



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA

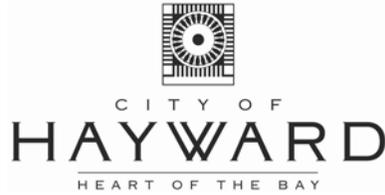
APRIL 19, 2011

**MAYOR MICHAEL SWEENEY
MAYOR PRO TEMPORE FRANCISCO ZERMEÑO
COUNCIL MEMBER BARBARA HALLIDAY
COUNCIL MEMBER OLDEN HENSON
COUNCIL MEMBER BILL QUIRK
COUNCIL MEMBER MARVIN PEIXOTO
COUNCIL MEMBER MARK SALINAS**

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CITY COUNCIL MEETING FOR TUESDAY, APRIL 19, 2011

CLOSED SESSION
Closed Session Room 2B – 5:00 PM

1. **PUBLIC COMMENTS** *(Limited to items agendaized for Closed Session)*
 2. Performance Evaluation
Pursuant to Government Code 54957
 - City Attorney
 3. Adjournment to Regular Meeting
-

SPECIAL JOINT CITY COUNCIL/HOUSING AUTHORITY MEETING
Council Chambers - 7:00 PM

CALL TO ORDER Pledge of Allegiance Council Member Halliday

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATION Environmental Achievement Awards

PUBLIC COMMENTS: *(The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session, or Informational Staff Presentation 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.)*

HAYWARD CITY COUNCIL, 777 B STREET, HAYWARD, CA 94541
[HTTP://WWW.HAYWARD-CA.GOV](http://www.hayward-ca.gov)

NON-ACTION ITEMS: *(Work Session and Informational Staff Presentation items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.)*

SPECIAL JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION (60-Minute Limit)

1. Presentation of the Initial Vision Scenario – The Initial Step Towards Development of the First Regional Sustainable Communities Strategy
[Staff Report](#)
[Attachment I Place Type Map of Alameda County](#)
[Attachment II Place Type Map of Hayward](#)
[Attachment III Alameda County Growth Share Map](#)
[Attachment IV Alameda County Planning Directors Letter](#)

 2. Annual Progress Report on Implementation of Hayward’s Climate Action Plan
[Staff Report](#)
[Attachment I CAP Implementation Timeline](#)
[Attachment II Detailed Report - Community Emissions](#)
[Attachment III Detailed Report - Municipal Emissions](#)
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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 anytime before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

CONSENT CALENDAR

3. Approval of Minutes of the City Council Meeting on April 5, 2011
[Draft Minutes](#)

4. Authorization for City Manager to Approve an Amendment and Assignment of the Commercial Aviation Site Lease between the City and Atlantic Aviation FBO Holdings LLC (Atlantic), to Hayward FBO LLC, dba Airport Property Partners LLC (APP); and an Amendment to the Existing APP Commercial Aviation Site Lease
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5. Transportation Development Act Article 3 Funds FY 2012: Wheelchair Ramps – Authorization to File Application
[Staff Report](#)
[Attachment I - Resolution](#)
[Attachment I-a - Application](#)
[Attachment I-b - Statement](#)
[Attachment II - Location Map](#)

 6. Resignation of Stephanie Ayala from the Library Commission
[Staff Report](#)
[Attachment I Resolution Accepting the Resignation](#)
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 7. Pavement Reconstruction FY12 – Chisplay Avenue: Approval of Plans and Specifications and Call for Bids
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 8. Authorization for the City Manager to Negotiate and Execute Consulting Agreements with HDR Inc. and BSK Associates for Developing a Fats, Oil, and Grease Receiving and Processing Station at the Water Pollution Control Facility
[Staff Report](#)
[Attachment I - Resolution](#)
-

The following order of business applies to items considered as part of Public Hearings and Legislative Business:

- *Disclosures*
 - *Staff Presentation*
 - *City Council Questions*
 - *Public Input*
 - *Council Discussion and Action*
-

PUBLIC HEARING

9. FY 2012 Community Development Block Grant (CDBG) Funding Recommendations
[Staff Report](#)
[Attachment I](#)
[Attachment II](#)
[Attachment III](#)
[Attachment IV](#)



10. Request to Change the General Plan Designation from Medium Density Residential to High Density Residential and to Introduce an Ordinance to Change the Zoning from Medium Density Residential to Planned Development to Accommodate Twenty-two Affordable Senior Housing Rental Units Proposed at the Corner of B and Grand Streets - General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369 - Eden Housing (Applicant); City of Hayward (Owner) - Continued from 3/22 *** To Be Continued to May 3, 2011***

[Staff Report](#)

LEGISLATIVE BUSINESS

11. Disposition and Development Agreement Between the City of Hayward and Eden Housing, Inc. ("Eden") for the "B" and Grand Senior Housing Project *** to be continued to May 3, 2011 *** Loan Agreement for Tax Increment Funds Between the Housing Authority of the City of Hayward and Eden in the Amount of \$250,000 to Help Finance Construction of the "B" and Grand Senior Housing Project; and Loan Agreement for HOME Funds Between the City of Hayward and Eden in the Amount of \$900,000 to Help Finance Construction of the "B" and Grand Senior Housing Project *** to be continued to a date uncertain ***

[Staff Report](#)

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

PUBLIC COMMENT RULES: The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name and their address before speaking and are expected to honor the allotted time. A Speaker's Card must be completed by each speaker and is available from the City Clerk at the meeting.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

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

NEXT REGULAR MEETING – 7:00 PM, TUESDAY, APRIL 26, 2011

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.

APRIL 19, 2011



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DATE: April 19, 2011

TO: Mayor, City Council and Planning Commission

FROM: Development Services Director

SUBJECT: Presentation of the Initial Vision Scenario – The Initial Step towards Development of the First Regional Sustainable Communities Strategy

RECOMMENDATION

That Council and the Planning Commission reads and comments on this informational report, and provides comments regarding any issues of concern related to this first step in a regional planning effort, which will be incorporated into a resolution presented to the Council for adoption in early May.

SUMMARY

The purpose of this work session is to provide an opportunity for Council members and Planning Commissioners to give input to staff regarding the Initial Vision Scenario (IVS) and its projected growth for Hayward. The IVS anticipates that the City of Hayward will gain approximately 15,000 new households and 19,000 new jobs over the next twenty-five years. While staff has concerns with the amount and location of some of the projected growth in Hayward, which this report details, it is at least equally important to stress to the regional agencies that such growth can only be accommodated if funding for enhanced transit services and public services and infrastructure is provided by regional, State, and Federal agencies. In addition, support for improvements to local schools, parks, and community safety are needed to accommodate the anticipated housing and job growth.

Staff will incorporate comments provided during this work session by the Council and Planning Commission into a resolution to be presented to Council for adoption on May 3. The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) will consider comments received on the IVS and develop a more refined growth scenario for the Bay Area, called the Detailed Vision Scenario, which is anticipated to be released in July 2011. Staff will present this next scenario to the City Council and Planning Commission in late summer or early fall.

BACKGROUND

On January 18, 2011, staff provided an overview of the SCS and process to Council. A similar presentation was made to the Planning Commission on January 27, 2011. The SCS, required to be developed by Senate Bill 375 (SB 375), will ultimately identify where anticipated population and job growth through 2035 will occur, and requires coordination of regional housing and transportation planning efforts. SB 375 gives joint responsibility for development of the SCS in the Bay Area to the MTC and the ABAG, who have formed a partnership called “One Bay Area” (www.onebayarea.org) to spearhead the process. These agencies will coordinate with the Bay Area Air Quality Management District (Air District) and the Bay Conservation and Development Commission (BCDC). At the County level, the process is being coordinated by the Alameda County Transportation Commission (ACTC).

Also, the SCS will be developed in partnership among regional agencies, local jurisdictions, and ACTC through an iterative process. The regional agencies recognize that input from local jurisdictions with land use authority is essential to create a feasible SCS. The SCS will not alter the authority of jurisdictions over local land use and development decisions.

Overview of the Initial Vision Scenario - The Initial Vision Scenario, available at http://www.onebayarea.org/plan_bay_area/, is a proposal by MTC and ABAG intended to begin the discussion regarding development of the SCS. The IVS is an “unconstrained” scenario, which means it assumes that the funding necessary for affordable housing, public transportation, and other infrastructure will be available. SB 375 recognizes that, because of the constraints of Federal law and inadequate funding for infrastructure and public transit, the SCS may not be able to achieve the region’s targets. If the region determines that the SCS cannot achieve the targets, then an Alternative Planning Strategy (APS) must be developed. The APS must identify the principal impediments to achieving the targets within the SCS. The APS must also include a number of measures—such as alternative development patterns, infrastructure, or additional transportation measures or policies—that, taken together, would achieve the regional target. ABAG and MTC are moving ahead with the expectation that the Bay Area will be able to meet the region’s targets even with funding and other constraints, and that preparation of an APS will not be necessary. More information regarding the feasibility of meeting the greenhouse gas emission reduction target will be included in the Detailed Scenarios.

The Detailed Scenarios will be different than the Initial Vision Scenario in that they will take into account constraints that might limit development potential, and will identify the infrastructure and resources that can be identified and/or secured to support the scenario. MTC and ABAG expect to release a first round of Detailed Scenarios by July 2011. Local jurisdictions will provide input, which will then be analyzed for the release of the Preferred Scenario by the end of 2011. The County/Corridor Working Groups, as well as the Regional Advisory Working Group (RAWG), will facilitate local input into the scenarios through 2011. The analysis of the Detailed Scenarios and Preferred Scenario takes into account the Performance Targets and Indicators. These targets are listed in Table 2.5 on page 41 of the IVS, and include the following:

1. Reduce per-capita CO₂ emissions from cars and lightdutytrucks by 15%

2. House 100% of the region's projected 25-year growth by income level
3. Reduce deaths from air pollution and traffic accidents
4. Increase the average daily time walking or biking
5. Direct all non-agricultural development within the urban footprint
6. Decrease the share of residents' household income consumed by transportation and housing
7. Increase gross regional product (GRP)
8. Decrease per-trip travel time

The IVS (page 22) also recognizes that communities need more than just housing to sustainably accommodate the region's growth. Complete communities are needed, which include clean parks, good schools, neighborhood-serving commercial services, and good public transit service. Refinements of the Initial Vision Scenario, including assumed constraints, will lead to the development of the SCS, which will be adopted by ABAG in the spring of 2013.

Greenhouse Gas Emissions Reduction Targets - In 2006, the Legislature passed Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006, which established a target for the State to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020. Executive Order S3-05, signed by former Governor Schwarzenegger, established the goal of 80% reduction in GHG below 1990 levels by 2050. In the Bay Area, approximately 40% of total GHG emissions are associated with transportation-related activities.

On September 23, 2010, after a twenty-one-month collaborative process with MTC, ABAG, and the other metropolitan planning organizations throughout the state, the California Air Resources Board (CARB) adopted regional targets to reduce GHG emissions associated only with passenger cars and light trucks. The primary aim of SB 375 is to reduce such emissions by primarily reducing vehicle miles traveled (VMT). The target adopted for the Bay Area (MTC) is to reduce per-capita emissions from 2005 levels by seven percent by 2020 and by fifteen percent by 2035. While not directly comparable because Hayward's data is for all vehicle miles traveled – not just cars and light trucks – and relates to total emissions versus per-capita emissions, Hayward's Climate Action Plan calls for a reduction in all transportation-related emissions of 8.7% below 2005 levels by 2020 and 34.6% below 2005 levels by 2050.

Vehicle miles traveled by cars and light trucks will have to be reduced significantly to meet CARB's GHG reduction target. In order to reduce VMT, the fundamental land use strategy is to encourage more people to live near and to use transit, and to develop more "complete communities" where people can rely less on automobiles to address daily needs. This strategy is consistent with Hayward's land use policies and actions concentrating higher densities near the two Hayward BART stations, the Amtrak station, and transit corridors such as Mission Boulevard. The range of

strategies that promote more livable communities near transit is often referred to as “smart growth,” which will be incorporated in the two form-based codes being developed for the South Hayward BART station area and along Mission Boulevard. In addition to land use related strategies, other GHG reductions are expected to be achieved through technology (e.g., increased vehicle fuel efficiency and improvements in fuel that reduce GHG emissions), increased use of renewable sources for energy generation, improved energy efficiency in buildings, and a variety of other methods.

The IVS has been analyzed for its effectiveness at meeting a series of performance targets listed in Table 2.5 (page 41) of the IVS. The performance targets were adopted by ABAG and MTC in January 2011. Most importantly, the IVS falls short of meeting the California Air Resources Board (CARB) target, which is to reduce per-capita emissions from cars and light trucks by 15%. According to the IVS, current regional plans are expected to achieve a 10% reduction in emissions by 2035 and implementation of the IVS would achieve an additional 2% reduction.

Horizon Year	CARB Target	Current Regional Plans	Initial Vision Scenario
2020	-7%	-9%	-11%
2035	-15%	-10%	-12%

SCS, the Regional Housing Needs Allocation and the Regional Transportation Plan– SB 375 also requires that an updated eight-year Regional Housing Need Allocation (RHNA) prepared by ABAG be consistent with the SCS. ABAG administers the state-required RHNA for the Bay Area, which must follow the development pattern specified in the SCS. The final housing numbers for the region will be issued by the State Department of Housing and Community Development (HCD) by September 2011. The Draft Bay Area RHNA will be released by ABAG by spring 2012. ABAG will adopt the Final RHNA by the end of summer 2012 and the SCS and Regional Transportation Plan (RTP) will be adopted in early 2013. The City of Hayward will address the ABAG-adopted RHNA in the next Housing Element update, which is required to be completed in 2014.

While the adoption of the SCS will not directly impose requirements upon the City of Hayward, the growth numbers identified in the final SCS may be used to determine Hayward’s RHNA. To have the next Housing Element of the General Plan certified by the State, the City will need to demonstrate the capacity to accommodate the RHNA.

DISCUSSION

The Initial Vision Scenario (IVS), released on March 11, 2011, is available on the *One Bay Area* website¹. Comments on the IVS, due to ABAG and MTC in May, will guide the preparation of a Detailed Scenario, which is scheduled to be completed in July 2011. MTC and ABAG have used the following objectives to guide the development of the Initial Vision Scenario:

1. Strengthening the character of places through sustainable development
2. Accommodating affordable housing and employment centers within the urban footprint

¹ The Initial Vision Scenario and related documents are available at http://www.onebayarea.org/plan_bay_area/

3. Location of future housing and jobs next to transit, amenities, and services
4. Strengthening regional transit corridors to provide access to jobs and services
5. Preservation of land for open space and agriculture

As shown in the following figure taken from Table 2.1 in the IVS, the Bay Area is anticipated to grow by over two million people over the next twenty-five years.

Bay Area	2010	2035	2010-2035 Growth
Households	2,669,800	3,572,300	902,600
Population	7,348,300	9,429,900	2,081,600
Employed Residents	3,152,400	4,199,000	1,046,600
Jobs	3,271,300	4,493,300	1,222,000

The above population and job growth assumes that the region will produce an average of 36,000 housing units per year, while the region gained only 21,000 units per year in previous decades. The figures also assume an increase of 50,000 jobs per year, while job growth over the last twenty years averaged approximately 10,000 per year. As noted in the IVS (page 25), “The rationale and optimism for this higher (job) growth rate is that the Bay Area economic base is concentrated in sectors likely to lead the nation in job growth, such as professional services and research activities. Additionally, housing all the region’s population is assumed to have an impact on employment levels; it will result in both incremental construction employment and incremental employment from consumer spending by the households that are no longer in-commuting from outside the region.”

At the county level, 28% of the region’s household growth is anticipated for Santa Clara County, 24% for Alameda County, 17% for Contra Costa County, and approximately 10% each for San Francisco and San Mateo Counties.

The Initial Vision Scenario also identifies where projected growth could occur, focusing growth near transit stations and corridors. Throughout the Bay Area, Priority Development Areas (PDAs) and Growth Opportunity Areas (GOAs) are anticipated to accommodate approximately 70% of the household growth. In Hayward, it is approximately 57%, meaning proportionately, more growth in Hayward would occur away from transit centers and corridors in other areas of the City. As noted later in this report, staff recommends that more growth be directed to the City’s neighborhoods with better transit service, or to improve/expand the transit service to Hayward neighborhoods that are currently underserved.

PDAs are areas that have been identified through ABAG’s FOCUS program, which is a regional development and conservation strategy that promotes a more compact land use pattern for the Bay Area. Growth Opportunity Areas have characteristics similar to PDAs, but have not been formally recognized by ABAG. Nearly all the new housing in the PDAs and the GOAs will be multi-family housing and some of the new housing outside these areas will be multi-family as well. To achieve the goals of SB 375, it would be prudent to locate a larger proportion of Hayward’s growth in areas near transit. While some of Hayward’s PDAs and GOAs have capacity beyond that indicated in the IVS, based on current zoning, others may not be able to accommodate more growth. As the development of the SCS progresses and additional analysis is completed, the City, through

legislative action, could adjust General Plan and Zoning designations to accommodate more growth if desired.

The following criteria were used by ABAG to distribute housing growth throughout the Bay Area:

1. Locally identified growth in existing PDAs or new GOAs
2. Additional housing units based upon the identified characteristics of the locally selected place types for an area
3. Greater housing density proximate to significant transit investments
4. Major mixed-use corridors with high potential for transit-served infill development

Projections for Hayward - According to the following table, taken from Table 2.4 in the IVS, Hayward could see a 32% increase in the number of households and a 28% increase in the number of jobs over the next twenty-five years. Between 1980 and 2000, Hayward had a 30% increase in housing units and a 3% increase in jobs.

Alameda County	Households				Jobs			
	2010	2035	Growth	Percent Change	2010	2035	Growth	Percent Change
Alameda	31,774	39,873	8,099	25.5%	25,347	37,416	12,069	47.6%
Albany	7,150	9,317	2,167	30.3%	4,476	4,974	498	11.1%
Berkeley	46,146	61,876	15,730	34.1%	69,782	78,575	8,794	12.6%
Dublin	15,572	32,216	16,644	106.9%	18,058	33,400	15,342	85.0%
Emeryville	5,770	13,260	7,490	129.8%	18,198	25,479	7,281	40.0%
Fremont	71,004	98,564	27,560	38.8%	86,839	128,484	41,645	48.0%
Hayward	46,300	61,283	14,982	32.4%	66,135	84,730	18,595	28.1%
Livermore	28,662	40,801	12,138	42.3%	28,485	46,930	18,445	64.8%
Newark	13,530	19,331	5,802	42.9%	19,049	21,799	2,750	14.4%
Oakland	160,567	226,019	65,453	40.8%	187,328	254,846	67,518	36.0%
Piedmont	3,810	3,820	10	0.3%	2,091	2,171	80	3.8%
Pleasanton	24,034	33,819	9,785	40.7%	52,775	70,158	17,382	32.9%
San Leandro	31,647	40,447	8,800	27.8%	38,532	51,606	13,074	33.9%
Union City	20,420	25,900	5,480	26.8%	17,919	33,560	15,642	87.3%
Alameda County Unincorporated	51,265	63,872	12,606	24.6%	40,576	51,320	10,744	26.5%
Countywide Total	557,651	770,397	212,746	38.2%	675,591	925,449	249,859	37.0%

While Hayward is currently the third largest city in Alameda County in terms of households behind Oakland and Fremont, Hayward has the fifth-largest allocation of households. Oakland, Fremont, Berkeley, and Dublin are shown to take on more households than Hayward. Oakland would take approximately 30% of the households in Alameda County and Hayward would take approximately 7%. San Jose, San Francisco, and Oakland will add 286,000 households, or almost one third of the regional total. Oakland would gain approximately 27% of the County's job growth and Hayward, ranking third in the number of jobs added among the cities in Alameda County, would gain approximately 7%.

According to data in the IVS, Hayward currently has 1.43 jobs per household. If the anticipated new households and jobs are realized, 1.24 jobs would be gained for every new household, resulting in a decreased ratio of 1.38 jobs per household in 2035. This trend could lead to an increase in traffic as more Hayward residents would need to travel outside the City for employment.

The following table shows how the IVS allocates housing growth to different areas in Hayward. The locations of the PDAs and GOAs are indicated in Attachment I for the Bay Area and for Hayward in Attachment II.

Hayward Areas	Number of Households				
	Place Type ²	2010	2035	Growth	% Change
Downtown (PDA)	City Center	2,031	4,945	2,914	143%
South Hayward BART (PDA)	Mixed-Use Corridor	745	1,680	935	125%
South Hayward BART (PDA)	Urban Neighborhood	1,491	3,360	1,869	125%
The Cannery (PDA)	Transit Neighborhood	213	961	748	350%
Carlos Bee Quarry (GOA)	Mixed-Use Corridor	23	575	552	2400%
Mission Corridor (GOA)	Mixed-Use Corridor	474	1,446	972	205%
Total for PDAs and GOAs		4,977	12,967	7,990	
un-targeted growth ³				6,992	
Hayward Total		46,300	61,283	14,982	32.40%

The number of projected households is generally consistent with previous projections from ABAG. The number of jobs projected by the IVS, due to the current economy, is approximately 13% lower than previous projections. Still, staff finds the anticipated job growth of 28% over the next 25 years to be overly-optimistic given that Hayward's job growth between 1980 and 2010 was approximately 3%. However, the job growth rate projected in the IVS for Hayward is in line with other cities in Alameda County, where the average job growth rate is projected to increase 37% over the next twenty-five years.

Staff supports the projected household growth shown in Hayward's three PDAs: Downtown, the Cannery, and South Hayward BART. Approximately 47% of the projected household growth is shown to be accommodated in these three PDAs and two Growth Opportunity Areas (GOAs): Mission Corridor and Carlos Bee Quarry. That is a lower percentage than many other Bay Area cities along the urbanized East Bay BART/I-880 corridor. While staff also agrees with the IVS's definition of the place types of these five areas in Hayward, staff estimates that the household growth allocated to the Mission Corridor GOA could be at least twice the number projected.

² Place Types are described on pages 13 through 18 of the IVS.

³ "Un-targeted growth" is the remainder or the household growth that is not allocated to a specific PDA or GOA.

Staff estimates that the Mission Corridor GOA has the capacity for at least 2,000 new housing units. Also, while the South Hayward PDA has been split into two Place Types, the IVS total for this PDA is 2,804 new housing units. Based on analysis completed for the South Hayward BART Supplemental Environmental Impact Report, this total should be closer to 3,500 new units. If these adjustments are made, the percentage of Hayward's growth to be accommodated by PDAs and GOAs would increase from 47% to 65%. The attached map provided by ABAG (Attachment III) includes pie charts showing the portions of growth to be accommodated by PDAs (orange), GOAs (yellow), and the Jurisdiction Remainder (blue). With the exception of Union City and Fremont, Hayward's blue portion of the pie chart is larger than the other East Bay cities along the BART/I-880 corridor, meaning a proportionally greater percentage of growth in Hayward is shown to occur away from transit corridors, which is not ideal. If more growth occurs away from transit corridors, then it is likely that reliance on automobiles will increase, which will further increase congestion and GHG emissions. As indicated above, staff recommends that more growth be shown along the Mission Boulevard Corridor, which will bring the anticipated growth along transit corridors for Hayward more in line with other cities along the I-880/East Bay BART corridor.

In addition to El Camino Real and San Pablo Avenue, the Telegraph Avenue-International Boulevard-Mission Boulevard corridor is recognized as one of the three corridors in the region that have a high potential for infill housing development. According to the IVS, improved bus service (Bus Rapid Transit) is planned for these corridors so that the new housing will leverage the existing transit network to provide better access to jobs. Without at least this support for enhanced transit service, it is unrealistic to expect such growth along this corridor and resulting reduction in per capita GHG emissions.

The growth of 14,982 households over the next twenty-five years is equivalent to adding about six hundred households to Hayward every year. Many of those households will be comprised of older residents as the general population ages, which would result in smaller households and housing units. As indicated below, the last decade in which Hayward gained that number of housing units was between 1980 and 1990. The primary difference between Hayward's historical "suburban" housing growth and the growth anticipated by the IVS is that future growth must be accommodated as infill development, and not an expansion of Hayward's "urban footprint." The following table shows both historical and projected housing and job growth for Hayward.

Year	Total Housing Units ⁴	Growth	% Change	Total Jobs ⁵	Growth	% Change
1950	5336					
1960	18,328	12,992	243%			
1970	26,488	8,160	45%			
1980	35,703	9,215	35%	64,283		
1990	41,697	5,994	17%	73,620	9337	15%
2000	45,960	4,263	10%	76,320	2700	4%
2010	46,300	340	1%	66,135	-10,185	-13%
2020	52,293	5,993	13%	73,573	7438	11%
2030	58,286	5,993	11%	81,011	7438	10%
2035	61,283	2,997	5%	84,730	3719	5%

Hayward’s current Housing Element of the General Plan identified capacity for 3,079 new housing units in four key growth areas. The areas analyzed are the Cannery Area, the Mt. Eden neighborhood, the South Hayward BART area, and the 238 Bypass study area. A comprehensive inventory of housing capacity outside these growth areas was not completed. The previous Housing Element, which was obviously completed prior to the two form-based codes centered along Mission Boulevard being developed, did include a City-wide inventory of vacant and underutilized parcels and identified potential for 3,749 housing units. While the IVS projects approximately 7,000 new households not specified for a particular PDA or GOA, if staff’s recommendations noted above (to increase the growth for the Mission Corridor GOA to 2,000 and for the South Hayward BART PDAs to 3,500) are incorporated, then this figure would be reduced to 5,296.

STAFF ANALYSIS

Staff agrees with the place type designations indicated in the IVS for the different Hayward neighborhoods. However, the number of households anticipated may not be realistic. Given the difference between the housing potential identified in the previous Housing Element (3,749) and the IVS growth anticipated to occur outside the PDAs and GOAs (5,296), new growth areas would need to be identified to accommodate the extra 1,547 housing units. While staff does not believe that the anticipated job growth is realistic, a 28% increase would be beneficial to the Hayward economy. However, given that traffic modeling is partially based on projected job growth, the high number of jobs may predict unrealistically high traffic volumes, which would result in the need for Council to adopt statements of overriding considerations for significant and unavoidable impacts related to environmental analysis of future projects and/or the need for significant improvements to the transportation system to reduce those projected impacts.

Expanded and more frequent bus service would help support development in the PDAs and GOAs. Additional funding for BART, parking pricing, and other transportation demand management

⁴ Housing unit totals for 1950 to 2000 are based on data from Hayward’s current Housing Element. Housing units for 2010 through 2035 are based on the Initial Vision Scenario.

⁵ Total jobs in Hayward for 1980 through 2000 are taken from previous *Projections* documents from ABAG. Jobs for 2010 through 2035 are based on the Initial Vision Scenario. Data for 1950 through 1970 is not available.

strategies would also support housing and job growth. Regional assistance with streamlining compliance with the California Environmental Quality Act, especially standards established by the Air District, would help to facilitate housing and job growth. Maintaining the City's Redevelopment Agency and increasing its ability to assemble developable parcels is critical to fostering local development, especially development of affordable housing. Funding for new and improved parks would also be necessary.

In response to ABAG's presentation to the Alameda County Planning Directors (Directors) on the process of developing the Sustainable Communities Strategy, the Directors submitted a letter dated January 18, 2011, to ABAG and MTC (Attachment IV). The letter identifies three primary concerns:

1. It is difficult to project growth over a 25-year period beyond what was previously anticipated for PDAs, and planning directors cannot do so without direction/input from local legislative bodies;
2. The need for resources to support growth and the need to highlight the benefits of accepting such growth; and
3. The Environmental Impact Report prepared for the SCS needs to streamline local infill development by addressing current regulations of other regional agencies, such as the Air District and the Water Board, that add to the challenge of developing infill sites.

Staff is also of the opinion that support for improving local schools is critical to making Hayward a livable and sustainable community. Such thinking is reflected in one of the IVS's strategies, which states: "11. Foster improvements in school quality and access by facilitating dialogue between schooldistricts, planning agencies, and transportation agencies and by identifying strategies and resources to meet the specific needs of local jurisdictions." Staff will urge ABAG and MTC to include all of the strategies and priorities listed on pages 82 and 83 of the IVS in the Preferred Scenario to support the anticipated housing and jobs.

Funding for infrastructure such as water, wastewater, and other utilities, in addition to funding for affordable housing and first-time home buyer assistance, would support the anticipated housing growth. Some specific transportation improvements that would support growth for Hayward are:

- More frequent AC transit service on all major corridors (15 minute headways).
- Seamless connections between BART stations and major employers/activity centers such as Southland Mall and educational centers.
- Car sharing pods at Chabot, Cal State, and the BART stations.
- Relaxed regulations for funding improvements that support alternative modes. For example the air district could eliminate cost matching requirements for projects such as electronic bike lockers, which would facilitate bike access to BART.
- More flexibility in funding (i.e., block grants) for local governments to support transportation infrastructure improvements in PDAs such as exemptions from the California Environmental Quality Act to construct bike and pedestrian improvements.
- Exemption from Level-Of-Service (LOS) standards when reviewing infill projects located in PDAs.
- Improved transportation security for BART and AC Transit riders.

- Extension of Rapid Bus to Hayward BART and later South Hayward BART.

ECONOMIC IMPACT

The City's participation in the Bay Area's Sustainable Communities Strategy will not directly impact Hayward's economy. Over time, if the region's growth occurs in key areas in Hayward, then the additional residents and jobs would benefit the local economy.

FISCAL IMPACT

Preparation of the SCS will have no fiscal impact on the City's General Fund. Staff involvement will come from already-budgeted positions in the Planning Division of the Development Services Department and the Engineering and Transportation Division of the Public Works Department. While not a direct fiscal impact, the significant staff time being spent on the SCS does impact the time staff is able to spend on other Council priorities.

While the response to the SCS is mandated by State law (SB375), the City and other local jurisdictions are not receiving any additional resources in terms of funding or staffing to complete this effort. Planning and Public Works staffs have spent and will spend a large amount of time participating in the process associated with development of the Initial and Detailed Vision Scenarios and the SCS. For example, the Senior Planner and Transportation Manager attend three hour meetings every month, and review, along with other staff, the large amount of materials generated by AGAG MTC, and the Alameda County Transportation Commission. The resources that have been used and that will continue to be used to support these efforts will come from the City's General Fund. This will affect staff's ability to respond to Council priorities and perform other normal job functions, such as responding to community requests.

If the jobs and housing growth anticipated for Hayward is actually realized, there would be a negative impact to the City's General Fund. Based on the housing units and jobs indicated in the IVS, and as shown below, staff has calculated a rough estimate of the revenue and expenditures associated with the anticipated growth. The impact to the City's annual revenue could be approximately \$10 million and the impact to the City's annual expenditures may be approximately \$23 million. The majority of new revenue, \$6 million, would come from property taxes and the majority of new expenses, \$19 million, would be for police and fire services. Even if additional resources are provided by regional and state agencies to accommodate new growth, the City may need to consider the establishment of additional community facilities districts to fund the necessary public services for new households. Also, the importance of retaining the City's Redevelopment Agency, which would assist with future development via infrastructure and related support through tax increment revenue, cannot be overstated.

Staff calculated the following estimates using the same assumptions and formulas in the fiscal impact analysis recently completed for the Mission Boulevard Corridor Specific Plan. The following estimates do not take into account possible impacts related to the Redevelopment Agency or impacts related to property tax increment that may be collected from properties located in the City's Redevelopment Project Area.

General Fund Revenue Impact From the Initial Vision Scenario

	New Population		New Employment		Total General Fund Revenue Impact
	Net per Additional Service Population @ 100% Weight		Net per Additional Service Employment @ 33% Weight		
General Fund Revenue					
New Population or Employment		34,608		18,595	
Revenue Line Items					
Property Tax	--	--	--	--	5,997,866
Sales Tax	--	--	--	--	132,232
Property Transfer Tax	--	--	--	--	2,104,162
Franchise Tax	\$7.94	274,788	\$2.62	48,723	323,510
Business Tax	\$3.41	118,013	\$1.13	20,925	138,938
Excise Tax	\$2.53	87,558	\$0.83	15,525	103,083
Other Taxes	\$13.50	467,208	\$4.46	82,841	550,049
Motor Vehicle in Lieu Fees	\$2.13	73,715	\$0.70	13,070	86,785
Investment Earnings	--	--	--	--	--
Disposition of Capital Assets	--	--	--	--	--
Miscellaneous	\$6.23	215,608	\$2.06	38,229	253,837
Intergovernmental Transfers	\$4.46	154,352	\$1.47	27,368	181,720
Total Revenues					\$9,872,183

General Fund Operating Expenditure Impact From the Initial Vision Scenario

	New Population		New Employment		Total General Fund Expenditure Impact
	Net per Additional Service Population @ 100% Weight		Net per Additional Service Employment @ 33% Weight		
General Fund Revenue					
New Population or Employment		34,608		18,595	
Expenditure Line Items					
General Government	\$3.50	121,128	\$1.16	21,477	142,605
Public Safety	\$462.45	16,004,470	\$152.61	2,837,755	18,842,225
Public Works and Transportation	\$26.37	912,613	\$8.70	161,816	1,074,429
Library and Neighborhood Services	\$48.88	1,691,639	\$16.13	299,945	1,991,584
Planning and Building	--	--	--	--	--
Maintenance Services	\$20.17	698,043	\$6.66	123,770	821,814
Interest on Long Term Debt	--	--	--	--	--
Total Expenditures					\$22,872,656

PUBLIC CONTACT

Work sessions regarding the development of the SCS were held with the Council on January 18, 2011 and the Planning Commission on January 27, 2011. The Alameda County Transportation Commission (ACTC) has held several public workshops to discuss development of the Alameda Countywide Transportation Plan and the Transportation Expenditure Plan and the relationship of those plans to the development of the SCS, including one held at Hayward City Hall on March 9, 2011.

MTC and ABAG have scheduled several public meetings in April and May to present the IVS. The meeting in Alameda County will be on May 19, 2011 at the David Brower Center in Berkeley, which City staff will attend.

NEXT STEPS

ABAG and MTC are soliciting feedback from Bay Area jurisdictions on the IVS by mid-May 2011 to inform the Detailed Scenarios. Specifically, they would like feedback on the following questions:

1. Is the proposed place type appropriate for your PDAs, GOAs? Given the availability of resources, is the proposed urban scale, mix of uses, and expected household growth appropriate?

2. What transportation improvements would help support those PDAs and/or GOAs in your jurisdiction?
3. What additional funding would be needed to support housing growth?
4. If the IVS growth estimate is too high, should some of the growth be shifted to another part of your jurisdiction, elsewhere in the County, or elsewhere in the region?
5. What are the challenges for your local jurisdiction to attract and retain jobs that match your local workforce?

Staff plans to collect comments from the City Council and Planning Commission and incorporate them into a resolution to be presented to Council for adoption, so that Hayward can formally provide a response to the IVS. Staff anticipates presenting a draft resolution to Council in early May.

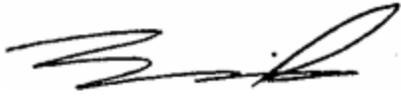
Following are the major steps that will lead to the adoption of the SCS and, ultimately, revision of Hayward's General Plan Housing Element.

- May 2011 Staff will provide comments and forward a Council resolution on the IVS to ABAG and MTC.
- July 2011 MTC and ABAG will prepare detailed SCS Scenarios, based upon feedback and responses to the IVS.
- September 2011 Adoption of the RHNA methodology by ABAG.
- September 2011 Final housing numbers for the region will be issued by HCD.
- December 2011 Release of the Preferred Scenario by ABAG and MTC
- Spring 2012 Draft RHNA for each jurisdiction in the Bay area will be released by ABAG.
- September 2012 ABAG will adopt the Final RHNA.
- March 2013 ABAG will approve the SCS.
- April 2013 MTC will adopt the final RTP and SCS.
- September 10, 2014 Date by which the City of Hayward Housing Element must be revised and adopted.

Prepared by: Erik J. Pearson, AICP, Senior Planner

Recommended by: David Rizk, AICP, Development Services Director

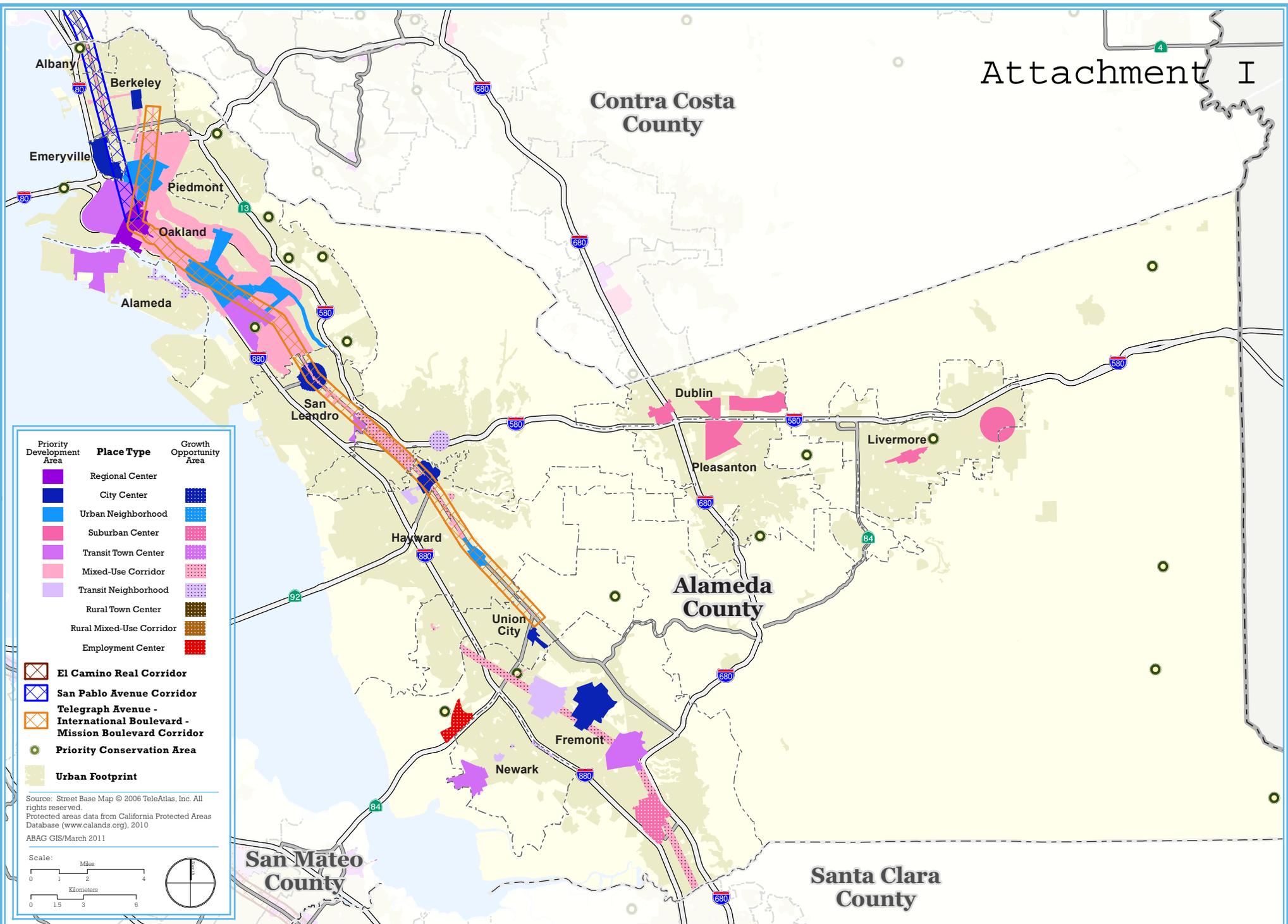
Approved by:



Fran David, City Manager

Attachments:

- Attachment I Place Type Map for Alameda County
- Attachment II Place Type Map for Hayward
- Attachment III Alameda County Growth Share by PDA and GOA
- Attachment IV Letter from Alameda County Planning Directors dated January 18, 2011



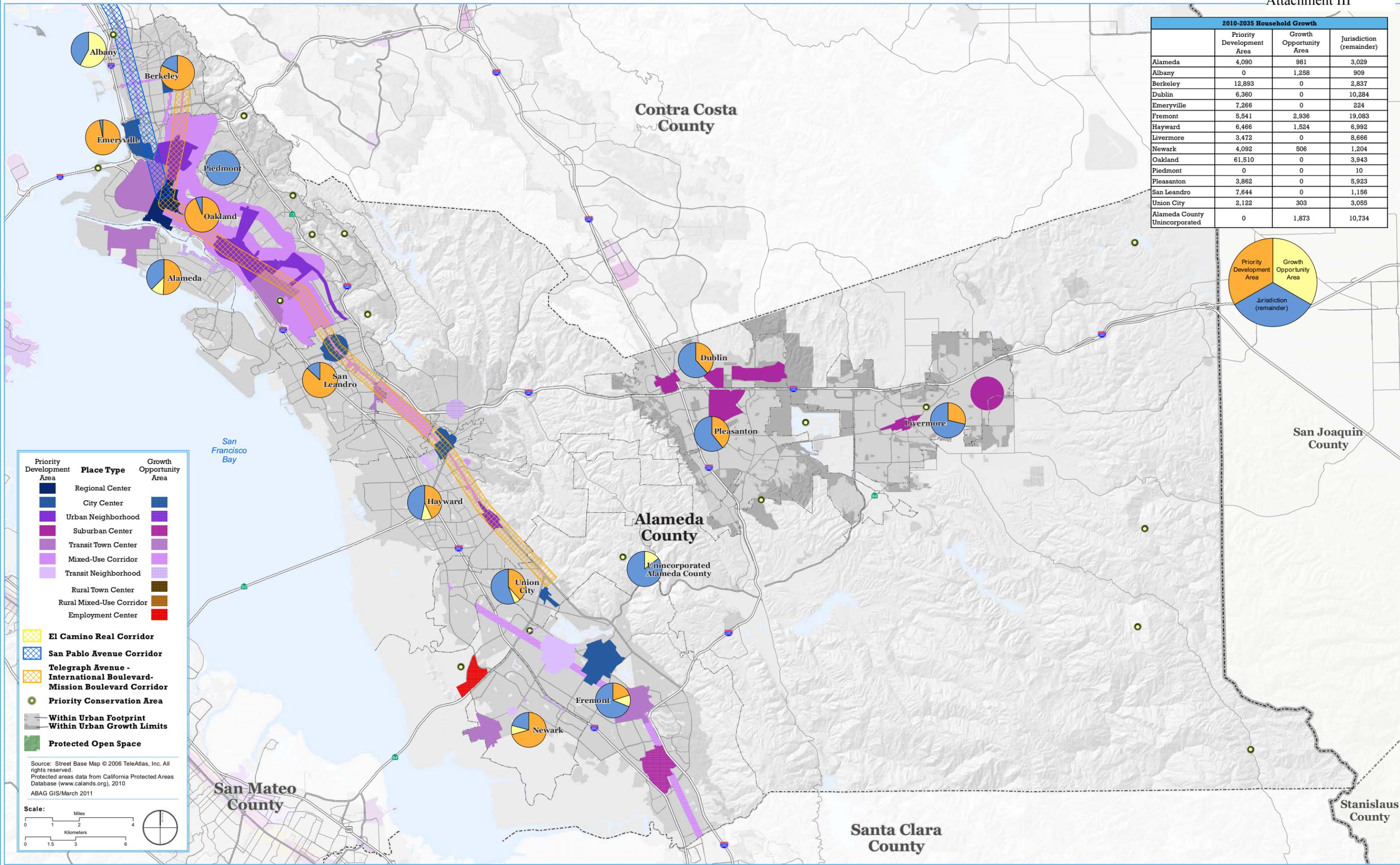
Priority Development Area	Place Type	Growth Opportunity Area
	Regional Center	
	City Center	
	Urban Neighborhood	
	Suburban Center	
	Transit Town Center	
	Mixed-Use Corridor	
	Transit Neighborhood	
	Rural Town Center	
	Rural Mixed-Use Corridor	
	Employment Center	

- El Camino Real Corridor
- San Pablo Avenue Corridor
- Telegraph Avenue - International Boulevard - Mission Boulevard Corridor
- Priority Conservation Area
- Urban Footprint

Source: Street Base Map © 2006 TeleAtlas, Inc. All rights reserved.
 Protected areas data from California Protected Areas Database (www.calands.org), 2010
 ABAG GIS/March 2011

Scale:
 0 1 2 4 Miles
 0 1.5 3 6 Kilometers





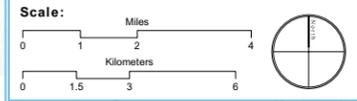
2010-2035 Household Growth			
	Priority Development Area	Growth Opportunity Area	Jurisdiction (remainder)
Alameda	4,090	981	3,029
Albany	0	1,258	909
Berkeley	12,893	0	2,837
Dublin	6,360	0	10,284
Emeryville	7,266	0	224
Fremont	5,541	2,936	19,083
Hayward	6,466	1,524	6,992
Livermore	3,472	0	8,666
Newark	4,092	506	1,204
Oakland	61,510	0	3,943
Piedmont	0	0	10
Pleasanton	3,862	0	5,923
San Leandro	7,644	0	1,156
Union City	2,122	303	3,055
Alameda County Unincorporated	0	1,873	10,734



- | Priority Development Area | Place Type | Growth Opportunity Area |
|---------------------------|--------------------------|-------------------------|
| | Regional Center | |
| | City Center | |
| | Urban Neighborhood | |
| | Suburban Center | |
| | Transit Town Center | |
| | Mixed-Use Corridor | |
| | Transit Neighborhood | |
| | Rural Town Center | |
| | Rural Mixed-Use Corridor | |
| | Employment Center | |

- El Camino Real Corridor
- San Pablo Avenue Corridor
- Telegraph Avenue - International Boulevard - Mission Boulevard Corridor
- Priority Conservation Area
- Within Urban Footprint
- Within Urban Growth Limits
- Protected Open Space

Source: Street Base Map © 2006 TeleAtlas, Inc. All rights reserved.
 Protected areas data from California Protected Areas Database (www.calands.org), 2010
 ABAG GIS/March 2011



Alameda County Planning and Community Development Directors

January 18, 2011

Steve Heminger, Executive Director
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Ezra Rapport, Executive Director
Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

RE: Sustainable Communities Strategy Process

Dear Mr. Rapport and Mr. Heminger:

The Alameda County Planning Directors met on December 17, 2010 to discuss the SB 375 process to date and respond to some of the questions and issues raised by that process. In this letter, we'd like to highlight some of the constraints we believe local governments face as we look forward to developing the Sustainable Communities Strategy (SCS), and then to implementing the underlying goals of the SCS related to encouraging more intensive development in transit-served locations. The following summarizes some of our discussion.

Before highlighting some of our concerns, we'd like to acknowledge the importance of this effort for the region. Preparation of the SCS begins the process of establishing a long-term guide for this region's growth in a manner that preserves the qualities of this region that make it great: a vibrant economy, a diverse population, a beautiful and productive environment. We appreciate ABAG/MTC's outreach to Planning Directors, and look forward both individually and as a group to working with ABAG/MTC in developing the SCS. Our comments and concerns below should be seen in the context of our underlying support for the effort.

Vision Scenario

SB 375 requires that we plan to accommodate all of the region's need for housing within the nine-county Bay Area. This is a change in past practice when we were able to assume in our projections for housing needs that we could export a significant proportion of expected housing need to counties outside the nine-county Bay Area. We know from past modeling efforts that if this region is to come close to achieving the expected reductions in GHG generation and accommodate all of its projected housing

need, that the vast majority of future growth must occur in transit-served locations and in locations near job centers. However, according to ABAG, the locations identified for transit-oriented growth (the Planned Development Areas or PDA's) can accommodate less than 50 percent of the projected growth.

A "vision scenario" is expected to be the beginning point for thinking about how the region can achieve the SB 375 targets. The Vision Scenario is supposed to be an "unconstrained" projection of how growth can best be accommodated in the most sustainable manner over the next 25 years. While an "unconstrained scenario" may be a useful way of examining a "what if" option for achieving maximum reduction in GHG, we do not believe the information is available for preparing such an "unconstrained scenario" at the local level. Few local government plans project land use for 25 years, and to the degree that we have identified development potential for Priority Development Areas, they are usually not "build-out" scenarios for a 25 year time frame.

While it is possible that PDA's could accommodate more growth than local governments have indicated to date in our PDA descriptions, we cannot say with any confidence what that additional increment may be. Moreover, we do not have direction from our local policy makers to identify such a capacity, or for us to consider unconstrained "what if" vision scenarios that might increase the capacity of our PDA's. We as Planning Directors work at the direction of our elected leaders through their appointed City Managers and Administrators. In order for us to more fully assist ABAG/MTC in developing the vision scenario, we request that ABAG/MTC ask our local elected bodies to give us direction to do so. Even with such direction, the resources may not be available to undertake the necessary analysis for every community and every PDA. However, working together it may be possible to identify locations in the region with the most potential for growth, and undertake some limited focused analysis of some PDA's that could yield case studies useful for regional modeling purposes.

Resources to Implement a Sustainable Communities Strategy

We appreciate that preparing the SCS is a highly challenging undertaking. The specific goals of SB 375 focus primarily on GHG reduction and how to harmonize existing State mandates for affordable housing with the GHG goal. We also know that a GHG reduction strategy means focusing development within existing urbanized areas of the region. To implement that strategy means addressing community concerns with growth and infill development. In the highly resource-constrained environment of the past many years, it is unclear whether the SCS and the RTP that will support it presents a new paradigm for regional development where significant resources will flow to those communities willing to accept growth. Although there has been some movement in that direction through grant programs, the level of resources available has been very limited and the funding unreliable.

To be successful, the SCS must demonstrate how those communities willing to accept growth will benefit from it, rather than suffer the perceived (and often real) negative impacts from it. In this environment, there is a concern that if a community shows it can

accommodate more growth, it will then be forced to accept it and its impacts without any assurance that the resources needed to serve that new development and improve the quality of life for nearby residents will be forthcoming. Since it often seems as if the vast majority of semi-discretionary resources in this region are transportation-based, if the SCS is going to be successful, we recommend that MTC/ABAG begin now to identify now how the next RTP will address this underlying resource allocation concern.

Harmonizing Regional Policies

Over the past few years, each of the regional agencies, following its own mandate, has established policies and regulations in regard to development that can have significant impacts on the costs of infill development. For example, most recently, the Bay Area Air Quality Management District has adopted preliminary CEQA Guidelines for GHG, PM 2.5 and toxic contaminants; the Regional Water Quality Control Board has previously adopted standards on impervious surfaces and non-point source pollutants; BDCD is considering new policies in regard to potential inundation due to global warming; and the RTP establishes, through its guidelines how and where funding will be available for transportation improvements. Taken in isolation, each agency promotes critical governmental objectives; but in totality, they contribute to increasing complexity and uncertainty for the development type we say we are interested in promoting: higher density infill. It is often easier and less expensive to address these regulations as part of designing a project on a greenfield site than to retrofit an infill site to meet new standards and address existing infrastructure or transportation deficiencies. These regional regulations can have the unintended consequence of further impeding infill development that already faces numerous hurdles not faced by a greenfield project: nearby unhappy neighbors, highly uncertain site conditions, and unique design requirements, to mention just a few.

SB 375 provides an opportunity for the region to harmonize and standardize its requirements and to identify regional strategies that in combination can encourage infill development. Revised standards that, for example, recognize that automobile congestion is not necessarily a significant environmental affect in itself in an urbanized region; Air Quality Guidelines that recognize that an infill project near transit – no matter how large or dense – has significant regional benefits that outweigh project-based GHG impacts; standardized mitigations for localized air quality impacts; standardized mitigations for water quality that allow projects to make use of existing CEQA exceptions. The SCS EIR, and the analysis leading up to it are an unprecedented opportunity to consider how regional policies and mitigations can be harmonized and restructured to help even the playing field for infill development. We urge that as the regional agencies gear up for the SCS EIR, that they commit sufficient resources to undertake the larger effort needed to work together to consider how they can make it easier – not harder – for infill development to occur.

Other Concerns

As the Alameda County Planning Directors discussed SB 375 and where the region must go to address it and other state requirements, a number of other issues were discussed that most planners recognize are impediments to the development patterns we wish to encourage, but that remain unaddressed year after year. Among them are:

- Fiscalization of land use. So long as there are significant fiscal benefits from commercial/retail development, and significant long-term costs associated with residential development (and especially rental housing buildings that generally sell and are reassessed less often than single family homes), the promotion of appropriate development patterns will continue to face an uphill fiscal battle.
- CEQA. While, as described above, regional agencies can begin to address some CEQA issues, and especially those related to regional policies and cumulative impacts, there are other fundamental issues with existing exemptions for infill development that make them ineffective. CEQA reform is needed to preserve the underlying goals of CEQA while encouraging infill development.
- Transit availability. The SCS and the PDA's that will be the foundation of the SCS necessarily must rely on transit "nodes" as the basis for meeting housing needs. In order for developers and communities to invest in those locations, there is a need for certainty that the transit will be there for the long term, and that the service will be adequate to address the demands placed on it. Meanwhile, over the past few years that certainty has been undermined by cutbacks on funding for transit. Investments in existing and future transit improvements need to get the very biggest land-use bang for the bucks spent on it. MTC's station area planning guidelines are a good step, but the assessments of all future transit improvements need to be considered in light of implementing the land uses of the Sustainable Communities Strategy and especially the very high intensity land uses that will ultimately be needed to address regional housing needs in a sustainable manner.

None of these are new issues, and there are many others that could have been added had we had more time for discussion. We set them out here not because we expect the SCS to address them (some of these can only be addressed by the legislature), but because we believe that the SCS must recognize these obstacles and begin to set forth strategies that can ultimately address them for a successful SCS.

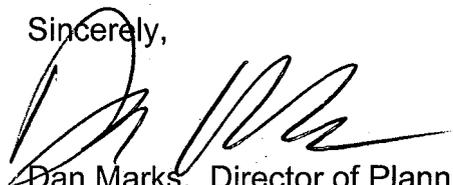
In conclusion, we recommend:

- ABAG/MTC specifically request City and County elected leaders to authorize staff to participate in developing alternative plans for PDA's to be used in the Vision Scenario that may go beyond existing local policies and plans;
- ABAG/MTC begin now to identify the resources that may be available to implement the SCS and provide incentives to jurisdictions willing to accept higher levels of growth;

- ABAG/MTC use the SCS EIR as an opportunity to harmonize regional policies, guidelines and regulations so that infill development is easier to accomplish.

The current SCS is the first of what is intended to be many SCSs. We do not expect this first SCS to suddenly and completely reverse a set of policies, incentives and programs that contributed to (and continue to support) a sprawling land use pattern that developed over 50 years. However, if we are to reverse that pattern and establish a new development pattern, we must consciously recognize and remove the impediments to infill development, and then reverse the fiscal and other financial incentives for sprawl. We look forward to working with ABAG/MTC in the process of accomplishing this goal.

Sincerely,



Dan Marks, Director of Planning and Development, City of Berkeley*
on behalf of the following Alameda County Planning and Community Development
Directors* who have endorsed this letter

Albert Lopez, Alameda County
Jennifer Ott, Alameda
Jeff Bond, Albany
Jeri Ram, Dublin
Charles Bryant, Emeryville
Jeff Schwob, Fremont
David Rizk, Hayward
Marc Roberts, Livermore
Terrence Grindall, Newark
Eric Angstadt, Oakland
Kate Black, Piedmont
Brian Dolan, Pleasanton
Luke Sims, San Leandro
Joan Malloy, Union City

*Each individual indicated above has endorsed the contents of this letter as a professional planner; titles and jurisdictions are for identification purposes only and do not imply that the City Council or Board of Supervisors has reviewed or endorsed this letter.

Cc: Beth Walukas, Manager of Planning, Alameda County Transportation
Commission
1333 Broadway, Suite 220, Oakland, CA 94612

DATE: April 19, 2011
TO: Mayor, City Council, and Planning Commission
FROM: Development Services Director
SUBJECT: Annual Progress Report on Implementation of Hayward's Climate Action Plan

RECOMMENDATION

That the City Council and Planning Commission read and comment on this report.

SUMMARY

This first annual progress report on implementation of the City of Hayward's Climate Action Plan (CAP) will compare CAP-recommended implementation timetables against actual progress. Appendix E of the CAP (Attachment I) is a timeline indicating when each action in the CAP should be implemented. Progress on action items that are scheduled to commence after 2012 will not be addressed in this report, but will be addressed in future reports that staff plans to provide to the Sustainability Committee and City Council on an annual basis. This report also provides an update to Hayward's 2005 greenhouse gas emissions inventory.

BACKGROUND

On July 28, 2009, the Hayward City Council adopted the Hayward Climate Action Plan (CAP)¹ with the goal of reducing the amount of greenhouse gas (GHG) emissions from activities taking place within the City. The CAP includes GHG emissions targets that align with those of the State of California for 2020 and 2050 and provides a roadmap for achieving the targets. Hayward's GHG reduction targets are as follows:

- 6.0 % below 2005 levels by 2013 (interim target)
- 12.5% below 2005 levels by 2020
- 82.5% below 2005 levels by 2050

Appendix A of the CAP includes an inventory of all GHGs emitted in the City of Hayward in 2005. The CAP presents 9 strategies and 40 specific actions that, if fully implemented, will make it possible for the City to meet its adopted emission reduction targets.

¹ The Climate Action Plan is available at <http://www.ci.hayward.ca.us/CAP08/CAP08.shtm>

Most of the information provided in this report was presented to the City Council Sustainability Committee on April 6. Information and discussion related to greenhouse gas emissions associated with municipal activities was not included in that presentation, but is included in this report. Due to a technology glitch, the City Council Sustainability Committee did not receive the CAP Implementation report prior to the April 6 meeting. For this reason, the Committee did not discuss the material beyond staff's presentation.

DISCUSSION

Following is a summary of the status of implementation of the nine strategies identified in the CAP, including an update on specific CAP actions recommended to commence prior to 2012. The priority number, as identified in Appendix D of the CAP, is also indicated for each action, as is a GHG reduction target as shown in Appendix B of the CAP.

Strategy 1- Transportation and Land Use: Reduce Vehicle Miles Traveled

Action 1.5 (Community-wide Action Overall Priority #37)- Continue to implement and expand the City-wide bicycle master plan through aggressive pursuit of grants and other sources of funding which could be used to expand bike lanes and bike parking facilities. (2020 reduction target: 2,419 metric tons; 2050 reduction target: 7,610 metric tons)

The CAP calls for this action to be implemented beginning in 2009. Hayward's current Bicycle Master Plan was adopted in October 2007. Most of the bikeway network improvements recommended in Chapter 6 of the Bicycle Master Plan have been completed, with the exception of the Centennial-Cannery Connector Bridge and the East Bay Greenway, which is a pedestrian/bicycle path that is proposed to follow the BART right-of-way and will be constructed by others. City staff will continue to seek grants to fund the Centennial-Cannery Connector Bridge. Also, when the City's General Plan and Circulation Element are updated, which is anticipated to occur within the next few years, policies related to the City's bicycle network will be revised.

Action 1.9 (Community-wide Action Priority #27) - Encourage high density, mixed-use, smart growth development in areas near public transit stations. (Emissions reductions are not quantified in the CAP.)

The CAP calls for this action to be implemented beginning in 2009. On March 17, 2009, the Hayward City Council approved a high-density, mixed-use, transit-oriented development project at the South Hayward BART station. Additionally, the City anticipates adopting this calendar year a new Form-Based Code along Mission Boulevard between Harder Road and Industrial Boulevard and in the general area around the South Hayward BART station, and a new Specific Plan/Form-Based Code along Mission Boulevard north of Harder Road to the City limit (excluding Downtown). Such codes will follow the Smart Code template and include provisions, including those that promote walkability, which will promote smart growth development along the Mission Boulevard Corridor and near the South Hayward BART station.

Action 1.10(Community-wide Action Priority #9) - Explore the development of zoning and development standards that consider both the land uses and the urban design and form of buildings and public space, where the new standards will result in reduced GHG emissions. (Emissions reductions not quantified in the CAP.)

The CAP calls for this action to be implemented beginning in 2009. The two form-based codes currently being developed and referenced above will help to decrease automobile travel and increase walkability, but city-wide zoning amendments will be necessary as well. Additional Zoning Ordinance amendments as recommended in Appendix H of the CAP will be developed as staff resources allow.

Action 1.13(Municipal Action Priority #7) - Reinstate commuter benefits such as Commuter Checks to City employees, and when possible expand or develop other commuter benefits programs such as parking cash-out or parking pricing programs, or taking advantage of the new tax credit for biking to work. The City will amend Administrative Rule 2.26 to reflect current transportation demand management opportunities. (Emissions reductions are not quantified in the CAP.)

Possible commuter benefits such as incentives for riding public transit and other transportation demand management strategies are planned to be presented to the Sustainability Committee on June 1, 2011.

Action 1.14(Municipal Action Priority #15) - Explore options in developing a car-sharing and/or bike-sharing program for City employees. If private organizations like Zip Car are not interested in managing the car sharing program, it could be administered by the City as a benefit available to City employees only. A bike share program would also be administered by the City as a benefit to City employees. (Emissions reductions are not quantified in the CAP.)

Staff has discussed such programs with private firms, such as Zip Car, who have indicated no interest in locating in Hayward. Staff will continue to explore options related to car and bicycle sharing.

Action 1.15(Municipal Action Priority #8) - When making decisions about where to rent or build new City facilities, give preference to locations that are accessible to an existing public transit line. (Emissions reductions not quantified in the CAP.)

Plans have been prepared for a new library to be constructed at the corner of C Street and Mission Boulevard, which is approximately one block from the Hayward BART station. Staff is currently also exploring the possibility of constructing a new police station in the downtown area. No other new City facilities are being considered.

Additional Items Related to Strategy 1:

Bus Service – Due to a budget shortfall of approximately \$18.9 million, AC Transit announced in October 2010 that starting on October 31, 2010, the bus agency would reduce service on about seventy bus lines, including ten lines serving Hayward.

Traffic Signal Timing – On December 7, 2010, Public Works Department staff presented City Council with information about a \$614,000 grant received from the Alameda County Transportation Commission for a traffic signal timing and controller replacement program on three major transportation corridors – Hesperian Boulevard, Tennyson Road and Winton Avenue. Once the upgrades required for the signal coordination are complete, all 32 intersections on the three major corridors in Hayward will be optimized and coordinated to reduce traffic congestion, thereby

improving traffic flow, decreasing fuel consumption, and ultimately reducing greenhouse gas emissions. This project is scheduled to be completed in the fall of 2011.

Strategy 2 – Transportation: Decrease Carbon-Intensity of Vehicles

Action 2.1 (Community-wide Action Priority #5) - Play an active role in collaborating with regional, state, and federal efforts to provide financial and non-financial incentives for residents to purchase low-carbon vehicles. (Actions 2.1 and 2.2 combined: 2020 reduction target: 129,060 metric tons; 2050 reduction target: 532,735 metric tons)

The CAP calls for this action to be implemented beginning in 2010. Staff will continue to seek opportunities for working at the regional, state and federal levels toward making incentives for low-carbon vehicles available. Staff will present letters and resolutions to the Council when appropriate to advocate for incentives for low carbon vehicles. Actions 2.1 and 2.2 have significant GHG reduction targets. The CAP recognizes that the City will have limited control over the use of low-carbon vehicles and fuels and that the majority of the implementation of these Actions will happen at the Federal and State levels. Although beyond local control, such changes at the State and Federal levels would have huge positive impacts in reducing GHG emissions.

Action 2.2 (Community-wide Action Priority #4) - Play an active role in collaborating with regional, state, and federal entities to promote the use of alternative fuels and increased vehicle fuel efficiency standards. (Actions 2.1 and 2.2 combined: 2020 reduction target: 129,060 metric tons; 2050 reduction target: 532,735 metric tons)

The CAP calls for this action to be implemented beginning in 2010. Since the adoption of the CAP, many more hybrid vehicles have become available and recently, lower emission vehicles such as the Nissan Leaf and the Chevrolet Volt, have come onto the market. A Prius plug-in hybrid vehicle is scheduled to be available in 2012.

In January 2007, Governor Schwarzenegger signed Executive Order S-01-07, which directed the development of protocols for measuring the "life-cycle carbon intensity" of transportation fuels. The executive order sets an initial goal of reducing the carbon intensity of fuels used by California's passenger vehicles by at least 10% by 2020. In April 2009, the California Air Resources Board adopted the Low Carbon Fuel Standard regulation. The regulation will require fuel providers to ensure that the mix of fuel they sell into the California market meets, on average, a declining standard for GHG emissions. Staff will continue to monitor activities at the state level and recommend to the City Council adoption of resolutions that would support implementation of the Low Carbon Fuel Standard.

Action 2.3 (Municipal Action Priority #6) - Continue to procure fuel-efficient and alternative fuel vehicles for municipal vehicle fleet. (Actions 2.3 and 2.4 combined: 2020 reduction target: 54 metric tons; 2050 reduction target: 108 metric tons)

When new vehicles are purchased, fuel efficiency and/or alternative fuels will be a high priority among the factors considered.

Action 2.4 (Municipal Action Priority #12) – Continue, whenever possible, to negotiate an alternative fuel requirement into new services provided by the City's franchisee. (Actions 2.3 and 2.4 combined: 2020 reduction target: 54 metric tons; 2050 reduction target: 108 metric tons)

Beginning June 2007, the City's waste and recycling franchisee has used alternative fuel vehicles for Residential Collection of Garbage, Recyclables, and Organics. Staff will continue to seek additional opportunities to do business with firms utilizing alternative fuel vehicles.

Strategy 3 - Energy: Improve Performance of Existing Buildings.

Action 3.1 (Community-wide Action Priority #23) -Develop and implement a Residential Energy Conservation Ordinance (RECO) for detached single-family homes which would require improved energy efficiency and energy conservation in residential buildings. (2020 reduction target: 639 metric tons; 2050 reduction target: 39,304 metric tons)

The CAP calls for this ordinance to be developed beginning in 2011. The City Council Sustainability Committee and the Climate Action Management Team (CAMT) have developed general parameters for a Residential Energy Conservation Ordinance (RECO) to improve the energy performance of existing single-family and duplex residential properties in Hayward. Language for components of a draft RECO was provided to the City Council Sustainability Committee on March 2, 2011, and will be provided to the City Council on May 31, 2011, and to the Planning Commission on June 9, 2011. The Committee recommended that staff promote incentives/rebates available to homeowners to encourage voluntary installation of energy efficiency improvements (see later discussion). That recommendation will be forwarded to City Council for the May 31 work session, and staff will track such installations over the next several months.

Action 3.2 (Community-wide Action Priority #12) -Develop and implement a Residential Energy Conservation Ordinance (RECO) for multiple-unit homes which would require improved energy efficiency and energy conservation in residential buildings. (2020 reduction target: 983 metric tons; 2050 reduction target: 33,033 metric tons)

The CAP calls for this ordinance to be developed beginning in 2011. The Sustainability Coordinator is scheduled to begin the process of developing a RECO for multiple-unit homes in November 2011.

Action 3.3 (Community-wide Action Priority #3) - Develop a Commercial Energy Conservation Ordinance (CECO) which would require improved energy efficiency and energy conservation in commercial buildings. (2020 reduction target: 5,164 metric tons; 2050 reduction target: 105,152 metric tons)

The CAP indicates this ordinance is to be developed beginning in 2011. The Sustainability Coordinator is scheduled to begin the process of developing a CECO in June 2011.

Action 3.7 (Community-wide Action Priority #6) -Develop a residential energy efficiency retrofit financing program for single-family homes. (2020 reduction target: 181 metric tons; 2050 reduction target: 40,248 metric tons)

The CAP calls for this action to be developed beginning in 2010. Staff provided an update on the status of development of a statewide Property Assessed Clean Energy (PACE) program, called

CaliforniaFirst, to the City Council on September 14, 2010² and to the Council Sustainability Committee on November 3, 2010³. As indicated in the November 3, 2010 report to the Council Sustainability Committee, lawsuits have been filed against the Federal Housing Finance Agency (FHFA) and/or Freddie Mac and Fannie Mae by the State of California, Sonoma County, the City of Palm Desert, the Town of Babylon in New York, the Sierra Club, and the Natural Resources Defense Council for blocking the implementation of PACE programs around the country.

While Congress did not take action on the PACE legislation that was introduced in 2010, work is continuing to prepare for the next session. There are plans for new, bi-partisan, PACE legislation to be introduced in 2011. On February 9, 2011, the National Association of Counties and the National League of Cities wrote a joint letter to the United States Congress urging them to support legislation that affirms the right of state and local governments to exercise liens or assess special taxes or other property obligations for the installation of renewable energy and energy efficiency improvements. Staff will continue to monitor PACE developments at the national level, and support efforts for such programs via letters or recommendations for letters from the Mayor or resolutions from the City Council as appropriate.

On January 25, 2011⁴, the City Council endorsed an energy efficiency incentive program for single-family homes, funded by Hayward's Federal Energy Efficiency and Conservation Block Grant funds as part of the American Recovery and Reinvestment Act (ARRA). Typical improvement measures eligible for incentives include air sealing, insulation, duct sealing, and furnace and water heater upgrades. The Residential Energy Users Incentive Program will provide three types of rebates:

- Comprehensive home energy audit - \$250;
- Energy efficiency improvements installed via a prescriptive option - \$750;
- Energy efficiency improvements installed via a performance option - \$1,500 for a 15 percent reduction in energy use and \$2,000 for a 20 percent reduction in energy use.

Action 3.8 (Community-wide Action Priority #7) - Develop a residential-energy efficiency retrofit financing program for multiple-family homes. (2020 reduction target: 126 metric tons; 2050 reduction target: 33,617 metric tons)

The status of the PACE program mentioned above also applies to multiple-family homes.

Action 3.9 (Community-wide Action Priority #1) - Develop a commercial energy efficiency retrofit financing program for commercial buildings. (2020 reduction target: 1,630 metric tons; 2050 reduction target: 132,025 metric tons)

The CAP calls for this action to be developed beginning in 2009. While residential PACE has been put on hold, a number of jurisdictions are moving forward with commercial programs. Staff plans to investigate the possibility of establishing a commercial PACE program when the CECO is studied.

² The September 14, 2010 Council report is at <http://www.hayward-ca.gov/citygov/meetings/cca/rp/2010/rp091410-11.pdf>

³ See Report # 1 at <http://www.hayward-ca.gov/citygov/meetings/csc/ccsc/2010/CSC-CCSC110310.pdf>

⁴ See Report # 4 at <http://www.hayward-ca.gov/citygov/meetings/cca/2011/CCA11PDF/cca012511full.pdf>

Using the City's Federal Energy Efficiency and Conservation Block Grant funds, staff recently developed and launched two programs that offer energy efficiency financing programs for commercial buildings – the Large Energy Users Incentive Program and the Non-Profit and Governmental Agencies Energy Efficiency Program.

The Large Commercial Energy Users Incentive Program will leverage the existing infrastructure and processes of PG&E's Customized Retrofit Incentive program to offer financial incentives in addition to those provided by PG&E to eligible "energy intensive" Hayward businesses that make qualifying energy efficiency improvements to their facilities. Program participation will be limited to Hayward businesses that use a minimum of 1,500,000 kWh annually and successfully participate in the above-listed PG&E program. The City will match PG&E incentives up to a maximum of \$50,000.

The Non-Profit and Governmental Agencies (NPGAs) Energy Efficiency Program will leverage the existing infrastructure and processes of the East Bay Energy Watch's Business Energy Solutions Team (BEST) program to provide financial incentives to eligible Hayward NPGAs that make qualifying energy efficiency improvements to their facilities. The NPGA program will match BEST incentives up to a maximum of \$10,000 per project installation or the project cost, whichever is less.

Action 3.10 (Municipal Action Priority #1)- Take advantage of California Energy Commission's low interest loans for efficiency retrofits and LED street lighting. (2020 reduction target: 969 metric tons; 2050 reduction target: 1,054 metric tons)

As authorized by the City Council on March 15, 2011, the City of Hayward will accept a California Energy Commission loan of \$887,152 to make lighting system upgrades at the Police Department, City Hall, Fleet Maintenance building, City Hall parking garage and the Cinema Place parking garage. The project is being supported by \$138,111 in rebates from PG&E and will result in annual energy savings worth \$111,981. In addition, \$70,000 of the City's Energy Efficiency and Conservation Block Grant funds are being used to retrofit streetlights with LED fixtures along Tennyson Road near the South Hayward BART station.

Action 3.11 (Municipal Action Priority #3)-Continue to implement energy conservation practices in City-owned buildings. Prepare an energy conservation plan and update it on a regular basis. (2020 reduction target: 330 metric tons; 2050 reduction target: 1,542 metric tons) (The GHG reduction target is combined for Actions 3.11 and 3.12.)

Facilities Division staff recently participated in a benchmarking class offered by the Association of Bay Area Governments and PG&E. The class covered PG&E's Portfolio Manager tool, which assesses normalized energy performance, and PG&E's Automated Benchmarking Service, which provides historical energy usage data as well as automatic monthly updates to the building's Portfolio Manager account. Use of these tools will allow staff to benchmark buildings, automate the entry of monthly utility data, and use the information to track performance of energy conservation activities. In addition, over the last several years, staff has implemented energy conservation practices such as replacing older light tubes with more efficient tubes, adjusting thermostats, and encouraging employees to only turn on lights that are needed.

Action 3.12 (Municipal Action Priority #2)- Improve energy performance of City buildings. Begin by auditing City buildings to identify opportunities for efficiency improvements from both operations and equipment upgrades. (2020 reduction target: 330 metric tons; 2050 reduction target: 1,542 metric tons) (The GHG reduction target is combined for Actions 3.11 and 3.12.)

City facilities have been audited by the California Energy Commission (CEC) as well as by Quantum Energy Services & Technologies, Inc. (QuEST), the firm currently serving as the City's Sustainability Coordinator. The CEC audit was completed as a prerequisite to receiving the loan mentioned above. The QuEST audit was completed as part of the City's participation in the Municipal Implementation Team (MIT) program. Results of the MIT audit were presented to the Sustainability Committee in January 2011 and the audit recommended "retro-commissioning," or making adjustments to existing heating and ventilation equipment to improve efficiency. The improvements to City Hall and the Police station, which are underway, will cost approximately \$2,500 and result in annual cost savings of approximately \$33,000.

Strategy 4 – Energy: Improve Energy Performance of New Buildings

Action 4.1 (Community-wide Action Priority #20)-Continue to implement the private development green building ordinance for residential buildings. (2020 reduction target: 979 metric tons; 2050 reduction target: 18,836 metric tons)

This action is to be implemented beginning in 2009. The Green Building Ordinance related to private development was initially adopted on December 2, 2008. The Ordinance was revised to incorporate provisions related to energy efficiency and cost effectiveness on December 15, 2009, which became effective on January 15, 2010. On October 6, 2010, staff provided the Sustainability Committee with an overview of California's new green building code known as Cal Green, which took effect on January 1, 2011. The Green Building Ordinance and its effectiveness are scheduled to be reviewed by the Council Sustainability Committee in May 2011.

Action 4.2 (Community-wide Action Priority #18)-Continue to implement the private development green building ordinance for commercial and industrial buildings. (2020 reduction target: 4,493 metric tons; 2050 reduction target: 77,925 metric tons)

The CAP calls for this action to be implemented beginning in 2009. The City's Green Building Ordinance and the State's new Green Building Code, Cal Green, both apply to commercial buildings. Additionally, as recommended by the Sustainability Committee during its October 6, 2010 meeting, the City's Green Building Ordinance was amended, which increased the green building requirements for new commercial buildings in Hayward. The most significant change is that all new non-residential buildings are now required to exceed Title 24 energy efficiency standards by at least 15 percent, which is in line with CalGreen's Tier 1 standards.

Action 4.3 (Municipal Action Priority #9)- Continue to implement the Municipal Green Building Ordinance. Evaluate the program every 5 years to ensure buildings are becoming more efficient over time. (2020 reduction target: 47 metric tons; 2050 reduction target: 328 metric tons)

In 2008, the City adopted a Green Building Ordinance requiring LEED Silver certification for new municipal facilities. The certification goal for the new Library and Community Learning Center is LEED Gold or higher.

Strategy 5 – Energy: Use Renewable Energy

Action 5.1 (Community-wide Action Priority #29)-Develop a program for the financing and installation of renewable energy systems on residential buildings including single and multiple family residential buildings and mobile homes. (2020 reduction target: 850 metric tons; 2050 reduction target: 2,149 metric tons)

This action is identified to be implemented beginning in 2010. The PACE program discussed above in Action 3.7 would provide financing for renewable energy projects in addition to energy efficiency improvements in residential buildings.

Action 5.2 (Community-wide Action Priority #8)-Develop a program for the financing and installation of renewable energy systems on commercial buildings. (2020 reduction target: 10,768 metric tons; 2050 reduction target: 22,822 metric tons)

The CAP calls for this action to be implemented beginning in 2010. The PACE program discussed above in Action 3.9 would provide financing for renewable energy projects in addition to energy efficiency improvements in commercial buildings.

Action 5.4 (Community-wide Action Priority #17) - Increase the renewable portion of utility electricity generation by advocating for increased state-wide renewable portfolio standards; and consider participating in community choice aggregation, or other means. (2020 reduction target: 32,026 metric tons; 2050 reduction target: 77,414 metric tons)

The CAP identifies this action to be implemented beginning in 2009. Opportunities for increasing the percentage of Hayward's electricity that is generated by renewable sources include community choice aggregation (CCA), power purchase agreements, wholesale distributed generation, and advocating for increasing the statewide renewable energy generation portfolio. On April 1, 2009 and May 6, 2009, staff and guest speakers presented an overview of CCA to the Sustainability Committee. Staff hopes to review options for addressing this action with the Sustainability Committee in the near future. Also, when financing program become available (Actions 5.1 and 5.2), Hayward will see an increase in the percent of electricity generated from renewable sources.

Action 5.5 (Municipal Action Priority #4)-Conduct a city-wide renewable energy assessment to estimate the total renewable energy potential and costs and benefits of developing that potential within City bounds. Develop a plan for capturing all cost effective opportunities. (2020 reduction target: 76 metric tons; 2050 reduction target: 2,226 metric tons)

Staff recently worked with the California Energy Commission (CEC) to complete an assessment of all City facilities. Using a portion of the CEC loan of \$887,152 mentioned in Action 3.10 above, solar photovoltaic panels will be installed on the Utilities and Streets buildings this year. Also, a solar photovoltaic installation was recently completed at the wastewater treatment facility. Staff will continue to look for other opportunities to install renewable energy projects on City facilities. Also, as resources allow, a comprehensive costs/benefits analysis related to the renewable energy use potential for city facilities will be completed in the future.

Action 5.6 (Municipal Action Priority #5) - Ensure that all new City owned facilities are built with renewable energy (i.e. PV and/or solar hot water) systems as appropriate to their functions. (2020 reduction target: 76 metric tons; 2050 reduction target: 2,226 metric tons)(The GHG estimate was combined for Actions 5.5 and 5.6.)

The planned Library and Community Learning Center is designed to include rooftop solar photovoltaic panels.

Strategy 6 – Solid Waste: Increase Waste Reduction and Recycling

Action 6.1 (Community-wide Action Priority #14)- Increase participation in the recycling services offered to businesses through the City's contract with its franchisee. (2020 reduction target: 15,916 metric tons; 2050 reduction target: 38,216 metric tons)

The CAP calls for this action to be implemented beginning in 2010. As of December 2010, about half of the businesses in Hayward participated in collection of recyclables and/or organics. Since August 2009, participation has more than doubled in part due to outreach to businesses, including assistance implementing programs, provision of indoor storage containers, and literature provided for employees' reference. Tonnage recycled has increased about 9.6 percent in calendar year 2010 over 2009. Outreach to businesses has included literature inserted in mailings to members of the Chamber of Commerce, presentations to the Latino Business Roundtable and brochures included in garbage bill inserts.

Action 6.2 (Community-wide Action Priority #26)- Increase participation in the recycling services offered to single-family homes through the City's contract with its franchisee. (2020 reduction target: 1,495 metric tons; 2050 reduction target: 11,963 metric tons)

Beginning in January 2009, residential food scraps have been accepted for collection in the green carts provided to single-family households. Visual surveys of those carts placed curbside indicated that in 2010, about 34% of all households recycle their food scraps. Total tons of co-mingled food scraps, food-soiled paper and yard trimmings increased about 9.5 percent in calendar year 2010 over 2009. Outreach to residents included brochures inserted in each garbage bill and placement of stickers on green carts promoting food scraps collection. On average, about 65 percent of single-family households participate in the service that collects yard trimmings, food scraps and food-soiled paper, and 75 percent participate in the service that collects co-mingled paper, and food and beverage containers.

Action 6.3 (Community-wide Action Priority #14)- Improve construction and demolition debris recycling program. (2020 reduction target: 1,953 metric tons; 2050 reduction target: 15,634 metric tons)

The CAP calls for this action to be implemented beginning in 2011. Staff plans to present possible amendments to the City's ordinance to the Sustainability Committee in September of this year.

Action 6.4 (Community-wide Action Priority #40)- Evaluate the viability of implementing a ban on certain materials from landfills; e.g., yard trimmings, untreated wood, cardboard, plastic bags, or polystyrene. (2020 reduction target: 2,487 metric tons; 2050 reduction target: 2,986 metric tons)

The CAP calls for this action to be developed beginning in 2012. On October 19, 2010, the Hayward City Council adopted an ordinance that bans the use of polystyrene foam food service containers and

requires restaurants and all other vendors selling food at retail establishments to use only paper, cardboard, aluminum or recyclable plastic cups, plates, bowls, trays and “to go” containers. The ordinance will become effective July 1, 2011.

In December 2010, staff provided the Sustainability Committee with an update on options regarding a possible ban on single-use plastic carryout bags. Many jurisdictions have faced lawsuits for adopting such ordinances. The Committee agreed with staff’s recommendation to wait for Stopwaste.org to complete an Environmental Impact Report that can be used by Hayward to adopt a local ordinance. The EIR, which will be useful for all Alameda County jurisdictions, is expected to be completed by December 2011.

In early 2009, StopWaste.org instituted a ban prohibiting disposal of plant debris in county landfills. Plant debris includes grass, leaves, shrubbery, vines and tree branches. The ban applies to residential and commercial landscapers and gardeners, commercial and residential property managers, municipalities, institutions and commercial customers subscribing to four cubic yards or more of weekly solid waste collection service. Additional information about the plant debris ban is available at this link: <http://www.stopwaste.org/home/index.asp?page=941>.

Action 6.6 (Community-wide Action Priority #34)-Develop a program that encourages overall reduction of solid waste in residential and commercial sectors. This would include increasing participation in recycling services at multi-family properties and to eventually make recycling by commercial businesses mandatory. (2020 reduction target: 253 metric tons; 2050 reduction target: 304 metric tons)

The CAP recommends this action to be developed beginning in 2009. Staff plans to provide a briefing regarding this action to the Sustainability Committee in September of this year.

Action 6.7 (Community-wide Action Priority #11)–Advocate for waste management strategies that aim to maximize the useful value of solid waste by, for example, utilizing landfill gas to create electricity. (Emissions reductions are not quantified in the CAP.)

The CAP calls for this action to be developed beginning in 2010. Staff plans to provide a briefing regarding this action to the Sustainability Committee in September 2011.

Action 6.8 (Municipal Action Priority #16) - Continue to implement recycling programs in City-occupied buildings. (2020 reduction target: 32 metric tons; 2050 reduction target: 71 metric tons)

On September 7, 2011, staff will provide a report to the Sustainability Committee outlining current and potential future recycling efforts in City facilities.

Action 6.9 (Municipal Action Priority #13) - Implement organics collection programs in City-occupied buildings. (2020 reduction target: 73 metric tons; 2050 reduction target: 163 metric tons)

In September of this year, staff will provide a report to the Sustainability Committee describing a possible organics collection program for City facilities.

Action 6.10 (Municipal Action Priority #14) - Develop an Environmentally Friendly Purchasing Policy. (Emissions reductions are not quantified in the CAP.)

The City's current Environmentally Friendly Purchasing Policy was established as Administrative Rule 3.9 on March 18, 2010. On May 4, 2011, the Sustainability Committee will review the City's current policies and consider possible adoption of a new or revised policy.

Action 7.2 (Municipal Action Priority #17) - Develop a protocol for maximizing carbon sequestration on municipal property by way of planting trees or other methods. (2020 reduction target: 5 metric tons; 2050 reduction target: 32 metric tons)

Hayward was successful in winning an Urban Forestry Inventory Grant from the California Department of Forestry and Fire Protection. With this grant, the City has purchased and implemented a tree management software program. Approximately 32,000 trees have been inventoried to date. The trees inventoried include City of Hayward street trees and trees on City of Hayward properties leased by the Hayward Area Recreation and Park District and trees on properties that belong to the Hayward Unified School District. This fiscal year, the inventory will be completed. Staff will continue to explore other means of sequestering carbon and tracking carbon sequestration.

Strategy 8 – Climate Change Adaptation

While there were no specific actions listed in the CAP, staff has been working with the Hayward Area Shoreline Planning Agency (HASPA) on preparing for rising sea levels. A report titled, Preliminary Study on the Effect of Sea Level Rise on the Resources of the Hayward Shoreline, was completed in March 2010. The study identifies the resources and infrastructure along the Hayward Shoreline that are vulnerable to sea level rise and it describes potential strategies for protecting or adapting those resources. Numerous presentations summarizing the study have been made to a number of organizations, including the Bay Conservation and Development Commission (BCDC), the Association of Bay Area Governments (ABAG), and the Bay Planning Coalition.

In part due to the work completed by the Hayward Area Shoreline Planning Agency and the partnerships established with other East Bay agencies, the East Bay shoreline, including the Hayward Shoreline, was selected as the subject of a sea level rise study by the Bay Conservation and Development Commission (BCDC) and the National Oceanic and Atmospheric Administration (NOAA) in a partnership called Adapting to Rising Tides (the ART Project). The subregion, extending from Emeryville to Union City, was selected by BCDC due to the high level of interest from local jurisdictions and for the wide variety of shoreline types in this area. More information about the ART Project is available at <http://risingtides.csc.noaa.gov/>.

In addition, staff is nearing completion of a Local Hazard Mitigation Plan, which will address flooding, wildfires, drought and other weather-related impacts of climate change. Staff is working with the Association of Bay Area Governments on updating a regional Local Hazard Mitigation Plan, and the City of Hayward's Plan will be an annex to the regional Plan, which will be presented to the City Council for adoption by November of this year.

Strategy 9 – Engage and Educate Community

Action 9.1 (Community-wide Action Priority #15)- Create a stand-alone Green Portal, or website, that would serve as the City's hub for all things green. (Emissions reductions are not quantified in the CAP.)

The CAP recommends that this action be developed beginning in 2010. The green-portal website is in development and staff anticipates completing the website by the summer of 2011.

Action 9.2 (Community-wide Action Priority #16)- Develop and implement plan to engage residents in the Citywide effort to reduce emissions. (Emissions reductions are not quantified in the CAP.)

The CAP calls for this action to be developed beginning in 2010. A Community Outreach Plan was presented to the Sustainability Committee on July 7, 2010. Staff plans to work with the Climate Action Management Team in the coming months to implement the Outreach Plan. In October, 2010, the City partnered with Alameda County and the League of Women Voters to hold an Energy Fair, which provided climate action and energy efficiency information to the public.

Action 9.3 (Community-wide Action Priority #17)- Develop and implement an outreach plan to engage local businesses in climate-related programs. (Emissions reductions are not quantified in the CAP.)

The CAP calls for this action to be developed beginning in 2010 (see Action 9.2 above).

Action 9.4 (Municipal Action Priority #9) - Offer a GHG reductions education program in which employees will learn about programs the City already offers, and/or will offer in the future to residents and businesses. (Emissions reductions are not quantified in the CAP.)

Hayward City Hall was recently recognized as a Green Business by the Alameda County Green Business program. On March 11, 2011, a Green Expo was held to inform both City staff and the public about ways to live more sustainably.

Action 9.5 (Municipal Action Priority #11) - Show leadership by setting targets to reduce municipal emissions and work diligently to meet targets. (Emissions reductions are not quantified in the CAP.)

As indicated in this report, the City is actively working to reduce its emissions. The City has enrolled in the Institute for Local Government's Beacon Award Program so that emissions reductions will be recognized.

Action 9.6 (Municipal Action Priority #10) - When awarding contracts, professional service agreements, grants, etc. to businesses or non-profit agencies, the City will request proposals or applications to include information about the sustainability practices of the organization. (Emissions reductions are not quantified in the CAP.)

Some City-issued requests for proposals (RFPs) have asked bidders to provide information about the sustainability practices of the firm or agency applying for a grant or for a City contract. Planning staff will work with staff in all City departments to share standard language that may be used in all City-issued RFPs.

INVENTORY

As mentioned above, the Climate Action Plan includes an inventory of all greenhouse gas (GHG) emissions from 2005. Staff recently began the process to update the inventory detailing GHG emitted in 2009. Emissions are aggregated and reported in terms of equivalent carbon dioxide units, or CO₂e. Converting all emissions to equivalent carbon dioxide units allows for the consideration of different greenhouse gases in comparable terms. For example, methane is twenty-one times more powerful than carbon dioxide in its capacity to trap heat, so one ton of methane emissions is equal to 21 tons of CO₂e. Also, all units of energy have been expressed in megawatt hours, or MWh, for easier comparison. Appendix A of the Climate Action Plan includes the baseline energy consumption and CO₂ equivalent production for an inventory of the following Hayward sectors: Community-Residential; Community-Commercial/Industrial; Community-Transportation; Community-Waste; Municipal Buildings; Municipal Vehicle Fleet; Municipal Streetlights; Municipal Water/Sewage; and Municipal Wastewater Treatment Plant.

Community-wide Emissions – The 2005 inventory indicated that Hayward’s community-wide emissions totaled 1.183 million metric tons of greenhouse gases (GHG). The 2009 inventory also shows a total of 1.183 million metric tons of GHG. As the table below shows, 2009 city-wide emissions increased by only 347 tons over 2005 emissions. A detailed comparison of 2005 and 2009 emissions is included as Attachment II. The table below is a summary of those estimated emissions.

Community Emissions Summary – Comparison of 2005 and 2009

	Equiv. CO ₂ (tonnes)		Equiv. CO ₂ (% Change)	Energy (MWh)		Energy (% Change)
	2005	2009		2005	2009	
Residential	158,529	177,069	12%	813,932	822,690	1%
Commercial/Industrial	238,227	243,332	2%	1,152,496	1,009,035	-12%
Transportation	734,086	740,342	1%	2,902,981	2,990,055	3%
Waste	52,439	22,191	-58%	NA*	NA*	--
Total	1,183,281	1,182,934	0%	4,869,409	4,821,780	-1%

*As shown in Attachment II, data for waste emissions is not expressed in terms of energy use, but in tonnage, which can and has been converted to equivalent CO₂ emissions.

Overall, energy use has gone down slightly. However, greenhouse gas emissions have not changed because in 2009, electricity was “dirtier” than it was in 2005. PG&E’s emission factor, or the amount of CO₂e produced per unit of electricity, increased from 0.489 lbs./kWh in 2005 to 0.641 lbs./kWh in 2009. GHG production is calculated by multiplying an emissions factor times the quantity of energy consumed. In 2005, the emissions factor was low because PG&E produced energy using a significant quantity of hydropower which produces “0” GHG. Between 2004 and 2009, there was a drought, leading to a reduction in available hydropower. To meet PG&E customer needs, PG&E purchased power from out of state. A significant amount of that power is

produced using coal, which produces significant quantities of GHG for each watt of energy produced. The result was a higher emissions factor used in 2009 than in 2005 and an increase in GHG production, despite a decrease in energy consumption.

Energy use in residential buildings increased slightly by 1%. As indicated in the detailed summary (Attachment II), electricity use increased by five percent and natural gas use decreased slightly. Energy use in commercial and industrial buildings represents an overall decrease of 12%. This is composed of a 19% decrease in electricity use and a 4% decrease in gas use. According to PG&E, the decrease in energy used by commercial and industrial buildings is due to successful implementation of energy efficiency programs completed in partnership with account representatives from PG&E and Hayward businesses. Finally, transportation fuel use increased by three percent.

Both GHG and tonnage for waste have decreased significantly. This is in due in part to changes in reporting, recycling rates and the economy. Previously, certain materials that were classified for paper recycling are being recovered as compostable materials. Examples of this category include used paper food containers that were previously classified as paper and are now classified as compostables. Other paper materials that were previously classified as paper, but were not actually suitable for recycling have been excluded from the inventory as they are now treated as trash. Due to the aggressive efforts of City staff and Waste Management, recycling rates have gone up for green waste and paper. Finally, the downturn in the economy has slowed new home construction and renovations. The result was a substantial reduction in wood waste suitable for recycling.

Tonnages for the different materials are estimated based on waste characterization studies prepared under the direction of Stopwaste.org in 2000 and 2008. The schedule for future waste characterization studies is unknown at this time. As the City's GHG inventory is updated in the coming years, actual landfill and recycling data provided by Waste Management will likely be used. The data is not separated by material, but it is collected on a regular basis and would be more meaningful to compare from year to year.

A new standard protocol for estimating community-wide emissions is anticipated to be available by the end of this year. Hayward's next inventory will be completed in early 2012 and will compare data from 2005, 2009, and 2011.

Municipal Emissions – The CAP indicates that in 2005, emissions associated with the City of Hayward's municipal operations totaled approximately 7,247 metric tonnes of CO₂e. The 2009 inventory shows a total of 7,591 metric tonnes of GHG from municipal operations. Overall, a comparison of emissions for Municipal Operations shows a slight increase in CO₂e production, a significant reduction of nearly 13% in energy (MWh) consumption and a 6% decrease in costs. A detailed comparison of 2005 and 2009 emissions is included as Attachment III. The table below is a summary of those estimated emissions.

Municipal Emissions Summary – Comparison of 2005 and 2009

	Equiv CO2 (tonnes)		% Δ	Energy (MWh)		% Δ	Cost (\$)	
	2005	2009		2005	2009		2005	2009
Facilities	1,871	1,962	5%	9,181	8,199	-11%	\$665,561	\$748,998
Fleet	1,879	1,816	-3%	7,241	6,979	-4%	\$479,289	\$481,464
Streetlights & Traffic Signals	1,443	1,554	8%	6,452	5,336	-17%	\$626,000	\$672,126
Water/Wastewater	2,054	2,095	2%	9,347	7,562	-19.1%	\$1,085,255	\$785,600
Waste	175	164	-6%	NA	NA			
Total	7,422	7,591	2%	32,221	28,076	-12.9%	\$2,856,105	\$2,688,188

Municipal Buildings/Facilities – Overall, the City’s reported progress in meeting the CAP goals in building operations is positive. GHG emissions are shown to have increased slightly by 91 tonnes (5%). However, energy consumed is shown to have decreased by 982MWh (11%), while reported energy costs have risen about 13% (due likely to PG&E’s energy factor previously mentioned). Other notable items include:

1. A decline in energy consumption at Hayward Centennial Hall due to its closure and demolition.
2. Reduced consumption of electricity and natural gas at City Hall due to various energy conservation practices such as replacing older light tubes with more efficient tubes, adjusting thermostats, and encouraging employees to only turn on lights that are needed. More improvements should result from efficiency upgrades being made to this building in 2011.
3. A significant reduction in electricity consumption at the Facilities Building due to the installation of a 276 kilowatt solar electric system on the facility.
4. There was an increase in energy consumption attributable to activities related to increasing public safety:
 - a. The Main Library increased its consumption of electricity due to the addition of exterior lights to address public safety concerns;
 - b. The Police Department’s increased consumption of electricity is most likely due to recent upgrades in the computer network room and the equipment used in the dispatch center;
 - c. The closed Civic Center parking garage increased its energy consumption because lights are kept at all times to facilitate police patrols of the structure.

Municipal Vehicle Fleet – As can be seen in Attachment III, data is missing for certain categories of the City’s vehicle fleet. Also, the fleet size has been reduced since 2005. Consumption of gasoline is reported to be 8% lower in 2009 than in 2005. Diesel consumption is reported to have

increased 37% between 2005 and 2009. Reorganization of departments and the fleet has made it difficult to compare data. The Sustainability Coordinator and Planning staff will work with the various managers of the fleet to establish consistent data collection procedures in order to improve future data collection.

Streetlights and Traffic Signals- Electricity use by streetlights and traffic signals combined has decreased 17% and associated emissions have increased 8% between 2005 and 2009. As shown in Attachment III, consumption of electricity by streetlights remained flat, but the associated emissions increased by 30%. As noted above, the increase in emissions is due to the difference in PG&E's emissions factors between 2005 and 2009. Electricity use by traffic signals decreased, due to additional LED lights being installed, and emissions remained flat.

Water/Wastewater-Although energy use associated with the City's water system and wastewater treatment plant has decreased, consumption of energy associated with the wastewater treatment plant has increased due to required improvements at the plant to comply with water discharge permit requirements. Specific plant improvements included: two 130-foot diameter final clarifiers; a new biofilter tank; a new solids contact tank structure; and a mixed media odor scrubbing system. Also, six electrical buildings were built to house the new 12KV switchgear upgrade from the old 460-volt system, and an electrical duct bank around the entire perimeter of the facility was installed. It is important to point out that energy consumption of the treatment plant is now being offset by a solar electricity system that is capable of producing up to 1 MW of power and two cogeneration plants that use methane produced at the wastewater facility as feedstock.

ECONOMIC IMPACT

While some programs called for in the Climate Action Plan will require upfront investment, many will benefit the community by reducing energy costs over the longer term. The continued implementation of the CAP is expected to result in a community with cleaner air, healthier residents, and recognition that Hayward is doing its part to mitigate the effects of global climate change.

FISCAL IMPACT

Implementation of the CAP is currently being administered by the City's Sustainability Coordinator, which is being funded by an Energy Efficiency and Conservation Block Grant from the Department of Energy as well as by various City staff as part of their day-to-day work. Grant funding for the Sustainability Coordinator will expire in December 2012. Additional resources will need to be identified to continue CAP implementation in 2013 and beyond.

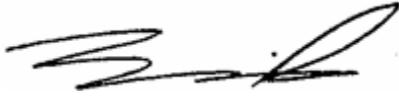
NEXT STEPS

Staff will continue to implement the CAP, following the Implementation Timeline, to the extent possible, given staffing levels and resources.

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Approved by:



Fran David, City Manager

Attachments

- Attachment I: Appendix E of the Climate Action Plan – Implementation Timeline
- Attachment II: Detailed Comparison of 2005 and 2009 Community-wide Emissions
- Attachment III: Detailed Comparison of 2005 and 2009 Municipal Emissions

**Community Greenhouse Gas Emissions in 2005-2009
Detailed Report**

	Equiv. CO2 (tonnes)		Equiv. CO2 (% Change)	Energy (MWh)		Energy (% Change)
Residential	2005	2009		2005	2009	
Electricity	54,252	73,767	36%	242,674	253,711	5%
Natural Gas	104,277	103,302	-1%	571,258	568,979	0%
<i>Subtotal Residential</i>	158,529	177,069	12%	813,932	822,690	1%
Commercial/Industrial	2005	2009		2005	2009	
Electricity	151,793	160,681	6%	678,989	552,635	-19%
Natural Gas	86,434	82,651	-4%	473,507	456,400	-4%
<i>Subtotal Commercial/Industrial</i>	238,227	243,332	2%	1,152,496	1,009,035	-12%
Subtotal Buildings	396,756	420,401	6%	1,966,428	1,831,725	-7%
Transportation - Local Roads	2005	2009		2005	2009	
Gasoline	227,502	241,598	6%	926,326	977,896	6%
Diesel	59,429	52,514	-12%	208,359	210,137	1%
<i>Subtotal Transportation - Local Roads</i>	286,931	294,112	3%	1,134,685	1,188,033	5%
Transportation - State Hwy	2005	2009		2005	2009	
Gasoline	354,540	356,357	1%	1,443,589	1,442,395	0%
Diesel	92,615	89,873	-3%	324,707	359,627	11%
<i>Subtotal Transportation - State Hwy</i>	447,155	446,230	0%	1,768,296	1,802,022	2%
Subtotal Transportation	734,086	740,342	1%	2,902,981	2,990,055	3%
Subtotal Community (exclu Waste) - Hayward	2005	2009		2005	2009	
Buildings	396,756	420,401	6%	1,966,428	1,831,725	-7%
Transportation	734,086	740,342	1%	2,902,981	2,990,055	3%
Total - Community (exclu Waste) - Hayward	1,130,842	1,160,743	3%	4,869,409	4,821,780	-1%
	Equiv. CO2 (tonnes)	Equiv. CO2 (% Change)		Tonnage Tons	Tons (% Change)	
Waste	2005	2009		2005	2009	
<i>ADC Tonnage</i>						
Plant Debris	119	58	-51%	1,436	697	-51%
<i>Subtotal ADC Tonnage</i>	119	58	-51%	1,436	697	-51%
Landfill Waste	2005	2009		2005	2009	
Paper Products	29,052	16,197	-44%	38,733	21,514	-44%
Food Waste	9,094	3,588	-61%	21,432	22,442	5%
Plant Debris	2,276	555	-76%	9,436	6,694	-29%
Wood/Textiles	11,898	1,793	-85%	44,908	10,530	-77%
All Other Waste	0	-		-	-	0%
<i>Subtotal Landfill Waste</i>	52,320	22,133	-58%	114,509	61,180	-47%
Subtotal Waste	52,439	22,191	-58%	115,945	61,877	-47%
	2005	2009		2005	2009	
Total - Community (inclu Waste CO2e)	1,183,281	1,182,934	0%			
Total - Community Energy Mwh (exclu Waste Tonnage)				4,869,409	4,821,780	-1%
Total - Community Waste Tonnage				115,945	61,877	-13%

**Government Greenhouse Gas Emissions in 2005-2009
Buildings Detailed Report**

	Equiv CO2 (tonnes)		% Δ	Energy (MWh)		% Δ	Cost (\$)	
<i>Hayward Centennial Hall (22292 Foothill Blvd)</i>	2005	2009		2005	2009		2005	2009
Electricity	76	66		340	228		39,177	37,882
Natural Gas	64	53		353	292		14,465	8,758
Subtotal Hayward Centennial Hall	140	119	-15%	693	520	-25%	\$ 53,642	\$ 48,649
<i>Hayward City Center Building Parking Garage (Foothill Blvd)</i>	2005	2009		2005	2009		2005	2009
Electricity	34	57		153	195		17,726	24,251
Natural Gas								
Subtotal Hayward City Center Building Parking Garage	34	57	68%	153	195	27%	\$ 17,726	\$ 24,251
<i>Hayward City Hall</i>	2005	2009		2005	2009		2005	2009
Electricity	336	416		1504	1431		202,967	215,340
Natural Gas	190	179		1039	987		40,860	27,579
Subtotal Hayward City Hall	526	595	13%	2,543	2,418	-5%	\$ 243,827	\$ 242,919
<i>Hayward City Hall Parking Garage</i>	2005	2009		2005	2009		2005	2009
Electricity	34	4		151	16		19,404	2,737
Natural Gas								
Subtotal Hayward City Hall Parking Garage	34	4	-88%	151	16	-89%	\$ 19,404	\$ 2,737
<i>Hayward Equipment Management</i>	2005	2009		2005	2009		2005	2009
Electricity	21			93			13,982	
Natural Gas	15			83			2,303	
Subtotal Hayward Equipment Management	36		-100%	176		-100%	\$ 16,285	
<i>Hayward Facilities</i>	2005	2009		2005	2009		2005	2009
Electricity	75	4		334	14		42,269	235
Natural Gas	171	172		936	951		27,778	28,455
Subtotal Hayward Facilities	246	176	-28%	1,270	965	-24%	\$ 70,047	\$ 28,690
This record includes Barnes Ct., Animal Shelter, Facilities Division and Landscape Division								
<i>Hayward Fire Stations</i>	2005	2009		2005	2009		2005	2009
Electricity	113	161		505	539		68,028	87,976
Natural Gas	147	120		805	655		33,757	20,962
Subtotal Hayward Fire Stations	260	281	8%	1,310	1,194	-9%	\$ 101,785	\$ 108,938
<i>Hayward Main Library</i>	2005	2009		2005	2009		2005	2009
Electricity	64	102		285	349		41,118	55,909
Natural Gas	33	24		180	133		7,492	4,039
Subtotal Hayward Main Library	97	126	30%	465	482	4%	\$ 48,610	\$ 59,948
<i>Hayward Police Department</i>	2005	2009		2005	2009		2005	2009
Electricity	233	329		1042	1134		12,739	148,181
Natural Gas	153	92		840	512		24,656	1,581
Subtotal Hayward Police Station	386	421	9%	1,882	1,646	-13%	\$ 37,395	\$ 149,762
<i>Hayward Police Radio Tower</i>	2005	2009		2005	2009		2005	2009
Electricity	12	14		53	47		8,139	8,168
Natural Gas	0	0		0	0		-	-
Subtotal Hayward Police Radio Tower	12	14	17%	53	47	-11%	\$ 8,139	\$ 8,168
<i>Hayward Streets and Water Department Buildings (24505 S)</i>	2005	2009		2005	2009		2005	2009
Electricity	15	48		66	164		10,240	28,401
Natural Gas	24	41		130	227		5,375	7,168
Subtotal Hayward Streets and Water Department Buildir	39	89	128%	196	391	99%	\$ 15,615	\$ 35,569
<i>Hayward Utilities Building (24499 Soto Road)</i>	2005	2009		2005	2009		2005	2009
Electricity	26	30		116	105		16,413	16,904
Natural Gas	9	17		50	91		2,164	3,157
Subtotal Hayward Utilities Building	35	47	34%	166	196	18%	\$ 18,577	\$ 20,061
<i>Hayward Weekes Library</i>	2005	2009		2005	2009		2005	2009
Electricity	20	26		90	90		12,993	17,985
Natural Gas	6	7		33	39		1,516	1,321
Subtotal Hayward Weekes Library	26	33	27%	123	128	4%	\$ 14,509	\$ 19,306
Subtotal- All Buildings	1,871	1,962	5%	9,181	8,199	-11%	\$ 665,561	\$ 748,998

Government Greenhouse Gas Emissions in 2005-2009
Detailed Report - VEHICLE FLEET

	Equiv CO2 (tonnes)		Energy (MWh)		Cost (\$)	
	2005	2009	2005	2009	2005	2009
Building Inspections						
Gasoline	36	22	136	91	9,110	6,159
Diesel	-	-	-	-		
CNG	-	-	-	-	\$ 1,096	\$ -
<i>Total Building Inspections</i>	36	22	136	91	10,206	6,159
Community Preservation						
Gasoline	5	3	19	12	1,273	827
Diesel	-	-	-	-		
CNG	-	-	-	-	\$ -	\$ -
<i>Total Community Preservation</i>	5	3	19	12	1,273	827
Construction Inspection						
Gasoline	35	20	133	85	9,076	5,775
Diesel	-	-	-	-		
CNG	-	-	-	-	\$ -	\$ -
<i>Total Construction Inspection</i>	35	20	133	85	9,076	5,775
Engineering						
Gasoline	6	9	22	38	1,525	2,535
Diesel	-	-	-	-		
CNG	-	-	-	-	\$ -	\$ -
<i>Total Engineering</i>	6	9	22	38	1,525	2,535
Equipment Management						
Gasoline	21	7	78	30	5,228	2,062
Diesel	-	-	-	-		
CNG	-	-	-	-	\$ -	\$ -
<i>Total Equipment Management</i>	21	7	78	30	5,228	2,062
Facilities Department						
Gasoline	40	27	152	111	10,004	7,448
Diesel	-	2	-	5		446
CNG	-	-	-	-	\$ -	\$ -
<i>Total Facilities Department</i>	40	29	152	116	10,004	7,894
Fire Department						
Gasoline	80	33	301	23	18,709	1,581
Diesel	49	31	183	75	11,038	6,978
CNG	-	-	-	-	\$ -	\$ -
<i>Total Fire Department</i>	129	64	484	98	29,747	8,559
Airport						
Gasoline	60	64	229	261	14,354	135
Diesel	9	1	32	2	1,917	162
CNG	-	-	-	-	\$ -	\$ -
<i>Total Airport</i>	69	65	261	263	16,271	297
Housing (Conservation & Inspection)						
Gasoline	9	2	32	7	2,185	454
Diesel	-	-	-	-		
CNG	-	-	-	-	\$ -	\$ -
<i>Total Housing (Conservation & Inspection)</i>	9	2	32	7	2,185	454
Landscape Department						
Gasoline	173	92	655	377	43,772	25,247
Diesel	10	21	36	50	2,726	4,879
CNG	-	-	-	-	\$ -	\$ -
<i>Total Landscape Department</i>	183	113	691	427	46,498	30,126
Library						
Gasoline	3	-	10	-	698	-
Diesel	-	-	-	-		
CNG	-	-	-	-	\$ -	\$ -
<i>Total Library</i>	3	-	10	-	698	-
Mayor Fleet						
Gasoline	2	-	152	-	403	-
Diesel	-	-	-	-		
CNG	-	-	-	-	\$ -	\$ -
<i>Total Mayor Fleet</i>	2	-	152	-	403	-

Police Department	2005	2009	2005	2009	2005	2009
Gasoline	935	898	3,543	3,691	235,794	249,062
Diesel	-	-	-	-	-	-
CNG	-	-	-	-	\$ -	\$ -
Total Police Department	935	898	3,543	3,691	235,794	249,062
Source Control	2005	2009	2005	2009	2005	2009
Gasoline	19	1	70	3	4,651	206
Diesel	-	-	-	-	-	-
CNG	-	-	-	-	\$ -	\$ -
Total Source Control	19	1	70	3	4,651	206
Streets Maintenance	2005	2009	2005	2009	2005	2009
Gasoline	71	60	269	248	18,252	16,713
Diesel	50	129	187	314	13,700	29,340
CNG	-	-	-	-	\$ -	\$ -
Total Streets Maintenance	121	189	456	562	31,952	46,053
Traffic Maintenance	2005	2009	2005	2009	2005	2009
Gasoline	18	13	68	52	4,496	3,432
Diesel	-	7	-	16	-	1,443
CNG	-	-	-	-	\$ -	\$ -
Total Traffic Maintenance	18	20	68	68	4,496	4,875
Transportation Services	2005	2009	2005	2009	2005	2009
Gasoline	3	1	10	6	670	387
Diesel	-	-	-	-	-	-
CNG	-	-	-	-	\$ -	\$ -
Total Transportation Services	3	1	10	6	670	387
Utilities	2005	2009	2005	2009	2005	2009
Gasoline	44	73	168	300	11,302	20,212
Diesel	15	13	58	32	4,075	3,044
CNG	-	-	-	-	\$ 3,300	\$ -
Total Utilities	59	86	226	332	18,677	23,256
Waste Management	2005	2009	2005	2009	2005	2009
Gasoline	-	-	-	-	-	-
Diesel	-	-	-	-	-	-
CNG	-	-	-	-	\$ -	\$ -
Total Waste Management	-	-	-	-	-	-
Waste Water Fleet	2005	2009	2005	2009	2005	2009
Gasoline	23	25	85	102	5,393	6,839
Diesel	5	-	19	-	998	-
CNG	-	-	-	-	\$ -	\$ -
Total Waste Water Fleet	28	25	104	102	6,391	6,839
Water Distribution	2005	2009	2005	2009	2005	2009
Gasoline	110	83	415	342	27,774	23,135
Diesel	48	62	179	152	13,116	14,212
CNG	-	-	-	-	\$ 2,654	\$ -
Total Water Distribution	158	145	594	494	43,544	37,347
New Fleet - Community & Economic Development	2005	2009	2005	2009	2005	2009
Gasoline	-	4	-	16	-	1,127
Diesel	-	-	-	-	-	-
CNG	-	-	-	-	\$ -	\$ -
Total New Fleet - Community & Economic Development	-	4	-	16	-	1,127
New Fleet - Centennial Hall	2005	2009	2005	2009	2005	2009
Gasoline	-	1	-	3	-	229
Diesel	-	-	-	-	-	-
CNG	-	-	-	-	\$ -	\$ -
Total New Fleet - Centennial Hall	-	1	-	3	-	229
New Fleet - City of Hayward	2005	2009	2005	2009	2005	2009
Gasoline	-	27	-	112	-	7,473
Diesel	-	37	-	89	-	8,340
CNG	-	-	-	-	\$ -	\$ -
Total New Fleet - City of Hayward	-	64	-	201	-	15,813
New Fleet - EMD	2005	2009	2005	2009	2005	2009
Gasoline	-	1	-	6	-	411
Diesel	-	-	-	1	-	45
CNG	-	-	-	-	\$ -	\$ -
Total New Fleet - EMD	-	1	-	7	-	456

New Fleet - Emergency Use	2005	2009	2005	2009	2005	2009		
Gasoline	-	2	-	7	-	544		
Diesel	-	-	-	-	-	-		
CNG	-	-	-	-	\$ -	\$ -		
Total New Fleet - Emergency Use	-	2	-	7	-	544		
New Fleet - MH	2005	2009	2005	2009	2005	2009		
Gasoline	-	1	-	3	-	203		
Diesel	-	-	-	-	-	-		
CNG	-	-	-	-	\$ -	\$ -		
Total New Fleet - Mike Hlgares	-	1	-	3	-	203		
New Fleet - Pool	2005	2009	2005	2009	2005	2009		
Gasoline	-	3	-	13	-	866		
Diesel	-	-	-	-	-	-		
CNG	-	-	-	-	\$ -	\$ -		
Total New Fleet - Pool	-	3	-	13	-	866		
New Fleet - Shop Pickup	2005	2009	2005	2009	2005	2009		
Gasoline	-	5	-	20	-	1,324		
Diesel	-	-	-	-	-	-		
CNG	-	-	-	-	\$ -	\$ -		
Total New Fleet - Shop Pickup	-	5	-	20	-	1,324		
New Fleet - Shop Truck	2005	2009	2005	2009	2005	2009		
Gasoline	-	4	-	15	-	1,035		
Diesel	-	3	-	8	-	766		
CNG	-	-	-	-	\$ -	\$ -		
Total New Fleet - Shop Truck	-	7	-	23	-	1,801		
New Fleet - Spare	2005	2009	2005	2009	2005	2009		
Gasoline	-	3	-	11	-	777		
Diesel	-	-	-	1	-	51		
CNG	-	-	-	-	\$ -	\$ -		
Total New Fleet - Spare	-	3	-	12	-	828		
New Fleet - Technical Services	2005	2009	2005	2009	2005	2009		
Gasoline	-	1	-	3	-	166		
Diesel	-	-	-	-	-	-		
CNG	-	-	-	-	\$ -	\$ -		
Total New Fleet - Technical Services	-	1	-	3	-	166		
New Fleet - Water Pollution Control Facility	2005	2009	2005	2009	2005	2009		
Gasoline	-	10	-	41	-	2,801		
Diesel	-	-	-	-	-	-		
CNG	-	-	-	-	\$ -	\$ -		
Total New Fleet - Water Pollution Control Facility	-	10	-	41	-	2,801		
Diesel Pumped at Fire Stations & WPCF Pumps	2005	2009	2005	2009	2005	2009		
Gasoline	-	-	-	-	-	-		
Diesel	-	15	-	205	-	22,593		
CNG	-	-	-	-	\$ -	\$ -		
Total - Diesel Pumped at Fire Stations & WPCF Pumps	-	15	-	205	-	22,593		
City of Hayward - Fleet	2005	2009	2005	2009	2005	2009		
Gasoline	1,693	1,495	6,547	6,029	\$ 424,669	\$ 389,165		
Diesel	186	321	694	950	\$ 47,570	\$ 92,299		
CNG	-	-	-	-	\$ 7,050	\$ -		
Total - City of Hayward - Fleet	1,879	1,816	-3%	7,241	6,979	-4%	\$ 479,289	\$ 481,464

**Government Greenhouse Gas Emissions in 2005-2009
Streetlights Detailed Report**

	Equiv CO2 (tonnes)		%	Energy (MWh)		%	Cost (\$)	
Streetlights	2005	2009		2005	2009		2005	2009
	Equiv CO2 (tonnes)			Energy (MWh)			Cost (\$)	
<i>Hayward, CA</i>								
Streetlights	2005	2009		2005	2009		2005	2009
Electricity	1122	1457		5017	5031		552,000	621,207
Natural Gas	0	0		0	0		-	-
Subtotal Streetlights	1,122	1,457	30%	5,017	5,031	0.3%	\$ 552,000	\$ 621,207
Traffic Signals	2005	2009		2005	2009		2005	2009
Electricity	97	97		435	304		74,000	50,919
Natural Gas	0	0		0	0		-	-
Subtotal Traffic Signals	97	97	0%	435	304	-30%	\$ 74,000	\$ 50,919
Untitled	2005	2009		2005	2009		2005	2009
Electricity	224	0		435	0.9		74,000	-
Natural Gas	0	0		0	0		-	-
Subtitle Untitled	224	-	-100%	1,000	1	-100%	\$ -	\$ -
Subtotal Streetlights	1,443	1,554	8%	6,452	5,336	-17%	\$ 626,000	\$ 672,126

**Government Greenhouse Gas Emissions in 2005-2009
Water/Sewage Detailed Report**

	Equiv CO2 (tonnes)		%	Energy (MWh)		%	Cost (\$)	
Water/Sewage	Equiv CO2 (tonnes)			Energy (MWh)			Cost (\$)	
<i>Hayward, CA</i>								
Hayward Lift Stations	2005	2009		2005	2009		2005	2009
Electricity	125	0		561	0		151,401	-
Natural Gas	-	-		-	-		-	-
Subtotal Lift Stations	125	-	-100%	561	-	-100%	\$ 151,401	\$ -
Wastewater/Treatment Plant - Hayward	2005	2009		2005	2009		2005	2009
Electricity	1,056	1861		4723	6401		521,000	729,103
Natural Gas	156	171		855	942		34,000	27,173
Subtotal Wastewater/Treatment Plant	1,212	2,032	68%	5,578	7,343	32%	\$ 555,000	\$ 756,276
Water Supply - Hayward	2005	2009		2005	2009		2005	2009
Electricity	717	63		3208	219		378,854	29,324
Natural Gas	-	-		-	-		-	-
Subtotal Water Supply - Hayward	717	63	-91%	3,208	219	-93%	\$ 378,854	\$ 29,324
Subtotal Water/Sewage	2,054	2,095	2%	9,347	7,562	-19.1%	\$ 1,085,255	\$ 785,600



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 5, 2011, 7:00 p.m.**

MEETING

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

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Quirk, Halliday, Peixoto, Salinas,
Henson
MAYOR Sweeney
Absent: COUNCIL MEMBER None

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met pursuant to Government Code 54956.8, concerning Real Property Negotiations, and pursuant to Government Code 54957 regarding the Performance Evaluation for City Attorney, and took no reportable action. City Attorney Lawson reported that Council also met pursuant to Government Code 54956.9, and unanimously approved settlement of the case entitled Mawlavizada v. City of Hayward, U.S.D.C. (N.D. CA), No. C-10-03253 (MEJ).

PRESENTATIONS

Business Recognition Award – Arborwell, Inc.

Mayor Sweeney presented the April 2011 Business Recognition Award to Arborwell, Inc., located at 2337 American Avenue, Hayward. Arborwell is a tree management company dedicated to performing arboricultural services. Arborwell was founded in 2001 by Peter Sortwell, and moved to Hayward in 2007. Since 2001 Arborwell has grown from six employees to 125 and sales have grown from \$600,000 to over \$14 million. Arborwell has partnered with CBS Channel 5 and news anchor Wendy Tokuda to support Students Rising Above. The Business Recognition Award was presented to Arborwell in recognition of the contributions the company has made to Hayward by: locating their headquarters in Hayward; providing job opportunities to local residents; helping the environment through their Thinking Green Program; being an industry leader; and contributing to the overall economic well being of the Hayward community. The award was presented to Arborwell President and CEO, Mr. Peter Sortwell. Mr. Sortwell thanked Council for such an honor.

National Volunteer Week – April 10-16, 2011

Mayor Sweeney proclaimed April 10-16, 2011, as National Volunteer Week and urged residents to volunteer in their neighborhoods, local nonprofit organizations, local schools, and local government programs and services. The award was presented to Director of Volunteer Hayward, Donna Fitzwater. Ms. Fitzwater thanked Council for the recognition and noted that in 2011, 630 volunteer

names were submitted for recognition; \$767,239 worth of services were valued to the City; and noted that baby boomers have the highest volunteer rate of any age group. Ms. Fitzwater acknowledged volunteer recognition event donors for their contributions toward the reception and mentioned a reception for the volunteers in the Rotunda followed the presentation. Managers and volunteers from the following groups were praised for their service and acknowledged: Animal Services, City Hall Information Desk, Fire Department, Fire Department RACES, Library Volunteers, Neighborhood Services, Police Department VIPS, Hayward Police Explorer Post #275, Hayward Police Reserve Officers, Hayward Neighborhood Alert, and Volunteer Services.

PUBLIC COMMENTS

Mayor Sweeney mentioned that the meeting would be adjourned in memory of longtime Southgate resident, Lore Warren, and longtime Hayward resident with deep roots in the Russell City community, Merrill Brown.

Mayor Sweeney announced the work session item and excused himself from participating due to a conflict of interest because he works for a non-profit agency that has received Community Development Block Grant (CDBG) funding in the past. Mayor Sweeney turned the gavel over to Mayor Pro Tempore Zermeño to preside the rest of the meeting.

WORK SESSION (60-Minute Limit)

1. FY 2012 Community Development Block Grant (CDBG) Funding Recommendations

Staff report submitted by Social Services Planning Manager Culver, dated April 5, 2011, was filed.

Library and Community Services Director Reinhart provided an overview of the report and introduced Social Services Planning Manager Culver who discussed the FY 2012 Community Development Block Grant (CDBG) funding recommendations.

Council Member Halliday mentioned she is the Citizens Advisory Commission (CAC) liaison and commended the CAC's commitment and acknowledged Social Services Planning Manager Culver for her guidance. Ms. Halliday commented on the new process that allows shelter agencies the option to spend their share of funding by shopping at the Alameda County Community Food Bank. Ms. Halliday mentioned how the Citizens Advisory Commission and Human Services Commission have been working jointly via Strategic Planning meetings and encouraged agencies to consider programs according to the City's goals and priorities.

Mayor Pro Tempore Zermeño asked about the probable consolidation of the Citizens Advisory Commission and Human Services Commission. Ms. Culver mentioned the two Commissions are doing a good job and discussion regarding how they work together, the overlapping funding process, and probable consolidation, will be addressed at the May 4, 2011 joint meeting.

Council Member Quirk commended Social Services Planning Manager Culver for her expertise, time and effort during the funding process. In response to Mr. Quirk's question regarding the reason



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for not funding the Young Entrepreneurs Program, Ms. Culver noted the program was not recommended for funding because it was too new and it was not clear that it would be able to meet the economic development activity criteria. In response to determining Hope for the Heart ineligible for funding, Ms. Culver noted that the agency could not make a relationship to housing-related services. Ms. Culver was also asked to clarify why Kidango, Inc., was ineligible for funding. In response to Mr. Quirk's question related to the Mural Program/Code Corrections being categorized under Economic Development and Commercial Rehabilitation, Ms. Culver noted that the Mural Program/Code Corrections should have been categorized under the Neighborhood Facilities and Improvements category and this would be corrected prior to the public hearing. Mr. Quirk favored having a single funding application for both programs, consolidating the CAC and HSC, and having a two-year cycle for the funding process.

Council Member Henson thanked Social Services Planning Manager Culver and the commissioners and said that he was not sure about consolidating the two commissions as there were specifics that each addressed. Mr. Henson expressed concern about the Eden Youth & Family Center's application and the roof replacement and pointed out that there have been several roof replacements funded in the past. He urged staff to ensure that the roof project is accomplished correctly this time. In response to Mr. Henson's inquiry about the Northern California Community Development agency's request, Ms. Culver explained that the agency was not eligible for funding because there was no system in place to monitor the income eligibility of tenants and added that the City will refer the agency to sustainable energy upgrade programs. Mr. Henson commented that the Housing Rehabilitation Loan Program and the Minor Home Repair Program are two essential programs and was pleased sustainability is now part of the Minor Home Repair Program. In response to Mr. Henson's inquiry regarding the difference between Centro Legal de la Raza and the four ECHO Housing programs, Ms. Culver noted that Centro Legal de la Raza has attorneys and ECHO Housing comprises case management workers. Mr. Henson pointed out that with shrinking resources it will be important for agencies to work together.

Council Member Salinas appreciated the focus on food and feeding families and supported funding the flexibility of agencies to purchase food. In response to Mr. Salinas' inquiry related to programs that support families' transition from foreclosed homes into secure housing, Ms. Culver mentioned that the ECHO Housing/Foreclosure Counseling Mitigation Program provides such support. Mr. Salinas asked about the success rate of homeless projects and if current services are outreaching to certain homeless populations. Ms. Culver noted that the South Hayward Parish/Community Action Network serves to outreach to homeless populations and mentioned that staff could include summary data in the agenda report for the public hearing about homelessness in Hayward. Mr. Salinas was glad that services are reaching the participants.

Council Member Peixoto favored moving funding to a two-year cycle. Mr. Peixoto asked if CDBG regulations require service delivery be geographic and how the City knows it is getting its share of services. Social Services Planning Manager Culver responded that the majority of programs recommended for funding are located in Hayward and there will be formal on-site monitoring of

recipients. Mr. Peixoto mentioned that the City has a fiscal responsibility to protect CDBG funds and asked how the City knows that the agencies have legal status. Ms. Culver explained the selection process, the required documentation, and added that commissioners will be looking at strengthening contract standards and providing technical assistance to applicants. Mr. Peixoto complimented the foresight of the commissioners.

Council Member Quirk was appreciative that CAC and staff's FY 2012 CDBG funding recommendations were in agreement.

Mayor Pro Tempore Zermeño concurred with Council Member Quirk's comments about continuing to work together for a possible consolidation of the CAC and HSC and exploration of a single funding application. Mr. Zermeño inquired if there could be a single application for agencies submitting multiple applications such as ECHO Housing. Social Services Planning Manager Culver noted that staff could look into developing a single application with multiple data sets.

CONSENT

Consent Item #6 was pulled from the agenda.

2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on March 8, 2011

It was moved by Council/RA Member Henson, seconded by Council/RA Members Halliday and Peixoto, and carried with Mayor/Chair Sweeney absent, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of March 8, 2011.

3. Approval of Minutes of the City Council Meeting on March 15, 2011

It was moved by Council Member Henson, seconded by Council Members Halliday and Peixoto, and carried with Mayor Sweeney absent, to approve the minutes of the City Council Meeting of March 15, 2011.

4. Approval of Minutes of the Special Joint City Council/Housing Authority Meeting on March 22, 2011

It was moved by Council/HA Member Henson, seconded by Council/HA Members Halliday and Peixoto, and carried with Mayor/Chair Sweeney absent, to approve the minutes of the Special Joint City Council/Housing Authority Meeting of March 8, 2011.

5. Measure B Pavement Reconstruction FY12: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 5, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Members Halliday and Peixoto, and carried with Mayor Sweeney absent, to adopt the following:



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Resolution 11-027, “Resolution Approving Plans and Specifications for the Measure B Pavement Reconstruction FY12 Project, Project No. 5127, and Call for Bids”

6. Final Map Tract 7736, Application No. PL-2006-0069, Stonebrae Country Club Village B – Stonebrae, L.P. (Subdivider) – Request to Amend Condition of Approval No. 171 Related to the Size of the Second Water Storage Reservoir at the Highland 1530 Zone - The Project is Located Southeast of the Fairview Avenue/Hayward Boulevard Intersection

Staff report submitted by Development Review Services Engineer Nguyen, dated April 5, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried with Mayor Sweeney absent and Council Member Quirk abstaining, to adopt the following:

Resolution 11-030, “Resolution Amending Condition of Approval No. 171 Pertaining to the Size of the Second Water Storage Reservoir at the Highland 1530 Zone for Final Map Tract 7736, Stonebrae Country Club Village B”

7. Pavement Rehabilitation – D Street, Huntwood Avenue, Industrial Parkway SW, and Second Street: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 5, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Members Halliday and Peixoto, and carried with Mayor Sweeney absent, to adopt the following:

Resolution 11-028, “Resolution Approving Plans and Specifications for the Pavement Rehabilitation – D Street, Huntwood Avenue, Industrial Parkway SW, Second Street Project, Project No. 5138, and Call for Bids”

8. Resignation of Lucy Castillo from the Human Services Commission

Staff report submitted by City Clerk Lens, dated April 5, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Members Halliday and Peixoto, and carried with Mayor Sweeney absent, to adopt the following:

Resolution 11-029, "Resolution Accepting the Written Resignation of
Lucy Castillo from the Human Services Commission"

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Salinas reported that, along with Council Member Zermeño, City Clerk Lens, Hayward Area Recreation and Park District and Hayward Unified School District representatives, he joined the Hayward Youth Commissioners on the field trip to the State Capitol. He noted it was a constructive experience and thanked those who contributed. Mr. Salinas announced the Kids' Breakfast Club, in cooperation with students from Hayward high schools and Cal State University East Bay, helped serve over 1,000 breakfasts to kids and families. Mr. Salinas also announced the Cesar E. Chavez Birthday Celebration event on March 31, 2011, was a success and helped establish every March 31st as Cesar Chavez Day in Hayward with a commitment to service. He thanked those who attended.

Council Member Henson reminded the audience that Remote Area Medical Volunteer Corps (RAM) will be hosting a free health fair for vision, dental, and some medical at the Oakland Coliseum on April 9 -12, 2011.

Mayor Pro Tempore Zermeño announced the basketball fundraising game between Hayward Local 1909 Firefighters and Los Chilonos de Hayward, on April 2, 2011, raised \$536 for the Hayward Youth Commission Scholarship.

ADJOURNMENT

Mayor Pro Tempore Zermeño adjourned the meeting at 8:45 p.m., in memory of Lore Warren and Merrill Brown. Council Members Halliday and Henson mentioned that Ms. Warren was born in Germany and noted her accomplishments in Hayward as a freelance writer for the German newspaper, "California Staats-Zeitung," a writer for the Daily Review, a former Chairperson for the Hayward Neighborhood Alert, a past president of the Southgate Area Homeowners Association, a wonderful hostess, and primary planner and producer of the Oktoberfest events at Centennial Hall.

Council Members Quirk, Peixoto, and Henson mentioned that Merrill Brown, Halifax Place resident, helped host a fundraiser for the Weekes Branch Library, was a real character, was lovable, a good friend, greatly generous, popular, knowledgeable about Russell City history, and helped raise funds/supplies for victims affected by the Hurricane Katrina disaster.

Members of Council added that Lore Warren and Merrill Brown will be missed and extended their sympathies to the families. Mayor Pro Tempore Zermeño asked staff to meet with the families of Lore Warren and Merrill Brown to find suitable places to plant trees in their memory.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Miriam Lens, City Clerk, City of Hayward



DATE: April 19, 2011

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Authorization for City Manager to Approve an Amendment and Assignment of the Commercial Aviation Site Lease between the City and Atlantic Aviation FBO Holdings LLC (Atlantic), to Hayward FBO LLC, dba Airport Property Partners LLC (APP); and an Amendment to the Existing APP Commercial Aviation Site Lease

RECOMMENDATION

That Council adopts the attached resolutions approving a lease amendment and assignment of the Commercial Aviation site lease between Atlantic and the City, to Airport Property Partners LLC (APP); and an amendment of the existing APP Commercial Aviation site lease.

SUMMARY

Hayward FBO LLC, (APP) is purchasing the existing Atlantic leasehold, owned Atlantic Aviation FBO Holdings LLC, at the Hayward Airport. As part of the assignment and assumption of the leasehold, APP proposes an amendment to extend the remainder of a minimum of \$2 million in improvements to the existing APP leasehold to the current Atlantic property. The amendment will also update certain sections of the Atlantic lease to conform to the current language and requirements of Fixed Base Operator (FBO) leases in force on the Hayward Airport. The existing APP FBO lease will be amended to become a standard ground lease and no longer an FBO property.

BACKGROUND

Volo Holdings Hayward LLC assigned its lease with the City to APP in 2009. Under that agreement, APP has operated a full service FBO since December 2009. Trajen Flight Support LP assigned its lease with the City to Atlantic in 2007. Under that agreement, Atlantic has also operated a full service FBO at Hayward Executive Airport. APP has informed staff that it has purchased the Hayward operation of Atlantic and wishes to assume that lease with the City. Staff is proposing to allow the assumption by APP of the Atlantic lease with amendments that would make the lease compatible with the other recently approved FBO lease for the south side of the Airport. The result of the proposed actions will be that APP will own two leaseholds on the airport, one which will be a FBO leasehold that allows fueling (existing Atlantic Leasehold), and a second, standard ground lease, which they presently own (see Attachment VI Leasehold site plans).

APP's acquisition of Atlantic will require amendment of both leases because APP proposes to operate the FBO from the existing Atlantic location and no longer wishes to operate an FBO from its present lease location. The current APP lease will be amended to become a ground lease with the City and would no longer be an FBO property. APP also requests an extension of the required \$2 million financial commitment towards property improvements in its existing lease to take into account the improvements it intends to make to the Atlantic leasehold, once that lease is assigned. Other requirements of the Atlantic FBO lease will be modified to conform to requirements of the recently approved Field Aviation LLP lease to assure consistency for both FBO properties.

DISCUSSION

In July 2009, a newly created entity, APP, purchased four FBO facilities, including one in Hayward. The other FBOs purchased are in Sarasota and Ft. Pierce, FL and Manassas, VA. APP is an owner-investor team whose sole business is FBOs. . Each of the individual facilities has been established as a separate limited liability company. In December 2009, Council assigned the existing APP leasehold to Hayward FBO LLC, wholly owned by APP; it has operated here since that time. APP is a Delaware Limited Liability Company formed in 2008 for investment in airport properties. Thom Harrow is the Chief Executive Officer of APP and an owner of the company.

Now APP is seeking an assignment of the Atlantic leasehold. APP will be the sole owner of the new Hayward FBO location as well as their existing leasehold. The terms contained in the current Atlantic ground lease will be changed to conform to the recently approved Field Aviation LLC FBO lease to assure fair competition. (See Attachment I Amendment No. 2 Atlantic Site Lease). Specifically, language in the Atlantic lease will be changed to require the collection of transient commercial aircraft landing fees, assure compliance with the Airport's approved Stormwater Pollution Prevention Program, and increase the base insurance rates for FBO operations.

The existing Atlantic ground lease contains two aircraft hangars suitable for storage of larger series corporate jet aircraft with a customer terminal, offices, aircraft parking apron, and automobile parking lot. The property also houses an underground fuel storage facility. The property is located at 19990 Skywest Drive. APP would make certain upgrades and improvements to the building and premises and receive credit towards the minimum \$2 million capital commitment required under the current APP lease. The existing APP lease would be modified to reflect that change in commitment, as well as removal of the ability to operate as a full FBO from that leasehold, as indicated above.

Staff believes it is in the Airport's best interest to transfer the Atlantic lease to APP. Since APP began operating in Hayward, it has demonstrated that it has the resources and the commitment to improve its leasehold and to continue to provide significant revenue to the Airport. The proposed assignment will continue to provide that revenue source. Staff supports assignment of the leasehold to APP with the lease changes outlined.

FISCAL IMPACT

Atlantic Aviation and APP jet center fuel sales for 2010 totaled over 1.3 million gallons. That translated into revenue of \$156,094 in fuel flowage fees to the Airport. The ground lease for Atlantic provides \$114,516 and the lease for APP provides \$139,248 in annual rent. The financial

terms, rates, and conditions contained within the existing ground leases for Atlantic and APP will not change as a result of this action. These are significant sources of revenue for the Airport.

Yet unknown will be the impact upon Aviation Gas(AVGAS) fuel sales and flowage fee revenues returned to the Airport with reestablishment of a self-serve AVGAS fueling point. That requirement exists currently in the APP lease and it intends to construct that facility on the APP site. Having a self-serve fueling point with corresponding lower fuel pricing on the Airport is very important to many of the tenants at the Airport. It has been an objective of staff to re-establish one as soon as possible.

ECONOMIC IMPACT

An important factor in the success of an airport is having well maintained and operated FBO facilities. APP has demonstrated its ability to provide quality service to the flying public since 2009. APP will further commit that it will continue to provide competitively priced services to the public after becoming the only functioning FBO on the Airport. Staff anticipates it will be the sole source for these services until the Field Aviation LLC facility opens on the south side of the Airport within the next two years. In addition to the direct revenue to the Airport, staff also anticipates that the facility upgrades will serve to attract additional corporate and transient traffic, which can have other economic benefits for the City.

PUBLIC CONTACT

Mr. Harrow reached agreement on his purchase of the Atlantic FBO assets in January 2011. Staff presented an informational report on this item to the Council Airport Committee at its last meeting on March 17, 2011 who asked about the impact of having just one FBO on fuel prices. Staff responded that the real competition is from nearby airports, since in today's market aircraft often fly to other nearby airports to get better fuel prices. They did appreciate that having two FBOs on the north side of the airport was not financially feasible with the amount of fuel being sold and this action resolves that problem. The committee also expressed appreciation that staff was ensuring fairness by making each of the FBO leases have consistent requirements.

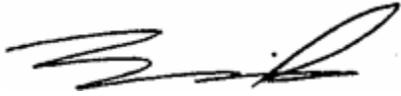
SCHEDULE

Upon closure of the sale and approval of assignment of the lease, APP will begin operations of its FBO from the former Atlantic Aviation facilities.

Prepared by: Doug McNeeley, Airport Manager

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

- Attachment I Resolution-Assignment and Amendment (Atlantic)
- Attachment II Resolution – Amendment to Existing APP Lease
- Attachment III Assignment and Assumption Agreement with Estoppel Certificate
- Attachment IV Amendment No. Two to Commercial Aviation Site Lease (Atlantic)
- Attachment V Amendment No. Three to Commercial Aviation Site Lease (APP)
- Attachment VI Leasehold Locations

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ASSIGNMENT AND ASSUMPTION WITH RESPECT TO THE COMMERCIAL AVIATION SITE LEASE WITH ATLANTIC AVIATION FBO HOLDINGS LLC (SUCCESSOR IN INTEREST TO MACQUIRE FBO HOLDINGS LLC) AND SECOND AMENDMENT TO THE LEASE

WHEREAS, the City of Hayward owns and operates the Hayward Executive Airport; and

WHEREAS, representatives of Hayward FBO, LLC have notified the City that they have purchased the Hayward operation of Atlantic Aviation FBO Holdings, LLC and wish to have the lease transferred to their corporate name; and

WHEREAS, the City and Hayward FBO, LLC have negotiated certain amendments to the lease that would be mutually beneficial and;

WHEREAS, the City and Hayward FBO, LLC have reached agreement on acceptable terms to transfer and amend the referenced lease document.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is authorized to execute the lease assignment and assumption and all related documents regarding the assumption and the Second Amendment to Commercial Aviation Site Lease as described in the staff report, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMMENDMENT NUMBER TWO TO THE EXISTING COMMERCIAL AVIATION SITE LEASE WITH HAYWARD FBO HOLDINGS dba AIRPORT PROPERTY PARTNERS LLC

WHEREAS, the City of Hayward owns and operates the Hayward Executive Airport; and

WHEREAS, Hayward FBO, LLC currently operates a business under a Commercial Aviation site lease on the Hayward Executive Airport; and

WHEREAS, the City of Hayward further wishes to modify the existing lease with Hayward FBO, LLC to create a ground lease of that property to exclude the provision of FBO services, particularly aircraft fueling and fuel sales, and

WHEREAS, the City and Hayward FBO, LLC have reached agreement to delete the following provisions in the above referenced lease agreement: Article 1, Section 1.04 (8), Aircraft fueling and fuel sales; Article 3, Section 3.01(8), Aircraft fueling and fuel sales; and Article 4, Special Standards of Operation for Fueling Activities, in its entirety.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is authorized to execute lease amendment number two to the lease agreement as negotiated and described in the staff report, in a form approved by the City Attorney

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

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

ASSIGNMENT AND ASSUMPTION AGREEMENT
WITH RESPECT TO COMMERCIAL AVIATION SITE LEASE
WITH THE CITY OF HAYWARD

Date: April ___, 2011

Parties: Atlantic Aviation FBO Holdings LLC (“Lessee/Assignor”)
(f/k/a Macquarie FBO Holdings LLC)
dba Atlantic Aviation
125 West 55th Street, 22nd Floor
New York, NY 10019

And: Hayward FBO LLC (“Assignee”)
c/o Airport Property Partners LLC
871 West Road
New Canaan, CT 06840

And: City of Hayward (“Lessor”)
Attention: City Manager
777 “B” Street
Hayward, CA 94541

RECITALS

This ASSIGNMENT AND ASSUMPTION AGREEMENT WITH RESPECT TO COMMERCIAL AVIATION SITE LEASE WITH THE CITY OF HAYWARD (this “Assignment”) is dated as of April ___, 2011, by and between Assignor and Assignee.

- A. Assignor is the present holder of the Lessee’s interest in the Commercial Aviation Site Lease dated July 1, 1998, between Lessor and Assignor (the “Lease”) for property located in the City of Hayward, California which Lease will be evidenced by that certain Memorandum of Commercial Aviation Site Lease to be recorded among the land records of Alameda County, California, such property being more particularly described on Exhibit A attached hereto.
- B. This Assignment is made and entered into pursuant to that certain Purchase and Sale Agreement dated February 4, 2011 (the “Purchase and Sale Agreement”).
- C. Assignee desires to obtain all of Assignor’s right, title and interest in, and to assume all of Assignor’s obligations under the Lease accruing from the date of closing of the Purchase and Sale Agreement on _____, 2011 (the “Execution Date”).

AGREEMENT

NOW THEREFORE, in consideration of the Leased Premises (as defined in the Lease), the mutual covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor, Assignee and Lessor hereby agree as follows:

1. **Assignment**. Assignor hereby assigns and transfers to Assignee all of Assignor's right, title and interest in, to and under the Lease, including performance or security deposit, if any.
2. **Assumption**. Assignee hereby accepts the assignment. Assignee shall perform all of the obligations of Lessee under the Lease, from and after the Execution Date, including but not limited to the payment of all rent required under the Lease, and the performance of all of the covenants, agreements, conditions, and other provisions of the Lease.
3. **No Modification of Purchase Agreement and Lease**. Nothing in this Assignment and Assumption Agreement shall be deemed to modify or amend any provisions of the Purchase and Sale Agreement or the Lease.
4. **Warranty**. Assignor hereby warrants to Assignee that:
 - 4.1 Assignor has full legal right and title in and to the entire Lessee's interest in the Lease; and
 - 4.2 Such interest has not been previously assigned or pledged by Assignor and is free from prior liens, security interests, or encumbrances; and
 - 4.3 Assignor has full right and power, with the consent of Lessor, to assign the Lease to Assignee; and
 - 4.4 The Lease is in full force and effect and Assignor is not in material default of any of its terms; and
 - 4.5 All amounts owed to Lessor through the Execution Date have been fully paid.
5. **Lessor's Consent, Acknowledgement and Release of Lessee**. Lessor hereby acknowledges this Assignment and to the extent required by the Lease, hereby consents thereto. Lessor releases Assignor from all obligations of Lessee under the Lease except as to any and all liability, claims, suits, actions, damages, and causes of action arising out of any personal injury, bodily injury, loss of life, or damage to property or any violation of any state, or municipal law or ordinance, or other cause in connection with the negligent or intentional acts or omissions of Assignor that occurred prior to the date of this Assignment.

6. **Lessor's Consent and Acknowledgement of Assignee's Mortgage.** Lessor hereby consents to the granting of one or more Leasehold Deeds of Trust and Security Agreements and Fixture Filings (the "Deed of Trust") by Assignee for the benefit of Wells Fargo Bank, its successors and/or assigns, as Master Trustee under a Master Trust Indenture, as amended, to be entered into by Assignee with a group of affiliated entities (together with Assignee, the "Obligated Group") and the Master Trustee, with the Deeds of Trust securing the joint and several obligations of the Obligated Group. Such Deeds of Trust shall only encumber the leasehold interest of Lessee and not the fee simple interest of Lessor.
7. **Binding Effect.** This Assignment shall be binding upon and inure to the benefit of the parties, their successors and assigns.
8. **Counterparts.** This Assignment may be signed in counterparts.
9. **Conflicts.** To the extent any conflict or inconsistency exists between this Assignment and the Purchase and Sale Agreement, the provisions of the Assignment shall control. To the extent any conflict or inconsistency exists between this Assignment, the Purchase Agreement, and the Lease, the provisions of the Lease shall control.

IN WITNESS WHEREOF, the parties have executed this Assignment effective as of the day and year first above.

[Signature page follows]

ASSIGNEE:

HAYWARD FBO LLC

By: Airport Property Partners LLC

By: West Road Holdings LLC, Manager

By: _____

Name: _____

Title: _____

STATE OF _____ }

}

COUNTY OF _____ }

On____, before me, _____, Notary Public, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Signature _____[Seal]

ASSIGNOR:

ATLANTIC AVIATION FBO HOLDINGS LLC

By: _____

Name: _____

Title: _____

STATE OF _____ }

_____ }

COUNTY OF _____ }

On _____, before me, _____, Notary Public, personally appeared _____, personally known to me (or 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.

Witness my hand and official seal.

Signature _____ [Seal]

EXHIBIT A
Legal Description
HAYWARD AIR TERMINAL

THE BEARINGS and coordinates used in the following description are based on the California Coordinate System Zone 3. Distances are ground level distance. Multiple by 0.9993 to obtain grid distance.

COMMENCING at the Alameda County Monument designated "Hesp A 1953," at the intersection of the centerline of West "A" Street. (County Road N° 1536), with the centerline of Hesperian Boulevard (County Road N° 90), Coordinates Y (north) 428,503.81 and X (east) 1,531,971.45, being in the northeastern boundary line of the Hayward Air Terminal, (South 25°08'10" East being used as the bearing of said line of Hesperian Boulevard for the purpose of making this description), as conveyed by the United States of America, acting by and through the War Assets Administration, under and pursuant to Executive Order 9689, dated January 31, 1946, and the powers and authority contained in the provisions of the Surplus Property Act of 1944, as amended, and all applicable rules, regulations and orders thereunder to the City of Hayward, Alameda County, State of California, a Municipal Corporation, by quit claim deed dated April 16, 1947, and recorded May 12, 1947, in Book 5126, of Official Records of Alameda County, at page 409 thereof; running thence North 81°33'58" West 1027.74 feet to a Standard Concrete Monument at the intersection of the centerline of the main Northeast-Southwest runway with the centerline of the North-South taxiway, as situated on said Air Terminal January 11, 1963, Coordinates Y (north) 428,654.54 and X (east) 1,530,954.89; thence along said centerline of said taxiway South 26°12'19" East 438.85 feet to a Standard Concrete Monument; thence at right angles to last said line South 63°47'41" West 34.00 feet to the TRUE POINT OF BEGINNING of the parcel of land to be described, said point of beginning being on the southwestern line of Skywest Drive; thence southeasterly along said line of Skywest Drive along the arc of a curve to the left having a radius of 434.00 feet, from a tangent which bears South 26°12'19" East through an angle of 23°48'19.3", a distance of 180.319 feet to a City of Hayward copperweld; thence leaving said line of Skywest Drive South 60°51'12" West 668.545 feet to a City of Hayward copperweld; thence South 30°53'06" West 156.331 feet to a City of Hayward copperweld; thence North 59°06'54" West 27.054 feet to a City of Hayward copperweld; thence southwesterly along the arc of a tangent curve to the left having a radius of 220.00 feet through an angle of 63°47'41", a distance of 234.259 feet to a City of Hayward copperweld; thence North 29°08'48" West 373.970 feet to a City of Hayward copperweld; thence North 60°51'12" East 959.697 feet to a City of Hayward copperweld; thence South 55°09'05" East 76.808 feet to a City of Hayward copperweld; thence South 26°12'19" East 183.760 feet to the TRUE POINT OF BEGINNING.

Being a portion of the above referred to Hayward Air Terminal, and containing 425,708 square feet of land, more or less.

Subject to any rights for maintenance of the Sulphur Creek Wetlands.

August 20, 1998

NORMAN PAYNE
L.S. No. 4388
License Expires 09/30/01



**ESTOPPEL CERTIFICATE REGARDING COMMERCIAL
AVIATION SITE LEASE WITH CITY OF HAYWARD**

Date: April __, 2011

From: City of Hayward (“Lessor”)
Attention: City Manager
777 “B” Street
Hayward, CA 94541

To: Hayward FBO LLC (“Assignee”)
c/o Airport Property Partners LLC
871 West Road
New Canaan, Connecticut 06840

And: Atlantic Aviation FBO Holdings LLC (“Assignor/Lessee”)
125 West 55th Street, 22d Floor
New York, NY 10019

REGARDING: The Commercial Aviation Site Lease dated July 1, 1998, between the City of Hayward, Hayward Executive Airport and Pape Properties, Incorporated, as assigned to Assignor/Lessee, attached hereto and incorporated as if fully set forth herein by this reference (the “Lease”).

Lessor hereby acknowledges and states that:

1. Attached hereto as Exhibit A is a true, correct and complete copy of the Lease, which Lease is in good standing and is in full force and effect.
2. Lessor is the owner and the holder of all of the Lessor’s interest under the Lease, and such interest has not been assigned, encumbered or hypothecated.
3. Lessor has not received written notice of any pending eminent domain proceedings or any judicial actions of any kind against the Lessor’s interest in the premises.
4. Lessee is in possession of the leased premises as described in the Lease.

5. There have been no modifications, alterations, supplementations, amendments or changes in the Lease and there are no other agreements between Lessor and Lessee regarding the Lease or the leased premises, other than listed below:

6. All rent and expenses due under the Lease have been paid through _____. No rent or other sum payable under the Lease is in default or dispute. The amount of the deposit returnable to Lessee upon termination of the Lease is \$_____.

7. Lessor has no claim against the Lessee.

8. Lessor has not received any notice of any prior trust deed or mortgage of the Lessee's interest in the Lease.

9. There is no existing default on the part of Lessor or Lessee under the terms of the Lease and no event has occurred which, with the giving of the notice, or the passage of time, or both, would constitute a default under the terms of the Lease.

10. Lessee has complied with all construction obligations in the Lease that were required to be completed to date, including obtaining plan approval and building permits.

11. Lessee, Assignee and Assignee's lender shall be entitled to rely upon the statements and acknowledgements contained herein.

Attest:

City of Hayward

By: _____

By: _____

Title: _____

Its: _____

EXHIBIT A

Copy of Lease

See Attached.

**SECOND AMENDMENT TO
COMMERCIAL AVIATION SITE LEASE**

(Former Atlantic Site Lease)

THIS SECOND AMENDMENT TO COMMERCIAL AVIATION SITE LEASE (the "Second Amendment") is made and entered into this 19th day of April, 2011, by and between the City of Hayward, a municipal corporation located in the County of Alameda, State of California, hereinafter "Lessor" or "City" and Hayward FBO LLC, a California limited liability company, hereinafter "Lessee", whose address is recorded as 871 West Road, New Canaan, CT 06840.

RECITALS:

WHEREAS, Lessor and Pape Properties, Inc. ("Pape") entered into a Commercial Aviation Site Lease dated July 1, 1998 ("Site Lease").

WHEREAS, the Site Lease was subsequently assigned as follows: on January 5, 2000 by Pape to Trajen, Inc.; on June 29, 2006 by Trajen, Inc. to Trajen Flight Support, LP; on May 17, 2007 by Trajen Flight Support, LP to Macquarie FBO Holdings, LLC (predecessor in interest to Atlantic Aviation FBO Holdings LLC); and on April 19, 2011 by Atlantic Aviation FBO Holdings LLC to Lessee.

WHEREAS, the Site Lease was amended by that certain First Amendment to Commercial Aviation Site Lease dated **September 11, 2001** by and between the City and **Trajen, Inc.** ("First Amendment" and collectively with the Site Lease, the "Lease").

WHEREAS, the parties desire to amend the aforesaid Lease in certain respects:

SECOND AMENDMENT

NOW, THEREFORE, in consideration of the covenants, conditions, and terms hereinafter set forth, Lessor and Lessee do hereby agree that the Lease, whose purpose was and is, to provide aviation related services and activities on the designated Leasehold, is hereby amended in the following particulars only, to wit:

1. The Second Amendment set forth below, shall be effective on the 19th day of April, 2011. All other provisions of said Lease, not expressly changed hereby, remain the same and in full force and effect.
2. That ARTICLE 5 in said Lease entitled "RENT", is hereby amended as follows: "Section 5.05, is hereby added to state: The Hayward Executive Airport has adopted a schedule of Rates and Charges that includes the collection of landing fees from non-based commercial aircraft operations conducted under FAR Part 121 or 135. Lessee agrees that it will charge and collect these fees at the then current, published rate from aircraft operating under these Parts, on its leased premises. Lessee will provide adequate record of these transactions and deliver such records and fees to Lessor on a monthly

basis, but no later than the 30th day of the month. Lessee will withhold 15% of the total as administrative fees for this service.

3. That Article 7, Section 7.03 "Storm Water Provisions" is hereby amended as follows: Lessee shall not cause, and shall make every reasonable effort to prevent, petroleum products and other deleterious waste from entering into the sewerage and storm drainage systems serving the Airport.

Lessee shall comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) of the Federal Clean Water Control Act regarding permits for storm water discharges associated with industrial activity. Lessee shall participate in the Hayward Airport Storm Water Monitoring Group and agrees to comply with the Airport's approved Storm Water Pollution Prevention Plan (SWPPP). Lessee is required and agrees to use, operate, maintain, develop, redevelop and retrofit the Premises in accordance with all applicable federal, state and local laws restricting the discharge of non-stormwater at or from the Airport; and all such laws, regulations, or local guidance requiring pollution prevention measures, source control measures, or the installation or use of Best Management Practices (BMP). Lessee further agrees to develop, install, implement and/or maintain at Lessee's sole cost and expense, any BMPs or similar pollution control devices required by federal, state and/or local law and any implementing regulations or guidance. Lessee understands and acknowledges that the stormwater and non-stormwater requirements applicable to the Airport and to Lessee may be changed from time to time by federal, state and/or local authorities, and that additional requirements may become applicable based on changes in Lessee's activities or development or redevelopment by Lessee or Airport. Airport may amend the SWPPP in response to such changes. Lessee agrees to develop, install, implement, and maintain such additional BMPs and/or other pollution control practices at the Premises at Lessee's sole cost and expense. To the extent there is a conflict between any federal, state or local law, City ordinances, or the SWPPP for the Airport, Lessee shall be obligated to comply with the more restrictive provision. Lessee shall provide Airport with unrestricted access to the Premises and/or all pertinent records upon seven (7) days written notice for the purpose of monitoring the implementation and maintenance of required BMPs and/or other pollution control devices at the Premises. Failure to provide Airport with access or to implement, develop, install, and maintain any pollution control practices or BMPs required by this Section shall constitute a material breach of this Lease.

4. ARTICLE 9, Section 9.02 "Insurance", (a)"General liability insurance", is hereby amended as follows: with coverage in the minimum amount of fifteen million dollars (\$15,000,000) combined single limit for bodily injury and property damage per occurrence;

- 5. ARTICLE 9, Section 9.02 "Insurance", (b) "Hangar Keepers' legal liability insurance is hereby amended as follows: with respect to aircraft parked on the leased premises with minimum single limits of liability of twenty five million dollars (\$25,000,000);

This Second Amendment contains the agreement of the parties and all negotiations and agreements between the parties herein, or their respective agents acting on the consent of the Lessee are hereby declared to be merged into this Second Amendment.

IN WITNESS WHEREOF, Hayward FBO LLC, as represented by Mr. Thom W. Harrow, Managing Member of West Road Holdings, Manager of Airport Property Partners, LLC, Managing Member of Hayward FBO LLC; and the City of Hayward, by and through the City Manager, have caused this ~~Third~~ **Second** Amendment to be executed the day and year first written above.

RECOMMENDED BY:

~~Michael A. Covalt Interim Airport Manager~~
 Douglas McNeeley, Airport Manager

APPROVED BY:

 Robert A. Bauman, Director of Public Works

LESSOR:
 CITY OF HAYWARD, a **Municipal Corporation**

 Frances David, City Manager

Approved as to Form:

 Michael Lawson, City Attorney

LESSEE:

HAYWARD FBO LLC,
 a California **Limited Liability Company**

By: Airport Property Partners LLC,
 Managing Member

By: West Road Holdings, LLC
 Its Manager

By: _____
 Name: Thom W. Harrow, **Managing Member**
~~Title: Managing Member~~

ATTEST:

 Miriam Lens, City Clerk

DATE: _____

THIRD AMENDMENT**HAYWARD FBO LLC (Airport Property Partners LLC)****Commercial Aviation Site Lease**

THIS THIRD AMENDMENT TO LEASE (the “Third Amendment”), made and entered into on this 19th day of April, 2011, by and between the City of Hayward, a municipal corporation located in the County of Alameda, State of California, hereinafter designated “Lessor” or “City”, and HAYWARD FBO LLC, a California limited liability company, hereinafter called “Lessee”, whose address is 95B Rowayton Avenue, Rowayton CT 06853. The parties agree as follows:

RECITALS:

WHEREAS, Lessor and Lessee’s predecessor in interest have entered into that certain Agreement and Lease dated June 28, 2005, and entitled, “Hayward Executive Airport Commercial Aviation Site Lease” between the City and Hayward Jet Center, Inc., formerly known as Career Aviation Sales, Inc., which was amended by First Amendment to Lease dated December 13, 2007 (collectively, the “Lease”), between the City and Volo Holdings Hayward LLC, which assumed and took an assignment of the Lease; and

WHEREAS, Lessee assumed and took an assignment of the Lease from Volo Holdings Hayward LLC, with the City’s consent, contemporaneously with the Second Amendment dated December 16th, 2009; and

WHEREAS, the parties desire to further amend the Lease in certain respects.

THIRD AMENDMENT

NOW, THEREFORE, in consideration of the covenants, conditions, and terms hereinafter set forth, Lessor and Lessee do hereby agree that the Lease, as assigned, is hereby amended in the following particulars only, to wit:

1. The Third Amendment, set forth below, shall be effective on the date of execution of this Agreement as set forth above. All other provisions not expressly changed and agreed to hereby, remain the same and in full force and effect unless modified by written agreement otherwise. It is further understood and agreed to by the parties, that the total minimum aggregate investment of \$2.0 million required in the Second Amendment of this Lease, shall be extended to include improvements made by lessee on the Aviation Site Lease assigned to it from Macquarie FBO Holdings LLC dba Atlantic Aviation, on April 19, 2011.

2. That Section 4 (b) Installation of New Fuel Farm Facility of the Second Amendment is hereby amended as follows:

Subject to the receipt of all applicable permits and approvals, Lessee will promptly commence, within a twelve (12) month period, construction of a 100LL, Self Service fueling point, whose location shall be agreed to by the City, providing 24 hour self service fueling to all based and transient fuel customers. Lessee's Self Service fuel point shall be prominently marked and visible from the public use runway and taxiways on the Airport. The construction of any other fuel farm facilities as described in section 4 (b) of the Second Amendment are hereby prohibited.

3. That section 4 (c) FBO Terminal of the Second Amendment is hereby amended as follows:

Lessee has agreed to remove the mobile structure currently used as an office and known as the "Doublewide" now located on the premises and to perform repair to the hangar to which it is attached to restore the appearance and functionality of the hangar, with such work to be fully

completed within twelve (12) months of the effective date of this Third Amendment. The modification of improvements remains subject to “Force Majeure” and to approval by the City of all subject area site plans and issuance of all necessary permits and approvals.

4. The parties agree to amend the original Commercial Aviation Site Lease including all amendments to remove all reference to and prohibit all sales of aviation fuel with the exception of the self service fueling point described in section (2.) of this Third Amendment. Those sections are: Article 1, Section 1.04 (8), Aircraft fueling and fuel sales; Article 3, Section 3.01(8), Aircraft fueling and fuel sales; and Article 4, Special Standards of Operation for Fueling Activities, in its entirety.

It is further agreed and understood that this Lease no longer qualifies as a Fixed Base Operator Lease as described and defined in the published City of Hayward ORDINANCE NO.07-23 specifically SECTION 2-6.63 Fixed Base Operator.

5. That Section 4 (d) Minimum Expenditure of the Second Amendment is hereby amended as follows:

The cost of all improvements, renovations and construction undertaken by Lessee pursuant to Amendments Two and Three of the Lease, shall equal at least Two Million Dollars (\$2,000,000.00). The balance of said expenditure not allocated to the improvements already made in compliance with the Second Amendment and the Third Amendment may be applied to the Leasehold known as Macquarie FBO Holdings dba Atlantic Aviation that was transferred to Hayward FBO LLC on April 19, 2011. Lessee will provide substantiation of such spending to City.

6. The parties agree to delete the provisions of Article 7, Section 7.04 in the above referenced Lease and substitute the following provisions:

Lessee shall not cause, and shall make every reasonable effort to prevent, petroleum products and other deleterious waste from entering into the sewerage and storm drainage systems serving the Airport.

Lessee shall comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) of the Federal Clean Water Control Act regarding permits for storm water discharges associated with industrial activity. Lessee shall participate in the Hayward Airport Storm Water Monitoring Group and agrees to comply with the Airport's approved Storm Water Pollution Prevention Plan (SWPPP).

Lessee is required and agrees to use, operate, maintain, develop, redevelop and retrofit the Premises in accordance with all applicable federal, state and local laws restricting the discharge of non-storm water at or from the Airport; and all such laws, regulations, or local guidance requiring pollution prevention measures, source control measures, or the installation or use of Best Management Practices (BMP). Lessee further agrees to develop, install, implement and/or maintain at Lessee's sole cost and expense, any BMPs or similar pollution control devices required by federal, state and/or local law and any implementing regulations or guidance.

Lessee understands and acknowledges that the storm water and non-storm water requirements applicable to the Airport and to Lessee may be changed from time to time by federal, state and/or local authorities, and that additional requirements may become applicable based on changes in Lessee's activities or development or redevelopment by Lessee or Airport. Airport may amend the SWPPP in response to such changes. Lessee agrees to develop, install, implement, and maintain such additional BMPs and/or other pollution control practices at the Premises at Lessee's sole cost and expense. To the extent there is a conflict between any federal, state or local law, City ordinances, or the SWPPP for the Airport, Lessee shall be obligated to comply with the more restrictive provision. Lessee shall provide Airport with unrestricted access to the Premises and/or all pertinent records upon seven (7) days written notice for the purpose of monitoring the implementation and maintenance of required BMPs and/or other pollution control devices at the Premises. Failure to provide Airport with access or to implement, develop, install, and maintain any pollution control practices or BMPs required by this Section shall constitute a material breach of this Lease.

This Third Amendment contains the entire agreement of the parties as to the subject matter hereof, and all negotiations and agreements between the parties herein or their agents with respect to this Third Amendment are hereby declared to be merged in this Agreement. This Third Amendment shall be binding on and inure to the benefit of Lessor, Lessee, any Leasehold Mortgagee, and their respective permitted successors and assigns.

IN WITNESS WHEREOF, the parties hereto agree to these terms and have therefore presented this Third Amendment, as represented by Mr. Thom W. Harrow, managing member of Hayward FBO LLC, the manager of AIRPORT PROPERTY PARTNERS LLC, being duly recognized and authorized to represent HAYWARD FBO LLC and the City of Hayward, by and through the

City Manager, are duly authorized to act and have caused this Third Amendment to be executed the day and year first written above.

RECOMMENDED BY:

Michael A. Covalt Interim Airport Manager

APPROVED BY:

Robert A. Bauman, Director of Public Works

LESSEE:

HAYWARD FBO LLC

By: _____
Airport Property Partners LLC

By: _____
Thom W. Harrow, Managing Member

LESSOR:
CITY OF HAYWARD
A municipal corporation

Frances David, City Manager

APPROVED AS TO FORM:

Michael Lawson, City Attorney

Date: _____

ATTEST:

Miriam Lens, City Clerk





CITY OF
HAYWARD
HEART OF THE BAY

DATE: April 19, 2011
TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Transportation Development Act Article 3 Funds FY 2012: Wheelchair Ramps – Authorization to File Application

RECOMMENDATION

That Council adopts the attached resolution authorizing filing an application with the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) Article 3 funding in FY 2012 to construct wheelchair ramps at various locations in the City.

BACKGROUND

Each year, TDA funds are made available to cities in Alameda County for construction of bicycle paths, sidewalks, wheelchair ramps, and other pedestrian facilities. One of the conditions for MTC approval of TDA funding is the submittal of a resolution by the governing body of the city authorizing the filing of an application for funds.

DISCUSSION

Consistent with past City practice and Council direction, staff plans to submit an application to MTC for the construction of wheelchair ramps at various locations for FY 2012 (Attachment I-a). The various ramp locations were selected in accordance with the Curb Ramp Guidelines established in the City's Americans with Disabilities Act (ADA) Transition Plan. This allows the City to now begin upgrading existing handicap ramps to current standards or installing new ramps at all the intersections in specific neighborhoods.

The proposed locations for wheelchair ramp installation are in the Tennyson Road South and Winton Grove/Thelma neighborhoods, as shown in Attachment II. For cost effectiveness, staff selected ramp locations for their close proximity to each other. Construction of wheelchair ramps will coincide with sidewalk repair and rehabilitation projects to be scheduled for 2012

Alameda County has provided a preliminary estimate of \$106,181 in TDA Article 3 funds for the City of Hayward to construct the project. The MTC will approve the TDA funds upon receipt of the City's final project application. The application materials are due to the Alameda County Public Works Agency by May 20, 2011. The County Board of Supervisors is anticipated to approve all of the applications by July 12, 2011, and will submit the approved applications to MTC. MTC's action is expected in August 2011, and the funds are anticipated to be available this Fall.

PUBLIC CONTACT

When a construction schedule is determined, property owners in the affected neighborhoods will be appropriately notified of the project schedule. Past installation of ramps has been very well received by the public. The wheelchair ramp process stems from ongoing requests from the public to improve access to sidewalks for disabled pedestrians.

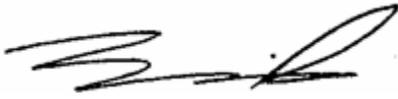
FISCAL IMPACT

Although in the past, the City has supplemented TDA funds with its own funds, no match is required. Thus, there is no impact to the City's General Fund.

Prepared by: Morad Fakhrai, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Draft Resolution
- Attachment I-a: TDA Article 3 Project Application Form
- Attachment I-b: City of Hayward Statement
- Attachment II: Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-_____

Introduced by Council Member _____

RESOLUTION TO THE METROPOLITAN TRANSPORTATION COMMISSION
FOR THE ALLOCATION OF FISCAL YEAR 2012 TRANSPORTATION
DEVELOPMENT ACT (TDA) ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT
FUNDING FOR INSTALLATION OF WHEELCHAIR RAMPS

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, Revised, entitled “Transportation Development Act, Article 3, Pedestrian/Bicycle Projects,” which delineates procedures and criteria for submission of requests for the allocation of TDA Article 3 funding; and

WHEREAS, MTC Resolution No. 875, Revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the CITY OF HAYWARD desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment I-a to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW, THEREFORE, BE IT RESOLVED that the CITY OF HAYWARD declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.

BE IT FURTHER RESOLVED, that there is no pending or threatening litigation that might adversely affect the project or projects described in Attachment I-a to this resolution or that might impair the ability of the CITY OF HAYWARD to carry out the project.

BE IT FURTHER RESOLVED, that the CITY OF HAYWARD attests to the accuracy of and approves the statements in Attachment I-b to this resolution.

BE IT FURTHER RESOLVED that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion

management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

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

TDA Article 3 Project Application FormFiscal Year of this Claim: 201² Applicant: City of Hayward

Contact person: Morad Fakhrai

Mailing Address: 777 B Street, Hayward, CA 94541

E-Mail Address: morad.fakhrai@hayward-ca.gov Telephone: (510) 583-4740

Secondary Contact (in event primary not available): Mir Ali

E-Mail Address: mir.ali@hayward-ca.gov Telephone: (510) 583-4764

Short Title Description of Project: Installation of wheelchair ramps

Amount of claim: \$88,749

Functional Description of Project:**Installation of wheelchair ramps in the Tennyson Road South and Winton Grove/Thelma neighborhoods to provide ADA required access.****Financial Plan:**

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

Project Elements:

Funding Source	All Prior FYs	Application FY 2011/12	Next FY 2012/13	Following FY 2013/14	Totals
TDA Article 3	1,022,886	106,181	120,000	120,000	1,369,067
list all other sources:	135,000				135,000
1.					
2.					
3.					
4.					
Totals	1,157,886	106,181	120,000	120,000	1,504,067

Project Eligibility:	YES? / NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	YES
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	YES
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	N/A
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	NO
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	YES
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) JUNE 30, 2012	YES
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name):	YES

B. Yes, funding for the installation of wheelchair ramps is an ongoing project.

D. No, since the project does not pertain to bicycles.

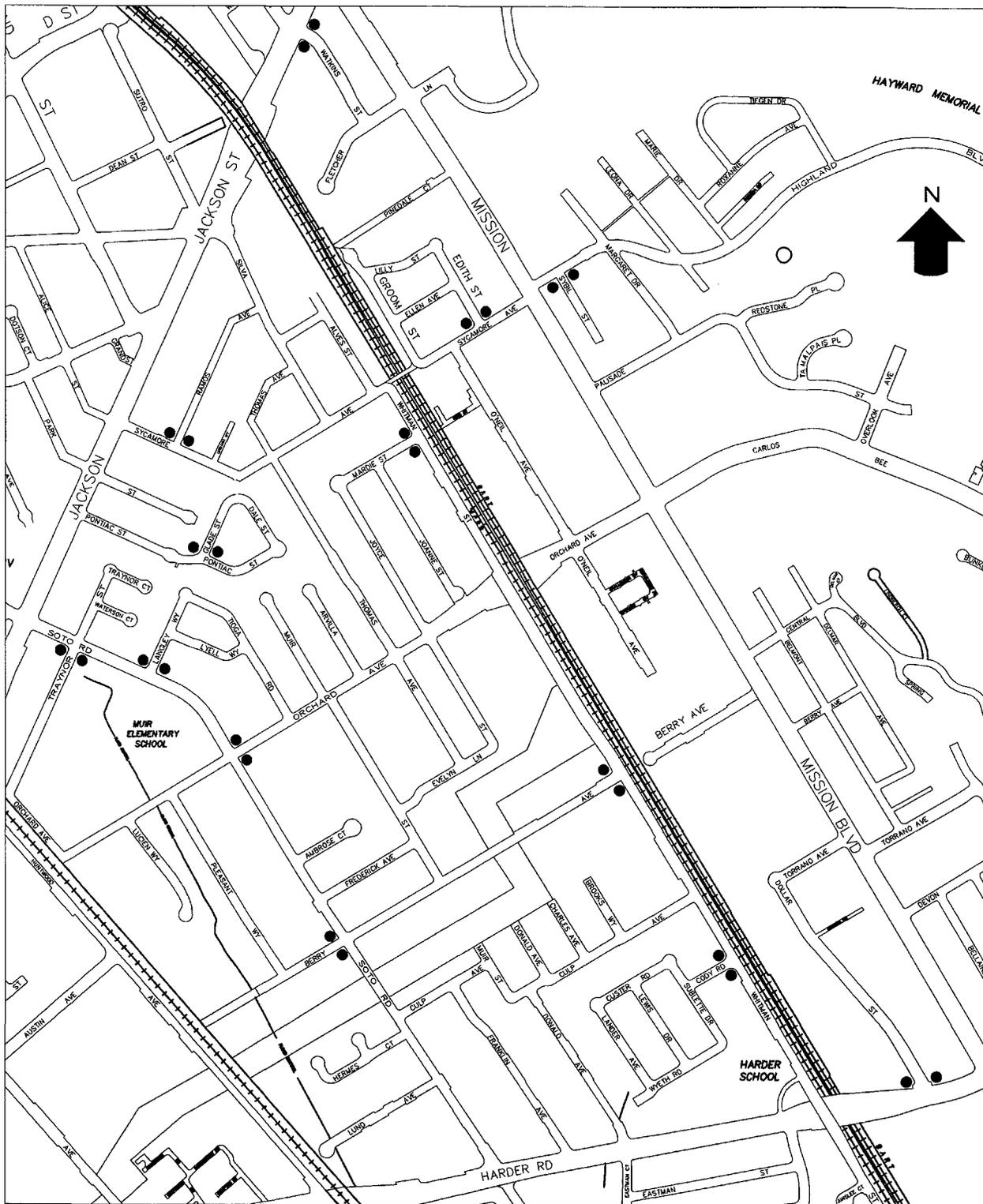
STATEMENT

1. That the City of Hayward is not legally impeded from submitting a request to the Metropolitan Transportation Commission (MTC) for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Hayward legally impeded from undertaking the project(s) described in Attachment I-a of this resolution.
2. That the City of Hayward has committed adequate staffing resources to complete the project(s) described in Attachment I-a.
3. A review of the project(s) described in Attachment I-a has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment I-a have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use for the TDA funds being requested.
5. That the project(s) described in Attachment I-a comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the City of Hayward is in possession of the document(s) supporting such compliance, said document(s) having been made available for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment I-a, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment I-a are for capital construction and/or design engineering.
8. That the project(s) described in Attachment I-a are ready to commence implementation during the fiscal year of the requested allocation.
9. That the City of Hayward agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment I-a, for the benefit of and use by the public.

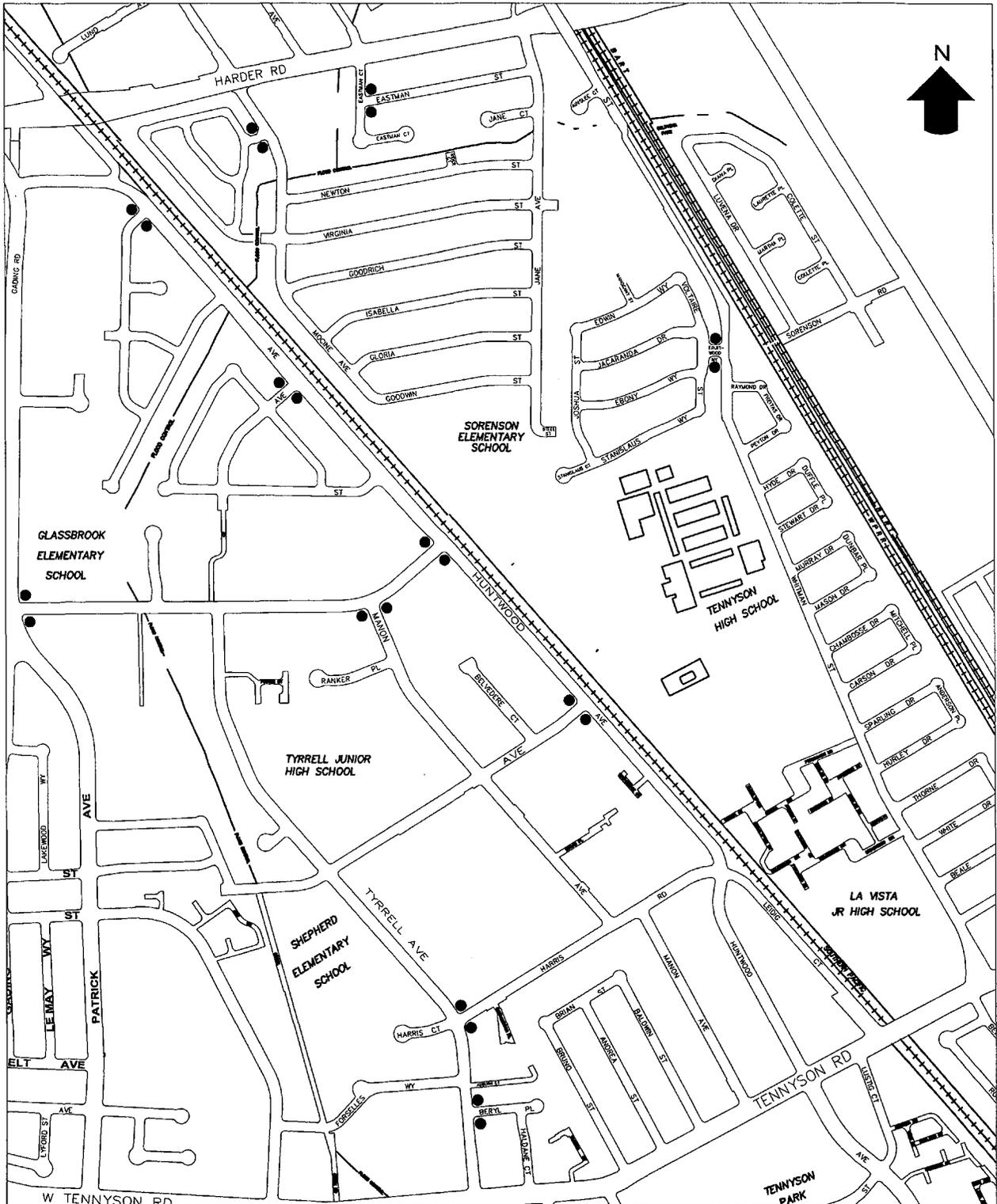
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2. That the City of Hayward has committed adequate staffing resources to complete the project(s) described in Attachment I-a.
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5. That the projects described in Attachment I-a comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the City of Hayward is in possession of the document(s) supporting such compliance, said document(s) having been made available for public review and stamped by the City Clerk or County Recorder of the county in which the claimant is located.
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7. The project(s) described in Attachment I-a are for capital construction and/or design engineering
8. That the project(s) described in Attachment I-a are ready to commence implementation during the fiscal year of the requested allocation.

9. That the City of Hayward agrees to maintain, or provide for the maintenance of the project(s) and facilities described in Attachment I-a, for the benefit of and use by the public.



**LOCATION MAP
WHEELCHAIR RAMPS FY11
DISTRICT 2 - PROJECT NO. 5119**



**LOCATION MAP
WHEELCHAIR RAMPS FY11
DISTRICT 3 - PROJECT NO. 5119**

DATE: April 19, 2011
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Resignation of Stephanie Ayala from the Library Commission

RECOMMENDATION

That the City Council accepts the resignation of Stephanie Ayala from the Library Commission.

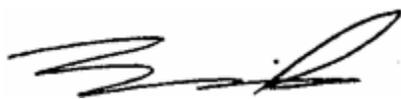
BACKGROUND

Ms. Stephanie Ayala was appointed to the Library Commission on June 30, 2009. Her resignation is effective April 6, 2011. Ms. Ayala's position will be filled as part of the annual appointment process for the City's Appointed Officials to Boards and Commissions in September.

Recommended by:

Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:

- Attachment I Resolution Accepting the Resignation
- Attachment II Resignation Letter

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION ACCEPTING THE WRITTEN RESIGNATION OF STEPHANIE AYALA FROM THE LIBRARY COMMISSION

WHEREAS, Ms. Stephanie Ayala was appointed to the Library Commission on June 30, 2009; and

WHEREAS, Ms. Stephanie Ayala has submitted her written resignation effective April 6, 2011, 2011; and

WHEREAS, Ms. Stephanie Ayala’s position will be filled as part of the annual appointment process for the City’s Appointed Officials to Boards and Commissions in September; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignations of Stephanie Ayala from the Library Commission and commends her for her civic service to the City.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Quirk

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

STEPHANIE J. AYALA

2517 Civic Avenue, Hayward, CA 94545 • 510.209.9927 • stephaniej.ayala@yahoo.com

April 6, 2011

Mayor Michael Sweeney
City Council Members
City Of Hayward
777 B Street
Hayward, CA 94541

Dear Mayor Sweeney and City Council Members,

It is with deep regret that I must resign from the City of Hayward's Library Commission Board, effective immediately. Unfortunately, I am moving out of the city limits and am no longer eligible to serve on the Library Commission Board.

It has been a pleasure and a wonderful experience to be a part of the Library Commissions Board and to work with the City of Hayward. I thank the City of Hayward for allowing me the opportunity to be a part of such a rewarding group that is of the utmost importance to the City of Hayward and its' community. I plan on volunteering with the Library and other organizations to continue my involvement with the City of Hayward in the future.

Best Regards,



Stephanie Ayala



CITY OF
HAYWARD
HEART OF THE BAY

DATE: April 19, 2011
TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Pavement Reconstruction FY12 – Chiplay Avenue: Approval of Plans and Specifications and Call for Bids

RECOMMENDATION

That Council adopts the attached resolution approving the plans and specifications for the Pavement Reconstruction FY 2012 – Chiplay Avenue project, and calls for bids to be received on May 17, 2011.

BACKGROUND

This project represents the eighth year of the City’s pavement reconstruction program. This year’s project is for pavement reconstruction on Chiplay Avenue, Chiplay Court, Cabrini Drive, and Magnolia Street (see Attachment II). The proposed improvements will repair failed pavement sections and improve the riding surface and appearance of the streets.

DISCUSSION

The City’s reconstruction program involves repairing severely deteriorated streets to return them to acceptable pavement condition standards. City staff selects streets for reconstruction using the City’s computerized Pavement Management Program (PMP) and visual field examination. Because of the severity of the pavement section deterioration of these streets, the typical dig-out spot repair and pavement overlay would not be adequate to bring the streets to acceptable standards. Originally only Chiplay Avenue was programmed for this year’s reconstruction project. However, as explained below, cost savings from adding a pavement reconstruction method that reuses existing material has made it possible to add Chiplay Court, Cabrini Drive, and Magnolia Street to the list of streets to be reconstructed in this project; thus, this year’s contract will involve four streets.

The City’s PMP program uses a Pavement Condition Index (PCI), which is an indicator of the condition of pavement derived from a visual inspection of the street surface. Surface crack patterns are used as indicators of the condition of the sub-grade. For example, alligator cracks

(pavement crack interweave involving a combination of lateral and longitudinal cracks) on the surface of the pavement typically indicates a failure of the sub base, which will usually require a replacement of the entire pavement section.

In the past, pavement reconstruction has involved the replacement of the existing pavement section with deep lift asphalt concrete. This is a relatively expensive treatment method and is not always necessary. Where possible, staff is now using a treatment method that involves pulverizing the pavement section and reusing the resulting aggregate for base material. The pavement pulverization method is utilized when the heavy equipment needed for the pulverization work can be used without damaging existing utilities.

The pulverization and reuse of existing material has been shown to result in cost savings of about 40% when compared to removing and replacing the pavement section with deep lift asphalt concrete. With this savings, staff is proposing to add Chiplay Court, Cabrini Drive, and Magnolia Street to the project. The pavement pulverization method was successfully used on last year's pavement reconstruction project for Grove Way, Sorenson Road, Lilac Ave, and Portsmouth Avenue.

The project is categorically exempt under Section 15301 (c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

FISCAL IMPACT

The estimated project cost is as follows:

Contract Construction	\$500,000
Design and Administration	60,000
<u>Inspection and Testing</u>	<u>40,000</u>
Total	\$600,000

The FY 2011 Capital Improvement Program includes \$600,000 in the Street System Improvement for the Pavement Reconstruction FY12 project.

In FY 2009, the City succeeded in obtaining funds through Proposition 1B, which can be utilized for paving and/or sidewalk-related projects. As a result, staff developed and submitted to the State a plan on how to utilize those funds; the plan included several projects incorporated in the FY 2010 CIP and approved as part of the document. However, as a result of lower than expected construction bids, the City has additional funds to spend from the FY 2009 allocation and, therefore, intends to add the Pavement Reconstruction FY 2012-Chiplay Avenue project to that list. Per State requirements, in order to add projects to the previously approved list, this staff report needs to clearly define the inclusion of this project on that list.

PUBLIC CONTACT

Because of the temporary inconvenience the pavement work would cause, immediately after award of the construction contract, a preliminary notice explaining the pavement reconstruction project will be distributed to all residents and businesses along the affected streets. After the construction work has been scheduled, signs on barricades will be posted seventy-two hours prior to the commencement of work, indicating the date and time of work for each street.

SCHEDULE

Open Bids	May 17, 2011
Award Contract	June 21, 2011
Begin Work	July 18, 2011
Complete Work	September 27, 2011

Prepared by: Morad Fakhrai, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution
- Attachment II: Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-_____

Introduced by Council Member _____

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE PAVEMENT RECONSTRUCTION FY12-CHIPLAY AVENUE PROJECT, PROJECT NO. 5137, AND CALL FOR BIDS

BE IT RESOLVED by the City Council of the City of Hayward as follows:

WHEREAS, those certain plans and specifications for the Pavement Reconstruction FY12-- Chiplay Avenue Project, Project No. 5137, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project;

WHEREAS, the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law;

WHEREAS, sealed bids therefor will be received by the City Clerk's office at City Hall, 777 B Street, 4th Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, May 17, 2011 and immediately thereafter publicly opened and declared by the City Clerk in the Public Works Conference Room 4D, located on the 4th Floor of City Hall, Hayward, California;

WHEREAS, the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

WHEREAS, the project is categorically exempt under section 15301(c) of the California Environmental Quality Act Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

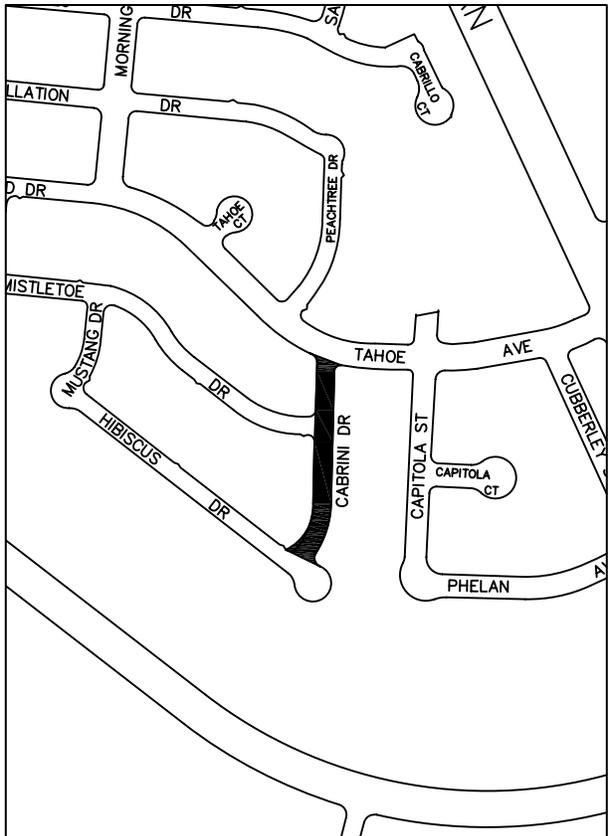
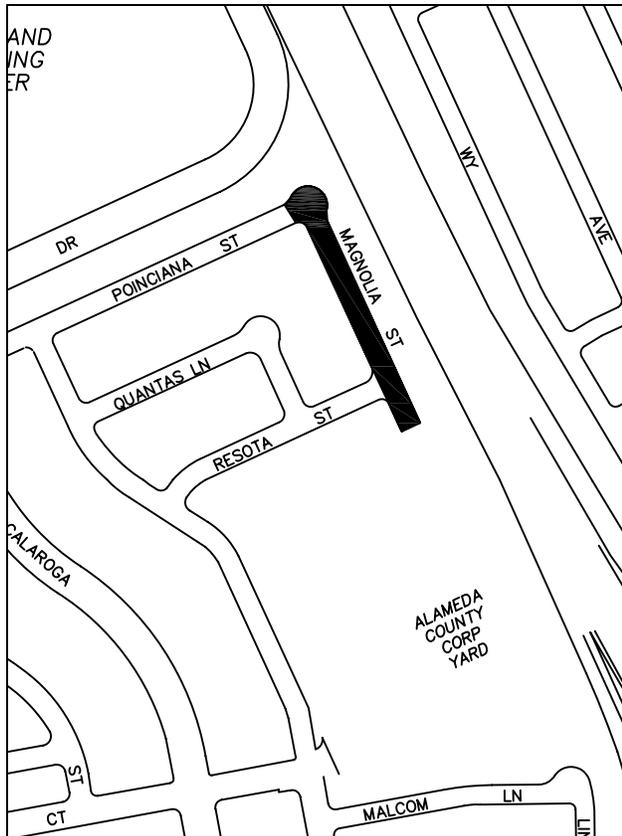
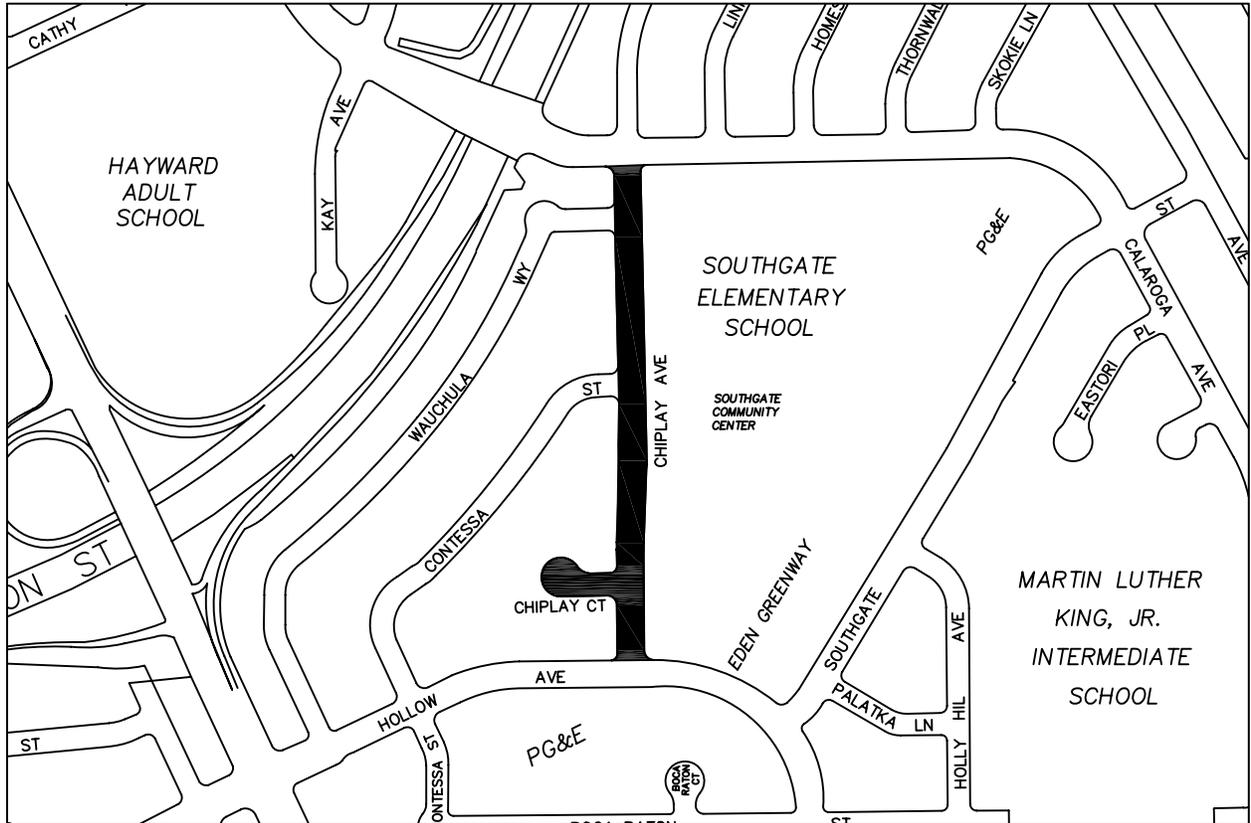
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



PAVEMENT RECONSTRUCTION FY12-PROJECT NO. 5137



DATE: April 19, 2011

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Authorization for the City Manager to Negotiate and Execute Consulting Agreements with HDR Inc. and BSK Associates for Developing a Fats, Oil, and Grease Receiving and Processing Station at the Water Pollution Control Facility

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to execute Professional Services Agreements with HDR Inc. in an amount not to exceed \$50,000 and with BSK Associates in an amount not to exceed \$25,000 to assist City staff in the development of a Fats, Oil, and Grease (FOG) receiving and processing station at the Water Pollution Control Facility.

BACKGROUND

The Water Pollution Control Facility (WPCF) currently utilizes cogeneration to offset about 37% of electrical energy used during the wastewater treatment process. Existing cogeneration uses biogas (also referred to as digester gas) produced as a by-product of the wastewater treatment process. Methane is a constituent in digester gas and is the same component found in natural gas that is distributed and delivered by PG&E. It is the fuel used by WPCF internal combustion engines that, in turn, powers electric generators and produces electricity.

The City is currently in the process of replacing the old cogeneration system at the WPCF with a new system, which will be at least twice as efficient. This FOG project will aid in increasing the bio-gas, which in turn will result in increasing the electrical energy and the heat output.

The presence of FOG in wastewater is a primary source of its energy. FOG originates from several sources, such as grease holding tanks (“grease interceptors”) from restaurants and grocery stores. It can be delivered to the wastewater treatment plants by tanker trucks. Generally, these wastes are not placed into sanitary sewer collection systems; FOG is not permitted to be discharged into sanitary sewers because it can solidify and potentially cause sewer system overflows. By providing specialized receiving and processing equipment, FOG can be transported to the WPCF and then injected directly into the WPCF digesters, bypassing other treatment processes and significantly increasing digester gas production.

FOG reception at wastewater treatment plants for the purpose of increasing digester gas production is a relatively new industry practice and has proven to be not only workable, but desirable. The plan

is to receive and process about 16,000 gallons per day of FOG at the WPCF, which will increase digester gas production by 15 to 20 %.

WPCF's annual electric energy is provided by three sources (PG&E, solar, and cogeneration) in the amounts shown below:

	<u>Annual Energy (kWh)</u>	<u>Energy Contribution</u>
Cogeneration	3,026,600	37%
PG&E	3,144,300	39%
Solar	<u>2,000,000</u>	<u>24%</u>
Total WPCF demand	8,170,900	100%

Increasing digester gas production by 15 % will increase the cogeneration energy output by the same amount, some 454,000 kWh. Demand plus energy charges from PG&E have averaged 12¢ per kWh, which would equate to about \$55,000 annual savings from PG&E costs by increasing digester gas production. Another advantage of increasing digester gas production is the additional fuel will allow the co-generation system to be sized somewhat larger. This will provide additional flexibility in allowing the system to meet the City's needs as the flow to the WPCF would grow over time.

Staff has identified a site within the WPCF facility where the FOG receiving/processing facility will be located. In order to both expedite this project and to minimize consultant costs, staff will develop in-house civil and mechanical engineering drawings and other documents necessary for construction bidding. Consultant assistance will be needed for specialized geotechnical engineering and electrical engineering. Consultant-prepared documents, such as drawings and specifications, will be included in the bid documents. Geotechnical and electrical engineering consultants will also provide some services during bidding and construction.

DISCUSSION

Staff invited three firms specializing in geotechnical and electrical engineering services to submit proposals specific to the FOG receiving/processing station project. Proposals from two firms of each category were received and considered. After discussions, staff has selected BSK Associates of Pleasanton for geotechnical services and HDR Inc. of Folsom for electrical engineering services. Services from both firms will include: (1) assistance in preparing bid documents; (2) services during the bidding period; and (3) engineering services during construction. Detailed scopes of work and fees of \$50,000 and \$25,000 have been negotiated with HDR Inc., and with BSK Associates, respectively.

FISCAL AND ECONOMIC IMPACT

The estimated project costs are as follows:

Electrical Consulting Service (HDR)	\$50,000
Geotechnical Consulting Service (BSK)	25,000
Construction	300,000
Inspection	4,000
Staff Engineering & Administration	<u>95,000</u>
Total:	\$ 474,000

The FY2011 Capital Improvement Program (CIP) includes \$500,000 for the WPCF Grease Receiving and Processing Facility in the Sewer Capital Improvement Fund.

PUBLIC CONTACT

Not applicable.

SCHEDULE

The estimated schedule for this project is summarized as follows:

Start Design	April 20, 2011
Advertise	May 31, 2011
Open Bids	June 28, 2011
Award Contract	July 19, 2011
Complete Construction	October 30, 2011

Prepared by: Alex Ameri, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachment:

Attachment I- Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS WITH HDR INCORPORATED AND BSK ASSOCIATES TO ASSIST IN DEVELOPING A FATS-OIL-GREASE (FOG) RECEIVING AND PROCESSING STATION AT THE WATER POLLUTION CONTROL FACILITY (WPCF),PROJECT NO. 7511

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute Professional Services Agreements with HDR Inc. for electrical engineering services in an amount not to exceed \$50,000, and with BSK Associates for geotechnical services in amount not to exceed \$25,000, to provide professional design services in the specified areas for the WPCF Fats, Oil, and Grease Receiving and Processing Facility Project, Project No. 7511, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

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



DATE: April 19, 2011
TO: Mayor and City Council
FROM: Library and Community Services Director
SUBJECT: FY 2012 Community Development Block Grant (CDBG) Funding Recommendations

RECOMMENDATION

That Council reads this report and adopts the attached resolution approving the FY 2012 Community Development Block Grant funding allocations and Annual Action Plan.

SUMMARY

FY 2012 Community Development Block Grant (CDBG) Allocations: During FY 2012, the City will administer CDBG funds received from the U.S. Housing and Urban Development (HUD) Department. The City is an “Entitlement” CDBG grantee, and as such, funding is provided annually upon HUD’s approval of the Council’s CDBG allocations, which form the substantive portion of the City’s Annual One Year Action Plan.

The seventh Federal FY 2011 Continuing Resolution, signed by President Obama on April 9, 2011 authorized a 16% cut to the CDBG program, which is a 6% deeper cut than the 10% estimated in the staff report to Council at the CDBG Work Session on Tuesday, April 5, 2011. As the Continuing Resolution also authorized a number of small, across-the-board cuts that could also impact the amount ultimately allocated to the City of Hayward, the FY 2012 CDBG funding recommendations (Attachment II) remain as presented at the CDBG Work Session, totaling \$1,593,830, pending official notification from HUD as to the actual amount of the City’s FY 2012 grant amount.

The amounts recommended for each CDBG applicant are intended to represent a percentage of available funding, so that when the actual amount of FY 2012 CDBG funding is known, those percentages may be applied to adjust the allocations proportionately. Application Summaries are included with this report as Attachment IV.

BACKGROUND

FY 2012 Community Development Block Grant (CDBG) Allocations: The City’s FY 2012 CDBG Funding Process was conducted in compliance with the City’s [Citizen Participation Plan](#), and generally consistent with prior years’ CDBG funding cycles.

During the previous year's application process, in light of the magnitude of funding requested and to better align the CDBG program with the City's two-year budget cycle, Council identified a number of projects to receive funding consideration for FY 2012. These project applicants were not required to prepare an application to receive consideration for FY 2012 CDBG funding.

Eight new applications were received by the December 15, 2010 deadline, which, when combined with the previously identified applicants, brought the total number of FY 2012 applicants to twenty-nine, and total funds requested to \$2,362,080. All applications were submitted by the deadline.

The application materials received by applicants included Council's *Priorities*, the *Neighborhood Services Initiative*, and a brief orientation to *Crime Prevention through Environmental Design* (CPTED) principles. Applicants were asked to describe in their applications how the services proposed would support one or more of Council's Priorities and HUD's Performance Measures. The application materials required each applicant to provide its service delivery address so that program locations could factor into the Funding Recommendations.

In addition to receiving copies of the eight new applications, members of the Citizen's Advisory Commission (CAC) received a mid-year performance report for each of the currently-funded agencies to receive FY 2012 funding consideration. The CAC analyzed all the applications received, and appointed an Application Review Committee to interview representatives from all of the new applicant agencies.

On Tuesday, February 8, 2011, members of the Application Review Committee (Commissioners Moore, Leppert, Kersten, McManus, Bonilla, and Samuels) interviewed each of the applicants. Four staff members were also in attendance. The interviews provided an opportunity for Commissioners to review each of the newly proposed projects and to gain insight into each applicant's capacity for carrying out the proposed activities.

At its regular meeting on Wednesday, February 16, 2011, the CAC deliberated and established "draft" FY 2012 CDBG funding recommendations. The following month, on Wednesday, March 16, 2011, the public comment period ended, and the CAC finalized its funding recommendations and voted to forward them to City Council for consideration.

DISCUSSION

Attachment II provides the CAC and staff's FY 2012 CDBG funding recommendations, which are identical to each other. All of the applications submitted propose to support at least one City Council priority, and all propose to serve low-income Hayward residents. Attachment III presents the funding recommendations, sorted according to City Council priority.

Federal regulations allow up to 15% of available funds to be allocated in the Public Services category; projects recommended for funding in that category total \$300,500. As the Hayward community continues to be affected by the prolonged economic recession and uncertainties, and in consideration of Council's policy of utilizing funding in the Public Services category for exclusively housing-related services for low-income residents, priority was given to fair housing activities, and foreclosure counseling and mitigation services, and homeless services including shelters.

In mid-Alameda County, it is estimated that on any given night, approximately 1,071 people are homeless, 53% of whom are households that include children, with over 80% of those households headed by single females. Approximately 7% of all mid-County Homeless people (between 61 and 105 individuals) meet the definition of chronically homeless. The shelters that are recommended to receive funding provide 122 shelter beds each night, or 44,530 shelter “bednights” annually. All of the shelters recommended to receive funding are “service-enriched,” meaning that case management and other services are provided, in addition to hot meals and safe, clean places to sleep.

Following are comments and analysis of the applications which are not being recommended for funding in FY 2012:

Application #1:Housing Rehabilitation Revolving Loan Program (City of Hayward): The City has operated the Housing Rehabilitation Loan Program for over twenty years, assisting 15 – 20 low-income households each year with low-interest, deferred loans to maintain the safety and accessibility of their housing.

Approximately half the clients assisted through this program have been seniors (62+), and approximately half the loans made through this program have been made to owners of mobile homes. Since 2005, fifty-two loans have been made, for a total program cost of \$1,940,894.

As Council is aware, local home values have dropped, negatively affecting homeowners’ proportion of equity in their properties; in some cases, homeowners have no equity at all and owe their lenders more than the market value of their homes. Individuals’ financial circumstances can be complex, and recovery - if achievable -can span years. In the past year, applicants to the City’s loan program frequently faced multiple financial dilemmas including pending or underway foreclosures, missed mortgage payments, unpaid property taxes, maxed-out home equity lines of credit (HELOC), and monthly debt-service that approaches or exceeds their monthly incomes.

In the past year, there were three instances in which the City was forced to forgive loans stemming from two short sales and a health crisis, totaling \$85,665.84. Staff has been notified four others, totaling \$134,580, are “under water” and have requested forgiveness in order to facilitate loan modifications. Two loan projects are pending, both of which pertain to homes that are in pre-foreclosure but whose owners are working with foreclosure mitigation specialists.

Although the program’s focus has been to assist low-income homeowners, these economic circumstances, although temporary, call into question the practicality of making loans to households whose financial circumstances may be unsustainable. Rather, it may be more helpful to assist these homeowners with grants through the Minor Home Repair Grant program, and it would be a more efficient use of staff time.

Consequently, it is recommended that the Housing Rehabilitation Loan Program *not* receive a FY 2012 allocation of CDBG funds, and that the loan program utilize its remaining current-year (\$180,000) and CDBG-R (\$111,780) allocations, along with program income, to make deferred loans as capacity allows, to homeowners whose individual financial circumstances reflect an ability to sustain their independence and eventually repay the loans. A reasonable standard to apply could be sufficient equity to repay the principal plus interest if the loan were due in ten years, which is the approximate average length of time a loan is outstanding.

Although the loan program has been able to offer larger amounts of money per loan, the *Minor Home Repair Grant*(Application #2) program's guidelines are being updated for FY 2012 to increase the maximum size of a grant from approximately \$5,000 to approximately \$10,000 or more so that low-income homeowners, including those who struggle with some of the challenges described above, could be assisted with accessibility, and urgent health and safety related repairs (e.g., water heaters, furnaces, roofing). The adjustment in grant size is further warranted by the costs associated with construction work and the relatively modest impacts that can be achieved within the previous \$5,000 limit. This is especially true of work performed on mobile homes, which must generally be performed by specialty trades, requires uniquely-sized appliances, and is approved by State rather than City inspectors. The grant program would also continue to partner with the City's Community Preservation Program, to assist eligible homeowners with the correction of code violations, to address neighborhood appearance problems, and incorporate energy-efficiency standards that are consistent with the City's Green Building Standards.

Application#3: Northern California Community Development (Faith Manor Apartments): The Faith Manor Apartments are located on Forselles Way at Tyrell Avenue. The project would replace the 62-unit complex's roof and retrofit all single-paned windows with double-paned windows. Although this project serves a diverse and primarily low-income group of tenants, there were several concerns that ultimately culminated in a recommendation to not provide funding to this project.

First, although each tenants required to provide documentation to verify their low-income status at application to Faith Manor, there seemed to be no formal system in place for monitoring the ongoing income-eligibility of tenants, which would be required if the program were to receive Federal CDBG funds. In general, the style of project management seemed informal, which is not to say that it seemed ineffective. However, the information provided in the application and the interview lacked sufficient specificity and detail (e.g., the age of the buildings, amounts of money expended annually to maintain the property, rent schedule, number of residents, demographics) to warrant a recommendation to provide funds to the project.

Application #9: Afghan and International Refugees Support Services (AIRSS) and Bay Area Immigrant and Refugee Services (BAIRS): This program would provide people who are immigrants and refugees with basic case management, referrals, translation/interpretation, and assistance with understanding variations in culture. Although not currently funded, this project has received grants in prior years through the City's Social Services Program.

Programs funded in the CDBG Public Services category are required to be housing-related services. In this instance, the applicant is not a housing provider, nor was the program's relationship to housing made clear, in the application or the interview. Therefore, the application was determined to be ineligible for CDBG funding at this time given current Council policies.

Application #20: Hope for the Heart (Public Services): Hope for the Heart is a food distribution site on Meekland Avenue in the unincorporated area of north Hayward. This application requested funds to purchase thirty palette racks for its food warehouse. Although Hope for the Heart provides a much-needed service to local agencies and residents, Federal CDBG regulations do not allow for the purchase of equipment, and thus the application was determined to be ineligible.

Application #21: Kidango: This application requested funds to support an existing child care program at the Eden Self-Sufficiency Center on Amador Street in Hayward. CDBG funding received would be combined

with other sources of subsidy to further reduce the cost of childcare for the families whose children are enrolled at the program.

This application was determined to be ineligible, because although childcare, like transportation and employment, is a basic resource to support housing, the applicant is not a housing provider, nor was the program's relationship to housing made clear. Thus, the application was determined to be ineligible for CDBG funding at this time given current Council policies.

Application #28: Young Entrepreneurs Program: This proposal would "match" adolescents from families receiving assistance from the CalWorks' Welfare-to-Work program, with small business owners in Hayward who would serve as mentors. The young people would receive exposure to entrepreneurship and gain employment skills, and the business owners, who might otherwise not be able to hire additional employees, would benefit from the young peoples' contributions and work efforts.

Although technically eligible as an economic development activity, the proposal is not recommended to receive funding for the following reason: HUD requires that for every \$35,000 invested in an economic development activity, one full-time job must be created, and although the program seemed worthwhile, due to the current economy, it was not clear that the program would actually create jobs and meet HUD job creation criteria.

FISCAL IMPACT

The CDBG Program does not have a negative impact on the City's General Fund, as a portion of CDBG funds (up to 20%) may be used to pay for administration of the grants by City staff, including Federal environmental review, contracting, Labor Standards monitoring, lead-based paint compliance, procurement of contractors, site inspections, financial management, and Federal reporting.

PUBLIC CONTACT

On October 30, 2010, a [Notice of Funding Availability](#) was published in the Daily Review newspaper. CDBG application materials were published on November 15, 2010 and a Funding Forum and Technical Assistance Workshop was conducted on December 8, 2010.

At the Funding Forum, applicants received an orientation to CDBG funding. The orientation included an explanation of the purpose and limitations of the CDBG program, advisories that up to 15% of CDBG funds may be used for Public Services, as defined by the CDBG Regulations and Council's Categories of Need, and that it is Council's policy to utilize Public Services funding to support exclusively *housing-related* social services for low-income Hayward residents. Applicants were informed about the City's [Social Services Program](#), which is funded by the City's General Fund, and provides grants to support other types of community services that are outside the parameters of the CDBG program.

A Public Notice was published on Saturday, October 30, 2010, announcing the availability of funds for CDBG projects. During that week, paper copies of the Public Notice were mailed and/or emailed to currently funded agencies, previously funded agencies, applicants from previous years, and everyone on the CDBG and Social Services mailing list (several hundred individuals and local agencies). The

CDBG application package was available to the community electronically on the City's website beginning on November 15, 2010.

All funding deliberations took place at properly noticed Citizens Advisory Commission meetings that were open to the public. These meetings took place on February 16, 2011 and March 16, 2011. The weeks in between these meetings constituted a public comment period, during which members of the public, including applicants, could submit their comments regarding the funding process or the funding recommendations. At the March 16, 2011 Citizens Advisory Commission meeting, there were twelve community members in attendance who signed the visitors' sign-in sheet, and six comments were presented:

- Betty DeForest, representing the South Hayward Parish, was in attendance.
- Dave McKeown, representing the Eden Youth and Family Center, was in attendance.
- Cate Steane, representing the Family Emergency Shelter Coalition (FESCO), was in attendance.
- Vincent Cheng, representing the 4-C's of Alameda County, was in attendance.
- Ron Gillette, representing Women on the Way, was in attendance.
- Erin Scott, representing the Family Violence Law Center, was in attendance.
- Victoria Popejoy, representing Hope for the Heart, was in attendance. She expressed her appreciation to the Commission for its recommendation to provide funding to Hope for the Heart.
- Gabriel Hernandez, representing the Hayward Day Labor Center, was in attendance. He said the past year has been a difficult one for many people who have been seeking employment, and thanked the Commission for its recommendation to provide funding to the Day Labor Center.
- Margie Rocha, representing ECHO Housing, expressed her appreciation to the Commission for its work, and for its recommendation to provide funding to ECHO Housing's Landlord-Tenant, Fair Housing Counseling, Rental Assistance, and Foreclosure Mitigation programs. She said this has been a difficult year for nonprofit agencies, and that Hayward residents would be well-served by her agency's programs.
- Ralph Johnson, representing the Emergency Shelter Program, was in attendance, and expressed his agency's appreciation for the continued support from the City.
- Sara Lamnin, representing the Hayward Community Action Network (CAN), was in attendance. She thanked the Commission for its work and recommendation to provide funding to CAN. She also commended the CAC for its participation in this year's Strategic Planning Process.
- Karl Zabel, representing the Hayward Area Recreation and Park Department (HARD), was in attendance. He expressed his agency's appreciation for the funding recommendation for the Senior Center, and invited Commissioners to visit the Southgate Center project, which is nearing completion.

On Saturday, March 19, 2011, a notice was published in the Daily Review newspaper, to announce that City Council will conduct a Public Hearing on Tuesday, April 19, 2011, during which Council will make its FY 2012 CDBG allocations.

On Tuesday, April 5, 2011 City Council conducted a work session to discuss the FY 2012 CDBG applications. Council Member Halliday commended the Citizens Advisory Commission for its efforts and achievement in establishing a balanced set of recommendations during a difficult budget year, and despite the uncertainty of the Federal budget projections. Council Member Salinas requested brief summary data on the numbers of homeless individuals in Hayward, which has been incorporated into this report.

Council Members noted that the City spends money each year on the Eden Youth and Family Center, particularly on roof replacement and repair; and expressed interest in doing something that addressed the entire problem and not just a piece of it. They expressed concern about quality of work and value of continually repairing an old building. Several Council Members commented on the importance of structuring contracts and work programs to avoid unnecessary duplication of service, and the need to promote the availability of resources to Hayward residents.

NEXT STEPS

Adopt the attached resolution approving Fiscal Year 2012 Community Development Block Grant funding allocations and Annual Action Plan.

Prepared by: Anne Culver, Social Services Planning Manager

Recommended by: Sean Reinhart, Library and Community Services Director

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution Approving FY 2012 CDBG Allocations and One Year Action Plan
- Attachment II: CAC's and Staff's FY 2012 CDBG Funding Recommendations Chart
- Attachment III: Applications Supporting City Council Priorities
- Attachment IV: Application Summaries

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING THE ANNUAL PLAN AND AUTHORIZING AN APPLICATION FOR FEDERAL ASSISTANCE UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2012.

WHEREAS the Housing and Community Development Act of 1974 makes funds available to qualified cities for certain community development activities; and

WHEREAS the City of Hayward is qualified to receive certain funds pursuant to said act; and

WHEREAS the City Council has considered public testimony and the Community Development Block Grant Program recommendations prepared by staff and the Citizens Advisory Commission, a copy of which is attached as Attachment A and hereby referred to for further particulars; and

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

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

IN COUNCIL, HAYWARD, CALIFORNIA, April 19, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES COUNCIL MEMBERS:

NOES COUNCIL MEMBERS:

ABSTAIN COUNCIL MEMBERS:

ABSENT COUNCIL MEMBERS:

MAYOR: Sweeney

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

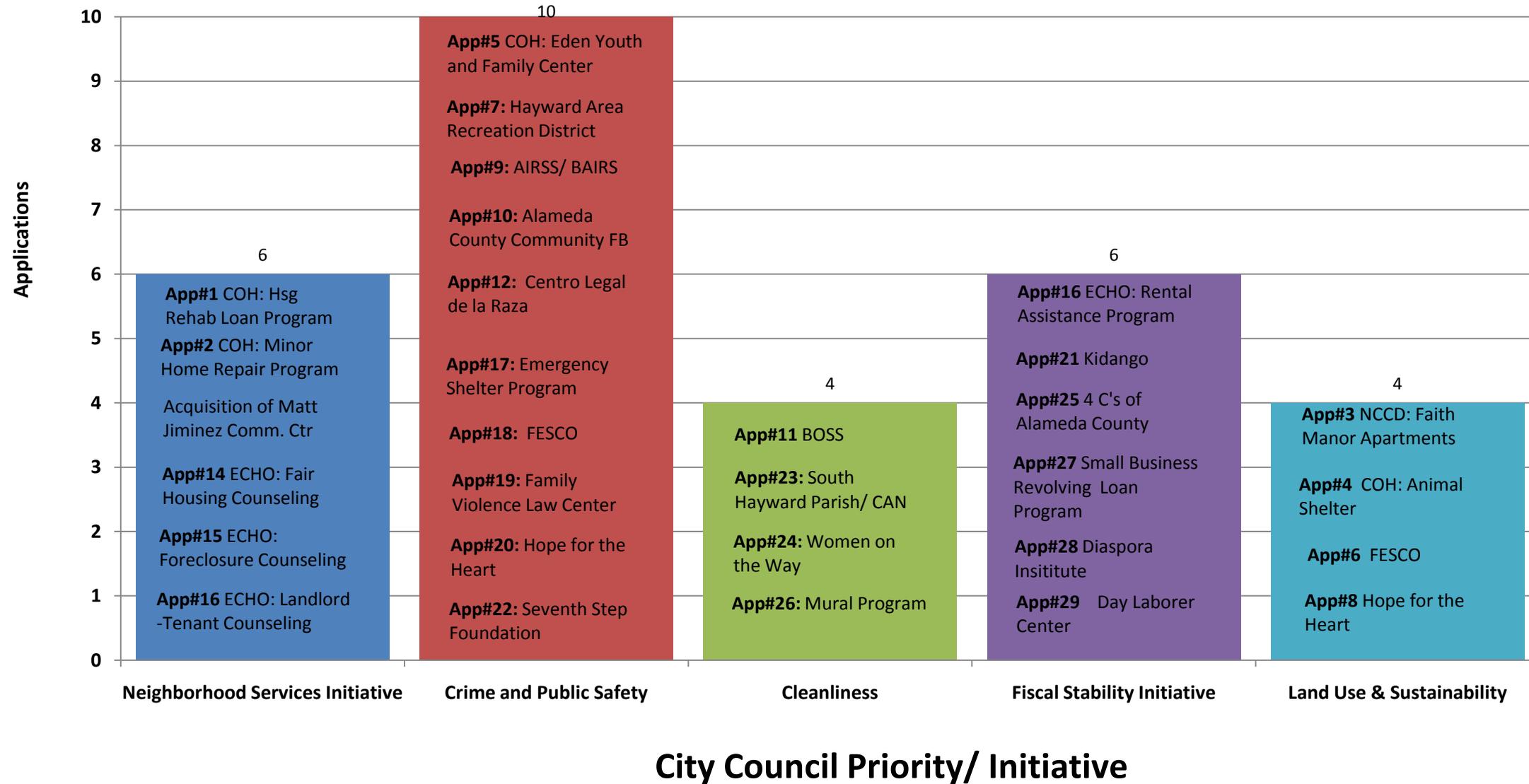
City Attorney of the City of Hayward

**Community Development Block Grant (CDBG)
FY 12 Funding Recommendations**

App. #:	CATEGORY	Amount Requested	FY 12 CDBG Funding Recommendations		%	App. #:
			CAC Recommendations	Staff Recommendations		
	HOUSING & HOUSING REHABILITATION					
1	COH: Housing Rehab Loan Program	180,000	0	0	0.00%	1
2	COH: Minor Home Repair Program	268,000	268,000	268,000	16.81%	2
3	NCCD: Faith Manor Apartments	250,000	0	0	0.00%	3
	Subtotals:	698,000	268,000	268,000		
	NEIGHBORHOOD FACILITIES & IMPROVEMENTS					
	Acquisition of Matt Jimenez Community Center	133,330	133,330	133,330	8.37%	
4	COH: Animal Shelter	200,000	200,000	200,000	12.55%	4
5	COH: Eden Youth and Family Center	300,000	125,000	125,000	7.84%	5
26	COH: Mural Program/Code Corrections	50,000	50,000	50,000	3.14%	
6	FESCO	12,000	12,000	12,000	0.75%	6
7	HARD	120,000	100,000	100,000	6.27%	7
8	Hope for the Heart	50,000	50,000	50,000	3.14%	8
	Subtotals:	865,330	670,330	670,330		
	PUBLIC SERVICES					
9	AIRSS & BAIRS	35,000	Ineligible	Ineligible		9
10	Alameda County Community Food Bank	35,000	35,000	35,000	2.20%	10
11	BOSS/South County Homeless Shelter	15,000	15,000	15,000	0.94%	11
12	Centro Legal de la Raza	17,000	17,000	17,000	1.07%	12
13	ECHO:Fair Housing Counseling	20,000	20,000	20,000	1.25%	13
14	ECHO: Foreclosure Counseling	25,000	25,000	25,000	1.57%	14
15	ECHO: Landlord-Tenant Counseling	20,000	20,000	20,000	1.25%	15
16	ECHO: Rental Assistance Program	5,525	5,525	5,525	0.35%	16
17	Emergency Shelter Program	26,000	26,000	26,000	1.63%	17
18	FESCO	40,000	40,000	40,000	2.51%	18
19	Family Violence Law Center	50,000	50,000	50,000	3.14%	19
20	Hope for the Heart	32,000	Ineligible	Ineligible	0.00%	20
21	Kidango	25,000	Ineligible	Ineligible	0.00%	21
22	Seventh Step Foundation-Job Developer	16,975	16,975	16,975	1.07%	22
23	So. Hayward Parish/CAN	15,000	15,000	15,000	0.94%	23
24	Women on the Way	15,000	15,000	15,000	0.94%	24
	Subtotals:	392,500	300,500	300,500		
	ECONOMIC DEVELOPMENT & COMMERCIAL REHABILITATION					
25	4 C's of Alameda County	35,000	35,000	35,000	2.20%	25
27	COH: Small Business Revolving Loan Program	200,000	200,000	200,000	12.55%	27
28	Young Entrepreneurs Program	51,250	0	0	0.00%	28
29	Hayward Day Laborer Center	120,000	120,000	120,000	7.53%	29
	Subtotals:	406,250	355,000	355,000		
	GRAND TOTALS:	2,362,080	1,593,830	1,593,830	100.00%	

Highlight = NEW applications.

Community Development Block Grant (CDBG) FY 11-12 Applications



City of Hayward
FY 11-12 CDBG
Application Summaries

#1

Housing Rehabilitation Loan Program

City of Hayward
Community Services Division

510-583-4238

Contact: Anne Culver, Soc. Svc. Planning Mgr.
Anne.Culver@hayward-ca.gov

FY 11-12 Funding Requested: \$ 180,000
FY 11-12 CAC Recommendation: \$ 0
FY 11-12 Staff Recommendation: \$ 0

Summary: This program provides deferred, below-market rate loans to low-income Hayward homeowners, including seniors and people who have disabilities. Eligible types of work include code corrections, roof replacement, structural and mechanical repairs, and accessibility improvements. The program emphasizes energy-efficient utilities and environmentally-friendly materials. This program closely complements the City's Minor Home Repair Program.

Proposed FY 11-12 Outcomes Include: FY 12 funding is not recommended for the Housing Rehabilitation Loan Program. A comprehensive rationale for this recommendation is provided in the staff report to Council.

Year of Project Inception: 1978

Previous City Funding? YES

#2

Minor Home Repair Program

Grants for Low-Income Homeowners

City of Hayward

Community Services Division

510-583-4238

Contact: Anne Culver, Soc. Svc. Planning Mgr.

Anne.Culver@hayward-ca.gov

FY 11-12 Funding Requested: \$ 268,000

FY 11-12 CAC Recommendation: \$ 268,000

FY 11-12 Staff Recommendation: \$ 268,000

Summary: This program provides grants for low-income Hayward homeowners, including seniors and people who have disabilities, to make accessibility modifications, correct code violations, and make health and safety related repairs. The program emphasizes energy-efficient options and environmentally-friendly materials. In FY 12 approximately 50 grants will be made to eligible homeowners.

Proposed FY 12 Outcomes Include: 12 incipient code compliance cases will be prevented from requiring enforcement proceedings. 10 outdated, energy-inefficient furnaces will be replaced with Energy-Star units. 10 mobile homes will have energy-efficient evaporative coolers installed. 15 Hayward residents who have disabilities will benefit from improved accessibility at home through the installation of ramps, grab bars, etc. 25 evergreen, drought-tolerant trees and bushes will be planted. 5 homes' single-paned windows will be retrofitted with energy-saving double-paned windows.

Year of Project Inception: 1978

Previous City Funding?

YES

#3

Northern California Community Development (NCCD)

907 W. Tennyson Road
Hayward, CA 94544

Faith Manor Apartments

510-714-4410
Contact: Landis Graden
Lgraden@dcgdev.com

FY 11-12 Funding Requested : \$ 250,000
FY 11-12 CAC Recommendation: \$ 0
FY 11-12 Staff Recommendation: \$ 0

Summary: The Northern California Community Development (NCCD) agency provides affordable housing at the Faith Manor Apartments located at 907 West Tennyson Road in Hayward. The project proposes to complete housing rehabilitation for all 62 units at this housing development. Approximately 186 low-income unduplicated Hayward individuals reside at the Faith Manor Apartments.

Proposed Outcomes Include: Funds would be used to remove old single pane windows and install dual-paned energy efficient windows. In addition, the agency is requesting funds to replace roofing on each apartment. The energy efficiency upgrades would produce energy savings and also lower tenants' utility bills.

Year of Project Inception: 2008

Previous City Funding ?

NO

#4

Hayward Animal Shelter

Shelter Rehabilitation

City of Hayward
 16 Barnes Court
 Hayward, CA 94544

510-293-7200

Contact: Jennie Comstock
jennie.comstock@hayward-ca.gov

FY 11-12 Funding Requested: \$ 200,000
 FY 11-12 CAC Recommendation: \$ 200,000
 FY 11-12 Staff Recommendation: \$ 200,000

Summary: The Animal Shelter provides care and shelter to lost, abandoned, or abused pets within the City of Hayward. Each year 3,800 animals are sheltered at the facility, supporting Council's Crime and Public Safety Priority. The shelter serves the entire Hayward community, and is located at the junction of three low-income census tracts. The shelter is requesting funds to upgrade the facility for safe management and comfort of the animals and volunteers who work with the animals.

Proposed Outcomes Include: Subject to available funding, items to be addresses in order of priority include: installation of zoned, climate-control systems, improved lighting, improved acoustics to decrease stress and agitation, installation of a commercial-grade sanitizer for food storage containers and food bowls, on-demand hot water for sanitation of cages and the various animal wards, and improved street signage and exterior paint.

Year of Project Inception: 1982

Previous City Funding ?

NO

#5

Eden Youth & Family Center

City of Hayward Rehabilitation

680 West Tennyson Rd.
Hayward, CA 94544

510-583-4238

Contact: Anne Culver
Anne.Culver@hayward-ca.gov

FY 11-12 Funding Requested: \$ 125,000
 FY 11-12 CAC Recommendation: \$ 125,000
 FY 11-12 Staff Recommendation: \$ 125,000

Summary: The facility is home to nine social services programs that serve the neighborhood, which is populated by predominantly low-income Hayward residents. Earlier this year, four classrooms were painted and re-carpeted, and the entire roof system is currently being replaced. Roofing materials selected will reflect light and heat to better insulate the interior spaces during the hot summer months.

Proposed Outcomes Include: This allocation would be the second of three planned phases to rehabilitate the facility's highest priority items to sustain its existing uses for a period of five to ten years. Work to be undertaken in FY 11-12 would include an upgraded electrical system, landscaping/security, and signage.

Year of Project Inception: 1979

Previous City Funding ?

YES

#26

Mural Art/Graffiti Abatement
 (Neighborhood Facilities)
 City of Hayward
 Neighborhood Services Division

510-583-4238

Contact: Anne Culver, Soc. Svc. Planning Mgr.
Anne.Culver@hayward-ca.gov

FY 11-12 Funding Requested: \$ 50,000
 FY 11-12 CAC Recommendation: \$ 50,000
 FY 11-12 Staff Recommendation: \$ 50,000

Summary: Mural art has been shown to deter vandalism, and the City of Hayward has begun a program to install beautiful murals on some of the most graffiti-prone community facilities in the City's low-income census tracts.

Proposed FY 11-12 Outcomes Include: Local artists will work with volunteers to create mural artwork on school buildings, community centers, and other structures that are open to the public.

Current year funding has been used to support the installation of a school mascot mural at Winton Middle School. All mural art receives two coats of anti-graffiti coating, applied by volunteers. Winton Middle School is located in a low-income census tract, and 68% of its students are from low-income households.

Year of Project Inception: 2008

Previous City Funding ?

YES

#6

Family Emergency Shelter Coalition
Disaster Preparedness

22671 3rd Street
Hayward, CA 94541

510-886-5473

Contact: Rebecca Walden
rwalden@fescofamilyshelter.org

FY 11-12 Funding Requested: \$ 12,000
FY 11-12 CAC Recommendation: \$ 12,000
FY 11-12 Staff Recommendation: \$ 12,000

Summary: The FESCO Family Shelter is a twenty-four bed shelter for families. In addition to shelter, families receive meals, case management, counseling, and housing placement assistance. The shelter serves approximately 130 individuals, or 30 families, each year. The shelter reports a 25% housing placement rate.

FESCO's proposal requests funds to perform a limited seismic retrofit of the shelter facility.

Proposed FY 11-12 Outcomes Include: Funding is requested for FESCO's 3rd Street family shelter. The project would add bolts to the foundation and add shear-wall in the cripple-wall areas of the ground floor / basement.

Year of Project Inception: 1986

Previous City Funding ?

YES

#7

Hayward Area Recreation & Park District
 Senior Center Kitchen Rehabilitation
 22325 N. Third
 Hayward, CA 94541

510-881-6714

Contact: Karl Zabel
zabk@haywardrec.org

FY 11-12 Funding Requested: \$ 120,000
 FY 11-12 CAC Recommendation: \$ 100,000
 FY 11-12 Staff Recommendation: \$ 100,000

Summary: The Senior Center, located on Third Street in Hayward, provides activities and services for Hayward seniors. Each year 30,000 – 35,000 seniors visit and use this facility. Ongoing activities include social services, special events, bingo, lunches, classes, pool tables, activities, day trips, tours, computer laboratories with internet access, and libraries. The on-site commercial kitchen is utilized to prepare 12,000 hot meals each year, for seniors, drop-ins, and take-home use. Over forty programs, in addition to the senior center, use the kitchen for events and classes.

Proposed FY 11-12 Outcomes Include: If allocated, funds would be used to upgrade the Senior Center’s outdated kitchen to meet the Health Department’s commercial standards and to meet ADA accessibility standards.

Year of Project Inception: 1975 Previous City Funding ? YES

#8

Hope for the Heart

Solar Panels

22035 Meekland Ave.
Hayward, CA 94541

510-581-4673

Contact: Victoria Popejoy, Executive Director
victoria@hope4theheart.org

FY 11-12 Funding Requested: \$ 50,000
 FY 11-12 CAC Recommendation: \$ 50,000
 FY 11-12 Staff Recommendation: \$ 50,000

Summary: Hope for the Heart operates an all-volunteer food distribution warehouse in the unincorporated area of north Hayward. The agency works with over 120 organizations and approximately 10,800 unduplicated low-income Hayward residents on an annual basis. In addition to distributing perishable and non-perishable food items, the agency also distributes toiletries and baby diapers.

Proposed FY 11-12 Outcomes Include: The applicant has secured funding from other sources to rebuild its warehouse, which was destroyed in a fire in 2008.

If funding is allocated from the City of Hayward, the money would be used to install solar panels on the roof of the new warehouse. The solar panels would generate electricity which would effectively lower the agency's operational expense.

Year of Project Inception: 2000

Previous City Funding?

YES

#9

AIRSS & BAIRS

Immigrant and Refugees Program

27287 Patrick Ave.
Hayward, CA 94541

510-782-6001

Contact: Dr. Ali Mardanzai, Executive Director
ali.mardanza@yahoo.com

FY 11-12 Funding Requested: \$ 35,000
FY 11-12 CAC Recommendation: \$ 0
FY 11-12 Staff Recommendation: \$ 0

Summary: This program provides people who are immigrants and refugees with basic case management, referrals, translation/interpretation, and assistance with understanding variations in culture. Although not currently funded, this project has received grants in prior years through the City's Social Services Program.

Proposed FY 11-12 Outcomes Include: Programs funded in the CDBG Public Services category must be housing-related services. In this instance, the applicant is not a housing provider, nor was the program's relationship to housing made clear, in the application or the interview. Therefore, the application was determined to be ineligible for CDBG funding at this time given current Council policies.

Year of Project Inception: 1971

Previous City Funding ?

YES

#10

Alameda County Community Food Bank

7900 Edgewater Drive
Oakland, CA 94621

510-636-4903

Contact: Suzan Bateson, Executive Director
sbateson@accfb.org

FY 11-12 Funding Requested: \$ 35,000
FY 11-12 CAC Recommendations: \$ 35,000
FY 11-12 Staff Recommendations: \$ 35,000

Summary: The Alameda County Community Food Bank's Food Distribution-Food Purchase Program delivers high-nutrient food to Hayward homeless shelters, and provides on-site nutrition education and technical assistance to shelter staff and their clients to maximize limited food and financial resources.

Proposed FY 11-12 Outcomes Include: The Food Bank would purchase and deliver highly nutritious food each month for Hayward homeless shelters. This year, each shelter would have the option of "spending" its "share" of the grant by "shopping" at the Food Bank. An average of 125 unduplicated low-income Hayward residents would be served by this program each month.

Year of Project Inception: 1984

Previous City Funding ?

YES

#11

BOSS/ South County Homeless Project

258 West "A" Street
Hayward, CA 94541

510-537-1413

Contact: Calvin Walker, Program Coordinator
calvin@self-sufficiency.org

FY 11-12 Funding Requested: \$ 15,000
 FY 11-12 CAC Recommendation: \$ 15,000
 FY 11-12 Staff Recommendation: \$ 15,000

Summary: The South County Homeless Project represents the sole mid-county facility that provides shelter, meals, and support services to homeless people who have mental health problems, addictions, and other characteristics of chronically homeless individuals. The shelter has 24 beds (10 for women and 14 for men).

Proposed FY 11-12 Outcomes Include: Funding would be used to provide operational support to the program, which reports a 17% permanent housing placement rate, a 14% placement rate into transitional housing. The BOSS shelter served 62 homeless individuals with shelter and support services, during the first half of this year.

Year of Project Inception: 1988

Previous City Funding ?

YES

#12

Centro Legal de la Raza

770 "A" Street
Hayward, CA 94541

510-437-1554

Contact: Jessica Wickens
jessicawickens@centrolegal.org

FY 11-12 Funding Requested: \$ 17,000
FY 11-12 CAC Recommendation: \$ 17,000
FY 11-12 Staff Recommendation: \$ 17,000

Summary: Centro Legal de la Raza provides free legal aid and tenants' rights education to low-income Hayward residents facing eviction, including those Hayward residents referred by the mid-County Homeless Assistance Center.

Proposed FY 11-12 Outcomes Include: Funding would be used to offer a monthly housing clinic in Hayward to serve approximately 35 unduplicated low-income Hayward residents with eviction defense, advice, and brief legal services to help them retain their housing or obtain additional time to relocate. During the first half of this year, 21 unduplicated Hayward residents received legal assistance, and 11 retained their housing or obtained additional time to move.

Year of Project Inception: 2002

Previous City Funding ?

YES

#13

ECHO Housing/ Fair Housing

770 "A" Street
Hayward, CA 94541

510-581-9380

Contact: Margie Rocha
Margie@echofairhousing.org

FY 11-12 Funding Requested: \$ 20,000
FY 11-12 CAC Recommendation: \$ 20,000
FY 11-12 Staff Recommendation: \$ 20,000

Program Purpose: Eden Council for Hope & Opportunity (ECHO) is a comprehensive housing counseling agency. The Fair Housing Counseling and Investigation program enables low-income persons to access housing regardless of race, nation origin, gender, sexual orientations, HIV- status, ethnicity, marital status, mental physical disability, religion, or family composition.

Proposed FY 11-12 Outcomes Include: Funding would be used to conduct 3 workshops, pay for outreach materials, and conduct 5 outreach events to approximately 95 individuals. ECHO would respond to all inquiries and discrimination complaints, maintain a pool of 6 testers to investigate discrimination complaints, investigate 15 discrimination complaints, refer 4 investigate cases to attorneys or other appropriate government agencies, conciliate 3 investigated cases, and conduct a fair housing audit.

Year of Project Inception: 1964

Previous City Funding ?

YES

#14

ECHO Housing/ Foreclosure Mitigation

770 "A" Street
Hayward, CA 94541

510-581-9380

Contact: Margie Rocha
Margie@echofairhousing.org

FY 11-12 Funding Requested: \$ 25,000
FY 11-12 CAC Recommendation: \$ 25,000
FY 11-12 Staff Recommendation: \$ 25,000

Program Purpose: Eden Council for Hope & Opportunity (ECHO) is a comprehensive housing counseling agency. The Foreclosure Mitigation Counseling provides mortgagors, who are in danger of pre-foreclosure or foreclosure, with options regarding their financial situation. This includes, but not limited to, loan modifications, refinancing, deferment, or filing for bankruptcy.

Proposed FY 11-12 Outcomes Include: If funded, ECHO would provide pre-foreclosure or foreclosure mitigation counseling to an initial 62 Hayward families, and as appropriate, assist eligible homeowners to achieve loan modifications.

During the first half of the current year, ECHO screened 77 households to assist 13 households, ultimately achieving loan modifications in 4 cases, with others pending.

Year of Project Inception: 1980

Previous City Funding ?

YES

#15

ECHO Housing/ Landlord-Tenant

770 "A" Street
Hayward, CA 94541

510-581-9380

Contact: Margie Rocha
Margie@echofairhousing.org

FY 11-12 Funding Requested: \$ 20,000
FY 11-12 CAC Recommendation: \$ 20,000
FY 11-12 Staff Recommendation: \$ 20,000

Summary: Eden Council for Hope & Opportunity (ECHO) is a comprehensive housing counseling agency. Landlord/Tenant Counseling and Mediation offers mediation/conciliation, when appropriate, to resolve disputes between tenants and landlords; to prevent evictions and to provide general information and referrals regarding tenant/landlord rights and responsibilities.

Proposed FY 11-12 Outcomes Include: ECHO would use funding to conduct 2 workshops to renters and landlords, provide housing information, counseling, investigation, referral, and mediation in responses to 328 tenant/landlord complaints or requests, provide mediation or conciliation of housing disputes to 14 individuals, and provide intervention counseling resulting in eviction prevention to 7 households.

Year of Project Inception: 1973

Previous City Funding?

YES

#17

Emergency Shelter Program, Inc.

Confidential Address
 Hayward, CA Census Tract: 4377

510-581-5626

Contact: Ralph E. Johnson
ralph@espca.org

FY 11-12 Funding Requested: \$ 26,000
 FY 11-12 CAC Recommendation: \$ 26,000
 FY 11-12 Staff Recommendation: \$ 26,000

Summary: Emergency Shelter Program, Inc. (ESP) provides emergency shelter and support services to women and children who are victims of domestic violence or homelessness. Support services include case management, advocacy, information and referral, childcare, and housing and employment search assistance. ESP also provides 24-hour phone support through its crisis hotline.

Proposed FY 11-12 Outcomes Include: ESP would use funding as operational support to provide approximately 68 unduplicated low-income Hayward residents with shelter and support services.

In the current year ESP has served 78 women and children, and reports a placement rate of 32% into permanent housing, with another 35% moving from the shelter to stay with friends or family.

Year of Project Inception: 1972

Previous City Funding ? YES

#18

Family Emergency Shelter Coalition

21455 Birch Street, Suite #5
Hayward, CA 94541

510-886-5473

Contact: Rebecca Walden
rwalden@fescofamilyshelter.org

FY 11-12 Funding Requested: \$ 40,000
FY 11-12 CAC Recommendation: \$ 40,000
FY 11-12 Staff Recommendation: \$ 40,000

Summary: The FESCO Family Shelter is a twenty-four bed shelter for families. In addition to shelter, families receive meals, case management, counseling, and housing placement assistance. The shelter serves approximately 130 individuals, or 30 families, each year.

Proposed FY 11-12 Outcomes Include: Funding would be used to provide operational support to provide 38 families (139 individuals) with shelter and support services at the family shelter.

In the current year, FESCO has served 23 families comprising sixty-eight individuals. The shelter reports a 25% housing placement rate.

Year of Project Inception: 1986

Previous City Funding?

YES

#19

Family Violence Law Center

P.O. Box 22009
Oakland, CA 94623

510-208-0220

Contact: Cherri N. Allison
cherri@fvlc.org

FY 1-12 Funding Requested: \$50,000
FY 11-12 CAC Recommendation: \$50,000
FY 11-12 Staff Recommendation: \$50,000

Summary: The Family Violence & Homelessness Prevention (FVHP) program will enable families to extract themselves from danger from domestic violence without becoming homeless or experiencing further injury. Services include crisis intervention, and legal or other stabilizing services.

Proposed FY 11-12 Outcomes Include: If funded, at least 115 unduplicated low-income Hayward victims experiencing domestic violence would have access to full range of legal and supportive services necessary to rebuild healthy, safe lives for themselves and their families.

142 unduplicated Hayward victims (74 adults and 68 children) were served during the first half of the current year, most with crisis counseling and safety planning. 35 received direct legal representation, and 15 received emergency relocation assistance.

Year of Project Inception: 1978

Previous City Funding?

YES

#20

Hope for the Heart

22035 Meekland Ave.
Hayward, CA 94541

510-581-4673

Contact: Victoria Popejoy, Executive Director
victoria@hope4theheart.org

FY 11-12 Funding Requested: \$32,000
FY 11-12 CAC Recommendation: \$ 0
FY 11-12 Staff Recommendation: \$ 0

Summary: Hope for the Heart operates an all-volunteer food distribution warehouse in the unincorporated area of north Hayward. The agency works with over 120 organizations and approximately 10,800 unduplicated low-income Hayward residents on an annual basis. In addition to distributing perishable and non-perishable food items, the agency also distributes toiletries and baby diapers.

This application was determined to be ineligible.

Proposed FY 11-12 Outcomes Include: The reason for this application’s ineligibility is as follows: Hope for the Heart would use the funds to purchase warehouse pallets, which is not an eligible CDBG expense.

Year of Project Inception: 2000

Previous City Funding?

YES

#21

Kidango, Inc.

24100 Amador St.
Hayward, CA 94544

Affordable Childcare

510-897-6913

Contact: Marc Baker
mbaker@kidango.org

FY 11-12 Funding Requested: \$ 25,000
 FY 11-12 CAC Recommendation: \$ 0
 FY 11-12 Staff Recommendation: \$ 0

Summary: This application requested funds to support an existing child care program at the Eden Self-Sufficiency Center on Amador Street in Hayward. CDBG funding received would be combined with other sources of subsidy to further reduce the cost of childcare for the families whose children are enrolled at the program.

Proposed FY 11-12 Outcomes Include: This application was determined to be ineligible, because although childcare, like transportation and employment, is a basic resource to support housing, the applicant is not a housing provider, nor was the program’s relationship to housing made clear. Thus, the application was determined to be ineligible for CDBG funding at this time given current Council policies.

Year of Project Inception: 1979

Previous City Funding ?

YES

#22

Seventh Step Foundation, Inc.

Job Developer

475 Medford Avenue
Hayward, CA 94541

510-278-0230

Contact: Ron Doyle, Executive Director
SeventhStep@comcast.net

FY 11-12 Funding Requested: \$ 16,975

FY 11-12 CAC Recommendation: \$ 16,975

FY 11-12 Staff Recommendation: \$ 16,975

Summary: The Seventh Step Foundation, Inc. / Freedom House is a 32-bed facility located in the unincorporated area of north Hayward to assist homeless adult male parolees discharged from the California Correctional System. Parolees returning to the Hayward area often struggle with substance and alcohol abuse issues as well as obstacles to achieving employment, educational, vocational, and stable housing. The agency is requesting funds to continue to support a job developer position.

Proposed FY 11-12 Outcomes Include: Funding would be used to pay for half of a full-time job developer, who would work with 90 unduplicated adult male parolees to improve their options and capacity at achieving employment. Residents of the shelter receive counseling, case management, and recovery services, in addition to shelter and meals.

Year of Project Inception: 1971

Previous City Funding ?

YES

#23

South Hayward Parish
 Community Action Network (CAN)
 27287 Patrick Ave.
 Hayward, CA 94544

510-881-6344

Contact: Betty DeForest, Executive Director
deforestbetty@hotmail.com

FY 11-12 Funding Requested: \$ 15,000
 FY 11-12 CAC Recommendation: \$ 15,000
 FY 11-12 Staff Recommendation: \$ 15,000

Summary: The South Hayward Parish/Hayward Community Action Network (CAN) is a community-building network of multi-faith and non-sectarian organizations. The identified goal for this program is to assist “street” homeless people in accessing support services that will end their homelessness.

Proposed FY 11-12 Outcomes Include: The agency will coordinate with existing homeless services providers to refer clients to homeless shelters and housing locator agencies, report the number of housing placements, and collect and report data per HUD requirements. CAN estimates the unduplicated number of clients to be placed in housing or shelters is projected to be 30.

In the current year, CAN is actively case managing four individuals, has assisted in the preparation and submission of one Shelter-Plus Care application (pending), has prevented homelessness in one instance, and provided temporary shelter (by volunteers and friends) to 2 individuals.

Year of Project Inception: 2008

Previous City Funding ?

YES

#24

Women on the Way

20424 Haviland Way
Hayward, CA 94541

510-276-3661

Contact: Ron Gillette, Executive Director
rongillette@comcast.net

FY 11-12 Funding Requested: \$ 15,000
FY 11-12 CAC Recommendation: \$ 15,000
FY 11-12 Staff Recommendation: \$ 15,000

Summary: Women on the Way (WOTW) is a ten-bed shelter that provides residential treatment services to help women overcome drug and alcohol addictions. Each woman develops an individual treatment plan, setting goals in each major life area, and meets with her counselor frequently to review progress made toward her goals.

Proposed FY 11-12 Outcomes Include: WOTW would use the funding as operational support to provide shelter and support services for approximately 30 women who would reside at the shelter for approximately 4 months each.

In the current year, 28 women were assisted by mid-year, of whom 53% were Hayward residents. Four women were successfully placed in permanent housing (a placement rate of 14%).

Year of Project Inception: 1996

Previous City Funding ?

YES

#25

4 C's of Alameda County

22351 City Center Drive, Suite #200
Hayward, CA 94541

510-584-3119

Contact: Rosemary Obeid
rosemaryo@4c-alameda.org

FY 11-12 Funding Requested: \$ 35,000
FY 11-12 CAC Recommendation: \$ 35,000
FY 11-12 Staff Recommendation: \$ 35,000

Program Purpose: 4C's of Alameda County will continue to support the expansion and stabilization of family child care businesses operated by low-income residents of Hayward. The program will address the ongoing need for quality child care for working families in Hayward as well as the need for small business development within the community. The eligibility factor for this program is the creation of jobs.

Proposed FY 11-12 Outcomes Include: 4C's would provide recruitment, training, and small business support for 10 family child care providers. Assistance will be provided to clients who wish to apply for their Community Care Licenses. Program participants will have the aggregate capacity to care for approximately 80 children, ranging from infants to school-age children.

In the current year, two new licenses have been issued, and five new jobs have been created.

Year of Project Inception: 2000

Previous City Funding ?

YES

DATE: April 19, 2011

TO: City Council Members

FROM: Assistant City Manager
Development Services Director

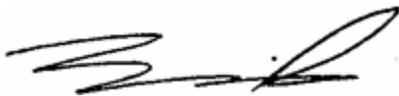
SUBJECT: Request to Change the General Plan Designation from Medium Density Residential to High Density Residential and to Introduce an Ordinance to Change the Zoning from Medium Density Residential to Planned Development to Accommodate Twenty-two Affordable Senior Housing Rental Units Proposed at the Corner of B and Grand Streets - General Plan Amendment Application No. PL-2010-0368 and Zone Change Application No. PL-2010-0369 - Eden Housing (Applicant); City of Hayward (Owner) - Continued from 3/22
***** To Be Continued to May 3, 2011*****

RECOMMENDATION

Staff recommends that this item, along with Item 11 on tonight's agenda, be continued to May 3, 2011 to allow the applicant additional time to work with the community on design issues related to the project.

Recommended by: David Rizk, Development Services Director
Kelly Morariu, Assistant City Manager/Interim Redevelopment Director

Approved by:



Fran David, Executive Director

DATE: April 19, 2011

TO: Mayor and City Council
Housing Authority Board Members

FROM: Assistant City Manager

SUBJECT: Disposition and Development Agreement between the City of Hayward and Eden Housing, Inc. ("Eden") for the "B" and Grand Senior Housing Project
***** to be continued to May 3, 2011*****

Loan Agreement for Tax Increment Funds Between the Housing Authority of the City of Hayward and Eden in the Amount of \$250,000 to Help Finance Construction of the "B" and Grand Senior Housing Project; and Loan Agreement for HOME Funds Between the City of Hayward and Eden in the Amount of \$900,000 to Help Finance Construction of the "B" and Grand Senior Housing Project ***** to be continued to a date uncertain *****

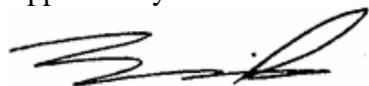
RECOMMENDATION

Staff recommends that the Disposition and Development Agreement (DDA) portion of this item, along with Item 10 on tonight's agenda, be continued to May 3, 2011 to allow the applicant additional time to work with the community on design issues related to the project. The two loan agreements would be continued to a date uncertain, as staff anticipates revising the original recommendations with respect to the funding for this project.

On May 3, 2011, staff will recommend that Council and the Housing Authority Board consider the entitlements and the disposition and development agreement (DDA) for this project, but not the loan agreements with the Housing Authority as originally contemplated. Approval of the DDA will enable the applicant, Eden Housing, to control the land and have an entitled project, allowing them to apply for tax credit financing and other State funding in early June. Given the uncertain elements of funding the Housing Authority, staff will be returning to Council in mid to late May to outline funding plans for this project as well as the South Hayward BART project.

Recommended by: Kelly Morariu, Assistant City Manager and Interim RDA Director

Approved by:



Fran David, Executive Director