



CITY OF
HAYWARD
HEART OF THE BAY

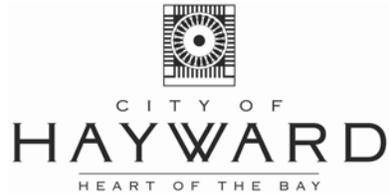
CITY COUNCIL AGENDA
SEPTEMBER 25, 2012

MAYOR MICHAEL SWEENEY
MAYOR PRO TEMPORE MARVIN PEIXOTO
COUNCIL MEMBER BARBARA HALLIDAY
COUNCIL MEMBER FRANCISCO ZERMEÑO
COUNCIL MEMBER MARK SALINAS
COUNCIL MEMBER GREG JONES
COUNCIL MEMBER AL MENDALL

Table of Contents

Agenda	3
Approval of Minutes of the City Council Meeting on September 11, 2012	
Draft Minutes	7
Adoption of an Ordinance Establishing Policies Regarding the Fats, Oils, and Grease (FOG) Receiving Station, and Establishing Fees for Disposal	
Staff Report	16
Attachment I.	17
Resolutions Authorizing Staff to Negotiate and Execute Professional Services Agreements with Mintier Harnish and Jones Planning & Design for the General Plan Update	
Staff Report	18
Attachment I Resolution for Mintier Harnish Agreement	22
Attachment Ia Scope of Work for Mintier Harnish.	23
Attachment II Resolution for Agreement with Jones Planning and Design	47
Attachment IIa Scope of Work for Jones Planning and Design.	48
Clarification of Criteria for Selection of General Plan Update Task Force Members	
Staff Report	61
Attachment I July 17 2012 Council Report	63
Attachment II Minutes from July 17 2012 Council Meeting	70
Support for Measure A1 on the November 2012 Ballot: Oakland Zoo Parcel Tax	
Staff Report	73
Attachment I Resolution.	75
Zone Change Application PL-2010-0372 / Vesting Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner) – Request for a Zone Change from Light Manufacturing District to Planned Development District, and a Vesting Tentative Tract Map to Create Fourteen Parcels. The project is located at 3596 Baumberg Avenue at the southerly terminus of Baumberg Avenue and Bridge Road in a Light Manufacturing Zoning District (Report from Development Services Director Rizk)	
Staff Report	77
Attachment I Resolution.	89
Attachment II Ordinance Reclassifying Weber Property	94
Attachment III Area Map	96
Attachment IV Site Plan Aerial	97
Attachment V Initial Study, Mitigated Neg Dec	98
Attachment VI Mitigation Monitoring and Reporting Program.	123
Attachment VII PC Minutes	126

Attachment VIII PD Conditions of Approval 138
Attachment IX Tract Conditions of Approval 140
Attachment X HASPA Letter 156
Attachment XI Ohlone Audubon Society Letter 157
Attachment XII Areas Maintained By POA 159
Attachment XIII - Wetlands and Foraging Areas 160
Attachment XIV PD Preliminary Plan 161
Attachment XV Vesting Tentative Tract Map 165



CITY COUNCIL MEETING FOR SEPTEMBER 25, 2012
777 B STREET, HAYWARD CA 94541
WWW.HAYWARD-CA.GOV

CLOSED SESSION
Closed Session Room 2B – 4:30 PM

1. PUBLIC COMMENTS

2. Conference with Labor Negotiators

Pursuant to Government Code 54957.6

- Lead Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager Morariu, Human Resources Director Robustelli, Finance Director Vesely, and Director of Maintenance Services McGrath
- Under Negotiation: All Groups

3. Conference with Legal Counsel

Pursuant to Government Code 54956.9

- Pending Litigation
Sipple, et al. v. City of Alameda, et al., Los Angeles County Superior Court No. BC462270

4. Conference with Legal Counsel

Pursuant to Government Code 54956.9

- Anticipated Litigation (One Case)

5. Adjourn to City Council Meeting

CITY COUNCIL MEETING
Council Chambers – 7:00 PM

CALL TO ORDER Pledge of Allegiance Council Member Halliday

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PROCLAMATIONS

October Breast Cancer Awareness Month
“Let’s Do Lunch Hayward... and Breakfast Too”

PRESENTATIONS

[National Anti-Bullying Awareness Month](#)
Bequests to Hayward Library and Hayward Animal Shelter

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.

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

1. Approval of Minutes of the City Council Meeting on September 11, 2012
[Draft Minutes](#)
2. Adoption of an Ordinance Establishing Policies Regarding the Fats, Oils, and Grease (FOG) Receiving Station, and Establishing Fees for Disposal
[Staff Report](#)
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3. Resolutions Authorizing Staff to Negotiate and Execute Professional Services Agreements with Mintier Harnish and Jones Planning & Design for the General Plan Update
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4. Clarification of Criteria for Selection of General Plan Update Task Force Members
[Staff Report](#)
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5. Support for Measure A1 on the November 2012 Ballot: Oakland Zoo Parcel Tax
[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

6. Zone Change Application PL-2010-0372 / Vesting Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner) – Request for a Zone Change from Light Manufacturing District to Planned Development District, and a Vesting Tentative Tract Map to Create Fourteen Parcels. The project is located at 3596 Baumberg Avenue at the southerly terminus of Baumberg Avenue and Bridge Road in a Light Manufacturing Zoning District (Report from Development Services Director Rizk)

[Staff Report](#)

[Attachment I Resolution](#)

[Attachment II Ordinance Reclassifying Weber Property](#)

[Attachment III Area Map](#)

[Attachment IV Site Plan Aerial](#)

[Attachment V Initial Study, Mitigated Neg Dec](#)

[Attachment VI Mitigation Monitoring and Reporting Program](#)

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[Attachment VIII PD Conditions of Approval](#)

[Attachment IX Tract Conditions of Approval](#)

[Attachment X HASPA Letter](#)

[Attachment XI Ohlone Audubon Society Letter](#)

[Attachment XII Areas Maintained By POA](#)

[Attachment XIII - Wetlands and Foraging Areas](#)

[Attachment XIV PD Preliminary Plan](#)

[Attachment XV Vesting Tentative Tract Map](#)

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

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

ADJOURNMENT

NEXT MEETING, TUESDAY, OCTOBER 2, 2012



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 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. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

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

Please visit us on:





**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 11, 2012, 7:00 p.m.**

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

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Jones, Halliday, Peixoto, Salinas,
Mendall
MAYOR Sweeney
Absent: None

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that Council met with labor negotiators pursuant to Government Code 54957.6, concerning SEIU Clerical and Local 21, and there was no reportable action.

PRESENTATIONS

Statement of Sentiment – September 11th

Mayor Sweeney read a statement of sentiment. On September 11, 2001, America was rocked to its core by terrorist attacks and the tragedy of that day was a watershed event for the nation and for public safety service providers. In tribute to the endurance of those who survived, to honor the courage of all the men and women who risked and lost their lives to save others, and to embrace those who support the country's road to healing and the united strength to survive and thrive, Mayor Sweeney asked for a minute of silence.

Business Recognition Award – Western State Design, Inc.

The September 2012 Business Recognition Award was presented to Western State Design, Inc. Western State Design, Inc., a distributor for commercial/industrial laundry equipment, moved to Hayward in 1986. In 2011 the company was voted the No.1 Worldwide Distributor for laundry and mechanical equipment manufacturers and in 2012 received an award from PG&E for furnishing and installing equipment that substantially reduced energy consumption. The award was presented to Western State Design in recognition of the contributions made to the community by: locating and expanding their business in Hayward; providing job opportunities to local residents; being an industry leader; and contributing to the overall economic well-being of the community. Director of Operations, Mr. Todd Hym, accepted the award and thanked Council for such special recognition.

State of the County by Alameda County Supervisor Richard Valle

Alameda County Supervisor Richard Valle delivered the State of the County by presenting the Board of Supervisors and their roles and functions; providing an overview of Supervisorial District

Two and the Alameda County budget; and sharing District Two challenges related to unemployment rate, property values, healthcare, and access to healthcare. Supervisor Valle noted that the Board was embarking on a habitat restoration project and invited all to the Woodlands and Habitat Restoration Project Celebration on October 19, 2012, at the Masonic Homes of Union City. He added that the Board had approved \$3 million emergency funding for St. Rose Hospital. Lastly, Supervisor Valle mentioned that with the closure of Hayward Kaiser Permanente, the Board was asking Kaiser Permanente to leave a legacy of \$5 million for the Tennyson Corridor Initiative.

PUBLIC COMMENTS

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, announced the 4th Annual Hayward Chamber of Commerce Business Expo and invited everyone to attend the event at the Grand White Tent at St. Rose Hospital on October 10, 2012.

Mr. Al Parso, Prospect Street resident and President of the Prospect Hill Neighborhood Association, thanked Council for recognizing the anniversary of 9/11, and on behalf of the Association, thanked the local firefighters, police officers and first responders who serve and protect the community. Mr. Parso submitted a letter of appreciation for all local heroes who make Hayward a better and safer place.

Senior Planner Pearson noted that the City was recruiting for a General Plan Task Force and invited Hayward residents to submit an application. He noted that the deadline to submit an application was September 26, 2012, and that additional information could be obtained on the City's website.

Mr. Jim Drake, Franklin Avenue resident, thanked staff for obtaining a grant to put sidewalks and curbs on Franklin Avenue; however, he expressed concern about three blighted areas in the neighborhood and invited staff to visit the area.

Mr. Jarrod Carozza, owner of Foothill Coin and Jewelry on Foothill Boulevard, said his business and others businesses have suffered from problems caused by the construction of the Route 238 Corridor Improvement project. Mr. Carozza asked if there was a reimbursement program to compensate businesses for lost revenue. Mayor Sweeney asked Director of Public Works Fakhrai to meet with Mr. Carozza.

Mr. Ralph Farias Jr., Belmont Street resident, spoke about unsuccessful efforts to get speed bumps on Belmont Street and shared that three children had been struck by speeding cars. Mr. Farias said that since the Route 238 Corridor Improvement construction began on Mission Boulevard, his street has become the alternative thoroughfare for cars and asked Council to make Belmont Street safe for children.

Dr. Marion Sanchez, Long Court resident, said the Flip Side Times Newspaper will begin to circulate at the end of the month and will represent the diverse ethnic groups in Hayward.

Ms. Martha Vargas, owner of Something Sweet on B Street, said the City was spending money to improve the City, but the sidewalks and streets were littered with garbage and proposed having a "Give a hoot, don't pollute" campaign to prevent and stop this pollution.



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Council Member Mendall explained to the audience that he would need to stand during the meeting as the result of a bad back. Mr. Mendall requested that Council hold a work session to discuss Council's economic development ideas and submitted his written suggestion to the City Clerk and staff. Mayor Sweeney suggested allowing the Council Economic Development Committee to present its ideas to Council at which time Council discussion would ensue.

BOARD, COMMISSIONS, COMMITTEE, AND TASK FORCE

1. Appointments and Reappointments to Council's Appointed Bodies and Swearing-In Ceremony of New Members

Staff report submitted by City Clerk Lens, dated September 11, 2012, was filed.

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

Resolution 12-143, "Resolution Confirming the Appointment and Reappointment of Members of Various Boards, Commissions, Committees and Task Forces"

WORK SESSION

2. Presentation of ABAG's Draft Regional Housing Needs Allocation (RHNA) and Update on Preparation of Priority Development Area Investment and Growth Strategy

Staff report submitted by Senior Planner Pearson, dated September 11, 2012, was filed.

Development Services Director Rizk announced the report and Senior Planner Pearson provided a synopsis of the report.

Council Member Peixoto noted attending, in his appointed capacity, a meeting of the Planning Policy and Legislation Committee (PPLC), a sub-committee of the Alameda County Transportation Commission (CTC), during which the concern that transportation funds would be used for housing needs was discussed. Mr. Peixoto noted it was important to have the South Hayward BART Transit Oriented District (TOD) project ready, revise the Regional Housing Needs Allocation (RHNA), and establish the Complete Streets Policy, in order to be competitive for the available \$44 million four-year grant.

Council Member Zermeño indicated that the City had a higher share of affordable housing and other cities receive more affordable housing funding but do less, but was glad to see that Hayward produced fewer housing units in the very low categories. Mr. Zermeño requested that Measure B1 funds be allocated to build bus stop shelters and green bicycle lanes, in order to promote safety and public transportation. Mr. Zermeño expressed concern that accommodating more housing growth would have a negative impact on the City's General Fund and would drain resources.

Council Member Halliday expressed concern about the possible loss of funding normally used for local streets and road rehabilitation if the City did not adopt mandatory housing policies and she wondered if the requirement to build more affordable housing was a violation of Proposition 22. Ms. Halliday said she would prefer to see funding used for the rehabilitation of existing affordable housing that had become problematic for the City. Development Services Director Risk said the State only recognizes and gives credit for new affordable housing.

Council Member Mendall was bothered by the additional housing requirements to qualify for the One Bay Area Grant (OBAG) and asked everyone to consider the funding amount the City would receive in relation to the amount of effort needed to meet additional requirements. Development Services Director Risk pointed out that the City has a large heavily traveled industrial area outside the Priority Development Area (PDA) that could potentially suffer from the loss of OBAG funds, but added that there were other federal funding sources.

Council Member Salinas asked why the State did not recognize rehabilitated affordable housing, and given that cities are going to compete for OBAG fund, he asked how the City compares to other cities with shovel-ready projects. Development Services Director Risk said the State wants to promote new affordable housing. He added that staff should have comparison data of ready-shovel projects toward the end of the month.

Council Member Jones expressed concern that the State was imposing its will at the local level by attaching funding to the adoption of housing policies. Mr. Jones noted that moving funding from transportation to support housing did not address industrial Hayward with regional demands that were not housing related. He added that cities that did not have as many affordable housing units as Hayward should not compete for OBAG funding. He said there should be efforts to obtain transportation funding to support jobs, economic development, industrial areas, and increased business development. He cautioned staff and noted that issues raised needed to be addressed while moving through the process.

Mayor Sweeney concurred with comments and added that the State's message to the local level was to build more housing, but did not address how to help job development. Mayor Sweeney noted this was another example of the State requiring mandatory housing policies that do not solve local problems and end up taking funds away from local budget. The Mayor encouraged staff to continue to push back because the priorities were not right and not properly structured.

3. Overview of Crime Mapping Services for City of Hayward

Staff report submitted by Acting City Manager Rizk, dated September 11, 2012, was filed.



**MINUTES OF THE CITY COUNCIL MEETING
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Police Chief Urban announced the item and Crime Analyst Lesley Hayes provided a synopsis of a PowerPoint regarding crime mapping.com.

Police Chief Urban explained for Council Member Zermeño that the information at crimemapping.com was not in real time, but that the website would be refreshed every 24 hours and the proposed program was a tool to help the community be more aware of what was occurring in their neighborhoods. Mr. Zermeño thanked Chief Urban and staff for bringing the program to Hayward.

In response to Council Member Salinas, Police Chief Urban indicated that the proposed crime mapping service had a crime preventative component that would help both the community and police officers. Crime Analyst Hayes responded that the data on the City's website would include data for the past 180 days.

Council Member Mendall was excited to see the crime mapping program implemented and said he would like to see more programs established for other City services to be used as a tool by the community to increase participation. Council Member Mendall suggested that once crime data is added to the database, viewers should be able to view/search at least one-year worth of information.

At the request of Council Member Halliday, Chief Urban indicated that with the crime mapping system in place, the Police Department would be able to provide Council with a Uniform Crime Report on a monthly basis and if one wanted to see data identified by geographical areas, crimemapping.com would serve the purpose.

Council Member Jones congratulated the Police Department for obtaining a powerful tool that would enable the Police Department and the community to partner in reducing crime. Mr. Jones added that the program would help improve the public's perception of Hayward because it would reflect actual crime statistics.

Mayor Sweeney noted that a crime mapping service was the type of request that came from the Neighborhood Partnership meetings, echoed the comments from Council members, and congratulated the Police Department on moving forward.

CONSENT

Consent Item Nos. 7 and 8 were removed for further discussion. It was noted that Item No. 7 would come back at a future meeting.

4. Approval of Minutes of the Special Joint City Council/Redevelopment Successor Agency/Housing Authority Meeting on July 17, 2012
It was moved by Council/RSA/HA Member Zermeño, seconded by Council/RSA/HA Member

Jones, and unanimously carried, to approve the minutes of the Special Joint City Council/Redevelopment Successor Agency/Housing Authority Meeting of July 17, 2012.

5. Approval of Minutes of the Special City Council Meeting on July 24, 2012

It was moved by Council Member Zermeño, seconded by Council Member Jones, and unanimously carried to approve the minutes of the Special City Council Meeting of July 24, 2012.

6. Electrical and Mechanical Improvements to High School Reservoir Project: Award of Contract and Appropriation of Additional Funds

Staff report submitted by Associate Civil Engineer Lam, dated September 11, 2012, was filed.

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

Resolution 12-144, "Resolution Awarding the Contract for the Electrical and Mechanical Improvements to High School Reservoir Project, Project No. 7137 to Pacific Infrastructure Corporation"

Resolution 12-145, "Resolution Amending Resolution 11-094, Budget Resolution for Capital Improvement Projects for Fiscal Year 2013, for an Appropriation of Funds from the Water System Capital Improvement Fund (Fund 622) to Electrical and Mechanical Improvements to High School Reservoir Project No. 7137"

7. Adoption of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2013

Staff report submitted by Human Resources Director Robustelli, dated September 11, 2012, was filed.

This item was pulled from the agenda at staff's request and would be placed back at a future meeting.

8. Appointment of a City Council Member to the Board of the South Hayward BART Station Access Joint Powers Authority

Staff report submitted by Assistant City Manager Morariu, dated September 11, 2012, was filed.

Mayor Sweeney recommended that Council Member Mendall be appointed to the Board of the South Hayward BART Station Access Joint Powers Authority.

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



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
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777 B Street, Hayward, CA 94541
Tuesday, September 11, 2012, 7:00 p.m.**

Resolution 12-147, “A Resolution of the City Council of the City of Hayward Appointing One Member to the Board of the South Hayward BART Station Access Authority with San Francisco Bay Area Rapid Transit District (“BART”)”

9. Council’s Appointed Officials Handbook

Staff report submitted by City Clerk Lens, dated September 11, 2012, was filed.

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

Resolution 12-146, “Resolution Adopting a Council’s Appointed Officials Handbook”

LEGISLATIVE BUSINESS

10. Introduction of an Ordinance Amending Building Abatement Code, Chapter 9, Article 3 of the Hayward Municipal Code

Staff report submitted by Assistant City Attorney Alvarado Jr., dated September 11, 2012, was filed.

Assistant City Attorney Alvarado Jr., provided a synopsis of the report.

Council Member Halliday expressed concern that members appointed to the building abatement hearing panel would be using their professional expertise without compensation and questioned if they would be motivated to serve. Assistant City Attorney Alvarado noted staff would return to Council if issues arose in the attempt to comprise a panel.

In response to Council Member Peixoto, Assistant City Attorney Alvarado Jr. noted that staff had conducted an informal recruitment of qualified Hayward residents to serve on the building abatement hearing panel without success. Mr. Alvarado explained that absent a hearing panel, a dissatisfied property owner would have to initiate action in Alameda County Superior Court.

Council Member Jones expressed the importance of having a neutral hearing panel and was concerned that an appointment by the City Manager would not be perceived as neutral. In response to Mr. Jones question, City Attorney Lawson noted that members on the panel would not be required to disclose economic interests as described in Form 700 – Statement of Economic Interests by the Fair Political Practices Commission. Mr. Jones liked the idea of having a panel comprised of

Hayward residents and suggested, as an interim step, to reduce the number of panel members from five to three in order to increase interest.

Council Member Mendall received confirmation that there would be a pool of qualified candidates from which three could be selected for each individual hearing. Mr. Mendall believed that members of the panel would need to be compensated for their technical expertise at some point, but was willing to support the staff proposal and asked that staff return to Council within a respectable time frame if unable to seat volunteers for a hearing panel.

Council Member Zermeño envisioned the hearing panel as a pro-bono panel comprised of three member panel. Mr. Zermeno liked the process because it was resident friendly.

Mayor Sweeney noted the proposed ordinance did not address conflicts of interest, standards of behavior, or qualification criteria for members of the hearing panel.

City Attorney Lawson indicated that language could be included in the ordinance that read, in selecting a member, the City Manager shall assure that panel members shall not have conflicts of interests or incompatible interests in the proposed property to be abated, and then offer examples.

Mayor Sweeney suggested the item be held over to include language regarding conflict of interests and qualifications for potential appointees to the hearing panel. There was Council consensus to continue to item.

Mayor Sweeney opened the public hearing at 9:22 p.m.

Mr. Jim Drake, Franklin Avenue resident, concurred with Mayor Sweeney's comments.

Mayor Sweeney closed the public hearing at 9:24 p.m.

Mayor Sweeney offered a motion to continue the item and directed staff to amend the proposed ordinance by including language related to conflict of interests for members of the building abatement hearing panel and language that would cover qualifications for potential appointees to the hearing panel.

Council Member Peixoto seconded the motion.

Council Member Mendall suggested if the proposed ordinance should also include compensation for members of the hearing panel. There was no support for the suggestion.

It was moved by Mayor Sweeney, seconded by Council Member Peixoto, and unanimously carried, to continue the item and to direct staff to further amend the proposed ordinance to include language related to conflict of interests for members of the building abatement hearing panel and language that would cover qualifications for potential appointees to the hearing panel.



**MINUTES OF THE CITY COUNCIL MEETING
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Tuesday, September 11, 2012, 7:00 p.m.**

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Halliday reported on her attendance, along with Council Members Peixoto and Salinas at the League of California Cities 2012 San Diego Conference. Ms. Halliday mentioned various topics were discussed including: Tools After Redevelopment, Strategies for Job Creation and Economic Growth, Communicating Around Local Revenue Needs, Labor Negotiations, and Pension Reform. She added that there was a presentation by Peter Kageyama, author of “For the Love of Cities.”

Council Member Zermeño mentioned that Tu Tienda Azteca is sponsoring a second “cash mob” on September 15, 2012, to celebrate the beginning of National Hispanic Heritage Month and to help local businesses.

Council Member Salinas reported attending the League of California Cities conference and noted the various workshops evolved around the concept of “thinking outside the box,” which was reflective of the creative thinking demonstrated by staff. Mr. Salinas acknowledged the economic development team for the free activities that were offered during the summer and for the Off the Grid’s gourmet food trucks, which were complimented by many. Mr. Salinas noted that August 2012 was the second year of the “Let’s Do Lunch Hayward...and Breakfast Too,” program and added that 206,000 free meals were served.

Council Member Peixoto mentioned attending the opening of the Fairview Elementary School and was impressed with the building and the dynamic forward movement. Mr. Peixoto noted that those in attendance, including faculty, teachers, and students, praised the work that was done with the passage of Measure I.

Council Member Mendall shared that he had received positive comments regarding the cross walks on Foothill Boulevard at City Center/Hazel that look like piano keys and the Off the Grid’s gourmet food trucks, which make Hayward a more inviting place.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 9:38 p.m., in memory of those who lost their lives on 9/11.

APPROVED:

Michael Sweeney, Mayor City of Hayward

ATTEST:

Miriam Lens, City Clerk, City of Hayward

DATE: September 25, 2012
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adoption of an Ordinance Establishing Policies Regarding the Fats, Oils, and Grease (FOG) Receiving Station, and Establishing Fees for Disposal

RECOMMENDATION

That the City Council adopts the Ordinance introduced on September 18, 2012.

BACKGROUND

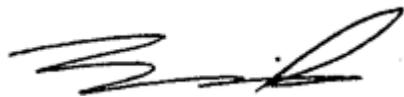
The Ordinance was introduced by Council Member Salinas at the September 18, 2012, meeting of the City Council with the following vote:

AYES:	Council Members:	Zermeño, Jones, Halliday, Peixoto, Salinas, Mendall
	Mayor:	Sweeney
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, September 22, 2012. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:
Attachment I Summary of Ordinance Published on 09/22/12

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

AN ORDINANCE ESTABLISHING POLICIES REGARDING THE FATS, OILS AND GREASE (FOG) RECEIVING STATION, AND ESTABLISHING FEES FOR DISPOSAL

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

Section 1. Upon the adoption of this ordinance, Article 11, Chapter 3, Section 404 of the Hayward Municipal Code, relating to policies regarding the fats, oils and grease receiving station and establishing fees for disposal, is hereby enacted to read as follows:

SECTION 11-3.404 FATS, OILS AND GREASE RECEIVING STATION. Appendix 'B' entitled 'FATS, OILS AND GREASE RECEIVING STATION,' attached hereto and by such reference incorporated herein and made a part hereof as though set forth in full, is hereby adopted for the purposes stated therein.

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

Section 3. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Introduced at the meeting of the Hayward City Council held September 18, 2012, the above-entitled Ordinance was introduced by Council Member Salinas.

This ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on September 25, 2012, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: September 22, 2012
Miriam Lens, City Clerk
City of Hayward

DATE: September 25, 2012

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Resolutions Authorizing Staff to Negotiate and Execute Professional Services Agreements with Mintier Harnish and Jones Planning & Design for the General Plan Update

RECOMMENDATION

That Council adopts the attached resolutions authorizing staff to negotiate and execute professional services agreements with consultants Mintier Harnish and Jones Planning & Design for assistance with updating the City's General Plan. The resolutions are included as Attachments I and II.

BACKGROUND

During work sessions on March 20, 2012 and June 19, 2012, staff presented Council with an overview of the process, scope, and budget for the General Plan update¹. On July 17, 2012, Council adopted a resolution authorizing staff to proceed with the General Plan update. The cost estimate provided to Council on July 17, 2012, was \$2,249,500. The project will be paid for through the collection of a General Plan fee of twelve percent on building permit fees. On July 25, 2012, staff released two Requests for Proposals (RFPs) – one for services needed for technical analyses associated with the General Plan update and the corresponding Environmental Impact Report (e.g., air quality impact analysis, traffic impact analysis, and noise impacts analysis); and another one for Contract Planning Services to assist City staff with the update of the General Plan. Four proposals were received in response to the Technical Services RFP and three proposals were received for the Contract Planning Services RFP.

DISCUSSION

Technical Services – Staff interviewed three of the four teams that submitted proposals. The team that was not interviewed had very little experience preparing general plans. The three teams interviewed were Dyett & Bhatia, The Planning Center/DC&E, and Mintier Harnish. Budgets in the three proposals ranged from \$600,000 to \$900,000. When including optional tasks, budgets ranged from \$800,000 to \$1,260,000; however, each proposal included different optional tasks, so the

¹ All previous City Council and Planning Commission reports are available at <http://www.hayward-ca.gov/GENERALPLAN/>

proposals are not directly comparable. After careful review of the proposals and responses to questions from staff during interviews, Mintier Harnish has emerged as the top-ranked team. Staff selected some optional tasks identified in the Mintier Harnish proposal that will enhance opportunities for public outreach, will ensure the final product is easy to read and accessible online, and meets all of Hayward's objectives. With the selected optional tasks included in the scope of work (see Attachment Ia), the Mintier Harnish budget is \$1,134,640, which is below the Council-adopted project budget of \$1,250,000.

Mintier Harnish will team with the following firms to meet the objectives of the project:

- MIG, Inc. to assist with public outreach and prepare the Environmental Impact Report (EIR);
- Ascent Environmental, Inc. to analyze air quality and greenhouse gas emissions and assist with incorporating the Climate Action Plan into the General Plan;
- Kittleson & Associates, Inc. (formerly Dowling Associates) to prepare a transportation background report, the Circulation Element, and traffic analysis for the EIR;
- Applied Development Economics to prepare the fiscal impact analysis and updated economic development policies and strategies; and
- Robert Olson Associates, Inc. to integrate hazard mitigation and public safety policies into the General Plan.

Mintier Harnish specializes in assisting cities and counties with preparing general plans. The Mintier Harnish team stands out above the other groups interviewed for the following reasons:

- Mintier Harnish understands and shares the City's commitment to getting the update completed in a relatively short timeframe (by June of 2014).
- Mintier Harnish specializes in general plan preparation. Principal Larry Mintier wrote much of the state's current General Plan Guidelines and will likely be involved in the update of the Guidelines, which is scheduled to occur over the next twelve months.
Mintier Harnish and their team have current experience having just recently completed General Plans for the City of Sacramento, San Joaquin County, and Merced County; MIG has completed General Plan updates for Mountain View, Richmond, and Santa Monica; and MIG assisted the City of Richmond with their Health Element, which was one of the first such elements prepared for a General Plan.
- MIG specializes in community outreach, meeting facilitation, and preparing environmental documents. MIG will prepare materials and tools for staff to use at community meetings, outreach toolkits for use by community volunteers and City staff when conducting outreach to a variety of community groups, project branding, newsletters, and will assist with engaging Hayward's youth population.
- MIG will develop a community engagement program and strategy to be implemented by staff.
- MIG will assist staff by preparing an outreach toolkit to be used by trained community volunteers and will also advise staff on the use of social media as well as the use of an online public engagement tool.
- Mintier Harnish's proposal also includes training sessions that will be open to Council members, Planning Commissioners, General Plan Task Force members, and all staff who will be involved in the General Plan update. These training sessions will assist staff with

doing much of the work in-house and will also be an excellent educational opportunity for citizen Task Force members and others.

- Ascent Environmental specializes in greenhouse gas emission analysis, air quality, climate action plans, and has developed greenhouse gas emissions thresholds of significance for the California Air Resources Board and the Bay Area Air Quality Management District.
- Ascent will prepare a Community Risk Reduction Plan (CRRP), which will provide a comprehensive, community-wide approach to reducing local air pollution emissions and exposures. The CRRP will provide an inventory of pollutant emissions (identification of dominate sources) and hot spots. This will allow for focusing of specific reduction/mitigation measures and determining associated reductions. This will be a significant contribution toward addressing health in a comprehensive manner in the General Plan.
- Applied Development Economics will build on the economic development strategic plan currently being prepared by staff and anticipated for adoption by City Council in early 2013 and will support City staff in identifying a new marketing strategy, new funding sources, and options for a new organizational framework to replace the former redevelopment agency functions.
- Robert Olson Associates, Inc. will assist with integrating the Local Hazard Mitigation Plan into the General Plan, peer review General Plan goals and policies related to public services and safety, and provide assistance with evaluation of public services and safety impacts in the EIR.
- Mintier Harnish and Ascent have experience with climate action plans (CAPs) and most recently worked with the City of Sacramento to integrate its CAP into the Sacramento General Plan.

Contract Planning Services – Staff interviewed all three firms who submitted proposals. Hourly rates ranged from \$82 per hour to \$160 per hour. The top-ranked firm, Jones Planning & Design, has significant experience helping to prepare general plans and zoning codes, as well as facilitating public meetings. As confirmed by past clients, the firm has a reputation of exhibiting the skills necessary to collaborate with staff from other departments. Jason Jones, the principal for the firm, has approximately ten years of experience working for a large consulting firm. In the last few years, he has prepared general plan elements for the City of Fullerton, a mobility element for the City of Long Beach, and a master plan and form-based code for a commercial corridor for the City of Burbank. As indicated in Attachment IIa, the firm’s hourly rate is \$100 per hour, and \$290,000 in total is budgeted for the project. The approved budget amount for such services is \$300,000 (see following table).

FISCAL IMPACT

The following table reflects the budget approved by Council on July 17, 2012, as well as the current proposed budget based upon the two selected proposals.

Budget for General Plan Update			
	Approved Budget	Proposed Budget	Difference
City Staff Time	\$475,000	\$475,000	\$0
Contract Planning Services	\$300,000	\$290,000	\$10,000
Public Engagement Activities/Tools	\$10,000	\$10,000	\$0
Consultant Fees – Technical Services	\$1,250,000	\$1,134,640	\$115,360
Miscellaneous Costs (outreach materials, notices, newspaper ads, printing, etc.)	\$10,000	\$10,000	\$0
Subtotal	\$2,045,000	\$1,919,640	\$125,360
10% Contingency	\$204,500	\$191,964	\$12,536
Grand Total	\$2,249,500	\$2,111,604	\$137,896

The General Plan fee, adopted by Council on April 24, 2012, is expected to generate approximately \$2.2 million over the next ten years. In the short term, the project will be paid for by the General Fund, to eventually be fully reimbursed through fees collected.

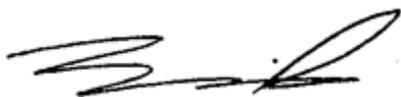
NEXT STEPS

Upon adoption of the attached resolutions, staff will negotiate and execute contracts for both Mintier Harnish and Jones Planning & Design.

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: Draft Resolution (Authorizing City Manager to Execute Contract with Mintier Harnish)
- Attachment Ia: Scope of work for Mintier Harnish
- Attachment II: Draft Resolution (Authorizing City Manager to Execute Contract with Jones Planning & Design)
- Attachment IIa: Scope of Work for Jones Planning & Design

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-

Introduced by Agency Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MINTIER HARNISH TO PROVIDE TECHNICAL ASSISTANCE WITH THE PREPARATION OF THE 2014 GENERAL PLAN UPDATE

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 a professional services agreement with Mintier Harnish to provide assistance with the General Plan update per the attached Scope of Work, in an amount not to exceed \$1,134,640, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

City of Hayward General Plan Update

Draft Scope of Services

Revised September 10, 2012

Phase 1: Project Initiation

Task 1.1 Project Kick-off Meeting and City Tour

The Consultants will meet with City staff for half a day to review the City's objectives for each project component and to discuss key issues of integration and consistency with existing and future plans and programs. The Consultants will work with City staff as part of this task to accomplish the following:

- Refine the General Plan work program and identify additional or optional tasks;
- Develop a detailed project schedule;
- Confirm the role of the Consultants, City staff, and the General Plan Task Force in preparing the Background Reports, General Plan, and EIR, and conducting public outreach;
- Review common General Plan project "stumbling blocks" and how to avoid them;
- Solicit City staff views on information sources, key community stakeholders, and Hayward's critical issues;
- Review and discuss overall format and organization of the General Plan products;
- Discuss issues regarding the current city limits and sphere of influence boundaries, and discuss how they will relate to the Planning Area boundary. Also discuss and define the city's neighborhoods, centers, corridors, and/or specialized districts;
- Review new State planning laws affecting General Plans passed since the last update (the Consultants will provide staff with a summary and resource list for addressing all new planning laws passed since the last update);
- Review State law requirements for consultation and coordination with appropriate agencies and organizations (the Consultants will provide Staff with a comprehensive list of agencies to be coordinated with and timing for consultation);
- Agree on the amount of time City staff will need to review draft and final work products, as well as the method by which comments will be provided to the Consultants;
- Establish monthly/quarterly status reporting protocols that will be used to review progress and make adjustments to the General Plan process, as needed;
- Establish file sharing protocols, including the potential for using "cloud" file sharing platforms; and

Following the meeting, City staff will lead the Consultants on a tour of Hayward to highlight individual neighborhoods and community areas, the overall geography of the city, key issue and opportunity sites, economic development areas, areas where land use change may be desired, and other factors. The Consultants will photo-document the tour for use in subsequent presentations and work products.

Task 1.2: Training Session #1: General Plan Overview

The Consultants will conduct a General Plan Update training session that provides an overview of the General Plan, the Update process, and the basic requirements. It will be an “all hands” session for the TAC, Task Force members, Planning Commissioners, and City Council members, and will cover the following topics:

- Purpose and history of General Plans
- Recent changes in State law and General Plan practice
- Project team and responsibilities
- Role of the TAC, Task Force, Planning Commission, and City Council
- Steps in the General Plan process:
 - Conducting background research on existing conditions
 - Adopting a vision and guiding principles
 - Developing and evaluating land use alternatives
 - Preparing a preferred land use and circulation diagrams
 - Drafting new goals and policies
 - Developing the implementation program
- Preparing the General Plan EIR
- Conducting Public hearings and adopting the General Plan
- Implementing and maintaining the General Plan

Task 1.3: Establish Community Engagement Program and Strategy

The Consultants understand that City staff will lead the community outreach effort with the public, General Plan Task Force, Planning Commission, and City Council. Staff will prepare all notices, staff reports, and resolutions. In general, the Consultants will support City staff by providing outreach materials, and input and advice on staff reports and strategies to effectively and efficiently engage the public. More detailed Consultant responsibilities are described in each of the specific outreach activities described in the subtasks below (note – this task includes production and printing costs for all public outreach materials).

To begin this process, the Consultants will develop a comprehensive Public Outreach and Engagement Strategy in coordination with City staff to identify how best to conduct outreach to community members regarding the General Plan Update project. The initial Strategy will include components such as a schedule, key priorities, structure, public involvement and outreach activities, and identification of key relationships. It will also include a detailed process diagram to illustrate the sequence and timing of project activities in a succinct format. It is likely that the Strategy may be updated or revised throughout the course of the project as issues and policies unfold. The Strategy will help City staff efficiently manage the entire public outreach and engagement program.

Subtask 1.3.1: Community Workshops

City staff plans to take the lead on conducting the community workshops throughout the project in a series of citywide as well as neighborhood-specific workshops. As part of the basic work plan, the Consultants will assist City staff with developing the workshop gaming exercises.

The Consultants will also assist with preparing workshop materials, including flyers and emails advertising the workshops, digital presentations, large format maps, handouts, and workshop exercise and gaming materials.

Subtask 1.3.2: Outreach Toolkit

The Consultants will design and develop an Outreach Tool Kit to be used by trained community volunteers and City Staff to meet with a variety of community groups, associations and individual citizens to collect community input. Each toolkit would include an agenda, Frequently Asked Questions (FAQs), comment cards, and PowerPoint presentation as necessary. The Consultants would develop two kits: one for use at the beginning of the process and one to be updated midway through the project in order to get feedback as the draft General Plan develops. The Consultants would conduct two training sessions for community volunteers and City staff on how to use the Outreach Tool Kits. Volunteers can include community group representatives and students from Cal State University East Bay and Chabot College. City staff would be responsible for summarizing the results of these efforts for the Consultant Team. The consultant will provide 20 sets of each of the two toolkits.

Subtask 1.3.3: Newsletters

The Consultants will prepare four newsletters at key points in the Update process. Newsletters will summarize milestone documents and generate excitement and interest in the process and upcoming workshops and meetings. The newsletters will also provide an opportunity for residents to provide feedback (i.e., newsletter survey) on the topic area covered in the newsletter. The consultants will prepare four newsletters. The first newsletter, prepared during Phase 1 will describe the purpose and process of the General Plan Update and how the community can get involved. The second newsletter, prepared at the end of Phase 2, will describe the results of the Background Reports, summarize the findings from the first round of community workshops, and describe issues and opportunities.

The third newsletter, prepared during Phase 3, will describe the Community's vision for the future and lay out alternative futures for Hayward. The final newsletter, prepared prior to Phase 7, will describe the draft General Plan and EIR. The consultants will provide 250 copies of each newsletter. Newsletters are formatted for hard-copy and digital distribution and for posting on the website and social media sites.

Subtask 1.3.4: Presentations to Community Groups

The Consultants will help the City prepare for informational presentations to community interest groups and citizen committees, such as the Neighborhood Partnership Program. These meetings will provide an opportunity for the City to present the project and receive input from the groups on the vision, alternatives, and/or draft goals and policies. They will also provide an opportunity to educate about the General Plan process and spread the word about opportunities to participate.

Subtask 1.3.5: Translation Services

The Consultants will provide two types of translation services for the project: verbal translation and translation of written materials. The Consultants will work with City staff to confirm what translation services are needed and for which languages, and to identify which documents and

materials will be translated during the process. Translating written materials can be costly. The Consultants have found that it is more effective to translate outreach and summary materials rather than full documents.

For verbal translation services, the Consultants have found that individuals are more comfortable participating in the planning process when a local community group or organization is involved. The Consultants will also work with City staff to identify community groups or organizations that can assist with translation efforts. The Consultants have successfully teamed with local groups/organizations to engage non-English speakers and make them a part of the process. The Consultants have also found that this approach can save costs. The budget assumes that the Consultants will provide translation services at four community workshops and translate four newsletters.

Task 1.4: Develop Final Work Program

Following the kick-off meeting and first staff training sessions, the Consultants will work with City staff to confirm the final overall work program, budget, and detailed schedule for the project. This will include refining the scope of work, preparing a detailed project schedule, finalizing City staff and consultant content and product responsibilities, and developing a management structure that will be critical components to ensure project deadlines are met and the update is completed on-time and on-budget.

Task 1.5 Training Session #2: Community Engagement Program and Strategy

The Consultants will conduct a General Plan Update training session that provides direction on conducting public outreach and reviews the Community Engagement Program and Strategy (Task 1.4). It will involve members of City staff and the Consultants who will be running the community outreach program (see Task 1.4), and will cover the following topics:

- Creating a Comprehensive Contact Database
- Identifying Community Connectors
- Managing the Task Force
- Using Social Media
- Setting up and Using an Online Townhall Forum
- Developing and Maintaining the Project Website
- Conducting Stakeholder Interviews
- Preparing Community Workshop Exercises and Conducting Workshops
- Summarizing and Confirming Community Input
- Conducting Planning Commission and City Council Study Sessions
- Preparing and Evaluating Public Opinion Surveys
- Preparing Email Blasts and Press Releases
- Providing Translation Services

Phase 2: Background Reports

Task 2.1 Training Session #3: Reconnaissance and Existing Conditions

The Consultants will conduct a training session that focuses on preparing Background Reports. The Training session will cover the following topics:

- Preparing a Data Needs List
- Working with the TAC to Gather Information
- Getting Outside Agencies and Organizations to Cooperate
- Preparing a GIS database, maps, and charts
- Drafting the Background Report/Technical Studies
- Content and Level of Detail
- Identifying Key Issues and Opportunities and Findings
- Using the Background Report/Technical Studies for the EIR Environmental Setting
- Maintaining Existing Conditions Information

City staff will be the primary audience for this second training session, although Task Force members and Planning Commission and City Council members will be invited to join.

Task 2.2 GIS Database and Base Maps

The Consultants will work with City staff to gather and format information for a Geographic Information Systems (GIS) database covering the Planning Area. The Consultants assume the City's GIS data is accurate and up-to-date for the purposes of the General Plan Update. If the database is incomplete or inaccurate, the Consultants will work with City staff and other agencies and organizations to refine the data.

The Consultants will help the City prepare the base map for reports and display presentation, including establishing a uniform legend and title block for use on all maps prepared as part of the planning documents. All GIS data and mapping prepared for the General Plan Update will be developed consistent with City protocols and data formats to ensure easy integration into the City's information system.

Task 2.3 Background Report Studies

City staff and the Consultants will work together to prepare the General Plan Background Report studies. The Consultants will work with City staff to conduct coordinated data analysis, review of existing and draft documents (e.g., existing General Plan elements, special studies, EIRs), and contact appropriate agencies and organizations. The Background Reports will include maps, graphics (e.g., charts, graphs), and photographs to illustrate trends and make information easy to understand. Each topic area of the report will be organized as follows:

- *Introduction* to the topic area, its planning implications, and why it is important to Hayward.
- *Key Terms* to be familiar with in the context of planning and the General Plan.
- *Regulatory Setting* that governs the topics discussed.

- o *Existing Setting* that describes on-the-ground conditions in and around Hayward.
- o *Conclusions and Findings* of the information as it relates to Hayward's present and future.
- o *References* for documents, data, and individuals sourced.

The Background Reports will serve two major functions. First, they will provide a baseline of updated and new information for consideration of new and updated goals and policies. Second, they will provide existing setting information for the Environmental Impact Report.

City staff will prepare the following studies: GHG Emissions, Land Use, Demographics and Housing Conditions/Trends, Cultural Resources, Parks and Recreation, Public Services, Water Supply and Distribution, Wastewater System, and Stormwater System. The Consultants will prepare the following studies:

Transportation and Circulation

The Consultants will prepare background information for mobility and transportation, traffic, and circulation. The Consultants will compile existing conditions information, on traffic counts at designated study intersections, 24 hour segment counts, transit data, pedestrian, bike and parking information. It is desirable that existing data be collected after the completion of the SR 238 Mission/Foothill corridor construction (expected by mid-2013), but the schedule for the General Plan will not allow for that the Consultants to wait for the construction to be finished. The Consultants will use historical counts in the immediate SR 238 corridor supplemented by new data in the rest of the City. The pedestrian, bicycle, and parking data will focus primarily on the core downtown area, and may need to rely on historical data in the event the SR 238 construction impacts these counts. The Consultants will also gather all relevant transportation plans, including:

- o MTC RTP
- o Alameda CTC Countywide Plan
- o Alameda Countywide Bicycle and Pedestrian plans
- o Local studies, including:
 - o Hayward General Plan Circulation Element
 - o Citywide CIP
 - o SR 238 Corridor Study
 - o SR 238 Land Use Plan
 - o South Hayward BART Form Based Code EIR
 - o Mission Boulevard Specific Plan FBC EIR
 - o La Vista Quarry EIR
 - o Other relevant studies

In consultation with City staff and Caltrans, the Consultants will consolidate all existing traffic count data, and in coordination with the City, the Consultants will identify new data collection needs that, when combined with "usable" existing counts, can properly reflect the existing condition of the City's transportation infrastructure. For the State highway system, the Consultants will use the most recent published traffic volume data from Caltrans for all applicable state facilities (I-238, I-880, SR-238). The Consultants will not collect new data for

applicable State highway segments. The Consultants will prepare a memorandum listing the recommended data collection needs by location and the justification for the counts (e.g., age of existing count, needed for model validation, etc.) to City staff for review and approval.

Due to the economic recession from 2007, traffic growth trends have stabilized or may have trended downwards over the past five years. Therefore, the Consultants will assess the representativeness of inventoried traffic counts that are up to five years old to reflect baseline conditions. The Consultants will compare existing and new count data to historical data and make necessary adjustments to reflect weekly and seasonal variation if desired by the City.

Based on the traffic count inventory, the Consultants may recommend new data collection needs. After approval by the City staff of a data collection plan, the Consultants will administer the data collection work task through a third-party firm (Quality Counts). The Consultants scope of work assumes 25 three-day, 24-hour continuous roadway segment hose counts with full classification and turning movement counts for up to 25 intersection locations. Intersection data collection will be performed during the AM and PM peak period and will include pedestrian and bicycle counts and vehicle counts. Pedestrian and bicycle counts for the downtown area would be requisite inputs to document the City-wide pedestrian pathway system and potential multi-modal LOS assessment per the 2010 Highway Capacity Manual (HCM) using the Consultant's CompleteStreetsLOS analysis software. After all traffic count data has been processed and input, the Consultants will perform the existing condition traffic operations analysis for state highway segment, local roadways, intersections and multi-modal (Complete Streets) LOS analysis on select roadways within downtown Hayward. The Consultants will base Intersection LOS on existing lane geometry and reflecting planned SR 238 corridor improvements, existing turn movement volumes, and intersection signal timing sheets

The Consultants will review all the relevant documents to identify existing and planned transportation and circulation issues and improvements. It is the Consultants' understanding the City is currently conducting a downtown parking study that will be made available to the general plan team for use in the background report on parking.

The Consultants will use the relevant information in the background reports to develop baseline environmental conditions for transportation. This information will be available to City staff and will be used by the Consultants in the preparation of the traffic setting section of the EIR.

This analysis will include a description of vehicular and alternative transportation facilities, such as roadways, bicycle lanes, trails, public transit routes and stops, and sidewalks. The study will include a discussion of the local and regional policies affecting circulation. The Consultants will also document existing levels of service at key City roadways and intersections and report daily volumes on City roadways. The current General Plan analyzed a total of 27 study intersections. This will be supplemented by additional intersections, some that were studied as part of recent EIR's, and expanded up to 40 study intersections. The Consultants propose to use the TRAFFIX LOS software since the current City database includes many intersections analyzed in previous studies in Hayward. The LOS will be performed for weekday AM and PM peak hour for each study area intersection. Current City traffic guidelines require that level of service be conducted using the HCM 1994 Methodology, however, the Consultants will coordinate with City staff to update the methodology to more recent methods (HCM 2000).

Based on the analysis described above relative to the applicable performance service standards for each facility analyzed, the Consultants will identify existing deficiencies in the study

area. For facilities identified as deficient, the Consultants will confirm these with City (and Caltrans staff for state owned facilities) based on empirical field observations and other traffic operations analyses that may have been performed for the same facility and location.

Health and Safety

The Consultants will analyze the major health and social equity challenges facing the City of Hayward, as well as safety issues and hazards. The Consultants will use available local health data from the Alameda County Department of Public Health, regional health profiles (e.g., annual hospital report), and State data sources to conduct the analysis. This will focus on key public health issues impacted by the built environment including: obesity, chronic diseases, lack of physical inactivity and healthy food options, injuries, asthma, and health disparities. The Consultants will analyze land use patterns and transportation networks as they relate to active transportation and access to nutritious foods, health care, and health facilities. The Consultants will also look at the impact of these issues on special populations such as children, seniors, and low-income communities. This will provide the necessary information for preparing new policies in the General Plan to address healthy communities issues, and potentially a new Healthy Communities Element.

The Consultants will also summarize existing natural and manmade hazards, including geologic hazards, flooding, fire and hazardous materials. This analysis will include a thorough review of existing and available materials, including the recently (2011) prepared Local Hazard Mitigation Plan, to gain a comprehensive understanding of Hayward's potential safety treats. The analysis will address Seismic Hazard Zones (i.e., Seismic Hazards Mapping Act of 1990 and the Alquist-Priolo Earthquake Fault Zoning Act of 1972), and soil strength properties. It will also summarize major users and producers of hazardous materials, including: fertilizers, or chemicals, manufacturers and potential contaminant sources; hazards from landfills, transfer stations, and mines; and issues regarding the collection, handling, and disposal of potential hazardous substances. The Consultants will also ensure the City's General Plan complies with the latest flood protection regulations, including SB 5 and AB 162, by providing the latest FEMA floodplain mapping and data in the background report.

Finally, the Consultants understand that public safety, as it related to police and fire safety, are a high priority for the City Council and the community. The Consultants will summarize existing law enforcement facilities and services within and around the city, identify areas outside the acceptable response time for provision of emergency services, and document existing demand and service levels. This section will also identify crime reduction programs. The Consultants will summarize fire protection and emergency services within and around the city. The Consultants will document existing demand and service levels will be documented based on input received from fire protection agencies. Information on existing emergency medical services provided by fire protection agencies and others will also be documented.

Noise

The Consultants will conduct a noise study that describes noise-related issues in and around Hayward. The Consultants will quantify the existing ambient noise environment within the Planning Area through continuous and short-term noise level measurements and application of accepted noise prediction methodologies. The Consultants will identify noise measurement sites in consultation with City staff. In this study the Consultants will evaluate existing noise levels due

to major local roadways and highways, railroad and light rail operations, aircraft, and stationary noise sources. The noise survey will consist of three sets of short-term noise level measurements during the daytime and nighttime periods, and continuous noise level measurements for a minimum of 24-hours. Direct input to the traffic model will include traffic data provided by Caltrans, the City or our traffic consultant, existing posted speed limits, truck count information, and 24-hour traffic split data.

Air Quality

The Consultants will summarize existing air quality conditions within Hayward and the nearby vicinity. This will specifically include the location of existing sensitive receptors and emission sources, existing mass emissions, ambient air quality concentration data from the most applicable monitoring station(s), attainment designations, and natural factors that relate to the transport and dispersion of air pollutants. This summary will include applicable Federal, State, and local regulations will also be presented including thresholds of significance as recommended by BAAQMD and rules for which compliance will be required.

Paleontological Resources

The Consultants will summarize paleontological resources in the planning area using records maintained at the regional information center and in published research papers. The Consultants recommend folding this topic into a larger background report that address historic, cultural, and paleontological resources; however, it can be prepared as a standalone background report chapter.

Biological Resources

The Consultants will describe the natural biological setting within and surrounding the City of Hayward. Based on the latest available data and limited field investigations, the Consultants will describe the diversity of biological resources within the city, key sensitive and endangered species, unique habitats, principal vegetation cover types, water bodies, and wildlife corridors. The Consultants will also summarize applicable Federal, State, and local regulations to protect biological resources.

Task 2.4: Background Report Peer Review

The Consultants will conduct a two-step peer review of the nine Background Reports prepared by City staff. In the first step, two senior level Consultant team members will conduct a detailed review of each report, focusing on technical accuracy and level of detail, internal consistency among studies, and completeness. During the second review the Consultants conduct a final an editorial review for spelling, grammar, sentence structure, and punctuation. Peer review comments will be prepared in a “track-changes” format.

Phase 3: Formulate Vision

Task 3.1: Training Session #4: Vision and Guiding Principles and Narrowing Choices for the Future

The Consultants will conduct a training session that focuses on the next step in the process: working with the community to create a vision for the future. The session will cover the following topics:

- o What are the Vision and Guiding Principles?
- o Types of Vision Statements
- o Using the Vision and Guiding Principles in the Update
- o Steps in preparing the Vision and Guiding Principles
- o Working with Community Members
- o Visioning Workshop Exercise Examples

City staff will be the primary audience for this second training session, although Task Force members and Planning Commission and City Council members will be invited to join.

Task 3.2: Vision and Guiding Principles

The vision will be developed through a participatory process where the community shares their values and build a consensus on a few “big ideas” for Hayward’s future. Based on input gathered from community workshops, the Task Force, and the Online Townhall Forum, the Consultants will work with City staff to prepare a preliminary Vision and Guiding Principles.

City staff will present the draft Vision and Guiding Principles to the Task Force, Planning Commission, and City Council for refinement and direction. Based on feedback and direction, the Consultants will work with City staff to prepare a Public Review Draft Vision and Guiding Principles. The Draft Vision and Guiding Principles will be used to develop and evaluate draft goals and policies and may be incorporated into the draft General Plan.

Task 3.3 Fiscal Impact Analysis

The Consultants will evaluate the fiscal impact of the project (i.e., preferred Land Use and Circulation Diagrams) and other land uses developed during this phase. Should the City decide not to prepare land use alternatives as part of the General Plan Update, this fiscal impact analysis will be conducted for the alternatives developed for the PEIR.

The analysis will incorporate details of land use type, density, and location that will help provide perspective on the impacts of alternatives developed for the General Plan. The Consultants will develop a fiscal model through analysis of the City budget, existing land use data, and discussions with City staff regarding existing and planned service levels. The Consultants will address existing service areas and capacities related to the size, location, and density of potential development.

The Fiscal Impact Analysis will correlate land-use patterns to the revenues and costs included in the existing City budget. Projected revenues will include: property tax, motor vehicle license tax, sales tax, business license tax, property transfer tax, emergency facilities tax, franchise fees, fines

and forfeitures, utility tax, hotel tax, and highway users' tax. Projected costs will include costs for: police, fire, public works, maintenance services, development services, community preservation, library, parks and recreation services, and administrative/support services such as technology, finance, community communications, public art, and neighborhood partnership programs.

The Consultants will structure the Fiscal Impact Analysis to provide easily comparable results among the alternatives. The results will show the marginal impact of new development in each alternative on a net annual and a cumulative basis. One set of results will be developed to show comparative impacts at full buildout of each alternative. This will help illustrate the differences that are related to land use type, density, or location. Another set of results will be prepared showing how each alternative performs over time, as this can be a critical dimension in the fiscal impact of land uses whose primary revenue benefit is the property tax. Thus, the analysis will project impacts both at buildout of the General Plan as well as for the 10-year and 20-year timeframes requested in the RFP. In order to estimate impacts for the interim timeframes, ADE will prepare general projections of development, in consultation with City staff and also considering the latest ABAG Projections. The analyses for the future time frames will portray impacts related to different growth rates for residential and non-residential development, and also the impact of differential inflation rates between City costs and City revenues.

The analysis will also provide fiscal policy recommendations, as needed, to address any potentially adverse fiscal impacts the alternatives may have on the city.

Task 3.4: Fiscal Model

The Consultants will develop a fiscal impact model that is easily adapted for ongoing use as a planning tool for specific project evaluation, or evaluating specific plans or sub-area plans. The Consultants will also provide a user manual that will allow City staff to conduct their own studies of proposed projects to provide additional information during preliminary project stages to evaluate how project design variations affect the fiscal health of the City. This will be particularly useful in evaluating economic development projects in which the City may have a special interest.

Task 3.5: Target Industry Analysis

The Consultants will assist the City with updating its economic development strategic plan to identify a new marketing strategy, new funding sources and a new organizational framework to replace the former redevelopment agency functions in the City. The Consultants will prepare a target industry analysis that will indicate the types of job-generating businesses for which Hayward is most suited and which have the strongest growth potential in this market. This would help provide some realistic market data to help evaluate and address the community goals for economic development. The Consultants will provide market intelligence for key industry sectors with growth potential in the Hayward area, indicate the critical location criteria the City must meet, and provide a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis to help craft the City's marketing strategy for these industries.

Phase 4: Drafting the General Plan

Task 4.1 Training Session #5: Preparing the General Plan

The Consultants will conduct a training session that focuses on preparing the General Plan goals, policies, and implementation programs, as well as addressing economic development in the General Plan. The session will cover the following topics:

- Preparing the General Plan
 - Evaluating the existing General Plan
 - Choosing a format
 - Preparing the introduction
 - Drafting new goals and policies
 - Developing the implementation program
 - Classifying policies according to implementation method
 - Revising the land use and circulation diagrams
 - Other considerations
- Economics for General Plans
 - Identifying key economic indicators and data sources
 - Creating a framework economic goals
 - Developing program ideas and practical solutions
 - Integrating economic development policies in the general plan
 - Preparing Economic Development Strategic Plans (EDSPs)

Existing General Plan Policy Review

The Consultants will work with City staff to conduct a detailed evaluation of the existing General Plan's strengths and weaknesses and the efficiency and effectiveness of its policies and implementation programs. City staff will detail their experience working with the existing General Plan using our proprietary *General Plan Evaluation Checklist*, which the Consultants regularly use as part of our other general plan update programs and Do-It-Yourself General Plan Program.

Prior to beginning work on updates to the goals, policies, and programs, the Consultants will meet with City staff to review the General Plan and confirm areas to be updated, new topics to address, and new data and information sources. The Consultants will present to the City our General Plan Evaluation Checklist, describe how to use it, and provide clear advice on determining what can be influenced or regulated by the General Plan; what is subject to the legal authority of the City; and what is appropriate to address through the General Plan.

The General Plan evaluation process and checklist will provide insights on the existing General Plan clarity; linkages to other plans; progress in achieving desired outcomes; and whether policies and programs should be carried forward, modified, or removed.

Task 4.2 Draft General Plan

The City will write the majority of the General Plan. The Consultants will provide peer review of the Draft General Plan and feedback on best practices. The Consultants will review the updated draft General Plan to assess if it adequately complies with State law and is internally consistent.

The Consultants will work with the City to determine the best format and set of elements to address Hayward's unique issues and future planning needs. The Consultants will review with the City the structure and table of contents for the general plan and address specific organizational options and the pros and cons of each. Information and data included in the Background Reports (Phase 2) may be used to provide existing setting information for each Element. The Consultants will discuss different ways that graphics and maps can be incorporated throughout the Plan to illustrate various topics and the City's intentions or expectations for policies and standards.

The General Plan will address the seven State mandated elements (i.e., land use, circulation, housing, open space, conservation, safety, and noise), but may be organized into consolidated elements or expanded to include optional elements.

The Consultants will review the actions identified in the 2009 Climate Action Plan and suggest revisions or reprioritization of implementing actions. We will also develop new emissions thresholds against which to measure new development.

The Consultants will assist City staff in drafting complete streets policies to meet MTC's expectations for complete streets consistent with the Complete Streets Action of 2005 (AB 1358). We will review all existing circulation element policies, including Transportation Level of Service (LOS) policies, policies based on roadway types, surrounding land uses or quality of life policies. Policy recommendations will address existing policies like LOS thresholds, and potential policies for multimodal LOS standards or context-sensitive LOS standards. Other potential new policies related to Complete Streets and Alternative Transportation will also be addressed. We will present a review of the Complete Streets policies and address the implications of implementing these in the Circulation Element.

The Consultants will assist City staff with drafting the General Plan to ensure that it is recognized as a "Plan for the Reduction of Greenhouse Gas Emissions" as allowed for in Section 15183.5 of the CEQA Guidelines and so that it is recognized as a "Qualified GHG Reduction Strategy" by the Bay Area Air Quality Management District.

The Consultants will assist City staff with the re-evaluation of scores assigned to individual actions in the spreadsheet in Appendix D of the Climate Action Plan, leading to the potential reprioritization of CAP actions.

Task 4.3: Strategic Implementation Plan

The City will prepare a Strategic Implementation Plan containing all the actions for implementing the goals and policies of the General Plan. The Consultants will assist the City in developing the Strategic Implementation Plan. The Strategic Implementation Plan will be action-oriented and linked to the annual budgeting process. It will be a living document that is designed to evolve as conditions change in the future. It will also include a system of monitoring and tracking General Plan indicators to assess implementation. The Implementation Plan will engage every City

department responsible for implementing the Plan, and will include local agencies and organizations as partners in implementing certain programs.

The Strategic Implementation Plan will prioritize actions over the life of the General Plan by short-term, mid-term, and long-term timeframes. Each implementation program will do the following:

- identify the specific goal and policy that the program will implement;
- identify the City department, agency, or local organization responsible for carrying out the program;
- identify the timeframe for implementation;
- identify the resources required to implement the program; and
- establish indicators by which to measure the successful implementation.

The Strategic Implementation Plan will be formatted as a matrix that can be easily updated as part of the City's annual General Plan progress report required by State law.

Task 4.4: Community Risk Reduction Plan

The purpose of a Community Risk Reduction Plan (CRRP) is to establish a path for a community to demonstrate how it intends to reduce local-scale exposures to toxic air contaminants (TACs) and particulate matter of less than 2.5 micrometers in diameter (PM2.5). The Bay Area Air Quality Management District (BAAQMD) has released Draft Community Development Guidelines (May 2012) that provides direction and framework for development of CRRPs. The technical work conducted for the CRRP will focus on three specific tasks: 1) develop TAC and PM2.5 Baseline Inventory and Forecast; 2) conduct Risk Modeling for Baseline and Target Years; and 3) Risk Reduction Measure Quantification.

Develop TAC and PM2.5 Baseline Inventory and Forecast

The Consultants will develop the Planning Area TAC and PM2.5 baseline emission inventories and emission forecasts for the CRRP target year, in coordination with BAAQMD. The Planning Area will be defined as the City of Hayward, and if applicable, mobile and stationary sources within 1,000 feet of a sensitive receptor located outside of the City limits. The Consultants assume that 2012 will be used for the baseline year, and 2020 will be used for the target year, per the recommendations of the BAAQMD in its Draft Community Development Guidelines for CRRPs, unless otherwise directed. Emission sources that will be accounted for in both inventories will include, as applicable:

- On-road mobile sources;
- Stationary diesel-fueled engines;
- Gasoline dispensing stations;
- Dry cleaning facilities that use perchloroethylene (PERC); and
- Other facilities that may have the potential to emit TACs or PM2.5 within the planning area.

Conduct Risk Modeling for Baseline and Target years

The Consultants will conduct receptor-oriented cancer and non-cancer risk modeling for the baseline and CRRP target years using BAAQMD-approved modeling methods consistent with the recommendations within the BAAQMD's CEQA Air Quality Guidelines (June 2010). The

Consultants will identify Sensitive Receptor Areas within the City, and BAAQMD will provide the model input information regarding the permitted stationary sources (available on its website, or BAAQMD will provide more recent data, if available). Model inputs that will be provided by BAAQMD shall include source type(s), pollutant type(s), emission rate(s), and source attributes (e.g., stack parameters). The Consultants will also coordinate with BAAQMD in regards to the appropriate meteorological input files, for which are assumed will be provided by BAAQMD. Modeling will be conducted according to BAAQMD's Recommended Methods to Screening and Modeling Local Risk and Hazards (May 2010) and Draft Guidelines (May 2012), which is heavily-based on the California Air Pollution Control Officers Association's (CAPCOA) Health Risk Assessments for Proposed Land Use Projects (July 2009).

The Consultants will conduct cumulative risk modeling accounting for all identified TAC and PM2.5 sources within 1,000 feet of each Sensitive Receptor Area in consultation with BAAQMD, since BAAQMD is still developing its approach to risk modeling in support of CRRPs. Sensitive Receptor Areas will account for both existing and planned sensitive land uses. This scope of work is based on the assumption that a total of approximately 18 dispersion modeling runs will be necessary to cover all Sensitive Receptor Areas for the baseline and target years.

Risk Reduction Measure Quantification

The CRRP will contain measures intended to reduce emissions of TACs and PM2.5 from existing and future stationary and mobile sources, and reduce exposure of existing and future receptors. The Consultants will conduct a quantitative assessment of the risk reduction effectiveness of the mitigation strategies proposed in the CRRP, where it is possible to quantify. The Consultants will develop the risk reduction goals for the target year that the CRRP is intended to achieve, and that those risk reductions will be consistent with BAAQMD's CEQA Thresholds for Risk Exposure by the target date. It is also assumed that BAAQMD would provide guidance for quantification effectiveness of each measure.

If the result of this assessment shows that the mitigation strategies would not achieve the risk reduction target, we will recommend additional strategies for consideration by the City. This task assumes a maximum of two (2) iterations of mitigation strategy quantification. The results of three specific tasks will be used to develop draft and final versions of a CRRP for the City.

Phase 5: Environmental Impact Report

During this phase the Consultants will prepare the General Plan EIR (EIR) to analyze the potential significant environmental impacts of the Draft General Plan. The EIR will provide an easy-to-understand, comprehensive analysis of the impacts resulting from General Plan implementation so that the City can make informed decisions about General Plan policies and implementation programs. The EIR will meet all requirements of the California Environmental Quality Act (CEQA), State CEQA Guidelines, and relevant court decisions, and will help the City streamline future environmental review of development and public works projects consistent with the General Plan. The EIR will also include a greenhouse gas emissions analysis necessary to have the General Plan and accompanying GHG reduction measures and analysis certified by BAAQMD as a Qualified Greenhouse Gas Reduction Strategy, consistent with the District's CEQA guidelines.

This scope of work covers preparation of an EIR that thoroughly addresses all CEQA-mandated environmental topics and identifies the cumulative, growth inducing, significant unavoidable,

and irreversible significant effects that must be considered for General Plan adoption as well as subsequent, General Plan-consistent, development proposals.

The Consultants will help City staff integrate policies into the Draft General Plan that “self-mitigate” potential environmental impacts to the maximum extent feasible. This self-mitigating, proactive approach will minimize reliance on external mitigation measures, streamline future CEQA coverage for future projects, and allow the City to monitor the effectiveness of General Plan policies.

The General Plan EIR will be prepared as a Program EIR, consistent with State CEQA Guidelines Section 15168. The goal of this approach is to establish the opportunity for the City to use the Program EIR for environmental review of future, General Plan-consistent actions and projects, in accordance with State CEQA Guidelines Section 15168(c) and (d). When a project is consistent with the General Plan and all of its significant impacts have been addressed in the General Plan Program EIR, the project may be determined to be “within the scope” of the Program EIR, and no additional environmental document would be required. In other cases, the General Plan Program EIR may be used to limit the topics that must be addressed in a later environmental document on a project consistent with the General Plan.

Task 5.1 Training Session #6: Preparing the EIR

The Consultants will conduct a training session that focuses on preparing the EIR and completing the adoption process. The session will cover the following topics:

- Evaluating Environmental Impacts
 - Strategies for CEQA Compliance
 - Coordination of Environmental Document with General Plan Preparation
 - Impact Significance, Mitigation Approaches, and Setting Up Project Streamlining
 - Preparing the Environmental Document
 - Practice Tips
 - Using the General Plan EIR for Policy Implementation and Future Environmental Reviews
 - Resources
- Completing the Process
 - Agency consultation
 - Public notice
 - Hearings
 - Recording and responding to public comments
 - Adoption
 - Final documents

Task 5.2 Initial Study/Notice of Preparation

The Consultants will work with City staff to develop a project description and prepare a draft Notice of Preparation (NOP) pursuant to CEQA Guidelines. The Consultants will prepare an Initial Study to identify potential environmental impacts that may result from General Plan

implementation. The primary purpose of the Initial Study is to focus the scope of the EIR analysis by identifying CEQA-defined environmental topics that will not result in significant impacts.

The Consultants will submit a draft Initial Study/NOP to City staff for review. The Consultants will then incorporate City comments into the final Initial Study/NOP and assist the City with compiling the distribution list. It is assumed that City staff will distribute (mail) the Initial Study/NOP.

Task 5.3 Scoping Meeting

The Consultants will facilitate a public/agency scoping meeting to receive comments on the Initial Study/ NOP. The Consultants will prepare a summary of comments made at the meeting.

Task 5.4 Administrative Draft EIR

Based on the General Plan Background Reports and public/agency comments on the Initial Study/NOP, the Consultants will prepare an Administrative Draft Program EIR (ADEIR). The ADEIR will meet all CEQA requirements, with easy-to-read text, maps, and tables in a user-friendly format.

The Consultants will base the ADEIR on a comprehensive project description tied directly to General Plan content. The Consultants will base the environmental setting and regulatory setting for each environmental topic section of the ADEIR (e.g., air quality, transportation/traffic, utilities and service systems) on (and, to the extent possible, taken directly from) the Background Reports.

The consultants will introduce each environmental topic section with a brief statement of its context within the General Plan, CEQA, and ADEIR. Although CEQA is a complex law, the issues it covers are relevant to everyday life, and this relationship will be clearly described in each ADEIR section.

The Consultants will present thresholds for identifying significant environmental impacts for each environmental topic, and will include applicable CEQA Guidelines (e.g., Appendix G), existing regulatory standards, and standards adopted by the City. These significance thresholds will clearly define how the CEQA analysis identifies a significant impact.

The environmental setting for each environmental topic will, to the extent possible, incorporate information directly from the Background Reports and will set the groundwork for impact analysis and recommended mitigation measures. The number of impacts to be analyzed, and the depth of analysis, will be a function of CEQA requirements (including the Initial Study conclusions), public/agency comments on the Initial Study/NOP, existing and projected environmental conditions in Hayward, and any environmental areas of controversy that City staff identifies. Impacts will be identified based directly on the significance thresholds, and mitigation measures will be prepared to reduce significant impacts to less-than-significant levels, when feasible. Mitigation measures identified in the ADEIR will be considered for "looping back" to be incorporated as policies and actions in the General Plan. For each potentially significant impact identified in the ADEIR, the Consultants will identify proposed General Plan policies that will avoid or reduce identified the potential impact (to maximize the "self-mitigating" character of the General Plan).

The ADEIR will comprise the following sections:

Introduction. The ADEIR Introduction will summarize CEQA requirements, provide a synopsis of the General Plan project description and background, and identify the City's objectives for the General Plan.

The Introduction also will describe the purpose of the ADEIR in relation to the General Plan, identify the scope of environmental issues addressed in the ADEIR, and present the organization of the EIR. This section also will define the necessary technical terms used in the EIR.

Executive Summary. This section will summarize the ADEIR content and include the following: the City's project objectives; a brief project description; a summary of the overall environmental setting of the Planning Area; identified environmental impacts, recommended mitigation measures (mitigating policies); and a brief discussion of alternatives to the proposed General Plan considered in the EIR, areas of environmental controversy in Hayward, and CEQA issues needed to be decided by City decision-makers (e.g., choice among project and alternatives, feasibility of mitigation).

Project Description. The ADEIR Project Description will contain the City's objectives and relevant content from the Draft General Plan to describe the Planning Area's existing and proposed land uses and associated environmental conditions. The information will be described in text, tables, maps, and diagrams in clear, concise text and user-friendly graphics.

Environmental Setting, Regulatory Setting, Impacts, and Mitigation Measures. Building on the environmental setting information from the Background Reports, the Consultants will develop a set of impact significance thresholds for each environmental topic (e.g., land use and planning, noise, utilities). Adverse environmental impacts that meet or exceed these thresholds will be considered significant. Additionally, impacts will be characterized in terms of short- or long-term effects and presented in a logical sequence and format that all readers can understand. Also, as required by CEQA, any inconsistencies between the proposed General Plan and adopted local and regional plans will be discussed.

CEQA-required issues to be analyzed will include Aesthetics, Agriculture/Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/ Traffic, and Utilities and Service Systems.

Based on their relevance to Hayward, some of the environmental issues may be dismissed in the Initial Study (see Task 5.1 e.g., forestry resources and mineral resources), while other issues will be discussed in the EIR in more detail than others. As mandated by CEQA, the EIR will provide comprehensive and essential information to the extent required to identify significant impacts and to recommend feasible mitigation measures. The EIR will not be "padded" with irrelevant information.

The following is a summary of the analysis and content the Consultants will produce for each topical section of the EIR:

Aesthetics

The Consultants will consider the anticipated citywide buildout under these policies on the visual character and image of the Planning Area, including on vistas of San Francisco Bay and the Hayward hills. Beneficial aesthetic effects of the General Plan also will be discussed. The

Consultants will recommend any General Plan refinements or policies warranted to minimize identified visual impacts.

Agriculture/Forestry Resources

The Consultants will evaluate agriculture resources will be evaluated in relation to areas in Hayward currently identified as Baylands and Limited Open Space. As defined by CEQA, forestry resources do not exist in Hayward, and the Initial Study will explain why this topic requires no further CEQA analysis.

Air Quality

The Consultants will assess the local and regional air emission impacts of General Plan buildout based on the most recent adopted modeling criteria of the Bay Area Air Quality Management District (BAAQMD), with criteria and toxic air contaminant modeling by Ascent Environmental. For any significant impacts, the Consultants will identify mitigations consistent with BAAQMD CEQA requirements that can be formulated into General Plan policies.

Current guidance from BAAQMD recommends the use of a recently released modeling tool: the California Emissions Estimator Model (CalEEMod). The Consultants will consult with BAAQMD regarding use of CalEEMod and preferred modeling approach at the time of analysis. In addition, the California Air Resources Board (ARB) released an update to the California On- and Off-Road Mobile-Source Emission Factor Models (EMFAC and OFFROAD) on October 1, 2011. EMFAC and OFFROAD 2011 have not yet been integrated into CalEEMod. If the emission factor update to the model does not occur prior to project initiation, The Consultants will coordinate with BAAQMD on developing a methodology to manually incorporate the use of EMFAC and OFFROAD 2011 emission factors into the air quality analysis.

Biological Resources

As a community adjacent to San Francisco Bay that includes baylands and the Hayward hills, Hayward is home to a diverse array of special-status plants and animals. Based on the Biological Resources Background Report, the Consultants will ensure that General Plan policies regarding these resources are consistent with Best Management Practices and jurisdictional protocols for mitigating potential impacts.

Cultural and Historic Resources

Hayward is home to numerous officially designated historic sites, including several Victorian homes, as well as the Marks Historic Rehabilitation District and many other potential historic resources. Pursuant to CEQA Guidelines section 15064.5, the Consultants will evaluate the potential effects of the General Plan on any identified or potential cultural or historic resources in the Planning Area. The Consultants will identify CEQA-based mitigation protocols that can be incorporated directly into General Plan policy.

Geology and Soils

Earthquakes can cause strong ground shaking, liquefaction, differential settlement and lateral spreading (especially in areas above Bay mud). The Consultants will identify potential geotechnical impacts of General Plan development and describe mitigation protocols (including City requirements) to reduce the impacts to less-than-significant levels.

Greenhouse Gas Emissions (GHG)

The Consultants will address the GHG implications, both beneficial and adverse, of General Plan buildout. The Consultants will quantify project climate change impacts based on the most recently adopted modeling criteria of the Bay Area Air Quality Management District (BAAQMD). The EIR will also analyze General Plan consistency with BAAQMD's adopted Clean Air Plan (CAP). For any significant impacts, the Consultants will identify mitigations consistent with BAAQMD CEQA requirements that can be formulated into General Plan policies. The GHG emissions analysis will enable the General Plan and accompanying GHG reductions measures and analysis to qualify as a BAAQMD-certified Qualified Greenhouse Gas Reduction Strategy.

Hazards and Hazardous Materials

Existing properties and structures in the Planning Area may contain contaminated soils or groundwater, or hazardous building materials, which might be disturbed during General Plan development activities. Based on the Public Health and Hazardous Materials Background Reports, the Consultants will discuss the potential for future hazardous material exposure impacts and describe associated jurisdictional mitigation protocols. The Consultants will also describe the Planning Area's relationship to Hayward Airport/Hayward Airport Land Use Compatibility Plan and General Plan policies for ensuring compatibility of land uses with airport operations.

Hydrology and Water Quality

Based on the relevant Background Reports (e.g., Public Health, Stormwater), the Consultants will describe drainage, flooding and water quality issues, then will analyze potential impacts and identify mitigation measures, including adopted State, regional, and City regulations.

Land Use and Planning

The Consultants will independently evaluate the land use implications, both beneficial and adverse, of the General Plan and will identify any significant impacts under CEQA (e.g., "division of an established neighborhood"). The Consultants will then identify associated mitigations, including recommended General Plan refinements. In addition, to comply with CEQA, the Consultants will evaluate the consistency of the General Plan proposed policies with relevant regional planning policies (e.g., ABAG) will be evaluated.

Mineral Resources

Operations at La Vista Quarry ceased in 2006. With no other CEQA-defined mineral resource in Hayward, the Initial Study will explain that no further CEQA analysis is required.

Noise

Based on the Noise Background Report, the Consultants will describe impacts of General Plan development policies and associated future buildout on the local noise/vibration environment. The Consultants will also include short- and long-term noise measurements and existing noise contours. Projected noise modeling and contours under the proposed General Plan will be developed. The Consultants will analyze construction noise/vibration; traffic, rail, and airplane noise/vibration; and land use compatibility within the projected noise environment. The Consultants will then identify effective and feasible mitigations that can be incorporated directly into General Plan policies.

Population and Housing

The Consultants will describe the General Plan's potential effects on housing and population in order to provide the statistical basis for related quantitative environmental impact evaluations (e.g., public services and utilities). General Plan implementation is not, in itself, expected to cause CEQA-defined population or housing impacts.

Public Services (including Recreation)

Based on the Public Services Background Report, the Consultants will evaluate the General Plan's effects on the following public services: fire protection, police protection, schools, parks/recreation, and possibly other public services identified in consultation with City staff. Appropriate service providers (identified in coordination with City staff) will be contacted to help identify potential impacts and formulate mitigations consistent with General Plan policy.

Transportation/Traffic

The Consultants will evaluate intersections or roadway segments, consistent with the City of Hayward and Alameda County impact analysis guidelines. EIR conclusions and mitigation measures will be consistent with General Plan plans and policies (e.g., Complete Streets Policy and the updated Bicycle Master Plan).

Utilities and Service Systems

Based on the relevant Background Reports (e.g., Water Supply and Distribution, Wastewater System), the Consultants will evaluate the General Plan's effects on water supply and distribution, sanitary sewer treatment capacity and distribution, and stormwater drainage (included in the EIR Hydrology and Water Quality section). The EIR will also evaluate solid waste/recycling services.

Alternatives Analysis. Consistent with CEQA, the Consultants will consider a reasonable range of alternatives intended to reduce identified significant environmental impacts. In addition to the required "No-Project" Alternative, the Consultants will evaluate at least three other alternatives, in consultation with City staff, that will include variations on General Plan elements and policies, land uses, and densities.

[Note: If the staff decides to have the fiscal analysis conducted as a part of the EIR, Task 3.3 would be conducted here.]

Cumulative Impacts. The Consultants will evaluate cumulative impacts based on anticipated growth in Hayward and the region relevant to the CEQA topics analyzed. The Consultants will consult General Plans from neighboring jurisdictions and adopted plans from regional agencies (e.g., ABAG) to help forecast cumulative growth. The Consultants will also analyze the contribution of the Draft General Plan to overall cumulative impacts.

Other CEQA Sections. In addition to the sections discussed above, the ADEIR will include all other required CEQA sections (e.g., growth inducing impacts, significant unavoidable impacts). These other CEQA-mandated sections are basically summaries of more detailed analyses already included in the ADEIR.

Task 5.5 Draft Environmental Impact Report

Following receipt of comments from City staff on the ADEIR, the Consultants will incorporate revisions and prepare a Screencheck Draft EIR for final City review. The Consultants will then prepare the Public Review Draft EIR (DEIR) for public circulation, along with the associated public Notice of Completion/Availability. It is assumed that the City will distribute the DEIR to the State Clearinghouse, responsible agencies, and interested agencies, organizations, and persons. As required by CEQA, the DEIR will require at least a 45-day public review period.

Task 5.6 Responses to Public Comments on the Draft Program EIR/Final Program EIR/Mitigation Monitoring and Reporting Program/Notice of Determination

In collaboration with the City, the Consultants will respond to oral and written comments received during public review of the DEIR and include the responses in the Final EIR. The Final EIR will also include (1) any necessary changes to the DEIR based on those responses, (2) the list of commenters, and (3) a summary of their comments. Also, the Consultants will prepare a Mitigation Monitoring and Reporting Program (MMRP) in accordance with §21081.6 of CEQA; the MMRP will identify each mitigation measure from the DEIR, mitigation responsibility, timing, and reporting procedures, in order to help monitor mitigation progress and success. A Notice of Determination will be prepared for posting at the County Clerk after the General Plan is adopted.

Task 5.7 Findings of Fact and Statement of Overriding Considerations

The Consultants will prepare the Findings of Fact in collaboration with the City Attorney. If the Final EIR identifies significant unavoidable environmental impacts, the Findings can be applied directly to the CEQA-required Statement of Overriding Considerations, which the Consultants will prepare in consultation with City staff and the City Attorney.

Phase 6: Housing Element Update

Objective: Prepare an updated Housing Element that is consistent with State law, meets the housing needs of all segments of the community, is certified by the Department of Housing and Community Development, and is adopted before the statutory deadline to avoid penalties for non-compliance.

Although the Housing Element Update will occur simultaneous with the General Plan Update, the Consultants have described it as a separate phase of the project because it has several unique requirements mandated by State law.

The existing 2009-2014 Housing Element, adopted in June 2010, provides a solid foundation for the 2014-2022 update. The existing Housing Element addresses all changes in State law that were relevant at the time the Housing Element was adopted (e.g., SB 2 – zoning for emergency shelters, AB 2634 – analysis of the housing needs of extremely low-income households). Since that time there have been a few additional changes to the law that will need to be addressed in the

updated Housing Element (e.g., SB 812 – persons with developmental disabilities). The most significant change in State law affecting Housing Elements is SB 375, enacted in 2008.

To ensure compliance with State law, the 2014-2022 Housing Element must be adopted by October 2014. With the passage of SB 375, meeting this deadline is more important than ever. SB 375 established an eight-year cycle for RHNA determinations and housing element adoption to match up with the timing for GHG reduction targets and RTP preparation. Cities and counties that do not adopt their housing elements within the mandated timelines will be required to update their element every four years instead of eight.

The Consultants will help ensure the City prepares a Housing Element that reflects current State law and provides decision-makers, developers, and the public with information needed for policy and project decisions. Our primary responsibilities will be assisting City staff by conducting a peer review of the Draft Housing Element and coordinating with the Department of Housing and Community Development (HCD) in the review and certification of the Housing Element.

Task 6.1 Training Session #7: Updating the Housing Element

The Consultants will conduct a training session that focuses on updating the Housing Element. The session will cover the following topics:

- Data sources for updating the Background Report;
- Strategies for identifying adequate sites to meet the Regional Housing Needs Allocation;
- Best practices for providing affordable housing;
- Guidance package detailing all the necessary steps for updating the Housing Element;
- Recent changes in State housing element law;
- Strategies for involving stakeholders and the community; and
- Approaches to dealing with HCD.

Task 6.2 Housing Element Public Outreach

Housing Element law requires the City to “make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element.” The manner in which the City conducts this public outreach is flexible. The Consultants will help the City structure the public outreach program for the Housing Element Update.

Task 6.3 Peer Review of Draft Housing Element

The City will prepare the Housing Element. The Consultants will then conduct a peer review of the Draft Housing Element and work with City staff to address any identified gaps in information.

Task 6.4 Facilitate HCD Review of Draft Housing Element

Once the City has compiled the Draft Housing Element, the Consultants will hand-deliver the draft to HCD in Sacramento. Under State law HCD has 60 days to review the draft. During the HCD review period the Consultants will serve as a liaison to the City, facilitating review by HCD. As the Consultants do on all the housing elements the Consultants prepare, the Consultants will maintain close contact with the City's designated HCD reviewer to answer any questions he/she

may have early in the process. The Consultants will also coordinate a meeting with HCD staff and City staff to discuss the draft Housing element, prior to the close of the 60-day review period.

Following the City's receipt of HCD's comments on the HCD Review Draft Housing Element, the Consultants will prepare an initial response to HCD's comments. Based on City staff comments, the Consultants will revise the response to HCD comments and then coordinate a meeting or conference call with HCD and City staff to discuss the response to comments. Once the Consultants have an agreement with HCD on the changes, the Consultants will help the City prepare a revised Draft Housing Element to present to the Task Force, Planning Commission, and City Council.

Based on feedback from the Task Force, Planning Commission, and City Council, the Consultants will prepare a formal written response for submission to HCD. The Consultants will work closely with HCD to seek a timely conditional approval letter prior to Planning Commission and City Council hearings to adopt the Housing Element.

Phase 7: Adoption Hearings and Final General Plan

Task 7.1: General Plan Adoption Assistance

The Consultants will assist City staff prepare for meetings with the Task Force, Planning Commission, and City Council to review the Draft General Plan, culminating in City Council direction on changes to the Draft General Plan.

Task 7.2: Prepare Final Web-Based General Plan

The Consultants will produce the final General Plan based on City Council direction for the final adoption hearings as an interactive web-based General Plan that emphasizes ongoing implementation, tracking and monitoring, and feedback from the community. The web-based plan will be highly graphical and be structured and designed to meet the specific needs of the City of Hayward. It is easy to navigate and searchable, allowing decision-makers and other users to quickly locate relevant information. The online format allows cross-referenced links to related policies, programs, maps, or interesting background information. It is also easy to update on an ongoing basis as the General Plan is amended to reflect changing conditions in the future. The website can include a "recent news" section where the City can update its residents on Plan implementation. The City can also provide opportunities for residents to provide feedback on the Plan's progress and implementation. The Consultants will train City staff how to use, maintain and update the web-based plan. The web-based General Plan will be designed to be translated automatically into any language using tools such as Google Translate.

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-

Introduced by Agency Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH JONES PLANNING AND DESIGN TO CONTRACT PLANNING SERVICES DURING THE PREPARATION OF THE 2014 GENERAL PLAN UPDATE

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 a professional services agreement with Jones Planning and Design to provide assistance with the General Plan update per the attached Scope of Work, in an amount not to exceed \$290,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2012

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

Jones Planning + Design

Helping Communities Achieve Their Full Potential

August 29, 2012

Erik Pearson, AICP, Senior Planner
City of Hayward
777 B Street
Hayward, CA 94541

Subject: Proposal to Serve as a Temporary Planner for the City of Hayward

Mr. Pearson:

Thank you for providing the opportunity to submit this proposal to serve as a Temporary Planner for the City of Hayward. I understand that the City Council has directed City staff to complete a General Plan Update and Environmental Impact Report within an extremely tight schedule. To achieve this deadline, the City is seeking the assistance of a qualified planner that can assist City staff with community outreach, managing a General Plan Task Force, preparing background reports, and drafting the Draft and Final General Plan. I am pleased to submit my qualifications to serve in this position.

I want to be completely upfront and honest and let you know that my general plan update experience is relatively limited. The bulk of my 12-year career as a planner, urban designer, and project manager has been focused on the preparation of specific plans, master plans, form based codes, and revitalization plans and strategies for downtowns and neighborhoods. I actually started working on general plans in 2010 when the City of Fullerton asked me to “help fix” their Administrative Draft General Plan. I ended up writing several General Plan elements and served as the technical editor for the entire document. I rewrote and reorganized a lot of the policies and restructured the urban design and land use framework. These changes simplified the document, eliminated redundancies, and made it more user-friendly.

Shortly after the Fullerton General Plan was adopted, the City of Long Beach called me to see if I could “help fix” their Mobility Element. The City had been working on the Mobility Element Update for over 8 years. Multiple consultants and several City staff members had drafted various parts of the document. I was hired to sort through all the background information and to prepare a working draft. The City also needed a complete draft within three weeks. I ended up rewriting the entire Mobility Element and I worked day and night to meet their deadline. I recently received an email from the City of Long Beach stating that “The element is making its way toward adoption and your work was key to transforming a less than organized pile of information into an approvable document. THANK YOU!”

While my general plan update experience is relatively limited, I do have substantial project experience and all the necessary skills and qualifications needed to assist the City in this effort. I have over 12 years of experience as a planner, urban designer, and project manager. During this time I have facilitated dozens of community engagement and visioning efforts, managed several advisory groups and task forces, and prepared hundreds of planning and environmental documents, including background reports,

Jones Planning + Design
259 Laurel Grove Lane, San Jose, CA 95126
www.JonesPlanningandDesign.com
408-310-7881

specific plans, master plans, area plans, community plans, form-based codes, design guidelines, initial studies, and environmental impact reports. I am extremely efficient and can prepare well written and organized planning products with minimal oversight. I believe this skill will be extremely important for the City of Hayward, given the tight schedule for the General Plan Update. I also provide excellent client service and I always strive to meet and exceed client expectations. Here are a few things that some of my clients have said about my my client service and the quality of my work products:

- “Jason provides exceptional planning and urban design services. He is innovative, highly reliable, solution-oriented, and talented. From leading community involvement processes, to the development of form-based codes, to authoring implementation-focused revitalization plans, and preparing strategic general plan elements, Jason’s work is among the most effective in the profession.” Al Zelinka, FAIP, CMSM, Community Development Director, City of Fullerton.
- “The Rail Corridor Design Standards booklet is colorful, aligns with the City’s planning and building codes, provides an exact ‘view’ of what we envision, and is an incredible tribute to his ability to provide planning and urban design according to his client’s wishes. I would recommend Jason for any planning and urban design project.” Elaine Post, former Redevelopment Director, City of Los Banos.
- “Jason has exhibited a creative and common sense approach to the formulation of the Specific Plan/Form Based Code for this exciting and complex project. He is strategic in his thinking and has shown an excellent understanding of the practical and economic impacts of his planning recommendations. His work product is well organized and skillfully written. I look forward to working with Jason on future projects and would highly recommend him to others.” Ric Shwisberg, Principal/General Counsel, Reylenn Properties.
- “Mr. Jones is a very talented planner and urban designer. He thinks strategically, is highly reliable, and excels in a collaborative environment. He is one of the finest professionals with whom I have worked in my 33 years in the field of planning and development. Many consultants make big promises. Jason is one of the few who consistently delivers on those promises.” Robert M. Zur Schmiede, AICP, Deputy Director of the Planning Bureau, City of Long Beach.

If hired, I am confident that the City of Hayward will receive the same level of service and satisfaction as the clients noted above.

Attached is my resume, a proposed budget and fee, client references, and a conflict of interest statement. After reviewing these items, please contact me by phone or email if you have any questions or would like to meet and discuss my qualifications further (408-310-7881 or Jason@JonesPlanningAndDesign.com). This proposal will remain in effect for 60 days. Thank you for your time and consideration, and I look forward to hearing from you soon.

Sincerely,



Jason Jones, Owner/Principal

Jones Planning + Design
259 Laurel Grove Lane, San Jose, CA 95126
www.JonesPlanningandDesign.com
408-310-7881

Resume and Work Experience of Jason Jones

Biography:

Jason Jones is a planner and urban designer that is dedicated to improving communities. Jason graduated magna cum laude from California Polytechnic State University, San Luis Obispo with a degree in City and Regional Planning. Before graduating, he began working full time for RBF Consulting as a planner and urban designer. After several people in his office left the company for high-paying jobs in the booming Silicon Valley technology industry, he quickly gained experience as one of the youngest project managers in the company. After a 10-year planning and urban design career with RBF Consulting's Urban Design Studio, he established his own consulting practice (Jones Planning + Design) so he could better serve communities that were struggling to survive the economic recession.

Jason's specialties include project management, community-based visioning, the preparation of design guidelines and form-based codes, and the creation of planning and urban design principles, concepts, and documents that reflect and honor local values, culture, and environmental resources. Jason is skilled in both technical and policy writing, preparing and conducting presentations, and preparing graphics and highly illustrated reports. He has experience working throughout California, Nevada, Oregon, Washington, and Idaho. He is known for his responsiveness and excellent client service.

Throughout his career, Jason has continued his education by completing certificate programs in downtown revitalization, form-based codes, and project leadership. He has also served as a speaker, guest instructor, and co-instructor for the Rocky Mountain Land Use Institute, UC Davis Extension, the American Planning Association, and the California Downtown Association's Professional Certificate Program.

Career Experience:

Principal/Owner, Jones Planning + Design (2010 to Current):

- Owner and operator of a consulting practice that manages planning, urban design, and revitalization projects for local governments and private developers.



Years of Experience: 12

Education:

B.S., 2000, City and Regional Planning, California Polytechnic State University, San Luis Obispo

Certificate, 2001, Leadership Development, Advanced Management Institute for Architecture & Engineering

Certified Downtown Professional, 2007, California State University San Bernardino and California Downtown Association

Certificate of Completion, 2008, Form-Based Code Series, Form-Based Code Institute

Professional Affiliations:

Member, American Planning Association

- Responsible for all aspects of business operations, including business development, marketing, contract negotiations, project management, budget and schedule compliance, financial management, and preparing urban planning and design products.

Senior Associate, Urban Designer, RBF Consulting (2007 to 2010):

- Managed planning, urban design, and downtown revitalization projects for local governments and developers throughout the Western United States.
- Successfully managed multi-disciplinary teams, the development of planning and urban design products, and project budgets and schedules to meet client goals and achieve target profits.

Associate, Planner/Designer, RBF Consulting (2002 to 2007):

- Assisted in the management of planning, urban design, and downtown revitalization projects for cities and counties throughout the Western United States.
- Assisted in the entitlements of development projects in Monterey County, San Benito County, and Santa Clara County.
- Became the youngest Associate in the company and established the company's form-based code practice.

Planner, RBF Consulting (2000 to 2002):

- Prepared environmental documents to comply with the Environmental Quality Act and National Environmental Policy Act
- Served as a contract planner for local governments, and prepared urban planning studies for light rail transit, residential, and commercial development projects.

Project Experience:

General Plan, Master Plan, Specific Plan, and Area Plan Experience

"Your skill and professionalism is top notch, and this Specific Plan (the Fullerton Transportation Center Specific Plan) would not be the excellent document it is without your leadership."

Jay Eastman, AICP, Senior Planner, City of Fullerton

- Fullerton General Plan Update (Fullerton, CA) 2010-2011: Tasks: conducted research, authored the Economic Development Element and Revitalization Element, peer reviewed and edited the entire document, and reorganized the land use and urban design framework.
- Long Beach Mobility Element (Long Beach, CA) 2011-2012: Tasks: conducted research, developed the document framework and organizational structure, developed "complete streets" policies and a multi-modal level of service program, and authored the document.
- North San Fernando Boulevard Master Plan (Burbank, CA) 2011-Current: Tasks: managed the project, prepared urban design principles and streetscape design concepts, developed an implementation strategy, authored the document, and facilitated community meetings.

- Fullerton Transportation Center Specific Plan (Fullerton, CA) 2009-2010: Tasks: managed the project, prepared urban design principles and streetscape design concepts, prepared the form-based regulating code, developed an implementation strategy, and authored the majority of the document.
- Perris Downtown Specific Plan (Perris, CA) 2009: Tasks: prepared the form-based code and design guidelines.
- University District Specific Plan Amendment (San Marcos, CA) 2007-2008: Tasks: prepared the form-based code.
- Downtown Lancaster Specific Plan (Lancaster, CA) 2007-2008: Tasks: prepared urban design concepts and the form-based code.
- Downtown Master Plan (Ketchum, ID) 2006-2007: Tasks: prepared urban design concepts and graphics, and drafted urban design principles and policies.
- Rocklin Downtown Plan (Rocklin, CA) 2005-2006: Tasks: managed the project, conducted research, developed the community outreach strategy, prepared urban design concepts, drafted the form-Based code, and authored the implementation strategy.
- South Auburn Street Master Plan (Grass Valley, CA) 2005: Tasks: conducted research, prepared urban design concepts, and authored the Master Plan.
- Boronda Community Plan (Monterey County, CA) 2004: Tasks: conducted research, prepared urban design concepts, and prepared design guidelines.
- Moffett Park Specific Plan (Sunnyvale, CA) 2003: Tasks: conducted research and prepared urban design concepts.
- Skypark Town Center Master Plan (Scotts Valley, CA) 2003: Tasks: conducted research, prepared urban design concepts, analyzed alternatives, and authored the majority of the Master Plan.
- Los Banos Downtown Revitalization Strategy and Civic Center Master Plan (Los Banos, CA) 2002: Tasks: conducted research and prepared and analyzed land use alternatives.
- Lincoln City Redevelopment Plan (Lincoln City, OR) 2002: Tasks: Conducted research and prepared urban design concepts.
- Downtown Fort Bragg Revitalization Plan (Fort Bragg, CA) 2001: Tasks: conducted research and prepared urban design conepts.

Zoning and Design Guideline Experience

“One of our other favorite ‘Jason traits’ is his disarming style of communication. People like to like him – and he quickly builds trust in the processes in which he is engaged. With all his technical, design and writing skills added to this, Jason has been an extraordinary teammate in our collaborative work across the U.S. west.”

Thomas Hudson, Principal of the Hudson Company

- Article 27 of the Burbank Zoning Ordinance: North San Fernando Boulevard Commercial Zone (Burbank, CA) 2011-Current: Tasks: managed the project, prepared the regulating code framework, developed graphics and diagrams, authored the document, and facilitated community meetings.
- Mesquite Downtown Regulating Code (Mesquite, NV) 2008-2009: Tasks: managed the project, prepared the regulating code framework, developed graphics and diagrams, authored the document, and facilitated community meetings.
- King County Form-Based Code Demonstration Project (King County, WA): Tasks: prepared the regulating code framework, developed graphics and diagrams, authored the document, and facilitated community meetings.
- Rail Corridor Regulating Code (Los Banos, CA) 2008-2009: Tasks: managed the project, prepared the regulating code framework, developed graphics and diagrams, authored the document, and facilitated community meetings.
- SOSA Design Guidelines (Clark County, NV) 2007-2008: Tasks: prepared design guidelines, developed graphics and diagrams, authored the majority of the document, and facilitated community meetings.
- Scarlett Court Design, Landscape and Signage Guidelines (Dublin, CA) 2006-2007: Tasks: managed the project, developed graphics and diagrams, authored the majority of the document, and facilitated community meetings.
- Downtown Regulating Code (Ketchum, ID) 2006-2007: Tasks: prepared the regulating code framework, developed graphics and diagrams, and authored the document.
- Dublin Village Design Guidelines (Dublin, CA) 2004: Tasks: conducted research, developed graphics and diagrams, and authored the majority of the document.

Community Engagement Experience

"This was a fantastic process, not only for us committee members, but I think for the community... It was a very open, analytical, and collaborative process in which ideas and different perspectives were exchanged... I hope this process continues in other areas."

Mike Hurst, City of Fullerton, Downtown Core and Corridors Evaluation Committee

- Community-Based Consultant Selection Process for the Downtown Core and Corridors Specific Plan (Fullerton, CA) 2010-2011: Tasks: developed and managed the selection process, managed the Evaluation Committee, and facilitated Committee meetings.
- North San Fernando Boulevard Vision (Burbank, CA) 2010-2011: Tasks: managed the project, developed the overall community engagement strategy, prepared promotional materials for outreach events, and facilitated meetings, workshops, walking tours, and interviews.
- Vision for Mesquite Boulevard and Downtown Mesquite (Mesquite, NV) 2008-2009: Tasks: managed the project, developed the overall community engagement strategy, prepared promotional materials for outreach events, and facilitated meetings, workshops, walking tours, and interviews.
- Downtown Plan and Implementation Strategy (Hollister, CA) 2007-2008: Tasks: facilitated meetings, workshops, walking tours, and interviews.
- Strong Neighborhoods Initiative: Multi-Family Housing Demonstration Projects (San Jose, CA) 2006-2009: Tasks: assisted with community meetings, workshops, walking tours, and interviews.
- South San Juan Vision (San Juan Bautista, CA) 2007-2008: Tasks: managed the project, developed the overall community engagement strategy, and facilitated meetings, workshops, walking tours, and interviews.
- Corridor Concept Plans (Rohnert Park, CA) 2006-2008: Tasks: managed the project, developed the overall community engagement strategy, and facilitated meetings, workshops, walking tours, and interviews.
- Downtown Roseville Vision Plan (Roseville, CA) 2007: Tasks: assisted with community meetings, workshops, walking tours, and interviews.
- Transportation Corridor Land Use Study (Dublin, CA) 2006: Tasks: assisted with community meetings, workshops, walking tours, and interviews.
- Strategic Plan for the Vista Santa Rosa Sphere of Influence (La Quinta, CA) 2006: Tasks: assisted with community meetings, workshops, walking tours, and interviews.
- Kaiser Permanente Urban Design Services (Oakland, CA) 2005: Tasks: assisted with community meetings, workshops, and walking tours.
- Vision for Downtown Ketchum (Ketchum, Idaho) 2006: Tasks: assisted with community meetings, workshops, walking tours, and interviews.

- Downtown Sierra Madre Specific Plan (Sierra Madre, CA) 2005: Tasks: assisted with community meetings, workshops, walking tours, and interviews.
- Lytton Rancheria Design Charrette (Sonoma County, CA) 2003: Tasks: assisted with community meetings, workshops, and a design charrette.

Environmental Review Experience:

"His skill at collaboration and communication with both other design professionals, public officials, and the general public speak to his high level of professionalism, expertise, and customer focus. I could not recommend Jason more highly."

Lucia Athens, ASLA, LEED AP, Chief Sustainability Officer, City of Austin.

- On-Call Environmental Services for Roads and Airports Department (Santa Clara County, CA) 2005: Tasks: conducted research and prepared categorical exemptions, initial studies and mitigated negative declarations for infrastructure improvement projects.
- Alviso Adobe Rehabilitation Project (Milpitas, CA) 2005: Tasks: conducted research and prepared an initial study and mitigated negative declaration.
- Coast Santa Cruz Hotel EIR (Santa Cruz, CA) 2005: Tasks: conducted research and prepared the aesthetics and traffic and circulation sections of the EIR.
- South Schulte Specific Plan (Tracy, CA) 2005: Tasks: conducted research and prepared the water supply section of the EIR.
- Bluerock Business Center EIR (Antioch, CA) 2003: Tasks: conducted research and prepared the population and housing, cumulative impacts, alternatives, growth-inducing impacts, and significant irreversible environmental effects sections of the EIR.
- Vineyards at Marsh Creek EIR (Brentwood, CA) 2003: Tasks: conducted research and prepared the aesthetics, biological resources, cultural resources, and infrastructure sections of the EIR.
- Vintner's Square Shopping Center EIR (Lodi, CA) 2003: Tasks: conducted research and prepared the introduction, public services, and utilities and service systems sections of the EIR.
- Moffett Park Specific Plan EIR (Sunnyvale, CA) 2003: Tasks: conducted research and prepared the project description, executive summary, population and housing, traffic, cumulative impacts, alternatives, growth-inducing impacts, and significant irreversible environmental effects section of the EIR.
- State Route 152 / U.S. 101 Interchange Initial Studies and Mitigated Negative Declarations (Santa Clara County, CA) 2003: Tasks: conducted research and authored the document.
- Eagle Mountain Casino and Resort Environmental Assessment (Tulare County, CA) 2003: Tasks: conducted research and authored the document.

- Gold Country Casino Expansion and Hotel Construction Environmental Assessment (Butte County, CA) 2002: Tasks: conducted research and authored the document.
- Juniper Networks Corporate Campus EIR (Sunnyvale, CA) 2002: Tasks: conducted research and prepared the project description, executive summary, aesthetics, population and housing, traffic, cumulative impacts, alternatives, growth-inducing impacts, and significant irreversible environmental effects sections of the EIR.
- Berryessa Creek Trail Reach 3 Initial Study / Mitigated Negative Declaration (CEQA) and Categorical Exclusion (NEPA) (Milpitas, CA) 2002: Tasks: managed the project and authored the document.
- Lucas Ranch Project Environmental Impact Report (Lafayette, CA) 2002: Tasks: conducted research and prepared the aesthetics and alternatives sections of the EIR.
- On Call Environmental Services for Engineering Department (Milpitas, CA) 2002: Tasks: conducted research and prepared categorical exemptions, initial studies and mitigated negative declarations for infrastructure improvement projects.
- Cerone Complex Improvements Project Initial Study and Environmental Assessment (San Jose, CA) 2002: Tasks: managed the project, conducted background research, and authored the document.
- Tasman Light Rail Corridor Project EIR and EIR Addendums (Santa Clara County, CA) 2002: Tasks: conducted research and prepared various sections of the documents.
- Regional Landfill EIR (Monterey County, CA) 2002: Tasks: conducted research and prepared various sections of the document.
- ACE Park-and-Ride Lot at Vasco Road Initial Study and Mitigated Negative Declaration (Livermore, CA) 2002: Tasks: conducted research and prepared various sections of the document.
- Flora Vista Apartment Project (Santa Clara, CA) 2001: Tasks: conducted research and prepared various sections of the document.
- Willowbrae Initial Study and Mitigated Negative Declaration (San Jose, CA) 2001: Tasks: conducted research and prepared various sections of the document.
- Crazy Horse Landfill Initial Study / Mitigated Negative Declaration (Monterey County, CA) 2001: Tasks: conducted research and prepared the traffic, noise, air quality, geology and soils, and hydrology and water quality sections of the EIR.
- Campisi Way Extension Initial Study and Mitigated Negative Declaration (Campbell, CA) 2001: Tasks: conducted research and prepared various sections of the document.
- Fremont Landfill EIR (Fremont, CA) 2001: Tasks: conducted research and prepared various sections of the document.
- Sand Quarry Reservoir Improvement (Concord, CA) 2001: Tasks: conducted research and prepared various sections of the document.
- Concannon Boulevard Improvements Project Initial Study and Mitigated Negative Declaration (Livermore, CA) 2001: Tasks: conducted research and prepared various sections of the document.

- Los Gatos General Plan Update (Los Gatos, CA) 2000: Tasks: conducted research and prepared various sections of the document.
- Santa Teresa Roadway Widening (Gilroy) 2000: Tasks: conducted research and prepared various sections of the document.
- Glynwood Subdivision EIR (Concord, CA) 2000: Tasks: conducted research and prepared various sections of the document.

Planning Development Review Experience

"Jason is the epitome of the ideal community planner. He is immensely talented in urban design and downtown revitalization. He knows how to bring people together in the spirit of collaboration. He leads by example. And his ability to communicate complex ideas simply and graphically is exceptional. To these advantages, he adds humor and a devotion to listening that makes his clients know they are special."

Thomas Hudson, Principal of the Hudson Company

- Monterey County Development Review and Permit Processing (County of Monterey, CA) 2001: Tasks: served as an on-call planner and assisted with development permit processing.
- On-Call Planning Services - City of San Juan Bautista (San Juan Bautista, CA) 2000: Tasks: served as an on-call planner, assisted with development permit processing, and assisted customers at the planning counter.
- Kelly Court Permit Processing (Scotts Valley, CA) 2001: Tasks: served as an on-call planner and assisted with development permit processing.

Proposed Budget and Fees

Jason Jones will work for the City of Hayward at a billing rate of \$100 per hour. During the initial 12 months of the project, it is assumed that he will work the equivalent of at least 48 weeks at an average of 40 hours per week. For the remaining 7 months of the project, it is assumed that he will work the equivalent of at least 28 weeks at an average of 35 hours per week. A slight reduction in hours during the final 7 months of the project is assumed because the bulk of the work (preparation of the background reports and the Draft General Plan) will be complete. Based on these assumptions, the total budget and fee for this project will be \$290,000:

First 12 months:	48 weeks x 40 hours a week x \$100 per hour =	\$192,000
Final 7 months:	+ 28 weeks x 35 hours a week x \$100 per hour =	<u>\$98,000</u>
TOTAL		\$290,000

Please note that Jones Planning + Design is willing to adjust the above assumptions and negotiate the hourly rate and total fee to better serve the needs of the City of Hayward.

Client References

The following individuals can speak to the experience, qualifications, professionalism, and the quality of products and services provided by Jason Jones:

- **Al Zelinka, FAICP, CMSM, CGBP**
Director of Community Development, City of Riverside (Former Director of Community Development for the City of Fullerton)
951-826-5110
azelinka@riversideca.gov
- **Robert M. Zur Schmiede, AICP**
Deputy Director of the Planning Bureau, City of Long Beach
562-570-6615
robert.zurschmiede@longbeach.gov
- **Patrick Prescott, AICP**
Principal Planner
City of Burbank, Planning & Transportation Division
818-238-5250
PPrescott@ci.burbank.ca.us
- **Harold Moniz, AICP**
Associate at Collins Woerman (Former Director of Planning at Ketchum, ID)
206-245-2016
hmoniz@collinswoerman.com
- **Ric Shwisberg**
Principal/General Counsel, Reylenn Properties
858-436-7700 Ext #203
rics@reylenn.com

Conflict of Interest

Jason Jones does not own property in the City of Hayward. Further, he is not currently under contract with any individual or company that owns property or has a business interest in the City. Therefore, Jason Jones does not have any real or perceived conflicts of interest that would preclude him from ethically working for the City of Hayward as a Temporary Planner.

DATE: September 25, 2012

TO: Mayor and City Council

FROM: City Clerk, City Attorney and Development Services Director

SUBJECT: Clarification of Criteria for Selection of General Plan Update Task Force Members

RECOMMENDATION

That Council directs staff to revise the selection criteria for General Plan Task Force members and extends the recruitment period to October 10, 2012.

BACKGROUND

During the City Council meeting on July 17, 2012 (report and meeting minutes attached), staff was directed to form a General Plan Task Force to assist staff with the update of the City's General Plan. Staff prepared an application form for prospective Task Force members and posted it on <http://www.hayward-ca.gov/GENERALPLAN/>. The application states, "If you are a member of a City commission or committee, you are not eligible to serve concurrently on this Task Force." Also, the application states that "applicants must meet the following criteria":

- Be a resident of the incorporated area of the City of Hayward; and
- Be at least 18 years of age or older, or be currently enrolled in high school

DISCUSSION

Due to questions that have been posed by prospective Task Force members and others, staff recommends that Council consider the following revised criteria for Task Force members:

1. Must be a Hayward resident. *(Already a criterion, but is stated more clearly and succinctly.)*
2. Must be a registered voter (meaning at least 18 years old). *(New criterion.)*
3. May be a member of another Hayward commission or committee, excluding the Planning Commission. *(Reverses prior criterion.)*
4. Must be committed to serve on the Task Force and attend regular meetings for approximately the next eighteen months. *(Clarifies participation expectations.)*

5. Must agree to complete ethics training and training associated with the City's harassment policy within six months of appointment.

Unlike standing Council's appointed bodies, the General Plan Task Force would not be a legislative body and it would not have legal authority to make decisions. The task force would be advisory to staff and possibly to Planning Commission only; therefore, members of the new task force would not be required to file 700 Forms - Statement of Economic Interests.

NEXT STEPS

Council was scheduled to interview candidates for the General Plan Task Force on October 2, 2012, and make appointments on October 16. If Council agrees to staff's recommendations, staff will circulate a new announcement and establish a new deadline of October 10, 2012 for Task Force applications to be submitted. Council would then conduct interviews of all qualifying candidates on October 16 and appoint candidates on October 23.

The first meeting of the Task Force would be on October 25. The General Plan training session, which will be open to Council members, Planning Commissioners, the General Plan Task Force, and the public, will be on Thursday, November 1 from 7 pm to 10 pm in the Council Chambers. Community meetings will be scheduled for late November or early December.

Prepared by: Michael Lawson, City Attorney
Miriam Lens, City Clerk
David Rizk, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

- Attachment I Agenda Report from July 17, 2012 City Council meeting
- Attachment II Minutes (partial) from July 17, 2012 City Council meeting



DATE: July 17, 2012

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Resolution Authorizing and Appropriating Funds for General Plan Update

RECOMMENDATION

That Council adopts the attached resolution appropriating funds and authorizing staff to proceed with a comprehensive update of the City's General Plan.

SUMMARY

At the June 19, 2012 Council meeting, staff was directed to provide more information regarding the General Plan update project, particularly related to planned efforts to engage and seek input from the community. This report provides such information, including a more detailed and revised project timeline (Attachment III) and details regarding plans for community engagement early and often throughout the update process. Staff is prepared to immediately start the update process upon Council authorization to proceed, so that the project may be completed by June of 2014.

BACKGROUND

During a work session on March 20, 2012¹, staff presented to Council an overview of the proposed scope, budget, and schedule for the General Plan update; and on April 12, 2012, a similar report² was presented to the Planning Commission. On June 19, 2012, in response to Council direction, staff presented Council with a reduced budget and shortened schedule, as well as a detailed discussion of the specific topics and issues in the existing General Plan that are in need of updating and/or revisions.³

During the June 19 work session, Councilmembers directed staff to develop a full project plan with more details, to include more public engagement during the General Plan update. Additional comments

¹ See Item # 1 at <http://www.hayward-ca.gov/citygov/meetings/cca/2012/CCA12PDF/cca032012full.pdf>

² See Item # 1 at <http://www.hayward-ca.gov/citygov/meetings/pca/2012/PCA12PDF/pca041212full.pdf>

³ See Item #1 at <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2012/CCA12PDF/cca061912full.pdf>

made during the work session, as well as staff's responses, are included below in the Discussion section.

DISCUSSION

As discussed in previous reports, the General Plan update will be a comprehensive update to the existing elements, as well as the inclusion of new elements/sections. The plan will incorporate current Council priorities throughout the document, including public safety, cleanliness, economic development and sustainability.

June 19, 2012 City Council Comments – The following is a summary of comments made by Council members during the June 19 work session. Below each bullet point is staff's response.

- Do not let the Housing Element drive the process of updating the General Plan.

The Housing Element is required to be updated by October 2014. The General Plan update will be completed by June 2014.

- Open space and parks are a high priority.

Staff will make open space and parks a prominent topic in public meetings and throughout the updated General Plan document.

- Regarding economic development, the focus should be on high quality jobs and manufacturing jobs; promote clean industries in the industrial area.

Staff will work with the Chamber of Commerce and existing local employers to draft policies that encourage new high quality jobs. Staff will consider policies that promote industries that do not negatively impact local air quality and greenhouse gas emissions. Additionally, staff will incorporate policies and elements from a new Economic Development Strategy that is currently being developed.

- Emphasis should be given to comments received at recent Neighborhood Partnership meetings, versus relying solely on policies contained in the existing Neighborhood Plans.

Staff intends to incorporate public input from past and upcoming Neighborhood Partnership meetings; and to utilize the Neighborhood Partnership Program to solicit public input on the General Plan update when and where appropriate.

- The General Plan should reflect input from, and address, Hayward's youth community.

Staff will reach out to Hayward's youth during public engagement efforts, including conversations with the Youth Commission and having youth representatives on the planned community task force (see later discussion). Policies addressing youth will be incorporated in the General Plan.

- The General Plan must address the loss of the City's Redevelopment Agency.

Staff will address this issue in the General Plan and will seek to identify alternative methods to fund the construction of affordable housing, economic development, and blight elimination activities. The General Plan update will coincide and integrate with the on-going efforts to strengthen the Economic Development Strategic Plan.

Public Engagement – At the June 19 work session, Council members emphasized the importance of receiving significant public input regarding the General Plan update. In response, staff is providing the following details regarding plans to engage the public early and often throughout the process within the constraints of time and budget. Ideas and comments received from the public will be used to formulate the vision and goals, as well as the draft General Plan document itself.

- Review public comments from Downtown visioning meetings, Mission Boulevard Corridor Specific Plan meetings, South Hayward BART/Mission Boulevard Form-Based Code meetings, Route 238 Bypass Land Use meetings, past annexation meetings, etc.
- Review public comments from past Neighborhood Partnership meetings
- Review results from past and upcoming 2012 Resident Satisfaction Survey
- Coordinate with and incorporate the various strategic plans already in existence within the organization, as well as the ones under development during this same time period.

Also, to assist with formation of goals and policies for the General Plan, staff recommends forming a small task force made up of approximately twelve community members, including three people representing business, three people representing residents, three to four people representing nonprofits and local institutions (such as Chabot College, Hayward Unified School District, and California State University), and two young residents of Hayward (such as representatives from the Youth Commission). The task force would also include key City staff. Task force meetings would occur on a regular basis and be open to the public.

Additionally, staff will inform the public and collect input by attending various community meetings throughout the two-year General Plan update, such as various meetings of government and educational institutions, nonprofits, business associations and neighborhood groups. Staff also plans to attend various community events, such as the Hayward Farmer's Market, Downtown Street Parties, and Off-the-Grid. And, staff will utilize the various boards and commissions already established within the City structure.

Staff will apply for a grant through the Davenport Institute, which is a research arm of Pepperdine University's School of Public Policy. The grant (worth up to \$50,000) would provide training and consultation from the Davenport Institute to build understanding and support for the civic engagement effort amongst administrative and elected officials. The Davenport Institute would fund a professional consultant(s) to work with the City on facilitated public forums. Working with the City's consultant, Townsend Public Affairs, staff will submit an application prior to the September 12, 2012 deadline.

Awards will be made by September 28, 2012.⁴ The Institute encourages some sort of task force, as indicated on its application form.

Staff is currently evaluating, and will continue to evaluate, the possibility of hiring a firm or subscribing to a service to assist with innovative online and/or telephone technologies to facilitate and increase community input. The revised budget as shown later in this report reserves \$10,000 for public engagement activities. If staff is successful in securing a grant from the Davenport Institute and depending on the scope of work provided through such a grant, the \$10,000 for public engagement may not be necessary. Additional detail outlining staff's public engagement plans is provided below in Tasks III, IV, and VII.

Project Scope/Timeline – Attachment III to this report is a revised project timeline showing the major tasks associated with updating the General Plan. Following is a brief explanation of each task:

- I. Select Consultants – Two Requests for Proposals (RFPs) will be released. One for consultants to assist with preparation of technical background reports and to assist with preparation of the Environmental Impact Report. The second RFP will be to retain consulting services to assist staff with public meetings, preparation of background reports, and drafting the General Plan. The consultant may be a member of a team responding to the first RFP. RFPs will be issued in late July and staff anticipates returning to Council in September to seek authorization to execute contracts.
- II. Prepare Background Reports – Background reports will be prepared to document existing conditions and will be used as a basis for the drafting of new policies. These reports will be incorporated into the General Plan and into the EIR. Staff will prepare reports such as those on land use, parks, and public utilities. Consultants will assist with preparation of technical background reports that will also be used for the EIR, such as that addressing air quality.
- III. Form Task Force – As noted above, this group will meet on a regular basis to assist staff with preparation of the vision, goals, and policies of the draft General Plan. By establishing the task force prior to the initial public meetings, members can assist with publicity of the meetings and can attend the meetings to hear ideas from the community.
- IV. Receive Initial Community Input (Phase I Outreach) – The first phase of community engagement will last approximately three months and will include two meetings at City Hall – one on a weekday evening and one on a Saturday. In addition, staff will facilitate four meetings in various neighborhoods throughout the City. Two meetings will be on weekday evenings and two on weekday mornings. Staff will also attend various community events and meetings to the extent possible to inform people of the planning effort and let them know how they can get involved. Finally, an online community publicity and input tool will be launched during this phase.

⁴ <http://publicpolicy.pepperdine.edu/davenport-institute/grants/process.htm>

- V. Formulate Vision & Identify Issues – Using comments collected at initial public meetings and online, staff will work with the task force to develop the vision and list of issues to be addressed in the General Plan.
- VI. Develop and Present the Vision, Goals and Policies – Staff, with involvement from the Task Force, will draft goals and policies responding to the vision and issues identified in the previous task. The vision and draft goals and policies will be presented during work sessions or a joint work session before the Planning Commission and City Council.
- VII. Prepare Draft General Plan – With assistance from consultants, staff will prepare the draft General Plan and incorporate the background reports and draft goals and policies. These will be presented to and discussed with the Task Force; portions of the draft General Plan will be presented during various work sessions before the Planning Commission and City Council.
- VIII. Phase II Outreach – The draft General Plan document will be presented at two community meetings – one at City Hall and one at another location. The draft document will also be available for review and comment on the City’s website utilizing participatory technology. Staff will continue to attend various community events and meetings throughout the City to present the draft General Plan and collect comments.
- IX. Prepare Draft Environmental Impact Report (DEIR) – The California Environmental Quality Act (CEQA) requires that an EIR be prepared for the General Plan and that the EIR include an evaluation of alternatives to the preferred “project.” The first step in drafting the EIR will be to establish alternatives to the preferred set of policies within the draft General Plan. With assistance from consultants, staff will prepare the draft EIR for the draft General Plan.
- X. Prepare Fiscal Impact Analysis on DEIR – With assistance from consultants, staff will prepare a fiscal impact analysis for the alternatives identified in the draft General Plan and DEIR, which will be used to help formulate the final General Plan document. The DEIR and Fiscal Impact Analysis will be presented during work sessions before the Planning Commission and City Council and at a community meeting.
- XI. Prepare Final EIR & Revisions to the General Plan – Addressing comments received during presentations of the DEIR and draft General Plan, a Final EIR and final General Plan will be prepared.
- XII. Adopt New General Plan & Certify EIR – After participation and consensus from the Task Force and recommendation from the Planning Commission, the final EIR will be certified and the new Hayward General Plan will be adopted by the City Council by June 2014.

FISCAL IMPACT

As noted in the June 19, 2012 agenda report and in the table below, staff’s cost estimate for the General Plan update is approximately \$2.2 million, including staff costs. The project manager for the update will be the Senior Planner in the Advanced Planning section of the Planning Division. The budget assumes the Senior Planner will spend approximately thirty hours per week on the update for two years and that the planning consultant will spend approximately thirty-five hours per week for twenty-one

months. The General Plan update will also require assistance from other City staff, including individuals from the Public Works - Engineering and Transportation Department for the Circulation Element, the City Manager's Office for the Housing and Economic Development Elements, and the Fire, Police, and Public Works - Utilities and Environmental Services Departments for the Public Utilities and Services Element.

Estimated Budget for General Plan Update	
Staff Time	
Senior Planner	\$300,000
Consultant – Planning	\$300,000
Other Staff	\$175,000
Total Staff Time	\$775,000
Public Engagement Activities/Tools*	\$10,000
Consultant Fees – General Plan/Technical Studies	\$700,000
Consultants Fees – Environmental Impact Report	\$550,000
Miscellaneous Costs (outreach materials, notices, newspaper ads, printing, etc.)	\$10,000
Subtotal	\$2,045,000
10% Contingency	\$204,500
Grand Total	\$2,249,500

* Funds for public engagement activities/tools from the City may not be necessary if the Davenport Institute grant application is successful.

On April 24, 2012³, Council adopted a General Plan fee, which will be a twelve percent surcharge on building permit fees. The fee is expected to generate \$2.2 million in approximately ten years. The General Plan update is included in the Ten-Year Capital Improvement Program (CIP), which was adopted on June 26, 2012 with the City's two-year operating budget. As noted in the CIP, the Fund 410 balance would be negative for eight years, requiring use of reserve funds or other sources of revenue.

PUBLIC CONTACT

No public notices have been distributed regarding the General Plan update; however, it has been discussed at one Planning Commission and two Council work sessions. As outlined above, staff will make significant efforts to reach out to and engage the public throughout the update process.

³ See Item # 12 at <http://www.hayward-ca.gov/citygov/meetings/cca/2012/CCA12PDF/cca042412full.pdf>

NEXT STEPS

Upon adoption of the attached resolution, staff will release two RFPs in late July to solicit the assistance of consultants necessary to complete the General Plan update as outlined in this report. In September, staff would return to Council for authorization to enter into a contract(s) with a consultant or consultant team. The General Plan update is scheduled to be completed per an aggressive schedule by June 2014.

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

Recommended by: David Rizk, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Draft Resolution
- Attachment II: Draft Minutes from the June 19, 2012 City Council Meeting
- Attachment III: Detailed Project Timeline

Resolution 12-135, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Townsend Public Affairs, Inc., to Assist in Securing State and Federal Funding for Affordable Housing, Economic Development, Public Safety, Library, Infrastructure, and Transportation Related Activities, and Public Facilities”

Resolution 12-136, “Resolution Amending Resolution 12-119, as Amended, the Operating Budget Resolution for Fiscal Year 2013 Relating to an Appropriation of Funds from the General Fund, Fund 100”

17. Authorization to Negotiate and Execute a Professional Services Agreement with Tracy Maiden-Baillie to Provide Literacy Learning Consultant Services Including Reading Specialist/Tutor Advisory Services

Staff report submitted by Director of Library and Community Services Reinhart, dated July 17, 2012, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Salinas, and carried with Council Member Halliday absent, to adopt the following:

Resolution 12-137, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Tracy Maiden-Baillie to Provide Specialized Literacy Learning Consultant Services Including Tutor Training and Advisory Services”

LEGISLATIVE BUSINESS

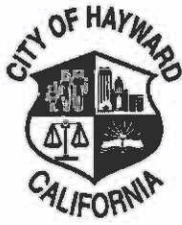
18. Resolution Authorizing and Appropriating Funds for General Plan Update

Staff report submitted by Senior Planner Pearson, dated July 17, 2012, was filed.

Development Services Director Rizk announced the report and Senior Planner Pearson provided a synopsis of the report.

Mayor Sweeney reiterated the need to consider options to lower costs for the General Plan Update.

Council Member Jones suggested the number of General Plan Task Force Committee members be manageable and that members representing the following groups be included: seniors, recreation district, transportation agencies, and the real estate community. Mr. Jones noted that during the General Plan update there needs to be a process of handling rezoning and conditional use permit applications. Mr. Jones shared that during the Council’s Economic Development Committee meeting the need to identify catalyst sites and integration of economic development strategies was



**MINUTES OF THE SPECIAL JOINT CITY
COUNCIL/REDEVELOPMENT SUCCESSOR
AGENCY/HOUSING AUTHORITY MEETING
OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 17, 2012, 7:00 p.m.

Attachment II

discussed and he asked if there was a process to integrate those ideas into the General Plan update. Mr. Pearson noted they could be identified in the Economic Development Element of the General Plan and that staff planned on incorporating the Economic Development Strategy into the General Plan update.

Council Member Salinas commented that the consultants needed to have a strategy to recruit and engage the student community to participate in the process.

Council Member Peixoto expressed that staff/consultant need to actively outreach to the community by meeting with community groups and homeowner's associations and he noted the Form-Based Code outreach was successful in engaging the community. He said the passive outreach technics of emails, water bill inserts, and announcements in the newspaper, were not sufficient.

Council Member Zermeño commented about the importance of bringing the General Plan update costs down. He suggested that Council could nominate individuals for the Task Force. City Manager David pointed out that the Boards and Commissions application and interview process would be a good model to follow in order to achieve a balanced Task Force that could represent all community interests.

Council Member Mendall noted that it was important to have a process in place in which interested individuals could apply to serve on the Task Force and the Council, or a sub-committee of the Council, would interview them. He added that Council could help by reaching out to prospective applicants. In terms of economic development, he suggested including high technology businesses in the area surrounding the new power plant and identifying locations for clusters of youth-friendly businesses. In terms of public outreach, he recommended holding a second community meeting in the South Hayward neighborhood area. Mr. Mendall mentioned he was also concerned about the costs associated with the update and suggested prioritizing items that should be accomplished during the first phase.

Mayor Sweeney opened the public hearing at 8:07 p.m.

Ms. Sherry Blair, Alice Street resident, suggested one cost cutting measure would be to let the neighborhoods tell Council what changes were needed to their specific neighborhood plans. Ms. Blair also mentioned the productive visioning meetings, facilitated by Library and Community Services Director Reinhart, on Urban Agriculture and noted that ideas from these meetings could fit into the City's General Plan.

Mr. Jim Drake, Franklin Avenue resident, asked what hourly rate the consultant was going to charge. Mayor Sweeney commented that the consultant costs presented were staff's best estimates and actual costs would be known when requests for proposals were submitted.

Mayor Sweeney closed the public hearing at 8:12 p.m.

Mayor Sweeney offered a motion to approve the resolution appropriating funds and offered the following suggestions: that the General Plan Task Force recruitment have an application and interview process conducted by the City Clerk with selection made by the Council; that the Task Force be comprised of Hayward residents who would represent the City's diversity; that a technical advisory group be formed; that the Task Force would join efforts with staff to engage segments of the community such as youth, seniors, businesses, and educational institutions; that two community meetings were not adequate; and that any land use issues should be addressed early in the process. Mayor Sweeney stressed the importance of conducting the General Plan update correctly and managing costs appropriately. He requested that staff supply Council, on a regular basis, with written updates on the General Plan update progress.

Council Member Mendall suggested conducting General Plan outreach at the street parties.

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

Resolution 12-139, "Resolution Authorizing and Appropriating
Funds for the General Plan Update"

19. Authorization for the City Manager to Execute an Agreement with California State University, East Bay to Deliver Services in Support of the Hayward Promise Neighborhood Initiative

Staff report submitted by Neighborhood Services Manager Korth,
dated July 17, 2012, was filed.

Assistant City Manager Morariu and Library and Community Services Director Reinhart provided a synopsis of the report.

Council Member Peixoto liked the Hayward Promise Neighborhood (HPN) Initiative approach that encompassed the cradle to graduation component, and covered issues of safety, health, and support services. Mr. Peixoto felt the tutoring concept would be an excellent resource for college students to become connected to real work situations. Neighborhood Services Manager Korth shared that gang prevention strategies were a part of the HPN plan.

Council Member Salinas suggested posting the logo 'Hayward PROMISE Neighborhood' throughout the City.

Council Member Zermeño liked the collaborative efforts of the partnership and said the directives were excellent. Mr. Zermeño wanted the inclusion of a Spanish program that would include Hayward's large Hispanic population and possibly encourage them to become professional linguists. Mr. Zermeño expressed concern that the job placement element needed to be strengthened.

Council Member Jones congratulated all the partners in support of the Hayward Promise Neighborhood Initiative and said he looked forward to seeing the positive results. Mr. Jones said

DATE: September 25, 2012

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Support for Measure A1 on the November 2012 Ballot: Oakland Zoo Parcel Tax

RECOMMENDATION

That Council adopts the attached resolution supporting Measure A1 on the November 2012 ballot, which would authorize a parcel tax of \$12 per parcel per year in support of the Oakland Zoo.

BACKGROUND AND DISCUSSION

At the September 18, 2012 meeting, Council directed staff to return with a resolution supporting the upcoming Oakland Zoo parcel. This report outlines some additional background on Measure A1 for the Council's information and provides a resolution supporting the measure for Council consideration.

On July 24, 2012¹, the Alameda County Board of Supervisors unanimously voted to place a measure for a parcel tax in support of the Oakland Zoo on the November 2012 ballot. The parcel tax would be \$12 per parcel per year for all residential parcels in the County and \$72 per parcel per year for all non-residential parcels. It would sunset after twenty-five years (December 2037) unless extended by the voters. There would be tax exemptions for undeveloped parcels, properties vacant for more than six months and residential properties where at least one resident is a low-income senior over the age of 67. The tax would require a 2/3 majority to pass.

The measure includes an Expenditure Plan to ensure that the money collected is spent as promised to the community. The categories of the Expenditure Plan require that the funds be spent on:

- Serving basic animal needs and care
- Wildlife conservation and animal rescue

¹ Board of Supervisors Agenda Item 73A:
http://alamedacounty.granicus.com/DocumentViewer.php?file=alamedacounty_24d05a3e6107029081d032a2ac1397ae.pdf&view=1

- Repairs and seismic upgrades for safety
- Educational children’s programming and school field trips
- Maintaining affordability and visitor safety

More specifically, funds from the tax would be available for: caring for and meeting the basic needs of Zoo animals; ensuring animals are safe and enclosures are well maintained; protecting vulnerable wildlife by maintaining partner programs with wildlife conservation and animal rescue operations; making repairs, improvements, and seismic upgrades to sewer, drainage, plumbing, lighting, and electrical systems (some of which are over forty years old); and supporting and maintaining the Zoo’s children and youth educational programs/field trips and keeping entrance fees affordable.

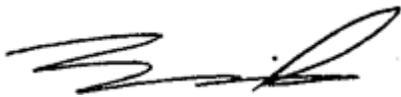
As a regional cultural attraction, the Oakland Zoo hosts more than 660,000 visitors annually, approximately 60% of whom are from Alameda County. The Zoo also serves over 50,000 children and youth in Alameda County schools. The Zoo is striving to maintain education programs. At a time when local schools are cutting science programs and field trips, the Zoo educates children about wildlife and nature in a way that just isn’t possible through books. The Zoo intends to use funds from the parcel tax to ensure access to children’s programs and school field trips for those who otherwise would have none or would be unable to afford it.

FISCAL AND ECONOMIC IMPACT

There are no anticipated negative or positive impacts of this measure directly on the City of Hayward. Maintaining a high quality regional cultural attraction like the Oakland Zoo provides an amenity that enhances the overall economic success of the East Bay. In addition, provision of affordable and quality educational programs for children in Alameda County schools is a benefit to Hayward students and families, many of whom access the zoo programs through Hayward school field trips or family outings.

Prepared by: Kelly McAdoo Morariu, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution in Support of Measure A1 Oakland Zoo Parcel Tax

HAYWARD CITY COUNCIL
RESOLUTION NO. _____

Introduced by Council Member _____

A RESOLUTION IN SUPPORT OF MEASURE A1: A PARCEL TAX TO SUPPORT THE
OAKLAND ZOO

WHEREAS, the Oakland Zoo is a regional, cultural attraction that thousands of children and families from all over Alameda County visit and enjoy, and

WHEREAS, the Zoo hosts more than 660,000 visitors annually and has 25,000 household (70,000 individual) members, nearly two-thirds of whom are from Alameda County, and

WHEREAS, animals in the Zoo deserve quality humane care and the Zoo must maintain the ability to meet the basic needs of the animals, which includes providing food, heating/cooling, clean and fresh watering systems, and repairing and maintaining aging animal shelters, and

WHEREAS, one of the essential missions of the Zoo is to educate children and youth about wildlife, life science, and nature in a way that is not possible through books, and approximately 350,000 children and youth participate in the Zoo's educational programs annually, with more than 70% of the Zoo's educational programs delivered to Alameda County residents, and

WHEREAS, with continuing State cuts to education, the Zoo must maintain affordable and accessible education programs, including school field trips for children who are already underserved due to budget cuts in Alameda County schools, and

WHEREAS, the amount of revenue available to the Zoo from existing revenue sources is inadequate to meet the costs of providing for the advancement of humane animal care and veterinary treatment programs, maintenance of quality animal and visitor services, including children/youth educational and wildlife preservation programs, and repairing and improving Zoo enclosures and facilities, and

WHEREAS, the parcel tax proposed by Measure A1 will cost residential property owners \$12 per parcel per year and will provide for certain low income and senior exemptions.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward expresses its support for Measure A1, the Oakland Zoo parcel tax measure, and encourages residents of Hayward to vote for this measure on the November 2012 ballot.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2012

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: September 25, 2012

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: **Zone Change Application PL-2010-0372 / Vesting Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner) – Request for a Zone Change from Light Manufacturing District to Planned Development District, and a Vesting Tentative Tract Map to Create Fourteen Parcels**

The project is located at 3596 Baumberg Avenue at the southerly terminus of Baumberg Avenue and Bridge Road in a Light Manufacturing Zoning District.

RECOMMENDATION

That the City Council approves the attached resolution (Attachment I) adopting the Mitigated Negative Declaration (MND) (Attachment V) and the associated Mitigation Monitoring and Reporting Program (Attachment VI) and approving the Vesting Tentative Tract Map creating fourteen industrial parcels, subject to the attached conditions of approval; and introduces the attached ordinance (Attachment II) related to the Zone Change to a Planned Development District.

SUMMARY

The applicant is requesting a Zone Change from Light Manufacturing (LM) District to Planned Development (PD) District to allow warehouse uses, along with the other uses permitted in the LM District, and a Vesting Tentative Tract Map to create fourteen parcels. The project is consistent with the South of Route 92 Specific Plan, which established the City's Urban Limit Line on the Weber property and called for light manufacturing on the north section of the property and wetlands on the southern portion of the property.

The project is also consistent with objectives of the Hayward Area Shoreline Planning Agency's published and adopted document titled, "The Hayward Area Shoreline Planning Program – A Shared Vision." While the project would remove 0.23 acre of wetlands under the U.S. Army Corps of Engineers jurisdiction, the developer proposes to mitigate the loss of the wetlands by creating a new wetland area on the west side of the property equal to over three times the size of the lost wetland area, bordering the California Department of Fish and Game's Eden Landing Ecological Reserve.

Staff supports this proposal in that it would provide benefits that might not otherwise occur, including protection and enhancement of wetlands along the shoreline, permanent limitation of development to an area already designated for development, and the provision of off-site street improvements. On July 26, 2012, the Planning Commission recommended that the City Council approve the project.

BACKGROUND

The project site consists of approximately 86.5 acres, of which 31.5 acres would be developed with light manufacturing uses with the ability to include warehousing uses. The remaining 55 acres consists of 37 acres of cultivated land and 18 acres of wetlands. The applicant proposes to preserve the 55 acres for burrowing owl foraging.

It is a flat site that drains towards the wetlands to the south. There is a single-family home on the property without a permanent resident, which is not considered historic and that would be removed. In addition, there are accessory structures, a driveway serving the single-family home, and a swimming pool on site. Much of the site to be developed has been farmed for non-commercial purposes. From the 1940s to approximately 1980, it was used as a duck club with a portion of the land cultivated with hay, barley, and oat production to entice the ducks. The remainder of the site contains wetlands.

The Hayward Area Shoreline Planning Agency (HASPA) was formed in 1970 to prepare plans and programs for Hayward's eight miles of San Francisco Bay shoreline. HASPA's participating agencies are the City of Hayward, East Bay Regional Park District, and the Hayward Area Recreation & Park District. In 1993, HASPA published the "Hayward Area Shoreline Planning Program – A Shared Vision," available at (<http://www.ci.hayward.ca.us/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/documents/planning/HASPAPlanningProgram-SharedVision.pdf>). The Program objectives included calling for the protection of natural resources and the encouragement of industrial development and traffic circulation improvements in areas indicated in the Program.

The proposed project conforms to the HASPA Program in that the wetlands on the property are to be preserved and/or enhanced and the small wetland area that will be affected by the development is being mitigated by creating a new wetland area equal to over three times the area being removed. The developer proposes to enhance the area for burrowing owl foraging. HASPA's Program also indicates the area of the project proposed for industrial development as designated for industrial land uses.

The Baumberg Avenue and Bridge Street area north of the project site is zoned Industrial District and consists of a mixture of single-family homes and industrial uses. Pursuant to the Zoning Ordinance, the single-family homes are an allowed primary use until 2015, at which time they will be considered legal non-conforming uses. As legal non-conforming uses, they would not be allowed to be reconstructed if more than fifty percent of a structure in that area is destroyed. The Eden Shores residential project lies southwest of the property. To the west and south of the property lies the Eden Landing Ecological Preserve, consisting of wetlands.

On October 23, 2007, the City Council approved the South of Route 92 Specific Plan Amendment, which established the City's Urban Limit Line on the Weber property and called for light manufacturing on the north section of the property and preserving the wetlands on the southern portion of the property. The proposed development is consistent with such designations and is located within the established Urban Limit Line.

Planning Commission Action – On July 26, 2012, the Planning Commission recommended that the City Council approve the proposed project. Commissioners commented that due diligence had been done by the applicant and by staff to protect and enhance the wetlands and wildlife habitats, and that the industrial development would provide needed jobs. The meeting minutes are included as Attachment VII and the staff report with attachments to the Commission can be found as agenda item number 2 at <http://www.hayward-ca.gov/CITY-GOVERNMENT/BOARDS-COMMISSIONS-COMMITTEES/PLANNING-COMMISSION/2012/PCA12PDF/pca072612full.pdf>.

DISCUSSION

Project Description – The proposal is to create fourteen industrial parcels served by private streets. It is the developer's intent to create the subdivision at this time, but allow future owners to construct custom buildings at a later date. The applicant is requesting a zone change to allow warehousing, in addition to the uses currently listed for the Light Manufacturing District. The applicant believes that this expansion of uses would increase the viability of the proposed development. To compensate for the right to develop this additional use, the applicant proposes to:

- create buffer zones that would be planted with native species between the proposed industrial uses and the existing wetland areas;
- record a conservation easement, approved by the U.S. Army Corps of Engineers and the Regional Water Quality Control Board over a 2.39-acre site to mitigate the loss of the 0.23-acre wetland area;
- record an irrevocable deed restriction over the remaining 52.94 acres of land that would provide foraging for the burrowing owl; and
- provide off-site improvements consisting of curb, gutter, sidewalk, and tie-in paving on the south side of Baumberg Avenue from the property site to match the existing street improvements near Industrial Boulevard, which would normally not be required as part of this development.

The development is compatible with the surrounding structures and uses on the immediately-adjacent industrially zoned properties. The proposal conforms to the General Plan land use designation of Industrial Corridor.

Planned Development Findings - In order for the Planned Development Zoning District to be approved, the following findings must be made. Responses to the findings are presented, which were supported by the Planning Commission.

Finding A. Development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies.

The development is compatible with the surrounding structures and uses in that it is

immediately adjacent to industrially zoned properties to the north. The property is within the Industrial Corridor as defined by the General Plan. Future building would be required to comply with all City regulations. With the implementation of fencing and buffer zones, the development would also be compatible with the adjacent wetland areas immediately to the south, east, and west of the property.

The project conforms to the objectives of the “Hayward Area Shoreline Planning Program – A Shared Vision” prepared by the Hayward Area Shoreline Planning Agency. The project provides for the protection of natural resources and proposes industrial development and traffic circulation improvements in areas indicated by the Program. The project conforms to the HASPA Program in that the wetlands on the property are to be preserved and/or enhanced and the small wetland area that will be affected by the development is being mitigated by creating a new wetland area equal to over three times the area being removed. The developer proposes to enhance the area for burrowing owl foraging.

Finding B. Streets and utilities, existing or proposed, are adequate to serve the development.

The existing street system, sanitary sewer, and water mains are adequate to serve the proposed project. A mitigation measure would require that a storm drain system be designed to accept all storm water draining directly onto the site. The drainage plan shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC). ACFC staff has determined that existing downstream facilities are of adequate size to accommodate all storm water collected within the proposed drainage system. Additional street improvements including curb, gutter, sidewalk, and tie-in paving are proposed to be installed on the south side of Baumberg Avenue from the property site to match the existing street improvements near Industrial Boulevard, which would normally not be required as part of this development.

Finding C. The development would be in conformity with applicable performance standards, be appropriate in size, location, and overall planning for the purpose intended, create an environment of substantial desirability and stability through the design and development standards, and would have no substantial adverse effect upon surrounding development.¹

The buildings to be developed on the property would have to meet City zoning and design standards, including those regarding height, setbacks, exterior design, etc. They would conform to the buildings allowed to be constructed in the adjacent industrially zoned properties. The proposed drainage system will improve the drainage situation within the existing adjacent community by providing a drainage system that will accept all overland drainage directed to the proposed site and convey that drainage via storm drain mains to an approved system of adequate capacity to accept the drainage.

¹ The Baumberg Avenue and Bridge Street area north of the project site is zoned Industrial District and consists of a mixture of single-family homes and industrial uses. Pursuant to the Zoning Ordinance, the single-family homes are an allowed primary use until 2015, at which time they will be considered legal non-conforming uses. As legal non-conforming uses, they would not be allowed to be reconstructed if more than fifty percent of a structure in that area is destroyed. The traffic study was prepared based on current zoning; therefore, for 2025 projections, it assumed all of Baumberg and Bridger Rd would be developed with industrial uses.

The project conforms to an objective of the 1993 Hayward Area Shoreline Planning Agency (HASPA) Program document in that the wetlands on the property are to be preserved and the wetland area that is affected by the development is being mitigated by creating a new wetland area. The developer proposes to protect and enhance the existing wetland areas and maintain them in such a way as to enhance the area for burrowing owl foraging.

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

The Planned Development would allow for warehouse uses, which are not listed as a use in the existing Light Manufacturing District. The ability to utilize the buildings for warehouse use increases the probability of sale or lease without being a detriment to the surrounding area. For this privilege, the applicant proposes to: create buffer zones that would be planted with native species between the proposed industrial uses and the existing wetland areas; record a conservation easement over the 2.39 wetland site and an irrevocable deed restriction over the 52.94 acres containing wetlands that are not being developed in order to prohibit any future development in those areas; and to provide off-site improvements consisting of undergrounding utility lines, and curb, gutter, sidewalk and tie-in paving on the south side of Baumberg Avenue from the property site to match the existing street improvements near Industrial Boulevard.

Vesting Tentative Tract Map - A vesting tentative tract map is being processed with this proposal to create parcels of land that could be sold individually. If approved, the proposed subdivision would create fourteen parcels for light manufacturing and warehouse use, a common parcel for the private streets, and two common parcels for the proposed landscape areas adjacent to the private streets.

Two private streets are proposed within the project (Private Street A and B on the tentative map). Private Street A is over 1,700 feet long without an outlet. In order to provide adequate emergency vehicle circulation, the applicant is proposing a 20-foot-wide emergency vehicle access road, approximately 450 feet in length, which would connect the private street to Baumberg Avenue. This solution is acceptable to the Fire Department.

As part of the subdivision improvements, Baumberg Avenue, a public roadway fronting the development, will be improved with curb, gutter, sidewalk, and tie-in pavement conforming to the existing improvements at the corner of Industrial Boulevard and Baumberg Avenue. All existing utility poles and overhead utility lines along Baumberg Avenue shall be removed and placed underground. There are existing utilities within the adjacent public streets, including sanitary sewer, and water, which can adequately serve the proposed project.

Prior to approval of a final map, a Property Owners' Association would be required to be created (Attachment IX, Cond. No. 69). The formation of a Property Owners' Association (POA) and the creation of Conditions, Covenants, and Restrictions (CC&R's) will be required so that the POA will be responsible for maintaining all private streets, private street lights, private utilities, and other privately owned common areas and facilities on the site, including, but not limited to clean water treatment facilities, landscaping, preservation and replacement of trees, as well as decorative paving.

For any necessary repairs performed by the City in locations under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the POA established to maintain the common areas within the association boundary. The common area landscaping includes the landscaping proposed alongside the private streets including buffer areas between the street and the wetlands (see map, Attachment XII). The CC&R's will also contain a standard condition that if the POA fails to maintain the common areas, private streets, lights and utilities, the City of Hayward will have the right to enter the subdivision and perform the necessary work to maintain these areas and lien the properties for the costs.

The developer is proposing a vesting tentative map so that the developer gains, for a period of three years after the date of approval or conditional approval of the vesting tentative map, the right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect on the date that the vesting tentative map is approved by City Council.

Findings for the Vesting Tentative Tract Map - In order for a Vesting Tentative Tract Map to be approved, the City Council must make the following findings, which are appropriate for the project as currently proposed:

Finding 1. The vesting tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.

Finding 2. Upon the completion of remediation recommended by the project Geotechnical Engineer, the site will be physically suitable for the proposed type of development.

Finding 3. With mitigation measures required by the City and federal and state regulatory agencies, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

Finding 4. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.

Finding 5. Upon completion of the proposed improvements, as conditioned, the streets and utilities will be adequate to serve the project.

Finding 6. None of the findings set forth in Section 66474 of the Subdivision Map Act for denial of a tentative tract map have been made.

Environmental Review and Issues

Wetlands – The U.S. Army Corp of Engineers determined that the improvements of the proposed project would remove 0.23 acre of wetlands under the Corps jurisdiction that are also jurisdictional waters of the California Regional Water Quality Control Board (RWQCB). The developer proposes to mitigate this loss with the creation of 0.76 acre of new wetlands within a

2.39 acre designated mitigation site, which also includes rehabilitation of 0.38 acre of existing farmed wetlands, and installation of a 1.25 acre naturally-vegetated setting. The mitigation site borders the California Department of Fish and Game's Eden Landing Ecological Reserve. To ensure protection of the newly-created wetland area, the applicant would record a conservation easement over the 2.39-acre mitigation site.

As the recommended conditions of approval indicate (see Condition No. 1, Attachment IX), prior to approval of a final subdivision map that would be filed in the future if the vesting tentative tract map is approved, the applicant shall obtain approval from the U.S. Army Corps of Engineers for a wetland mitigation plan that addresses the loss and creation of wetlands. A draft mitigation plan has been reviewed and found acceptable by the Corps.

Burrowing Owls – The California Department of Fish and Game has determined that the entire Weber site is a suitable habitat for the burrowing owl. The burrowing owl is listed as a "Species of Special Concern," but is not a listed species under the Special Endangered Species Act; therefore no permits are required to be obtained from California Fish and Game. In response, the applicant has proposed mitigation measures that include pre-construction surveys for burrowing owls and having a biologist on-site during construction pursuant to California Fish and Game regulations.

In addition, the owner would record a conservation easement, required to be approved by the U.S. Army Corps of Engineers and the Regional Water Quality Control Board, over the 2.39-acre mitigation site. An irrevocable deed restriction would be recorded over the remaining 52.94 acres of land that would provide foraging for the burrowing owl and preclude any future development (see Attachment XIII for Property Map With Designated Areas and Acreages and Attachment IX, Conditions Numbers 1 and 2).

To mitigate the loss of the 27.2 acres of burrowing owl foraging habitat, which represents the 31.5 acre development site minus existing improvements such as a driveway serving the single-family home, accessory sheds, buildings, swimming pool, and similar existing improvements, the applicant is proposing a Burrowing Owl Resource Management Plan (available at <http://bit.ly/urq4d2>) that includes managing vegetation to provide habitat suitable for use by burrowing owls, and providing habitat elements conducive to use of the property by burrowing animals.

The management of the land would be performed by the Wildlife Heritage Foundation, which is a non-profit organization that has been approved by California Department of Fish and Game (CDFG), the United States Army Corps of Engineers, and the United States Fish and Wildlife Service to do this work. The Burrowing Owl Resource Management Plan would provide 55 acres of burrowing owl habitat, including the 2.39 acre wetland mitigation area. This acreage would be adjacent to the 5,040-acre Eden Landing Ecological Reserve, which provides suitable habitat for burrowing owl and other species.

As described in the Burrowing Owl Resource Management Plan, surveys for burrowing owls would be required to be conducted prior to any construction activity to ensure that there are no impacts to burrowing owls. Pre-construction surveys will be conducted within thirty days prior to the onset of any ground disturbing activities. Surveys will be conducted by a qualified biologist following

CDFG survey methods. The surveys will include all portions of the 86.83-acre Weber Property. All potential burrows will be flagged to alert biological and work crews to their presence. Condition No. 100 in Attachment IX outlines additional and more specific construction protocols.

Flood Zone and Drainage – The property is located in a 100-year flood zone. In order to comply with the City’s Flood Plain Management Ordinance, the applicant proposes to import up to five feet of engineered fill to raise the building pads to an elevation of eight feet above sea level and finished floors for future buildings to an elevation of at least nine feet above sea level, which is above the 100-year flood zone elevation.

The California Ocean Protection Council has prepared reports on the projected rise of sea level over the next few decades and on to the next century. The proposed pad elevations would be almost one foot above the projected rise in sea level in the year 2050.

To avoid future flooding along the lower portions of Bridge Road and Baumberg Avenue, the applicant is proposing an extensive storm drain system. The preliminary design has been approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD). A condition of approval requires that prior to approval of the final map for the subdivision, a final drainage plan shall be approved by the ACFC&WCD and the City Engineer (Attachment IX, Cond. No. 27).

The developer is proposing to discharge storm water runoff to the existing Eden Shores Pump Station located at the south corner of the Oliver Sports Park and the storm drain system within Marina Drive. Preliminary drainage studies have been reviewed and approved by Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City that indicates drainage improvements that accept all drainage from the project development and drainage systems proposed to accept drainage from the existing Baumberg Avenue and Bridge Road areas that slope towards the proposed project area. Prior to issuance of a grading permit, the developer shall submit a detailed grading and drainage plan that meets the approval of ACFC&WCD and the City.

Traffic –A Traffic Impact Study for the Weber Property Industrial Park was prepared on November 15, 2010, by TJKM Transportation Consultants. The traffic analysis assumed standard industrial uses, including warehouse uses, for all of the properties within the Industrial Zoning District in this area, including the private portions of Baumberg Avenue and Bridger Road to the north. The analysis concludes that the proposed development’s truck and passenger vehicle traffic is expected to generate approximately 2,403 daily trips on a typical weekday, including 305 trips during the a.m. peak hour and 315 trips during the p.m. peak hour, which represents approximately eight percent of the traffic flow through the intersection of Baumberg Avenue and Industrial Boulevard. Currently, the level of service (LOS) for the intersection of Baumberg Avenue and Industrial Boulevard operates at an acceptable level (LOS C or better during a.m. and p.m. weekday peak hours). With the project and assuming industrial uses to the north (see footnote #1 on page 4), the intersection would operate at an acceptable level of LOS E or better. The study concluded that no mitigations due to project traffic impacts are necessary. The City’s Transportation Manager has reviewed the traffic study and agrees with the conclusions.

An Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program have been prepared for the project pursuant to the California Environmental Quality Act

(CEQA) (see Attachments V and VI). No significant environmental impacts are expected to result from the project if the recommended mitigation measures are implemented. The public comment period for the Initial Study and the Mitigated Negative Declaration originally ended August 6, 2012 but was extended to September 25, 2012 to allow adequate time for State agencies to respond.

HASPA met on June 21, 2012 to discuss the proposed project. During the HASPA meeting, no decision was made on the proposed development; however, the HASPA Board identified certain issues to be addressed in a follow-up letter. On July 5, 2012, staff received a letter from the Hayward Area Shoreline Planning Agency (HASPA) (Attachment X) encouraging that a number of items be addressed, to which the applicant responded, as described below. It should be noted that staff finds the applicant's responses acceptable.

- *Burrowing Owl Concerns*: The applicant proposes a Burrowing Owl Resource Management Plan to provide and maintain a habitat for burrowing owls as discussed earlier.
- *Drainage System and Engineered Fill*: The drainage system has been preliminarily approved by the Alameda County Flood Control and Water Conservation District. The final drainage design must meet the approval of these two agencies. The proposed fill would be engineered fill; the material and the method of installation would meet the approval of a registered soils engineer.
- *Stewardship of the Proposed Wetlands*: This was addressed by requiring the applicant to obtain approval from the U.S. Army Corps of Engineers for the Weber Property Wetland Mitigation Plan, which includes implementation of the Burrowing Owl Resource Management Plan. The design of the proposed wetland area must meet the approval of the Corps of Engineers.
- *Increased Mosquito Population*: According to the Alameda County Mosquito Abatement District, the wetland areas around the project are primarily seasonal wetlands that have a low mosquito population during the summer months. The surrounding wetland area is within the Alameda County Mosquito Abatement District and is monitored weekly or more, according to District staff, during the wet season and treated as determined necessary.

On August 6, 2012, after the Planning Commission hearing, the Planning Division received a letter from the Ohlone Audubon Society (see Attachment XI) citing concerns that final letters from the U.S. Army Corps of Engineers and the State of California Regional Water Quality Control Board (RWQCB) have not been received. In addition, the Ohlone Audubon Society indicated that the report did not include a description of Best Management Practices (BMP) from the RWQCB. The letter also expressed concern that future businesses may handle hazardous materials, that the Eden Shore Pump Station would not be able to handle the drainage directed to it from the proposed project, and that the burrowing owls would not pay particular attention to their designated territory. The letter also included concerns about proposed future housing and whether five feet of fill would be adequate as the Eden Shore development had twelve feet of fill. The letter mentioned that new wetlands might bring in new pickle weed and thus create a habitat for the endangered Salt Marsh Harvest Mouse. The final concern was that in Fremont and Pleasanton, relocated burrowing owls sometimes returned and sometimes they did not.

The following bulleted items address the concerns expressed in the letter from the Ohlone Audubon Society:

- *Required Letters Not Received:* The conditions of approval require that prior to approval of a final map, the Weber Property Wetlands Mitigation Plan must be approved by the U.S. Army Corps of Engineers and the CA Regional Water Quality Control Board (Attachment IX, Conditions Number1).
- *Best Management Practices:* The conditions of approval require that the proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page30). In addition, the California Stormwater Quality Association’s Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5 – 12 has a section titled “BMP Design Criteria for Flow and Volume” (Attachment IX, Conditions Number 35). Adhering to these regulations would meet public agencies’ BMP water quality requirements.
- *Possible Existence of Hazardous Materials:* Any future business would have to comply with the City’s Hazardous Materials Regulations as enforced by the Hazardous Materials Division of the Fire Department. Meeting these regulations would ensure that the hazardous materials would not reach the wetland areas.
- *Capacity of Eden Shores Pump Station:* The Alameda County Flood Control and Water Conservation District (ACFC&WCD) staff has determined that with certain improvements to the existing drainage system, the proposed Weber development and its tributary drainage area can drain to the existing Eden Shores Pump Station and storm drain system in Marina Drive.
- *Burrowing Owl Territory:* The proposal would provide 55 acres of burrowing owl habitat, including the 2.39 acre wetland mitigation area. This acreage would be adjacent to the 5,040-acre Eden Landing Ecological Reserve, which is suitable habitat for burrowing owl and other species.
- *Possible Future Housing:* The project site and surrounding area is industrially zoned and would not allow new housing now or in the future without the City Council approving a Zone Change and General Plan Amendment..
- *Flood Zone:* The Developer shall process the necessary reports, studies and documentation to remove the property from the Federal Emergency Management Agency (FEMA) designated flood zone. This includes, but is not limited to, stipulating measures to protect adjacent occupied areas, as required by FEMA and the City of Hayward. A Conditional Letter of Map Revision (CLOMR) issued by FEMA shall be submitted to the City prior to approval of the final map (Attachment IX, Condition Number 3). In addition, prior to connection of utilities, a Letter of Map Revision (LORM) issued by FEMA shall be submitted to the City (Attachment IX, Condition Number 119).
- *Return of Pickleweed and the Associated Salt Water Harvest Mouse:* If pickle weed does grow back within the wetland areas, the wetland areas, including the pickle weed, thus the Salt Marsh Harvest Mouse habitat, would be protected by a conservation easement to remain as wetland.
- *Fear of Loss of Burrowing Owl Population:* The developer would comply with the Fish and Game requirements for managing burrowing owls. If a particular owl does not return, there is adequate foraging habitat within the area, including the use of the 55 acres of foraging on the project site, for other burrowing owls to locate in the area pursuant to the applicant’s biologist.

ECONOMIC AND FISCAL IMPACT

Construction of fourteen industrial buildings would increase economic property values above and beyond the current uses and, in turn, increase property tax revenues that the City would receive. Using the same assumptions and formulas used in the fiscal impact analysis completed for the Mission Boulevard Corridor Specific Plan, staff calculated a rough estimate of the City's revenue and expenditures associated with the proposed project. Assuming projected uses of fifty percent research and development (buildings on seven lots) and fifty percent warehouse (buildings on seven lots), annual revenues for the project, including a 5.5% utility users' tax (UUT) passed by Hayward voters in 2009, would be approximately \$387,000 and projected City expenditures would be approximately \$145,000. Without more specific information regarding the specific development, sales and use tax are especially difficult to estimate accurately. Also, depending on the types of businesses that would ultimately be developed on the site, there are an estimated 500 to 1,000 employees that could contribute to the City's economy in ways that are not accounted for in the above fiscal analysis.

PUBLIC CONTACT

On July 5, 2012, a Notice of the July 26, 2012 Planning Commission public hearing was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest County Assessor's records. (Notices sent included all the business and residents on the private portions of Baumberg Ave. and Bridge Rd. that are adjacent to the project.)

At the Hayward Area Shoreline Planning Agency (HASPA) meeting, held on June 21, 2012, City staff informed the HASPA members of the July 26 Planning Commission meeting. During the HASPA meeting, no decision was made on the proposed development; however, HASPA requested that certain items of concern be addressed, which were presented to the City in a separate letter received July 5, 2012. At the time the Planning Commission staff report was prepared, other than the letter from HASPA, Planning staff had not received any further concerns from the public or outside agencies.

On September 13, 2012, a Notice of the September 25 City Council hearing was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest County Assessor's records. At the time this staff report was prepared, other than the letter from Ohlone Audubon Society, Planning staff had not received any further concerns from the public or outside agencies.

NEXT STEPS

Should the City Council approve the project, including adopting an ordinance at the next Council meeting, the applicant could submit improvement plans and a final map for review and approval. The final map would come before City Council for approval. Once the final map has been approved, the applicant could obtain construction permits and commence construction of the development. If Council denies the project, staff would need to return to Council with findings for denial. The applicant could submit a revised project for consideration by the Planning Commission.

City staff will ensure that prior to the approval of the Final Map, the Weber Property Wetland Mitigation Plan, which will include the Burrowing Owl Resource Management Plan will be approved by the Army Corps of Engineers and the California Regional Water Quality Control Board. Prior to approval of the Final Map, staff will also ensure a Conservation Easement will be recorded over the 2.39 acre Mitigation Site and a Conditional Letter of Map Revision (CLOMR) will be issued by the Federal Emergency Management Agency (FEMA) that indicates that the property has been designed to be above the flood level. Prior to and during construction, surveys for burrowing owls shall be conducted by a qualified biologist following California Department of Fish and Game survey methods and appropriate mitigation measures will be implemented as described in this report and in Attachment VI, to ensure that there are no impacts to burrowing owls.

Prepared by: Tim Koonze, Associate Planner

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Resolution
Attachment II	Draft Ordinance
Attachment III	Area Map
Attachment IV	Site Plan Aerial
Attachment V	Initial Study Checklist and Mitigated Negative Declaration
Attachment VI	Mitigation Monitoring and Reporting Program
Attachment VII	July 26, 2012 Planning Commission Meeting Minutes
Attachment VIII	Conditions of Approval for the Planned Development
Attachment IX	Conditions of Approval for the Vesting Tentative Tract Map
Attachment X	Letter from the Hayward Area Shoreline Planning Agency
Attachment XI	Letter from the Ohlone Audubon Society
Attachment XII	Areas Maintained by the Property Owner's Association
Attachment XIII	Property Map With Designated Areas and Acreages
Attachment XIV	Zone Change Preliminary Plans
Attachment XV	Vesting Tentative Map 8039

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-

Introduced by Councilmember _____

RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING ZONE CHANGE APPLICATION PL-2010-0372 AND VESTING TENTATIVE TRACT MAP PL-2010-0373 TO CHANGE THE ZONING FROM LIGHT MANUFACTURING DISTRICT TO PLANNED DEVELOPMENT DISTRICT AND CREATE FOURTEEN INDUSTRIAL PARCELS FOR THE PROPERTY LOCATED AT 3596 BAUMBERG AVENUE

WHEREAS, on October 7, 2010, John Weber (Applicant/Owner) submitted Zone Change Application No. PL-2010-0372 and Vesting Tentative Tract Map Application No. PL-2010-0373, which concerns a request to change the zoning for the property located at 3596 Baumberg Avenue, Hayward, California, from Light Manufacturing District to Planned Development District, to allow warehouse use and to create 14 industrial parcels (the “Project”); and

WHEREAS, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared and it has been determined that no significant environmental impacts are expected to result from the Project, as mitigated; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on July 25, 2012, and has recommended that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; approve PL-2010-0372-ZC, reclassifying property from Light Manufacturing to Planned Development district allowing warehouse use; and approve PL-2010-0373-Vesting Tentative Tract Map creating 14 industrial parcels; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on September 25, 2012.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with mitigations incorporated, could not result in

significant effects on the environment. A Mitigation Monitoring and Reporting Program has been prepared requiring compliance with mitigation measures that reduce all potential impacts to a less-than-significant level.

2. The project will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since the property is does not involve nor is it located near any commercially agricultural lands.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands once the required mitigations measures are completed, such as creating .76 acres of new wetlands within a 2.39 acre site that will be protected by a conservation easement, and protecting an additional 52.9 acres with a deed restriction to ensure that it remains available for burrowing owl foraging.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.
7. The project site is not located within a “State of California Earthquake Fault Zone;” however, it may experience ground shaking due to the proximity to active faults in the region. Construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff for any future developments.
10. The project is consistent with the policies of the City General Policies Plan, the City of Hayward Design Guidelines and the Zoning Ordinance, as amended.
11. The project will not result in a significant impact to mineral resources since the developed portion of the site is too small to be developed to extract mineral resources and the remaining of the site will be protected to remain as wetlands and foraging land for the burrowing owl.
12. The project will not have a significant noise impact.
13. The project will not result in a significant impact to public services.

14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

ZONE CHANGE

1. The development is compatible with the surrounding structures and uses in that it is immediately adjacent to industrially zoned properties to the north. The property is within the Industrial Corridor as defined by the General Plan. Future building will be required to comply with all City regulations. With the implementation of fencing and buffer zones, the development will also be compatible with the adjacent wetland areas immediately to the south, east and west of the property.

The project conforms to the objectives of the “Hayward Area Shoreline Planning Program – A Shared Vision” prepared by the Hayward Area Shoreline Planning Agency. The project provides for the protection of natural resources and proposes industrial development and traffic circulation improvements in areas indicated by the Program. The project conforms to the HASPA Program in that the wetlands on the property will be preserved and/or enhanced and the small wetland area that will be affected by the development is being mitigated by creating a new wetland area greater than three times the area being removed. The developer proposes to enhance the area for burrowing owl foraging.

2. The existing street system, sanitary sewer and water mains are adequate to serve the proposed project. A mitigation measure would require that a storm drain system be designed to accept all storm water draining directly onto the site. The drainage plan shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC). ACFC staff has determined that existing downstream facilities are of adequate size to accommodate all storm water collected within the proposed drainage system. Additional street improvements including curb, gutter, sidewalk and tie-in paving are proposed to be installed on the south side of Baumberg Avenue from the property site to match the existing street improvements near Industrial Boulevard which would normally not be required as part of this development.
3. The buildings to be developed on the property will meet City zoning and design standards, including those regarding height, setbacks, exterior design, etc. They will conform to the buildings allowed to be constructed in the adjacent industrially zoned properties. The proposed drainage system will improve the drainage situation within the existing adjacent community by providing a drainage system that will accept all overland drainage directed to the proposed site and convey that drainage via storm drain mains to an approved system of adequate capacity to accept the drainage.

The project conforms to an objective of the 1993 Hayward Area Shoreline Planning Agency (HASPA) Program document in that the wetlands on the property are to be preserved and the wetland area that is affected by the development is being mitigated by creating a new wetland area. The developer proposes to protect and enhance the existing wetland areas and maintain them in such a way as to enhance the area for burrowing owl foraging.

4. The Planned Development would allow for warehouse uses, which are not listed as a use in the existing Light Manufacturing District. The ability to utilize the buildings for warehouse use increases the probability of sale or lease without being a detriment to the surrounding area. For this privilege, the applicant proposes to: create buffer zones that would be planted with native species between the proposed industrial uses and the existing wetland areas; recording a conservation easement over the 2.39 wetland site and an irrevocable deed restriction over the 52.94 acres containing wetlands that are not being developed to prohibit any future development in those areas; and providing off-site improvements consisting of undergrounding utility lines, and curb, gutter, sidewalk and tie-in paving on the south side of Baumberg Avenue from the property site to match the existing street improvements near Industrial Boulevard.

VESTING TENTATIVE TRACT MAP

1. The vesting tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.
2. Upon the completion of remediation recommended by the project Geotechnical Engineer, the site will be physically suitable for the proposed type of development.
3. With mitigation measures required by the City and federal and state regulatory agencies, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
4. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.
5. Upon completion of the proposed improvements, the streets and utilities will be adequate to serve the project.
6. None of the findings set forth in Section 66474 of the Subdivision Map Act for denial of a tentative map have been made.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approves Zone Change Application No. PL-2010-0372 and Vesting Tentative Tract Map Application PL-2010-0373, subject to the attached conditions of approval and the adoption of the companion ordinance, for the property located at 3596 Baumberg Avenue, Hayward, California.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ORDINANCE NO. 12-_____

AN ORDINANCE RECLASSIFYING THE ZONING DESIGNATION FOR 3596 BAUMBERG AVENUE FROM LIGHT MANUFACTURING (LM) DISTRICT TO PLANNED DEVELOPMENT (PD) DISTRICT

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

Section 1. Reclassification - Description. Zone Change Application No. PL-2010-0372 concerns the reclassification of 3596 Baumberg Avenue by rezoning said property from Light Manufacturing (LM) District to Planned Development (PD) District.

Section 2. Reclassification - Findings of Approval. The City Council has adopted Resolution No. 12-____, approving the mitigated negative declaration and the vesting tentative tract map for the project. Based on the findings and determinations in Resolution No. 12-____, the City Council hereby approves the rezoning of 3596 Baumberg Avenue from Light Manufacturing (LM) District to Planned Development (PD) District.

Section 3. Zoning District Index Map. The City Council directs the Development Services Director to amend the Zoning District Index Map on file with the Clerk and the Development Services Department in accordance with the reclassification approved by this Ordinance.

Section 4. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective upon adoption.

Section 5. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional invalid or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance which shall continue in full force and effect provided that the remainder of the ordinance absent the unexcised portion can be reasonably interpreted to give effect to the intentions of the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2012, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2012, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

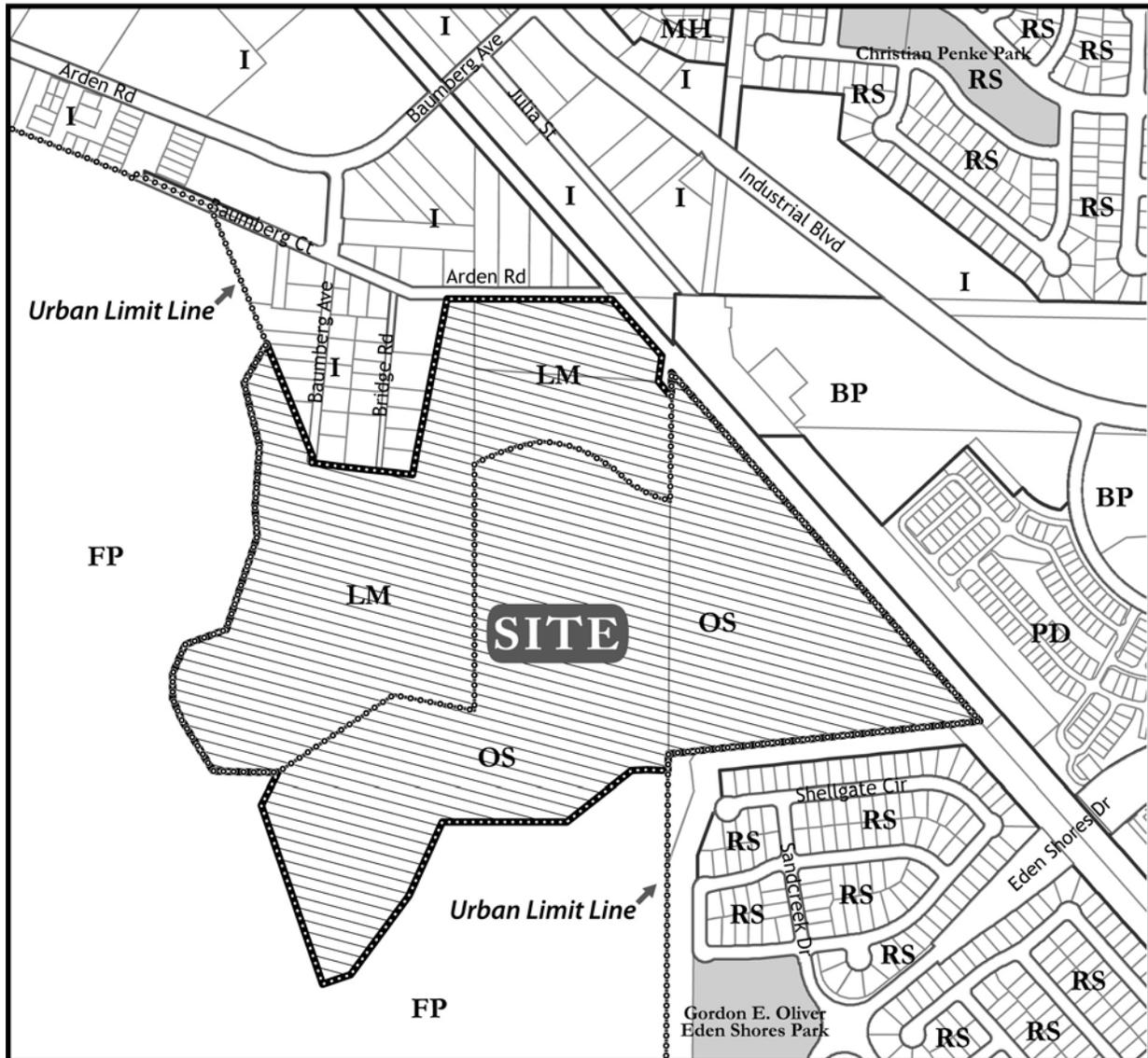
APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Area & Zoning Map

PL-2010-0372 ZC

PL-2010-0373 TTM 8039

Address: 3596 Baumberg Avenue

Applicant: John Weber

Owner: John Weber

Zoning Classifications

RESIDENTIAL

MH Mobile Home Park

RS Single Family Residential, min lot size 5000 sqft

INDUSTRIAL

I Industrial

LM Light Manufacturing

BP Business Park

OPEN SPACE

FP Flood Plain

OS Open Space

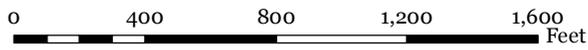
OTHER

PD Planned Development





Site Plan Aerial



July, 2012



**DEPARTMENT OF DEVELOPMENT SERVICES
Planning Division**

INITIAL STUDY CHECKLIST

Project Title: Weber Property-PL-2010-0372 ZC & PL-2010-0373 TTM 8039

Lead agency name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact person: Tim R. Koonze, Associate Planner
(510) 583-4207 tim.koonze@hayward-ca.gov

Project location: Property is located at 3596 Baumberg Avenue, APN # 461-0040-001-00, 461-0040-002-00, 461-0040-003-00 & 461-0040-004

Project sponsor's name and address: John Weber
PO Box 608
Diablo, CA 94528

General Plan: Industrial Corridor (IC)

Zoning: Light Manufacturing (LM) District

Description of project: Request for a zone change from Light Manufacturing District to Planned Development in (PD) District conjunction with a Vesting Tentative Map 8039 to subdivide the lot into 14 parcels.

Surrounding land uses and setting: The uses surrounding the subject site include wetlands to the west, a mixture of wetlands and single-family residences to the south, a mixture of industrial and single-family residences to the east and north.

**Other public agencies
whose approval is
required:**

United States Army Corps of Engineers, State of California
Regional Water Quality Control Board, and Alameda County
Flood Control and Water Conservation District.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

★ Aesthetics	Agriculture and Forestry Resources	Air Quality
★ Biological Resources	Cultural Resources	★ Geology /Soils
Greenhouse Gas Emissions	Hazards & Hazardous Materials	★ Hydrology / Water Quality
Land Use / Planning	Mineral Resources	Noise
Population / Housing	Public Services	Recreation
Transportation/Traffic	Utilities / Service Systems	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- II** I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

<u>Tim Koopze</u>	<u>7/3/12</u>
Signature	Date
<u>Tim Koopze</u>	
Printed Name	For

EVALUATION OF ENVIRONMENTAL IMPACTS:

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i>Comment: The proposed improvements would not affect any scenic vista. Therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>Comment: No scenic resources exist in the area. Therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>Comment: The proposal consists of fourteen new industrial buildings and the construction of a street to access the proposed buildings. The project has housing, commercial, and industrial development on three sides of the property. The proposed improvements will eliminate 0.75 acres of existing wetlands. The wetlands mitigation will result in the creation of 0.76 acres of wetlands and rehabilitation of 0.38 acres of existing farmed wetlands within a 2.39-acre wetland mitigation site which includes an upland buffer to protect jurisdictional waters within the mitigation site. The mitigation site borders the California Department of Fish and Game Eden Landing Ecological Reserve. Therefore, with the wetland mitigation and ensuring that future buildings comply with the Industrial District Design Standards, the impact is considered less than significant.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mitigation 1A: The Burrowing Owl Resource Management Plan shall be incorporated into the Weber Property Wetland Mitigation Plan approved by the Army Corps of Engineers and the California Regional Water Quality Control Board.				
Mitigation 1B: Obtain approval from the Army Corps of Engineers for the Weber Property Wetland Mitigation Plan which includes implementation of the Burrowing Owl Resource Management Plan.				

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation 1C: Record a Conservation Easement and over the 2.39 acre Mitigation Site. Continue to maintain the remaining undeveloped 52.94-acre portion of the Weber Parcel in keeping with the City of Hayward Specific Plan. A copy of the recorded Conservation Easement shall be provided to the Planning Division.

Mitigation 1D: As described in the *Burrowing Owl Resource Management Plan* and below, pre-construction surveys for burrowing owls shall be conducted prior to any construction activity to ensure that there are no impacts to burrowing owls. If burrowing owls are present in the construction area, construction will not occur. Pre-construction surveys will be conducted within 30 days prior to the onset of any ground disturbing activities. Surveys will be conducted by a qualified biologist following CDFG survey methods (CDFG 2012) to establish the status of burrowing owl on the Project site. The surveys will include all portions of the 86.83-acre Weber Property, including the 31.5-acre Weber Light Manufacturing Park, associated 2.39-acre wetland mitigation site, and the 52.94-acre undeveloped portion of the 86.83-acre Weber Property, immediately surrounding areas, and all access routes. All potential burrows within the 86.83-acre Weber Property will be flagged to alert biological and work crews to their presence.

a. If burrowing owls are found to occupy the 86.83-acre Weber Property during the non-breeding season (September 1 to January 31), occupied burrows will be avoided by establishing a no-construction buffer zone around the burrow or a passive relocation effort may be instituted to relocate the individual(s) out of harm's way.

b. If burrowing owls are found to occupy the 86.83-acre Weber Property during the breeding season (February 1 to August 31), the project ground disturbing activities will follow the CDFG recommended avoidance protocol whereby occupied burrows will be avoided with a no-construction buffer zone unless a qualified biologist verifies

through non-invasive methods that: either 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If either 1) or 2) are true then construction can proceed without a no-construction buffer zone.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? **Comment** *The light generated from the proposed 14 industrial sites is less than significant given that the proposal will be an extension of the adjacent developed area with an industrial zoning; no mitigation is required.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST

RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non-agricultural use? **Comment:** *According to "A Guide to the Farmland Mapping and Monitoring Program, 2004 Edition, the Alameda County Board of Supervisors determined that there is no Farmland of Local Importance for Alameda County. Therefore there is no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? Comment: <i>The project is not located in an agricultural zoning district nor is it subject to a Williamson Act contract. Therefore is no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? Comment: <i>There are no forest lands in this area and the project does not involve the rezoning of forest land or timberland; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? Comment: <i>There are no forest lands in this area and the project does not involve the loss of forest land or involve conversion of forest land; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? Comment: <i>The project does not involve, nor is it located near, any commercially operated agricultural lands. The project is not located near any forest land. Therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? Comment: <i>The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of its CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens below what would require additional evaluation; therefore the proposed project will not conflict with the goals of the air quality plan and there is no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Comment <i>The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of its CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens below what would require additional evaluation. There are no existing or projected air quality violations that affect this property; therefore the proposed project will not violate any air quality standard and there is no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Comment <i>The proposed project meets the screening criteria in Table 3-1 of the Air District's CEQA Guidelines; therefore, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Expose sensitive receptors to substantial pollutant concentrations? Comment <i>(Refer to III a).</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Create objectionable odors affecting a substantial number of people? Comment <i>The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of its CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens below what would require additional evaluation; therefore, there is no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>IV. BIOLOGICAL RESOURCES -- Would the project:</p> <p>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p> <p>Comment: <i>The California Department of Fish and Game has determined that the proposed construction site would affect the habitat of the</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Burrowing Owl. Observations of burrowing use by Huffman-Broadway Group, Inc. (HBG) over the past decade indicates that the site is used for foraging habitat, but not for nesting or rearing of young. Prior to commencement of construction The May 2012 Borrowing Owl Resource Management Plan prepared by (HBG) shall be incorporated into the Weber Property Wetland Mitigation Plan also prepared by Huffman-Broadway Group, Inc., which is approved by the Army Corps of Engineers and the Regional Water Quality Control Board. The purpose of the Borrowing Owl Resource Management Plan is to provide protections during project construction and maintain suitable habitat for the ecological sustainability of the Burrowing Owl. The remaining 52.94-acre undeveloped portion of the 86.83 acre Weber Property in the southern and eastern portions of the site will continue to be preserved in keeping with the City of Hayward's Specific Plan as open space lands for conservation purposes. These open space lands, in combination with the adjacent 5,000+ acre Eden Landing Ecological Reserve will provide and maintain suitable foraging habitat for the ecological sustainability of burrowing owls. With these mitigation measures, the impacts on the burrowing owl will be less than significant.

Mitigation 2: The Weber Property Wetland Mitigation Plan prepared by the Huffman-Broadway Group, Inc., shall be approved by the Army Corps of Engineers and the Regional Water Quality Control Board.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

Comment: Refer to IV a..

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? **Comment** The 31.5-acre Weber Light

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>Manufacturing Park Project will impact 0.23 acres of Army Corps of Engineer’s jurisdictional waters (wetlands) and will impact 0.52 acre of RWQCB jurisdictional waters. The Weber Property Wetland Mitigation Plan prepared by the Huffman-Broadway Group, Inc., which is approved by the Army Corps of Engineers and the Regional Water Quality Control Board, will result in the re-establishment (creation) of 0.76 acres of wetlands and rehabilitation of 0.38 acres of existing farmed wetlands within a 2.39-acre wetland mitigation site which includes an upland buffer to protect jurisdictional waters within the mitigation site. With these mitigation measures .the impacts on the federally protected wetlands will be less than significant. (Refer to IV a for Mitigation Measure 2).</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Comment: Prior to commencement of construction of the Weber Light Manufacturing Park, the Burrowing Owl Resource Management Plan (HBG May 2012) shall be implemented for the project. The purpose of the plan is to provide protections during project construction and maintain suitable habitat for the ecological sustainability of burrowing owls. The Burrowing Owl Resource Management Plan shall be incorporated into the Weber Property Wetland Mitigation Plan prepared by the HGB, which is approved by the Army Corps of Engineers and the Regional Water Quality Control Board. With these mitigation measures .the impacts on the movement of migratory wildlife species will be less than significant. (Refer to IV a for Mitigation Measure 1A, 1B, 1C and 1D).</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Comment The project site does not contain any significant stands of trees. Any removal of tress would be required to comply with the City’s Tree Preservation Ordinance including providing replacement tees. A condition of</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>approval will require that an arborist report, that meets the approval of the City's Landscape Architect, be submitted prior to approval of the final map. With this condition, the impacts on the project would comply with local policies and ordinances; therefore, there would be a less than significant impact.</p>				
<p>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? Comment: There are no habitat conservation plans affecting the property. Therefore, no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>V. CULTURAL RESOURCES -- Would the project:</p>				
<p>a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? Comment: There are no historical resources associated with the improvements on the site or the affected parcels. In addition, the surrounding properties have no historical significance; therefore, no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? Comment: No known archaeological resources exist on the site. Therefore, no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Comment: No known paleontological resources exist on the site. Therefore, no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Disturb any human remains, including those interred outside of formal cemeteries? Comment: There are no records of any human remains located on the subject sites. In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act. With this condition of approval there will be no impact.

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment The affected parcels are not located near any known fault traces. Therefore, no impact.

ii) Strong seismic ground shaking? **Comment** The affected parcels are not located near any known fault traces; however, future buildings will be designed and constructed to withstand ground shaking in the event of an earthquake; therefore, there is less than a significant impact.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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iii) Seismic-related ground failure, including liquefaction? **Comment** The project site is within an area identified as subject to liquefaction movement. A condition of approval will require a soils investigation at the time of building permit with recommendations on foundation design that addresses the effects of liquefaction; therefore, there is less than significant impact.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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iv) Landslides? **Comment** The project site is a flat lot located along the wetlands and will not be subject to landslides; therefore, no impact.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in substantial soil erosion or the loss of topsoil? **Comment** The project site is a flat lot. The applicant proposed to put three to five feet of engineered fill to be placed on the site to specifications of a geotechnical engineer to ensure stability and to raise the property above the flood zone level; therefore, no impact.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Comment <i>Refer to VIb.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Comment <i>Refer VIb.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? Comment <i>The project will be connected to the City's sanitary sewer system and will not involve septic tanks or other alternative wastewater; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. GREENHOUSE GAS EMISSIONS -- Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Comment <i>All light industrial development on the parcels being rezoned to allow warehousing fall below the allowable screening criteria established by the Bay Area Air Quality Management District and will not exceed the threshold of significance for Greenhouse gas emissions; therefore no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? Comment <i>Future construction will conform to the City's Green Building Ordinance which includes measures regarding greenhouse gasses; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Comment <i>The proposed development will consist of light manufacturing and warehouse uses. Any use or storage of hazardous materials/waste must meet the</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>requirements of the City of Hayward Fire Department. Such uses would be required to obtain appropriate permits and would be subject to regular inspections; therefore, no significant impact.</i>				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Comment See VIII a).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? Comment There are no schools within one-quarter mile of the project site; therefore, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? Comment Phase I and II studies have been done on the site and it has been determined that there are no hazardous materials on the project site and the project site is not on a list of hazardous materials site; therefore, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? Comment The project is not located within an airport land use plan area or within two miles of a public airport; therefore, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? Comment The project is not located within the vicinity of a private air strip; therefore, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Comment <i>The project site is located at the terminus of a street and will not interfere with an adopted emergency response plans or evacuation plan; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? Comment <i>The project site is not located within the City's Wildland Interface Area; therefore no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IX. HYDROLOGY AND WATER QUALITY --				
Would the project:				
a) Violate any water quality standards or waste discharge requirements? Comment <i>The project will comply with all water quality and wastewater discharge requirements of the City; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Comment <i>The project will be connected to the existing water supply and will not involve the use of water wells and will not deplete groundwater supplies or substantially interfere with groundwater recharge; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Comment <i>The proposed drainage system for the project is designed to accept all off-site drainage that is directed towards the project site. All off-site and on-site drainage entering the proposed drainage system is designed to be directed to an existing drainage system of sufficient capacity. A condition of approval will require the drainage design to meet the approval of the Alameda County Flood Control and Water Conservation District and</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>the City of Hayward; therefore, no significant impact.</i>				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Comment Refer to IX c.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? Comment Refer to IX c.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality? Comment A condition of approval will require that the proposed drainage design shall be treated to meet the Alameda County Flood Control and Water Conservation District's C-3 requirements before entering an existing drainage facility; therefore, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Comment The proposed development would consist of light manufacturing and warehouse uses. There are no new homes proposed; therefore, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Comment The project site is not located in an area that would be subject to flooding from the failure of a dam or levee. The project site is currently located within a 100-year flood hazard area; however, three to five feet of engineered fill will be placed on the site to specifications of a geotechnical engineer to ensure stability and to raise the property above the flood zone level. A condition of approval will require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) that indicates that the property has been designed to be above the flood level as identified by the Federal Emergency Management Agency (FEMA); therefore, it would be less than significant.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Mitigation 3: The applicant shall obtain a Conditional Letter of Map Revision (CLOMR) that indicates that the property has been designed to be above the flood level as identified by the Federal Emergency Management Agency (FEMA)..</p>				
<p>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <u>Comment</u> (Refer to IX h Mitigation Measure 3)).</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>j) Inundation by seiche, tsunami, or mudflow? <u>Comment</u> Refer to IX h.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>X. LAND USE AND PLANNING -- Would the project:</p>				
<p>a) Physically divide an established community? <u>Comment</u> The project site is located in the Baumberg area at the terminus of Bridge Road and Baumberg Avenue and is located within Hayward's urban limit line. The adjacent properties on Bridge Road and Baumberg Avenue are zoned for industrial use as is the proposed project; therefore, there is no established community that would be physically divided by the proposed development; therefore no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? <u>Comment</u> The property lies within the Industrial Corridor as identified on the General Plan. The proposal is to amend the Zoning Ordinance from a Light Manufacturing Zoning District to a Planned Development District to allow warehouse uses as a primary use. The use of warehouses is consistent with the abutting industrially zoned properties; therefore there is no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Conflict with any applicable habitat conservation plan or natural community conservation plan? <u>Comment</u> The project site is not covered by any habitat conservation plan or natural community conservation plan; therefore, no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>XI. MINERAL RESOURCES -- Would the project:</p>				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Comment <i>There are no known mineral resources on the project site; therefore no impact.</i>				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? Comment <i>The project site is not identified as a site known to have mineral resources; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Comment <i>The zone change proposal from a Light Manufacturing Zoning District to a Planned Development District would allow warehouse uses as a primary use. All uses within the proposed buildings will be required to comply with the City's Noise Regulations as defined in Section Chapter 4 Article 1 of the Hayward Municipal Code; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Comment <i>Refer to XII a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? Comment <i>Refer to XII a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? Comment <i>Refer to XII a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? Comment <i>The project is not located within an airport land use plan area or within two miles of a public airport; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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levels? **Comment** *The project is not located within the vicinity of a private air strip; therefore, no impact.*

XIII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Comment *The project involves a new road that serves the proposed 14 industrial parcels and terminates in a cul-de-sac. All properties surrounding the site are either zoned industrial, open space or flood plain. The project would not induce substantial population growth; therefore, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? **Comment** *The project involves the removal of one single-family dwelling and, as such, the project would not displace a substantial number of existing housing. Therefore, it would have a less than significant impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? **Comment** *Refer to XIIIb.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIV. PUBLIC SERVICES --

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Other public facilities? Comment <i>The project is proposing an industrial use within an urbanized area that is already served by police and fire services and no additional public services facilities would be needed to adequately serve the proposed project. Since the use is industrial it would not have an impact on schools or parks. .</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Comment <i>The proposed project is an industrial use. As there is no housing proposed there would not be a need to use neighborhood and regional parks or other recreational facilities, therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? Comment <i>The project is proposing an industrial use which does not include require recreational facilities or require the construction or expansion of recreational facilities; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVI. TRANSPORTATION/TRAFFIC -- Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Comment <i>The project will not conflict with any plan regarding the circulation system. The project is an industrial project which would create a new street for access. The proposed street would be connected to Baumberg Avenue an established industrial street that currently serves as a connector street for the surrounding industrial area. The 14 new light manufacturing/warehouse uses would</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>create a minimal impact to the existing traffic system, therefore, no significant impact</i>				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? Comment. <i>No level of service will be significantly impacted by the 14 new industrial buildings.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Comment <i>The project involves no change to air traffic patterns; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? Comment <i>The project has been designed to meet all City requirements regarding street design will not increase any hazards; therefore no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? Comment <i>The project includes constructing a street that ends in a cul-de-sac that would serve the proposed 14 industrial sites. The proposed street connects to Baumberg Avenue, an existing public street and includes an emergency vehicle access road that would connect to the private street portion of Baumberg Avenue. This design will provide adequate access; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? Comment <i>The project does not involve any conflicts or changes to policies, plans or programs related to public transit, bicycle or pedestrian facilities; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. UTILITIES AND SERVICE SYSTEMS --				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Comment <i>The project will not exceed wastewater treatment requirements; therefore no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Comment <i>There is sufficient capacity to accommodate the proposed project; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Comment <i>There is sufficient capacity in the existing storm drain system to accommodate the proposed project; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Comment <i>There is sufficient capacity to accommodate the proposed project; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Comment <i>There is sufficient capacity to accommodate the proposed project; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Comment <i>There is sufficient capacity to accommodate the proposed project; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? Comment <i>The project will be subject to the regulations stipulated in Chapter 5, Article 1 Solid Waste Collection and Disposal in the City's Municipal Code; therefore, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? **Comment** *As evidenced in Section IV a and IV d of the checklist above, it has been determined that the project will not have any significant impacts to fish, wildlife species or plant life; therefore no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? **Comment** *As evidenced in Sections IX c, IX f, XIII a, and XV a of the checklist above, it has been determined that the project will not have any significant impacts; therefore no impact to cumulative impacts.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? **Comment** *The project will not have any environmental impacts therefore will not cause substantial adverse effects on human beings; therefore no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**DEPARTMENT OF
DEVELOPMENT SERVICES
Planning Division**

MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

PROJECT DESCRIPTION: Request for a zone change from Light Manufacturing to Planned Development in conjunction with a Vesting Tentative Map 8039 requesting subdividing the lot into 14 parcels.

Weber Property PL-2010-0372 ZC & PL-2010-0373 TTM – John Weber (Applicant/Owner) – Property is located at 3596 Baumberg Avenue, APN # 461-0040-001-00, 461-0040-002-00, 461-0040-003-00 & 461-0040-004.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project could not have a significant effect on the environment.

III. FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources.
3. The project will not have a significant adverse effect on agricultural land since as no commercial agriculture occurs on the site and the developable portion of the property is too small to be used for commercial agriculture.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.
5. The California Department of Fish and Game has determined that the proposed construction would affect the habitat of the Burrowing Owl. The Burrowing Owl Resource Management Plan (HBG May 2012) shall be incorporated into the Weber Property Wetland Mitigation

Plan prepared by the Huffman-Broadway Group, Inc., which would be approved by the Army Corps of Engineers and the Regional Water Quality Control Board. With these mitigations, the project will not result in significant impacts to biological resources such as wildlife and wetlands.

6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.
7. The project site is not located within a "State of California Earthquake Fault Zone"; however, it may experience ground shaking due to the proximity to active faults in the region. Construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff directed to the site or that falls within the site. All storm water runoff would be treated to meet the clean water criteria established by the Alameda County Flood Control and Water Conservation District and directed to existing drainage facilities of sufficient capacity.
10. The project is consistent with the policies of the City General Policies Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.
11. The project could not result in a significant impact to mineral resources since the developable portion of the site is too small to be developed to extract mineral resources.
12. The project will not have a significant noise impact.
13. The project will not result in a significant impact to public services.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

IV. PERSON WHO PREPARED INITIAL STUDY: Tim Koonze, Associate Planner

Signature: Tim Koonze Dated: 7/3/12

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4114

Weber Property
Mitigation Monitoring and Reporting Program
Zone Change Application No. PL-2010-0372 PD;
Tentative Tract Map Application No. PL-2010-0373 (TTM 8039);
John Weber (Applicant/Owner)

June 15, 2012

Mitigation 1A

Significant environmental Impact: *The California Department of Fish and Game have determined that the proposed construction site would affect the habitat of the Burrowing Owl. The Burrowing Owl Resource Management Plan (HBG May 2012) shall be incorporated into the Weber Property Wetland Mitigation Plan prepared by HBG. Evidence of plan approval, including the amount for endowment funding for long-term management activities for the 2.39-acre Mitigation Site shall be provided to the City of Hayward Planning Division.*

Mitigation Measure: The Burrowing Owl Resource Management Plan shall be incorporated into the Weber Property Wetland Mitigation Plan approved by the Army Corps of Engineers and the California Regional Water Quality Control Board. With incorporation of this mitigation measure, impacts will be reduced to a less-than-significant level.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to approval of the Final Map

Mitigation 1B

Significant environmental Impact: *Endowment funding for implementation of the long-term management actions described in the Burrowing Owl Resource Management Plan shall be included with the endowment funding required for the Corps-approved wetland mitigation plan for the 2.39-acre wetland mitigation site. Evidence of plan approval, shall be provided to the City of Hayward Development Services Department.*

Mitigation Measure: Obtain approval from the Army Corps of Engineers for the Weber Property Wetland Mitigation Plan, which includes implementation of the Burrowing Owl Resource Management Plan. With incorporation of this mitigation measure, impacts will be reduced to a less-than-significant level.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to approval of the Final Map

Mitigation 1C

Significant environmental Impact: *In addition to recording a Conservation Easement for the purpose of reestablishment and enhancement of seasonal wetlands and to maintain suitable habitat for the ecological sustainability of burrowing owls on the 2.39-acre Mitigation Site, and continue to maintain the remaining undeveloped 52.94-acre portion of the Weber Parcel. A copy of the officially recorded document shall be provided to the City of Hayward Planning Division.*

Mitigation Measure: Record a Conservation Easement and over the 2.39 acre Mitigation Site. Continue to maintain the remaining undeveloped 52.94-acre portion of the Weber Parcel in keeping with the City of Hayward Specific Plan. A copy of the recorded Conservation Easement shall be provided to the Planning Division. With incorporation of this mitigation measure, impacts will be reduced to a less-than-significant level.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to approval of the Final Map

Mitigation 1D

Significant environmental Impact: *The California Department of Fish and Game have determined that the proposed construction site would affect the habitat of the Burrowing Owl.*

Mitigation Measure: As described in the *Burrowing Owl Resource Management Plan* and below, pre-construction surveys for burrowing owls shall be conducted prior to any construction activity to ensure that there are no impacts to burrowing owls. If burrowing owls are present in the construction area, construction will not occur. Pre-construction surveys will be conducted within 30 days prior to the onset of any ground disturbing activities. Surveys will be conducted by a qualified biologist following CDFG survey methods (CDFG 2012) to establish the status of burrowing owl on the Project site. The surveys will include all portions of the 86.83-acre Weber Property, including the 31.5-acre Weber Light Manufacturing Park, associated 2.39-acre wetland mitigation site, and the 52.94-acre undeveloped portion of the 86.83-acre Weber Property, immediately surrounding areas, and all access routes. All potential burrows within the 86.83-acre Weber Property will be flagged to alert biological and work crews to their presence.

a. If burrowing owls are found to occupy the 86.83-acre Weber Property during the non-breeding season (September 1 to January 31), occupied burrows will be avoided by establishing a no-construction buffer zone around the burrow or a passive relocation effort may be instituted to relocate the individual(s) out of harm's way.

b. If burrowing owls are found to occupy the 86.83-acre Weber Property during the breeding season (February 1 to August 31), the project ground disturbing activities will follow the CDFG recommended avoidance protocol whereby occupied burrows will be avoided with a no-construction buffer zone unless a qualified biologist verifies through non-invasive methods that: either 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If either 1) or 2) are true then construction can proceed without a no-construction buffer zone.

Implementation Responsibility: Project developers, including project contractor
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior to and during construction

Mitigation 2

Significant environmental Impact: *The San Francisco District Corps of Engineers determined that 37.77 acres of jurisdictional waters (wetlands) occur within the 86.83-acre Weber property, plus an additional 0.29 acre isolated pond that was not determined by the Corps to be subject to their jurisdiction. The 31.5-acre proposed project area will impact 0.23 acres of Corps jurisdictional waters (wetlands). In addition, the project improvements will impact 0.52 acre of RWQCB jurisdictional waters. The applicant shall obtain approval of a Weber Property Wetland Mitigation Plan prepared by the Huffman-Broadway Group, Inc., from the Army Corps of Engineers and the Regional Water Quality Control Board; thus impact will be mitigated to a level of insignificance.*

Mitigation Measure: The Weber Property Wetland Mitigation Plan prepared by the Huffman-Broadway Group, Inc., shall be approved by the Army Corps of Engineers and the Regional Water Quality Control Board.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior to approval of the Final Map

Mitigation 3

Significant environmental Impact: *The project site is currently located within a 100-year flood hazard area; however, three to five feet of engineered fill will be placed on the site to specifications of a geotechnical engineer to ensure stability and to raise the property above the flood zone level. A condition of approval will require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) that indicates that the property has been designed to be above the flood level as identified by the Federal Emergency Management Agency (FEMA); therefore, it would be less than significant.*

Mitigation Measure: Mitigation 3: The applicant shall obtain a Conditional Letter of Map Revision (CLOMR) that indicates that the property has been designed to be above the flood level as identified by the Federal Emergency Management Agency (FEMA).

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior to approval of the Final Map



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 26, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

MEETING

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

ROLL CALL

Present: COMMISSIONERS: Faria, Lamnin, Lavelle, Loché
(One vacancy)
CHAIRPERSON: Márquez
Absent: COMMISSIONER: McDermott
CHAIRPERSON:

Commissioner Loché led in the Pledge of Allegiance

Staff Members Present: Conneely, Koonze, Nguyen, Patenaude, Philis

General Public Present: 16

PUBLIC COMMENTS

None

PUBLIC HEARINGS

1. Administrative Use Permit PL-2011- 0298 – Adwin Pratap (Applicant)/ Michael and Richard Silva (Owners) – Request to operate an auto body shop with a spray paint booth in an existing warehouse adjacent to single-family residential properties. The site is located at 29225 Sims Court in the Industrial (I) District (APN 464-0100-015-03).

Chair Márquez noted that the applicant had requested to continue the item to Sept. 20th and that staff had granted the request.

2. Zone Change Application PL-2010-0372 / Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner) – Request for a Zone Change from Light Manufacturing District to Planned Development District and a Tentative Tract Map to create 14 parcels. The project is located at 3596 Baumberg Avenue at the southerly terminus of Baumberg Avenue and Bridge Road in a Light Manufacturing District.

Associate Planner Tim Koonze gave a synopsis of the report noting he had distributed a revised set of Conditions of Approval to the Commissioners and staff. Conditions 1, 2 and 93 were amended to add a Conservation Easement for the mitigated wetlands and a Deed Restriction for the remaining open space. Mr. Koonze also noted that a reference in the report regarding the vacation of cultivation on the property by the owner was incorrect and that cultivation would continue as well as the maintenance of foraging lands for the burrowing owl.

Commissioner Lavelle asked for more information about the urban limit line identified on one of maps in the staff report. Associate Planner Koonze said the City set the line and no urban development could take place

DRAFT

Page 1of 12

outside of the line. He pointed out that the proposed development would fall within the limit line already established by the South of 92 Specific Plan. Commissioner Lavelle confirmed that the line did not correspond with the boundaries of the City and Mr. Koonze said that was correct.

Regarding the fill that would be used to raise the proposed development five feet above the 100-year flood line, Commissioner Lavelle asked what “engineered fill” was and why a rocky, natural material wouldn’t be used. Associate Planner Koonze explained that using pieces of broken concrete with dirt on top as fill could create pockets that would not meet compression tests; engineered fill was approved for the site because it could be compacted and made stable.

Commissioner Lavelle said the report mentioned streets both proposed and existing, and that the fire department would require access to the farthest portion of the new, private “Street A” and she asked staff to show her on a map where this street would be located and if it would connect with the existing Baumberg Avenue. Staff showed her the street on a map and noted that the road would be for emergency vehicles only. Commissioner Lavelle confirmed that the fence at the end of Baumberg Avenue would remain.

Commissioner Lavelle asked why the project developer was required, under Condition of Approval 18, to use decorative pavers (and the POA—Property Owners Association, to maintain them), when a new street was going in and the area was primarily industrial. Associate Planner Koonze explained that it was a combination area with some residential on both Bridge Road and Baumberg Avenue and the pavers were just a way to spruce up the area as residents passed through. Commissioner Lavelle asked if the property owner was agreeable to the condition and when staff confirmed he was, said it seemed like overkill to add pavers when the development bordered an industrial area, but concluded that if the owner was agreeable then she didn’t have a problem with it either.

Commissioner Lavelle said she appreciated the responses by staff regarding the concerns identified in a letter from the Hayward Area Shoreline Planning Agency (HASPA), but she noted there were no other comments from residents or the public. She pointed out that the public comment period was open through August 6th, and she asked if the Planning Commission could be made aware of any new comments or concerns received. Associate Planner Koonze assured Commissioner Lavelle that could be arranged and noted that staff had received two phone calls from neighbors since distributing the report packet. The first caller asked if the developer’s intent was to buy-out all residents on Bridge and Baumberg, tear everything down, and build there. Mr. Koonze said once he explained that that was not the plan, the neighbor was agreeable to the proposal. The other question was from a person with both a home and business in the area, and he wanted to know if proposed buildings would block his view of existing wetlands. Mr. Koonze explained to that caller that the area was going to be a wetland preservation area and that views would not be impacted.

Commissioner Lavelle commented that there were more residents in the area than she had been aware of and she asked if future City Council meeting notices could be sent to all residents, whether they were owners or tenants, living on Baumberg, Bridge and Arden. Associate Planner Koonze explained that all notices had gone to both owners and residents and he noted that all existing homes were considered legal and conforming until the year of 2015 at which point they would become legal, non-conforming. He explained that what this meant was that after 2015, owners could not make any major structural repairs to their homes, and/or if 50% of their home was destroyed by fire, they could not rebuild. Mr. Koonze explained that the City’s intent was to eventually move all residential structures out of the area and have an entirely industrial area.

Regarding the drainage plan that would allow storm water runoff to flow to the Eden Shores Pump Station, Commissioner Lavelle asked for confirmation that City staff would approve the plan. Associate Planner Koonze said the concept had been approved by the Alameda County Flood Control District, which runs the pump station and had indicated that the station had the capacity to take on the anticipated drainage from the new development. Mr. Koonze noted that the project engineer had conducted an extensive draining study and approved the proposed drainage plan. Commissioner Lavelle asked if plan took into consideration future



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 26, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

growth including both residential and industrial development and Mr. Koonze asked Development Review Engineer John Nguyen to respond. Mr. Nguyen said the preliminary plan prepared by the Project Civil Engineer and submitted to the Flood Control District, did take into consideration full development, but he noted that because the existing properties sat lower than the proposed Weber development, some onsite improvements would have to be made.

Commissioner Lavelle commented that Conditions of Approval 4 and 5 seemed to repeat each other and Associate Planner Koonze pointed out that one condition was regarding a drainage study and the other a drainage plan. Commissioner Lavelle commented that the corrections to the Conditions of Approval Mr. Koonze distributed at the beginning of the meeting seemed appropriate.

Commissioner Loché asked who would be responsible for correcting the drainage plan if it turned out to be insufficient. Associate Planner Koonze said the plan was based on the premise that 90% of the land would be developed with no percolation and only residential front landscaping. He noted that Alameda County Flood Control also based its figures on 50-year and 100-year flood levels. The drainage plan would accommodate an average rainstorm with no problem, Mr. Koonze said, and while a 100-year storm may have water lapping at the curbs, drainage would occur in short order; the drainage plan had “built in” protections. An extreme rain, like a 500-year storm couldn’t be designed for, he said, instead planners designed for what was most reasonable.

Commissioner Loché asked what was currently at the wetland mitigation site and Associate Planner Koonze said it was a vacant site with some vegetation, but no wetlands. Commissioner Loché asked if HASPA knew engineered fill was going to be used when they submitted their letter and Mr. Koonze said at the time the letter was written, he still needed to verify for and convey to HASPA that a registered soil engineer would be approving the fill content.

Commissioner Loché asked what kind of fencing would be used to separate the buffer zone from the industrial properties and Associated Planner Koonze said a cyclone fence to catch papers and he noted the property owners would be responsible for removing debris. Mr. Koonze noted that the buffer zone was an extra precaution to provide more separation between the proposed industrial uses and the open space.

Commissioner Loché said that the report stated the engineered fill would raise properties 8-9 feet above sea level and he asked if the rise in sea level anticipated in the next 50 years was considered. Associate Planner Koonze said yes, but he explained there were two different issues: 1) raising the properties above the 100-year flood zone so no flood insurance would be required by property owners, and 2) raising properties to be higher than the anticipated sea level rise by the year 2050 plus an additional 16 inches to account for the mean high tide level. Mr. Koonze noted the properties would still be a foot above that anticipated 2050 level.

Commissioner Lamnin asked if there was currently a resident living in the house at the proposed site and Associate Planner Koonze said he thought so, but deferred the question to the developer. Regarding the stated correction at the beginning of the meeting that there would be cultivation on the site, Commissioner Lamnin asked what that meant. Mr. Koonze explained that in the past hay had been grown and that would continue. Commissioner Lamnin asked if it was anticipated that native plant species would return and Mr. Koonze said not for the cultivated portion of the site. Commissioner Lamnin noted besides protected animal species, pickle weed was a protected plant species and she said she didn’t see any mention of it in the staff report. Mr. Koonze said the area was surveyed and only three pickle weed plants were found and they were either dead or dying. Mr. Koonze noted proper growing conditions didn’t exist for pickle weed and said the only species

of concern identified by the Department of Fish and Game was the burrowing owl. Commissioner Lamnin noted special accommodations had been made for the ground squirrel and she asked if the squirrels would overrun the owls. Mr. Koonze said the two were friends because the owls used the tunnels created by the squirrels for their nests and Commissioner Lamnin observed the two kept each other in balance.

Commissioner Lamnin asked if the formation of a POA was common for industrial areas and Associate Planner Koonze said it was common for industrial areas that had private streets that would need to be maintained.

Commissioner Lamnin asked if there was any risk of leaching from the engineered fill that could potential harm the protected species and Associate Planner Koonze said no, it was “clean” fill. Commissioner Lamnin asked about the stability of the fill in terms of earthquake safety and Mr. Koonze said it would be made as stable as possible and that a soil engineer would make a recommendation regarding foundation design under those conditions when the developer applied for a building permit.

Commissioner Lamnin asked if the streets surrounding the residential area would support industrial vehicle access and Mr. Koonze said the streets where industrial uses tie into residential had already been improved.

Regarding the sub conditions shown under Condition of Approval number 112, Commissioner Lamnin noted there would be a lot of water applied to the site, and she asked if the water would come in before the sewer improvements and if there would be any problems. Mr. Koonze explained that the water mentioned would be applied by trucks twice daily to keep dust from floating into the existing neighborhoods and open lands during construction. Mr. Koonze noted these were standard conditions for construction sites. Given that this area required a lot of sewer improvements, Commissioner Lamnin expressed concern that the added water might cause problems and Mr. Koonze assured her it would be a light dusting of water to keep the dirt down, not enough to create mud.

Commissioner Lamnin suggested using CC&Rs (Conditions, Covenants & Restrictions) to restrict heavy water usage by incoming industrial uses. Associate Planner Koonze clarified that she was concerned about water discharge not usage and he explained that any discharge would go down storm drains and that businesses would be restricted from discharging water onto paved areas including for washing vehicles; businesses would have to create a wash area where water would discharge into a drain. Commissioner Lamnin asked if the grassy swells used to filter storm water for pollutants, mentioned in Condition 34, would attract animals that could be potentially harmed by the pollutants. Mr. Koonze said no, the swells were only grassy strips (for example, at Costco or Target) that the water ran through on the way to the storm drain.

Commissioner Faria asked if the Property Owners Association would be strictly for the proposed development or would include existing properties as well and Associate Planner Koonze said strictly for the development being proposed. Commissioner Faria confirmed that the POA would be responsible for maintaining the buffer zone and Mr. Koonze said yes, as well as streets, landscape areas near the entrance of the development, and any on-site private utilities like lights. Mr. Koonze then double checked whether or not the buffer zone was included in the proposed POA language, found it was not included and said it would be a good idea to include it. Commissioner Faria agreed language requiring the POA to maintain the buffer zone should be included.

Regarding the amount of traffic generated from the development, Commissioner Faria asked if the proposed 2403 trips were typical for a development of this size. Mr. Koonze said yes and confirmed that the City’s Transportation Manager agreed this was typical and that existing streets would be able to handle the increased traffic. Commissioner Faria asked if there would be access to public transit or bike lanes and Mr. Koonze said not directly near the proposed area. Although there would be bus service on Industrial Boulevard, which wasn’t too far away from the proposed development, Mr. Koonze said there would be no bike lanes on-site and he wasn’t sure if there were bike lanes on Baumberg Avenue.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 26, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

Chair Márquez confirmed with staff that the Commission was strictly making a recommendation and she asked when the City Council would hear the item. Associate Planner Koonze said the item was tentatively scheduled for September 25th. Chair Márquez also confirmed that the Public Comment period ended on August 6th.

Regarding tree preservation on the proposed development site, Chair Márquez asked how many trees would be removed and/or replaced. Mr. Koonze said he was only aware of two trees of significant size, and he wasn't sure if they were located in an area that would require them being removed, but he noted that any tree mitigation would have to take place prior to development.

Chair Márquez confirmed there would be strict limits on construction times and Mr. Koonze said all construction would be regulated by City ordinance (Monday-Friday 7:30 a.m.-6:00 p.m., with no construction on weekends or holidays).

Commissioner Loché confirmed with staff that existing residential would become a non-conforming use in 2015 regardless of what was decided by the Commission that night and Associate Planner Koonze said yes, that evening's decision would not change what was already in place via City ordinance.

Chair Márquez opened the Public Hearing at 7:48 p.m.

Anthony Varni, representing the applicant with business address on A Street, said he and Mr. Weber were pleased with the staff report and had spent five or six years working on the project.

Commissioner Lamnin asked Mr. Varni if there was a resident living in the house and Mr. Varnie said yes, a tenant/caretaker for the cultivated area and he confirmed for Commissioner Lamnin that the tenant was aware of the proposal. Commissioner Lamnin asked if the tenant would continue to cultivate the land and Mr. Varni said he had been tending the land for the last 20 years and would probably continue for as long as he could.

Commissioner Lamnin asked if the applicant would be interested in reintroducing native species to the area both in the mitigated areas and in the cultivated area if the farming was to stop. Mr. Varni said he and Mr. Weber had been trying to get the remaining property approved as a mitigation bank so it could provide more habitat area for animals, but he noted the process was very difficult with many different agencies involved. At the moment, Mr. Varni said the owner was undecided about what would happen next because of the lack of demand for mitigated wetlands; due to the economy it was difficult to know if the investment to improve the land would make sense.

Commissioner Lamnin asked how the industrial warehouse spaces would be marketed and if there was demand. Mr. Varni said there were industrial properties available in Hayward, but the properties weren't located in approved industrial parks and therefore neither the City nor the owner had any architectural control and there was no building uniformity. Mr. Varni said the applicant believed there would be demand for the proposed industrial spaces because businesses wanted those controls and were going to Union City or Fremont to find them. Mr. Varni pointed out that the proposed development was designed in a way that the lots could be combined if a business needed more acreage; the development was designed to deal with the market and whatever the market demanded.

Commissioner Lavelle said there was a row of palm trees at the end of Arden Road and she asked if they would be maintained or moved. Mr. Varni said he wasn't sure if the palms were on Mr. Weber's property and said he didn't know the answer to her question.

Frank Delfino, Reamer Road resident in Castro Valley, said 25-30 years ago Mr. Weber purchased the property because a developer said he was going to put in a racetrack. Mr. Weber thought he was going to make a killing and paid the developer two to three times what the land was worth, Mr. Delfino said, but the guy went bankrupt and Mr. Weber was stuck. Mr. Delfino said typically in this situation, an idea gets started and years later is sprung on the public as the greatest idea that's come about, but it is really a disaster. Mr. Delfino said the Commission should vote down this idea and if they couldn't do that, then they should put some restrictions on it. He said the environmental impact report was incomplete because it looked at the development from the land side out. Instead of a little addition to the land, he said, it was really a subtraction from the shoreline and should be looked at as such. Regarding the fill that would raise the proposed properties seven feet higher than the existing properties, Mr. Delfino asked what that would do for residents on Baumberg looking up at these new buildings. Mr. Delfino said vote the project down and if that couldn't be done, ask the developer to do more work and conduct more studies.

Evelyn Cormier, Carroll Avenue resident, said the most important thing about the proposal was that the property was located right next to the 834 acre Eden Landing Ecological Reserve. She noted that state and federal governments had spent a lot of money to protect habitats and species. She said Mr. Weber did a lot of plowing of pickle weed so there wasn't any left and that he also tried to drain the wetland, but so far, hadn't been successful. Ms. Cormier said it did not make sense to put something there that would impact a feature like the reserve. She also noted that with a residential development came feral cats that would eat the burrowing owls and other small animals and that was not the purpose of the reserve. Ms. Cormier said she learned about the public hearing the day before, got a copy of the staff report that day, and hadn't been able to read it in detail, but she noted she hadn't seen a final report from the Army Corp of Engineers, any letters from the Department of Fish and Game, or any documents from the Regional Water Quality Control Board. She commented that those documents should be in the report before the proposal was approved. Ms. Cormier said she would be submitting comments before the August 6th deadline.

Chair Márquez closed the Public Hearing at 8:00 p.m.

Commissioner Lamnin asked staff about the agencies mentioned by Ms. Cormier and Associate Planner Koonze said the agencies overseeing the project included the Army Corp of Engineers, the Regional Water Quality Control Board, and the Alameda County Flood Control District. The Department of Fish and Game, he explained, served only as an advisory agency and to monitor that Department requirements were being adhered to during construction. He said the three agencies overseeing the project had approved conceptual plans brought to them and would still need to approve detailed plans. Commissioner Lamnin asked the likelihood of the project proceeding and Mr. Koonze said it depended on how likeliness of Council approving it and if they did, if the developer still found it was viable to proceed.

Commissioner Lamnin said the report said that if an owl was found construction would stop and she asked if construction would stop completely. Associate Planner Koonze explained that if a nest was found (and he noted no nests had been found in the last few years), construction would stop until the young had left the nest and any remaining owls relocated, and would then resume. Commissioner Lamnin confirmed the existing wetland was not a quality habitat and Mr. Koonze said the land had previously been used by a duck club and they had created a pond for fishing. When the club closed, he said, the pond dried up leaving a hole in the ground that had no real value and was only a seasonal wetland when it rained.

Commissioner Lamnin said due diligence had been done by the applicant, noted she valued wetlands too, and said it appeared that a lot of the work had been done to not only protect the existing species but enhance their habitat and build on the progress of the Eden Landing Reserve. Commissioner Lamnin noted the community



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 26, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

needed jobs and light industrial would bring in workers to fill up the new houses and more students to local schools. Commissioner Lamnin made a motion to move the staff recommendation. The motion was seconded by Commissioner Loché.

Commissioner Loché asked Commissioner Faria to repeat her questions about the proposed Property Owners Association and Commissioner Faria said she had asked if current residents would be part of the proposed POA and that the answer was no. She also asked who would be responsible for maintaining the buffer zone and the answer wasn't currently defined so Commissioner Faria suggested, and Associate Planner Koonze concurred, that the Commission should include that the POA was responsible. Commissioner Loché echoed that concern and asked if Commissioner Lamnin was agreeable to adding language to the motion that the POA would be responsible for maintaining the buffer zone and she said yes.

Commissioner Loché then commented on his second saying the applicant had done his due diligence and put a lot of effort and thought into the project. He said the mitigation site would be superior to what was currently there with 55 acres for the burrowing owl. He said it looked like a good project, agreed Hayward needed the jobs, said it was a quality, win-win project and concluded that was why he was supporting the motion.

The motion to recommend that the City Council adopt 1) the Initial Study/Mitigated Negative Declaration, and a Mitigation Monitoring and Reporting Plan, and 2) approve the Zone Change from Light Manufacturing District to Planned Development District to allow warehousing, and 3) approve the Tentative Tract Map creating 14 industrial parcels, pursuant to the findings and conditions of approval, with an amendment to require the POA to maintain the buffer zone was approved 5:0:1 (McDermott absent, one vacancy).

AYES: Commissioners Faria, Lamnin, Lavelle, Loché
Chair Márquez
NOES:
ABSENT: Commissioner McDermott
ABSTAINED:

Commissioner Lamnin asked staff if they had enough information to make sure that environmental protections would be carried forward, responsibility for maintenance assigned, and areas and wildlife inhabitants protected. Associate Planner Koonze asked for clarification and Commissioner Lamnin reiterated her concern that environmental protections were not only followed now as had been written, but that they get carried forward and that something states who would be responsible for carrying them forward; she suggested language be included in the CC&Rs. Mr. Koonze said the Deed Restriction would keep the development as-is and the area protected. He added that the wetland mitigation site would be protected by a Conservation Easement that included additional maintenance requirements.

3. PL-2012-0204 HIST – Designation of Historical Resources on the Local Register – 1436, 1442, 1465, and 1471 B Street; 1421, 1431, and 1444 C Street; and 22589 Chestnut Street – Caltrans (Owner/Applicant)

Planning Manager Richard Patenaude gave a synopsis of the report.

Commissioner Loché asked if any properties in Hayward had Mills Act contracts and Planning Manager Patenaude said no and explained that when the City Council approved the Historic Preservation Ordinance in 2010, that authorized the use of the Mills Act for the first time. Mr. Patenaude noted that while this was “new

territory” for Hayward, he had processed a Mills Act contract when he was the Preservation Officer for the City of Palm Springs and was familiar with the program. Commissioner Loché asked staff if the designation of the properties would improve the likelihood of this area becoming a historic district. Planning Manager Patenaude said he was hoping to start a wave of interest in the neighborhood because a lot of groundwork was needed and the area didn’t even have a neighborhood group yet. He noted the formation of a neighborhood committee for the sole purpose of creating a historic district may lead to other “bigger and better” things for neighborhood. Mr. Patenaude said the process to designate the Prospect Hill neighborhood as a historic district was started first because they already had an established neighborhood association and he was hoping that group would serve as a model for the Upper B Street area. Commissioner Loché asked if the potential buyers became interested in the properties as a result of the possible designation. Planning Manager Patenaude said potential owners had continued to rent the properties from CalTrans because of the character of the homes and confirmed that the designation would be seen as a positive.

Commissioner Faria said she was glad to be able to maintain Hayward’s history and she noted that well-maintained historic areas in other cities were really warm and inviting. She asked staff how people could be made aware of these properties and that they were available for purchase from CalTrans. Planning Manager Patenaude said CalTrans had been working with a team from the City to make determinations of which properties should be sold individually, which should be kept empty as a hold-unit to encourage a larger development, and which properties should be made available for purchase by existing tenants. Commissioner Faria asked about marketing to potential buyers who were not current tenants. Mr. Patenaude said the CalTrans representative could better answer that question. Commissioner Faria said she noticed a large lot on B Street had been cleared, where a medical building used to be, and she asked if the style of the future development would blend in with the neighborhood’s existing atmosphere. Planning Manager Patenaude said that would be one thing that the adoption of a historic district would encourage, but he noted the City had the ability to review site plans and even if a historic district wasn’t formed, the character of the neighborhood would be taken into consideration.

Commissioner Lavelle thanked Planning Manager Patenaude for including color pictures in the report and noted what a wonderful point the City had reached where homes over 100 years old were being considered for inclusion on a historical register. Commissioner Lavelle commented that one thing that was mentioned in the report but not discussed was that in 1986 these properties had already been evaluated by CalTrans and found not eligible for the registry. She said a new review made experts realized these were historic resources and fortunately, the buildings had not been destroyed and the bypass had not been constructed. Commissioner Lavelle noted that some of the properties needed major T.L.C, but she complimented the owners of the house on Chestnut Street because the work done by tenants had made the property a delight and she wished them luck in becoming owners.

Commissioner Lavelle said the City’s website was an excellent resource and she asked staff to update the site with the information about the historical registry program and if permissible, include the photographs. She also addressed Commissioner Faria and indicated that it was her understanding that when these houses go up for sale the historical designation would have to be disclosed.

Commissioner Faria reiterated that her concern was that the properties were occupied so potential non-tenant buyers might not be aware that they were now available for purchase; she wanted to know how others would be made aware the houses were available for purchase.

Chair Márquez asked for confirmation that property owners would have to apply for the Mills Act and that it was not automatically granted. Planning Manager Patenaude said that was correct and explained that like the Williamson Act (which was for agricultural properties), a property owner applying under the Mills Act would enter into a 10 year contract with the City. Once the contract was successfully completed, he said, the County Assessor would favorably adjust the tax rate for the owner. The contract would be set up to require the owner to look at the needs of the house and use the savings from property tax reduction as seed money to make



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 26, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

improvements to, for example, the foundation of the home. He continued, noting that savings over one year would not pay for that improvement, but it would help and the savings over the 10 years could be programmed toward needed improvements. Chair Márquez asked if it would be the owner's responsibility to set aside that money and Mr. Patenaude said that language would be part of the contract. She also asked what agency would be granting authorization and Mr. Patenaude said the City Council would approve the contract. Chair Márquez commented that some properties were beautiful but they had chain link fencing and she asked if that would need to be removed to improve the home's aesthetics. Mr. Patenaude said the contract would include standard maintenance of the home and the City could ask that an inappropriate feature including a chain link fence be removed. Finally, Chair Márquez asked what protections were in place for tenants not in the position to purchase the home and Planning Manager Patenaude said the CalTrans representatives would be able to respond to that question.

Chair Márquez opened the Public Hearing at 8:37 p.m.

Elizabeth Krase-Greene, Senior Environmental Planner with CalTrans in the Office of Cultural Resource Studies with business address in Oakland introduced herself. Chair Márquez asked what protections were being offered to current tenants of CalTrans properties that were not in the position to purchase the property. Ms. Krase-Greene explained that CalTrans' right-away person wasn't present and she wasn't able to answer that question. She offered to have the person relay a response through Planning Manager Patenaude.

Commissioner Faria asked how potential buyers would be made aware these properties were available for purchase and Ms. Krase-Greene said CalTrans would market the houses as they gradually go onto the market as historic by advertising in outlets that cater to people interested in preservation.

Amanda Symons, current CalTrans tenant on B Street, noted the Public Hearing was "personal" as her family was considering purchasing either 1436 or 1442 B Street and she thanked and complimented Planning Manager Patenaude for his time and patience in answering all her questions. She asked what the potential expense would be to homeowners for the new layer of the permit process. Chair Márquez told Ms. Symons that Mr. Patenaude might have to respond to her later and Planning Manager Patenaude suggested Ms. Symons ask all her questions and he would respond to those he could.

Ms. Symons asked the following questions: Was the integrity of the property negatively influenced by general physical deterioration; may non-historical modifications already made, like aluminum window awnings, be kept by future owners; were there any consequences of the home's integrity being labeled "high" versus "moderate" for the owner; could more limitations be forced on owners later; what were the limitations related to landscaping and why would plants or trees be considered historical and how could owners get around those limits to remove a troublesome tree; would the Hayward Area Parks and Recreation District (HARD), that performed the original survey, continue to be involved and how; what was CEQA; what was the potential cost to homeowner if required to retain a qualified historic consultant; what was the plan for the "huge" empty lot located behind the B Street properties (that could be divided into 27 parcels) and would the result be consistent with the beauty of the neighborhood and the historical integrity of the block; what was the typical cost to the homeowner for an updated Recognisance Survey Evaluation; what obligation, if any, would the new homeowner have to bring the house to up to code and would they immediately face penalties if they were unable to afford to do so.

Chair Márquez closed the Public Hearing at 8:45 p.m.

Planning Manager Patenaude noted that he would respond to questions particular to Ms. Symons' situation the next time they met. Mr. Patenaude then gave the following general responses: Any repairs would require permits and those permits would not be any different from any other house; "high" and "moderate" integrity were terms created by the consultant for staff reference with no consequence to the owner; the overall condition of the home did not impact integrity, which only referred to identifying remaining features for that particular architectural style; as long as existing modifications or features added later did not take away from the historic integrity of the home there would be no reason to require removal, others could be negotiated under the Mills Act contract; the City's tree ordinance was separate from the preservation ordinance and there were ways to allow tree pruning, removal and/or replacement; once the house was sold, there would be no future involvement by CalTrans or HARD; CEQA was the acronym for the California Environmental Quality Act which pertained to environmental laws adopted in 1971; while staff could make a recommendation for most requests, a qualified consultant may be needed if the owner was requesting demolition or relocation; plans for the lot on B Street were "far from determined," depended on that property going into private ownership, and he reiterated that City staff would monitor how the new development would impact the character of the neighborhood; and it was the responsibility of a potential buyer to do their due diligence and make a determination of whether or not they could afford to make needed repairs, but he noted all issues should be disclosed and the proper inspections performed so the prospective buyer was fully informed.

Commissioner Lamnin asked if there was any requirement about the timing of repairs and Planning Manager Patenaude said not that he was aware of. Mr. Patenaude pointed out, and said should be part of any motion if the Commission acted favorably on the recommendation, that the action taken that night would not impact the interiors of the structures. He said the City wanted to make that clear to any future owners.

Commissioner Lavelle wondered about windows including stained glass windows and asked if windows were considered exterior or interior. Planning Manager Patenaude said anything visible from the exterior would be subject to an alteration permit if a change was purposed. Mr. Patenaude also mentioned that the Planning Director had authority to act on alteration permits and as long as the proposed alternation was in keeping with the character of the house.

Commissioner Loché said he really liked that this issue came to the Planning Commission and applauded Mr. Patenaude for being a driving force in protecting Hayward's historical assets. Commissioner Loché made a motion to move the staff recommendation with the addition that that evening's action did not impact the interior of the properties being discussed. Commissioner Faria seconded the motion.

Planning Manager Patenaude recognized the accolades from the Commissioners but commended his colleagues at CalTrans in the preservation field for helping him put the report together in a month. He said he couldn't have done it without the great help from CalTrans staff.

Chair Márquez reiterated the motion.

Commissioner Lamnin asked if the Commission's action would have an impact on the cost of the homes. Planning Manager Patenaude said not that he was aware of and added that he thought negotiations had already taken place. Commissioner Lamnin thanked Mr. Patenaude, the community and potential home owners for buying in Hayward and she suggested a tie-in with the historical society and any local architectural associations, Bay East Association of Realtors, the Chamber of Commerce, the Neighborhood Partnership Program, the Prospect Hill Neighborhood Association and HARD. She mentioned a mixer coupled with a historical walk might be a way to announce the good news and promote the sale of the properties. Commissioner Lamnin said she saw a lot of opportunity and was excited to support the motion.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 26, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

Commissioner Lavelle mentioned that Mr. Frank Goulart would be leading a historical tour that Saturday at 10 a.m. starting in downtown. She said other historic tours were scheduled for the summer and that they would be a great way to promote the first historic registered properties in Hayward.

Chair Márquez said she would also be supporting the motion and thanked Mr. Patenaude and CalTrans for working collaboratively and Ms. Symons for all her questions. She said she looked forward to seeing the program come into fruition.

The motion passed 5:0:1 (McDermott absent, one vacancy)

AYES: Commissioners Faria, Lamin, Lavelle, Loché,
Chair Márquez
NOES:
ABSENT: Commissioner McDermott
ABSTAINED:

COMMISSION REPORTS

4. Oral Report on Planning and Zoning Matters

Planning Manager Patenaude announced that the City Council had appointed a new Planning Commissioner to replace Commissioner Mendall and that Chair Márquez had been reappointed. He noted that the swearing in of the new commissioner would take place September 11th, mentioned the September 6th meeting would therefore be canceled, and stated the next regular meeting would be held September 20th with two items including that evening's Item 1 that was continued to that date.

5. Commissioners' Announcements, Referrals

Commissioner Lamnin said Saturday was going to be a great day in Hayward because of the historical walk and the celebration of the first Measure I new school construction at 10 a.m. at East Avenue School. She invited everyone to come see their tax dollars at work.

Chair Márquez asked when the April meeting minutes would be approved and Senior Secretary Philis noted that all minutes to-date had been approved, but one set had not been fully executed because Commissioner Lamnin had been on vacation and unable to sign them. Ms. Philis offered to email Chair Márquez any fully executed meeting minutes she might have missed.

APPROVAL OF MINUTES

6. June 28, 2012 minutes approved unanimously with Commissioner McDermott absent and one vacancy.

ADJOURNMENT

Chair Márquez adjourned the meeting at 9:04 p.m.

APPROVED:

Sara Lammin, Secretary
Planning Commissioner

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk

**CITY OF HAYWARD
PLANNING DIVISION
CONDITIONS OF APPROVAL
September 25, 2012**

Zone Change Application PL-2010-0372 / Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner) – Request for a Zone Change from Light Manufacturing District to Planned Development District and a Tentative Tract Map to Create 14 Parcels.

The project is located at 3596 Baumberg Avenue at the southerly terminus of Baumberg Avenue and Bridge Road in a Light Manufacturing District.

Planned Development District No. PL-2008-0372 PD to allow warehousing which is not a use allowed in the Light Manufacturing District and create 14 parcels served by private streets shall be developed according to these conditions of approval and in substantial conformance with the preliminary development plan labeled in the City files as “Exhibit A.” Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

The Zone Change for the Planned Development District becomes void one year following the effective date of approval of the Preliminary Development Plan by the City Council, unless before that time, a Precise Development Plan is submitted. A one-year extension for the Preliminary Development Plan, approval of which is not guaranteed, may be granted by the City Council, provided the request for such extension is submitted at least 30 days prior to the expiration of the original approval. A request for a second one-year extension, approval of which is not guaranteed, may also be granted by the City Council, provided the request for such second extension is submitted at least 30 days prior to the expiration of the first extension.

The permittee shall assume the defense of, and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.

Any proposals for minor alterations to the proposed site plan and/or design that do not require a variance to the Zoning Ordinance standards must be approved by the Planning Director prior to implementation.

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward. The applicant/developer’s engineer shall perform all design work unless otherwise indicated.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

1. The precise plan shall include the following designs:
 - a. A decorative masonry wall shall be located along the east property line abutting the Union Pacific Railroad and the Alameda County Flood Control and Water Conservation District. The wall design shall be consistent throughout the project. The wall design shall be approved by the Planning Director.
 - b. Chain link fences shall be located along the all other exterior boundaries except those abutting street right-of-ways. The fences shall be designed netting or slats to prevent windswept debris from drifting into the wetland areas. The fence design shall be consistent throughout the project. The location, design and materials shall be approved by the Planning Director.
 - c. Buffer zones shall be located between the proposed improvements and the wetland areas. The buffer zones are to be planted with seed with native grasses and planted with native plants that provide a suitable transition between the proposed land use and the adjacent wetlands. The location, design and materials shall be approved by the Planning Director and the City's Landscape Architect.
 - d. All industrial buildings shall comply with the Minimum Design and Performance Standards identified in the Industrial District of the Zoning Ordinance.
2. The uses allowed on the 14 proposed parcels shall include all the uses listed in the Light Manufacturing District with the addition of a warehouse use.

CONDITIONS FOR APPROVAL

September 25, 2012

Zone Change Application PL-2010-0372 / Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner) – Request for a Zone Change from Light Manufacturing District to Planned Development District and a Tentative Tract Map to Create 14 Parcels.

The project is located at 3596 Baumberg Avenue at the southerly terminus of Baumberg Avenue and Bridge Road in a Light Manufacturing District.

Vesting Tentative Tract Map 8039 - PL-2010-0373

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

All construction shall meet the California Building Code (CBC) and all applicable City of Hayward Building Department Ordinances (Ordinance #02-13) and amendments.

Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Department Ordinances (Ordinance #02-13) and amendments in use by the Hayward Fire Department.

The developer/subdivider's Professional Engineers registered to practice in the State of California shall perform all design work unless otherwise indicated.

Unless other stated, all documents, agreements, required improvement bonds or securities, completely signed improvement plans, and signed final map shall be submitted to the City for approval prior to presenting to the City Council for approval.

A copy of these approved conditions of approval shall be inscribed on full-sized sheets in the tract improvement plan sheets.

PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS AND FINAL MAP

In conjunction with the Precise Plan, applicant/developer shall submit tract improvement plans and final map application for the entire project. Said improvement plans and final map shall meet all City standards and submittal requirements except as expressly approved for this Planned Development. The following information shall be submitted with or in conjunction with improvement plans and final map. The City reserves the right to include more detailed conditions of approval regarding required infrastructure based on these more detailed plans:

1. The Weber Property Wetland Mitigation Plan, for the 2.39-acre Mitigation Site, which shall incorporate, the Burrowing Owl Resource Management Plan prepared by Huffman-Broadway Group Inc., dated May 2012, shall be approved by the Army Corps of Engineers and the California Regional Water Quality Control Board. A Conservation Easement, approved by the Army Corps of Engineers and the Regional Water Quality Control Board, shall be recorded for the 2.39-acre site Mitigation Site.
2. An irrevocable deed restriction shall be placed over the remaining 52.94-acre undeveloped portion of the 86.83-acre Weber Property in the southern and eastern portions of the site, and all existing wetlands contained within this area, shall continue to be maintained as open space lands in keeping with the requirements of the City of Hayward's Specific Plan. The deed restriction shall insure that land uses are restricted to maintain the existing wetlands in their current state and allow for future enhancement, restoration and establishment of wetlands. The document shall be approved by the Planning Director.
3. The Developer shall process the necessary reports, studies and documentation to remove the property from the Federal Emergency Management Agency (FEMA) designated flood zone. This includes, but not limited to, preparation of all necessary documents and reports supporting the addition of fill, and stipulating measures to protect adjacent occupied areas, as required by FEMA and the City of Hayward. A Conditional Letter of Map Revision (CLOMR) issued by FEMA shall be submitted to the City prior to approval of the final map.
4. A detailed drainage study for both offsite and onsite improvements shall be submitted for reviewed and approved by the ACFC&WCD and the City Engineer.
5. A detailed drainage plan designing for offsite drainage facilities to accommodate the runoff associated with the proposed development and as required, incorporating offsite improvements required by the ACFC&WCD and onsite improvements such as storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream drainage facilities to be exceeded. The detailed drainage plan for offsite improvements shall be approved by the ACFC&WCD prior to issuance of any construction or grading permit by the City.

TRACT IMPROVEMENTS PLANS

Geotechnical Investigation Report, Tract Improvement Plans, Grading and Erosion Control Plans, Drainage plans and calculations, SWPPP, and Landscaping and irrigation plans shall be reviewed and approved by the City Engineer. Subject plans shall, in addition to the standard improvements, incorporate the following conditions and design requirements:

6. Tract Improvement Plans shall be approved in concurrence with the Precise Development Plan. Submit the following proposed improvement plans with supporting documents, reports and studies:
 - a. Three original Geotechnical Investigation Reports, in **bound form**, for the proposed development prepared by a State of California licensed Professional Engineer who is authorized to prepare such report;

- b. Sixteen full size (22"x34") sets of Preliminary Tract Improvement Plans including Grading and Erosion and Sediment Control Plans. Two sets of plans shall have original signatures;
- c. Five sets of Drainage Plan, Hydrology map with supporting calculations and reports;
- d. Five sets of Cleanwater treatment plan with supporting calculations and reports;
- e. Three original Storm Water Pollution Prevention Plans (SWPPP) prepared by a Qualified SWPPP Developer (QSD);
- f. Sixteen full size (22"x34") sets of Landscaping and irrigation plans prepared by a State of California licensed Landscape Architect. These sets of plans shall be submitted in concurrence with the Preliminary Improvement Plans;
- g. Ten sets of Preliminary Final Map;
- h. A complete Development Building Application Information Form consisting of: 1) Impervious Material Form and 2) Operation and Maintenance Information Form, which is available at Public Works Engineering and Transportation Division; and
- i. Applicable initial deposits required for processing such development application.

Public Street

Baumberg Avenue:

- 7. All existing utility poles and overhead utility lines along Baumberg Avenue shall be removed and placed underground. Location of utility joint trench shall be reviewed and approved by the City Engineer.
- 8. Baumberg Avenue shall be designed for an ultimate 60-foot wide right-of-way and 48-foot curb to curb width.
- 9. The proposed street improvements along Baumberg Avenue from existing improvements at the corner of Industrial Boulevard and Baumberg Avenue to the intersection with Arden Road shall be designed, generally reflective of the alignment and width shown on the submitted vesting tentative tract map, with Portland Cement Concrete curb, gutter, and 5.5-foot wide sidewalk abutting the curb and tie-in pavements.
- 10. Three standard LED street lights shall be installed along Baumberg Avenue between the railroad track and the intersection with Arden Road.
- 11. All curb returns shall have a 30-foot radius at the curb face.
- 12. Baumberg Avenue shall be designed with a T.I of 10 with a minimum AC thickness of five inches when using conventional section.

Private Street A and Private Courts A and B

- 13. Proposed onsite street improvements shall be designed, generally reflective of the alignment and width shown on the submitted vesting tentative tract map, and as approved

by the City Engineer.

14. In general, Street and Court A shall have fifty-eight-foot right-of-way with travel lane width of forty-foot measuring from face of curb to face of curb, five-foot sidewalk on one-side of the street, and six-foot Public Utility Easement (PUE) on both sides of the Street and Court A.
15. In general, Court B shall have sixty-three-foot right-of-way with travel lane width of forty-foot measuring from face of curb to face of curb, five-foot sidewalk and six-foot Public Utility Easement (PUE) on both sides of Court B.
16. Right-of way of these private street and courts shall be designated as private access easement (PAE), emergency vehicle access easement (EVAE), sanitary sewer easement (SSE) and water line easement (WLE).
17. These onsite roadways shall be constructed to the same standards as a public street and shall be designed to facilitate street sweeping, including the layout of trees and pedestrian ramps. The Property Owners' Association shall be responsible for maintaining these onsite roadways, and shall perform street sweeping on a regular basis.
18. At least ten feet of decorative pavement section e.g. interlocking pavers or stamped colored concrete, or bands of decorative paving, shall be installed at the project entrance (Private Street A at Baumberg Avenue). One foot concrete band shall be provided around decorative materials. The Planning Director shall approve the material, color and design and the City Engineer shall approve the pavement section for the decorative paving. Decorative pavements shall be capable of supporting a 75,000 lb. GVW load.
19. Upon any necessary repairs to the public facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the Property Owners' Association.
20. The on-site standard LED streetlights and pedestrian lighting shall have a decorative design approved by the Planning Director. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer. Submit a copy of the photometric plans with the improvement plans. Such fixtures shall have shields to minimize "spill-over" lighting on adjacent properties that are not part of the tract.
21. The interior intersections shall be designed to meet Fire Department access and turning movements. Pedestrian ramps shall be installed to facilitate access and circulation throughout the development.
22. Onsite roadway shall be designed with a TI of 10 and minimum AC thickness of five inches when using conventional section.

Storm Drainage

23. The on-site storm drain system shall be a private system owned and maintained by the homeowners' association.
24. Minimum storm drain pipes in the street shall be 12-inch in diameter RCP pipes. Minimum cover over the pipe shall be three feet.
25. The development shall not block runoff from, or augment runoff to, adjacent properties.

The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project site. Mitigation measures will be required to mitigate augmented runoff with off-site and/or on-site improvements.

26. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the City Engineer, and in case of referral, the Alameda County Flood Control and Water Conservation District (the Flood Control District).
27. A contingency/emergency overland flow drainage plan to account for blocked drainage inlets and the 100-year flood (the one percent chance flood) shall be submitted for review and approval by the Flood Control District and City Engineer. The emergency overland flow drainage plan shall show emergency overflow within the road right-of-way or emergency overland drainage passage. Show right-of-way or emergency overland drainage passage on the tentative map between lots to allow passage of emergency overland release. The potential area of flooding shall not extend outside the road right-of-way or emergency overland drainage passage, unless approved by the City Engineer. The contingency/emergency overland flow drainage plan shall also address how the adjacent Industrial areas at lower elevation will be protected.
28. If necessary, drainage easements shall be obtained from adjacent property owners for the proposed emergency overland release route. The applicant's project engineer shall evaluate the situation and make appropriate mitigation measures.
29. An Encroachment Permit shall be obtained from the Flood Control District prior to commencement of any work within District right-of-way and for the construction, modification or connection to District-maintained facilities.
30. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
31. An erosion and sedimentation control plan to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook shall be approved by the City Engineer prior to implementing throughout project construction.

Stormwater Quality Requirements:

32. A Storm Water Pollution Prevention Plan shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system for review and approval of the City Engineer.
33. The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The storm drain design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
34. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water

runoff. Roof leaders shall discharge into a landscaped area or a grassy swale prior to stormwater runoff entering an underground pipe system.

35. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page30). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5 – 12 has a section titled "BMP Design Criteria for Flow and Volume." Those materials are available in the internet at www.cabmphandbooks.com for your reference.
36. The project should be designed to direct runoff to the landscaped yards and common space, prior to entering into the underground pipe system. Unit pavers should also be considered for impervious areas such as the driveways, parking areas and fire truck turnarounds.
37. The developer/subdivider is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

Utilities

38. Language for easements for water and sewer lines not in public rights-of-way shall state that no structures or trees shall be installed in the easement.
39. The City of Hayward is currently working on implementing a Recycled Water Project to utilize recycled water for certain uses, such as irrigation. It is recommended that the proposed development consider utilizing this alternative water source if it becomes available in the future.

Sanitary Sewer

40. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application for service.
41. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City.
42. All public sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval.
43. Each building shall have an individual sanitary sewer lateral.
44. All on-site sanitary sewer mains shall be a minimum of ten-inch in diameter and manhole shall be installed at the change of flow direction, and the beginning and the end of each sanitary sewer main. The sanitary sewer mains shall be located a minimum of 10 feet from the water main.
45. Minimum horizontal separation between sanitary sewer main and storm drain pipe shall be four feet.

Water System

46. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.

47. All fire services shall be installed by City Water Distribution Personnel at the applicant's/developer's expense, per City Standard SD-204. Minimum sizing shall be per Fire Department's requirements.
48. Water service is available subject to standard conditions and fees in effect at the time of application for service.
49. Water mains within the development shall be public mains, configured in a looped system, designed and constructed to the City Standards and Specifications, and approved by the City Engineer.
50. Where a public water main is in an unpaved easement, landscape/walkway area, or under decorative paving, stamped and colored concrete, or pavers, the water main shall be ductile iron pipe with shut-off valve at the beginning and ending of the pipe type change and shall be located five feet from the face of curb (5.5 feet from back of curb).
51. All public water mains shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains (12" Diameter or Less) and Fire Hydrants," latest revision at the time of permit approval.
52. The existing 6" water main in Court B shall be looped and connect back to the proposed 12" water main in Street A. The connection for the loop should be made as close to the end of the existing main as possible in order to avoid a dead-end main.
53. The proposed 12-inch water main in Court A shall loop at the end of the court and then connect to the proposed 12-inch water main located in the easement between Parcels 9 and 10.
54. If the meters and service lines cannot be reused, they must be abandoned by City of Hayward Water Distribution Personnel at the owner's/applicant's expense.
55. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials.
56. Water laterals including meters are to be located a minimum of six feet from sanitary sewer laterals.
57. Water meters and services to be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218.
58. Applicant's engineer shall provide the estimated water demand for domestic and irrigation, each separately, in gallons per minute, so that the supply lines and meters can be appropriately sized.
59. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each domestic and irrigation water meter, per City Standard SD-202.
60. Separate irrigation water meters shall be installed for landscaping purposes.
61. A reduced pressure backflow preventer shall be installed behind the water meter for irrigation services, per City of Hayward Standard Detail 202.

62. Each building shall have its own domestic water meter.
63. All domestic and irrigation water meters shall be radio-read type.
64. Provide water demand (gallons per minute) on the improvement plans so that proper water pipe and meter size may be determined.

Other Utilities (PG&E, cable, phone, etc...)

65. All service to lots shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. All facilities necessary to provide service to the dwellings, including transformers and switchgear, shall also be undergrounded.
66. All surface-mounted hardware (fire hydrants, electroliers, etc.) along onsite roadways shall be located outside the sidewalk within the Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
67. The joint trench design and location shall meet the approval of the City Engineer.
68. All utilities shall be designed in accordance with the requirements of the City and applicable public agency standards.

Property Owners' Association and Conditions, Covenants and Restrictions

69. The Property Owners' Association (POA) shall be formed and the Conditions, Covenants, and Restrictions (CC&R's) shall be created so that the HOA will be responsible for maintaining all private streets, private street lights, private utilities, and other privately owned common areas and facilities on the site, including, but not limited to Cleanwater treatment facilities, landscaping, preservation and replacement of trees, as well as decorative paving. For any necessary repairs performed by the City in locations under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the POA established to maintain the common areas within the association boundary. The common area landscaping includes all areas except the private rear yards. The CC&R's will also contain a standard condition that if the property owners' association fails to maintain the common areas; private streets, lights and utilities, the City of Hayward will have the right to enter the subdivision and perform the necessary work to maintain these areas and lien the properties for their proportionate share of the costs.
70. Developer/POA shall execute a Storm Treatment Measures Maintenance Agreement (as prepared by staff in the Public Works-Engineering and Transportation Division). This Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

Fire Protection

71. The construction of emergency vehicle access, locations and alignments shall meet all requirements of Hayward Fire Department and the California Fire Code.
72. Design of proposed onsite street and courts shall meet Hayward Fire Department Standards and requirements.
73. The minimum width of fire lane is 20 feet. The minimum width of fire lane with fire

hydrants is 26 feet. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be maintained at all time.

74. Fire lane of 20 to 26 feet wide shall be posted on both sides as a fire lane; 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the Hayward Fire Department fire lane requirements.
75. All proposed new roadways shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete.
76. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The type of fire hydrant shall be a modified double steamer, capable of flowing 1,500 gallons per minute at 20 PSI for two-hour duration. The design and layout of the hydrants shall be reviewed and approved by the Hayward Fire Department.
77. If fire hydrants are located so as to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
78. Maximum distance from any point on street frontage to a fire hydrant in dead-end street or cul-de-sac shall not exceed 200 feet. Maximum spacing between fire hydrants is 400 feet.
79. All buildings shall be installed with automatic fire sprinkler system in according to the Fire Code regulations. The minimum water meter size shall be 1 inch. Fire permits are required for sprinkler installation.
80. All buildings shall be constructed in such locations that any portion of the buildings will be within 150 feet hose lay distance to a fire apparatus road.
81. Addressing of the buildings shall be in compliance with the Hayward Fire Department requirements. All buildings shall have a minimum 4 inch self-illuminated address installed on the front of the building so as to be visible from the street. A decorative address monument sign shall be installed at each court entrance, indicating the building addresses for the units served by such court. Minimum size numbers shall be 6 inches in height on a contrasting background.
82. Blue reflective pavement markers shall be installed at fire hydrant locations.

Landscaping and Irrigation

83. Prior to the approval of the tract improvement plans, a detailed landscaping and irrigation plan for the common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Hayward Environmentally Friendly Landscape Guidelines and Checklist for professional, Bay-Friendly Water Efficient Landscape Ordinance, and Municipal Codes*.
84. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be 22" x 34" without an exception.
85. Street Trees. Provide one 24-inch box street tree per 20 to 40 lineal feet in the front and

side landscape setback areas or fraction thereof. All trees shall be planted a minimum of 5-foot away from any underground utilities, a minimum of 15 feet from a light pole, and a minimum 30 feet from the face of a traffic signal or as otherwise specified by the city. Trees shall be planted according to the City Standard Detail SD-122 and the detail shall be included in the landscape plans.

86. Existing trees shall be preserved in accordance with the *Tree Preservation Ordinance*. Provide a comprehensive arborists report by a licensed arborist on all existing trees within the limit of project area including health, species, caliper, approximate height, canopy diameter, and value using the latest edition of "Guide for Plant Appraisal" by the International Society of Arboriculture. Provide ISA worksheet per each trees are subjected for valuation. The arborists report and valuation shall be reviewed and approved by the City.
87. A tree preservation bond will be required for all trees that are to remain, and the bond will be in effect throughout the construction period and until completion of the entire project improvements. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
88. All removed trees shall be mitigated within the project area. Tree mitigation shall be provided above and beyond the required trees.
89. The landscape in the parking lot must conform to Zoning Ordinance Chapter 10, Article 2 Off-Street Parking Regulation.
90. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

PRIOR TO FILING OF FINAL MAP

91. Submit the following documents for review, approval or for project records:
 - a) Copy of the Notice of Intent filed with State Water Resources Control Board;
 - b) Signed Stormwater Treatment Measures Maintenance Agreement;
 - c) Engineer's estimate of costs, including landscape improvements;
 - d) Signed Final Map;
 - e) Signed Subdivision Agreement; and,
 - f) Subdivision bonds.
92. Final Map shall be approved by the City Council. The City Council meeting will be scheduled approximately sixty days after the Final Map is deemed technically correct, and Improvement Plans with supporting documents, reports and agreements are approved by the City Engineer.

DEDICATIONS, EASEMENTS AND FINAL MAP

93. The final map shall reflect a Conservation Easement over the 2.39-acre Mitigation Site and an irrevocable deed restriction over the remaining 52.94-acre undeveloped portion of the 86.83-acre Weber Property in the southern and eastern portions of the site. The Conservation Easement shall insure that the land uses are restricted to maintain the area as a wetlands mitigation site as required by the Corps of Engineers and California Regional Water Quality Control Board. The deed restriction shall insure that the 52.94 acres shall be maintained as open space in keeping with the requirements of the South of 92 Specific Plan. Existing wetlands are to be maintained in their current state and allow for future enhancement, restoration, and establishment of wetlands.
94. Dedication of five-foot wide right-of-way along Baumberg Avenue frontage to accommodate a sixty-foot wide right-of-way.
95. The final map shall reflect all easements needed to accommodate the public portions of the sanitary sewer and water systems that are outside of the private streets. The easements shall be a minimum of 12 feet wide. The private streets shall be designated as a Public Utility Easement (PUE), Private Assess Easement (PAE), Water Line Easement (WLS), Sanitary Sewer Easement (SSE) and Emergency Vehicle Access Easement (EVAE).
96. The final map shall reflect easements over all buffer zones located between the proposed improvements and the wetland areas. The location of the easements shall be approved by the Planning Director and the City Engineer.
97. Prior to the approval of the final map, all documents that need to be recorded with the final map shall be approved by appropriate department managers, and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

AGREEMENTS

98. The developer/subdivider shall execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332 of the Municipal Code: Security for Installation of Improvements. Insurance shall be provided per the terms of the subdivision agreement.
99. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

PRIOR TO GRADING OR SITE CONSTRUCTION

100. As described in the *Burrowing Owl Resource Management Plan* and below, pre-construction surveys for burrowing owls shall be conducted prior to any construction activity to ensure that there are no impacts to burrowing owls. If burrowing owls are present in the construction area, construction will not occur. Pre-construction surveys will be conducted within 30 days prior to the onset of any ground disturbing activities. Surveys will be conducted by a qualified biologist following CDFG survey methods (CDFG 2012) to establish the status of burrowing owl on the Project site. The surveys

will include all portions of the 86.83-acre Weber Property, including the 31.5-acre Weber Light Manufacturing Park, associated 2.39-acre wetland mitigation site, and the 52.94-acre undeveloped portion of the 86.83-acre Weber Property, immediately surrounding areas, and all access routes. All potential burrows within the 86.83-acre Weber Property will be flagged to alert biological and work crews to their presence.

- a. If burrowing owls are found to occupy the 86.83-acre Weber Property during the non-breeding season (September 1 to January 31), occupied burrows will be avoided by establishing a no-construction buffer zone around the burrow or a passive relocation effort may be instituted to relocate the individual(s) out of harm's way.
 - b. If burrowing owls are found to occupy the 86.83-acre Weber Property during the breeding season (February 1 to August 31), the project ground disturbing activities will follow the CDFG recommended avoidance protocol whereby occupied burrows will be avoided with a no-construction buffer zone unless a qualified biologist verifies through non-invasive methods that: either 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If either 1) or 2) are true then construction can proceed without a no-construction buffer zone.
101. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, detailed grading, erosion and sediment control measures and drainage plans with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved of the City Engineer.
 102. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the developer/subdivider's Engineer shall submit a completed, 1) Development and Building Application Information: Impervious Surface Form; 2) Operation and Maintenance Information for Stormwater Treatment Measures Form; and 3) Information Request for Stormwater Treatment Measures Maintenance Agreement Form.
 103. Permanent buffers shall be established prior to construction to protect the existing wetlands within the 52.94 acre site from the Project area, as shown on Sheet 3 of the Vesting Tentative Tract Map – Tract 8039- Weber Property. The buffers will be planted with native vegetation.
 104. Prior to the issuance of a grading or building permit, the developer/subdivider shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned two years after the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer/subdivider shall provide an arborist's report evaluating the condition of the trees at that time.
 105. Prior to the issuance of a tree removal permit, landscape plans including a tree mitigation summary shall be submitted to the City Landscape Architect for review and approved. That approved landscape plans and a summary of list of trees to be removed shall be attached to the tree removal permit.

106. Recommendations of the project geotechnical consultants shall be implemented, including those related to ground-motion parameters for use in structural design of buildings.
107. Prior to grading: Houses, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure hazards posed to development construction workers, the environment, future occupancies and other persons are mitigated.
108. All wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future occupancies or the environment. These structures shall be documented and removed under permit when required.
109. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials or associated structures are discovered during demolition or during grading. These structures shall include, but shall not be limited to: actual hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
110. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

111. Fire hydrants, fire lanes and water system improvements for the development shall be operational and in service prior to the start of any combustible construction and /or storage of combustible construction materials.

DURING CONSTRUCTION

112. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
 - a. Grading and site construction activities shall be limited to the hours 7:30 AM to 6:00 PM Monday through Friday with no work on weekends and Holidays unless revised hours and days are authorized by the City Engineer. Building construction hours are subject to Building Official's approval.
 - b. Grading and construction equipment shall be properly muffled.
 - c. Unnecessary idling of grading and construction equipment is prohibited.
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential units.
 - e. Developer/subdivider shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
 - f. The developer/subdivider shall participate in the City's recycling program during construction.
 - g. Daily clean up of trash and debris shall occur along all peripheral streets and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions.

- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site.
 - j. All unpaved access roads, parking areas and staging areas at construction sites shall be paved, have water applied three times daily, or non-toxic soil stabilizers applied.
 - k. All paved access roads, parking areas and staging areas at construction sites shall be swept daily (with water sweepers).
 - l. Inactive construction areas (previously graded areas inactive for 10-days or more) shall have non-toxic soil stabilizers applied, or shall be hydroseeded.
 - m. Exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered, watered twice daily or applied with non-toxic soil binders.
 - n. Construction debris shall be gathered on a regular basis and placed in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, tarps on the ground are to be used to collect fallen debris or splatters that could contribute to storm water pollution.
 - o. The sidewalks and public street pavement adjoining the project site shall be broom-swept on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
 - p. All dirt, gravel, rubbish, refuse and green waste from the sidewalk, street, and storm drain system adjoining the project site shall be removed. During wet weather, driving vehicles off paved areas and other outdoor work areas shall be avoided.
 - q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - r. Filter materials (such as sandbags, filter fabric, etc.) shall be installed at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; 3) street washing activities; or 4) saw cutting asphalt or concrete activities, or in order to retain any debris or dirt flowing into the storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles shall be properly disposed in the trash.
 - s. A contained and covered area shall be created on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
 - t. Cleaning machinery, tools, brushes, etc., or rinsing containers, into a street, gutter, storm drain or stream is prohibited (see City's "*Building Maintenance/Remodeling*" flyer for more information).
 - u. Concrete/gunite supply trucks or concrete/plasters finishing operations shall not discharge washwater into street gutters or drains.
 - v. The developer/subdivider shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
113. The developer/subdivider shall be responsible to adhere to all aspects of the approved Storm Water Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.
114. A representative of the project soils engineer shall be on the site during grading operations

and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.

115. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The developer/subdivider shall require the soils engineer to submit daily all testing and sampling and reports to the City Engineer or his or her designee.
116. Tree preservation and protection measures, as required by the City Landscape Architect, shall be included in grading and improvement plans. Trees shall be fenced at the drip line throughout the construction period and shall be maintained in a healthy condition throughout the construction period. Where trees are being removed, mitigation for the removed trees equal to their value shall be provided as outlined in the City Tree Preservation Ordinance.
117. Tree protection measures information shall be provided for the off-site trees that are proposed to remain in place, where the site improvements or construction would occur within the drip lines of such trees.
118. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

1. The Letter of Map Revision (LORM) issued by FEMA shall be submitted to the City.
2. The final map shall be approved by the City and filed in the County Recorder's Office prior to the issuance of a Certificate of Occupancy of any unit.
3. The developer/subdivider shall be obligated for the following fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Map is approved by the City Council, unless otherwise indicated hereinafter:
 - a. Supplemental Building Construction and Improvement Tax;
 - b. Building Construction and Improvement Tax;
 - c. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the unit is issued.
4. Prior to granting occupancy, water service meters shall be installed by water distribution personnel at the developer/subdivider's expense. The application for water services shall be presented to the City Inspector.
5. Prior to the City installing the water meters, the developer/subdivider shall provide the Public Works-Utilities with certified costs covering the installation of the public water mains and appurtenances.
6. Final Hayward Fire Department inspection is required to verify that requirements for fire protection facilities have been met and actual construction of all fire protection equipment have been completed in accordance with the approved plan. Contact the Fire Marshal's Office at (510) 583-4900 at least 24 hours before the desired final inspection appointment.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

7. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
8. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements.
9. The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
10. The developer/subdivider shall submit an "as built" plans on mylars and in compact disc containing files in PDF format, or acceptable formats, containing the following:
 - a. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures.



HAYWARD AREA SHORELINE PLANNING AGENCY

Hayward Area Recreation and Park District
East Bay Regional Park District
City of Hayward

June 21, 2012

Planning Commission
City of Hayward
777 "B" Street
Hayward, CA 94541

RE: Weber Property

Dear Planning Commission:

The Hayward Area Shoreline Planning Agency (HASPA) has reviewed the proposal to develop the Weber property located at 3596 Baumberg Avenue in Hayward. HASPA and the HASPA Citizens Advisory Committee have identified the following concerns: burrowing owls, the drainage system, the amount and what type of fill that will used, stewardship of the proposed wetlands and the design of the wetlands and the mosquito ponds.

The Hayward Area Shoreline Planning Agency respectfully requests that these concerns be addressed before the final recommendations for the approval of the project are made. If you have any questions, please contact Karl Zabel, HASPA staff liaison, at 510-881-6714 or via email at zabk@haywardrec.org.

Sincerely,

Minane Jameson
HASPA Chair

RECEIVED

JUL 05 2012

PLANNING DIVISION



Ohlone Audubon Society, Inc.
*A chapter of the National Audubon Society
Serving Southern Alameda County, CA*

Richard Patenaude
Program Manager
Planning Department
City of Hayward
777 B Street
Hayward, CA 94541

August 5, 2012

RECEIVED
AUG 06 2012
PLANNING DIVISION

Dear Mr. Patenaude,

Subject: Response to the Zone Change Application PL-2010-0372/Tentative Tract Map Application PL-2010-0373-John Weber(Applicant/Owner)

On July 26, 2012 I attended the Planning Commission meeting regarding the Weber property held at Hayward City Hall. After reading the proposal and listening to the information exchange I have a number of objections to the possible zone change and subsequent development of the Weber property on the Hayward shoreline. First and foremost there is no final letter of approval for the destruction or disturbance of wetlands from the U S Corps of Army Engineers. Second, there is no letter of approval from the Regional Water Quality Control Board or a description of Best Management Practices from the Regional Board. Since it is unknown what kind of industry might locate on the property it seems there would need to be a very specific plan for water drainage and run-off. It is unknown what if any hazardous materials might occur in the industrial buildings Nor has it been determined that the Eden Shores Pump Station would in fact be able to handle the storm drain discharge. And the Burrowing owls probably would not pay particular attention to what was their designated territory and where else water might be found.

The report mentioned that there was mention of incomplete industrial development along the shoreline. However the report failed to note that on page 13 of the 1993 HASPA Area Shoreline Planning Program in the third paragraph that the Weber property along with a number of other properties were classified as being suitable to be included in the FWS Refuge. Ear maps indicate that that entire shoreline was wetland and often submerged.

Mr. Varni sometimes spoke of possible housing being developed on the site and sometimes said POA and other times HOA Agreements including Conditions,

Covenants, and Restrictions for a subdivision. If housing is to be built in that area more than a chain link fence would be needed in order to protect both the burrowing owls and the species-including endangered ones, on the Eden Landing Ecological Reserve. Given the various estimates of sea level rise and the fact that 12 feet of fill was used at Eden Shores it seems 5 feet of fill might not be adequate to raise whatever was built above possible flooding in the future.

If the various acreages are restored for burrowing owls and pickleweed again takes root again Salt Marsh Harvest Mice might again repopulate the area. Salt Marsh Harvest Mice were found on the Weber property in about 1984 or 1985. This would constitute a danger to the mice if satisfactory protective measures were not taken.

Burrowing owls have been moved out of construction zones during construction in Fremont and Pleasanton and sometimes reestablished and sometimes did not. Another hazard could be raptors perching in nearby trees or power lines or roofs of buildings creating an additional hazard for the owls.

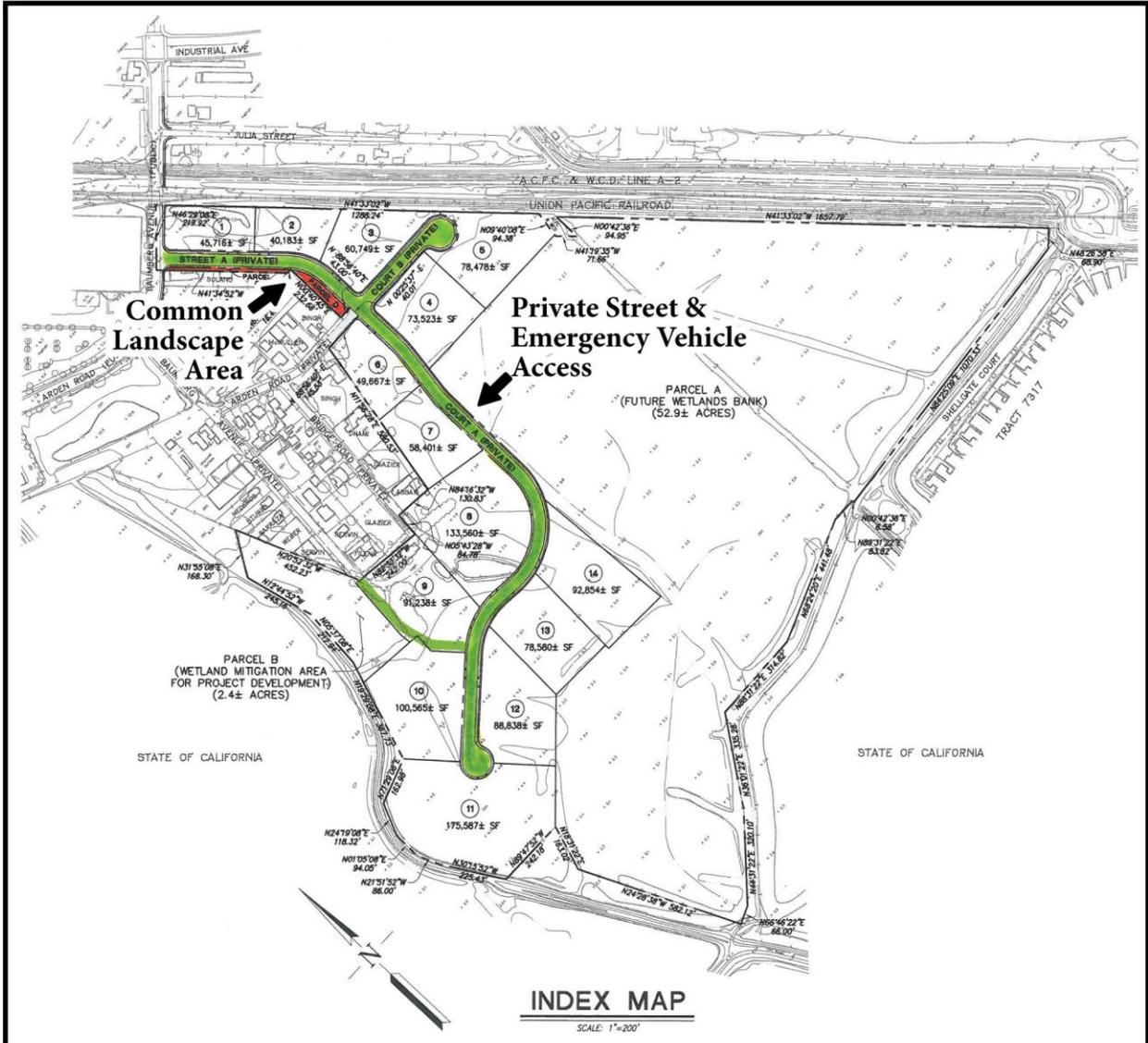
There are many reasons why the Weber property should remain in open space and the Zone Change Application be denied.

Yours truly



Evelyn M. Cormier, President
Ohlone Audubon Society
31020 Carroll Avenue
Hayward, CA 94544

Cc: List-Mayor-Council@hayward-ca.gov



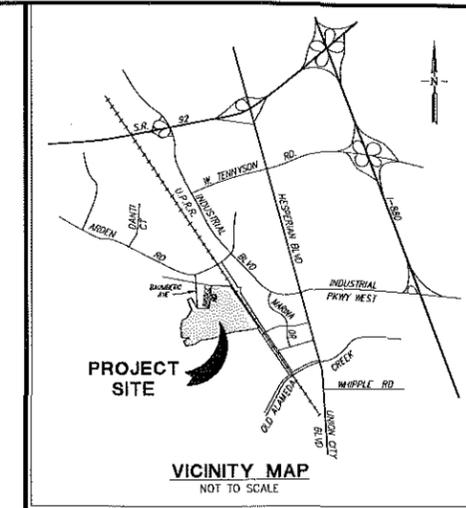
**Improvements Maintained by
Property-Owner Association**



Wetland and Forage Areas

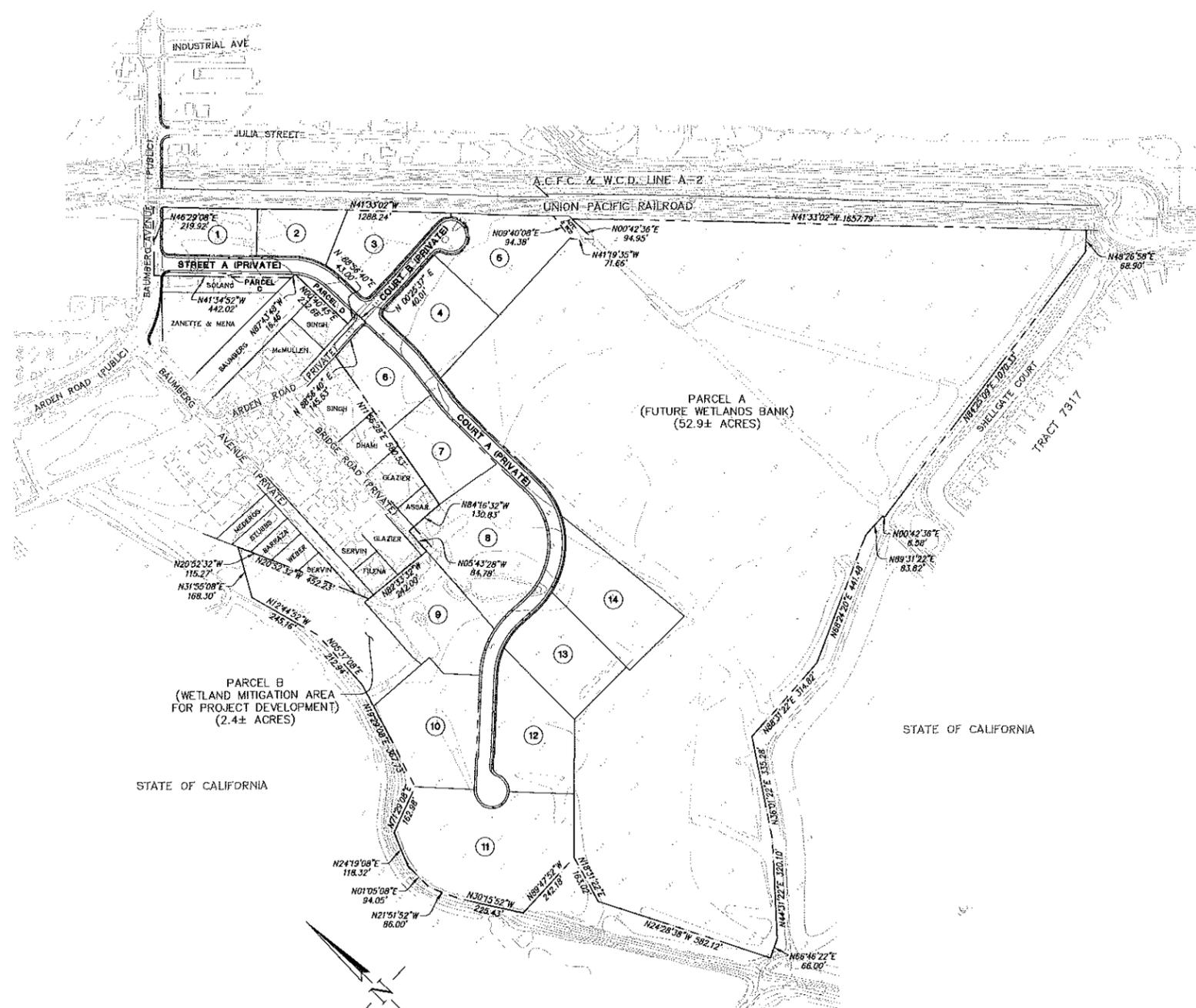


PLANNED DEVELOPMENT PERMIT PRELIMINARY PLAN WEBER PROPERTY TRACT 8039 CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA



PROPOSED	DESCRIPTION	EXISTING
---	TRACT BOUNDARY	---
---	LOT LINE	---
---	RIGHT OF WAY	---
---	CENTER LINE	---
---	FLOOD WALL	---
---	EASEMENT LINE	---
---	STORM DRAIN	EX. 12" SD
---	SANITARY SEWER	EX. 8" SS
---	WATER	EX. 8" W
---	CURB & GUTTER	EX. EP
---	SIDEWALK/WALKWAY	---
---	EARTH OR GRASS SWALE	---
■	STORM WATER INLET	□
■	FIELD INLET	□
→	DIRECTION OF FLOW	→
○	MANHOLE	○
●	FIRE HYDRANT	●
○	BLOW OFF	○
○	WATER VALVE	○
○	STREET LIGHT	○
○	MONUMENT	○
○	POWER POLE	○
○	TRAFFIC SIGN	○
---	FENCE	---
---	HANDICAP RAMP	---
---	SLOPE	---
---	SPOT ELEVATION	+525.2
---	ASPHALT PAVEMENT	---
---	AGGREGATE	---
12	LOT NUMBER	---

ABBREVIATIONS	
AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
A.C.F.C. & W.C.D.	ALAMEDA COUNTY FLOOD CONTROL WATER CONSERVATION DISTRICT
AE	ACCESS EASEMENT
BC	BEGINNING OF CURVE
CL	CENTER LINE
C&G	CURB AND GUTTER
DWY	DRIVEWAY
DIP	DUCTILE IRON PIPE
EP	EDGE OF PAVEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FC	FACE OF CURB
FF	FINISHED FLOOR
FG	FINISHED GRADE
FI	FIELD INLET
FL	FLOW LINE
FM	FORCE MAIN
GB	GRADE BREAK
GR	GRATE
HGL ₁₀	HYDRAULIC GRADE LINE (10-YEAR STORM)
HP	HIGH POINT
INV	INVERT ELEVATION
LF	LINEAR FOOT
LP	LOW POINT
MH	MANHOLE
P	PAD
PAE	PRIVATE ACCESS EASEMENT
PAV	PAVEMENT
PL	PROPERTY LINE
PSDE	PRIVATE STORM DRAIN EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PVC	POLYVINYL CHLORIDE PIPE
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
RET	CURB RETURN
RW	RIGHT OF WAY
S	SLOPE
SDE	STORM DRAIN EASEMENT
SF	SQUARE FEET
SO	SIDE OPENING
SSE	SANITARY SEWER EASEMENT
SWI	STORM WATER INLET
SWK	SIDEWALK
TC	TOP OF CURB
TG	TOP OF GRATE
TYP	TYPICAL
WLE	WATER LINE EASEMENT
WM	WATER METER



INDEX MAP
SCALE: 1"=200'

SHEET INDEX	
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	SECTIONS AND DETAILS
3	SITE PLAN
4	TOPOGRAPHIC MAP

PROJECT TEAM

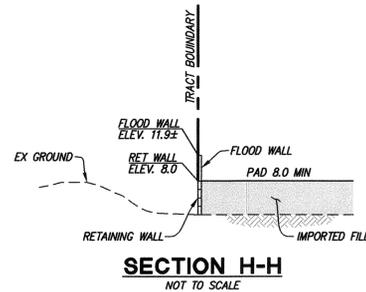
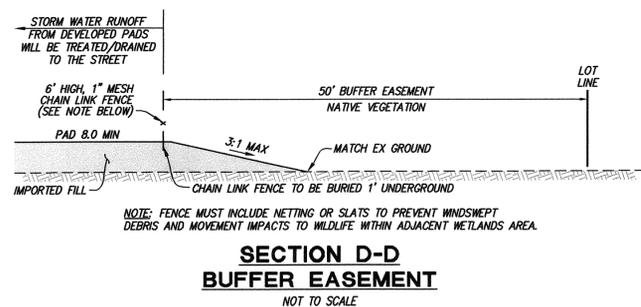
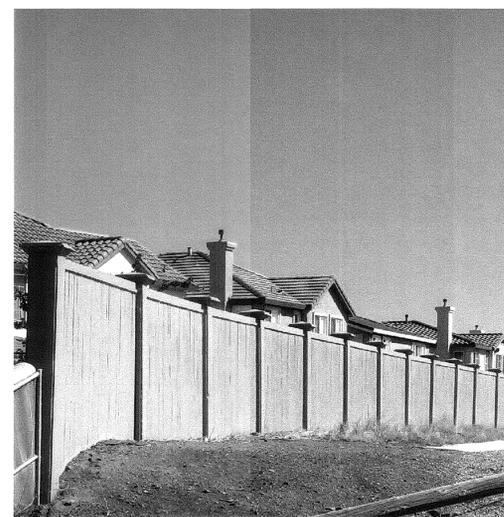
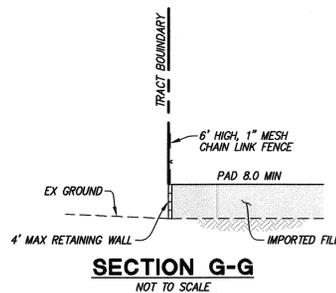
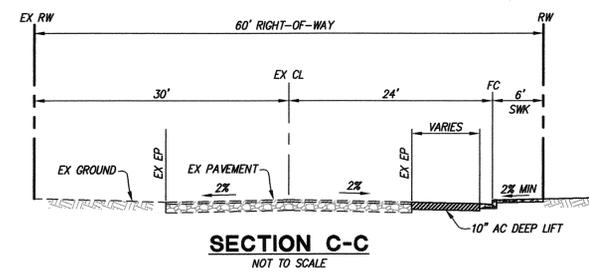
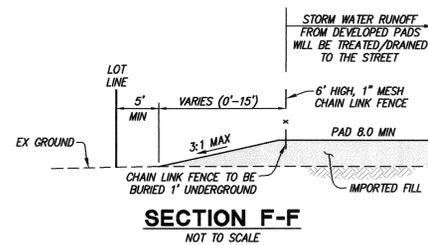
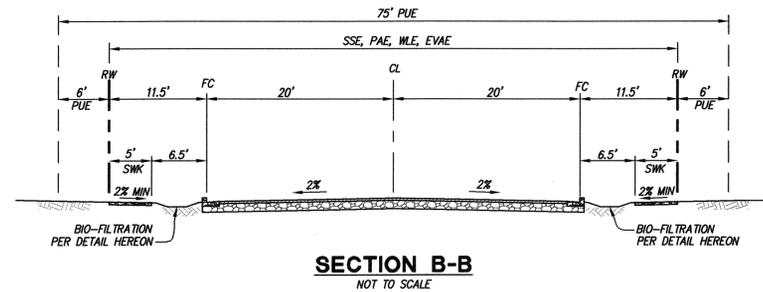
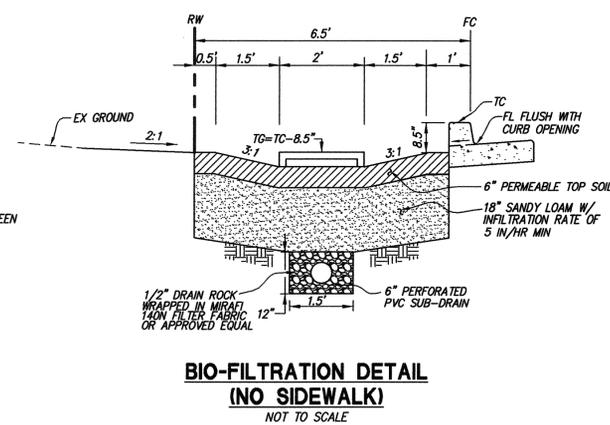
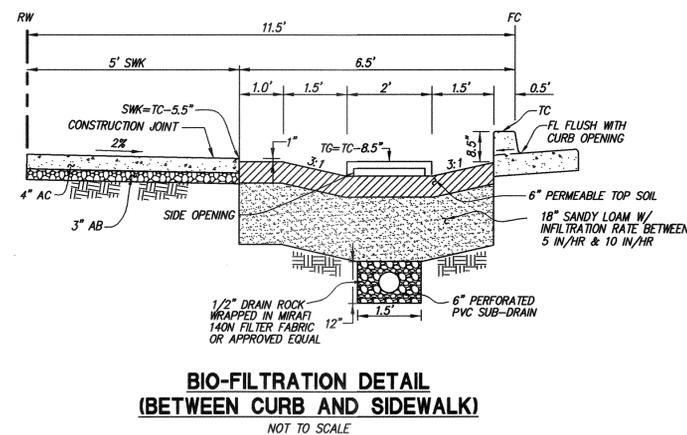
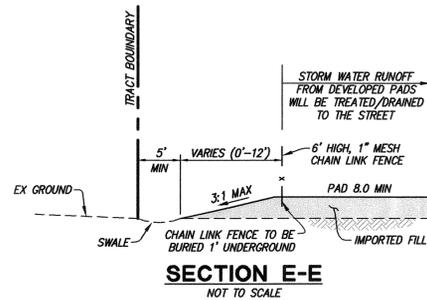
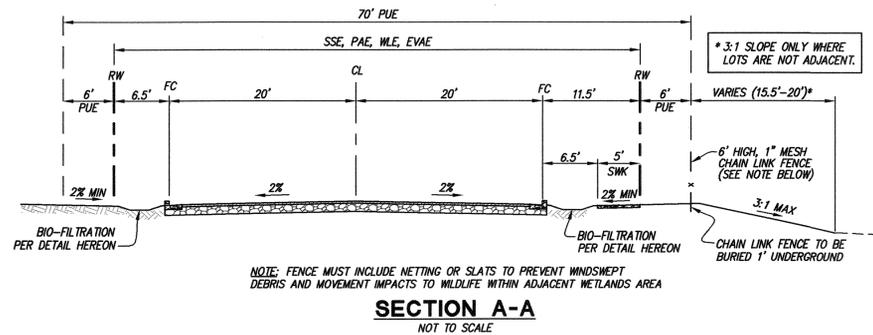
Owner/Developer
John Weber
PO Box 608
Diablo, CA 94528
Phone: (510) 816-0147
Contact: John Weber

Civil Engineering & Planning
Ruggeri-Jensen-Azar
4690 Chabot Drive, Suite 200
Pleasanton, CA 94588
Phone: (925) 227-9100
Contact: John Zellmer

Soils Engineer
Berlogar Geotechnical Consultants
5587 Sunol Boulevard
Pleasanton, CA 94566
Phone: (925) 848-0220
Contact: Frank Berlogar

- GENERAL NOTES**
- THIS PLANNED DEVELOPMENT IS FOR THE PURPOSE OF ADDING WAREHOUSE LAND USE TO THE LIGHT INDUSTRIAL USE ALREADY DESIGNATED BY THE SOUTH OF ROUTE 92 SPECIFIC PLAN. DEVELOPMENT GUIDELINES FOR ARCHITECTURE WILL FOLLOW THE SPECIFIC PLAN. RIGHT OF WAY LANDSCAPING WILL BE UTILIZED FOR STORM WATER QUALITY AND WILL FOLLOW THE ALAMEDA COUNTY CLEAN WATER PROGRAM FOR LANDSCAPING.
 - THIS PLANNED DISTRICT IS FOR THE CREATION OF THE LOTS AND STREET RIGHT OF WAY ONLY. ALL ON-LOT DEVELOPMENT WILL REQUIRE SEPARATE REVIEW BY THE CITY OF HAYWARD.
 - EACH LOT WILL BE REQUIRED TO TREAT STORM WATER TO MEET THE REQUIREMENTS OF PROVISION C.3 OF THE MUNICIPAL PERMIT PRIOR TO DISCHARGE TO THE STORM DRAIN SYSTEM.
 - ALL LOTS WILL BE PRIVATELY OWNED AND MAINTAINED. ALL RIGHT OF WAYS WILL BE DEDICATED TO THE CITY OF HAYWARD. PARCEL A WILL BE RETAINED BY THE OWNER FOR CREATION OF A WETLANDS BANK. PARCEL B WILL BE RETAINED BY THE OWNER FOR WETLAND MITIGATION FOR FUTURE PROJECT DEVELOPMENT.

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

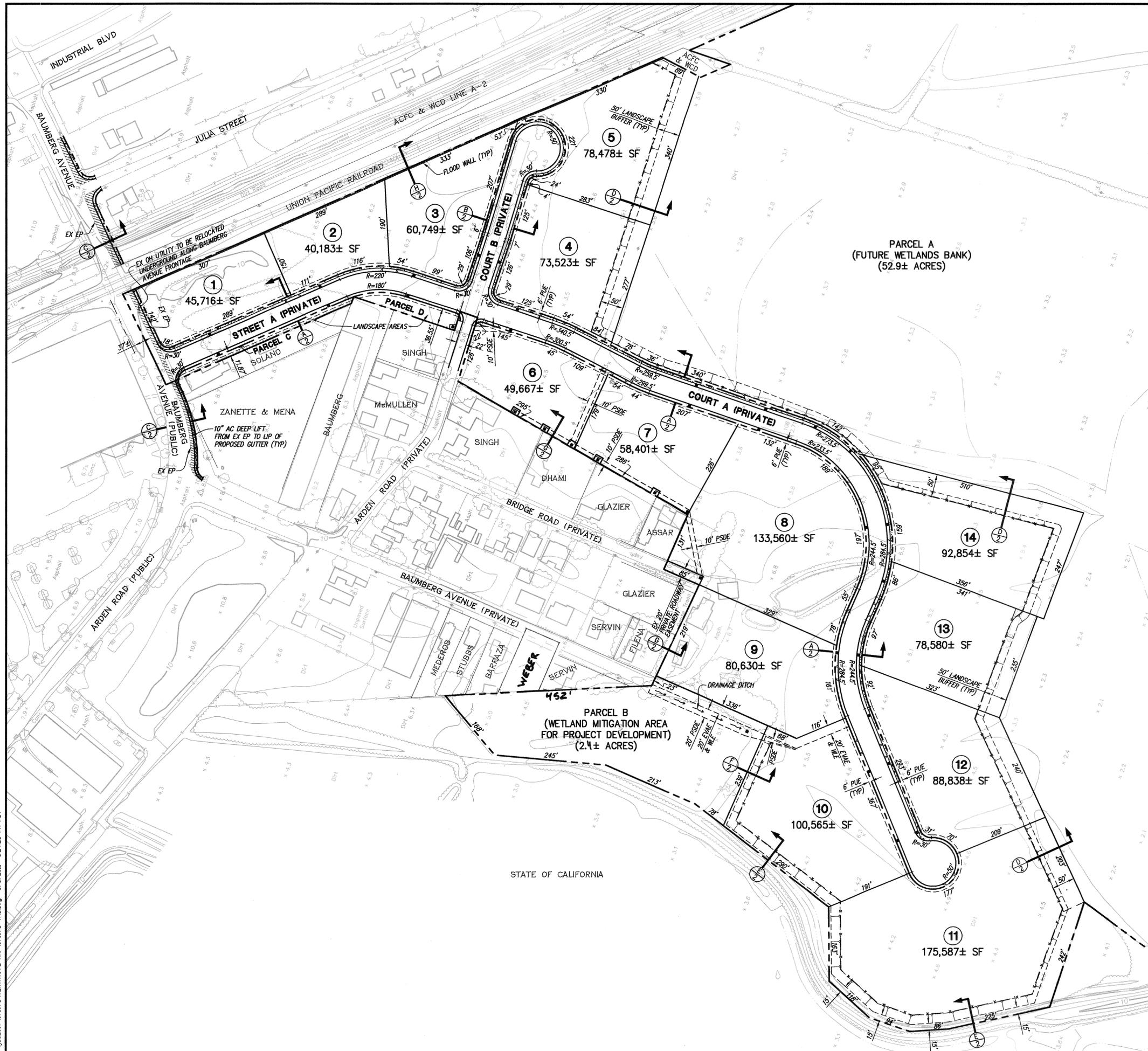


**SECTIONS AND DETAILS
PLANNED DEVELOPMENT PERMIT
TRACT 8039 - WEBER PROPERTY**

CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

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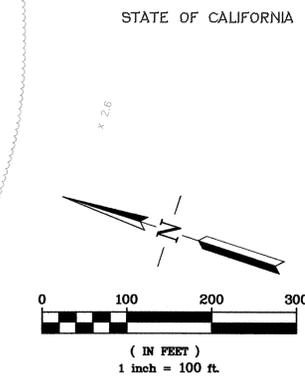
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LAND USE SUMMARY			
LAND USE	LOTS	ACRES	% OF SITE
LIGHT INDUSTRIAL/WAREHOUSE LOT 40,183 S.F. TO 175,587 S.F.	14	26.6	30.5%
FUTURE WETLANDS BANK	-	52.9	60.7%
WETLAND MITIGATION AREA	-	2.9	3.3%
LANDSCAPE AREA	-	0.3	0.4%
RIGHT OF WAY (STREETS & SIDEWALKS)	-	4.4	5.1%
	14	87.1	100.0%

SITE SUMMARY	
NUMBER OF LOTS:	14
SITE ACRES	87.1 ACRES
DEVELOPED ACRES (LOTS AND STREETS)	31.3 ACRES

NOTE: ALL STREETS ARE PRIVATE

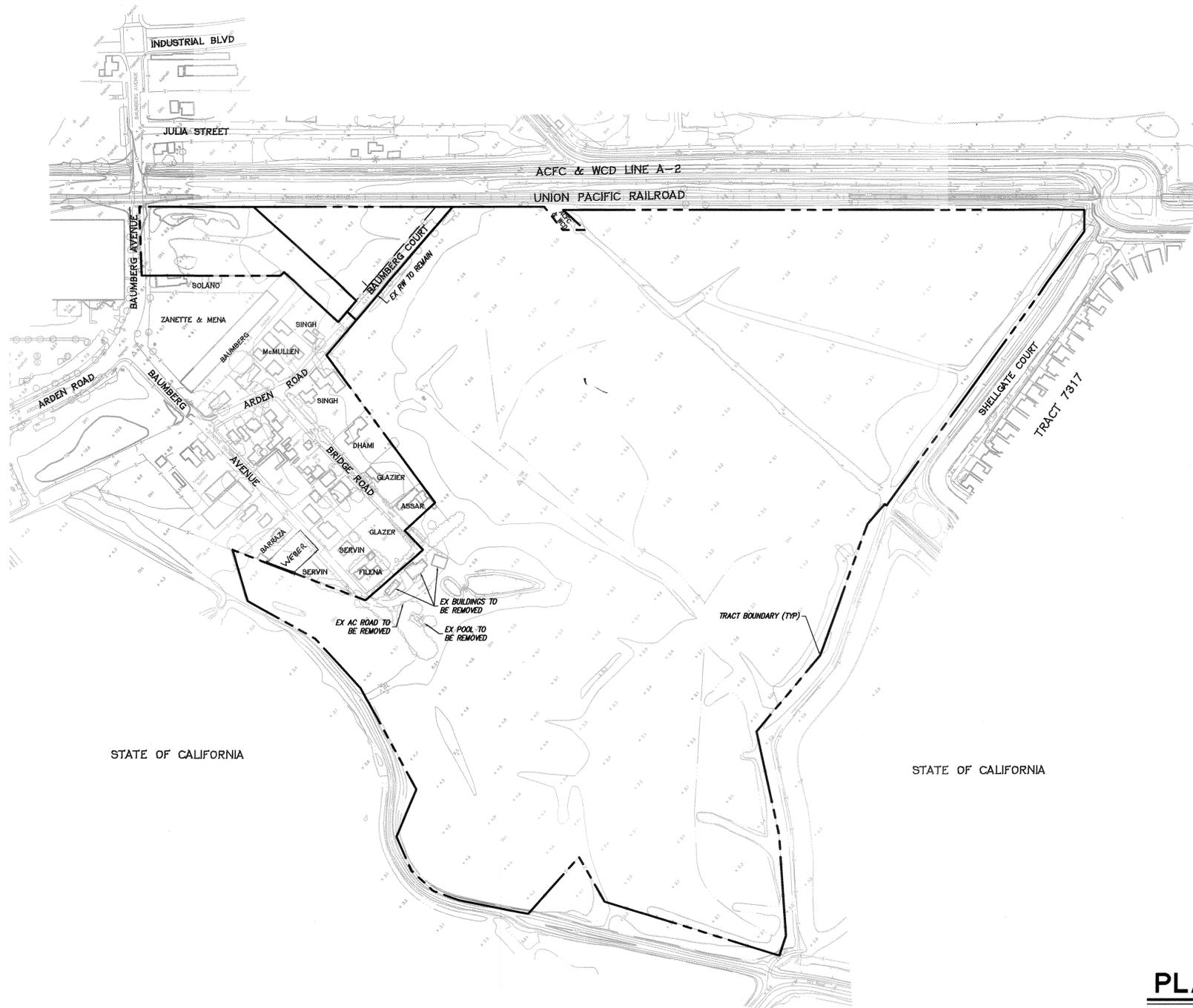


- NOTES:**
1. THE LOCATION OF THE FOLLOWING EASEMENTS CANNOT BE DETERMINED. THESE EASEMENTS ARE ALONG POLE LINES AS EXISTED IN 1910, 1921, AND 1922. B1844 OR P274, B87 OR P34, B166 OR P202.
 2. ALL EXISTING TREES ONSITE TO BE REMOVED WITHIN DISTURBED AREAS.
 3. ALL EXISTING BUILDINGS ONSITE TO BE DEMOLISHED.
 4. ALL EXISTING POWER POLES TO BE REMOVED/RELOCATED BY OTHERS.
 5. LED ENERGY EFFICIENT STREETLIGHTS SHALL BE USED ON THIS PROJECT.
 6. THE PROJECT WILL BE DEVELOPED AS A SINGLE PHASE.
 7. PARCELS C & D SHALL BE PROPERTY OWNER'S ASSOCIATION LOTS OR BE ADDED TO LOTS 1-3.

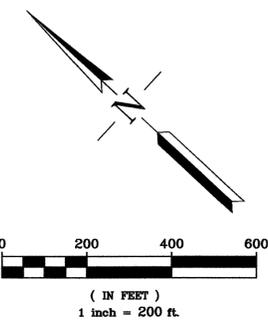
PRELIMINARY SITE PLAN
PLANNED DEVELOPMENT PERMIT
TRACT 8039 - WEBER PROPERTY
 CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA


RUGGERI-JENSEN-AZAR
 ENGINEERS • PLANNERS • SURVEYORS
 4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
 PHONE: (925) 227-9100 FAX: (925) 227-9300
 DATE: FEB 06, 2012 JOB NO. 071076 SHEET 3 OF 4

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SLOPE RANGE	PERCENTAGE OF SITE
0 - 10%	100%
11 - 20%	0%
21 - 30%	0%
31% OR GREATER	0%



TOPOGRAPHIC MAP
PLANNED DEVELOPMENT PERMIT
TRACT 8039 - WEBER PROPERTY

CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

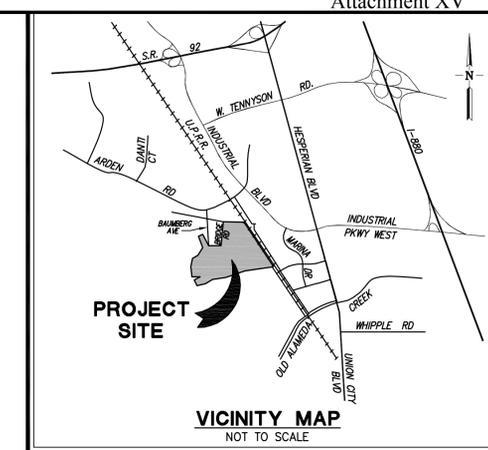


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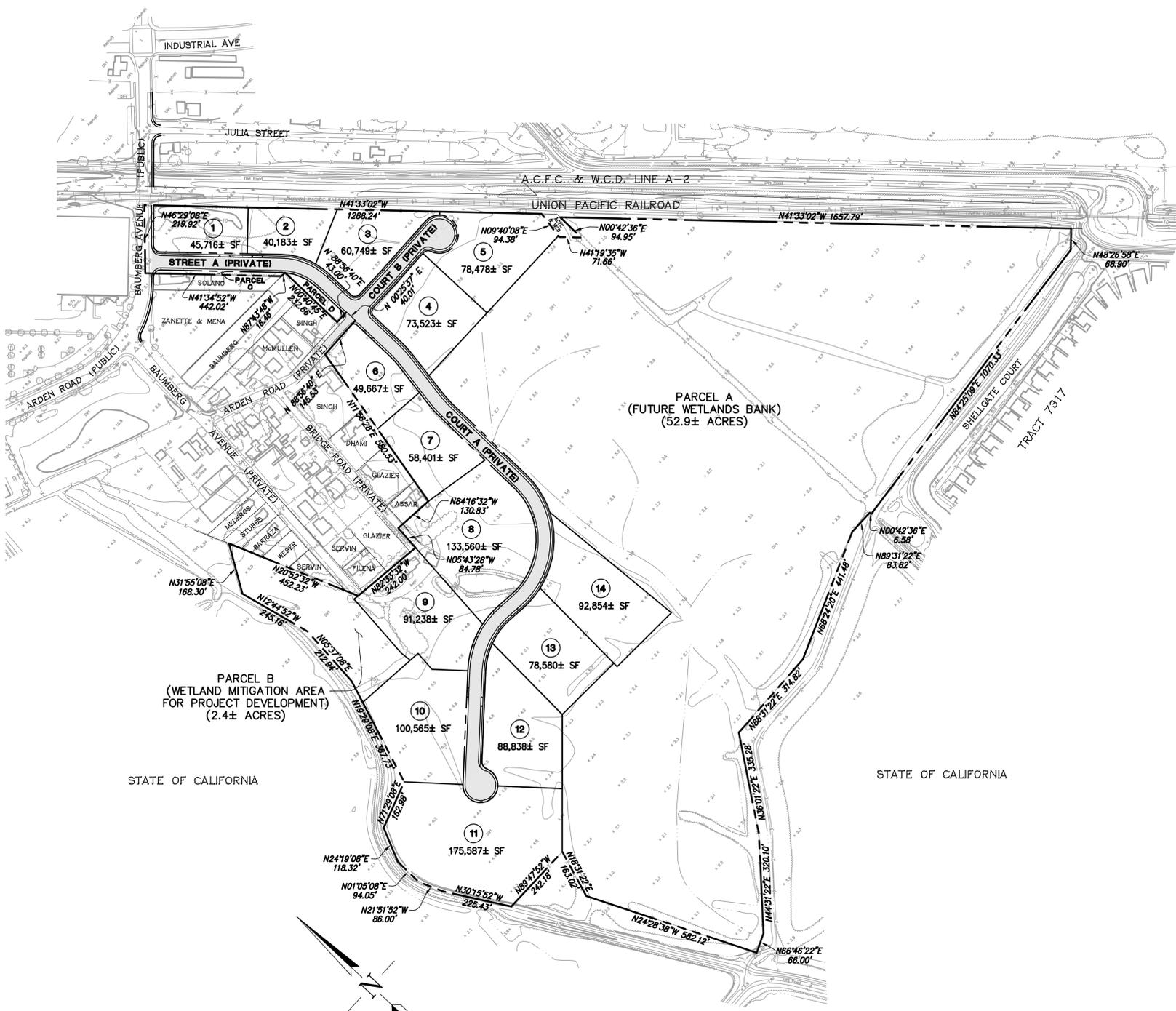
DATE: **FEB 06, 2012** JOB NO. 071076 SHEET 4 OF 4

VESTING TENTATIVE TRACT MAP TRACT 8039 - WEBER PROPERTY

CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA



PROPOSED	DESCRIPTION	EXISTING
---	TRACT BOUNDARY	---
---	LOT LINE	---
---	RIGHT OF WAY	---
---	CENTER LINE	---
---	FLOOD WALL	---
---	EASEMENT LINE	---
---	STORM DRAIN	EX 12"SD
---	SANITARY SEWER	EX 8"SS
---	WATER	EX 8"W
---	CURB & GUTTER	EX EP
---	SIDEWALK/WALKWAY	---
---	EARTH OR GRASS SWALE	---
---	STORM WATER INLET	---
---	FIELD INLET	---
---	DIRECTION OF FLOW	---
---	MANHOLE	---
---	FIRE HYDRANT	---
---	BLOW OFF	---
---	WATER VALVE	---
---	STREET LIGHT	---
---	MONUMENT	---
---	POWER POLE	---
---	TRAFFIC SIGN	---
---	FENCE	---
---	HANDICAP RAMP	---
---	SLOPE	---
---	SPOT ELEVATION	x525.2
---	ASPHALT PAVEMENT	---
---	AGGREGATE	---
---	LOT NUMBER	---



GENERAL NOTES

- OWNER: JOHN WEBER
P.O. BOX 608
ALAMO, CA 94528
PHONE: (510) 816-0147
- CIVIL ENGINEER: RUGGERI-JENSEN-AZAR
4690 CHABOT DRIVE, SUITE 200
PLEASANTON, CA. 94588
PHONE: (925) 227-9100
CONTACT: JOHN ZELLMER
- GEOTECHNICAL ENGINEER: BERLOGAR GEOTECHNICAL CONSULTANTS
5587 SUNOL BOULEVARD
PLEASANTON, CA. 94586
PHONE: (925) 484-0220
CONTACT: FRANK BERLOGAR
- ASSESSOR'S PARCEL NUMBERS: 461-0020-007, 461-0020-008, 461-0020-009, 461-0020-010, 461-0020-011, 461-0020-012, 461-0020-013, 461-0040-001, 461-0040-002, 461-0040-003, 461-0040-004, 461-0045-028
- EXISTING USE: AGRICULTURE
- PROPOSED USE: OPEN SPACE, LIGHT MANUFACTURING AND WAREHOUSE
- EXISTING ZONING: LIGHT MANUFACTURING AND OPEN SPACE
- SITE AREA: 87± ACRES
- PROPOSED ZONING: LIGHT MANUFACTURING/WAREHOUSE
- MINIMUM LOT SIZE: 40,183 SF
- TOTAL NUMBER OF PROPOSED LOTS: 14
- BENCHMARK: CITY MONUMENT DISC AT THE INTERSECTION OF HESPERIAN BOULEVARD AND TRIPALDI WAY. ELEVATION: 7.86 FEET, NGVD 29
- UTILITIES:
 - a. WATER: CITY OF HAYWARD
 - b. SANITARY SEWER: CITY OF HAYWARD
 - c. STORM DRAIN: ALAMEDA COUNTY FLOOD CONTROL DISTRICT
 - d. GAS AND ELECTRIC: PACIFIC GAS AND ELECTRIC
 - e. TELEPHONE: AT&T
 - f. CABLE TV: COMCAST CABLE
 - g. FIRE PROTECTION: CITY OF HAYWARD
- ALL EROSION CONTROL MEASURES SHALL BE IN CONFORMANCE WITH THE CRITERIA AND STANDARDS OF THE CITY OF HAYWARD.
- BOUNDARY AS SHOWN IS COMPILED FROM RECORD INFORMATION AND DOES NOT REPRESENT A FIELD SURVEY OF THE PROPERTY.
- AERIAL TOPOGRAPHY WAS FLOWN BY HJW GEOTECHNICAL, INC. IN MARCH 24, 2005. TOPOGRAPHIC INFORMATION ON THIS PLAN ARE ON NGVD 29.
- THE PROPERTY IS WITHIN ZONE AE - SPECIAL FLOOD HAZARD SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, AS SHOWN IN FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 065033 0426 G, REVISED AUGUST 3, 2009. A CLOMAR REQUEST HAS BEEN PREPARED TO REMOVE PROPOSED DEVELOPED AREA FROM THE SPECIAL FLOOD HAZARD ZONE.
- THE PROPERTY IS LOCATED IN A SEISMIC HAZARD ZONE FOR LIQUEFACTION BY THE CALIFORNIA GEOLOGIC SURVEY.
- A PROPERTY OWNER'S ASSOCIATION WILL BE FORMED TO OWN AND MAINTAIN ALL COMMON AREAS AND ASSOCIATED INFRASTRUCTURE (PRIVATE STREETS, PRIVATE UTILITIES, LANDSCAPING, ETC.) THE ASSOCIATION WILL ALSO MAINTAIN THE EVAE & PSDS.
- THE PROPERTY OWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE OF BUFFER EASEMENTS WITHIN PARCELS A & B. MAINTENANCE OF BUFFER EASEMENTS WITHIN PRIVATE LOTS WILL BE THE RESPONSIBILITY OF THE INDIVIDUAL OWNERS.
- PEDESTRIAN RAMPS WILL BE INSTALLED AT WARRANTED LOCATIONS WITHIN THE PROJECT.
- TRAFFIC SAFETY SIGNAGE SHALL BE PROVIDED ON PRIVATE STREETS (INCLUDING STREET NAME, STOP & PARKING RESTRICTION SIGNS) IN ACCORDANCE WITH CITY STANDARDS.

ABBREVIATIONS

AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
A.C.F.C. & W.C.D.	ALAMEDA COUNTY FLOOD CONTROL WATER CONSERVATION DISTRICT
AE	ACCESS EASEMENT
BC	BEGINNING OF CURVE
CL	CENTER LINE
C&G	CURB AND GUTTER
DWY	DRIVEWAY
DIP	DUCTILE IRON PIPE
EP	EDGE OF PAVEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FC	FACE OF CURB
FF	FINISHED FLOOR
FG	FINISHED GRADE
FI	FIELD INLET
FL	FLOW LINE
FM	FORCE MAIN
GB	GRADE BREAK
GR	GRATE
HGL ₁₀	HYDRAULIC GRADE LINE (10-YEAR STORM)
HP	HIGH POINT
INV	INVERT ELEVATION
LF	LINEAR FOOT
LP	LOW POINT
MH	MANHOLE
P	PAD
PAE	PRIVATE ACCESS EASEMENT
PAV	PAVEMENT
PL	PROPERTY LINE
PSDE	PRIVATE STORM DRAIN EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PVC	POLYVINYL CHLORIDE PIPE
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
RET	CURB RETURN
RW	RIGHT OF WAY
S	SLOPE
SDE	STORM DRAIN EASEMENT
SF	SQUARE FEET
SO	SIDE OPENING
SSE	SANITARY SEWER EASEMENT
SW	STORM WATER INLET
SWK	SIDEWALK
TC	TOP OF CURB
TG	TOP OF GRADE
TYP	TYPICAL
WLE	WATER LINE EASEMENT
WM	WATER METER

SHEET INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	STREET SECTIONS AND DETAILS
3	PRELIMINARY GRADING PLAN
4	PRELIMINARY UTILITY PLAN

ENGINEER OF WORK
PLANS PREPARED UNDER THE DIRECTION OF:

JOHN ZELLMER, RCE 46914, EXPIRES 6-30-13
RUGGERI-JENSEN-AZAR

INDEX MAP

SCALE: 1"=200'

OWNER'S CERTIFICATE

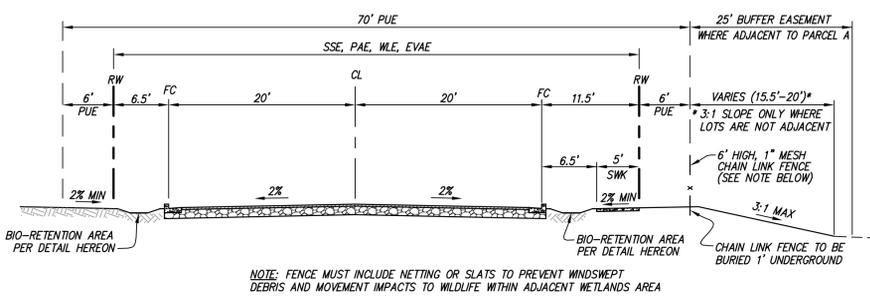
I, JOHN WEBER, AGREE TO THE FILING OF SAID MAP AND AGREE TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

JOHN WEBER

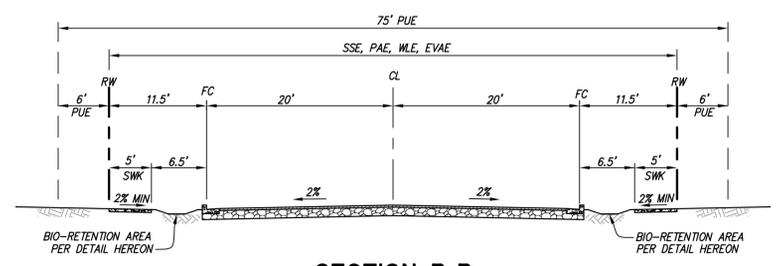
DATE

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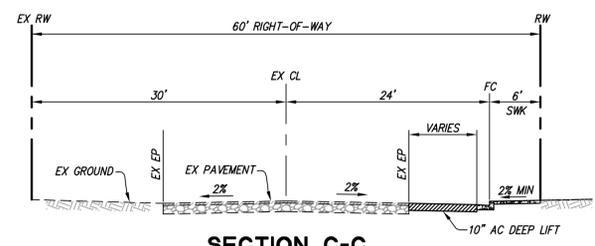
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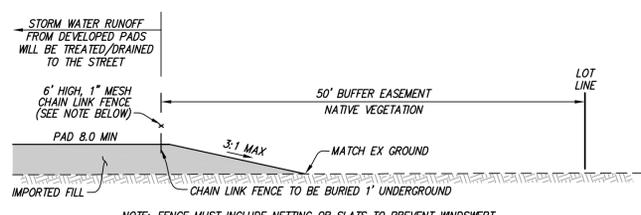
SECTION A-A
NOT TO SCALE



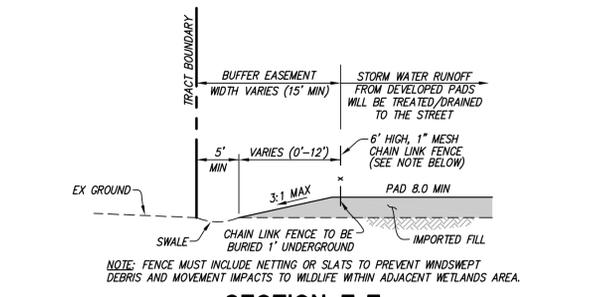
SECTION B-B
NOT TO SCALE



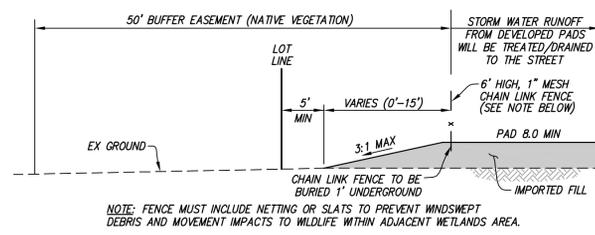
SECTION C-C
NOT TO SCALE



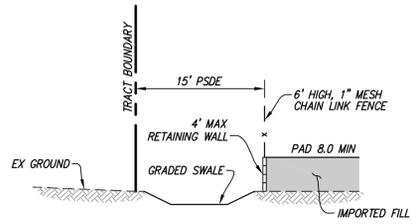
SECTION D-D
BUFFER EASEMENT
NOT TO SCALE



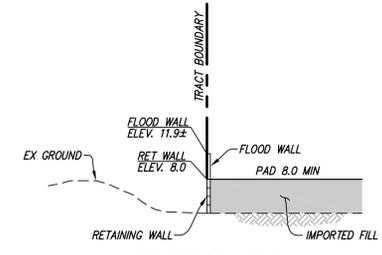
SECTION E-E
NOT TO SCALE



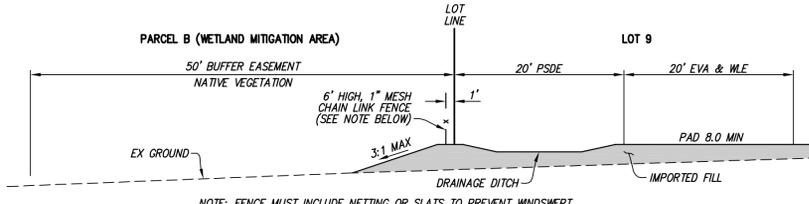
SECTION F-F
NOT TO SCALE



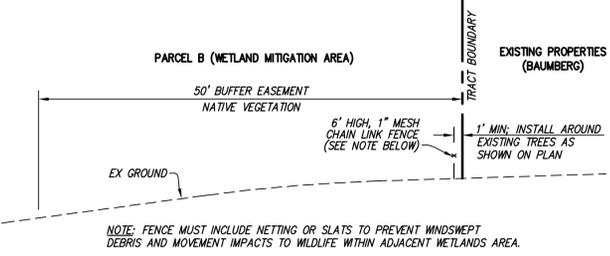
SECTION G-G
NOT TO SCALE



SECTION H-H
NOT TO SCALE



SECTION J-J
NOT TO SCALE



SECTION K-K
NOT TO SCALE

PAVEMENT CHART

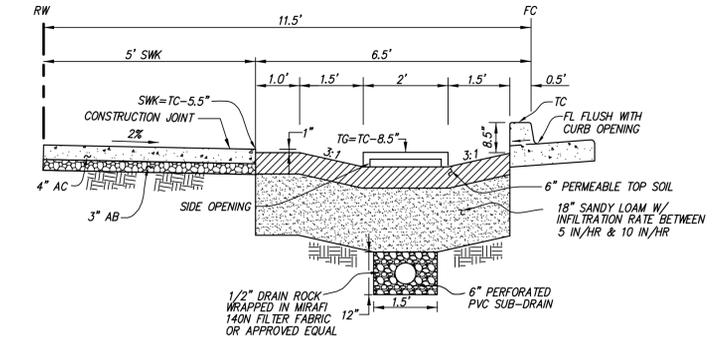
STREET NAME	TRAFFIC INDEX	PAVEMENT SECTIONS	
		A.C.	CLASS 2 AGGREGATE BASE
STREET A, COURTS A & B	8	5"	17"

THE PAVEMENT DESIGN SECTIONS ARE BASED ON PRELIMINARY "R" VALUES. THE PROJECT SOILS ENGINEER SHALL TAKE FINAL "R" VALUE TESTS OF COMPLETED SUB GRADE TO DETERMINE FINAL STREET SECTIONS.

ESTIMATED EARTHWORK QUANTITIES

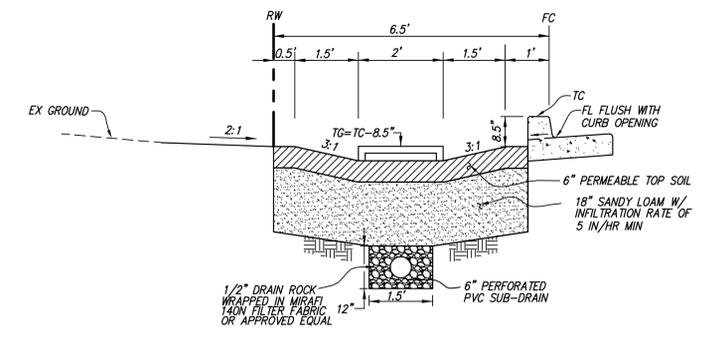
ITEMS	CUT (C.Y.)	FILL (C.Y.)
LOTS	2,200	136,000
STREET	1,300	9,600
WETLANDS	147,000	----
TRENCH SPOIL	9,300	----
SUBSIDIENCE (5" ASSUMED)	----	27,000
SHRINKAGE (10% ASSUMED)	----	15,000
TOTAL	159,800	187,600
IMPORT	----	27,800

- ALL QUANTITIES SHOWN ON THIS PLAN ARE APPROXIMATE. CALCULATED CUT AND FILL ARE TO "ROUGH GRADE" AND EXISTING GROUND. THE ACTUAL AMOUNT OF EARTH MOVED IS VARIABLE DEPENDENT ON COMPACTION, CONSOLIDATION, STRIPPING REQUIREMENTS, AND THE CONTRACTOR'S METHOD OF OPERATION.
- THIS ESTIMATE ASSUMES STRIPPING WILL BE REUSED FOR ON-SITE FILL MATERIAL.
- ASSUMED SUBSIDIENCE & SHRINKAGE FACTORS PROVIDED BY GEOTECHNICAL ENGINEER'S PRELIMINARY ESTIMATE.
- WETLAND CUT HAS BEEN ESTIMATED BY HUFFMAN-BROADWAY GROUP, INC. FOR WETLAND RESTORATION GRADING.



NOTE: FINAL DESIGN OF BIO-RETENTION AREAS SHALL BE PER THE ALAMEDA COUNTY C.3 STORM WATER TECHNICAL GUIDANCE DOCUMENT, VERSION 3.0, DATED 12/01/2011.

BIO-RETENTION AREA DETAIL
(BETWEEN CURB AND SIDEWALK)
NOT TO SCALE



NOTE: FINAL DESIGN OF BIO-RETENTION AREAS SHALL BE PER THE ALAMEDA COUNTY C.3 STORM WATER TECHNICAL GUIDANCE DOCUMENT, VERSION 3.0, DATED 12/01/2011.

BIO-RETENTION AREA DETAIL
(NO SIDEWALK)
NOT TO SCALE

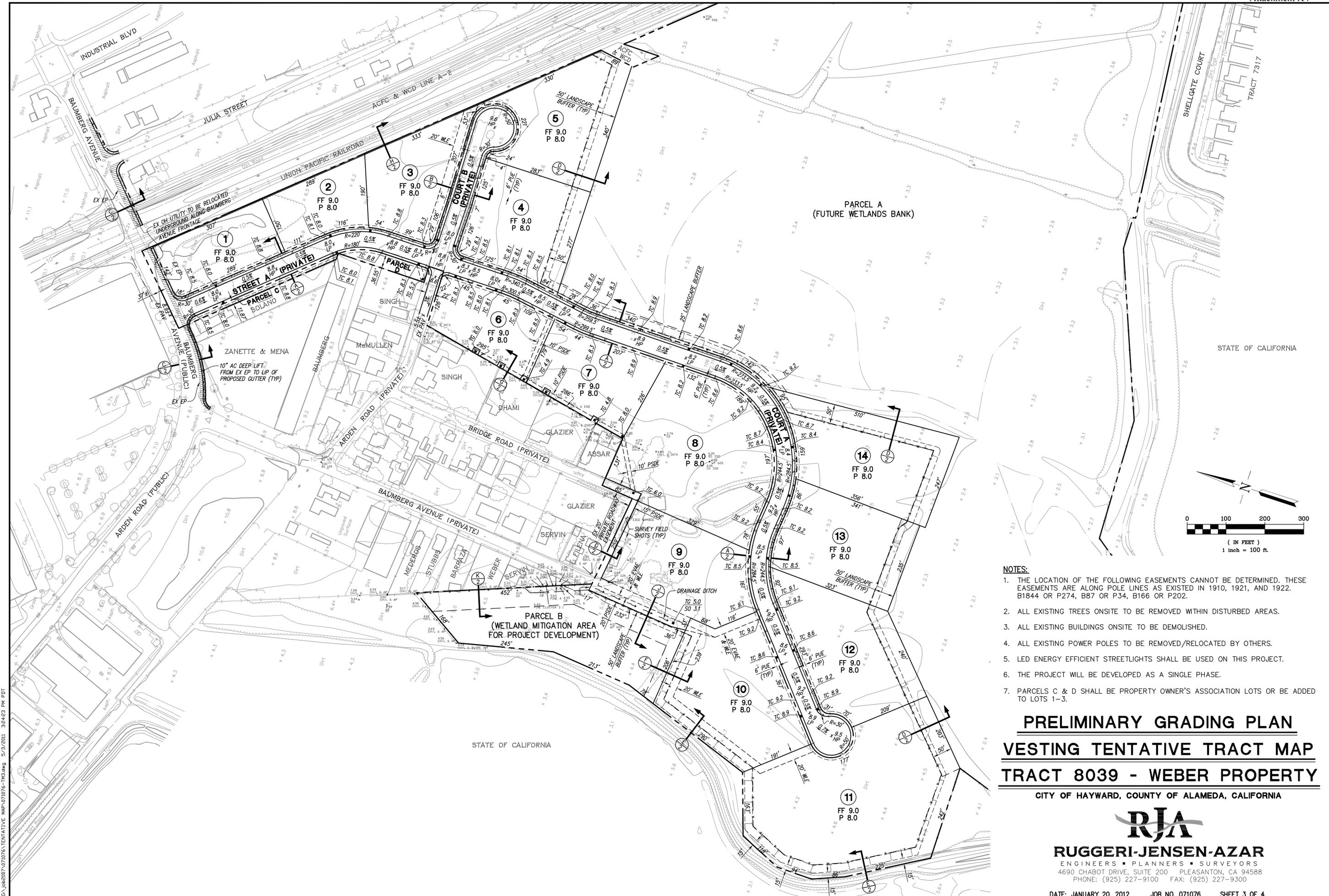
STREET SECTIONS AND DETAILS
VESTING TENTATIVE TRACT MAP
TRACT 8039 - WEBER PROPERTY

CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA



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- NOTES:**
1. THE LOCATION OF THE FOLLOWING EASEMENTS CANNOT BE DETERMINED. THESE EASEMENTS ARE ALONG POLE LINES AS EXISTED IN 1910, 1921, AND 1922. B1844 OR P274, B87 OR P34, B166 OR P202.
 2. ALL EXISTING TREES ONSITE TO BE REMOVED WITHIN DISTURBED AREAS.
 3. ALL EXISTING BUILDINGS ONSITE TO BE DEMOLISHED.
 4. ALL EXISTING POWER POLES TO BE REMOVED/RELOCATED BY OTHERS.
 5. LED ENERGY EFFICIENT STREETLIGHTS SHALL BE USED ON THIS PROJECT.
 6. THE PROJECT WILL BE DEVELOPED AS A SINGLE PHASE.
 7. PARCELS C & D SHALL BE PROPERTY OWNER'S ASSOCIATION LOTS OR BE ADDED TO LOTS 1-3.

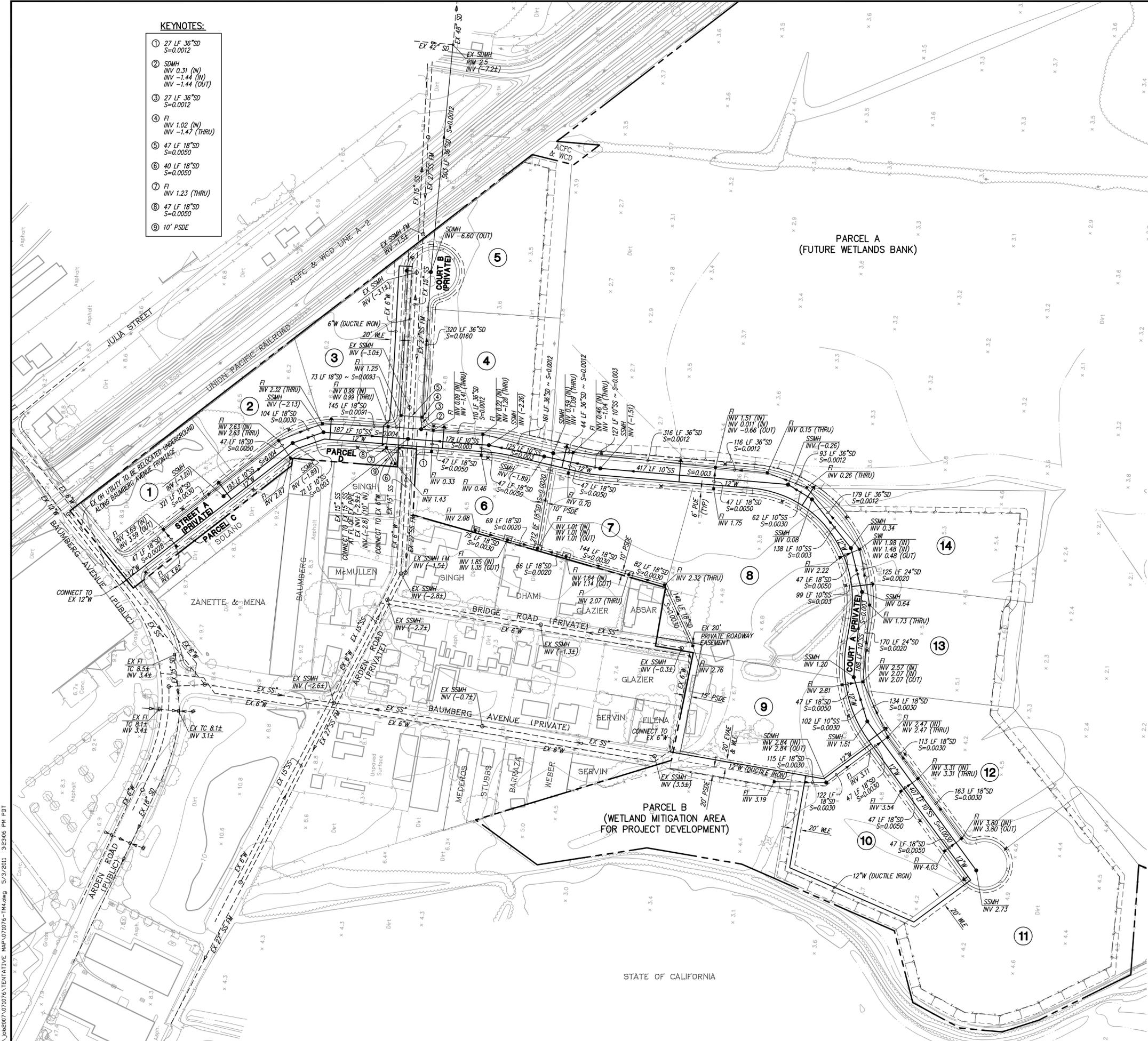
PRELIMINARY GRADING PLAN
VESTING TENTATIVE TRACT MAP
TRACT 8039 - WEBER PROPERTY
 CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA


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KEYNOTES:

- ① 27 LF 36"SD
S=0.0012
- ② SDMH
INV 0.31 (IN)
INV -1.44 (IN)
INV -1.44 (OUT)
- ③ 27 LF 36"SD
S=0.0012
- ④ FI
INV 1.02 (IN)
INV -1.47 (THRU)
- ⑤ 47 LF 18"SD
S=0.0050
- ⑥ 40 LF 18"SD
S=0.0050
- ⑦ FI
INV 1.23 (THRU)
- ⑧ 47 LF 18"SD
S=0.0050
- ⑨ 10' PSDE



NOTES:

1. THE LOCATION OF THE FOLLOWING EASEMENTS CANNOT BE DETERMINED. THESE EASEMENTS ARE ALONG POLE LINES AS EXISTED IN 1910, 1921, AND 1922. B1844 OR P274, B87 OR P34, B166 OR P202
2. ALL STORM DRAINS SHALL BE REINFORCED CONCRETE PIPE.
3. ALL SANITARY SEWERS SHALL BE POLYVINYL CHLORIDE PIPE.
4. ALL WATER PIPES SHALL BE POLYVINYL CHLORIDE PIPE (UNO).
5. INSTALLATION OF STRUCTURES AND TREES ARE PROHIBITED WITHIN THE EX STREET RIGHT OF WAY TO BE ABANDONED, AND OTHER WATER & SEWER EASEMENTS NOT IN PUBLIC RIGHT OF WAY. SSE & WLE EASEMENT TO BE MAINTAINED TO ALLOW CITY ACCESS.
6. INSTALLATION OF STRUCTURES AND TREES ARE PROHIBITED FOR EASEMENTS OUTSIDE PUBLIC RIGHT OF WAY.
7. WATER & SEWER SERVICE ARE SUBJECT TO STANDARD CONDITIONS & FEES IN EFFECT AT THE TIME OF APPLICATION.
8. EXISTING OVERHEAD UTILITY LINES ALONG BAUMBERG AVENUE FRONTAGE SHALL BE PLACED UNDERGROUND FROM PROPOSED STREET A TO THE UNION PACIFIC RAILROAD TRACKS.
9. TWO ADDITIONAL WATER VALVES SHALL BE INSTALLED ADJACENT TO NEW FIRE HYDRANTS TO ALLOW FOR ISOLATION OF LINE DURING EMERGENCY SHUT OFF.
10. CONTROL VALVES SHALL BE INSTALLED ON WATER LINES WHERE ENTERING/EXITING EASEMENTS. WATER LINES WITHIN EASEMENTS SHALL BE DUCTILE IRON.
11. EACH BUILDING SHALL HAVE ITS OWN DOMESTIC WATER METER (METERS SHALL BE RADIO-READ TYPE).
12. SEPARATE IRRIGATION WATER METERS SHALL BE INSTALLED FOR LANDSCAPING PURPOSES (METERS SHALL BE RADIO-READ TYPE).
13. SANITARY SEWER MAINS AND MANHOLES SHALL BE PUBLICLY OWNED & MAINTAINED BY THE CITY OF HAYWARD.
14. EACH BUILDING SHALL HAVE AN INDIVIDUAL SANITARY SEWER LATERAL.
15. ONLY WATER DISTRIBUTION PERSONELL SHALL PERFORM OPERATION OF WATER VALVES ON THE CITY OF HAYWARD WATER SYSTEM.

PRELIMINARY UTILITY PLAN
VESTING TENTATIVE TRACT MAP
TRACT 8039 - WEBER PROPERTY
 CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA



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