT III, CITY SURVEYOR HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY SURVEYOR OF THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT 8447, SOHAY", CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA:

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

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



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

SURVEYOR'S STATEMENT

I, MARK H. WEHBER, HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF SOHAY-HAYWARD, L.P., IT IS BASED UPON A FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECTION ON AUGUST 2017, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE, AND IS TRUE AND COMPLETE AS SHOWN. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP (IF ANY) AND APPROVED AMENDMENTS THEREOF. I ALSO HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2021, AND THAT THE MONUMENTS ARE, OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. THE GROSS AREA WITHIN THIS MAP IS 9.46 ACRES MORE OR LESS.

DATE



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

CITY CLERK'S STATEMENT

I, MIRIAM LENS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF HAYWARD, ALAMEDA COUNTY, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE HEREIN EMBODIED FINAL MAP ENTITLED, "TRACT 8447, SOHAY", CONSISTING OF 10 SHEETS, THIS STATEMENT BEING ON SHEET 2 THEREOF, WAS PRESENTED TO SAID COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING HELD ON THIS _____ DAY OF _____, 20_____, AND THAT SAID COUNCIL DID THEREUPON , BY RESOLUTION NUMBER _____, PASSED AND ADOPTED AT SAID MEETING, APPROVED SAID MAP AND ACCEPTED ON BEHALF OF THE PUBLIC THOSE EASEMENTS FOR STREET PURPOSES BEING THOSE PORTIONS DESIGNATED HERON AS "DIXON STREET DEDICATION" AND "INDUSTRIAL PARKWAY DEDICATION" AND ACCEPTED ON BEHALF OF THE PUBLIC THE EASEMENTS OFFERED FOR DEDICATION AS "PUE" (PUBLIC UTILITY EASEMENT), "WLE" (WATER LINE EASEMENT), "SSE" (SANITARY SEWER EASEMENT), "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT) AND TRAIL EASEMENT.

PURSUANT TO ARTICLE 2 SECTION 66434(g) OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA, AN EASEMENT IN FAVOR OF THE CITY OF HAYWARD FOR SANITARY SEWER PIPES, WATER LINES AND INCIDENTAL PURPOSES, RECORDED MAY 27, 1961 ON REEL 291 IMAGE 219, OFFICIAL RECORDS OF ALAMEDA COUNTY IS HEREBY ABANDONED.

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

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

CITY ENGINEER'S STATEMENT

I, ALEX AMERI, INTERIM CITY ENGINEER OF THE CITY OF HAYWARD, DO HEREBY STATE THAT THE HEREIN EMBODIED FINAL MAP, ENTITLED "TRACT 8447 SOHAY", CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA, CONSISTING OF 10 SHEETS, THIS STATEMENT BEING ON SHEET 2 THEREOF; HAS BEEN EXAMINED AND THAT THE SUBDIVISION, AS SHOWN UPON SAID MAP, IS SUBSTANTIALLY THE SAME AS SAID SUBDIVISION APPEARED ON THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP AND ANY APPROVED AMENDMENTS THEREOF; AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND AMENDMENTS THERETO, AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

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



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

SOIL / GEOTECHNICAL REPORT NOTE

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

OMITED SIGNATURES

IN ACCORDANCE WITH SECTION 66436 OF THE SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING HOLDERS OF RIGHTS OF WAY OR EASEMENTS, WHICH CANNOT RIPEN INTO FEE, HAVE BEEN OMITTED:

1. AN EASEMENT FOR STORM DRAIN AND ACCESS AND INCIDENTAL PURPOSES, RECORDED DECEMBER 12, 1991 AS INSTRUMENT NO. 91-329588 OF OFFICIAL RECORDS.

CLERK OF THE BOARD OF SUPERVISORS
STATEMENT

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

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

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

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20____.

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

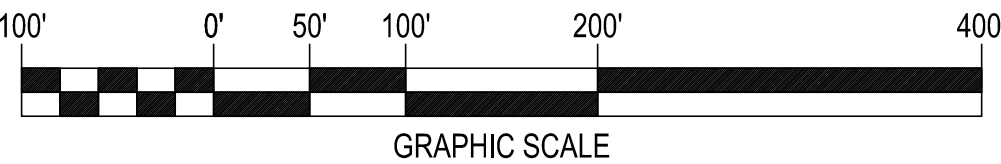
BY: _____
DEPUTY CLERK

TRACT 8447
SOHAY

CONSISTING OF 10 SHEETS
FOR 126 CONDOMINIUM UNITS
BEING A SUBDIVISION OF PARCELS 12, 13, 14, 15, 19 AND 20
DESCRIBED IN THE GRANT DEED RECORDED UNDER
INSTRUMENT NUMBER 2018152492
OFFICIAL RECORDS OF ALAMEDA COUNTY.
CITY OF HAYWARD, CALIFORNIA

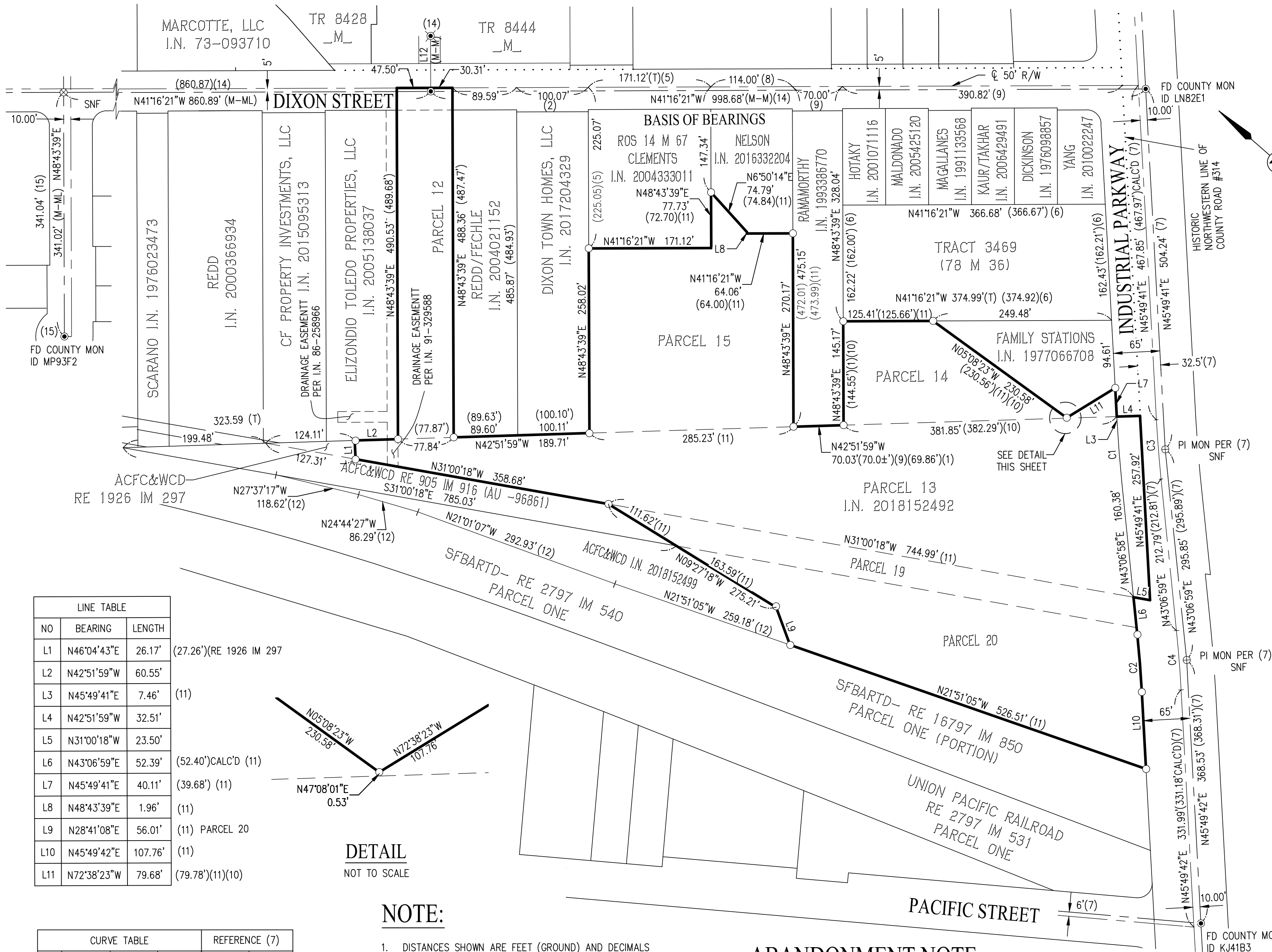
Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON • WEST SACRAMENTO
SCALE: 1" = 100' NOVEMBER 2018



LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	MONUMENT LINE
	CENTERLINE
	TOTAL DISTANCE
	RADIAL BEARING
	RECORD
	MONUMENT TO MONUMENT
	MONUMENT TO MONUMENT LINE
	MONUMENT TO POINT OF CURVATURE
	MONUMENT TO PROPERTY LINE
	CENTERLINE TO PROPERTY LINE
	FOUND MONUMENT 2 1/2" BRASS DISK STAMPED C.O.H. WITH PUNCH, UNLESS OTHERWISE NOTED
	SET STANDARD STREET MONUMENT, LS 7960
	SET 5/8" REBAR AND CAP, OR NAIL AND TAG, LS 7960
	MONUMENT SEARCHED FOR, NOT FOUND
	MONUMENT TO BE SET PER TRACT 8444
	ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT
	INSTRUMENT NUMBER
	EVAE EMERGENCY VEHICLE ACCESS
	C.O.H. CITY OF HAYWARD
	MAE MAINTENANCE ACCESS EASEMENT
	PIEE PRIVATE INGRESS EGRESS EASEMENT
	PUE PUBLIC UTILITY EASEMENT
	PSDE PRIVATE STORM DRAIN EASEMENT
	SFBARTD SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
	SSE SANITARY SEWER EASEMENT
	WLE WATER LINE EASEMENT
	HISTORIC LINE



LINE TABLE		
NO	BEARING	LENGTH
L1	N46°04'43"E	26.17'
L2	N42°51'59"W	60.55'
L3	N45°49'41"E	7.46'
L4	N42°51'59"W	32.51'
L5	N31°00'18"W	23.50'
L6	N43°06'59"E	52.39'
L7	N45°49'41"E	40.11'
L8	N48°43'39"E	1.96'
L9	N28°41'08"E	56.01'
L10	N45°49'42"E	107.76'
L11	N72°38'23"W	79.68'

DETAIL

NOT TO SCALE

NOTE:

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

BASIS OF BEARINGS:

THE BEARING N41°16'21"W BETWEEN MONUMENTS FOUND ALONG DIXON STREET, BETWEEN INDUSTRIAL PARKWAY (LN82E1) AND (STREET NAME) AS SHOWN HEREON PER TRACT 8444 SOHAY FILED IN BOOK ____ OF MAPS AT PAGE ____, ALAMEDA COUNTY RECORDS, IS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

ABANDONMENT NOTE:

PURSUANT TO ARTICLE 2 SECTION 66434(g) OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA, AN EASEMENT IN FAVOR OF THE CITY OF HAYWARD FOR SANITARY SEWER PIPES, WATER LINES AND INCIDENTAL PURPOSES, RECORDED MAY 27, 1961 ON REEL 291 IMAGE 219, OFFICIAL RECORDS OF ALAMEDA COUNTY IS HEREBY ABANDONED.

REFERENCES:

- (#) INDICATES REFERENCE NUMBER
(1) I.N. 2017143760
(2) I.N. 2017204329
(3) I.N. 2004021152
(4) I.N. 2005138037
(5) I.N. 2004333011
(6) TRACT 3469 (78 M 36)
(7) C.O.H. MONUMENT MAP I-12
(8) I.N. 2016332204
(9) I.N. 1993386770
(10) I.N. 1977066708
(11) I.N. 2018152492
(12) I.N. 2018152499
(13) NOT USED
(14) TRACT 8444__M__
(15) RECORD OF SURVEY NO. 974 (15 RS 57)

TRACT 8447
SOHAY

CONSISTING OF 10 SHEETS
FOR 126 CONDOMINIUM UNITS
BEING A SUBDIVISION OF PARCELS 12, 13, 14, 15, 19 AND 20
DESCRIBED IN THE GRANT DEED RECORDED UNDER
INSTRUMENT NUMBER 2018152492
OFFICIAL RECORDS OF ALAMEDA COUNTY.
CITY OF HAYWARD, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON • WEST SACRAMENTO
SCALE: 1" = 60' NOVEMBER 2018



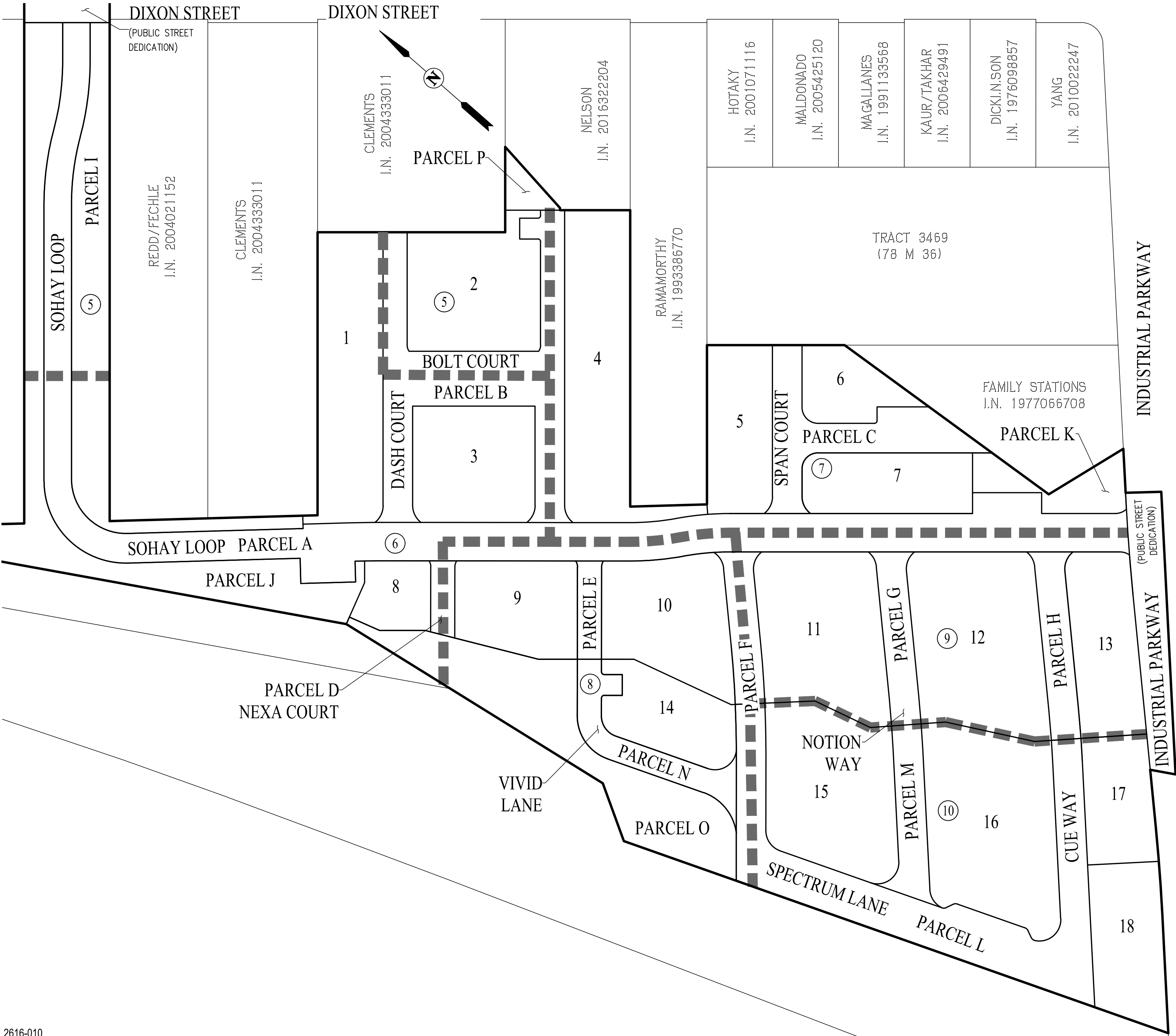
GRAPHIC SCALE

BASIS OF BEARINGS:

THE BEARING N41°16'21"W BETWEEN MONUMENTS FOUND ALONG DIXON STREET, BETWEEN INDUSTRIAL PARKWAY (LN82E1) AND (STREET NAME) AS SHOWN HEREON PER TRACT 8444 SOHAY FILED IN BOOK ____ OF MAPS AT PAGE ____, ALAMEDA COUNTY RECORDS, IS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	MONUMENT LINE
	CENTERLINE
(T)	TOTAL DISTANCE
(R)	RADIAL BEARING
R	RECORD
(M-M)	MONUMENT TO MONUMENT
(M-ML)	MONUMENT TO MONUMENT LINE
(M-PC)	MONUMENT TO POINT OF CURVATURE
(M-PL)	MONUMENT TO PROPERTY LINE
(CL-PL)	CENTERLINE TO PROPERTY LINE
	FOUND MONUMENT 2 1/2" BRASS DISK STAMPED C.O.H. WITH PUNCH, UNLESS OTHERWISE NOTED
	SET STANDARD STREET MONUMENT, LS 7960
	SET 5/8" REBAR AND CAP, OR NAIL AND TAG, LS 7960
	MONUMENT SEARCHED FOR, NOT FOUND
	MONUMENT TO BE SET PER TRACT 8444
ACFC & WCD	ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT
I.N.	INSTRUMENT NUMBER
EVAE	EMERGENCY VEHICLE ACCESS
C.O.H.	CITY OF HAYWARD
MAE	MAINTENANCE ACCESS EASEMENT
PIEE	PRIVATE INGRESS EGRESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
SFBARTD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT
	SHEET LIMITS
(1)	SHEET NUMBER



ELIZONDIO TOLEDO PROPERTIES, LLC
I.N. 2005138037

PARCEL E
TRACT 8444
(M)

LOT 1
TRACT 8444
(M)

DIXON STREET, PTP
I.N. 2014073338

NOTE:

- DISTANCES SHOWN ARE FEET (GROUND) AND DECIMALS THEREOF.
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TRACT 8447
SOHAY

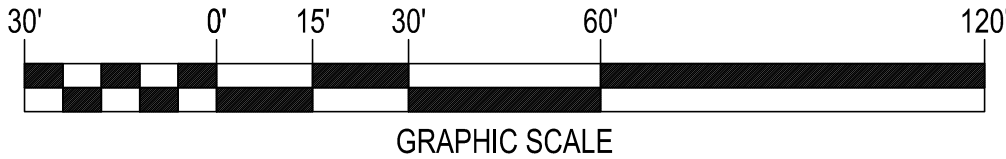
CONSISTING OF 10 SHEETS
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Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30' NOVEMBER 2018



BASIS OF BEARINGS:

THE BEARING N41°16'21"W BETWEEN MONUMENTS FOUND ALONG DIXON STREET, BETWEEN INDUSTRIAL PARKWAY (LN82E1) AND (STREET NAME) AS SHOWN HEREON PER TRACT 8444 SOHAY FILED IN BOOK ____ OF MAPS AT PAGE ____, ALAMEDA COUNTY RECORDS, IS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	MONUMENT LINE
	CENTERLINE
(T)	TOTAL DISTANCE
(R)	RADIAL BEARING
R	RECORD
(M-M)	MONUMENT TO MONUMENT
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(M-PC)	MONUMENT TO POINT OF CURVATURE
(M-PL)	MONUMENT TO PROPERTY LINE
(CL-PL)	CENTERLINE TO PROPERTY LINE
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I.N.	INSTRUMENT NUMBER
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C.O.H.	CITY OF HAYWARD
MAE	MAINTENANCE ACCESS EASEMENT
PIEE	PRIVATE INGRESS EGRESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
SFBARTD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

NOTE: SEE SHEET 3 FOR REFERENCES

SHEET 5 OF 10

VALLE VISTA AVENUE

PARCEL J

PARCEL A

PARCEL I

SEE SHEET 6

LINE TABLE		
NO	BEARING	LENGTH
L1	N41°16'21"W	16.50'
L2	N48°43'39"E	19.00'
L3	N41°16'21"W	16.50'
L4	N48°43'39"E	4.84'
L5	N41°16'21"W	8.50'
L6	N48°43'39"E	36.00'
L7	N48°43'39"E	36.00'
L8	N48°43'39"E	36.00'
L9	N48°43'39"E	1.96'
L10	N48°43'39"E	29.00'
L11	N41°16'21"W	12.50'
L12	N41°16'21"W	12.50'
L13	N41°16'21"W	49.94'
L14	N41°16'21"W	22.00'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	2.50'	90°00'00"	3.93'
C2	2.50'	90°00'00"	3.93'
C3	9.50'	35°22'36"	5.87'
C4	9.50'	35°22'36"	5.87'

CLEMENTS
I.N. 2004333011

PARCEL P
1,488 SF±

NELSON
I.N. 2016322204

BOLT COURT
(PRIVATE STREET)
(EVAE, PIEE, PSDE, PUE, SSE, WLE)
PARCEL B
19,739 SF±

SEE SHEET 6

SEE SHEET 7

TRACT 8447
SOHAY

CONSISTING OF 10 SHEETS
FOR 126 CONDOMINIUM UNITS
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Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30' NOVEMBER 2018



GRAPHIC SCALE

BASIS OF BEARINGS:

THE BEARING N41°16'21"W BETWEEN MONUMENTS FOUND ALONG DIXON STREET, BETWEEN INDUSTRIAL PARKWAY (LN82E1) AND (STREET NAME) AS SHOWN HEREON PER TRACT 8444 SOHAY FILED IN BOOK ____ OF MAPS AT PAGE ____, ALAMEDA COUNTY RECORDS, IS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

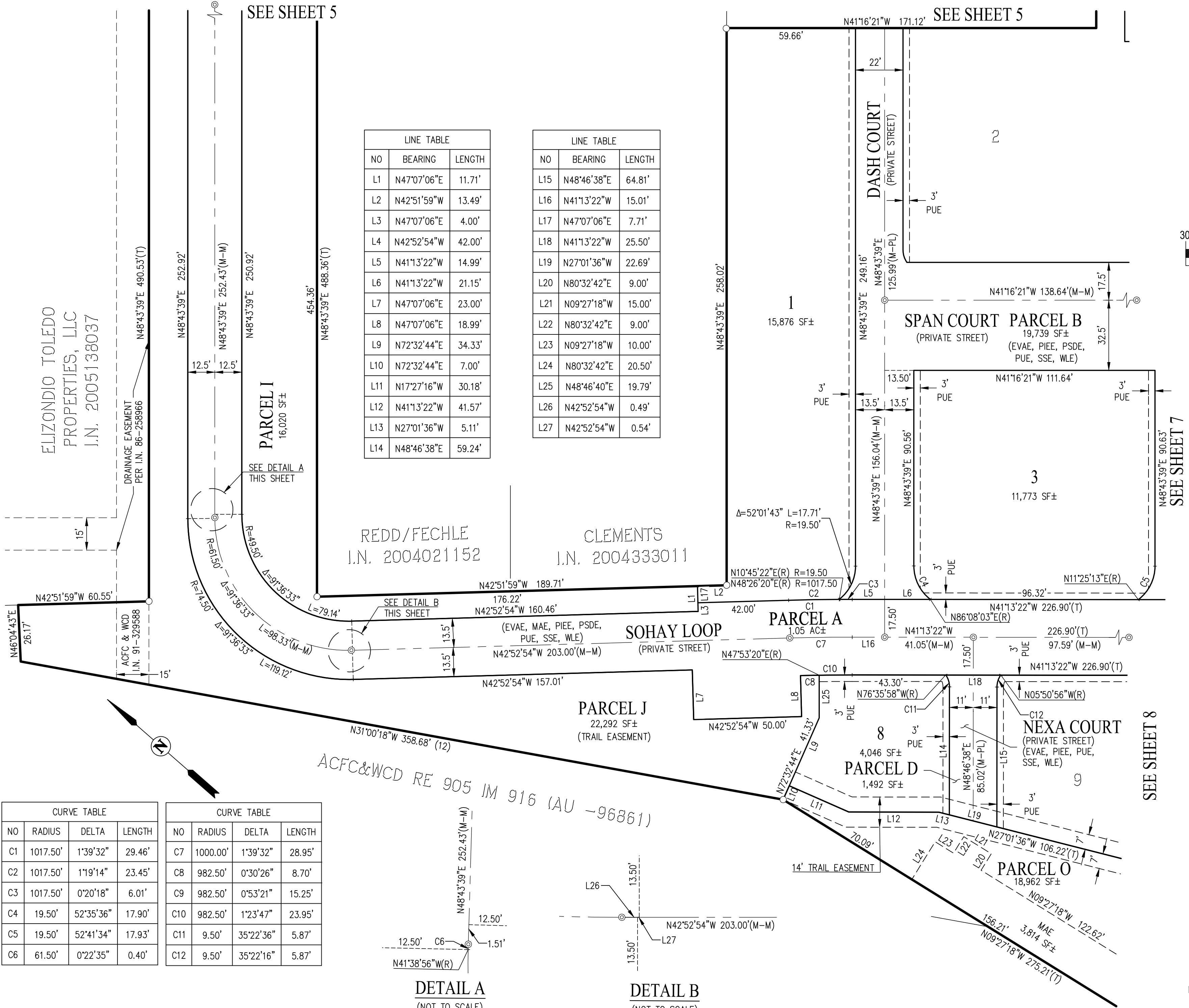
LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	MONUMENT LINE
	CENTERLINE
	TOTAL DISTANCE
	RADIAL BEARING
	RECORD
	MONUMENT TO MONUMENT
	MONUMENT TO MONUMENT LINE
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	MONUMENT TO PROPERTY LINE
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	MONUMENT TO BE SET PER TRACT 8444
	ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT
ACFC & WCD	INSTRUMENT NUMBER
I.N.	EMERGENCY VEHICLE ACCESS
EVAE	CITY OF HAYWARD
C.O.H.	MAINTENANCE ACCESS EASEMENT
MAE	PRIVATE INGRESS EGRESS EASEMENT
PIEE	PUBLIC UTILITY EASEMENT
PUE	PRIVATE STORM DRAIN EASEMENT
PSDE	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SFBARTD	SANITARY SEWER EASEMENT
SSE	WATER LINE EASEMENT
WLE	

NOTE: SEE SHEET 3 FOR REFERENCES AND NOTES

LINE TABLE		
NO	BEARING	LENGTH
L1	N47°07'06"E	11.71'
L2	N42°51'59"W	13.49'
L3	N47°07'06"E	4.00'
L4	N42°52'54"W	42.00'
L5	N41°13'22"W	14.99'
L6	N41°13'22"W	21.15'
L7	N47°07'06"E	23.00'
L8	N47°07'06"E	18.99'
L9	N72°32'44"E	34.33'
L10	N72°32'44"E	7.00'
L11	N17°27'16"W	30.18'
L12	N41°13'22"W	41.57'
L13	N27°01'36"W	5.11'
L14	N48°46'38"E	59.24'

LINE TABLE		
NO	BEARING	LENGTH
L15	N48°46'38"E	64.81'
L16	N41°13'22"W	15.01'
L17	N47°07'06"E	7.71'
L18	N41°13'22"W	25.50'
L19	N27°01'36"W	22.69'
L20	N80°32'42"E	9.00'
L21	N09°27'18"W	15.00'
L22	N80°32'42"E	9.00'
L23	N09°27'18"W	10.00'
L24	N80°32'42"E	20.50'
L25	N48°46'40"E	19.79'
L26	N42°52'54"W	0.49'
L27	N42°52'54"W	0.54'



CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	1017.50'	1°39'32"	29.46'
C2	1017.50'	1°19'14"	23.45'
C3	1017.50'	0°20'18"	6.01'
C4	19.50'	52°35'36"	17.90'
C5	19.50'	52°41'34"	17.93'
C6	61.50'	0°22'35"	0.40'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C7	1000.00'	1°39'32"	28.95'
C8	982.50'	0°30'26"	8.70'
C9	982.50'	0°53'21"	15.25'
C10	982.50'	1°23'47"	23.95'
C11	9.50'	35°22'36"	5.87'
C12	9.50'	35°22'16"	5.87'

DETAIL A
(NOT TO SCALE)

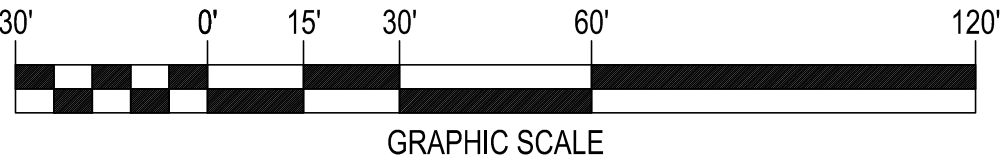
DETAIL B
(NOT TO SCALE)

TRACT 8447
SOHAY

CONSISTING OF 10 SHEETS
FOR 126 CONDOMINIUM UNITS
BEING A SUBDIVISION OF PARCELS 12, 13, 14, 15, 19 AND 20
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Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON • WEST SACRAMENTO
SCALE: 1" = 30' NOVEMBER 2018



BASIS OF BEARINGS:

THE BEARING N41°16'21"W BETWEEN MONUMENTS FOUND ALONG DIXON STREET, BETWEEN INDUSTRIAL PARKWAY (LN82E1) AND (STREET NAME) AS SHOWN HEREON PER TRACT 8444 SOHAY FILED IN BOOK ____ OF MAPS AT PAGE ____, ALAMEDA COUNTY RECORDS, IS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

NOTE:

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

LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	MONUMENT LINE
	CENTERLINE
	TOTAL DISTANCE
	RADIAL BEARING
	RECORD
	MONUMENT TO MONUMENT
	MONUMENT TO MONUMENT LINE
	MONUMENT TO POINT OF CURVATURE
	MONUMENT TO PROPERTY LINE
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	FOUND MONUMENT 2 1/2" BRASS DISK STAMPED C.O.H. WITH PUNCH, UNLESS OTHERWISE NOTED
	SET STANDARD STREET MONUMENT, LS 7960
	SET 5/8" REBAR AND CAP, OR NAIL AND TAG, LS 7960
	MONUMENT SEARCHED FOR, NOT FOUND
	MONUMENT TO BE SET PER TRACT 8444
	ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT
	INSTRUMENT NUMBER
	EMERGENCY VEHICLE ACCESS
	CITY OF HAYWARD
	MAINTENANCE ACCESS EASEMENT
	PRIVATE INGRESS EGRESS EASEMENT
	PUBLIC UTILITY EASEMENT
	PRIVATE STORM DRAIN EASEMENT
	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
	SANITARY SEWER EASEMENT
	WATER LINE EASEMENT

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	2.50'	90°00'00"	3.93'
C2	2.50'	90°00'00"	3.93'
C3	9.50'	35°22'36"	5.87'
C4	19.50'	52°41'34"	17.93'
C5	19.50'	52°35'37"	17.90'
C6	232.50'	10°29'35"	42.58'
C7	267.50'	6°07'14"	28.57'
C8	267.50'	10°26'36"	48.76'
C9	267.50'	4°19'23"	20.19'
C10	19.50'	52°38'35"	17.92'
C11	14.50'	90°00'00"	22.78'
C12	14.50'	90°00'00"	22.78'
C13	19.50'	52°38'35"	17.92'
C14	2.50'	90°00'00"	3.93'
C15	15.50'	41°50'30"	11.32'

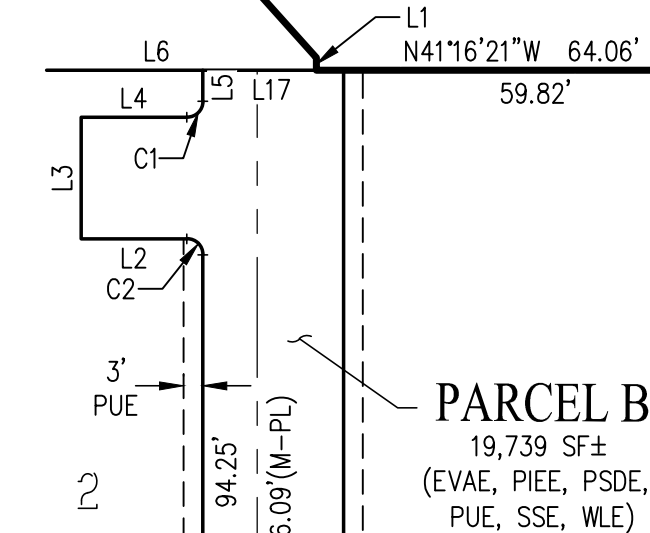
CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C16	1810.00'	0°40'48"	21.48'
C17	1810.00'	0°38'36"	20.33'
C18	1810.00'	2°42'43"	85.67'
C19	1810.00'	0°14'18"	7.53'

NOTE: SEE SHEET 3 FOR REFERENCES

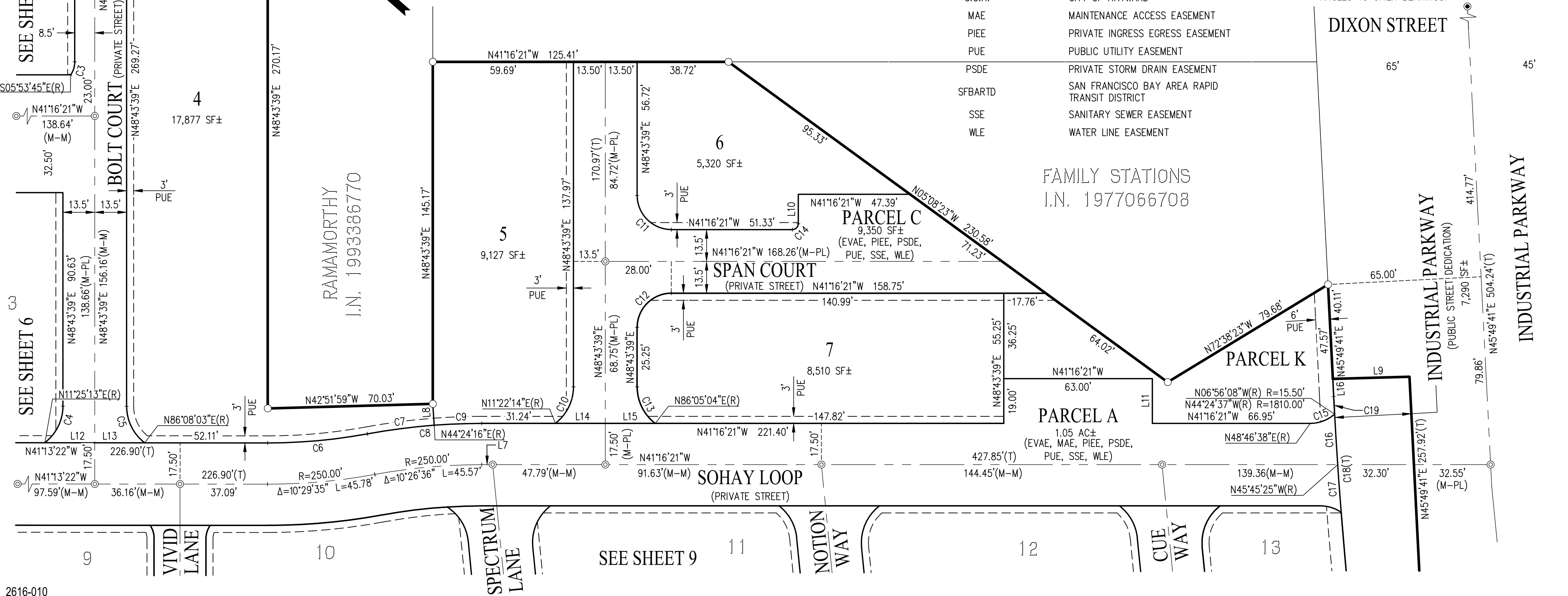
LINE TABLE		
NO	BEARING	LENGTH
L1	N48°43'39"E	1.96'
L2	N41°16'21"W	16.50'
L3	N48°43'39"E	19.00'
L4	N41°16'21"W	16.50'
L5	N48°43'39"E	4.85'
L6	N41°16'21"W	49.94'
L7	N41°16'21"W	4.62'
L8	N44°50'08"E	9.08'

LINE TABLE		
NO	BEARING	LENGTH
L9	N42°51'59"W	32.51'
L10	N48°43'39"E	12.50'
L11	N48°43'39"E	19.00'
L12	N41°13'22"W	21.18'
L13	N41°13'22"W	21.15'
L14	N41°16'21"W	21.17'
L15	N41°16'21"W	21.17'
L16	N45°49'41"E	7.46'
L17	N41°16'21"E	22.00'

NELSON
I.N. 2016322204



TRACT NO. 3469
(78 M 36)



TRACT 8447
SOHAY

CONSISTING OF 10 SHEETS
FOR 126 CONDOMINIUM UNITS
BEING A SUBDIVISION OF PARCELS 12, 13, 14, 15, 19 AND 20
DESCRIBED IN THE GRANT DEED RECORDED UNDER
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CITY OF HAYWARD, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30' NOVEMBER 2018



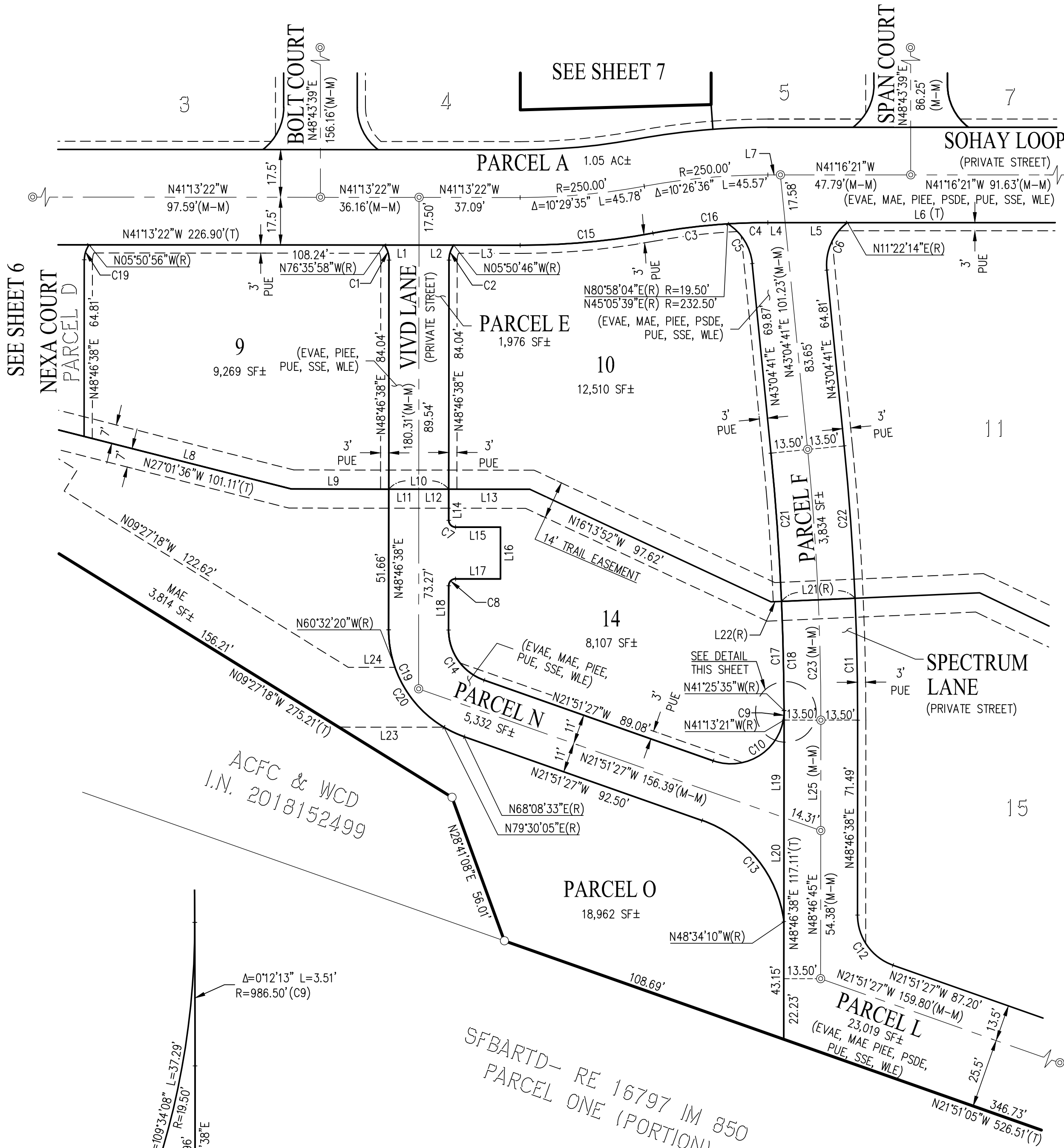
BASIS OF BEARINGS:

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LEGEND

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	EASEMENT LINE
	MONUMENT LINE
	CENTERLINE
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ACFC & WCD	ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT
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EVAE	EMERGENCY VEHICLE ACCESS
C.O.H.	CITY OF HAYWARD
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PIEE	PRIVATE INGRESS EGRESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
SFBARTD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

NOTE: SEE SHEET 3 FOR REFERENCES



CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	9.50'	35°22'35"	5.87'
C2	9.50'	35°22'36"	5.87'
C3	232.50'	6°48'36"	27.64'
C4	232.50'	3°38'00"	14.74'
C5	19.50'	52°06'37"	17.74'
C6	19.50'	58°17'33"	19.84'
C7	2.50'	90°00'00"	3.93'
C8	2.50'	90°00'00"	3.93'
C9	986.50'	0°12'13"	3.51'
C10	19.50'	109°34'08"	37.29'
C11	1013.50'	2°31'51"	44.77'
C12	19.50'	70°38'05"	24.04'
C13	45.50'	63°17'17"	50.26'
C14	19.50'	70°38'05"	24.04'
C15	267.50'	10°29'35"	48.99'
C16	232.50'	10°26'36"	42.38'
C17	986.50'	2°19'38"	40.07'
C18	986.50'	2°31'52"	43.58'
C19	41.50'	70°38'05"	51.16'
C20	41.50'	39°57'35"	28.94'
C21	986.50'	3°10'06"	54.55'
C22	1013.50'	3°10'06"	56.04'
C23	1000.00'	5°41'57"	99.47'

LINE TABLE		
NO	BEARING	LENGTH
L1	N41°13'22"W	12.75'
L2	N41°13'22"W	12.75'
L3	N41°13'22"W	24.34'
L4	N41°16'21"W	6.35'
L5	N41°16'21"W	22.86'
L6	N41°16'21"W	355.64'
L7	N41°16'21"W	4.62'
L8	N27°01'36"W	78.42'
L9	N41°13'22"W	35.73'
L10	N41°13'22"W	22.00'
L11	N41°13'22"W	11.00'
L12	N41°13'22"W	11.00'
L13	N41°13'22"W	29.74'
L14	N48°46'38"E	11.43'
L15	N41°13'22"W	16.50'

LINE TABLE		
NO	BEARING	LENGTH
L16	N48°46'38"E	19.00'
L17	N41°13'22"W	16.50'
L18	N48°46'38"E	16.23'
L19	N48°46'38"E	35.75'
L20	N48°46'38"E	38.21'
L21	N43°45'13"W	27.00'
L22	N43°45'13"W	3.87'
L23	N41°13'22"W	38.61'
L24	N41°13'22"W	17.16'
L25	N48°46'45"E	40.49'

NOTE:

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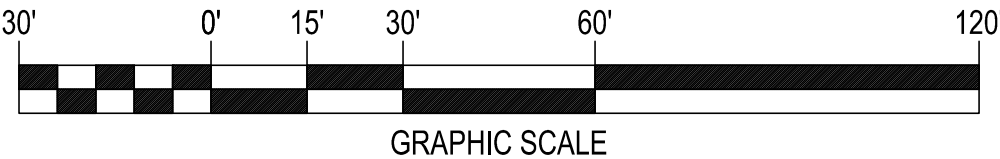
TRACT 8447
SOHAY

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SCALE: 1" = 30' NOVEMBER 2018



BASIS OF BEARINGS:

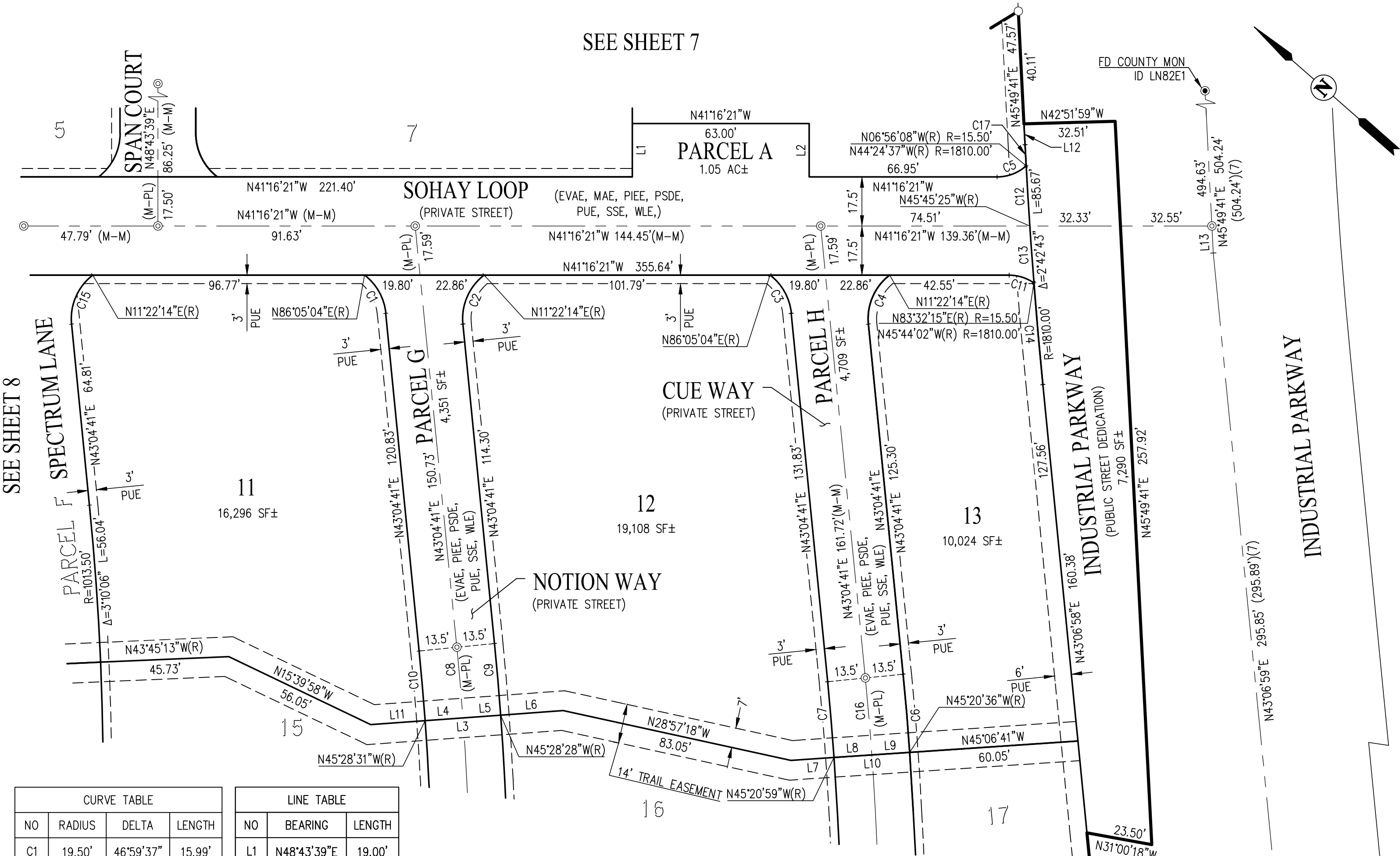
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PUE	PUBLIC UTILITY EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
SFBARTD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

NOTE: SEE SHEET 3 FOR REFERENCES

SEE SHEET 7



SEE SHEET 10

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	19.50'	46°59'37"	15.99'
C2	19.50'	58°17'33"	19.84'
C3	19.50'	46°59'37"	15.99'
C4	19.50'	58°17'33"	19.84'
C5	15.50'	41°50'30"	11.32'
C6	1013.50'	1°34'43"	27.92'
C7	986.50'	1°34'20"	27.07'
C8	1000.00'	1°26'49"	25.25'
C9	1013.50'	1°26'51"	25.60'
C10	986.50'	1°26'48"	24.91'
C11	15.50'	34°45'25"	9.40'
C12	1810.00'	0°40'48"	21.48'
C13	1810.00'	0°38'36"	20.33'
C14	1810.00'	1°09'00"	36.33'
C15	19.50'	58°17'33"	19.84'
C16	1000.00'	1°34'31"	27.49'
C17	1856.89'	2°34'59"	83.71'

LINE TABLE		
NO	BEARING	LENGTH
L1	N48°43'39"E	19.00'
L2	N48°43'39"E	19.00'
L3	N45°26'35"W	27.00'
L4	N45°26'35"W	13.50'
L5	N45°26'35"W	13.50'
L6	N45°26'35"W	22.32'
L7	N45°06'41"W	15.40'
L8	N45°06'41"W	13.50'
L9	N45°06'41"W	13.50'
L10	N45°06'41"W	27.00'
L11	N45°26'35"W	19.42'
L12	N45°49'41"E	7.46'
L13	N45°49'41"E	9.61'

NOTE:

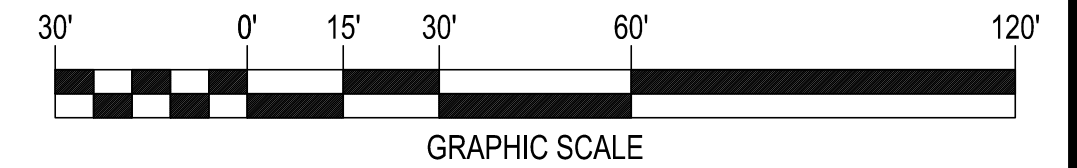
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TRACT 8447 SOHAY

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SCALE: 1" = 30' NOVEMBER 2018



BASIS OF BEARINGS:

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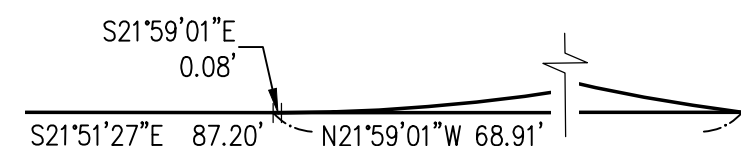
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WLE	WATER LINE EASEMENT

NOTE: SEE SHEET 3 FOR REFERENCES

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	986.50'	1°18'12"	22.44'
C2	1013.50'	1°18'09"	23.04'
C3	986.50'	1°10'40"	20.28'
C4	1013.50'	1°10'18"	20.72'
C5	1700.00'	1°03'31"	31.42'
C6	1700.00'	1°39'12"	49.05'
C7	19.50'	112°03'43"	38.14'
C8	19.50'	60°31'54"	20.60'
C9	5.50'	45°00'00"	4.32'
C10	4.50'	52°09'14"	4.10'
C11	5.50'	45°00'00"	4.32'
C12	4.50'	52°09'14"	4.10'
C13	19.50'	105°09'38"	35.79'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C14	1000.00'	1°18'11"	22.74'
C15	19.50'	70°38'05"	24.04'
C16	1013.50'	2°31'51"	44.77'
C17	1000.00'	1°10'29"	20.50'

LINE TABLE		
NO	BEARING	LENGTH
L1	N43°45'13"W	45.73'
L2	N15°39'58"W	56.05'
L3	N45°26'35"W	19.42'
L4	N45°26'35"W	27.00'
L5	N45°26'35"W	22.32'
L6	N28°57'18"W	83.05'
L7	N45°06'41"W	15.40'
L8	N45°06'41"W	27.00'
L9	N45°06'41"W	60.05'
L10	N43°06'59"E	85.22'
L11	N43°06'59"E	52.39'
L12	N23°08'33"E	7.01'
L13	N66°51'27"W	7.01'
L14	N31°00'18"W	23.50'



DETAIL NOT TO SCALE

NOTE:

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CITY OF HAYWARD

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

File #: LB 18-053

DATE: November 27, 2018

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT

Adoption of a Resolution Approving an Extension and Modification to Employment Agreement with the City Manager and Authorizing the Mayor to Execute the Agreement

RECOMMENDATION

That the City Council adopts the attached Resolution authorizing an extension and modification to the employment agreement between the City of Hayward and the City Manager, Kelly McAdoo, and authorizing the Mayor to execute the agreement on behalf of the City Council.

SUMMARY

If the attached Resolution is approved, the employment agreement between the City of Hayward and the City Manager will be extended to June 30, 2023. The proposed terms for the contract include salary adjustments totaling 18% over the agreement: market equity adjustments of seven percent (7%) effective January 1, 2019 and January 1, 2020 for a total of 14% and cost of living adjustments (COLA) of two percent (2%) effective January 1, 2020 and an additional two percent (2%) effective July 1, 2020, for a total of four percent (4%). The severance package for the City Manager has been changed from three (3) months to six (6) months.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: November 27, 2018

TO: Mayor and City Council

FROM: Director of Human Resources

SUBJECT: Adoption of a Resolution Approving an Extension and Modification to Employment Agreement with the City Manager and Authorizing the Mayor to Execute the Agreement

RECOMMENDATION

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BACKGROUND/DISCUSSION

In June 2018, the City Council extended the City Manager's employment agreement through November 30, 2018 to allow time for the negotiation of terms for a five-year agreement. Each year, the Council reviews the performance of the City Manager. The Council reviewed the City Manager's performance in April 2018. In evaluating performance, the Council considers whether or not the City Manager met or exceeded the Council's expectations and goals and how well she advanced the Council Priorities. The discussions focused on whether or not the City Manager met the established goals, her performance over the last year, and how well she advanced the Council priorities.

Some of the accomplishments under Kelly's direction and leadership this performance period included:

- Made organization more nimble through lean innovation, empathy, and other strategic initiatives.
- Facilitated Fiscal Sustainability Discussions, introduced new plug and play budget model, and developed five-year fiscal sustainability strategy in partnership with the City Council.
- Negotiated with Chabot-Las Positas Community College District and secured \$20 million contribution for the new Fire Training Center.
- Negotiated purchase agreements for some of the former CalTrans Route 238 properties that resolved long standing issues.
- Improved relations with City's labor groups resulting in negotiated agreements with all groups and settlement of outstanding labor issues.

Based on the outcome of the performance evaluation and the Council's determination that the City Manager met and/or exceeded the Council's expectations and goals, the Council has expressed a desire to extend the term of employment with the City Manager.

The Council recognizes that having a multi-year contract with the City Manager strengthens the organization and is in the best interest of the City of Hayward, its employees, and the community because stability in leadership allows for long-term planning and enhanced ability to implement strategies. Moreover, accepting a multi-year agreement demonstrates the City Manager's commitment to the City of Hayward, its employees, and the community, which fosters essential relationships with internal and external customers and stakeholders. The proposed agreement is for a five-year extension covering the period of December 1, 2018 through June 30, 2023, with provisions for salary adjustments, a total compensation market survey, and a revised severance package from three months to six months. The Council will continue to evaluate performance annually.

Currently, the City Manager is one of the lowest paid City Managers in the Bay Area. She ranks second to last and is more than 15% below the middle of the survey market when compared to the ten agencies identified as comparable to Hayward by a compensation consultant: Alameda, Berkeley, Daly City, Fremont, Richmond, San Leandro, San Mateo, Santa Clara, Palo Alto, and Vallejo. The Council has consistently maintained that all employees should be compensated in an equitable manner and that they should contribute toward the cost of their benefits in order to preserve the quality and level of the benefits provided, address the City's structural deficit, provide long-term financial stability, and maintain services to the Hayward taxpayers and community.

Recently negotiated agreements with the City's largest employee groups include salary adjustments consisting of both COLAs and market equity adjustments for employees up to a combined total maximum of 15% in some cases. On balance, these agreements result in a General Fund savings of approximately \$4 million over a five-year period. The City Manager's agreement is consistent with the labor contracts for other employees and consists of delayed salary adjustments and continued contributions toward benefits including an additional 5% toward the City's share of PERS retirement costs (for a total of 13% employee paid contributions), shared cost for dental and vision (50% towards

premiums), and 20% towards medical insurance premiums. In determining compensation for the contract period, the Council factored in performance, the salary survey, and the City's fiscal sustainability. The negotiated agreement includes cost of living adjustments of 2% effective January 1, 2020 and 2% effective July 1, 2020 as well as market equity adjustments of 7% effective January 1, 2019 and 7% effective January 1, 2020. There will be a total compensation survey conducted during 2021. The survey will be one of multiple factors that will be used to inform the Council in determining whether or not they wish to negotiate any salary adjustments for the remainder of the agreement.

FISCAL IMPACT

The approximate cost of the proposed changes to the employment agreement over the five-year agreement period is \$145,454 as detailed below:

Period	Base Salary	Total Proposed Compensation (salary and benefits)	Budget Model – Total Compensation*	Difference
FY 2019	\$271,227.04	\$ 371,627	\$ 366,495	\$ 5,133
FY 2020	\$295,637.47	\$ 409,431	\$ 382,751	\$ 26,680
FY 2021	\$301,550.22	\$ 442,911	\$ 397,998	\$ 44,913
FY 2022	\$301,550.22	\$ 449,978	\$ 411,947	\$ 38,032
FY 2023	\$301,550.22	\$ 455,793	\$ 425,096	\$ 30,697
Total		\$ 2,129,741	\$ 1,984,287	\$ 145,454

*This column projects annual salary increases of 2% and other benefit cost increases, but does not include equity adjustments.

Future updates to the General Fund Budget Model will include these changes.

NEXT STEPS

Human Resources staff will work with the City Attorney's office to execute the employment agreement.

Prepared by: Nina S. Collins, Director of Human Resources

Approved by:



Barbara Halliday, Mayor

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION APPROVING THE EXTENSION AND MODIFICATION OF THE CITY MANAGER'S EMPLOYMENT AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNCIL

WHEREAS, The employment agreement between the City of Hayward and the City Manager Kelly McAdoo will expire on November 30, 2018 unless renewed by the parties; and

WHEREAS, The City Council has reviewed the City Manager's performance and wishes to extend the employment agreement through June 30, 2023; and

WHEREAS, The employment agreement has been modified to include cost of living adjustments of two percent (2%) effective January 1, 2020, and two percent (2%) effective July 1, 2020 and market equity adjustments of 7% effective January salary adjustments as follows: seven percent (7%) effective January 1, 2019 and seven percent (7%) effective January 1, 2020; and

WHEREAS, The City Manager will continue share the cost of benefits as follows: thirteen percent (13%) for retirement costs which includes five percent (5%) toward the employer share and eight percent (8%) employee share; twenty percent (20%) for dental premiums; and fifty percent (50%) for vision premiums; and

WHEREAS, The City Council will review the City Manager's performance annually in April and there will be a total compensation market survey in 2021 to inform the Council should they desire to negotiate additional salary adjustments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby approves the extension and modification of the City Manager's employment agreement which will be on file in the office of the City Clerk and authorizes the Mayor to execute the agreement on behalf of the City Council.

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