



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
SEPTEMBER 17, 2013

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

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CITY COUNCIL MEETING FOR SEPTEMBER 17, 2013
777 B STREET, HAYWARD, CA 94541
WWW.HAYWARD-CA.GOV

**SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT SUCCESSOR AGENCY
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 McAdoo, Human Resources Director Robustelli, Finance Director Vesely, Deputy City Attorney Vashi, Maintenance Services Director McGrath, Public Works- Engineering and Transportation Director Fakhrai, Human Resources Analyst II Collins, Human Resources Analyst MonnastesUnder Negotiation: All Groups
 3. Conference with Legal Counsel
Pursuant to Government Code 54956.9
 - Pending Litigation: Two cases
 4. Conference with Legal Counsel
Pursuant to Government Code 54956.9
 - Pending Litigation: Chambers v. Potter, et al., Alameda County Superior Court No. HG13692166
 5. Conference with Legal Counsel
Pursuant to Government Code 54956.9
 - Pending Litigation: McGraw v. Top Grade Construction, et al., Alameda County Superior Court, Case No. HG12617574
 6. Adjourn to Special Joint City Council/Redevelopment Successor Agency Meeting
-

SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT SUCCESSOR AGENCY MEETING
Council Chambers – 7:00 PM

CALL TO ORDER Pledge of Allegiance Council Member Jones

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

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.

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

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

BOARDS, COMMISSIONS, COMMITTEES AND TASK FORCE

1. Appointments and Reappointments to the Council's Appointed Bodies and Swearing-In Ceremony of New Members (Report from City Clerk Lens)

[Staff Report](#)

[Attachment I Resolution](#)

WORK SESSION

2. Residential Rental Inspection Ordinance Amendments (Report from Assistant City Manager McAdoo)

[Staff Report](#)

[Attachment I Cost Analysis](#)

3. Proposed Pilot Water Transfer Between the Bay Area Water Supply & Conservation Agency and East Bay Municipal Utility District Using Hayward Regional Intertie (Report from Director of Public Works – Utilities & Environmental Services Ameri)

[Staff Report](#)

[Attachment I Hayward Regional Intertie](#)

[Attachment II Executive Summary - Pilot Water Transfer Plan](#)



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

4. Approval of Minutes of the Special City Council Meeting on July 23, 2013
[Draft Minutes](#)
5. Approval of Minutes of the Special Joint City Council/Housing Authority Meeting on July 30, 2013
[Draft Minutes](#)
6. Acquisition of a Portion of USPS Parcel on C Street for 21st Century Library & Community Learning Center
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September 17, 2013



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

11. Call-Up by Council Member Jones of the July 11, 2013 Planning Commission Approval of Site Plan Review Application No. PL-2013-0168, Associated with a Request to Build 60 Units of Senior Housing and Approximately 6,000 Square Feet of Ground Floor Retail Space and Office Space on a Vacant Property at 808 A Street in the Central City Commercial (CC-C) Zoning District. The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, Infill Development. Meta Housing Corporation, Aaron Mandel (Applicant) / Sean Sullivan (Owner)(Report from Development Services Director Rizk)

[Staff Report](#)

[Attachment I Resolution](#)

[Attachment II Recommended Conditions of Approval](#)

[Attachment III July 11th Planning Commission Report Minus Attachments](#)

[Attachment IV July 11th Draft Planning Commission Meeting Minutes](#)

[Attachment V Area & Zoning Map](#)

[Attachment VI Plans, Perspectives & Photos of Other Meta Housing Projects](#)

[Attachment VII Traffic Study](#)

[Attachment VIII Project Comments and Correspondence \(For the Project\)](#)

[Attachment IX Project Comments and Correspondence \(Against the Project\)](#)

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, 7:00 PM, TUESDAY, SEPTEMBER 24, 2013

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

September 17, 2013



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:



DATE: September 17, 2013

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Appointments and Reappointments to Council’s Appointed Bodies

RECOMMENDATION

That the City Council adopts the attached resolution confirming seventeen appointments and six reappointments to the City’s Boards, Commissions, Committees, and Task Force as follows: Community Services Commission (10); Council Economic Development Committee (1); Downtown Business Improvement Area Advisory Board (1); Keep Hayward Clean and Green Task Force (7); Library Commission (3), and Personnel Commission (1).

BACKGROUND

Recruitment was conducted from May 10 through July 11, 2013 to fill vacancies on the Community Services Commission, Council Economic Development Committee, Downtown Business Improvement Area Advisory Board, Keep Hayward Clean and Green Task Force, and Library Commission. On July 23, 2012, the City Council conducted thirty-two interviews resulting in the following recommended appointments and reappointments.

MEMBERS	STATUS	SUCCEEDS	TERM EXPIRES
<i>Community Services Commission</i>			
Crystal Araujo	New Appointment	Donna Allen-Thomas	September 2017
Neha Balram	New Appointment	Ben Henderson	September 2017
Valarie E. Evans	New Appointment	Robert Lara	September 2017
Dania W. Frink	New Appointment	Heather Enders	September 2016
Aramis Romero	New Appointment	Lynnette Foy Linnen	September 2014
Todd Davis	Reappointment		September 2017
Diane Fagalde	Reappointment		September 2017
Peggy Guernsey	Reappointment		September 2017
Linda Moore	Reappointment		September 2017
I Elizabeth Samayoa	Reappointment		September 2017

MEMBERS	STATUS	SUCCEEDS	TERM EXPIRES
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Council Economic Development Committee

Navneet Ratti	New Appointment	Alan Parso	September 2014
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Downtown Business Improvements Area Advisory Board

Darren Guillaume	New Appointment	Tina Martinez	September 2015
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Keep Hayward Clean and Green Task Force

Lynne D. Clifton	New Appointment	Muhammad Irfan	September 2016
Heather Enders	New Appointment	Monica Ruiz	September 2015
Robert Miller	New Appointment	Doug Ligibel	September 2015
Tony Perini	New Appointment	Lloyd Clifton	September 2015
Moses Sullivan	New Appointment	David Haines	September 2015
Aisha Wahab	New Appointment	Braxston Banks	September 2015
Wandra Williams	New Appointment	Christopher Catlow	September 2015

Library Commission

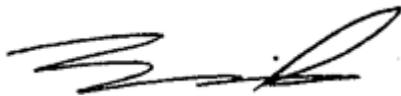
Iris Murillo	New Appointment	Judith Harrison	September 2017
Pedro Reynoso	New Appointment	Monica Schultz	September 2016
Peter Bufete	Reappointment		September 2017

Personnel Commission

Satyendra Kaith	New Appointment	Cheryl Butler-Adams	September 2014
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Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:

Attachment I Resolution Establishing Appointments and Reappointments

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION CONFIRMING THE APPOINTMENT AND REAPPOINTMENT OF MEMBERS OF VARIOUS BOARDS, COMMISSIONS, COMMITTEES AND TASK FORCES

BE IT RESOLVED that the City Council of the City of Hayward does hereby confirm the appointment and re-appointment of the following as members of the boards, commissions, committees and task forces so designated:

APPOINTMENTS

Community Services Commission

Crystal Araujo	(Succeeds Donna Allen-Thomas)	September 2017
Neha Balram	(Succeeds Ben Henderson)	September 2017
Valarie E. Evans	(Succeeds Robert Lara)	September 2017
Dania W. Frink	(Succeeds Heather Enders)	September 2016
Aramis Romero	(Succeeds Lynnette Foy Linnen)	September 2014

Council Economic Development Committee

Navneet Ratti	(Succeeds Alan Parso)	September 2014
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Downtown Business Improvement Area Advisory Board

Darren Guillaume	(Succeeds Tina Martinez)	September 2015
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Keep Hayward Clean and Green Task Force

Lynne D. Clifton	(Succeeds Muhammad Irfan)	September 2016
Heather Enders	(Succeeds Monica Ruiz)	September 2015
Robert Miller	(Succeeds Doug Ligibel)	September 2015
Tony Perini	(Succeeds Lloyd Clifton)	September 2015

Keep Hayward Clean and Green Task Force (Cont.)

Moses Sullivan	(Succeeds David Haines)	September 2015
Aisha Wahab	(Succeeds Lloyd Braxston Banks)	September 2015
Wandra Williams	(Succeeds Christopher Catlow)	September 2015

Library Commission

Iris Murillo	(Succeeds Judith Harrison)	September 2017
Pedro Reynoso	(Succeeds Monica Schultz)	September 2016

Personnel Commission

Satyendra Kaith	(Succeeds Cheryl Butler-Adams)	September 2014
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REAPPOINTMENTS

Community Services Commission

Todd Davis	September 2017
Diane Fagalde	September 2017
Peggy Guernsey	September 2017
Linda Moore	September 2017
I Elizabeth Samayoa	September 2017

Library Commission

Peter Bufete	September 2017
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IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013.

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 17, 2013
TO: Mayor and City Council
FROM: Assistant City Manager
SUBJECT: Residential Rental Inspection Ordinance Amendments

RECOMMENDATION

That the City Council reviews and provides direction to staff on this report.

SUMMARY

The report proposes enhancements to the current Residential Rental Inspection Ordinance as part of an ongoing effort to improve efficiencies through three ordinance revisions about which staff seeks direction. The proposed changes to the ordinance support the City Council's priorities of keeping Hayward Safe, Clean, and Green. Staff anticipates these proposed changes will strengthen code enforcement services and provide for the continued protection of tenants by keeping rental properties in the City well-maintained and in compliance with health and safety standards.

- I. Self-Certification Program – in response to requests from rental property owners, staff has developed a proposal to allow owners who provide effective and high quality maintenance of their rental properties to apply for a self-certification program instead of participating in the regular cycle of rental inspections.
- II. Administrative Updates – Provides for the adoption of the most recent International Property Maintenance Code as the authority under which rental inspections are performed and allows for the adjustment of rental inspection services in focus and non-focus inspection areas.
- III. Administrative Hearing Fees – Allows the City to recover staff costs associated with preparing cases for the administrative hearing appeal process.

BACKGROUND

The purpose of the Residential Rental Inspection Program (RRIP) is to identify and eliminate rental housing code violations, which will ensure the on-going safety of our residents, the conservation of existing rental stock, and protection of Hayward's residents by ensuring properties are compliant with current housing and building codes. The proposed enhancements to the RRIP are in line with

the City's goal to strive for progressive and appropriate programs while being mindful of limited staffing and resources.

The City of Hayward first initiated a comprehensive RRIP in 1982 and has periodically implemented ordinance revisions to the program. There are approximately 21,000 rental units in Hayward. Single-family residences comprise approximately 1,000 of those rental units. Multi-family units, which include duplexes, condominiums, townhomes, hotels and motels, comprise the other 20,000 rental units. Rental inspections are classified as mandatory, referral, or complaint-driven.

The current pro-active inspection process involves the systematic identification of properties by census-tract and includes mailing survey inspection notices to both property owners and tenants informing them of the scheduled inspection. Notices are normally sent thirty days in advance and include the time and date for the scheduled inspection to ensure staff is allowed access to the rental unit(s). A referral or complaint-based response typically requires a site inspection of the unit before the property owner is notified of the complaint. Upon completion of the site inspection, and, if applicable, a "Notice of Violation" is mailed to the property owner/responsible party informing them of any violation(s) and corrective actions required. In both circumstances, the property owner is provided the opportunity to correct any identified violation(s) before fees/penalties are assessed for non-compliance.

In 2003, the City Council adopted focus and non-focus areas within the Residential Rental Inspection Ordinance. Focus areas were selected based on factors including, but not limited to: age of rental housing stock; condition of rental housing stock; and history of previous code violations. The focus areas currently include: South Garden; Burbank; Santa Clara/Jackson Triangle; Harder-Tennyson; and South Hayward Bart/Dixon St. Currently, the focus areas are inspected on an average of every four to five years while those areas outside of the focus area are inspected on an average of every seven to ten years.

Rental housing complaint data for a twelve-month reporting period has shown that complaint-based rental cases are dispersed equally across the current focus and non-focus areas. The recent re-organization/consolidation of the community preservation and rental housing programs has also provided an opportunity to reevaluate the need for focus areas due to increased staffing and new technology; it is anticipated that staff will perform city-wide pro-active rental inspections (regardless of focus area) on a five-year average inspection schedule. Additionally, with the implementation of the self-certification program proposed in this report, the number of rental units requiring annual inspections would decrease annually, providing staff the opportunity to further increase inspections of "problem" properties.

DISCUSSION

The re-organization/consolidation of Rental Housing and Community Preservation has allowed staff the opportunity to perform a comprehensive review of the RRIP and recommend appropriate changes. Staff is recommending revisions to the current Residential Rental Inspection Program (RRIP) that fall into three areas: 1) creation of a new self-certification program; 2) administrative updates that would clarify the codes used to enforce the requirements of the program, and which

would eliminate the use of focus areas; and 3) updates to the administrative hearing fees charged as part of the program. The most significant of these is the creation of the self-certification program, but all of the proposed changes are described in more detail below.

I. Self-Certification Program:

Self-certification is a voluntary program that provides responsible property owners an opportunity to opt out of mandatory rental inspections for a period not to exceed nine consecutive years. In order to qualify, property owners must show a history of responsible property ownership, complete a self-certification checklist, complete an eight-hour self-certification training class, and pass a qualifying site inspection, which requires that a minimum of 20% of the units be inspected. If more are required, fees will be commensurate with the number of units inspected.

The eight-hour training class is designed to train and assist property owners and their agents in various aspects of responsible rental ownership. The class would feature presentations from various governmental and privately-operated agencies. Topics covered in the training sessions would include, but are not limited to: housing and maintenance standards (ventilation & occupancy, plumbing facilities & fixture requirements, mechanical, electrical and fire safety requirements); blight eradication; evictions; proper tenant screening; lease addendums; and training to help identify and reduce lead hazards in properties. It is also intended to promote the City's "green efforts" by identifying and promoting elements of effective sustainable design. The class will introduce elements of architecture, landscape, circulation considerations, and solar efforts in order to enhance the appearance of the City, achieve the goals of the City's Climate Action Plan, and improve the overall safety of rental properties.

Self-certification will provide an alternative to property owners who have a verified history of providing safe and sanitary housing conditions to their tenants. The City acknowledges the need to provide an alternative to the mandatory inspection cycle for those responsible property owners who adhere to the City's property maintenance requirements. The core responsibility of the RRIP is to ensure the on-going safety of our residents with a goal of accomplishing this without overly burdening rental property owners or City staff.

Eligible property owners will continue to be required to pay the annual RRIP fees, but will not be subject to mandatory rental inspections for a period not to exceed nine consecutive years from the date of the self-certification certificate issuance unless the City receives complaints about the condition of their property or units. A jurisdictional analysis has shown neighboring cities also concurrently impose a self-certification and annual rental fee. The fees proposed in Hayward are significantly less than neighboring jurisdictions (see Attachment I).

A property may be removed from the self-certification program at any time if it fails to meet any of the interior and exterior standards listed in the self-certification checklist as may be determined by complaint-driven inspections. The RRIP currently resolves over 3,000 health and safety violations annually, including, but not limited to: housing violations involving water heaters; smoke detectors; carbon monoxide detectors; wall heaters; loose stairs/railings; illegal garage conversions; and electrical, mechanical, plumbing, and building alterations.

Three Bay Area cities currently operate a Self-Certification program: Richmond, Berkeley, and Concord. Staff has incorporated aspects of all three programs into the proposed model, but it aligns most closely with the City of Concord program. In order to implement this program, additional staffing would be required. It is anticipated that the additional administrative costs to the program can be offset by the application fees received from the Self-Certification applications. Annually, staff will be responsible for processing and reviewing submitted self-certification applications and anticipates approving 365 applications in the first year. The review and processing of the first year's anticipated applications (one parcel per application)¹ will take staff approximately four to six months to complete. Once application processing is completed, staff will be responsible for coordinating the training class and performing qualifying site inspections. This portion of the self-certification process will take approximately six to eight months to complete. Upon completion of the training classes and qualifying site inspections, eligible properties will receive their self-certification approval and certificate.

Staff anticipates the entire process will take one year from application submittal to certification issuance. Those property owners who choose not to apply will remain in the mandatory rental inspection program. Staff anticipates processing all subsequent years' applications to completion and will make every effort to effectively process applications received in excess of each year's cap. Although not anticipated, additional staffing resources could conceivably be utilized to assist in facilitating the self-certification inspection process. Those staff not dedicated to the self-certification program will continue to perform the annual mandatory inspections as well as any complaint-based inspections. The length of time required to receive, review, and process self-certification applications will vary depending on the unit count, and the number and complexity of violations. Under a best-case scenario, it would take one inspector up to eight years to process all 6,300 rental property applications, which encompass approximately 21,000 rental units. This scenario is unlikely since staff does not anticipate that every property owner will apply to the program or that all properties would be eligible for the program based on the acceptance criteria. It is conceivable that this time frame could be shortened if a higher percentage of large complexes with a history of responsible ownership apply for the program. The staffing required to implement the program consists of one Administrative support position and a Code Enforcement Inspector (CEI).

The self-certification component will require that staff review the Self-Certification applications, research and review the case history of the properties to ensure eligibility to participate in the program, and perform qualifying site inspection(s) to ensure the properties meet minimum rental standards. Projected applications received would be divided among the four rental property categories and will be processed and prioritized on a first-come, first-served basis. The four rental property categories are: Single Family Residence (SFR) to four units; 5 to 20 units; 21 to 100 units; and 101-plus unit properties. The fiscal impact associated with implementing a Self-Certification program is based on applications received and staff hours required to implement the program.

¹ Throughout this discussion, it is important to remember the distinction between "units" and "parcels". It is anticipated that applications will cover several thousand units, as most applications will be from multi-unit properties typically located on single parcels.

The duties of the administrative position include, but are not limited to: review applications for completeness; process and approve the completed applications for eligibility to the self-certification program; research City databases for the case history of the property to determine eligibility for the program; review past history for any non-compliance; research any current charges/fees owed to the City; review any identified and uncorrected housing code violations; return substantially incomplete applications to property owners with letters of denial; assist in coordination and provide support for the eight-hour self-certification training class designed to train and assist property owners and their agents in various aspects of responsible rental ownership; schedule initial qualifying inspections with property owner/designated representatives; send initial qualifying inspection letters to the property owner and tenants; send self-certification acceptance and exclusion letters to property owners; provide support to CEI , order supplies; and coordinate meetings and various correspondence.

The duties of the CEI include, but are not limited to: review applications and property case histories; perform qualifying site inspections of properties; ensure the property meets minimum site and housing standards; issue notice of violation letters to property owners; apply fines/ fees and penalties as required; perform follow-up site inspections to ensure violations are abated; assist in coordination and participate in the eight-hour self-certification training class; answer calls for service; follow up with property owners, managers and tenants for issues involving the program; prepare staff report(s); participate in Administrative Hearings/appeals as necessary; and perform and coordinate abatements as necessary. Examples of violations requiring abatements include, but are not limited to: graffiti; overgrown weeds/vegetation; and accumulation of trash and debris. As an accountability measure, staff shall provide an annual update of the Self-Certification program to the Mayor and City Council annually.

II. Administrative Updates:

- a. Adjust ordinance to reflect that the most current version of the International Property Maintenance Code will be the authority under which properties are inspected for rental violations.
- b. The recent reorganization of the Residential Rental Housing Inspection and Community Preservation Programs provided staff an opportunity to re-examine the need for the focus and non-focus inspection areas. The cross-training of Community Preservation Inspectors in Rental Inspection duties will provide efficiencies in response times and consolidation of inspection services. In addition to the reorganization, software has also provided for enhanced tracking of reports, clear and uniform enforcement letters, and paperless case management. This extremely efficient software program was first implemented within the Community Preservation program in 2009 resulting in effective and efficient case management.

With the re-organization, effective computer software, and implementation of the self-certification program (described below), staff can perform all mandatory (non-Self-Certified) rental inspections approximately every five years city-wide. In addition, staff conducted a one-year analysis of the complaints received within focus and non-focus

areas. This analysis provided data showing that equal concerns and violations were found in both focus and non-focus areas. Thus, staff is recommending eliminating focus areas, allowing a more thoughtful approach to resource allocation. The removal of the focus area designation from the Residential Rental Inspection Ordinance will provide an opportunity for staff to increase efficiencies by deploying staffing to areas in greatest need of inspection services based on calls for service or observed violations.

III. Administrative Hearing Fees:

The third element of the proposed ordinance revisions involves adjusting administrative hearing fees similar to other jurisdictions in order to partially off-set staff costs associated with preparing reports and presenting testimony relating to administrative hearing appeals. The City currently does not charge for staff time associated with the administrative hearing appeal process. Staff responds to approximately thirty administrative hearing requests annually and spends approximately three hours per case to prepare staff reports and provide testimony. Incorporating a flat rate fee of \$250 for staff time into the administrative hearing process will allow the City to recoup a portion of the costs associated with both of these duties. If the City's actions are sustained by the hearing officer, additional charges for staff time will be assessed. If the administrative hearing officer does not sustain the City's actions, the \$250 will be refunded to the Hearing Applicant, and no additional charge will be assessed.

ECONOMIC IMPACT

A vibrant and well-maintained housing stock in the City dramatically improves economic value for the City, property owners, and business owners. If a community is well maintained, property values will remain high and people will want to further invest in the community. The RRIP helps to ensure that all property owners are maintaining their rental properties up to community standards.

FISCAL IMPACT

Staff projects that annually 4,160 staff hours will be required to implement and manage the program. The hours required to process each submitted application and perform qualifying site inspections will vary based on numerous factors. These factors include, but are not limited to, number of units, number and type/complexity of violations, date of last inspection, and accessibility to units. The projected initial first-year staff cost to implement and manage the program, which includes all internal service fees is \$256,958. Each subsequent year, the projected cost to manage the program is \$235,958. Initially, it is anticipated application fees will allow the program to achieve full cost-recovery. The program will require continuous administrative review to ensure it remains cost-neutral. In the event the projected applications are not received to achieve full cost-recovery, staff will be allocated to provide support to current inspection services to ensure a measure of cost-recovery is achieved.

PUBLIC CONTACT

On November 7, 2012, staff had a general discussion about the proposed self-certification program at the Downtown Business Improvement Area board meeting (DBIA), where many board members were in support of the proposed program. The DBIA informed City staff that the proposed program supports their number-one priority of providing for a safe and clean Downtown.

On November 15, 2012, staff provided a Powerpoint presentation about the proposed self-certification process to the Keep Hayward Clean and Green Task Force and received general support by those in attendance.

On December 4, 2012, January 4, 2013 and February 28, 2013, staff discussed revisions of the first two components of the program with the Rental Housing Association and received support for the concept. The January and February 2013 joint meetings with the RHA allowed staff to expand their dialogue with the RHA and seek input and opinions regarding specific ordinance revisions that have been incorporated into the staff report. Issues expressed included: support for the Concord program, incorporating a common violation list on the City website; incorporating a data-tracking system; participating as presenters for the self-certification training; removal of the focus areas; waiving the mandatory class requirement for property owners that have previously participated in an approved training class; and concerns raised over the cost associated with the proposed fee schedule for self-certification. In fall of 2012, staff had general discussions with representatives from the BAY-EAST Realtors Association. Staff reviewed the proposed self-certification program and received support for the concept from those in attendance.

NEXT STEPS

Staff will prepare the proposed revisions of the Residential Rental Ordinance and Master Fee Schedule, have a final review with the above interested parties, and prepare for a public hearing and recommended adoption at an October 2013 City Council meeting.

Prepared by: Stacey Bristow, Neighborhood Partnership Manager

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachment:

Attachment I Self-Certification Jurisdictional Fee Analysis

ATTACHMENT I

SELF-CERTIFICATION JURISDICTIONAL COST ANALYSIS

The following represents jurisdictional analysis of cities that currently operate a self-certification program. The analysis is based on a 20-unit rental complex. Standard costs include: application fees; inspection fees; business license fees; and annual rental fees.

CITY OF BERKELEY

10-year cost for a 20-Unit Property in the Self-Certification Program:	Total: \$5,200
10-year cost for a 20-Unit Property not in the Self-Certification Program:	Total: \$5,200

CITY OF RICHMOND

10-year cost for a 20-Unit Property in the Self-Certification Program:	Total: \$5,324
10-year cost for a 20-Unit Property not in the Self-Certification Program:	Total: \$14,386

CITY OF CONCORD

10-year cost for a 20-Unit Property in the Self-Certification Program:	Total: \$4,403
10-year cost for a 20-Unit Property not in the Self-Certification Program:	Total: \$10,100

CITY OF HAYWARD

Proposed 10-year cost for a 20-Unit Property in the Self-Certification Program:	Total: \$3,600
10-year cost for a 20-Unit Property not in the Self-Certification Program:	Total: \$2,000

<u>CITY</u>	<u>% HIGHER</u>
Berkeley	31%
Richmond	33% to 75%
Concord	19% to 65%

DATE: September 17, 2013

TO: Mayor and City Council

FROM: Director of Public Works – Utilities & Environmental Services

SUBJECT: Proposed Pilot Water Transfer between the Bay Area Water Supply & Conservation Agency and East Bay Municipal Utility District Using Hayward Regional Intertie

RECOMMENDATION

That the Council reviews and comments on this report.

SUMMARY

The Bay Area Water Supply & Conservation Agency (BAWSCA) and East Bay Municipal Utility District (EBMUD) are developing a water transfer pilot project to evaluate the feasibility of transferring Sacramento River water through EBMUD to the BAWSCA service area during dry years. The transfer would utilize the regional water intertie, located in Hayward, and would deliver water to and through Hayward. The objective of the short-duration pilot is to determine the viability of transferring water on a longer-term basis to supplement dry year supplies available from the San Francisco Public Utilities Commission (SFPUC) and whether to pursue the various approvals and arrangements that would need to be in place for longer term transfers.

While the City can benefit from additional dry year supplies, the benefit to Hayward is not unique since all agencies could share in these additional supplies. However, transfers have a direct and unique impact on Hayward compared to all other BAWSCA member agencies. This report has been prepared to inform the City Council and to provide an opportunity for comments from the Council.

BACKGROUND

Hayward receives all of its water supply from the San Francisco regional water system, primarily the Hetch Hetchy watershed. As part of its action adopting the water system improvement program EIR in 2008, SFPUC voluntarily capped its water sales at an average of 265 million gallons per day (mgd) through 2018 during years when sufficient water supplies are available. The twenty-six wholesale customers, including Hayward, are limited to receiving 184 mgd of this water in aggregate, with the remaining supplies available to SFPUC's in-city customers. SFPUC has indicated that the current limitation will be in effect until at least 2018 and possibly beyond.

Each of the wholesale customers, except Hayward, has a supply limit, which is memorialized in the individual water sales contracts with SFPUC. Hayward's water sales contract with SFPUC does not include a purchase cap. However, in order to allocate the current limited supply of 184 mgd among the wholesale agencies, SFPUC assigned an interim supply allocation to each agency, including Hayward, which will be in effect through at least 2018. Further, during dry years, when water supplies are below normal quantities, all agencies would be required to reduce water consumption by various percentages, based on a formula that accounts for prior three-year consumption, outdoor (discretionary) water use, and supply guarantees. Depending on the severity of a drought, wholesale customer cutbacks could average 27%, with smaller cutbacks for San Francisco's in-city customers, when water supplies necessitate an overall 20% regional reduction.

BAWSCA coordinates the issues of common interest among agencies that purchase water from the SFPUC, including Hayward. In addition to other responsibilities, BAWSCA initiated a Long-Term Reliable Water Supply Strategy in 2009 to quantify water supply needs of member agencies through 2035 and identify projects that could be developed to meet those needs. A key objective of the Strategy is to address dry year reliability and secure additional water supplies. The Strategy has identified water transfers from sources outside of the BAWSCA service area as a promising option to help meet dry year demand.

In order to convey water from outside sources into the BAWSCA service area, partnerships are needed between BAWSCA and other regional water agencies with the necessary infrastructure and physical connections to the SFPUC system. A potential partner is the East Bay Municipal Utility District (EBMUD). In 2007, EBMUD and SFPUC, in cooperation with the City of Hayward, jointly constructed a regional intertie located in Hayward to deliver up to 30 million gallons per day (mgd) of water between the two systems during emergencies or periods of planned critical maintenance. The ability of EBMUD to deliver up to 30 mgd depends on several factors, including whether certain water assets are in service at the time the intertie is activated. EBMUD's South Reservoir, which is currently out of service as part of a multi-year renovation program, is one such asset.

EBMUD has been actively engaged in pursuing dry year reliability for a number of years. One such effort is completion of the Freeport Regional Water Project in 2011. This project resulted in construction of facilities which are capable of diverting up to 100 mgd from the Sacramento River into the EBMUD distribution system to supplement EBMUD's normal water supplies in dry years.

In order to assess the feasibility of using the Freeport facilities to deliver water to the SFPUC Regional Water System, BAWSCA and EBMUD are developing a short-term pilot project that would be activated during a dry year and would run for a short period of time during that year. The draft Executive Summary of the Pilot Water Transfer Plan Study is attached for reference. Two potential water sellers have been identified: Yuba County Water Agency (YCWA) and Placer County Water Agency (PCWA), both of which have water supplies that are tributaries of the Sacramento River. YCWA's source of water is the Yuba River, while PCWA receives its water from the Middle Fork of the American River. Both agencies have indicated a willingness and ability to participate in a short-term, small-volume pilot water transfer. The pilot project would be initiated only when water supply conditions for EBMUD trigger operation of the Freeport facilities.

The stated objectives of the pilot project are to demonstrate the feasibility of longer-term transfers of water originating outside of EBMUD's normal supplies, gain operational experience, and identify the information and data needed to implement a longer-term dry-year transfer. A part of the operational experience that would be gained through implementation of a pilot would be the water quality changes and any potential impacts on the City's residents as well as commercial and industrial customers; in particular, if and how the beverage and water bottling plants and numerous food processors operating in the City would be impacted by this new water supply.

Hayward is the agency authorized to operate the regional water intertie, which would be a necessary asset during the pilot project. To transfer water from EBMUD to SFPUC, the City needs to operate the EBMUD/SFPUC-owned Skywest intertie pump station, the City's Hesperian pump station, and City-owned transmission mains connecting the City's water system to SFPUC's Bay Division Pipeline #2 and #5 (previously #1) in Newark. BAWSCA and EBMUD are currently evaluating the feasibility of using these facilities to deliver purchased water into the BAWSCA service area during dry years.

Water transfers from EBMUD to the SFPUC Regional Water System would affect Hayward in a unique way because of the intertie's location, which directly connects to the City's distribution system and delivers water to City residents when water transfers are made to SFPUC. Staff has prepared this report to inform the Council of the status of this project, its benefits, and potential impacts to Hayward.

DISCUSSION

BAWSCA and EBMUD staff have evaluated the implementation of a short-term pilot water transfer using imported water and determined that such an effort, if proved feasible, would be beneficial to their agencies. In essence, the pilot is expected to consist of transferring a minimum of 15 million gallons of water per day to meet all of Hayward's water supply needs for about three weeks or a total of 1,000 acre foot of water (326 million gallons). All of the water would be delivered to Hayward's service area, although there is potential for some water to be utilized by other BAWSCA agencies as well after it is transmitted through Hayward's transmission mains and enters SFPUC's Bay Division pipelines. Among the main objectives of the pilot transfer are to assess the technical, institutional and financial viability of water transfers on a longer term basis, assess water quality changes and any potential impacts on Hayward customers, gain operational experience with implementing the transfers, and identify additional information that would be needed to assess a long-term water transfer project.

The regional intertie facility was successfully activated in late 2009 and early 2010 when SFPUC was completing critical work as part of the regional Water System Improvement Program. Initially over a period of several months, a certain quantity of water was delivered through Hayward to the EBMUD service area. Thereafter, for a period of about seven weeks, Hayward was solely supplied by EBMUD. During that time, staff operated the intertie system and gained operational experience in such transfers. Because most of EBMUD's normal water supply originates in the Sierra Nevada, at the time the water quality was comparable to the water provided from SFPUC's Hetch Hetchy supply, and there were no major water quality issues. There were no operational issues with the transfer either.

At this time, there is limited information available on which to base a thorough evaluation of the water quality associated with the proposed transfer and how Hayward would be affected. Among the unknowns are water quality parameters, potential impacts on residential and business customers, taste and odor issues, and impacts on the Hayward distribution system. The purpose of the pilot transfer is, in part, to

provide data and information that will help all parties assess the impacts and feasibility of longer-term transfers.

Based on the information that is currently available, staff has identified the following potential impacts on Hayward:

1. *To the extent that this particular blend of water received from EBMUD may be of lower quality, i.e., regarding hardness, taste, and odor, Hayward's water supply may experience potential and actual water quality degradation which may be noticeable to some customers.*

As explained earlier in this report, one of the drivers for the pilot transfer effort is to evaluate the feasibility of transferring water that originates outside of EBMUD's normal supplies. The project as envisioned involves the transfer of water from EBMUD to Hayward during a time when EBMUD's delivered water supply will be a blend of Mokelumne River, Sacramento and local water supplies. The water quality parameters for the blend distributed to Hayward are unknown as EBMUD has not yet operated the Freeport system. However, it may be of lower quality in some aspects, including total dissolved solids and mineral content, than SFPUC supplies and EBMUD's normal water supply.

While EBMUD would be obligated to provide water that meets all federal and state drinking water standards, Hayward has a number of so-called sensitive water customers that rely on high quality water in the operation of their businesses, such as beverage and water bottling, food processing, technology manufacturing, biotech applications and the like. Some of these businesses employ microfiltration and reverse osmosis water purification technologies, and to the extent that there are increases in the levels of minerals and other solids, there could also be cost impacts to these businesses in the form of additional materials and operating expenses. Working with our Economic Development staff, extensive outreach would be needed to provide sufficient time for water sensitive customers to prepare for a change in water quality. Further, all Hayward customers, including residential, could experience some degree of different taste and/or odor.

In the event that the pilot transfer project is implemented, it is important that Hayward receive all of its needs through the intertie so that the water quality parameters are known throughout the system. If the City receives partial supplies from both EBMUD and SFPUC, it would not be possible to know the water quality parameters in certain parts of the distribution system. Prior to the intertie being activated, and while it is running, Hayward would need to have complete and accurate data regarding water quality through a comprehensive water quality monitoring program.

2. *The project will have an operations impact on the City since Hayward will need to rely on pumping for all water supply, and since the direction of the flow would be reversed (i.e. from north to south).*

Currently, the City's water supply is received from SFPUC through a gravity fed system. Other than the relatively small amount that the City pumps to reservoirs at higher elevations in the hillside, water conveyance is not dependent on pump systems, providing a large degree of reliability. On the other hand, the regional intertie relies entirely on pumping water through the system, which would leave the City vulnerable to mechanical failures. However, both the Skywest and Hesperian pump stations are relatively new, have adequate redundancy, and are equipped with backup generators so the potential for service disruption is minimal. Another issue is the reverse flow. The City needs to determine if there will be any

operating issues as a result of this change, such as taste or odor impacts or pressure and flow changes at certain fire hydrants, and staff will draw up and implement a plan to accomplish this during the pilot.

3. *The project, as envisioned at this time, has no unique benefit to Hayward, i.e., all agencies benefit equally from additional water supply in a drought.*

The project is driven by interest on the part of all BAWSCA member agencies, including Hayward, to increase water supply reliability during dry years. If the delivery of water from EBMUD's Freeport facility proves viable, all BAWSCA member agencies, including Hayward, can receive and share the benefits of improved dry year reliability.

4. *Any adverse impacts of this project are unique to Hayward.*

The pilot project would most likely deliver water only to Hayward. While the regional intertie allows for the conveyance of water through Hayward and into the Regional Water System for delivery to other SFPUC customers, the pilot is limited to delivery of water to Hayward with a very small amount of water at times flowing through the Hayward aqueducts to the regional system so that water does not become stagnant in the City's aqueduct. This means that Hayward would be on this imported water for 100% of its use, while less than 1% of water delivered to the rest of the wholesale customers would include the imported supply.

At this point, staff recommends that the City's participation be explicitly limited to the pilot transfer. The data from this pilot effort can then be assessed and considered in any decisions by the City on whether to participate in longer-term transfers and under what conditions. Hayward should be a key partner in any discussions and decisions regarding future transfers to ensure that the interests of its residents and businesses are represented.

ECONOMIC IMPACT

The economic impact to the community would be limited to those businesses that may need to increase operations and maintenance of their private water purification system during the transfer, or otherwise treat the water for use in their processes. The majority of customers would not be economically impacted.

FISCAL IMPACT

Staff would work with BAWSCA to ensure that the pilot transfer and long-term transfers, if they occur, do not result in a negative fiscal impact on Hayward. To the extent that staff resources are required to implement the transfers or other expenses incurred, Hayward would expect those costs to be fully reimbursed to the City by BAWSCA.

BAWSCA and SFPUC will need to negotiate a final agreement that governs the cost allocation for moving transferred water through the SFPUC system. Some verbal agreements have been reached for apportioning the costs, notably that to the extent incremental increased costs are incurred by SFPUC to accomplish the transfer, those costs would be paid by BAWSCA. It is expected that BAWSCA staff will recommend that costs for the pilot project be paid by all member agencies. At this time, no decision has been made on how the costs and benefits for long-term transfers would be allocated.

PUBLIC CONTACT

While no public contact has been initiated at this time within Hayward, in the event that a pilot project is approved for implementation, extensive public outreach would be needed to inform customers, particularly those with water sensitive processes. Staff would work with BAWSCA and the City's Economic Development staff to develop a comprehensive and effective outreach plan.

NEXT STEPS

The BAWSCA Board will be briefed on this issue at its September 19 meeting, and is likely to decide on the implementation of a pilot transfer when water supply conditions meet certain thresholds. It is estimated that it will take anywhere from six to twelve months to obtain the necessary approvals, which means that the pilot could be undertaken as early as fall of 2014. As mentioned earlier, the pilot project will be implemented only if a dry year condition exists at that time as identified by EBMUD

There are a number of approvals and institutional arrangements that must be secured for both the pilot program and for longer-term transfers, chiefly:

- Water purchase agreement with one or more water sellers, most likely Yuba County Water Agency and/or Placer County Agency, on which BAWSCA is currently working
- State and federal regulatory agency approvals
- Cost allocation agreement between BAWSCA and SFPUC
- Cost reimbursement agreement between BAWSCA and Hayward (for operational costs incurred by Hayward)
- Amendment of the Regional Intertie Operating Agreement
- Update of the Regional Intertie Operations Plan

If the decision is made to move forward with longer-term transfers, participating agencies will also need to comply with California Environmental Quality Act (CEQA) requirements, as well as National Environmental Protection Act (NEPA) provisions, insofar as some of the transferred water will be using federally funded facilities. It has been determined that a pilot transfer, given its short-term nature, would be exempt from CEQA. A decision on whether to pursue the necessary approvals and institutional arrangements for long-term transfers would be made after the pilot transfer.

Prepared and Recommended by: Alex Ameri, Director of Public Works –
Utilities & Environmental Services

Approved by:



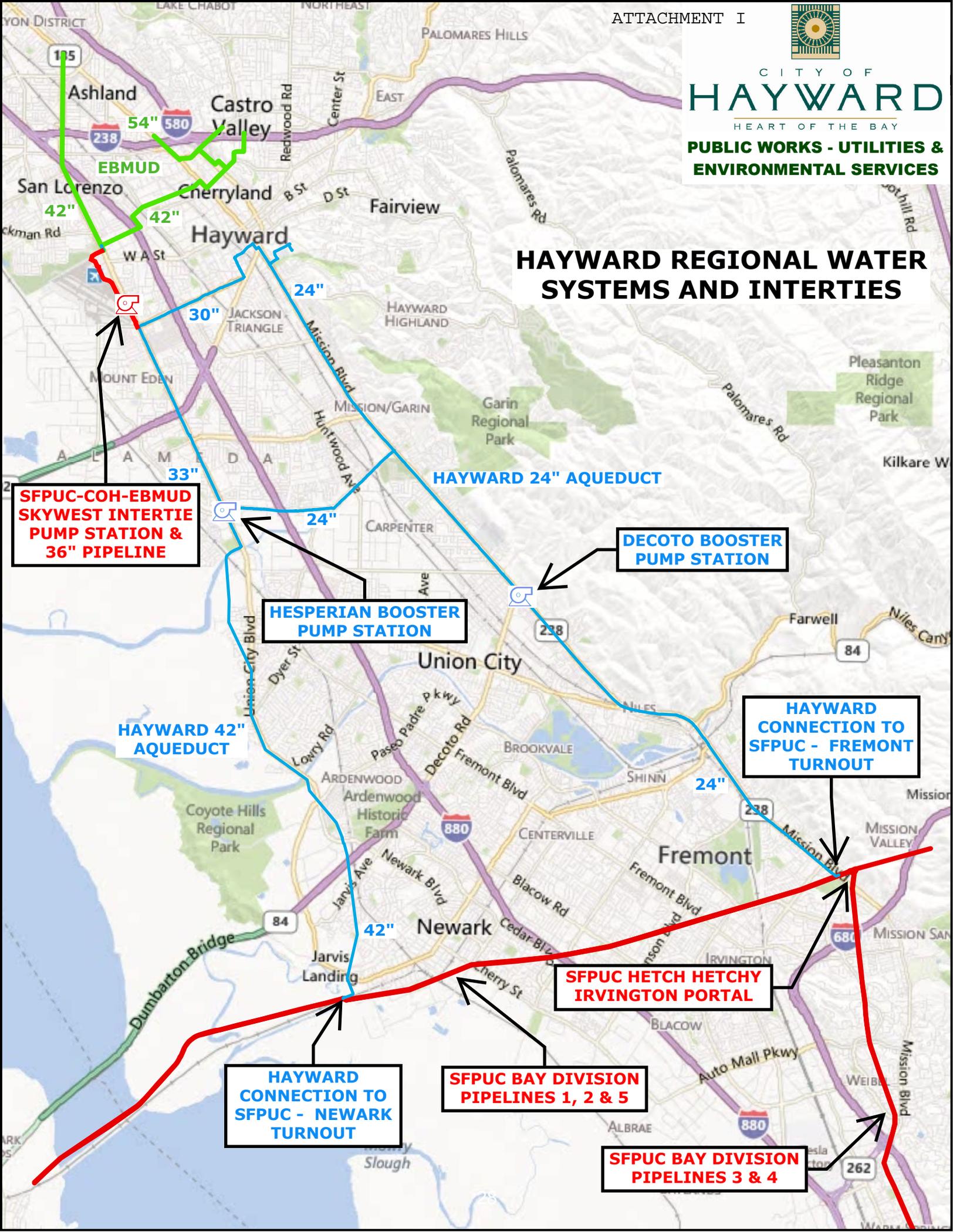
Fran David, City Manager

Attachment I: Hayward Regional Intertie

Attachment II: Executive Summary – BAWSCA-EBMUD Short-Term Pilot Water Transfer Plan



HAYWARD REGIONAL WATER SYSTEMS AND INTERTIES



**SFPUC-COH-EBMUD
SKYWEST INTERTIE
PUMP STATION &
36" PIPELINE**

**HESPERIAN BOOSTER
PUMP STATION**

**DECOTO BOOSTER
PUMP STATION**

**HAYWARD 42"
AQUEDUCT**

**HAYWARD
CONNECTION TO
SFPUC - FREMONT
TURNOUT**

**HAYWARD
CONNECTION TO
SFPUC - NEWARK
TURNOUT**

**SFPUC BAY DIVISION
PIPELINES 1, 2 & 5**

**SFPUC HETCH HETCHY
IRVINGTON PORTAL**

**SFPUC BAY DIVISION
PIPELINES 3 & 4**

DRAFT

BAWSCA-EBMUD Short-Term Pilot Water Transfer Plan

Executive Summary

Prepared by:

**Bay Area Water Supply and Conservation Agency
East Bay Municipal Utility District**

August 2013

Executive Summary

Section ES-1: Introduction

In September 2012, the East Bay Municipal Utility District (EBMUD or District) and the Bay Area Water Supply and Conservation Agency (BAWSCA) entered into a Memorandum of Understanding to prepare a Short-term Pilot Water Transfer Plan (Pilot Plan). The purpose of the Pilot Plan was to evaluate the feasibility of partnering as buyers on long-term water transfer projects to improve future water supply reliability for the respective agencies. The Pilot Plan studied the potential to conduct a one-year pilot water transfer in a future dry-year when EBMUD is planning to operate the Freeport Regional Water Project (FRWP). For the purposes of this Pilot Plan, the term “one-year transfer” refers to a short-term water transfer that is completed within a one-year time period. EBMUD and BAWSCA have agreed that jointly conducting a one-year pilot water transfer with a willing seller would provide important information needed to evaluate the costs and benefits of a long-term water transfer partnership.

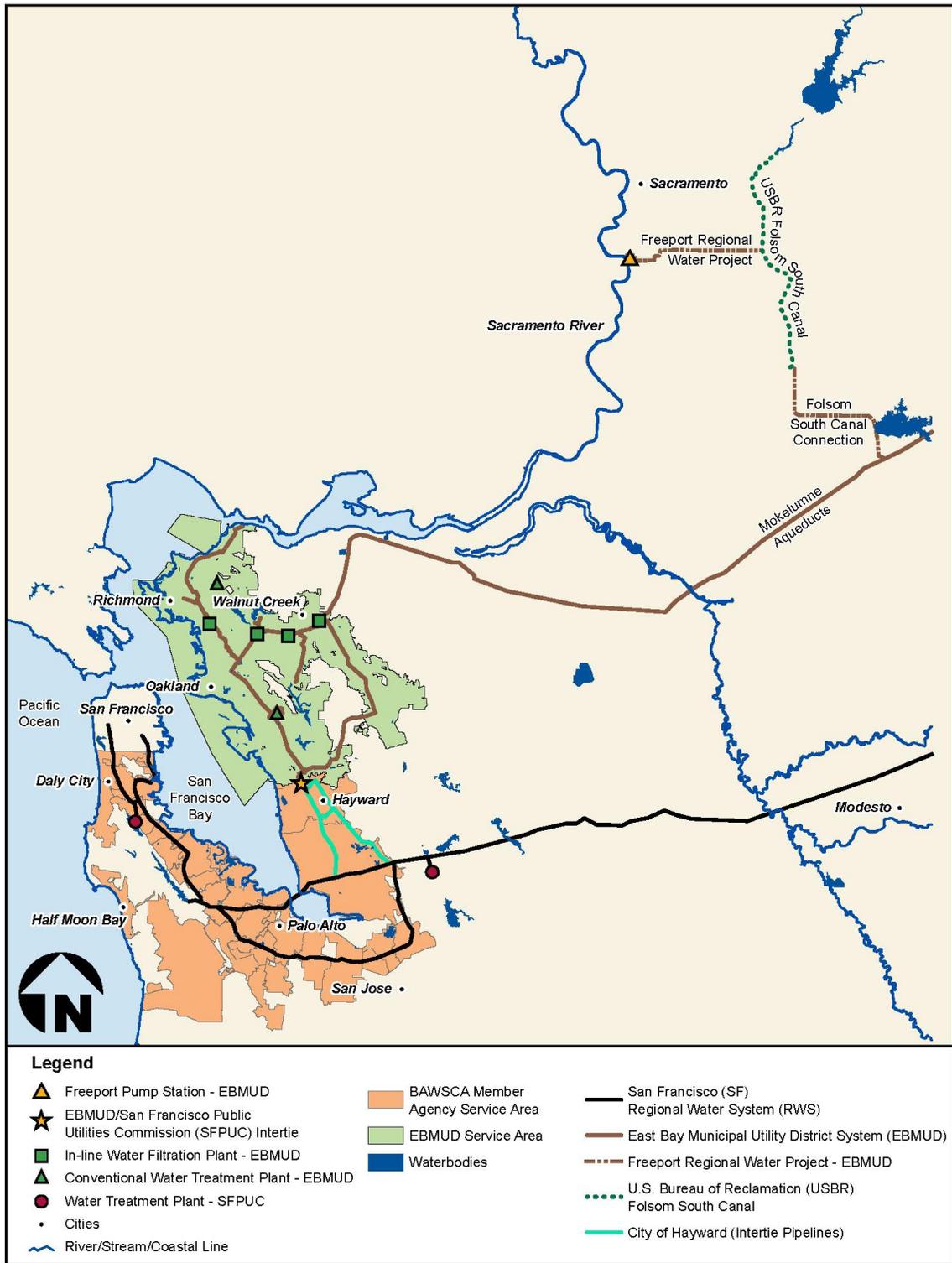
As shown on Figure ES-1, a water transfer involving EBMUD and BAWSCA would involve purchasing water from a willing seller, diverting the water using the FRWP intake, conveying the water through the FRWP facilities and EBMUD’s raw water and treated water distribution systems, and delivering the transfer water to BAWSCA via the EBMUD/San Francisco Public Utilities Commission (SFPUC)/City of Hayward Intertie (Hayward Intertie) and potentially the San Francisco Regional Water System (SF RWS).

A summary of the results and recommendations of the Pilot Plan are present below in Section ES-2. The detailed results and recommendations of the Pilot Plan are presented in the technical memorandums (TMs) listed below, which are summarized in Section ES-3, and attached hereto as Attachments A through E. For each TM, a brief summary and the key findings are presented, and the additional information and actions required to finalize the Pilot Transfer Project or a long-term transfer arrangement are identified.

- TMs #1 and #1A - Pilot Plan Goals and Objectives
- TM #2 - Potential Pilot Water Transfer Sources
- TMs #3 and #3A - Ability to Convey Pilot Transfer Water to BAWSCA
- TM #4 and #4A - Approvals and Institutional Arrangements
- TM #5 - Pilot Water Transfer Recommendations

In addition, work on the Pilot Plan included development of a draft Cost Allocation and Wheeling Agreement between EBMUD and BAWSCA to support future implementation of a short-term pilot water transfer (Pilot Transfer Project). The draft Cost Allocation and Wheeling Agreement is included as Attachment F to the Pilot Plan.

Figure ES-1: Facilities Used to Wheel Transfer Water to the BAWSCA Service Area



Section ES-2: Summary of Key Findings

Based on the work completed to date on the Pilot Plan, it appears that a short-term pilot water transfer would be both feasible and beneficial for BAWSCA and EBMUD. From BAWSCA's perspective, conducting a short-term pilot water transfer would meet the near-term objectives of gaining water transfer operational/institutional experience and determining whether a transfer partnership that involves the conveyance of water through EBMUD's water system into the BAWSCA service area is technically, politically, institutionally, and financially viable. If the Pilot Transfer Project is successfully implemented, that effort will support BAWSCA's consideration of investment in a long-term transfer arrangement to meet its objectives of increasing the dry-year reliability for its member agencies.

From EBMUD's perspective, conducting a short-term pilot water transfer will meet the objectives of developing buying partners to share in the costs for purchasing dry year water under future long-term transfer arrangements and providing opportunities for regional partners to maximize the use of existing EBMUD facilities while reducing District costs. Participating in a Pilot Transfer Project will test some of the institutional and operational elements of such partnerships.

Of importance to both BAWSCA and EBMUD is that implementation of the Pilot Transfer Project will support the implementation of regional solutions to increase dry year supply reliability, to the benefit of many.

ES-2.1 Pilot Water Transfer Timing, Rate and Duration

The Pilot Transfer Project would be implemented in a dry year when the SF RWS is experiencing shortages and when EBMUD is operating the FRWP to take delivery of Sacramento River water. The transfer would most likely occur between July and December, subject to availability of the transfer water and coordination with the City of Hayward (COH), SFPUC, BAWSCA and EBMUD operations staff.

The proposed minimum transfer volume for the Pilot Transfer Project is 1,000 acre-feet (AF) and the transfer rate from EBMUD into the COH is expected to be 15 million gallons per day (MGD) (i.e., close to the average daily COH demand¹). The transfer of 1,000 AF at a 15 MGD rate would result in a total Pilot Transfer Project length of 22 days, or just over 3 weeks, not including project ramp up time.

The final Pilot Transfer Project transfer volume, delivery rate and duration will be determined by the affected transfer parties prior to project execution.

¹ The preferred delivery mode would be to supply the entire COH's demand with a small excess being conveyed to the SF RWS. This scenario would also ensure that water flows through the pipeline connecting the COH system with the Newark Turnout from the SF RWS, thereby preventing water quality concerns caused by stagnant water.

ES-2.2 Pilot Water Transfer Cost

The unit cost to BAWSCA for purchasing and wheeling the water to the Hayward Intertie as part of this Pilot Transfer Project is estimated to be between \$425 - \$750 / acre-foot (AF), assuming that 1,000 AF of water is transferred. The estimated unit cost includes administrative costs to obtain the approvals necessary to implement the pilot transfer. These administrative costs will be further refined once a seller is selected. Additional costs will be incurred by the COH for operation of the Hayward Intertie and water quality monitoring associated with the Pilot Transfer Project.

For the purpose of the Pilot Transfer Project, fixed costs for wear and tear on EBMUD facilities and system losses will not be assessed. However, EBMUD will work with BAWSCA to develop and evaluate fair compensation for the wear and tear on EBMUD facilities as part of any long-term transfer agreement.

ES-2.3 Institutional Arrangements, Agreements, and Regulatory Approvals

Implementation of the Pilot Transfer Project will be subject to both BAWSCA and EBMUD Board approval. In addition, the BAWSCA Board and the member agencies will have to determine cost-allocation based on whether all or a subset of the BAWSCA agencies want to purchase the transfer water.

Further, the arrangements highlighted below are likely necessary to facilitate the Pilot Transfer Project. Specifically, BAWSCA will enter into a purchase agreement with a seller of the water and a wheeling agreement with EBMUD to use the EBMUD system to transport the water to BAWSCA member agencies². Since the water purchased by BAWSCA will flow through facilities owned by the United States Bureau of Reclamation (USBR). As part of wheeling water through the Freeport Project, BAWSCA and EBMUD will likely also need to negotiate an agreement with the USBR to convey non-Central Valley Project water through federal facilities. Additionally, BAWSCA will also continue working with SFPUC to finalize a cost-allocation and wheeling agreement with SFPUC.

² The Municipal Utility District (MUD) Act allows EBMUD to sell surplus water outside its service area. Historically, EBMUD's drought management plans have included the imposition of rationing on its customers during dry years to ensure that scarce water supplies can be stretched to meet the requirements of its customers. EBMUD is reviewing how to structure a long-term transfer arrangement that would provide EBMUD with the ability to be the primary buyer for transfer water and to facilitate the purchase and use of a portion of the transfer water in dry years by BAWSCA. During the development of the Pilot Plan, EBMUD and BAWSCA discussed having BAWSCA directly purchase the pilot transfer water from the seller to ensure that the pilot transfer water could be delivered to BAWSCA even in a scenario where EBMUD is rationing its customers. Under this scenario, EBMUD and BAWSCA would enter into a wheeling arrangement where BAWSCA would purchase the pilot transfer water and EBMUD would wheel that water through its facilities to BAWSCA's service area. BAWSCA's role and responsibilities would include negotiating with the seller and working with EBMUD to secure the necessary approvals from the USBR to use federal facilities as part of wheeling water through the Freeport Project. In parallel, EBMUD and BAWSCA will continue to identify options for EBMUD to be the primary buyer for future water transfer projects.

A number of regulatory approval processes will likely also apply, depending on the seller of the water and the structure of the final purchase arrangement. These regulatory approval processes may include State Water Resources Control Board (SWRCB) approval for diversion and use of the water purchased by BAWSCA within BAWSCA's service area and complying with applicable environmental review laws. As the Hayward Intertie will need to be used to transport water purchased by BAWSCA into the SF RWS, it is likely that the existing Hayward Intertie Operating Agreement among and between EBMUD, SFPUC and COH will require some modification.

ES-2.4 Outstanding Items to Implement the Pilot Transfer Project

The following items would need to be completed prior to implementing the Pilot Transfer Project:

- Identify and negotiate a purchase agreement with a willing seller.
- Develop all applicable agreements, institutional arrangements, and operating and water quality monitoring plans identified in the Pilot Plan necessary to implement the project.
- Obtain required regulatory approvals and prepare environmental documents, as necessary, to comply with applicable environmental review laws.

Additionally, EBMUD and BAWSCA will also monitor the quality of transfer water in the EBMUD, COH³ and SF RWS systems throughout the pilot test. The results of this monitoring will be used to support the analysis of the feasibility of a long-term transfer agreement.

ES-2.5 Recommended Next Steps

In order to be able to implement a Pilot Transfer Project during a dry year, many of the outstanding items should be addressed prior to implementing the Pilot Transfer Project. As part of the next steps needed to work toward implementation of the Pilot Transfer Project, it is recommended that BAWSCA and EBMUD pursue the following actions during 2014:

- EBMUD and BAWSCA should approach Yuba County Water Agency (YCWA) and Placer County Water Agency (PCWA) to confirm their willingness to participate in the Pilot Transfer Project. Key terms to be negotiated for BAWSCA's purchase of the water include potential minimum quantities, costs, and the schedule for delivering water. The selection of a seller for the Pilot Transfer Project would not preclude the potential for a different seller or multiple sellers for a long-term transfer arrangement.
- EBMUD, BAWSCA, and the transfer water seller should jointly develop an outreach plan and engage key stakeholders in the planning process for the Pilot Transfer Project. Key stakeholders include the COH, SFPUC, regulatory agencies, resource agencies, and

³ At present, the structure of the Pilot Transfer Project is such that the water purchased by BAWSCA will not enter directly into SF RWS. Rather, the water will first enter the COH distribution system, and then can be conveyed through the COH and pumped into the SF RWS if necessary. Because the COH would be directly served the transfer water, they would be the BAWSCA member agency most affected during the Pilot Transfer Project.

other agencies whose approval or cooperation is needed to successfully implement the pilot water transfer.

- As noted in Tables ES-2, agreements and approvals are likely necessary in order to implement the Pilot Transfer Project, depending on the final scope of the Pilot Transfer Project. Development and execution of these agreements and approvals may take significant time and resources. As such, BAWSCA and EBMUD plan to develop a schedule to undertake these and other related efforts.

Based on the schedule developed as part of this Pilot Plan, it is anticipated that 12 to 18 months of lead time is required to develop and execute all the agreements and other necessary institutional arrangements before the Pilot Transfer Project could commence.

Section ES-3: Summary of Technical Memoranda

This Executive Summary provides a brief summary of the major aspects and key findings of each of the TMs that were developed by BAWSCA and EBMUD as part of the Pilot Plan. The TMs also identify additional information or issues that will need to be addressed prior to implementing the Pilot Transfer Project and a potential long-term water transfer arrangement between BAWSCA and EBMUD.

ES-3.1 TMs #1A and #1B - Pilot Plan Goals and Objectives

Summary

EBMUD and BAWSCA developed objectives and goals for the Pilot Plan, including identifying the benefits of partnering on transfers, the rationales for piloting a transfer, and the information that would be gained by conducting the Pilot Transfer Project.

Key Findings

EBMUD's Goals and Objectives:

The District's goals for developing the Pilot Plan were as follows:

- Assess costs, benefits, and feasibility of partnering with BAWSCA on water transfers; and
- Evaluate whether BAWSCA would be a good match for partnering with EBMUD on long-term transfer projects.

The District's objectives in developing the Pilot Plan were as follows:

- Work with BAWSCA to develop a plan for executing a short-term pilot water transfer;
- Evaluate the technical, institutional, and economic feasibility of wheeling transfer water to BAWSCA via FRWP, EBMUD's raw water and treated water systems, and the Hayward Intertie;
- Identify agreements and other elements (e.g., permits, etc.) that need to be in place to implement a pilot transfer; and
- Identify additional information that would still be needed to assess the feasibility of partnering on a long-term water transfer project with BAWSCA.

BAWSCA's Goals and Objectives:

BAWSCA's goals for developing the Pilot Plan were as follows:

- Assess dry year water transfers for reliability, quality, and cost-effectiveness; and
- Identify all necessary state and federal regulatory and permit processes to facilitate a dry year transfer, and the timing and the coordination of these regulatory processes.

BAWSCA's objectives in developing the Pilot Plan were as follows:

- Demonstrate the feasibility of water transfers with EBMUD by implementing a one-year pilot water transfer;
- Gain operational and institutional experience by understanding the process for implementing a water transfer;
- Lay the foundation for approval of long-term water transfer agreements;
- Identify the regulatory agencies, and potential water transfer partners, that would be involved in a short-term and long-term water transfer;
- Confirm the commitment of BAWSCA and EBMUD to securing water transfers as a dry year supply solution;
- Determine whether a transfer partnership that involves the conveyance of water through EBMUD's water system into the BAWSCA service area is technically, politically, institutionally, and financially viable;
- Identify agreements and other elements (e.g., permits, etc.) that need to be in place to implement a short-term pilot water transfer; and
- Identify additional information that would be needed to assess the feasibility of partnering on a long-term water transfer project with EBMUD.

Outstanding Items Regarding a Long-Term Transfer Arrangement

The District is currently experiencing a decline in water demands due to the recent economic turndown and the residual drought effect. This decline in water demands has afforded EBMUD the flexibility to explore water supply projects with BAWSCA and other agencies that include wheeling water through EBMUD's facilities. In the future, as EBMUD's demands recover to projected planning levels, capacity in EBMUD's water system will become more limited and the timing and ability to wheel water to other agencies will become more constrained. The ability to move water through the FRWP and EBMUD's raw and treated water systems under future conditions will require further evaluation, including more detailed consideration of the institutional, operational, and financial agreements that would need to be in place for a long-term water transfer partnership. EBMUD's future plans anticipate that the FRWP capacity will be fully needed by the District in dry years.

As part of its Long-Term Reliable Water Supply Strategy (Strategy), BAWSCA is evaluating whether water transfers are a viable alternative to achieve BAWSCA's goal of meeting the dry year supply needs of the BAWSCA member agencies in a cost-effective manner. Hence, following the successful execution of a short-term pilot water transfer, BAWSCA will likely conduct additional assessments to determine if a water transfer partnership with EBMUD creates a sufficiently reliable and cost-effective dry year supply to meet the BAWSCA member agency's water needs as identified through the Strategy. If so, BAWSCA would then have to

develop the necessary agreements to support a long-term arrangement with EBMUD, the COH, SFPUC and/or others, to purchase and convey the dry year transfer water to the BAWSCA member agencies.

ES-3.2 TM #2 - Potential Pilot Water Transfer Sources

Summary

EBMUD has completed significant work to identify water sellers that might be good partners for a long-term water transfer arrangement. Based on this information, and considering the specific goals and objectives of the Pilot Plan, EBMUD identified two potential sources of pilot transfer water: (1) the YCWA, and (2) the PCWA. As part of the description of these potential opportunities, the potential sellers were described, as well as the source water, the water rights, and the transfer mechanisms, including the transfer quantity, schedule and range of water purchase costs.

Key Findings

Potential Pilot Water Transfer Sources:

The YCWA and the PCWA were identified as potential transfer partners for the short-term pilot water transfer project. See Figures ES-2 and ES-3 for maps of YCWA and PCWA, respectively.

Figure ES-2: Yuba County Water Agency Location Map

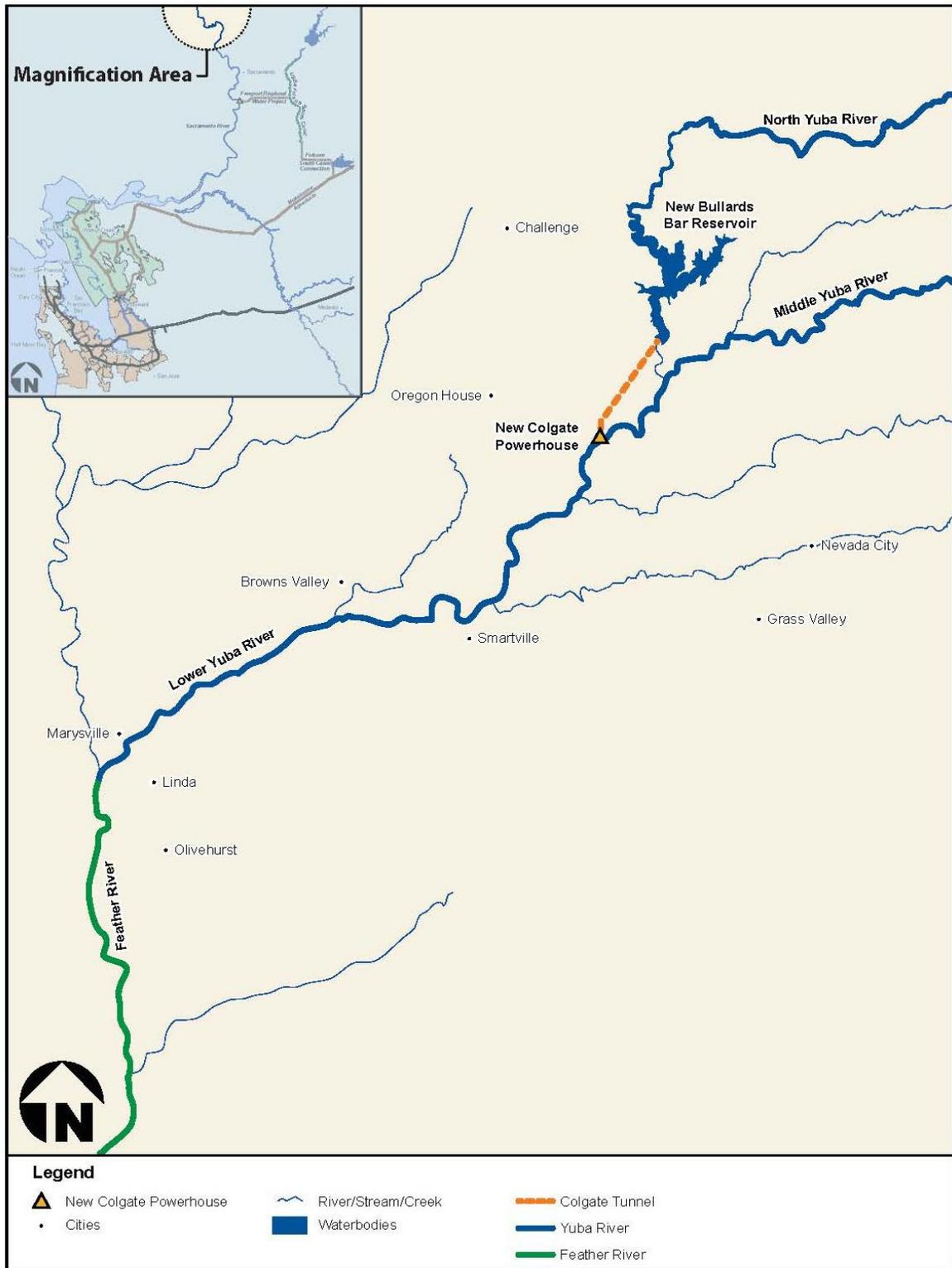
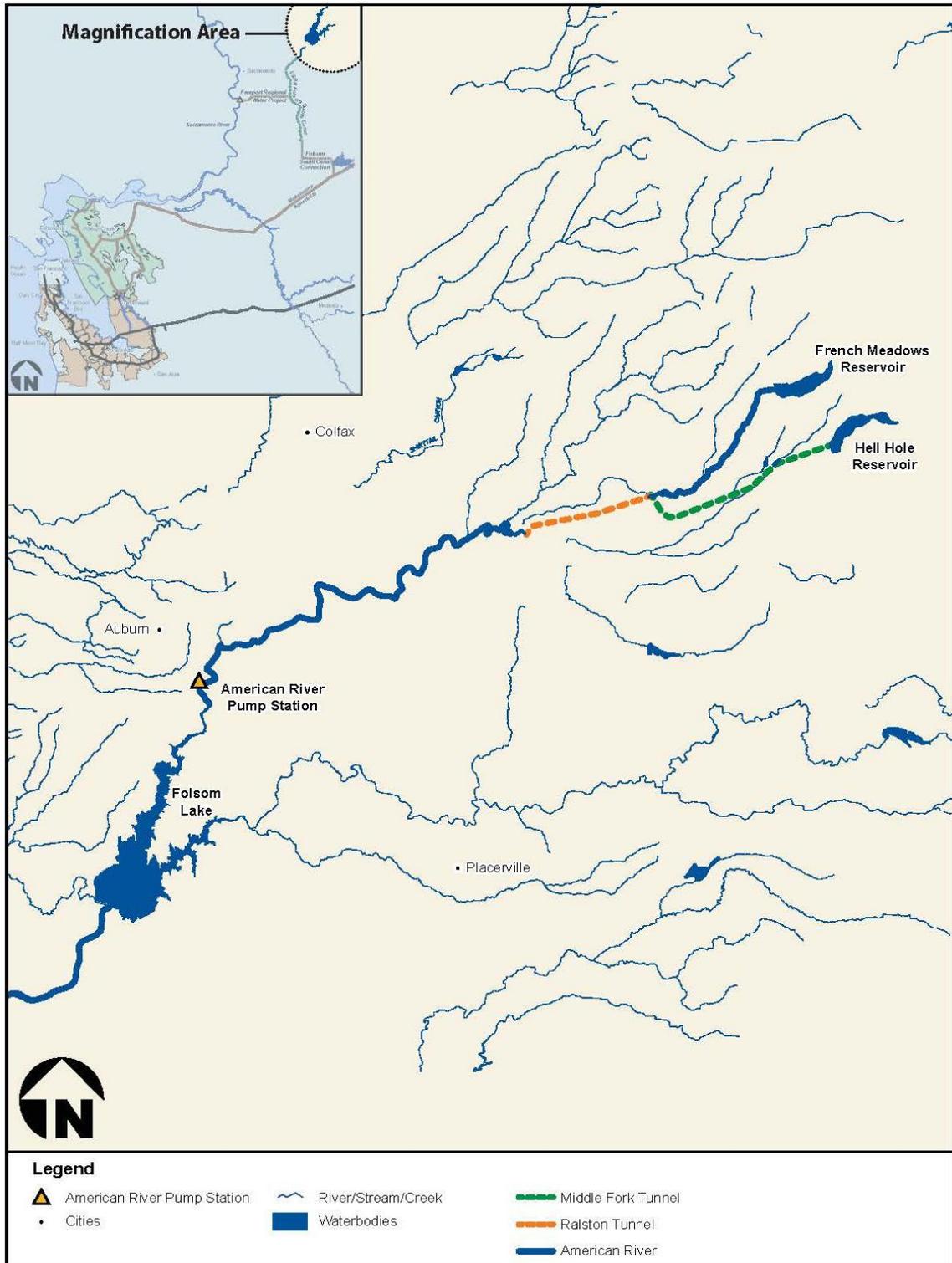


Figure ES-3: Placer County Water Agency Location Map



Summary of Transfer Water Characteristics:

Table ES-1 summarizes YCWA and PCWA water rights, schedules, rates of delivery, and estimated water purchase costs.

Table ES-1: Potential Sources of Supply for Pilot Water Transfer

Supply Characteristics	YCWA	PCWA
Source of Supply	Yuba River	Middle Fork of the American River
Surface Water Rights	Post-1914 (1927, 1953)	Post-1914 (1958)
Transfer Method	Stored water releases	Stored water releases
Quantity	Up to 67 TAF ^{(a),(b)}	Up to 47 TAF ^{(a) (c)}
Schedule	Varies ^(d)	July - December
Rate of Delivery	< 100 MGD ^(e)	< 100 MGD ^(e)
Water Purchase Cost	\$75 - \$275	\$75 - \$275

- (a) Minimum pilot transfer quantities will be discussed with sellers. BAWSCA anticipates a minimum pilot water transfer quantity of 1000 AF. Based on modeling performed for Yuba Accord - Freeport Point of Rediversion Project (Feb., 2013).
- (b) Based on modeling performed for Yuba Accord - Freeport Point of Rediversion Project (Feb., 2013).
- (c) Based on modeling performed for the Sacramento Water Forum Agreement (2000).
- (d) Under the Yuba Accord, the schedule and rate of stored water releases for transfer varies based on hydrologic year type and month. The transfer water that YCWA is seeking to sell to EBMUD are releases that cannot be delivered to existing buyers south of the Delta due to south Delta pumping restrictions. In dry years, transfer water for EBMUD would most likely be available outside the south Delta pumping window for transfers (July - September) in early spring or late fall.
- (e) Rate of delivery cannot exceed EBMUD's dedicated FRWP capacity. Rate of delivery will likely be based on recommended rates for operating the Hayward Intertie.

Summary of the Yuba County Water Agency Option:

YCWA's source of water supply is the Yuba River. The Yuba River is a tributary of the Feather River, which, in turn, is a tributary of the Sacramento River. The Yuba River Basin drains approximately 1,339 square miles of the western Sierra Nevada slope, including portions of Sierra, Placer, Yuba, and Nevada counties. The average annual unimpaired flow of the Yuba River at Smartville is 2.45 million acre-feet (MAF); however a significant portion of this water is diverted out of the watershed and is not available to the lower Yuba River. The annual unimpaired flow has ranged from a maximum of approximately 4.9 MAF in 1986 to a minimum of approximately 370 TAF in 1977.

In partnership with EBMUD, YCWA is proposing to add the FRWP intake as a point of rediversion to YCWA's water rights. EBMUD would become a back-up buyer for transfer water released under the terms of the Yuba Accord that cannot currently be delivered to existing Yuba Accord buyers. The proposed project to add the FRWP intake as a point of rediversion requires SWRCB approval. YCWA and EBMUD are seeking to receive SWRCB approval and complete the proposed project by the end of 2013. In discussions to date, the YCWA has indicated that it would be willing to partner with BAWSCA and EBMUD as part of a small volume, short-term pilot water transfer.

Summary of the Placer County Water Agency Option:

PCWA is a signatory to the Sacramento Water Forum Agreement (WFA). The WFA establishes the co-equal goals of preserving the Lower American River and providing a reliable and safe water supply for the region. As part of the WFA, PCWA has agreed to release additional water (maximum of 47,000 AFY) from its Middle Fork Project (MFP) reservoirs in dry and critically dry years to benefit the Lower American River. This obligation to make environmental releases is conditioned upon PCWA's ability find a buyer to purchase the water downstream of the confluence of the Sacramento and American Rivers. Hence, transfer water purchased in dry and critically dry years from the PCWA is available in dry years only.

PCWA is currently initiating work on a draft environment document to support its MFP water rights extension project. This project will review the potential environmental impacts of PCWA's full utilization of its 120,000 AFY of MFP water. PCWA's environmental document will include analysis of a long-term water transfer project between EBMUD and PCWA. PCWA also plans to petition the SWRCB to add the FRWP intake as a point of rediversion and EBMUD's service area to PCWA's place of use. EBMUD and PCWA currently anticipate SWRCB approval for these efforts by end of 2016. PCWA's completion of its MFP water rights extension project environmental document and SWRCB approval of both the MFP water rights extension and long-term transfer change petition would be needed before PCWA and EBMUD could enter into a long-term transfer agreement for PCWA to sell water to EBMUD in dry years consistent with the WFA. However, this does not preclude PCWA's ability to participate in interim transfers including a one-year pilot transfer.

Additional Information or Action Required for the Pilot Transfer Project

BAWSCA, in coordination with EBMUD, will need to obtain a water purchase contract with either PCWA or YCWA. Wheeling agreements between BAWSCA and EBMUD, the USBR and SFPUC are also required, as well as the necessary regulatory and environmental approvals.

Outstanding Items Regarding a Long-Term Transfer Arrangement:

EBMUD will need to formalize transfer agreements with YCWA and/or PCWA prior to committing to a long-term arrangement with BAWSCA. Furthermore, YCWA and PCWA must

obtain appropriate regulatory approval to change their water rights to allow transfer of water to EBMUD and BAWSCA.

Among other things, BAWSCA would have to be added to the place of use for both the YCWA and PCWA transfer supplies if BAWSCA were to enter into a long-term arrangement with EBMUD and others for the purchase and/or wheeling of the transfer water from either seller

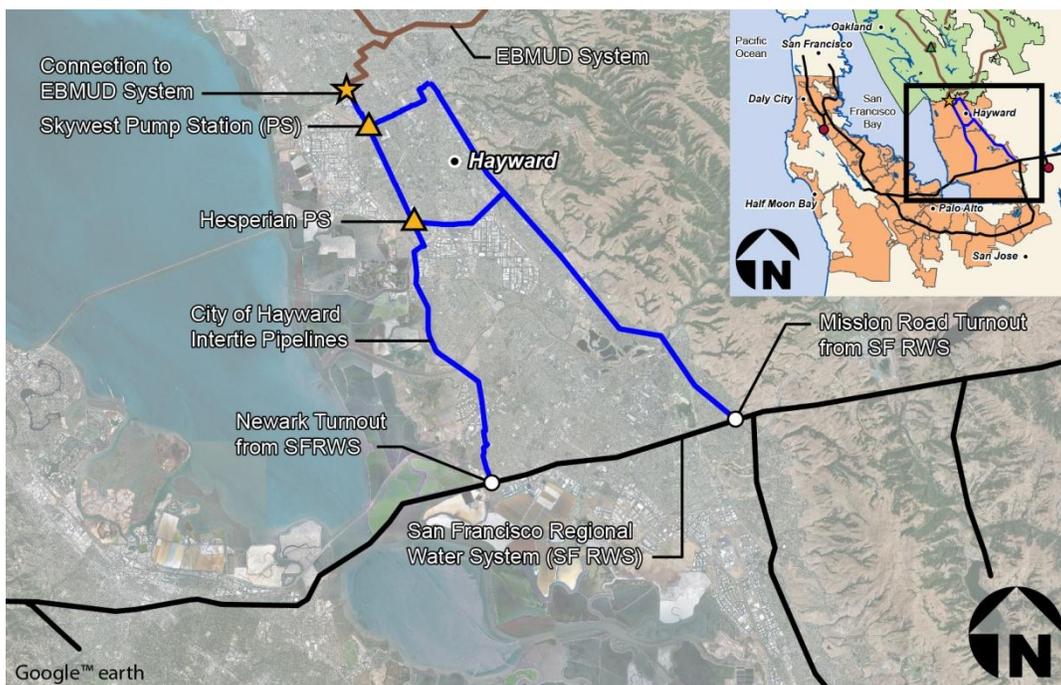
ES-3.4 TMs #3 and #3A - Ability to Convey Transfer Water to BAWSCA

Summary

A key element of the Pilot Plan was the evaluation of the conveyance of transfer water originating from the FRWP facilities through the EBMUD service area and delivered to BAWSCA via the Hayward Intertie (refer to earlier Figure ES-1 for map of conveyance facilities).

Specific evaluations were conducted for the FRWP, the Folsom South Canal Connection (FSCC), EBMUD’s system, and the Hayward Intertie (see Figure ES-4 for the Hayward Intertie and surrounding facilities). Three different operational scenarios to transfer water through the Hayward Intertie were evaluated, potential water quality issues for the COH and the SF RWS were identified, and pre-transfer flushing options were developed.

Figure ES-4: Hayward Intertie Facilities



Key Findings

The Pilot Water Transfer is Operationally Feasible:

There are no major operational impediments to conveying transfer water from the FRWP intake to the BAWSCA service area. However, close coordination between EBMUD, COH, and SFPUC will be required to ensure that the transfer operations are optimized to minimize impacts on all parties involved, and that use of the Hayward Intertie to respond to an emergency in either the SF RWS or EBMUD system remains a priority.

Pilot Water Transfer Timing:

The Pilot Transfer Project would be conducted during a dry year when EBMUD is utilizing the FRWP. Current plans are that in the first year of a drought EBMUD would begin taking delivery of its Central Valley Project (CVP) water from the FRWP no earlier than July 1. In the subsequent consecutive years of a drought, EBMUD may begin taking delivery of its CVP water as early as March 1, the beginning of the CVP contract year. The pilot transfer water purchased from YCWA or PCWA will likely be available in the fall or early winter (see Table ES-1), matching the timeframe in which EBMUD and BAWSCA anticipate conducting the pilot transfer. BAWSCA will coordinate with EBMUD, COH, and SFPUC to take delivery the transfer water when it is available and on a mutually agreeable schedule.

Pilot Water Transfer Conveyance Path:

The anticipated Pilot Transfer Project proposes BAWSCA's purchase of water from a seller in the Sacramento River basin, which will flow from the Sacramento River, through the FRWP, the Folsom South Canal owned and operated by the USBR, and the FSCC, into the EBMUD Mokelumne Aqueducts (see Figure ES-1). Once in the EBMUD system and service area, the water would then flow through existing EBMUD transmission facilities to the Hayward Intertie. Figure ES-4 shows the EBMUD system, the Hayward Intertie, the COH distribution system and pump stations, the COH connections to the SF RWS at the Newark and Mission Road Turnouts, and the SF RWS in the South Bay.

It is anticipated that during the Pilot Transfer Project, water will be delivered to COH at a constant rate through the Hayward Intertie. Any water delivered surplus to COH's demand would then be pumped into the SF RWS.

Pilot Water Transfer Quality and Treatment:

The source of the water transfer will be the Sacramento River at the FRWP. This location is in the northern end of the legal Delta, as the river is under tidal influence at low flows (see Figures ES-1 and ES-4). However, the quality of the water at the FRWP is distinctly different from that in the central portion of the Delta and is not influenced by the Delta wetlands and sea water that affect water quality in the central Delta.

During dry years when EBMUD utilizes the FRWP, the southwest portion of EBMUD's service district adjacent to the Hayward Intertie will be served by EBMUD's Upper San Leandro (USL) Water Treatment Plant. Therefore, it can be assumed that all water wheeled to BAWSCA will be pumped into USL Reservoir using Moraga Pumping Plant and treated at USL Water Treatment Plant.

The USL Water Treatment Plant provides conventional treatment, including aeration, coagulation, flocculation, sedimentation, intermediate ozonation, dual-media filtration, fluoridation, and chloramination. Based on the quality of Sacramento River water at the FRWP intake it is anticipated that the quality of water exiting the EBMUD system during the pilot transfer will be between the quality currently produced by the Orinda Filter Plant and USL Water Treatment Plant.

The COH has expressed some concerns regarding potential water quality differences and other impacts to the City and its customers as a result of the Pilot Transfer Project. In response, BAWSCA and EBMUD have designed the Pilot Water Project to be short in duration, to reduce water quality variations within COH's service area by meeting 100 percent of COH's demand, and to optimize operations so as to minimize the staff burden for all participating agencies. In addition, BAWSCA and EBMUD have worked with the COH to develop a water quality monitoring plan to evaluate any water quality changes associated with the pilot transfer.

Summary of Prior Tests of the Hayward Intertie:

In July 2007, EBMUD, COH, and SFPUC conducted a joint operation to test the capacity of the Hayward Intertie. Water was conveyed at a rate of 30 MGD for 3.5 hours to the COH service area from EBMUD. During the water quality monitoring, elevated turbidity levels, likely a result of the reverse flows in the Hayward Intertie pipelines, were noted at the initiation of the water transfer.

Between December 2009 and February 2010, approximately 1.3 billion gallons (4,000 acre-feet) were transferred from EBMUD via the COH to the SFPUC over a 66-day period. Transfer rates through the Hayward Intertie varied from 8.4 to 29.5 MGD. The extended test of the Hayward Intertie apparently went without incident except for some water quality concerns related to turbidity at the beginning of the transfer.

Additional Information or Action Required for the Pilot Transfer Project

Prior to initiating the Pilot Transfer Project, additional close coordination between the operations departments of EBMUD, COH, and SFPUC is recommended, including the development of an operations and monitoring plan, and a more detailed assessment as to whether a pre-flushing program is warranted for the Hayward Intertie pipelines.

Outstanding Items Regarding a Long-Term Transfer Arrangement

Treatment and/or distribution system improvements are required to deliver EBMUD's projected supplemental water supply need in 2040. Several options are under consideration including a

pretreatment plant near Camanche Pumping Plant for Sacramento River water and upgrades to one or more of EBMUD's direct filtration plants. These improvements will eliminate the current need to separate Mokelumne River water from Sacramento River water. While design and construction of these improvements will incur capital costs, the improvements will increase operational flexibility and likely will reduce pumping and treatment operating costs. The timing for adding these improvements is currently under study.

The Bay Area Regional Desalination Project (BARDP), among potential projects to supplement EBMUD's water supply, is currently in the planning phase. As currently conceived, this project would include wheeling of water through EBMUD's raw water and treated water systems to the SFPUC and the RWS via the Hayward Intertie. SFPUC participation in the BARDP is for delivery of 9 MGD, in all years. The Santa Clara Valley Water District (SCVWD) is seeking an additional 5 MGD from the BARDP in dry years only, beginning in 2035. If the BARDP is implemented, the capacity of the Hayward Intertie could become a constraint for meeting SFPUC and SCVWD's planned use of the water from the BARDP while also wheeling dry-year water to BAWSCA. Close coordination and scheduling of water passing through the Hayward Intertie would be required to maximize water deliveries to all parties.

The COH has expressed some concerns regarding potential water quality and other impacts to the City and its customers as a result of any long-term transfer project. These issues will be addressed as part of any assessment of a long-term transfer option that uses the Hayward Intertie, including the BARDP.

As part of its Long-Term Reliable Water Supply Strategy, BAWSCA is evaluating whether water transfers are a viable alternative to achieve BAWSCA's goal of meeting the dry year supply needs of the BAWSCA member agencies in a reliable and cost-effective manner. Specifically, BAWSCA will have to evaluate whether a long-term water transfer arrangement with EBMUD is technically, politically, institutionally, and financially viable and whether it creates the level of certainty that the BAWSCA agencies need in terms of meeting their future water supply needs.

ES-3.5 TMs #4 and #4A - Approvals and Institutional Arrangements

Summary

BAWSCA and EBMUD worked jointly to determine the approvals and institutional arrangements necessary to implement the Pilot Transfer Project, as well as who the lead agency would be to secure the necessary approvals. In order to implement the transfer, BAWSCA and EBMUD identified the following potential compliance steps, regulatory approvals, and agreements, which are discussed below.

Key Findings

Potential Environmental Reviews, Approvals and Institutional Arrangements for a Pilot Water Transfer:

A summary of the key environmental reviews, approvals and institutional arrangements that were evaluated for this Pilot Transfer Project, and the lead agency responsible for securing the necessary approvals to conduct both a pilot water transfer and a long-term water transfer, is summarized in Table ES-2. As part of the Pilot Plan, a comprehensive review of existing environmental documents and agreements related to the FRWP and Hayward Intertie was performed to identify any potential requirements that would need to be addressed to implement the Pilot Transfer Project. TM#4 includes a more detailed list of existing documents that were reviewed for the Pilot Plan and a discussion of the potential relevancy of these documents to the Pilot Transfer Project.

Additional Information or Action Required for the Pilot Transfer Project

Several items requiring additional action or information are needed in advance of executing the Pilot Transfer Project:

- EBMUD and BAWSCA should approach YCWA and PCWA to confirm their willingness to participate in the Pilot Transfer Project. Key terms, including potential minimum quantities, costs, and schedule for delivering water would be negotiated so that EBMUD and BAWSCA can determine the most appropriate seller for the pilot transfer water. The selection of a seller for the Pilot Transfer Project would not preclude the potential for a different seller or multiple sellers for a long-term transfer arrangement.
- EBMUD, BAWSCA, and the transfer water seller should jointly develop an outreach plan and engage key stakeholders in the planning process for the Pilot Transfer Project. Key stakeholders include the COH, SFPUC, regulatory agencies, resource agencies, and other agencies whose approval or cooperation is needed to successfully implement the pilot water transfer.
- As noted in Tables ES-2, numerous agreements and approvals are needed in order to implement the Pilot Transfer Project. Development and execution of these agreements and approvals may take significant time and resources. As such, BAWSCA and EBMUD should develop a plan to secure the necessary agreements and approvals on a schedule that will support near-term implementation of a Pilot Transfer Project.

Outstanding Items Regarding a Long-Term Transfer Arrangement

For a long-term water transfer, the most effective means of processing a transfer may be for BAWSCA and EBMUD to work with USBR to prepare a joint document that complies with environmental resource laws and USBR requirements.

Table ES-2: Summary of Key Environmental Reviews, Approvals and Institutional Arrangements Needed to Conduct an EBMUD-BAWSCA Water Transfer⁽¹⁾

	One-year Pilot Transfer Project	Proposed Primary Responsible Party	Long-term Water Transfer	Proposed Primary Responsible Party
Environmental Review				
State Resource Laws	CEQA exemption(s)	Seller / BAWSCA	Compliance with CEQA, CESA	TBD
Federal Resource Laws	Compliance with NEPA, ESA ⁽²⁾	USBR / BAWSCA / EBMUD	Compliance with NEPA, ESA ⁽²⁾	USBR / BAWSCA / EBMUD
Regulatory Agency Approvals				
SWRCB	Required ⁽³⁾	Seller	Required ⁽³⁾	Seller
USBR	Required for Warren Act contract and PCWA refill agreement	USBR / BAWSCA / EBMUD	Required for Warren Act contract(s) and PCWA refill agreement	USBR / BAWSCA / EBMUD
Delta Stewardship Council (future)	Likely not covered or exempt	TBD	TBD	TBD
Permits				
FRWA Intake Incidental Take Permit (2011)	Potentially no changes required	EBMUD	Amendment may be required	EBMUD
Hayward Intertie				
Hayward Intertie Operating Agreement (2007)	Amendment required to allow for one-year pilot test ⁽⁴⁾	EBMUD / SFPUC / COH	Amendment required	EBMUD / SFPUC / COH
Updated Operations Plan	Governs day-to-day operations	EBMUD / SFPUC / COH	Governs day-to-day operations	EBMUD / SFPUC / COH
Transfer Agreements				
Water Purchase Agreement with Seller	Required	BAWSCA / Seller	Required	BAWSCA/Seller
EBMUD / BAWSCA Pilot Transfer / Wheeling Agreement	Required	EBMUD / BAWSCA	Required	EBMUD / BAWSCA

BAWSCA / SFPUC Cost Allocation Agreement	Required	BAWSCA / SPUC	Required	BAWSCA / SPUC
Internal Agreements and Arrangements to Distribute Water to BAWSCA Agencies	Required	BAWSCA	Required	BAWSCA
BAWSCA / Hayward Reimbursement Agreement	Required	BAWSCA / Hayward	Required	BAWSCA / Hayward

- (1) TM#4 includes a more detailed list of existing documents that were reviewed for the Pilot Plan and a discussion of the potential relevancy of these documents to the Pilot Transfer Project. Information in this table assumes that the potential seller is either YCWA or PCWA. This information would need to be updated if a different seller is considered for the Pilot Transfer Project.
- (2) Compliance with NEPA and other federal environmental resource laws is required to execute a Warren Act contract to use the Folsom South Canal, a federally owned facility, to convey non-CVP water to EBMUD or BAWSCA service areas.
- (3) If YCWA is able to successfully petition the SWRCB to add the FRWP intake as a point of re-diversion to their water rights in advance of a one-year pilot test or long-term transfer, SWRCB approval may not be required for a transfer of water diverted from YCWA to a BAWSCA member agency who is a State Water Project (SWP) or CVP contractor utilizing the Freeport Regional Water Project (FRWP) facilities. However, at present, BAWSCA does not anticipate structuring a transfer in this manner.
- (4) BAWSCA and EBMUD will work with the USBR to determine the appropriate applicant for the Warren Act contract. In either case, EBMUD would facilitate working with the USBR to obtain the required USBR approvals.

Similar to one-year transfers, the SWRCB must approve changes to a seller’s water rights that are necessary to undertake a long-term transfer of water. EBMUD and BAWSCA should work closely with the potential seller to evaluate the best approach for obtaining SWRCB approval if the parties elect to move forward with a long-term water transfer. Further, EBMUD and BAWSCA would need to evaluate whether future transfer water volumes that would be wheeled to BAWSCA require an amendment to the FRWA Incidental Take Permit to increase the maximum annual diversion volume.

In a long-term transfer arrangement, the purchaser of the transfer water may be BAWSCA or may be individual member agencies or groups of agencies. At this time, there is no final decision on how the purchase would be structured or how costs and benefits would be allocated. Specific agreements that are necessary to allocate water among the BAWSCA agencies include arrangements between BAWSCA and its member agencies relating to the quantity of the water acquired, how the water is allocated among member agencies, as well as arrangements between the member agencies themselves, depending on how the water is allocated.

ES-3.6 TM # 5 - Pilot Water Transfer Recommendations

Summary

Based on the information developed as part of the Pilot Plan, final recommendations were made regarding the timing of the pilot water transfer, the minimum quantity of water transferred, and the duration of the test. Estimated costs for conducting the Pilot Transfer Project were developed. A proposed schedule outlining the regulatory, institutional, and operational components was developed.

Key Findings

Pilot Water Transfer Timing:

To reduce the cost of the Pilot Transfer Project, the transfer should be conducted in a year when EBMUD is taking delivery of Sacramento River water, which would typically occur in critically dry years. Based on EBMUD's Interim Drought Planning Guidelines, EBMUD expects to utilize the FRWP when its projected total system storage at the end of September is below 450 TAF. To accommodate EBMUD operations planning, the earliest diversion of Sacramento River water during the first year of a drought would begin in July.

The timing of the actual Pilot Transfer Project also depends on when the transfer water is made available. For YCWA, water would most likely be available in September through December while for PCWA, the proposed period identified is July through December.

The preferred timing of the Pilot Transfer Project will need to be further reviewed with COH, SFPUC, BAWSCA and EBMUD operations staff.

Pilot Water Transfer Quantity:

The proposed minimum transfer volume during the pilot is 1,000 AF. Final total water volume, delivery rate and pilot duration will be determined by the affected transfer parties prior to the implementation of the Pilot Transfer Project.

Pilot Water Transfer Delivery Rate:

The average COH water demand is 15 MGD, varying seasonally. The preferred delivery mode during the Pilot Transfer Project would be to supply COH's entire demand with a small excess being conveyed to the SF RWS. This scenario would also ensure that some water flows through the pipeline connecting the COH system with the Newark Turnout from the SF RWS, thereby preventing water quality concerns caused by stagnant water.

Pilot Water Transfer Duration:

Combining the assumed transfer quantity of 1,000 AF with an average delivery rate of 15 MGD, results in a likely minimum pilot transfer duration of 21.7 days.

Estimated Pilot Water Transfer Costs:

Total cost for the Pilot Transfer Project is largely proportional to the volume of water wheeled and consists of costs for purchased water, conveyance through the FRWP and EBMUD systems, EBMUD treatment, and Hayward Intertie use. A summary of estimated costs is provided in Table ES-3. A long-term transfer would include additional costs for wear and tear on facilities and proportional share of labor costs.

Table ES-3. Estimated Total Cost for Pilot Transfer of 1,000 Acre-Feet of Water

Component	Total Cost
Water Purchase	\$75,000 - \$275,000 ⁽¹⁾
Administrative Costs	\$50,000 - \$100,000 ⁽²⁾
Conveyance	
From Freeport to Mokelumne Aqueducts	\$155,000
Through Mokelumne Aqueducts to USL Reservoir	\$36,000 - \$109,000
Treatment	\$107,000
Hayward Intertie	To be determined ⁽³⁾
Total	\$425,000 - \$750,000

⁽¹⁾ Actual costs to purchase transfer water would need to be negotiated with the seller and could range from \$75 - \$275/AF.

⁽²⁾ Administrative costs to conduct the pilot transfer could vary anywhere from \$50,000 - \$100,000 based on the level of effort required to obtain the necessary regulatory approvals. These costs could include costs to prepare environmental documents, perform environmental reviews, and USBR staff time to review and approve the Warren Act and SWCRB filing fees. Administrative costs do not include estimates for internal BAWSCA or EBMUD staff time to support the project.

⁽³⁾ These costs have been requested from COH.

⁽⁴⁾ Rounded to the nearest \$5,000.

Pilot Water Transfer Schedule:

The estimated timing for securing the likely institutional and environmental approvals associated with implementing a Pilot Transfer Project is shown on Figure ES-5. It is anticipated that 6 to 12 months of pre-pilot water transfer efforts will be required for BAWSCA and EBMUD to work with key stakeholders to develop or amend agreements needed to use the Hayward Intertie for the Pilot Transfer Project and for BAWSCA to work with SFPUC, COH, and its member agencies on other agreements that would be required before BAWSCA could fully commit to participating in the Pilot Transfer Project. The effort on these pre-pilot water transfer agreements would be expected to run concurrently with other institutional arrangements, environmental reviews, and regulatory agency approvals that would be needed if BAWSCA and EBMUD jointly agree to move forward with the Pilot Transfer Project in 2014.

As shown on Figure ES-5, the lead time for completing all the other intutional arrangements, environmental reviews, and regulatory agency approvals for the Pilot Transfer Project is expected to take approximately 8 months, which includes preliminary discussions with the potential sellers and USBR in early spring if hydrologic conditions are dry. The decision by BAWSCA and EBMUD to move forward with the Pilot Transfer Project would likely occur in early May with final Board approval of the project by both agencies in June. Completion of applicable environmental reviews and regulatory approvals would be expected to occur in late summer to early fall and the pilot water transfer is estimated to commence in October. The entire lead time, including pre-water transfer efforts, before the pilot water transfer could commence is expected to take approximately 12-18 months.

Additional Information or Action Required for Pilot Transfer Project

As additional information for the Pilot Transfer Project is developed related to anticipated supply shortfalls, and the costs and specifics of the transfer source and quantities, the pilot water transfer volume, delivery rate and duration may vary from what is presented here in the Pilot Plan.

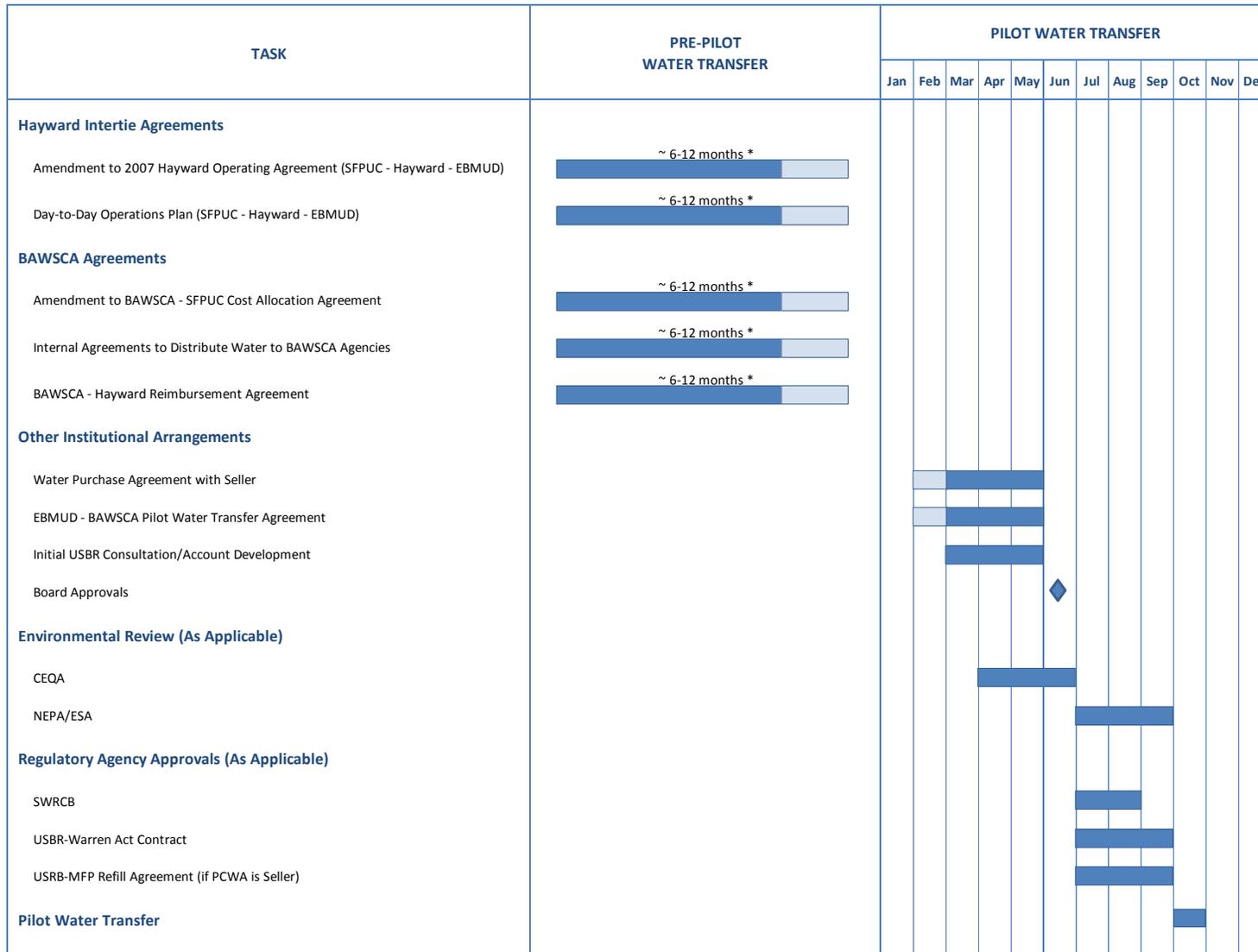
Prior to implementing the Pilot Transfer Project, close coordination between BAWSCA, EBMUD, COH, and SFPUC is recommended, including the development of an operations and monitoring plan and a more detailed assessment as to whether a pre-flushing program is needed for the Hayward Intertie pipelines.

In addition, BAWSCA and EBMUD will have to initiate work on all of the necessary agreements, arrangements and regulatory approvals that will need to be in place in order to implement the Pilot Transfer Project.

Outstanding Items Regarding a Long-Term Transfer Arrangement

While many of the same approvals and agreements that are identified for the Pilot Transfer Project will be the same or similar to those needed for a long-term transfer arrangement, it can be anticipated that the level of effort required to implement a longer term transfer will be significantly higher. It is BAWSCA and EBMUD's hope that the successful execution of the Pilot Transfer Project will lay the groundwork for a future regional long-term water transfer project.

Figure ES-5. Estimated Pilot Transfer Project



* Efforts could run concurrently with development of other institutional arrangements, environmental reviews, and regulatory agency approvals that would need to be completed before the pilot water transfer could commence.



**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 23, 2013, 2:40 p.m.**

MEETING

The Special Meeting of the City Council was called to order by Mayor Sweeney at 2:40 p.m., in Room 2B.

PUBLIC COMMENTS

The City Clerk and Council Members discussed the logistics for the interviews.

BOARD, COMMISSIONS, COMMITTEE AND TASK FORCE INTERVIEWS

The Council interviewed 32 qualified applicants from a pool of 37 applications received by the City Clerk. Four applicants withdrew their applications and one applicant did not interview.

At the conclusion of the interviews, the Council reviewed six requests for reappointments to the City's Board, Commissions, Committee and Task Force. The Council also reviewed the Attendance, Training and FPPC Compliance Report for existing members based on the previous year. In compliance with the City's policy and Resolution 87-323, the Council identified three members of the Keep Hayward Clean and Green Task Force and one member of the Personnel Commission who had failed to maintain steady attendance and comply with the requirements set by the Council. Therefore, the Council determined to declare the members' seats vacant. The City Clerk was directed to notify the four individuals about the Council's determination. The City Clerk was also directed to remind certain members about the City's attendance policy and the requirements set by the City Council.

The Council identified 17 individuals for formal appointment and six for re-appointment and swearing-in at the Council meeting on Tuesday, September 17, 2013.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 9:30 p.m.

APPROVED:

Michael Sweeney, Mayor City of Hayward

ATTEST:

Miriam Lens, City Clerk, City of Hayward

DRAFT



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HOUSING
AUTHORITY MEETING OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 30, 2013, 7:00 p.m.**

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

ROLL CALL

Present: COUNCIL/HA MEMBERS Jones, Halliday, Peixoto, Salinas, Mendall
MAYOR/CHAIR Sweeney

Absent: COUNCIL/HA MEMBER Zermeño

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met with property negotiators pursuant to Government Code 54956.8 regarding 22738 Mission Boulevard (APNS 428-0066-045-00 and 428-0066-049-00) and 1525 West Winton Avenue (APN 432-0124-002-00); met with labor negotiators pursuant to Government Code 54957.6 regarding all groups; met with legal counsel pursuant to Government Code 54956.9 regarding Net Connection Hayward, LLC v. City of Hayward U.S.D.C. No. C 13-1212 SC, IBiz LLC v. City of Hayward, U.S.D.C. No. C13-1537 SC, City of Hayward v. Chances Are, LLC, et al., Alameda County Superior Court, Case No. RG13681065, and Chances Are, LLC v. City of Hayward, U.S.D.C., Case No. CV 13-2383 SC. There were no reportable items.

PUBLIC COMMENTS

Mr. Elie Goldstein, owner of Kraski's Nutrition, raised concerns about public safety at the Municipal Parking Lot No. 5, expressed concern about new businesses on Foothill Boulevard that have no sidewalk entrance access, and requested that the City consider changing A Street back to a two-way street.

Ms. Carolyn Leandro, owner of St. Gabriel's Catholic Books and Gifts, reported on a fight that occurred in front of her store and requested that the benches in front of her store be replaced with parking spaces. Ms. Leandro noted that Municipal Parking Lot No. 1 is an area of prostitution activity.

Mayor Sweeney directed staff to provide Council with a report related to the concerns raised and requested that the information be shared with the speakers.

Mr. Frank Goulart, business address on Main Street, complimented the language in Goal 8 Historic Districts and Resources of the Draft General Plan, suggested police foot patrols to supervise designated downtown areas, and announced the 4th Annual Summer Concert series.

Council Member Salinas reported that on July 25, 2013, Tacos Uruapan owner Tony Solorio and he competed in the 1st Annual Alameda County Mayors' Healthy Cook-Off Challenge and they won second place.

JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION

1. General Plan Update - Presentation of Draft Goals and Policies for three General Plan Elements: Natural Resources, Community Health and Quality of Life, and Land Use and Community Character

Staff report submitted by Development Services Director Rizk, dated July 30, 2013, was filed.

Development Services Director Rizk announced the report and introduced Senior Planner Buizer who provided a synopsis of the report.

Planning Commissioner Lamnin and Commissioner Lavelle were in attendance and offered comments and recommendations related to Land Use and Community Character (LU) and Community Health and Quality of Life (HQL) in the following sections: HQL Goal 6 Aging in Place; HQL Goal 8 Urban Forest; HQL Goal 9 Community Resiliency; LU Goal 2 Priority Development Areas; LU Goal 3 Complete Neighborhoods; HQL Goal 3 Access to Healthy Foods; HQL Goal 1 Growth and Sustainable Development; LU Goal 7 Hillside Development; and engage the Community Services Commission and the Council Economic Development Committee while drafting the General Plan.

Mayor Sweeney and Council Members offered comments and recommendations related to Natural Resources (NR), Community Health and Quality of Life (HQL), Land Use and Community Character (LU) in the following sections: NR Goal NR-3 Open Space; HQL Goal 1 Overall Health and Well Being; HQL Goal 6 Aging in Place; NR Goal NR-4 Energy Resources and Efficiency; NR Goal NR-8 Scenic Resources; HQL Goal 2 Active Living; HQL Goal 3 Access to Healthy Foods; HQL Goal 4 Health Care Access and Disease Prevention; HQL Goal 8 Urban Forest; HQL Goal 12 Recreation Program; LU Goal 1 Growth and Sustainable Development; LU Goal 3 Complete Neighborhoods; LU Goal 8 Historic District and Resources; NR Goal NR-5 Mineral Resources; NR Goal NR-6 Hydrology, Water Quality, and Conservation; LU Goal 7 Hillside Development; HQL Goal 9 Community Resiliency; LU Goal 4 Corridors; LU Goal 2 Priority Development Areas; LU Goal 5 Centers; and LU Goal 6 Industrial Technology and Innovation Corridor.

REGULAR WORK SESSION

2. Presentation and Discussion of High-Speed Hayward Fiber Optic Network (“High-Speed Hayward”)

Staff report submitted by Information Technology Director Guenther and Economic Development Manager Taylor, dated July 30, 2013, was filed.

Information Technology Director Guenther provided a synopsis of the report and acknowledged that Lit San Leandro Chief Executive Officer Mr. Jim Morrison was available for questions.



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Discussion ensued related to the report. There was concern about the tentative name “High-Speed Hayward” for the entity that would operate the network.

There was Council consensus that the proposed high speed broadband infrastructure would allow Hayward to serve current businesses that could benefit from high-speed internet connectivity, attract new businesses, and help grow the local economy.

CONSENT

Consent Item No. 10 was removed for separate vote.

3. Approval of Minutes of the Special City Council Meeting on July 9, 2013

It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried with Council Member Zermeño absent, to approve the minutes of the Special City Council Meeting of July 9, 2013, with a revision.

4. Approval of Minutes of the City Council Meeting on July 16, 2013

It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried with Council Member Zermeño absent, to approve the minutes of the Special City Council Meeting of July 16, 2013.

5. Authorization to Negotiate and Execute a Professional Services Agreement with David Paul Rosen and Associates, and Appropriation of Housing Authority Funds to Prepare an Inclusionary Housing Ordinance and Affordable Housing In-Lieu Fee Review and Study

Staff report submitted by Housing Development Specialist Cortez, dated July 30, 2013, was filed.

It was moved by Council/HA Member Peixoto, seconded by Council/HA Member Mendall, and carried with Council/HA Member Zermeño absent, to adopt the following:

Resolution 13-128, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with David Paul Rosen and Associates to Prepare an Inclusionary Housing Ordinance and Affordable Housing In-Lieu Fee Study”

Housing Authority Resolution 13-02, “Resolution Amending Resolution HA 13-01, As Amended, the Budget Resolution for Fiscal Year 2013 Relating to an Appropriation of Funds from the Housing Authority, Fund 245”

6. Adoption of Resolution Approving the City of Hayward Salary Plan for Fiscal Year 2014

Staff report submitted by Human Resources Director Robustelli, dated July 30, 2013, was filed.

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

Resolution 13-129, “Resolution Approving the Fiscal Year 2014 Salary Plan Designating Positions of Employment in the City Government of the City of Hayward and Salary Range; and Superseding Resolution No. 13-099 and All Amendments Thereto”

7. Authorization for the City Manager to Amend a Professional Services Agreement for the Fire Station No. 7 Project

Staff report submitted by Assistant City Engineer Owusu, dated July 30, 2013, was filed.

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

Resolution 13-130, “Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with WLC Architects, Inc. for Architectural Services Associated with the Design of a Health Center as Part of the New Fire Station No. 7 Project, Project No. 07465”

8. Adoption of Resolutions Approving Designation of the Alameda County Source Reduction and Recycling Board as Local Task Force for the Purpose of Reviewing and Commenting on County Integrated Waste Management Plan Amendments, and Authorizing an Amendment to Alameda County Waste Management Authority Joint Powers Agreement

Staff report submitted by Solid Waste Manager Dahle-Lacaze, dated July 30, 2013, was filed.

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

Resolution 13-131, “Resolution Approving Designation of the Alameda County Source Reduction and Recycling Board as the Local Task Force Under State Law for the Purpose of Reviewing and Commenting on County Integrated Waste Management Plan Amendments”



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HOUSING
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Resolution 13-132, “Resolution Approving an Amendment to the Joint Exercise of Powers Agreement Creating the Alameda County Waste Management Authority”

9. Authorize the City Manager to Execute Agreements with Consultants for Outside Plan Check and Inspection Services

Staff report submitted by City Building Official Lepori, dated July 30, 2013, was filed.

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

Resolution 13-133, “Resolution Authorizing the City Manager to Negotiate and Execute Agreements for Outside Plan Check and Inspection Services”

10. Park In-Lieu Fee Appropriation to the Hayward Area Recreation and Park District for the Skywest Golf Course Cart Path Improvement and the Sorensdale Kitchen Renovation Projects

Staff report submitted by Landscape Architect Koo, dated July 30, 2013, was filed.

Mayor Sweeney offered a motion per staff recommendation and directed staff to engage in discussion with Hayward Area Recreation and Park District (HARD) staff about the former Hayward Redevelopment funds that HARD is receiving.

Council Member Jones concurred with the motion, but expressed concern about allocating park-in-lieu fees for enterprise operations.

It was moved by Mayor Sweeney, seconded by Council Member Mendall, and carried with Council Member Zermeño absent, to adopt the following with direction to City staff to engage in discussion with Hayward Area Recreation and Park District (HARD) staff about the former Hayward Redevelopment funds that HARD is receiving, and to address the use of park in-lieu funds for enterprise operations.

Resolution 13-136, “Resolution Approving Request of Hayward Area Recreation and Park District for Reimbursement of Park Dedication In-Lieu Fees for Renovating Golf Cart Paths at SkyWest Golf Course and Upgrading Facilities at the Sorensdale Recreation Center Kitchen, in Compliance with the Americans with Disabilities Act (ADA)”

11. Extension of Contract with Chabot College for Continuation of Public Television Broadcast and Services

Staff report submitted by Information Technology Director Guenther, dated July 30, 2013, was filed.

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

Resolution 13-134, “Resolution Authorizing the City Manager to Renew an Existing Agreement with the Chabot-Las Positas College Community District for Interim Public/Education/Government (PEG) Cable Services”

12. South Hayward BART Transit Oriented Development: Approval of Second Amendment to Owner Participation Agreement – Extension of Construction Timelines

Staff report submitted by Project Manager DeClercq, dated July 30, 2013, was filed.

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

Resolution 13-135, “Resolution of the City Council of the City of Hayward Authorizing the City Manager to Negotiate, Execute and Implement a Second Amendment to the Owner Participation Agreement for the South Hayward BART Transit Oriented Development”

PUBLIC HEARING

13. Adoption of Resolutions of Necessity to Initiate Eminent Domain Proceedings to Acquire a Portion of Real Property for the I-880/SR-92 Reliever Route - Phase 1 Project – APN 432-0060-105-03, owned by OQ Enterprises, Inc.; APN’s 439-0099-051 and 052, owned by Joe Van Dera, Trustee of the Joe Van Dera Living Trust and Denis James Van Dera, Trustee of the Denis James Van Dera Living Trust; APN 439-0070-002-01, owned by Depot Road LLC; APN’s 439-0070-003 and 004, owned by Ruben Paul Dorris, Dorris Auto Wreckers, and Paul R. Dorris; APN 439-0070-005-01, owned by Baryalai Feroz and Masood Feroz; APN 439-0070-005-02, owned by Ghulam and Najeeba N. Rabani and Asad Shir and Zakia Niru; and APN 439-0070-006-00, owned by Jasbir and Tajender Nagra and Jagdev and Sarbjinderpal Nagra

Staff report submitted by Assistant City Engineer Owusu, dated July 30, 2013, was filed.



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Director of Public Works-Engineering and Transportation Fakhrai announced the report and introduced Senior Civil Engineer Kevin Briggs who provided a synopsis of the report.

Mayor Sweeney opened the public hearing at 9:00 p.m.

The following speakers spoke against the City's proposal to commence eminent domain action and obtain possession of the properties claiming the following reasons: lack of updated property appraisal, failure to provide relocation assistance, concerns that the properties are not necessary for the proposed road project, disadvantageous offer, and noncompliance with California Environmental Quality Act (CEQA) guidelines.

Mr. Baryalai Feroz, American Auto Dismantlers owner at Depot Road

Mr. Masood Feroz, American Auto Dismantlers co-owner at Depot Road

Ms. Lois Chess, Depot Road property owner

Mr. Stephen Chess, Depot Road property co-owner

Mr. Jawad Ahmad, Atlantic B Auto Dismantler owner at Depot Road

Mr. Kevin D. Lally with the Law Offices of Greenan, Peffer, Sallander & Lally LLP, represented Mr. Gul Ahmad; Mr. Ghulam Rabani; Mr. Baryalai Feroz and Mr. Masood Feroz; and Ms. Lois Chess and Mr. Stephen M. Chess

Mr. Howard Dorris, Dorris Auto Wreckers Inc. owner at Depot Road

Mayor Sweeney closed the public hearing at 9:30 p.m.

Director of Public Works-Engineering and Transportation Fakhrai spoke to the speakers' comments. Discussion ensued among City staff, Council, and Attorney at Law with Goldfarb & Lipman LLP, Juliet E. Cox.

Council Member Mendall offered a motion per staff recommendation with a request for City staff to follow-up with Associated Right of Way Services, Inc., and ensure that relocation assistance was provided to the affected property owners. Council Member Mendall encouraged the property owners to get their own appraisals and use that information as basis of negotiations to achieve a mutual resolution. Council Member Jones seconded the motion.

Council Member Salinas expressed support for the motion and noted that property and business owners had been in the City for generations; and he implored the City's team to exercise due diligence and conduct a fair process for all property owners.

Council Member Halliday noted that initiating eminent domain was a serious action and she supported the request that City staff contact Associated Right of Way Services, Inc. regarding relocation assistance. Ms. Halliday encouraged all property and business owners to obtain independent appraisals, continue the negotiations, and reach a satisfactory resolution for all.

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

Resolution 13-137, “Resolution of Necessity Declaring a Public Need for and Authorizing the Acquisition and Immediate Possession by Eminent Domain Proceedings or Otherwise of Real Property Interests for the I-880/SR-92 Reliever Route - Phase 1 Project (Portions of APN 432-0060-105-03)”

Resolution 13-138, “Resolution of Necessity Declaring a Public Need for and Authorizing the Acquisition and Immediate Possession by Eminent Domain Proceedings or Otherwise of Real Property Interests for the I-880/SR-92 Reliever Route - Phase 1 Project (Portions of APNs 439-0099-051 and 052)”

Resolution 13-139, “Resolution of Necessity Declaring a Public Need for and Authorizing the Acquisition and Immediate Possession by Eminent Domain Proceedings or Otherwise of Real Property Interests for the I-880/SR-92 Reliever Route - Phase 1 Project (Portions of APN 439-0070-002-01)”

Resolution 13-140, “Resolution of Necessity Declaring a Public Need for and Authorizing the Acquisition and Immediate Possession by Eminent Domain Proceedings or Otherwise of Real Property Interests for the I-880/SR-92 Reliever Route - Phase 1 Project (Portions of APNs 439-0070-003 and 004)”

Resolution 13-141, “Resolution of Necessity Declaring a Public Need for and Authorizing the Acquisition and Immediate Possession by Eminent Domain Proceedings or Otherwise of Real Property Interests for the I-880/SR-92 Reliever Route - Phase 1 Project (Portions of APN 439-0070-005-01)”

Resolution 13-142, “Resolution of Necessity Declaring a Public Need for and Authorizing the Acquisition and Immediate Possession by Eminent Domain Proceedings or Otherwise of Real Property Interests for the I-880/SR-92 Reliever Route - Phase 1 Project (Portions of APN 439-0070-005-02)”

Resolution 13-143, “Resolution of Necessity Declaring a Public Need for and Authorizing the Acquisition and Immediate Possession by Eminent Domain Proceedings or Otherwise of Real Property Interests for the I-880/SR-92 Reliever Route - Phase 1 Project (Portions of APN 439-0070-006-00)”



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HOUSING
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City Council Chambers
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Tuesday, July 30, 2013, 7:00 p.m.**

LEGISLATIVE BUSINESS

14. Site Plan Review Application No. PL-2013-0123 and Memorandum of Understanding Associated with a Proposed 9-11 Memorial Along the East Side of Mission Boulevard, North of D Street; the Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15303 (New Construction of Conversion of Small Structures); Applicant: Michael L. Emerson (Hayward 9-11 Memorial); Property Owner: City of Hayward

Staff report submitted by Development Services Director Rizk and City Attorney Lawson, dated July 30, 2013, was filed.

Development Services Director Rizk provided a synopsis of the report. Discussion ensued and staff responded to questions from Council.

There being no public comments, Mayor Sweeney opened and closed the public hearing at 10:12 p.m.

Council Member Jones offered a motion to approve the item per staff recommendation and Council Member Peixoto seconded the motion.

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

Resolution 13-144, “Resolution Finding the Project Categorically Exempt from Review Under the California Environmental Quality Act and Approving the Site Plan Review and Memorandum of Understanding for the Hayward 9/11 Memorial Project”

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Salinas reported that the “Let’s Do Lunch Hayward... and breakfast too” campaign had served over 158,000 free meals this summer; and he noted that kids could continue to benefit until August 9, 2013.

Council Member Mendall noted that he participated in the first Walk of Wine Passeio do Vinho on July 27, 2013; and he mentioned that over 250 tickets had been sold. Mr. Mendall said the event was successful and complimented staff for organizing it and businesses for participating.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 10:14 p.m.

APPROVED:

Michael Sweeney
Mayor, City of Hayward
Chair, Housing Authority of the City of Hayward

ATTEST:

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



CITY OF
HAYWARD
HEART OF THE BAY

DATE: September 17, 2013

TO: Mayor and City Council

FROM: Director of Public Works – Engineering & Transportation

SUBJECT: Acquisition of a Portion of USPS Parcel on C Street for 21st Century Library & Community Learning Center

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to execute an agreement to purchase a portion of a parcel on C Street currently owned by the United States Postal Service (USPS) in order to allow for the development of a 21st Century Library and Community Learning Center.

BACKGROUND

The design and construction of a new Library and Community Learning Center in downtown Hayward has long been identified as a critical facility need by City Council and the Hayward community. To address this critical need, funds were dedicated in prior years from the Capital Improvement Program (CIP) budget for the costs of planning a new library facility to replace the undersized and outdated 1950's era Main Library structure.

On July 16, 2013, Council was provided with an overview of the design process and results to date as well as an opportunity to discuss potential financing plans and a project timeline. All of the design proposals under consideration require the acquisition of a portion of United States Postal Service (USPS) property on C Street in order to provide additional space to accommodate the minimum square footage needed for the building footprint.

DISCUSSION

As noted above, the City will need to acquire an adjacent fifty-foot wide by 175-foot long unused parking strip from USPS in order to construct the new Library and Community Learning Center. To that end, staff has been in close communication with USPS since 2009 in order to purchase this strip of land. While negotiations over the terms of the agreement are still ongoing, the City and USPS have reached a tentative agreement in principle for USPS to sell a portion of their land fronting C Street to the City for the construction of a new Library. Other key components of the agreement include USPS buying vacated right-of-way along C Street owned by the City that will be generated once C Street is narrowed in conjunction with the project, which would then be merged

with the existing USPS property; and the granting of an access easement by USPS to allow for deliveries to and from the new Library (please refer to Attachment II for site plan).

FISCAL AND ECONOMIC IMPACT

The cost to acquire the strip of land in question is \$175,000; however, the net expense is \$100,000 as USPS will be purchasing the vacated right-of-way along C Street for a total of \$75,000. As referenced earlier in this report, a total of \$1,000,000 was previously budgeted in the Capital Projects (Governmental) Fund and continues to be included as part of the current (FY 2014) CIP for costs associated with the preliminary design and right-of-way acquisition portions of this project. As the work session staff report from July 16 indicated (Attachment III), the current construction estimate is about \$60 million, of which \$50 million of that amount will need to be funded through alternate sources, such as a bond measure.

PUBLIC CONTACT

There has been extensive outreach and community input pertaining to this project since 2007. Such efforts will continue as the final phases for both the schematic and construction design portions of the project are completed later this fiscal year.

Prepared and Recommended by: Morad Fakhrai, Director of Public Works – Engineering & Transportation

Approved by:



Fran David, City Manager

Attachments:

Attachment I:	Resolution
Attachment II:	Site Plan
Attachment III:	July 16 Staff Report

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION OF THE HAYWARD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH USPS TO PURCHASE A PORTION OF THE USPS PARCEL ON C STREET FOR THE PURPOSES OF CONSTRUCTING A 21ST CENTURY LIBRARY AND COMMUNITY LEARNING CENTER

WHEREAS, a new Library and Community Learning Center in downtown Hayward has long been identified as a critical facility need by City Council and the Hayward community; and

WHEREAS, Council was recently provided with an overview of the design process and results to date; and

WHEREAS, design proposals under consideration require the acquisition of a portion of United States Postal Service (USPS) right-of-way along C Street in order to provide additional space for the accommodation of the minimum square footage needed for the building footprint; and

WHEREAS, in order to acquire the needed right-of-way, the City Manager is required to execute an agreement with USPS.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to execute an agreement with USPS to purchase a portion of the USPS parcel on C Street for the purposes of constructing a 21st Century Library and Community Learning Center, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

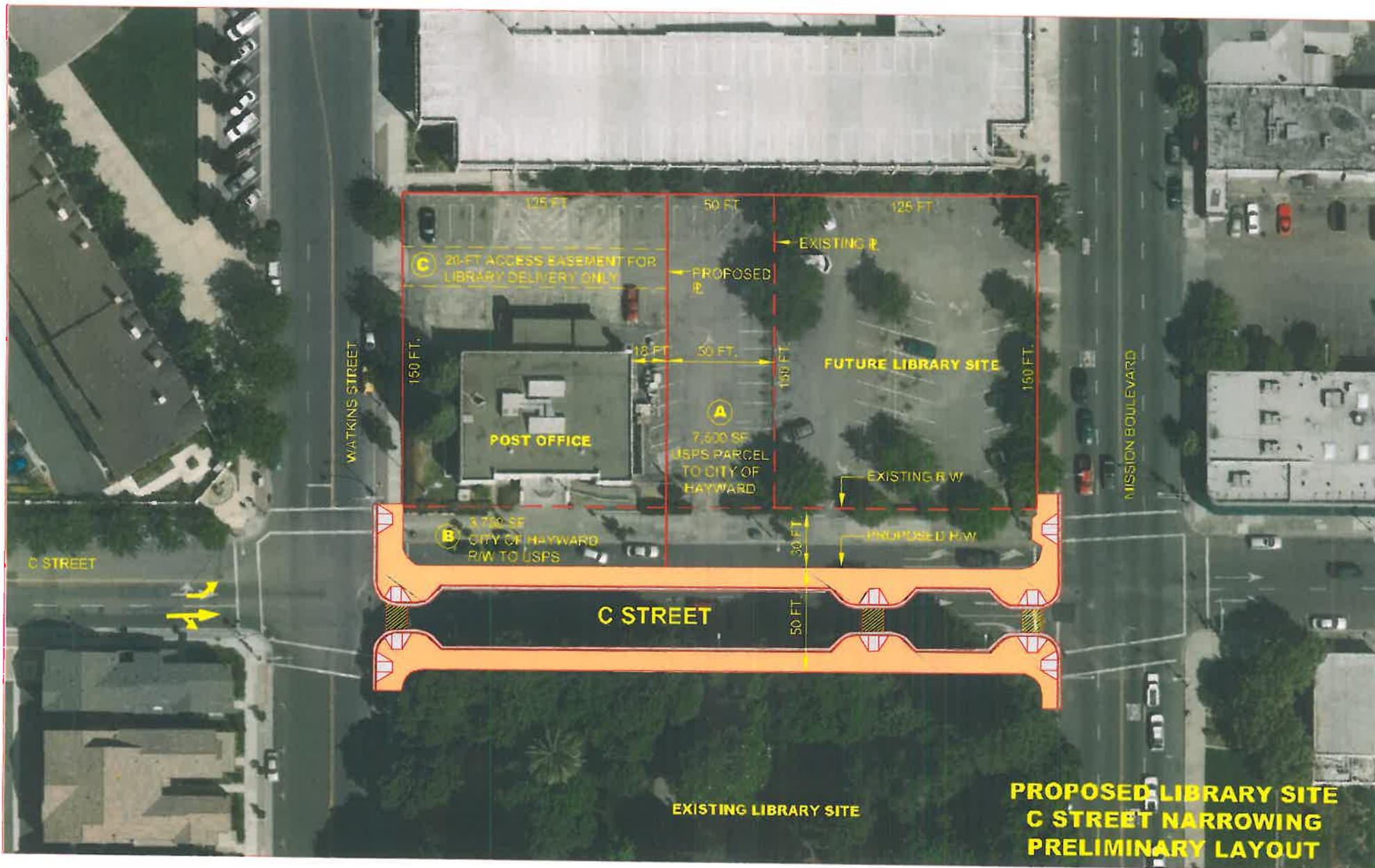
ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward





DATE: July 16, 2013

TO: Mayor and City Council

FROM: Director of Library and Community Services

SUBJECT: Design Visualizations of a 21st Century Library & Community Learning Center for Hayward

RECOMMENDATION

That the Council:

- (1) Review this report and provide feedback and guidance on next steps in the design and construction of a 21st Century Library & Community Learning Center for Hayward;
- (2) Provide direction to staff to bring back for Council consideration:
 - a. the completed schematic and construction design phases of the project, incorporating input from the Hayward community;
 - b. a recommended plan for financing the new facility; and
 - c. a recommended timeline to move forward with start of construction.

SUMMARY

This staff report discusses the 21st Century Library & Community Learning Center project and seeks Council's input and guidance on next steps in the design and construction of the new facility. Staff is requesting Council's concurrence to move forward and complete the final schematic and construction design plans for the project. Staff is also proposing to develop a project financing plan and possible construction timeline for Council review and approval.

BACKGROUND

The design and construction of a new Library and Community Learning Center in downtown Hayward has long been identified as a critical facility need by City Council and the Hayward community. To address this critical need, funds were dedicated in prior years from the Capital Improvement Program (CIP) budget for the costs of planning a new library facility to replace the undersized and outdated 1950's era Main Library structure.

Since its initiation in 2007, the 21st Century Library & Community Learning Center project has progressed through several phases up to and including the completion of a comprehensive building

program and the preliminary design. A detailed overview of the project including in-depth analyses and discussion of the community need for the facility and descriptions of the project's key design features such as the building's size, location, cost, interior spaces and functions, energy-efficiency profile, etc., can be found in the staff report for the City Council work session of 11/9/2010: "[Review and Consideration of Design Options for a New Library and Community Learning Center](http://bit.ly/Prelim-design-report)" (<http://bit.ly/Prelim-design-report>).

For Council's convenience, additional quick links to relevant project data and other background information (approximately 700 total pages of material) are provided in the list below:

- [Community Needs Analysis for a New Hayward Library](#)
(Page + Moris, 2008; 83 pages. <http://bit.ly/Community-needs-analysis>)
- [Site Recommendation – Library Commission, 11/17/2008](#)
(COH, 2008; 7 pages. <http://bit.ly/Lib-commission-11-17-2008>)
- [Building Program – Hayward Library and Community Learning Center](#)
(Page + Moris, 2010; 140 pages. <http://bit.ly/Building-program>)
- [Preliminary Design Options for a New Library – Staff Report, 11/9/2010](#)
(COH, 2010; 12 pages. <http://bit.ly/Prelim-design-report>)
- [Design Concepts for a New Library – Presentation, 11/9/2010](#)
(Noll & Tam Architects, 2010; 94 pages. <http://bit.ly/Prelim-design-presentation>)
- [Survey – Bond Measure Feasibility](#)
(Godbe Research, 2011; 386 pages. <http://bit.ly/Bond-feasibility-survey>)
- [Data – Bay Area Library Rankings by Size](#)
(California State Library, 2012; 1 page. <http://bit.ly/Library-size-per-capita>)

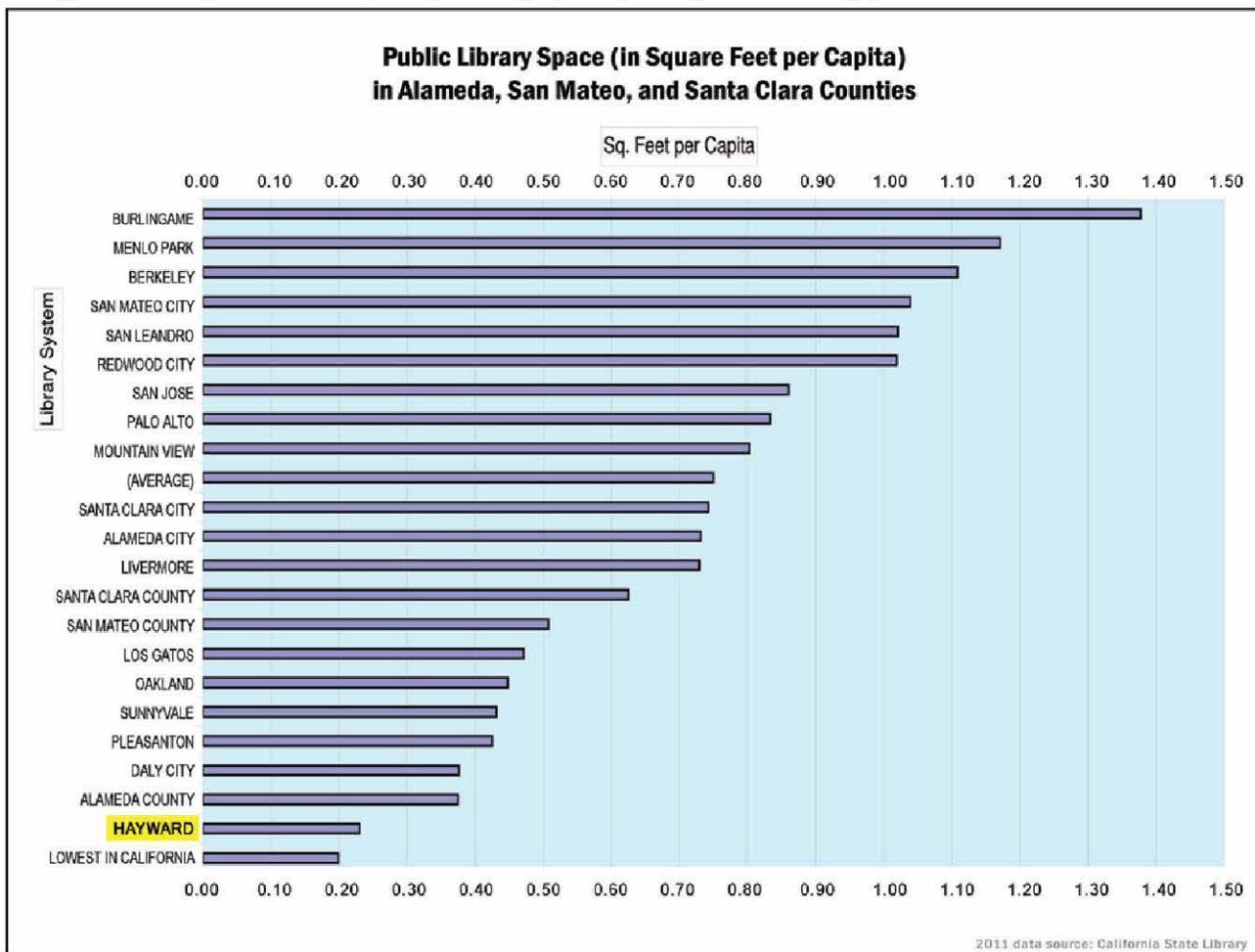
DISCUSSION

I. The Need for a 21st Century Library & Community Learning Center in Hayward

The community of Hayward has far outgrown its existing outdated downtown library facility. When the old Hayward Main Library structure was built in 1951, Hayward had a population of only 14,000 people. Today, the city of Hayward is a bustling and diverse community of nearly 150,000 people – the fifth largest city in the metropolitan Bay Area, and proudly known as the “Heart of the Bay.”

Though it is among the largest and most populous cities in the region, Hayward's libraries are by far the smallest of any jurisdiction in the Bay Area when measured by square feet per capita (Figure 1). Comparative data compiled by the California State Library shows that Hayward's public library facilities, in addition to being the smallest per capita in the Bay Area, are among the very smallest per capita in the entire State of California.

Figure 1. Comparative analysis of library space per capita in nearby jurisdictions



(A large format version of this chart is available online at <http://bit.ly/Library-size-per-capita>)

As Hayward's population continues to grow, pressure on the existing 25,000 square foot Main Library building in particular continues to increase. Service demand far exceeds the building's capacity. Library books and media items are now circulated well over 1,000,000 times each year, an historic record high. Foot traffic in Hayward's libraries now exceeds 600,000 visits per year with 400,000 visits to the downtown Main Library alone. The Library facilities have evolved from being a simple source of circulated materials and reference to a critical community education resource offering literacy training, after-school homework assistance, early childhood development, and many other programs in addition to increased circulation of multi-media materials.

The current 1950's era facility lacks the infrastructure and physical space needed to adapt to rapid advances in technology and meet growing community need. The library's technology center is at maximum capacity with over 120,000 public access internet sessions logged per year, an average forty minutes per session. The library's homework tutoring centers – a critically important education service provided by the City to help Hayward students improve their academic performance – operate at full capacity to deliver 15,000 tutoring sessions to 1,200 individual Hayward students per year. (There are 22,000 total students in HUSD.) The library has only one

small available meeting room, which must be used for any and all purposes including the homework tutoring centers as well as the hundreds of other library educational programs that take place each year including literacy tutoring, early childhood classes, English language acquisition, and parent education programs, among many others. The need in Hayward for education services and technology access far exceeds the available public library facility space, leaving no room for any other community meetings or events to take place in the library. By comparison, ample community meeting space is provided in the libraries of nearby communities like San Leandro, Castro Valley, Milpitas, and Fremont, to the great benefit of those communities.

The current outdated Main Library building not only lacks the capacity and infrastructure to accommodate the current volume of service need and future population growth, but the structure itself is nearing, and in some cases has reached or exceeded, the end of its serviceable life. Mechanical and electrical spaces and distribution are convoluted. Decentralized plumbing and restrooms are inefficient and increasingly difficult to maintain. Seismic safety standards and systems have advanced exponentially in the half century since the building was first constructed. Data and electrical wiring conduit is at maximum capacity and cannot accommodate additional computers and other technology though more is needed. Staff efficiency is sharply limited by inefficient, crowded, non-ergonomic work areas, which are labor-intensive and inadequate to handle the volume of materials being circulated. And, the building's location in the center of the park hinders access by individuals with limited mobility such as seniors, people with disabilities, and parents with young children in strollers.

To address these critical issues, in 2007 the City of Hayward initiated a planning and community feedback process to determine the library spaces and services needed to serve the Hayward community over the next thirty years. The resulting [Community Needs Analysis](#) (2008) concluded that Hayward's current level of library space of 0.23 square feet per capita is extremely deficient, and recommended that overall library space in Hayward should be increased to at least 0.46 to 0.50 square feet per capita, and ideally to the Bay Area average of 0.75 square feet per capita.

The study also concluded that to meet current and projected demands, the undersized and outdated Main Library should be replaced by a new 55,000+ square foot, multi-level facility designed to meet the Hayward community's needs through the year 2030 and beyond. Construction of a new 58,000 square foot 21st Century Library would raise the total amount of library space in Hayward (including the 9,000 square foot Weekes Branch) to 67,000 square feet, or approximately 0.46 square feet per capita. While a great first step, even this is well under the Bay Area average of 0.75 square feet per capita.

This comprehensive data was combined with additional community input to develop a detailed [Preliminary Building Design](#) which was reviewed and approved by City Council in 2010.

II. Design Considerations for a 21st Century Library & Community Learning Center

Staff will deliver a full audiovisual presentation of the project design – including newly created photo-quality conceptual renderings of the proposed facility – during the July 16 work session. As noted above, a detailed overview of the project including in-depth analyses and discussion of the community need, and describing the project's key design considerations such as the new building's

size, location, cost, energy-efficiency profile, etc., can be found in the staff report from the City Council work session of 11/9/2010: [Review and Consideration of Design Options for a New Library and Community Learning Center](http://bit.ly/Prelim-design-report) (<http://bit.ly/Prelim-design-report>).

For Council's ease of reference, a summary review of the key design considerations and commonly asked questions about the project is presented in the question-and-answer format that follows:

Q: Where will the 21st Century Library & Community Learning Center be located?

A: The new facility will be located on the corner of C Street and Mission Boulevard in downtown Hayward between the Post Office and the City parking garage, with frontage on C Street and across the street from Hayward's historic central park. The site is currently occupied by a municipal parking lot and an unused portion of the Post Office property.

Q: What will happen to the Post Office when the new library is built?

A: The new facility will not impact the Post Office building or operations in any way. In order to provide additional space for the accommodation of the minimum needed building footprint size, the municipal parking lot would be enlarged by acquiring an adjacent 50-foot wide by 175-foot long, unused parking strip from the Post Office. Discussions with the representatives of the United States Postal Service (USPS) about the acquisition of said property by the City have proven fruitful; the City has issued a letter of intent to acquire the property and is now working with USPS to finalize the details of the sale. In addition to transferring the parking strip to the City, USPS is also willing to grant to the City an access easement across the Post Office property from its Watkins Street driveway to the rear of the planned new library, greatly enhancing delivery and service access to the new facility.

Q: What is the proposed new library building's size?

The preliminary design currently assumes a building size of 58,000 total square feet on three floors, as recommended in the Community Needs Analysis report. A three-story facility provides adequate square footage within the given site footprint (which is approximately 20,500 square feet of buildable area including the land acquisition from USPS described above), while also balancing the operational needs of the facility over a manageable number of floors including the need for staff supervision of the various public areas within the building.¹

Q: What parking access will there be to the new library?

A: Given the site's adjacency to the parking structure and the expressed desire of community members in the Community Needs Analysis report to have convenient access to parking, the design includes two public entrances on the ground floor: a main entrance on C Street, and a parking access entrance at the rear of the building to allow for direct access into the building from the City parking garage. The installation of a parking access entrance would entail modifying the parking structure to enhance pedestrian safety and access in and out of the new library. Proposed modifications include a new elevator at the east corner of the parking structure, reconfigured parking spaces and lighting

¹ **NOTE from the City Manager:** Hayward really needs more new library and community space right now -- not only in the downtown, but also in the neighborhoods. . While providing a new Main Library and Learning Center and some much-needed community meeting space, what is proposed at this location does not come close to meeting the current demands of the community. How the City provides branch libraries and learning centers and additional meeting space must be considered in the near future and approached creatively.

in the area around the new library parking access entrance, and enhanced landscaping and hardscape to create a safe and welcoming library entrance “promenade” in the transition space between the two structures.

Q: How will the new building relate to the park across the street?

A: To enhance pedestrian access and strengthen the connection between the new library facility and the historic park, the design anticipates narrowing the width of C Street between Watkins Street and Mission Boulevard approximately thirty feet, which will allow for one travel lane as well as parking on both sides of street. In addition to this slight narrowing of the street, a new enhanced mid-block pedestrian crossing and other modifications such as new lighting and new sidewalks would be installed to promote safe pedestrian activity. These modifications would also add up to 1,200 square feet to the site’s buildable footprint. An increased footprint would allow for the inclusion of more two- and three-stories high interior spaces within the building, and the ability to capture more natural light and convey a greater feeling of openness to the building’s interior. It also would increase the size of the adjacent Post Office property, which by way of land exchange would help to offset the City’s cost to acquire the unused parking strip from USPS.

Q: Why not simply expand the old Main Library?

Expanding the old library would present significant and costly challenges to bring the old structure up to current building and seismic safety standards, and still would not provide the amount of space needed to accommodate Hayward’s current and future needs. The historic park where the library is currently located is densely filled with mature century-old trees dating back to the founding days of Hayward. To expand or build a large enough library on the historic park site would require the removal of numerous mature and historic trees.

Q: What will happen to the old library (and the surrounding park) after the new library is built?

A: The 21st Century Library & Community Learning Center project presents the unique opportunity to restore one of Hayward’s most impressive yet underutilized assets – its historic central park and arboretum, currently known as “library park”.

In the early days of Hayward in the mid-1800’s, the park was part of the homestead of the original ranch owner in the area, Don Guillermo Castro. His adobe house once stood nearby, in the area of present day C Street and Mission Boulevard. Next to Don Castro’s house was a large corral for his horses. By 1889, Don Castro’s former corral had become the central park in the new town of “Haywards”. Some of the trees in present day “library park” date back to these early days of Haywards. The park features dozens of varieties of rare and mature trees, including impressive specimens of native Giant Sequoia and Coast Redwoods, century old American Elms, and some of the largest and oldest specimens of exotic tree species in the Bay Area including a mature Australian Bunya Pine and a 100-foot tall Chinese Gingko – one of the oldest tree species in the world dating back 270 million years. Very few cities can boast of having such a beautiful and stately central park with century old historic trees in the heart of downtown.

One possible way to preserve and restore Hayward’s central park to its historic status would be to create a large community meadow or plaza in the heart of the park in place of the old library structure. The deconstruction of the old library would create a large, bright new well of sunlight in the center of the park, which is otherwise heavily shaded by a dense tree canopy in most other areas.

It would improve sightlines and visibility into and through the park, which would help enhance safety and create a welcoming, family-friendly park environment. To stimulate community discussion about the future potential of the park as a multi-use outdoor community space, landscape architecture firm RHAA was engaged in 2010 to design an early conceptualization of the park as an open space with the input of community focus groups. That work conceptualized a central “community green” space that could accommodate open-air community activities such as concerts, farmers’ markets, interpretive outdoor exhibits, and other events and features appropriate to a “civic green.”

The existing walking paths could be preserved though some paths could also be reconfigured to create a walking loop for observing and learning from the park’s many diverse tree specimens. A “children’s garden,” featuring rock-shaped play sculptures or similar child-friendly outdoor features, could be installed on the edge of the park near the library. Only a few of the smaller trees in the park planted in very close proximity to the current library would be impacted by the deconstruction; however, none of the larger, healthy trees would be affected.

Q: Will the new building be “green” and energy-efficient?

A: Per the direction received from City Council during the preliminary design work session of November 9, 2010, the project is proposed to be built to LEED ([Leadership in Energy & Environmental Design](#)) Gold Certification standards at a minimum, and if possible, to LEED Platinum standards, the highest level of energy-efficient certification possible. Among the many energy-efficient features proposed in the 21st Century Library preliminary design are approximately 18,000 square feet of rooftop solar panels to help offset the energy needs of the facility. More recent analysis indicates that the installation of additional solar panels on the 53,000 square foot rooftop of the adjacent parking structure (similar to the solar shades in the Chabot College parking lot) would offset the new facility’s energy needs entirely, also known as Zero Net Energy. The ability to power the entire library building and adjacent garage with free energy from the sun would result in significant energy cost savings to the City.

Assuming energy use of 15% better than ASHRAE (American Society of Heating, Refrigerating and Air Conditioning Engineers) guidelines, the total cost of an additional garage-mounted PV array (in addition to the library rooftop solar array that was previously included in the preliminary design) that would achieve Zero Net Energy is estimated to be approximately \$2.2 million. Assuming that the same 7% annual escalation rate of electricity costs continues as it has for the past forty years, the payback period for the solar array (in energy cost savings) would be less than twenty-one years. A grant to offset a portion of the cost of the PV arrays would further reduce cost and shorten the payback period. Should Council provide direction to staff to enter the schematic and construction phases of the project, the projected energy use and required PV arrays for a Zero Net Energy site will be studied and developed in more detail.

Q: Have other nearby communities built new libraries recently?

A: Several Bay Area communities have built significant new library facilities since the year 2000, including: Castro Valley, San Leandro, Dublin, Livermore, Milpitas, Alameda, Berkeley, Oakland, Santa Clara, San Jose, San Francisco, Walnut Creek, Lafayette, Los Gatos, Palo Alto, Redwood City, and San Mateo, among others. San Lorenzo (Alameda County) will begin construction of their new/expanded facility shortly.

Q: How will the community be involved in the design process?

A: Should Council direct staff to complete the project's schematic and construction design, the community and Council will continue to be closely involved in the design process through multiple public meetings, surveys, and workshops. This community engagement and outreach would be similar in scope and reach to the extensive community input processes undertaken in 2008 for the development of the *Community Needs Analysis* report, and again in 2010 for the completion of the Preliminary Design and Building Program.

III. Building Program

The foundational document the team used to inform and guide the design process and the building program was the *Community Needs Analysis* report. Consideration was also given to relevant changes that occurred after the publication of the *Community Needs Analysis* report, including the establishment of homework tutoring centers in the current library, the addition of education services and academic performance to the City Council Priorities, and the closure of the Centennial Hall conference center. These changes impacted the space needs and Building Program in the new facility. Other guiding considerations included the design recommendations of Council and the Library Commission, and the City's support and participation in building a more environmentally sustainable "green" community as described in the City Council Priorities, the Climate Action Plan and the draft General Plan update.

The design process of any complex public facility project will of necessity contain countless variables and moving parts. However, every project ultimately reaches a point where a set of baseline design parameters emerges, and this was the case with the 21st Century Library project. These baseline parameters provided the necessary framework to build a discussion and guide the work of the design team and focus groups to produce the preliminary design and building program.

The *Building Program* report provides a comprehensive assessment of the library service needs of the Hayward community from the present day to 2030 and beyond. It also includes a set of clear recommendations regarding the building's interior space and service needs. Those recommendations form the basis for the building program, which in turn informs the preliminary building design. For Council's convenience, a summary of the key elements of the building program as currently exists are here provided:

- An overall physical collection of 200,000 books and 50,000 media items on approximately 19,000 linear feet of shelving occupying 14,300 square feet of interior floor space. This is an increase of approximately 50% over the space available to house the physical collections in the current Main Library.
- Two Homework Tutoring Centers: one on the first floor adjacent to the children's area for exclusive use by elementary school students, and the other adjacent to the teen space for exclusive use by middle and high school students.
- 120 public access computers for adults, teens, and children, including a 24-seat Technology Lab with related furnishings and equipment for conducting computer training classes.

- A flexible, cutting edge Digital Learning Center for delivery of digital media education opportunities to Hayward youth and adults, for example video and audio production, web design, social media, software development, and computer generated illustration (CGI), among other digital media opportunities.
- Three public meeting rooms for library programs and community meetings – one large, dividable 2,500 square foot room to accommodate an audience of up to 200 people; and two smaller rooms 600 square feet each to accommodate up to 50 people per room. (3,100 total square feet.) These rooms would be equipped with full technology capability to meet expectations for a modern meeting/conference space.
- Eight enclosed smaller group study rooms and 330 open access seats at tables and lounge chairs throughout the building, distributed on all three floors. (Approximately 12,000 total square feet).
- A collaborative, centralized Community Learning Center for the delivery of lifelong learning opportunities to the Hayward community including adult literacy tutoring, English language acquisition, nonprofit resource development, small business assistance, financial literacy, job seeking and career development, and senior health and wellness among other lifelong education opportunities.
- Extensive use of modern self-service and automation technologies, including express self-checkout machines, automated materials handling equipment, and hands-free inventory control systems.

FISCAL IMPACT

City staff and the architect have updated the estimate of the project's total cost with input from subconsultant Davis-Langdon, a global construction consulting firm. (Figure 3.) This updated cost estimate assumes a March 2015 construction start, and reflects rapidly rising costs in the construction market. The previous cost estimate presented to Council back in November of 2010 was prepared during a time of significant downswing in the construction market, and was accurate for market conditions at that time. As the economy begins to recover, more construction projects are rapidly being initiated throughout the region and the State, causing construction costs to rise accordingly.

The timing of the 21st Century Library project, in particular when it goes out to bid for construction, will have an appreciable impact on the overall project cost. For example, if the project begins construction in March 2016 as opposed to March 2015, staff estimates that rising construction costs will increase the overall project cost by approximately \$1.6 million.

Figure 3. Overall Summary of Construction-Related Project Cost Estimates

	Gross Floor Area	\$/SF	\$ x 1,000
1. CONSTRUCTION COSTS (MARCH 2015)			
1.1 New Building Construction (incl. library solar PV array)	58,000 SF	689.51	39,992
1.2 Sitework to Curbs	35,250 SF	40.08	1,413
1.3 Parking Garage Modifications (new elevator)			420
1.3 C Street Improvements			1,036
1.4 Park Improvements	132,000 SF	22.24	2,935
1.5 Garage Solar PV Array	53,000 SF		2,243
Subtotal			48,039
2. SOFT COSTS			
2.1 Construction Design	10% of construction		3,999
2.2 Construction Administration	8% of construction		3,199
2.3 FF&E, Technology, and other soft costs			4,600
Subtotal			11,798
3. TOTAL PROJECT COST ESTIMATE			59,837
4. CALPINE LIBRARY DONATION FUND			
4.1 \$10 million donation toward new library project, received 10/12/2011			(10,000)
5. BALANCE TO BE FUNDED			49,837

This preliminary summary estimate is a “turnkey” estimate that includes all currently known and anticipated construction-related project-related costs from start to finish.

Funding Considerations

Funding for land acquisition and the preliminary design work completed to date has come from developer contributions related to the South of 92 project. Going forward, the donation of \$10 million from Calpine to help fund the development and furnishing of a new library has favorably positioned the City to establish a funding foundation from which to pursue bond or alternate funding for construction of the new facility and related project costs. Given the overall estimated cost of the project, it is desirable that the project continue forward where it may benefit from additional outside funding sources in support of “shovel ready” projects.

While there are no significant state or federal sources of grant funding in support of library construction projects available or anticipated at this time, there are some federal and state grants available that could be actively pursued to help fund specific components of the Library and Community Learning Center project concurrent with and following the completion of the project’s schematic and construction design. For example, in recent years grants in support of urban park development and energy efficiency projects have been available for “shovel ready” projects, and staff anticipates more grants in these areas to be made available in future funding years.

Recently, advocates for a new library approached the Council to request that work on funding mechanisms for the new library project begin again in earnest, and Council directed staff to return to the Council Budget & Finance Committee for a discussion about the process to move forward on that effort. The Council Budget and Finance Committee, in its meeting of June 26, 2013, reviewed and discussed potential financing mechanisms for the City's critical facility needs including the 21st Century Library & Community Learning Center for Hayward project. The Committee asked staff to define next steps regarding a possible bond measure, and has agreed to meet several times in July and August to review funding possibilities with the acknowledgement that time may be of the essence. If Council concurs, staff will continue to work with the Committee to develop and bring back for Council review and authorization potential funding mechanisms for construction of the new facility at the earliest opportunity.

PUBLIC CONTACT

- 2007: Extensive community surveys, interviews, and focus groups are convened, involving over 1,800 participants.
- 2008: The *Community Needs Analysis for the Future Hayward Library* report is presented to Council and made available in the Library and on the City website.
- 2008: The Library Commission holds several public meetings to discuss the draft building program; review and discuss building site alternatives; and recommend a building site to Council.
- 2008: Community stakeholder focus groups are convened to discuss and develop "open space" park design alternatives.
- 2010: Community stakeholder focus groups are convened to discuss and develop preliminary building design options and "open space" park design concept
- 2010: The *Hayward Library & Community Learning Center Building Program* – containing detailed space allocations and adjacencies for the new facility – is published and made available to the public in the Library on the City's website.
- 2010: Library Commission public meetings to review and discuss preliminary building design options for recommendation to Council.
- 2010: City Council and Library Commission jointly convene in public work session to review preliminary design concepts and select a final design concept ("Heart of the City" concept) to move forward.
- 2011: Calpine corporation donates \$10,000,000 to the City of Hayward to help fund the 21st Century Library & Community Learning Center for Hayward project.

- 2011: Bond Measure Feasibility Survey conducted to assess Hayward voter support for a potential facility bond measure to address an array of critical public facility needs including the library project.
- 2013: Council Budget & Finance Committee convenes to review and discuss financing mechanisms for the City's critical facility needs including the 21st Century Library & Community Learning Center for Hayward project.
- 2013: City Council convenes in work session to review new design visualizations of the 21st Century Library & Community Learning Center for Hayward based on the "Heart of the City" design concept.

NEXT STEPS

With Council's comments and concurrence, staff will proceed to:

- (1) Complete the schematic and construction design phases of the project;
- (2) Develop and bring back for Council authorization a proposed plan for financing the new facility;
- (3) Establish and bring back for Council authorization a recommended timeline to move forward with start of construction.

Prepared by: Sean Reinhart, Library and Community Services Director

Approved by:



Fran David, City Manager

DATE: September 17, 2013
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Resignation of Mr. Kanti Patel from the Council Economic Development Committee

RECOMMENDATION

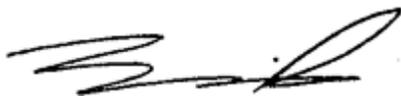
That the City Council accepts the resignation of Mr. Kanti Patel from the Council Economic Development Committee.

BACKGROUND

Mr. Kanti Patel was appointed to the Council Economic Development Committee on September 14, 2010. Mr. Patel submitted the attached resignation letter (Attachment II). His resignation is effective September 5, 2013, and his vacated position will be filled as part of the annual appointment process for the City's Appointed Officials to Boards and Commissions.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:

Attachment I Resolution Accepting the Resignation
Attachment II Resignation Letter

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION ACCEPTING THE WRITTEN RESIGNATION OF KANTI PATEL FROM THE COUNCIL ECONOMIC DEVELOPMENT COMMITTEE

WHEREAS, Mr. Kanti Patel was appointed to the Council Economic Development Committee on September 14, 2010 and;

WHEREAS, Mr. Kanti Patel submitted his resignation on September 5, 2013, effective immediately.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignation of Mr. Kanti Patel; and commends him for his civic service to the City.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____ City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ATTACHMENT II

From: Kanti Patel [mailto:kpatel@comfortinnhayward.com]
Sent: Thursday, September 05, 2013 5:11 PM
To: Michael Sweeney
Cc: CityClerk
Subject: Resignation

September 5, 2013

The Honorable Michael Sweeney
Mayor of Hayward
777 B Street
Hayward, CA 94541

Dear Mayor Sweeney,

It has been my distinct pleasure to have served on the Economic Development Committee these past several years. Serving on this committee has provided valuable insights into the process of making a city more economically sound. I learned the decisions we make have a significant impact on the city's residents and future.

It is with regret I must tender my resignation effective September 5, 2013 as my availability to attend meetings will be limited due to additional travel my expanded work responsibilities require. I have truly enjoyed my experience on the board and leave knowing the City of Hayward is in good and caring hands.

Sincerely,

Kanti Patel, CHA
Owner/General Manager
Comfort Inn
24997 Mission Blvd.
Hayward, CA 94544
Phone: (510) 538-4466
kpatel@comfortinnhayward.com
www.comfortinnhayward.com

DATE: September 17, 2013

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Authorization to Negotiate and Execute a Professional Services Agreement with Godbe Research for the 2013 Facilities Measure Feasibility Survey

RECOMMENDATION

That Council adopts the attached resolution (Attachment I) authorizing the City Manager to negotiate and execute a professional services agreement with Godbe Research for the 2013 Facilities Measure Feasibility Survey not to exceed \$100,000.

BACKGROUND

Over the past couple of years, staff and the Council have been exploring mechanisms for funding the City's critical facility infrastructure needs. In 2011, the City hired Godbe Research to conduct a preliminary survey to test voter sentiments towards a potential financing measure to fund critical City facility needs, including a new Library and Community Learning Center, a replacement Police facility, a new animal shelter, and new and upgraded Fire Stations.

For a variety of reasons, the work in 2011 to prepare for a potential ballot measure was put on hold to allow staff and the Council to focus on other critical issues. Recently, advocates for the new library approached the Council to request that this work begin again in earnest and Council directed staff to return to the Council Budget & Finance Committee for a discussion about the process to move forward on this effort.

The Council Budget and Finance Committee met in June and three times in August to discuss this item. The Committee agreed that there is a need to hire a polling firm to conduct an updated study that gauges current awareness in the community of the various facility needs and tests voter sentiments regarding a possible financing measure.

DISCUSSION

Since Godbe Research conducted the preliminary survey in 2011 as well as the majority of past Community Satisfaction surveys, staff recommends engaging the firm to conduct the 2013 Facilities Measure Feasibility Survey. Godbe Research is highly familiar with the City and the demographics of the Hayward community. In 2007, the City completed a Request for Proposal

process to perform a Community Needs Survey. Godbe Research was selected in that process and has since completed the 2008, 2010, and 2012 Hayward Citizen Satisfaction Surveys.

Godbe Research is a leader in full-service public opinion research, having provided research services for over eight-five California cities and towns. The firm has been recognized nationally for producing results-oriented research, using both Internet-based methods and traditional techniques in many languages, including Spanish, Chinese, Korean, and Vietnamese.

The proposed scope of work and project costs are listed in Attachment II. The scope includes up to three surveys: a baseline survey, a first tracking survey, and an optional second tracking survey. The Budget and Finance Committee has discussed the content and methodology of the surveys, including the need to test more than one type of financing measure. For this reason, the baseline survey will allow for two split samples. Staff is recommending that the City conduct at least two surveys in order to accurately gauge public sentiment. The need for a third survey will be determined based on the results from the first two.

FISCAL IMPACT

The City has numerous critical facility replacement and upgrade needs that cannot currently be funded from the General Fund operating budget or other existing City funds. Without a separate dedicated revenue source for facility replacements and upgrades, the City will be hard-pressed to identify a source of funds to update these facilities. The 2013 Facilities Measure Feasibility Survey is a critical step to prepare for a possible financing measure.

There is currently \$58,000 budgeted for survey expenses in the Capital Improvement Program budget. Staff is recommending that the remainder of the contract, which is not to exceed \$42,000, be paid for out of the City Manager's budget for miscellaneous professional services.

NEXT STEPS

The City Manager will execute an agreement with Godbe to complete the services outlined in the scope of work. Godbe will present preliminary findings to the Budget and Finance Committee on September 30, 2013.

Prepared by: Mary Thomas, Management Fellow

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution

Attachment II: Scope of Work and Project Budget

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH GODBE RESEARCH FOR THE 2013 FACILITIES MEASURE FEASIBILITY SURVEY NOT TO EXCEED \$100,000

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 Godbe Research to complete the 2013 Facilities Measure Feasibility Survey not to exceed \$100,000 in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

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



August 16, 2013

Scope of Work – Exhibit A

Ms. Kelly McAdoo Morariu
 Assistant City Manager
 City of Hayward
 777 B Street
 Hayward, CA 94541

Dear McAdoo Morariu,

Godbe Research is pleased to be considered to work with the City of Hayward (Hayward or City) on a baseline survey and potentially one to two tracking surveys of Hayward registered voters to help evaluate revenue measure feasibility. If accepted, the scope of work listed below and attached project costs shall serve as Exhibit A to the City's Agreement for Professional Consulting Services. Please note that the scope of work below applies to both the baseline and any future tracking survey or surveys.

- In-person meetings and conference calls, as needed, with the City of Hayward and other City identified stakeholders to discuss the research objectives for the baseline and any follow-up tracking surveys, including questionnaire design, sampling protocol, and other related topics for each voter survey to be conducted.
- Drafting, refining, and pre-testing a baseline survey instrument of no longer than 18.5-minutes in length, to accomplish the goals of the survey of Hayward voters.
- Drafting, refining, and pre-testing one and potentially two tracking survey instruments of approximately 12 to 15-minutes in length for the tracking survey process. The length of any potentially future tracking surveys will be based on the baseline survey length and specific research objectives for each tracking survey we conduct.
- Purchasing a listed sample of City voters and developing a stratified and clustered sampling design of voters likely to vote in the June and November 2014 election cycles for the baseline survey.
- Purchasing and develops a similar sampling design, focusing on the specific election cycle of interest (June or November 2014) for any future tracking surveys, based on the research objectives for those specific surveys.
- CATI programming the baseline and any future tracking survey instruments for accurate and efficient data collection.
- Conducting telephone interviews with 1,000 (n=1,000) total City of Hayward voters for the baseline survey according to a strict interviewing protocol. The length of each interview is will be no longer than 18.5-minutes. Within the overall sample size of 1,000 (n=1,000) interviews, we would then split the sample to be able to evaluate a potential future bond or special sales tax measure within each sub-sample.
- For the first of any potential future tracking survey, we would recommend conducting 600 (n=600) total interviews with City of Hayward voters, based on the City's budget for the tracking survey and if a final decision has been made on a potential future revenue measure.



- If the City decides that a second tracking survey is needed, we would recommend a sample size of 400 (n=400) City voters likely to vote in the specific (June or November 2014) election cycle of interest.
- Processing the data collected from the baseline and tracking surveys according to strict quality control standards and meeting with Hayward and other City stakeholders to review the topline results for each survey conducted shortly after data collection has been completed on that specific survey.
- Producing a written report of findings and conclusions for each survey (baseline and tracking), with a complete set of crosstabulations similar to previous voter surveys conducted for the City of Hayward.
- Developing a presentation of findings and presenting the results from each voter survey (baseline and tracking) to the City of Hayward.
- Post-project consulting on the results and recommendations from each voter survey, as needed by the City of Hayward.

Godbe Research typically invoices our projects in two phases (50% at each phase) after the project kick-off meeting, and upon delivery of the finalized survey questionnaire for fielding. With a net 30 day term for each invoice, this typically coincides with the delivery of the final project questionnaire (first invoice) and final project report (second invoice). For this specific project, we would invoice each survey as it is conducted, to allow the City to choose whether a second tracking survey is needed, as well as the specific parameters of that survey.

Regards,

Charles Hester
Vice President
Godbe Research



PROJECT COSTS

The following costs are associated with conducting two and potentially three survey events for the City of Hayward. This includes an 18.5-minute baseline survey of 1,000 (n=1,000) total City of Hayward voters likely to vote in the June and November 2014 election cycles, to be able to evaluate a potential future bond or special sales tax measure. This will allow for two split samples of 500 voter interviews in each sub-sample for the baseline survey.

In addition, we have also provided costs to conduct a future tracking survey of 600 (n=600) voters likely to vote in the specific election cycle of interest (June or November 2014), as well as potentially conducting a second tracking survey of 400 (n=400) voters to be conducted shortly before the final measure is to be placed on the ballot.

The costs below are firm and fixed and will not change provided that the project parameters conform to this Exhibit A. Should project parameters change, Godbe Research will be happy to provide amended costs prior to proceeding. Please note that the City of Hayward will only be charged the total amount from the options below that reflects the final time-tested survey length and actual sample size employed for each survey event (baseline and tracking) we conduct for the City.

Baseline Survey of 1,000 (n=1,000) City of Hayward Voters

<u>Project Task</u>	<u>18.5-min.</u>
Listed Voter Sample Purchase	\$2,200.00
Listed Sample Telephone Matching	\$1,300.00
CATI Programming	\$1,250.00
Voter Telephone Interviewing	\$25,300.00
Data Processing	\$1,200.00
Research Fee	\$8,250.00
Project Management	\$3,000.00
<u>Miscellaneous Expenses</u>	<u>\$250.00</u>
Project Total	\$42,750.00

First Tracking Survey of 600 (n=600) City of Hayward Voters

<u>Project Task</u>	<u>12-min.</u>	<u>15-min.</u>
Listed Voter Sample Purchase	\$1,400.00	\$1,400.00
Listed Sample Telephone Matching	\$1,000.00	\$1,000.00
CATI Programming	\$980.00	\$1,070.00
Voter Telephone Interviewing	\$11,400.00	\$12,900.00
Data Processing	\$850.00	\$900.00
Research Fee	\$7,500.00	\$7,500.00
Project Management	\$2,500.00	\$2,500.00
<u>Miscellaneous Expenses</u>	<u>\$150.00</u>	<u>\$150.00</u>
Project Total	\$25,780.00	\$27,420.00



Optional Second Tracking Survey of 400 (n=400) City of Hayward Voters

<u>Project Task</u>	<u>12-min.</u>	<u>15-min.</u>
Listed Voter Sample Purchase	\$1,300.00	\$1,300.00
Listed Sample Telephone Matching	\$1,000.00	\$1,000.00
CATI Programming	\$980.00	\$1,070.00
Voter Telephone Interviewing	\$7,600.00	\$8,600.00
Data Processing	\$800.00	\$850.00
Research Fee	\$7,250.00	\$7,250.00
Project Management	\$2,250.00	\$2,250.00
<u>Miscellaneous Expenses</u>	<u>\$150.00</u>	<u>\$150.00</u>
Project Total	\$21,330.00	\$22,470.00

DATE: September 17, 2013

TO: Chair and Members of Successor Agency Board

FROM: Assistant City Manager

SUBJECT: Authorization to Negotiate and Execute a Professional Services Agreement with John DeClercq for Project Management Services Related to the South Hayward BART Transit Oriented Development Project

RECOMMENDATION

That the City Council, in its capacity as governing board of the Successor Agency to the former Redevelopment Agency, adopts attached resolution (Attachment I) authorizing the City Manager to negotiate and execute a contract amendment with John DeClercq for Project Management Services Related to the South Hayward BART Transit Oriented Development, not to exceed \$60,000 over a six month period.

BACKGROUND

The California State Legislature enacted Assembly Bill x1 26 (the “Dissolution Act”) to dissolve redevelopment agencies formed under the Community Redevelopment Law in June of 2011. The California Supreme Court in its decision in *California Redevelopment Association v. Matosantos*, issued December 29, 2011, declared the Dissolution Act to be constitutional. Under the Dissolution Act, all California redevelopment agencies were dissolved effective February 1, 2012, and various actions are now required by successor agencies to unwind the affairs of all former redevelopment agencies.

On June 27, 2012, as part of the state budget package, the California legislature passed AB 1484. As a budget trailer bill, AB 1484 became effective immediately upon signature by the Governor, which occurred that same day. The main objective of AB 1484 was to amend the 2011 Redevelopment Dissolution Act (AB1x 26) based on experience in implementing the Act at the state and local level during the past year. AB 1484 imposes significant new obligations on the successor agencies and oversight boards of dissolving redevelopment agencies, which staff has been implementing over the past nine months.

As part of the Department of Finance’s (DOF) determination on the Hayward Successor Agency’s Housing Fund Due Diligence Review, the DOF disallowed two contracts for legal expenses and project management expenses related to the South Hayward BART transit oriented development project. DOF asserted that these agreements were entered into after the June 28, 2011 Dissolution Act date and therefore, did not justify the transfer of Housing funds to cover the expenses.

However, the DOF has upheld the Eden loan for the South Hayward BART project as an enforceable obligation. The Dissolution Act allows for payment of project management expenses related to enforceable obligations if those expenses are included on a ROPS approved by the Oversight Board. As such, staff is requesting funds on the ROPS 13_14B to cover the project management expenses related to this loan agreement. In addition, staff is requesting authorization from the Successor Agency to re-enter into an agreement with John DeClercq to provide these services.

DISCUSSION

John DeClercq has been providing project management services on the South Hayward BART project since November 2011. His previous contract with the Housing Authority outlined the following scope of service, which would continue in the new contract. The contract would terminate on December 31, 2013. The monthly payment would be a minimum of six thousand dollars (\$6,000) and a maximum of ten thousand dollars (\$10,000) based on an average of 15 hours per week at an hourly rate of \$150/hour.

Scope of Service: Consultant will provide project management services related to the South Hayward BART Transit Oriented Development which includes:

- Overseeing the day-to-day operations of the project
- Coordinating with Wittek/Montana (the market-rate developer) and Eden Housing (the affordable developer),
- Coordinating with and meeting as needed with BART,
- Coordinating with and meeting as needed with HCD,
- Coordinating with various City departments and personnel, including Development Services, Public Works, Finance, City Attorney, and the City's consultants, including outside counsel,
- Maintaining the overall project schedule,
- Keeping project moving forward, and
- Assisting in the preparation and review of required project documents

ECONOMIC AND FISCAL IMPACT

Approval of this contract and the corresponding expense item on the ROPS 13_14B will allow for the last phase of project management related to the South Hayward BART Transit Oriented Development.

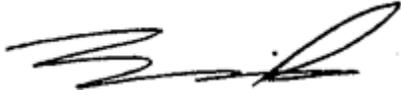
NEXT STEPS

The City Manager will execute a new contract between the Successor Agency and John DeClercq to complete the services outlined in the scope of work.

Prepared by: Mary Thomas, Analyst

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution

REDEVELOPMENT SUCCESSOR AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RSA 13-

Introduced by Agency Member ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD,
ACTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY
FOR THE REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD, A
SEPARATE LEGAL ENTITY, AUTHORIZING THE CITY MANAGER TO
NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT
WITH JOHN DECLERCQ FOR PROJECT MANAGEMENT SERVICES
RELATED TO THE SOUTH HAYWARD BART TRANSIT ORIENTED
DEVELOPMENT

NOW, THEREFORE, BE IT RESOLVED that the Redevelopment Successor Agency of the City of Hayward hereby authorizes and directs the City Manager, acting on behalf of the Successor Agency, to negotiate and execute a contract with John DeClercq for Project Management Services related to the South Hayward BART Transit Oriented Development, in an amount not to exceed \$60,000 and to terminate by December 31, 2013, in a form approved by the City Attorney.

HAYWARD, CALIFORNIA, September 17, 2013

ADOPTED BY THE FOLLOWING VOTE:

- AYES: BOARD MEMBERS:
- NOES: BOARD MEMBERS:
- ABSTAIN: BOARD MEMBERS:
- ABSENT: BOARD MEMBERS:

ATTEST: _____
Secretary of the Successor Agency
of the City of Hayward

DATE: September 17, 2013

TO: Chair and Members of Successor Agency Board

FROM: Assistant City Manager

SUBJECT: Approval of Recognized Obligation Payment Schedule and Successor Agency Administrative Budget for the Period January through June 2014

RECOMMENDATION

That the City Council, in its capacity as governing board of the Successor Agency to the former Redevelopment Agency, adopts the attached resolution (Attachment I) that approves the Recognized Obligation Payment Schedule (ROPS 13_14B) and the Successor Agency Administrative Budget for the period January 1 – June 30, 2014 and authorizes the City Manager to take other administrative actions and execute contracts and such other documents as are appropriate to effectuate the intent of the resolution and all actions necessary to effectuate associated requirements of the Dissolution Act and AB 1484.

BACKGROUND

The California State Legislature enacted Assembly Bill x1 26 (the “Dissolution Act”) to dissolve redevelopment agencies formed under the Community Redevelopment Law in June of 2011. The California Supreme Court in its decision in *California Redevelopment Association v. Matosantos*, issued December 29, 2011, declared the Dissolution Act to be constitutional. Under the Dissolution Act, all California redevelopment agencies were dissolved effective February 1, 2012, and various actions are now required by successor agencies to unwind the affairs of all former redevelopment agencies.

On June 27, 2012, as part of the state budget package, the California legislature passed AB 1484. As a budget trailer bill, AB 1484 became effective immediately upon signature by the Governor, which occurred that same day. The main objective of AB 1484 was to amend the 2011 Redevelopment Dissolution Act (AB1x 26) based on experience in implementing the Act at the state and local level during the past year. AB 1484 imposes significant new obligations on the successor agencies and oversight boards of dissolving redevelopment agencies, which staff has been implementing over the past nine months.

DISCUSSION

The intent of this report is to recommend approval of the next Recognized Obligation Payment Schedule (ROPS 13_14B) and Administrative Budget for the period January Through June 2014

(Attachments II and III). Every six months, the Successor Agency is required to prepare and submit a ROPS that outlines the required payments the Successor Agency must make to meet required obligations and to wind down the affairs of the former Redevelopment Agency. Once the City Council, acting as the Successor Agency Board, approves these items, staff will submit them to the Oversight Board for approval prior to submittal to the Department of Finance by the October 1, 2013 deadline.

Each ROPS period to date, the Department of Finance (DOF) has issued new and different preparation guidelines and forms for this process. This is again the case for the ROPS 13_14B, which is now required to be submitted through a web-based application called the Redevelopment Agency Dissolution (RAD) web application. ROPS 13_14B represents the second half of fiscal year 2014. The form provided by DOF continues to have formatting challenges and locked cells, preventing staff from presenting a clean and consistent list of this period's obligations.

One of the positive aspects of the passage of AB 1484 is the opportunity to seek repayment of interagency loans, such as the one Hayward's General Fund provided to the former RDA in 1975 to cover a variety of start-up expenses. The current balance on this loan is approximately \$7 million. However, in order to receive repayment, the Successor Agency must first complete the required Housing Fund and Non-Housing Fund Due Diligence Reviews (DDR), make the required payments to the State, and then be issued a Finding of Completion by the DOF. Once the Finding of Completion is issued, the Successor Agency can then submit a proposed repayment schedule for the City's loan, which must be reviewed and approved by DOF.

The Successor Agency has completed the Housing Fund DDR, but is still awaiting DOF determination on the Non-Housing Fund DDR. Given the timing of these events, staff has listed the General Fund loan and the SERAF repayment on the ROPS 13_14B but has left the payment amount in FY2014 as "To be determined." Once the process outlined above is complete, staff will return to both the Council (acting as the Successor Agency Board) and the Oversight Board to provide more details on the proposed repayment schedule.

Three items have been added to this ROPS since the previous period (lines 55 through 59), which are explained below. These items were formerly approved by the Oversight Board last April as modifications to ROPS 13_14A. However, DOF denied the modifications stating that it would not accept any revisions after the March 1 deadline. Therefore, the full amounts for FY 2014 are being included on ROPS 13_14B.

South Hayward BART project management expenses: As part of the review of the Housing Fund DDR, the DOF disallowed two contracts for legal expenses and project management expenses related to the South Hayward BART transit oriented development project. DOF asserted that these agreements were entered into after the June 28, 2011 Dissolution Act date and therefore, did not justify the transfer of Housing funds to cover the expenses. However, the DOF has upheld the Eden loan for the South Hayward BART project as an enforceable obligation. The Dissolution Act allows for payment of project management expenses related to enforceable obligations if those expenses are included on a ROPS approved by the Oversight Board. As such, staff is requesting funds to cover the legal and project management expenses related to this loan agreement as well as authorization from the Successor Agency Board to re-enter into agreements with Goldfarb Lipman

and John DeClercq to provide these services. The total not to exceed amount of John DeClercq's contract is \$230,000. This amount will cover all costs for the life of the contract and covers approximately two years of service provision. Staff is also requesting funding for legal services provided by Goldfarb Lipman over the past two years, totaling \$357,795, as well as funding to cover the next year of expenses, approximately \$70,000. Finally, staff is requesting \$20,000 to cover approximately one year of staff time spent on project management for the South Hayward BART project.

Tennyson Preservation Agreement: The City Council and Redevelopment Agency Board approved a loan to Eden Housing in 2009 to renovate the Tennyson Gardens apartments. As part of that approval, \$300,000 was set aside in a maintenance reserve to fund future capital maintenance items at the property. DOF upheld the validity of this loan and the funds spent to date for maintenance. However, the balance of the capital maintenance reserve must be requested when needed per the attached letter from the Department of Finance (Attachment IV). In October 2012¹, the Housing Authority Board approved expenditure of the total \$300,000 balance and Eden Housing has been using this funding to cover legitimate repair expenses. The balance of these funds (\$126,482 plus interest) is needed immediately to reimburse Eden Housing for these expenses and has been included on the ROPS 13_14B.

Cinema Place Maintenance Expenses: Pursuant to the Maintenance and Easement Agreement with the developer for the Cinema Place parking garage, the former Redevelopment Agency is responsible for certain maintenance expenses. The Successor Agency secured pressure washing services for the parking garage to abate odors emanating from the trash enclosure area several times per year and is requesting reimbursement through the ROPS process for this expense. The vendor is Webco Sweeping and the total expense is \$2,216.25, of which the Successor Agency is responsible for \$1,108.13. Staff requests Successor Agency Board approval to include this expense on the ROPS.

Through the accompanying resolution, staff recommends that the City Council, as governing board of the Successor Agency, approve the ROPS 13_14B and Administrative Budget for submittal to the Oversight Board.

Implementation Actions: The accompanying Successor Agency resolution authorizes and directs the City Manager to take all steps on behalf of the Successor Agency to implement upcoming requirements under the Dissolution Act and AB 1484, including providing necessary notices, transmittals, and postings regarding the ROPS and Successor Agency administrative budget.

Environmental Review: The actions set forth in the recommended accompanying resolution, as summarized above, are exempt under Guideline 15378(b)(4) of the California Environmental Quality Act (CEQA) in that the actions do not constitute a "project," but instead are required to continue a governmental funding mechanism for enforceable obligations of the former Redevelopment Agency and to perform the statutorily mandated unwinding of the assets, liabilities,

¹ Housing Authority Approval on pages 189-193: <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2012/CCA12PDF/cca102312full.pdf>

and functions of the former Redevelopment Agency pursuant to the Dissolution Act. Staff will file a notice of exemption with the County Clerk in accordance with the CEQA guidelines.

ECONOMIC AND FISCAL IMPACT

Approval of the ROPS 13_14B will facilitate the ability of the City as Successor Agency to continue payment of the enforceable obligations of the former Redevelopment Agency and is among the measures required to be taken to avoid triggering an event of default under any enforceable obligations. Approval of the Successor Agency administrative budget will facilitate the Successor Agency's receipt of the funds to which it is entitled under the Dissolution Act and AB 1484 to implement its administrative responsibilities.

NEXT STEPS

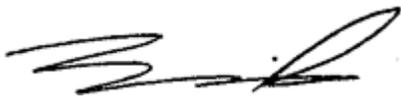
The Oversight Board approved the ROPS 13_14B and the Administrative Budget at the September 12, 2013 meeting with a 6-0 vote.

Following approval of the ROPS 13_14B and the Administrative Budget by the City Council acting as the Successor Agency Board, staff will submit these to the Department of Finance by the October 1 deadline for approval.

Prepared by: Mary Thomas, Analyst

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Successor Agency Resolution Regarding ROPS 13_14A and Administrative Budget
- Attachment II: Recognized Obligation Payment Schedule (ROPS 13_14A) July 1 – December 31, 2013 (to be distributed on Monday, February 26, 2013)
- Attachment III: Successor Agency Administrative Budget July 1 – December 31, 2013
- Attachment IV: Housing Due Diligence DOF letter

REDEVELOPMENT SUCCESSOR AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RSA 13-

Introduced by Agency Member ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD, ACTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY FOR THE REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD, A SEPARATE LEGAL ENTITY, APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND AN ADMINISTRATIVE BUDGET FOR THE PERIOD JANUARY THROUGH JUNE 2014, AND DIRECTING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE REQUIREMENTS ASSOCIATED WITH THIS APPROVAL

WHEREAS, the California state legislature enacted Assembly Bill x1 26 (as amended by AB 1484, the “Dissolution Act”) to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

WHEREAS, on January 24, 2012 and pursuant to Health and Safety Code Section 34173, the City Council of the City of Hayward (the “City Council”) declared that the City of Hayward, a charter city (the “City”), would act as successor agency (the “Successor Agency”) for the dissolved Redevelopment Agency of the City of Hayward (the “Dissolved RDA”) effective February 1, 2012; and

WHEREAS, on February 1, 2012, the Dissolved RDA was dissolved pursuant to Health and Safety Code Section 34172; and

WHEREAS, pursuant to the Dissolution Act, the Successor Agency is now declared to be a separate legal entity from the City of Hayward; and

WHEREAS, the Dissolution Act provides for the appointment of an oversight board (the “Oversight Board”) with specific duties to approve certain Successor Agency actions pursuant to Health and Safety Code Section 34180 and to direct the Successor Agency in certain other actions pursuant to Health and Safety Code Section 34181; and

WHEREAS, in compliance with additional requirements of the Dissolution Act, the City Council, acting as the Governing Board of the Successor Agency, has considered and desires to approve the following documents:

1. The recognized obligation payment schedule for the period January 1 through June 30, 2014 (the “Proposed ROPS 13_14B”); and
2. The administrative budget of the Successor Agency for the period January 1 through June 30, 2014 (the “Proposed Administrative Budget 13_14B”); and

WHEREAS, the Proposed ROPS 13_14B and the Proposed Administrative Budget 13_14B will be submitted by the Successor Agency to the Oversight Board for the Oversight Board’s approval in accordance with the Dissolution Act; and

WHEREAS, the Proposed ROPS 13_14B and the Proposed Administrative Budget 13_14B will also be submitted by the Successor Agency to the Alameda County Administrative Officer, the Alameda County Auditor Controller, and the State Department of Finance in accordance with Health and Safety Section 34179.6; and

WHEREAS, the accompanying staff report provides supporting information upon which the actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the Redevelopment Successor Agency of the City of Hayward in accordance with the Dissolution Act, hereby approves the Proposed ROPS and the Proposed Administrative Budget.

BE IT FURTHER RESOLVED that the Redevelopment Successor Agency of the City of Hayward hereby authorizes and directs the City Manager, acting on behalf of the Successor Agency, to file, post, mail or otherwise deliver via electronic mail, internet posting, and/or hardcopy, all notices and transmittals necessary or convenient in connection with the approval of the Proposed ROPS 13_14B and the Proposed Administrative Budget 13_14B.

BE IT FURTHER RESOLVED that nothing in this Resolution shall abrogate, waive, impair or in any other manner affect the right or ability of the City, as a charter city, to initiate and prosecute any litigation with respect to any agreement or other arrangement of the Dissolved RDA, including, without limitation, any litigation contesting the purported invalidity of such agreement or arrangement pursuant to the Dissolution Act, as amended.

BE IT FURTHER RESOLVED that this Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

HAYWARD, CALIFORNIA, September 17, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:	BOARD MEMBERS:
NOES:	BOARD MEMBERS:
ABSTAIN:	BOARD MEMBERS:
ABSENT:	BOARD MEMBERS:

ATTEST: _____
Secretary of the Successor Agency
of the City of Hayward

Recognized Obligation Payment Schedule (ROPS 13-14B) - Summary

Filed for the January 1, 2014 through June 30, 2014 Period

Name of Successor Agency: Hayward
Name of County: Alameda

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding		
A	Sources (B+C+D):	\$ -
B	Bond Proceeds Funding (ROPS Detail)	-
C	Reserve Balance Funding (ROPS Detail)	-
D	Other Funding (ROPS Detail)	-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 3,932,064
F	Non-Administrative Costs (ROPS Detail)	3,807,064
G	Administrative Costs (ROPS Detail)	125,000
H	Current Period Enforceable Obligations (A+E):	\$ 3,932,064
Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
I	Enforceable Obligations funded with RPTTF (E):	3,932,064
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column U)	(83,578)
K	Adjusted Current Period RPTTF Requested Funding (I-J)	\$ 3,848,486
County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
L	Enforceable Obligations funded with RPTTF (E):	3,932,064
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AB)	-
N	Adjusted Current Period RPTTF Requested Funding (L-M)	3,932,064

Certification of Oversight Board Chairman:
Pursuant to Section 34177(m) of the Health and Safety code, I
hereby certify that the above is a true and accurate Recognized
Obligation Payment Schedule for the above named agency.

Name	Title
/s/	
Signature	Date

Recognized Obligation Payment Schedule (ROPS) 13-14B - Report of Fund Balances

(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177(l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.											
A	B	C	D	E	F	G	H	I	J	K	
Fund Balance Information by ROPS Period		Fund Sources								Comments	
		Bond Proceeds		Reserve Balance		Other	RPTTF		Total		
		Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Review balances retained for approved enforceable obligations	RPTTF balances retained for bond reserves	Rent, Grants, Interest, Etc.	Non-Admin	Admin			
ROPS III Actuals (01/01/13 - 6/30/13)											
1	Beginning Available Fund Balance (Actual 01/01/13) Note that for the RPTTF, 1 + 2 should tie to columns L and Q in the Report of Prior Period Adjustments (PPAs)			\$ 2,286,507			\$ 1,465,211		\$ 3,751,718		
2	Revenue/Income (Actual 06/30/13) Note that the RPTTF amounts should tie to the ROPS III distributions from the County Auditor-Controller					\$ 637,083	\$ 4,064,000	\$ 152,021	\$ 4,853,104		
3	Expenditures for ROPS III Enforceable Obligations (Actual 06/30/13) Note that for the RPTTF, 3 + 4 should tie to columns N and S in the Report of PPAs			\$ 65,817			\$ 3,985,327	\$ 152,021	\$ 4,203,164		
4	Retention of Available Fund Balance (Actual 06/30/13) Note that the Non-Admin RPTTF amount should only include the retention of reserves for debt service approved in ROPS III								\$ -		
5	ROPS III RPTTF Prior Period Adjustment Note that the net Non-Admin and Admin RPTTF amounts should tie to columns O and T in the Report of PPAs.	No entry required						\$ 83,578	\$ -	\$ 83,578	
6	Ending Actual Available Fund Balance (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ 2,220,690	\$ -	\$ 637,083	\$ 1,543,884	\$ -	\$ 4,318,080		
ROPS 13-14A Estimate (07/01/13 - 12/31/13)											
7	Beginning Available Fund Balance (Actual 07/01/13) (C, D, E, G, and I = 4 + 6, F = H4 + F6, and H = 5 + 6)	\$ -	\$ -	\$ 2,220,690	\$ -	\$ 637,083	\$ 1,627,463	\$ -	\$ 4,401,658		
8	Revenue/Income (Estimate 12/31/13) Note that the RPTTF amounts should tie to the ROPS 13-14A distributions from the County Auditor-Controller						\$ 718,673	\$ 125,000	\$ 843,673		
9	Expenditures for 13-14A Enforceable Obligations (Estimate 12/31/13)			\$ 1,139,998			\$ 2,183,884	\$ 125,000	\$ 3,448,882		
10	Retention of Available Fund Balance (Estimate 12/31/13) Note that the RPTTF amounts may include the retention of reserves for debt service approved in ROPS 13-14A								\$ -		
11	Ending Estimated Available Fund Balance (7 + 8 - 9 - 10)	\$ -	\$ -	\$ 1,080,692	\$ -	\$ 637,083	\$ 162,252	\$ -	\$ 1,796,449		

Recognized Obligation Payment Schedule (ROPS) 13-14B - ROPS Detail
January 1, 2014 through June 30, 2014
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K					P
										M					
										Funding Source					
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF		Six-Month Total
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	
								\$ 59,946,221		\$ -	\$ -	\$ -	\$ 3,807,064	\$ 125,000	\$ 3,932,064
1	2004 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	5/1/2004	5/1/2034	Wells Fargo	Bond issue to fund non-housing projects	Hayward Downtown	36,022,322	N				2,482,679		\$ 2,482,679
2	2004 TAB Admin Fee FY2012	Fees	5/1/2004	5/1/2034	Wells Fargo	Annual administrative fee for bond issuance	Hayward Downtown	-	Y						\$ -
3	2004 TAB Admin Fee FY2013	Fees	5/1/2004	5/1/2034	Wells Fargo	Annual administrative fee for bond issuance	Hayward Downtown	-	Y						\$ -
4	2004 TAB Admin Fee FY2012	Fees	5/1/2004	5/1/2034	Willdan	Annual administrative fee for bond issuance	Hayward Downtown	-	Y						\$ -
5	2004 TAB Admin Fee FY2013	Fees	5/1/2004	5/1/2034	Willdan	Annual administrative fee for bond issuance	Hayward Downtown	-	Y						\$ -
6	2006 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	6/1/2006	6/1/2036	Wells Fargo	Bond issue to fund non-housing projects	Hayward Downtown	11,443,350	N				361,650		\$ 361,650
7	2006 TAB Admin Fee FY2012	Fees	6/1/2006	6/1/2036	Wells Fargo	Annual administrative fee for bond issuance	Hayward Downtown	-	Y						\$ -
8	2006 TAB Admin Fee FY2013	Fees	6/1/2006	6/1/2036	Wells Fargo	Annual administrative fee for bond issuance	Hayward Downtown	-	Y						\$ -
9	2006 TAB Admin Fee FY2012	Fees	6/1/2006	6/1/2036	Willdan	Annual administrative fee for bond issuance	Hayward Downtown	-	Y						\$ -
10	2006 TAB Admin Fee FY2013	Fees	6/1/2006	6/1/2036	Willdan	Annual administrative fee for bond issuance	Hayward Downtown	-	Y						\$ -
11	Repayment Agreement with City of Hayward	City/County Loans On or Before 6/27/11	9/23/1975	1/1/2050	City of Hayward	To fund start-up costs of Hayward Redevelopment Project Area	Hayward Downtown	-	N						\$ -
12	SERAF	Revenue Bonds Issued On or Before	8/3/2011	1/1/2050	Hayward Housing Authority	Loan for SERAF FY10 and FY11 payments	Hayward Downtown	-	N						\$ -
13	Contract for Restaurant Consulting	Professional Services	10/12/2010	12/30/2011	Five Star Restaurant	One-on-one restaurant consulting/retail attraction	Hayward Downtown	10,500	Y						\$ -
14	Foothill Façade Loans	Improvement/Infrastructure	3/9/2011	1/1/2050	Multiple Property Owners	Matching loan funds for property owners along Foothill Blvd for façade improvement program	Hayward Downtown	422,165	N						\$ -
15	Foothill Façade Loan Project Delivery Costs (Staff Costs/Legal	Project Management Costs	1/1/2014	6/30/2014	Successor Agency	Project Delivery Costs to Implement Foothill Façade Loan Project	Hayward Downtown	-	N				7,551		\$ 7,551
16	Employee Leave Liability	Unfunded Liabilities	2/1/2012	12/1/2013	Employees of Agency/ Liability Fund	Leave balance payoffs/liability fund deposit for employee leave costs	Hayward Downtown	29,088	Y						\$ -
17	PERS Liability	Unfunded Liabilities	2/1/2012	12/1/2013	Liability Fund	Liability Fund deposit for Agency employee PERS costs	Hayward Downtown	-	Y						\$ -
18	OPEB Liability	Unfunded Liabilities	2/1/2012	12/1/2013	Liability Fund	Liability Fund deposit for Agency employee OPEB costs	Hayward Downtown	-	Y						\$ -
19	Agency insurance costs	Admin Costs	7/1/2011	12/1/2013	City of Hayward	Liability Insurance	Hayward Downtown	-	Y						\$ -
20	Contract for Mission Blvd Specific Plan	Professional Services	11/17/2009	5/31/2013	Hall Alminana, Inc/Lamphier Gregory	Consultant to prepare specific plan for Mission Blvd corridor	Hayward Downtown	151,820	N						\$ -
21	Successor Agency Admin Allowance	Admin Costs	2/1/2012	1/1/2050	City of Hayward	Per ABx1 26, to cover administrative costs of Successor Agency	Hayward Downtown	-	N					125,000	\$ 125,000
22	Contract for Security Services	Property Maintenance	7/11/2012	1/1/2050	ABC Security Services	Security Patrol Services for Cinema Place garage	Hayward Downtown	-	Y						\$ -
23	Contract for Security Alarm	Property Maintenance	7/11/2012	1/1/2050	ADT Security Services	Alarm Service for Cinema Place garage	Hayward Downtown	-	N				1,025		\$ 1,025
24	Contract for Security Alarm	Property Maintenance	7/11/2012	1/1/2050	ADT Security Services	Alarm Service for Cinema Place garage	Hayward Downtown	-	Y						\$ -
25	Contract for Elevator Maint and Repair	Property Maintenance	7/11/2012	1/1/2050	Mitsubishi Electric	Cinema Place Elevator	Hayward Downtown	-	N				3,750		\$ 3,750
26	Contract for Elevator Maint and Repair	Property Maintenance	7/11/2012	1/1/2050	Mitsubishi Electric	Cinema Place Elevator	Hayward Downtown	-	Y						\$ -
27	Contract for Sweeping	Property Maintenance	7/11/2012	1/1/2050	Montgomery Sweeping Service	Cinema Place Garage Sweeping	Hayward Downtown	-	N				5,000		\$ 5,000
28	Contract for Sweeping	Property Maintenance	7/11/2012	1/1/2050	Montgomery Sweeping Service	Cinema Place Garage Sweeping	Hayward Downtown	-	Y						\$ -
29	Utilities	Property Maintenance	7/11/2012	1/1/2050	PGE	Cinema Place Garage Utilities	Hayward Downtown	-	N				12,750		\$ 12,750
30	Utilities	Property Maintenance	7/11/2012	1/1/2050	PGE	Cinema Place Garage Utilities	Hayward Downtown	-	Y						\$ -
31	Utilities	Property Maintenance	7/11/2012	1/1/2050	City of Hayward	Cinema Place Water Utilities	Hayward Downtown	-	N				400		\$ 400
32	Utilities	Property Maintenance	7/11/2012	1/1/2050	City of Hayward	Cinema Place Water Utilities	Hayward Downtown	-	Y						\$ -

Recognized Obligation Payment Schedule (ROPS) 13-14B - ROPS Detail
January 1, 2014 through June 30, 2014
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K				L	M	N	O	P
										Funding Source								
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)		RPTTF						
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	Six-Month Total			
33	Contract for Env Remediation Work	Remediation	7/20/2004	2/7/2007	AEDIS Architecture & Planning	Burbank School Env Remediation Work	Hayward Downtown	0	Y						\$	-		
34	Contract for Env Remediation Work	Remediation	2/4/2005	6/10/2008	TRC	Burbank School Env Remediation Work	Hayward Downtown	4,373	Y						\$	-		
35	Contract for Env Remediation Work	Remediation	8/5/2011	9/9/2013	TRC	Residual Burbank Site - Removal Action Work	Hayward Downtown	62,127	N						\$	-		
36	Project Delivery Costs - Burbank Residual Site	Project Management Costs	1/1/2014	6/30/2014	City of Hayward (Successor Agency)	Finalize negotiation and execution of Purchase and Sale Agreement - staff project mgmt costs/legal fees	Hayward Downtown	-	N				1,500		\$	1,500		
37	Property Disposition Costs - former Agency-held properties	Property Dispositions	1/1/2014	6/30/2014	City of Hayward (Successor Agency)	Staff project mgmt costs; legal fees; property mgmt costs; appraisal costs; other associated costs for	Hayward Downtown	-	N				99,356		\$	99,356		
38	Contract for Env Remediation	Remediation	6/25/2009	8/30/2012	AMEC Geomatrix Inc	Env Remediation - Cinema Place	Hayward Downtown	103,635	N						\$	-		
39	Contract for Financial Analysis	Professional Services	7/1/2011	12/1/2013	Keyser Marston	Financial Analysis	Hayward Downtown	-	Y						\$	-		
40	Contract for Water Testing	Remediation	6/15/2012	1/1/2050	SWRCB	Water testing at Cinema Place - monitoring of site	Hayward Downtown	-	N						\$	-		
41	AB1484 Audit Expenses	Dissolution Audits	7/1/2013	12/31/2013	TBD	Audit required by AB1484	Hayward Downtown	-	Y						\$	-		
42	Oversight Board Legal Counsel	Legal	1/1/2014	6/30/2014	TBD	Per Oversight Board request, funds to pay for outside legal counsel	Hayward Downtown	-	Y						\$	-		
43	Cinema Place Maintenance Expense Repayment	Property Maintenance	7/1/2007	1/1/2050	Blake Hunt Ventures	Reimbursement of overpaid funds on deposit for annual maintenance expenses to holder of Cinema	Hayward Downtown	-	Y						\$	-		
44	Cinema Place Maintenance Reserve FY12 Payment	Property Maintenance	7/1/2007	1/1/2050	City of Hayward (Successor Agency)	Per requirements of Ground Lease, annual payment into capital maintenance reserve for Cinema Place	Hayward Downtown	-	Y						\$	-		
45	Cinema Place Maintenance Reserve FY13 Payment	Property Maintenance	7/1/2007	1/1/2050	City of Hayward (Successor Agency)	Per requirements of Ground Lease, annual payment into capital maintenance reserve for Cinema Place	Hayward Downtown	-	Y						\$	-		
46	2004 TAB Admin Fee FY 2014	Fees	5/1/2004	5/1/2034	Wells Fargo	Annual administrative fee for bond issuance	Hayward Downtown	-	N				2,000		\$	2,000		
47	2004 TAB Admin Fee FY 2014	Fees	5/1/2004	5/1/2034	Willdan	Annual administrative fee for bond issuance	Hayward Downtown	-	N				3,000		\$	3,000		
48	Repayment Agreement with City of Hayward	City/County Loans On or Before 6/27/11	9/23/1975	1/1/2050	City of Hayward	To fund start-up costs of Hayward Redevelopment Project Area	Hayward Downtown	7,016,422	N						\$	-		
49	SERAF	SERAF/ERAF	8/3/2011	1/1/2050	Hayward Housing Authority	Loan for SERAF FY10 and FY11 payments	Hayward Downtown	3,876,516	N						\$	-		
50	Contract for Environmental Remediation (New Burbank School)	Remediation	1/1/2014	6/30/2014	TRC	Payment for removal of environmental monitoring wells following DTSC clearance on new Burbank	Hayward Downtown	-	N						\$	-		
51	2006 TAB Admin Fee FY 2014	Fees	6/1/2006	6/1/2036	Wells Fargo	Annual administrative fee for bond issuance	Hayward Downtown	-	N				1,800		\$	1,800		
52	2006 TAB Admin Fee FY 2014	Fees	6/1/2006	6/1/2036	Willdan	Annual administrative fee for bond issuance	Hayward Downtown	-	N				700		\$	700		
53	Environmental Monitoring Expenses	Remediation	1/1/2014	6/30/2014	DTSC	Regulatory monitoring fee associated with clean up work at new Burbank School construction	Hayward Downtown	-	N						\$	-		
54	Cinema Place Elevator Repair	Property Maintenance	1/1/2014	6/30/2014	Amcoe Sign Company	Unanticipated maintenance expense at Cinema Place parking garage	Hayward Downtown	-	Y						\$	-		
55	South Hayward BART Project Management Expenses	Project Management Costs	1/1/2014	6/30/2014	John DeClercq	Project Delivery Costs to Implement South Hayward BART Transit Oriented Development Project	Hayward Downtown	230,000	N				230,000		\$	230,000		
56	South Hayward BART Project Management Expenses	Legal	1/1/2014	6/30/2014	Goldfarb Lipman	Project Delivery Costs to Implement South Hayward BART Transit Oriented Development Project	Hayward Downtown	427,795	N				427,795		\$	427,795		
57	South Hayward BART Project Management Expenses	Project Management Costs	1/1/2014	6/30/2014	City of Hayward (Housing Authority)	Project Delivery Costs to Implement South Hayward BART Transit Oriented Development Project	Hayward Downtown	-	N				20,000		\$	20,000		
58	Tennyson Preservation Maintenance	Property Maintenance	1/1/2014	6/30/2014	Tennyson Preservation Limited Partnership	Original loan agreement set aside \$300,000 for future capital maintenance expenses	Hayward Downtown	145,000	N				145,000		\$	145,000		
59	Cinema Place Pressure Washing	Property Maintenance	1/1/2014	6/30/2014	Webco	Unanticipated maintenance expense at Cinema Place parking garage	Hayward Downtown	1,108	N				1,108		\$	1,108		

Recognized Obligation Payment Schedule (ROPS) 13-14B - Report of Prior Period Adjustments
 Reported for the ROPS III (January 1, 2013 through June 30, 2013) Period Pursuant to Health and Safety Code (HSC) section 34186 (a)
 (Report Amounts in Whole Dollars)

ROPS III Successor Agency (SA) Self-reported Prior Period Adjustments (PPA): Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS III (July through December 2013) period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved for the ROPS 13-14B (January through June 2014) period will be offset by the SA's self-reported ROPS III prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller (CAC) and the State Controller.

ROPS III CAC PPA: To be completed by the CAC upon submittal of the ROPS 13-14B by the SA to Finance and the CAC

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB			
Item #	Project Name / Debt Obligation	Non-RPTTF Expenditures										RPTTF Expenditures																		
		LMIHF (Includes LMIHF Due Diligence Review (DDR) retained balances)		Bond Proceeds		Reserve Balance (Includes Other Funds and Assets DDR retained balances)		Other Funds		Non-Admin				Admin				Net SA Non-Admin and Admin PPA		Non-Admin CAC			Admin CAC			Net CAC Non-Admin and Admin PPA				
		Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Available RPTTF (ROPS III distributed + all other available as of 1/1/13)	Net Lesser of Authorized/ Available	Actual	Difference (If M is less than N, the difference is zero)	Authorized	Actual	Available RPTTF (ROPS III distributed + all other available as of 1/1/13)	Net Lesser of Authorized / Available	Actual	Difference (If R is less than S, the difference is zero)	Net Difference (Amount Used to Offset ROPS 13-14B Requested RPTTF (O + T))	Net Lesser of Authorized / Available	Actual	Difference (If V is less than W, the difference is zero)	Net Lesser of Authorized / Available	Actual	Difference (If Y is less than Z, the difference is zero)	Net Difference (Amount Used to Offset ROPS 13-14B Requested RPTTF (X + AA))	
		\$ -	\$ -	\$ -	\$ -	\$ 143,019	\$ 65,817	\$ -	\$ -	\$ 4,064,000	\$ 4,064,000	\$ 4,064,000	\$ 3,985,327	\$ 83,578	\$ 152,021	\$ 152,021	\$ 152,021	\$ 152,021	\$ -	\$ 83,578	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1	2004 Tax Allocation Bonds									2,446,991	2,446,991	\$ 2,446,991	2,446,816	\$ 175			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
2	2004 TAB Admin Fee FY2012											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
3	2004 TAB Admin Fee FY2013									1,800	1,800	\$ 1,800	1,800	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
4	2004 TAB Admin Fee FY2012											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
5	2004 TAB Admin Fee FY2013											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
6	2006 Tax Allocation Bonds									5,175	5,175	\$ 5,175	7,706	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
7	2006 TAB Admin Fee FY2012									358,170	358,170	\$ 358,170	358,142	\$ 28			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
8	2006 TAB Admin Fee FY2013											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
9	2006 TAB Admin Fee FY2012									2,000	2,000	\$ 2,000	2,000	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
10	2006 TAB Admin Fee FY2013											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
11	Repayment Agreement with City of Hayward											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
12	SERAF											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
13	Contract for Restaurant Consulting											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
14	Foothill Façade Loans											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
15	Foothill Façade Loan Project Delivery Costs (Staff Costs/Legal Fees)									24,432	24,432	\$ 24,432	24,432	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
16	Employee Leave Liability											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
17	PERS Liability									666,235	666,235	\$ 666,235	666,235	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
18	OPEB Liability									177,227	177,227	\$ 177,227	177,227	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
19	Agency insurance costs											\$ -	\$ -	\$ -	27,021	27,021	\$ 27,021	27,021	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20	Contract for Mission Blvd Specific Plan									91,206	47,872	\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
21	Successor Agency Admin Allowance											\$ -	\$ -	\$ -	125,000	125,000	\$ 125,000	125,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
22	Contract for Security Services											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
23	Contract for Security Alarm									525	525	\$ 525	525	\$ 525			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
24	Contract for Security Alarm											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
25	Contract for Elevator Maint and Repair									1,750	1,750	\$ 1,750	1,961	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
26	Contract for Elevator Maint and Repair											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
27	Contract for Sweeping									3,000	3,000	\$ 3,000	3,510	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
28	Contract for Sweeping											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
29	Utilities									7,000	7,000	\$ 7,000	4,957	\$ 2,043			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
30	Utilities											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
31	Utilities									125	125	\$ 125	223	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
32	Utilities											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
33	Contract for Env Remediation Work											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
34	Contract for Env Remediation Work											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
35	Contract for Env Remediation Work									255,728	255,728	\$ 255,728	204,920	\$ 50,808			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
36	Project Delivery Costs - Burbank Residual Site									18,432	18,432	\$ 18,432	18,432	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
37	Property Disposition Costs - former Agency-held properties									64,290	64,290	\$ 64,290	64,290	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
38	Contract for Env Remediation									51,813	17,945	\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
39	Contract for Financial Analysis											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
40	Contract for Water Testing											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
41	AB1484 Audit Expenses											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
42	Oversight Board Legal Counsel									30,000	30,000	\$ 30,000	30,000	\$ 30,000			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
43	Cinema Place Maintenance Expense Repayment											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
44	Cinema Place Maintenance Reserve FY12 Payment											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
45	Cinema Place Maintenance Reserve FY13 Payment											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
46	2004 TAB Admin Fee FY 2014											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
47	2004 TAB Admin Fee FY 2014											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
48	Repayment Agreement with City of Hayward											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
49	SERAF											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
50	Contract for Environmental Remediation (New Burbank School site)											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
51	2006 TAB Admin Fee FY 2014											\$ -	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
52	2006 TAB Admin Fee FY 2014											\$ -	\$ -	\$ -			\$ -	\$ -												

Recognized Obligation Payment Schedule 13-14B - Notes
January 1, 2014 through June 30, 2014

Item #	Notes/Comments
1	
2	Delete - prior period obligation.
3	Delete - prior period obligation.
4	Delete - prior period obligation.
5	Delete - prior period obligation.
6	
7	Delete - prior period obligation.
8	Delete - prior period obligation.
9	Delete - prior period obligation.
10	Delete - prior period obligation.
11	See note 48
12	See note 49
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17	
18	
19	Remove from future ROPS - to be incorporated into Administrative Allowance as applicable pursuant to DOF letter dated April 27, 2012.
20	
21	
22	
23	Former payee has consolidated with another vendor; new payee name is Tyco Integrated Security
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33	Can be removed from future ROPS - contract work finalized.
34	
35	
36	
37	
38	
39	Can be removed from future ROPS - contract work finalized.
40	
41	
42	
43	
44	
45	
46	Amount varies every year.
47	Amount varies every year.
48	Repayment pending issuance of Finding of Completion and approval of repayment schedule. Contract termination date - n/a.
49	Repayment pending issuance of Finding of Completion and approval of repayment schedule. Contract termination date - n/a. Per the Public Facilities Development Agreement, the former RDA is responsible for all site clean up and associated expenses on the new Burbank School site; onc
50	issues no further action letter, contract will be needed to remove 7 monitoring wells on the site.
51	Amount varies every year.
52	Amount varies every year.
53	
54	Can be removed from future ROPS - contract work finalized.
55	
56	
57	
58	
59	

Administrative Allowance Budget
January - June 2014

Successor Agency Administrative Allowance January - June 2014 Budget
(Based on \$125,000 - 6 month allocation)

	\$125,000
Salaries and Benefits	(\$90,000)
Balance Remaining	\$35,000
Legal Expenses	(\$20,000)
Supplies and Services	(\$15,000)
Balance Remaining	\$0



DEPARTMENT OF
FINANCE

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

April 6, 2013

Ms. Kelly McAdoo Morariu, Assistant City Manager
City of Hayward
777 B Street
Hayward, CA 94541

Dear Ms. Morariu:

Subject: Low and Moderate Income Housing Fund Due Diligence Review

This letter supersedes Finance's original LMIHF DDR determination letter March 1, 2013. Pursuant to Health and Safety Code (HSC) section 34179.6 (c), the City of Hayward Successor Agency (Agency) submitted an oversight board approved Low and Moderate Income Housing Fund (LMIHF) Due Diligence Review (DDR) to the California Department of Finance (Finance) on February 5, 2013. Finance issued a LMIHF DDR determination letter on March 1, 2013. Subsequently, the Agency requested a Meet and Confer session on one or more items adjusted by Finance. The Meet and Confer Session was held on March 18, 2013.

Based on a review of additional or clarifying information provided to Finance during the Meet and Confer process, Finance is revising some of the adjustments made in our previous DDR determination letter. Specifically, we are revising the following adjustments:

- Disallowed cash transfers in the amount of \$6,740,026. Finance initially disallowed the transfer to the Housing Authority (Authority) because the amount was not supported by an enforceable obligation. The Agency contends that the Authority is a third party as stated in HSC section 34171 (d) (3) and has encumbered and expended funds under contracts with third parties. Based on a review of information and clarification provided by the Agency during the meet and confer, Finance determined the following encumbered cash held by the Authority was expended for obligations with a third party.
 - South Hayward BART Housing Loan Agreement for \$3,832,000. The loan agreement with Eden Housing dated June 14, 2011 meets the criteria of an enforceable obligation. To date, the Authority spent \$2,691,094 of the funds and is scheduled to spend the remainder by June 2013. Since the transfer of cash to the Authority resulted in an obligation with a third party, Finance is allowing the amount of \$3,832,000 transferred to the Housing Authority pursuant to the Housing Cooperative Agreement and is revising the adjustment made in the original LMIHF determination.
 - City Staffing Costs totaling \$39,079. The staff project costs associated with the South Hayward BART Housing; therefore, transfer of cash to pay for these costs are

allowed. Finance is revising the adjustment made in the original LMIHF Determination.

- o Tennyson Preservation Partner Agreement in the amount of \$300,000. The agreement between the former RDA and Tennyson Preservation Limited Partnership dated October 1, 2009 requires funding of an Agency Controlled Operating Reserve Account for the amount and is considered an enforceable obligation. To date, the Authority has expended only \$173,518 of the reserves. The Agency contends the remaining funds must be accessible to developer for maintenance projects on the property; however, there are no pending requests or set expenditure schedule. Finance has only approved funding through the January through June 2013 Recognized Obligation Payment Schedule (ROPS III) period, the Agency's fund balances could only be encumbered to the extent they have been approved through the June 30, 2013 period. Therefore, the remaining balance of \$126,482 is not allowed for retention. Finance is revising the original determination to allow for \$173,518. Since the agreement is an enforceable obligation, future requests for funding up to \$126,482 should be made on subsequent ROPS from the Redevelopment Property Tax Trust Fund.

However, Finance continues to believe some of the adjustments made to the DDR's stated balance of LMIHF available for distribution to the taxing entities is appropriate. HSC section 34179.6 (d) authorizes Finance to make these adjustments. We maintain the following adjustments related to the disallowed transfer continue to be necessary for the following reasons:

- Project Management Consultant Services for South Hayward BART Housing project in the amount of \$157,000. The agreement with John Declercq for consultant services is dated November 15, 2011. HSC section 34163 (b) prohibits a redevelopment agency from entering into a contract with any entity after June 27, 2011. Therefore, this is not an enforceable obligation and \$157,000 remains as part of the disallowed transfer.
- Legal Services Agreement in the amount of \$100,000. The Agency provided a Purchase Order for the renewal of legal services for Affordable Housing Related matters and the Green Shutter Hotel dated May 1, 2012. The DDR has referenced this as an encumbrance to the South Hayward BART Housing Loan project; however, the description of the purchase order does not reference this project. Therefore, \$100,000 remains as part of the disallowed transfer.
- Route 238 Homebuyer Loans pursuant to a Settlement Agreement in the amount of \$1,000,000. The Agency provided a Settlement Agreement in which the City of Hayward (City) and the California Department of Transportation were the defendants. The ruling was in favor of the plaintiffs which obligated the City to provide funding in the amount of \$1,000,000 to the First Time Home Buyer Program (FTHBP). The Settlement Agreement does not reference the RDA nor obligate the RDA to provide funding for the City's FTHBP. Therefore, no enforceable obligation existed and \$1,000,000 remains as a disallowed transfer.

The Agency's LMIHF balance available for distribution to the affected taxing entities has been revised to \$2,695,429 (see table below).

LMIHF Balances Available For Distribution To Taxing Entities	
Available Balance per DDR:	\$ 1,311,947
Finance Adjustments	
Disallowed Transfer:	1,383,482
Total LMIHF available to be distributed:	\$ 2,695,429

This is Finance's final determination of the LMIHF balances available for distribution to the taxing entities. HSC section 34179.6 (f) requires successor agencies to transmit to the county auditor-controller the amount of funds identified in the above table within five working days, plus any interest those sums accumulated while in the possession of the recipient.

If funds identified for transmission are in the possession of the successor agency, and if the successor agency is operated by the city or county that created the former redevelopment agency, then failure to transmit the identified funds may result in offsets to the city's or the county's sales and use tax allocation, as well as its property tax allocation. If funds identified for transmission are in the possession of another taxing entity, the successor agency is required to take diligent efforts to recover such funds. A failure to recover and remit those funds may result in offsets to the other taxing entity's sales and use tax allocation or to its property tax allocation. If funds identified for transmission are in the possession of a private entity, HSC 34179.6 (h) (1) (B) states that any remittance related to unallowable transfers to a private party may also be subject to a 10 percent penalty if not remitted within 60 days.

Failure to transmit the identified funds will also prevent the Agency from being able to receive a finding of completion from Finance. Without a finding of completion, the Agency will be unable to take advantage of the provisions detailed in HSC section 34191.4. Specifically, these provisions allow certain loan agreements between the former redevelopment agency (RDA) and the city, county, or city and county that created the RDA to be considered enforceable obligations. These provisions also allow certain bond proceeds to be used for the purposes in which they were sold and allows for the transfer of real property and interests into the Community Redevelopment Property Trust Fund once Finance approves the Agency's long-range property management plan.

In addition to the consequences above, willful failure to return assets that were deemed an unallowable transfer or failure to remit the funds identified above could expose certain individuals to criminal penalties under existing law.

Pursuant to HSC section 34167.5 and 34178.8, the California State Controller's Office (Controller) has the authority to claw back assets that were inappropriately transferred to the city, county, or any other public agency. Determinations outlined in this letter and Finance's Housing Assets Transfer letter dated August 31, 2012 do not in any way eliminate the Controller's authority.

Ms. Kelly McAdoo Morariu
April 6, 2013
Page 4

Please direct inquiries to Beliz Chappuie, Supervisor or Todd Vermillion, Lead Analyst at (916) 445-1546.

Sincerely,



STEVE SZALAY
Local Government Consultant

cc: Ms. Tracy Vesely, Finance Director, City of Hayward
Ms. Carol Orth, Tax Analysis Division Chief, County Auditor-Controller, County of Alameda
California State Controller's Office

DATE: September 17, 2013

TO: Mayor and City Council

FROM: David Rizk, Development Services Director

SUBJECT: Call-Up by Council Member Jones of the July 11, 2013 Planning Commission Approval of Site Plan Review Application No. PL-2013-0168, Associated with a Request to Build 60 Units of Senior Housing and Approximately 6,000 Square Feet of Ground Floor Retail Space and Office Space on a Vacant Property at 808 A Street in the Central City Commercial (CC-C) Zoning District. The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, Infill Development. Meta Housing Corporation, Aaron Mandel (Applicant) / Sean Sullivan (Owner)

RECOMMENDATION

That the City Council approves the attached resolution (Attachment I), finding that the project is categorically exempt from the California Environmental Quality Act, and approving the site plan review application, subject to the recommended conditions of approval (Attachment II).

SUMMARY

The proposed senior housing project will be an attractive addition to the Downtown area with well-designed amenities to serve the needs of senior residents and will add significantly to the image and vitality of the surrounding neighborhood. The project complies with density standards, provides ground floor office space (related to the residential units) and unspecified retail uses, and meets the minimum yard, height, and other performance standards required for each unit, including adequate private space and group open space requirements. The project is also well situated in close proximity to City Hall, and the Hayward BART station as well as a supermarket and a variety of other retail and service-oriented businesses. Analysis conducted by staff and others, including a detailed traffic study, suggests that the impacts associated with the project will be insignificant.

BACKGROUND

The proposed four-story project would occupy four contiguous parcels, which will be merged to create one lot. The existing parcels are vacant except for two billboards located in the southern portion of the site along the A Street frontage, which will be removed. The site has a few scattered paved areas but no structures.

The site is flat and located within a fully developed urban area. Commercial, office and residential uses surround the site. Some existing buildings adjacent to the project site are one to three stories in height. Specifically, there is a three story commercial building west of the project site, one and two story apartment buildings adjacent to the project site along the north and west property boundaries. Along the eastern property boundary are some one story commercial buildings and a gas station.

July 11, 2013 Planning Commission Hearing: The Planning Commission heard the matter at their regular meeting on July 11, 2013 (see staff report, Attachment III), and approved the project on a 5:0:2 vote (see meeting minutes, Attachment IV), subject to restricted access onto Smalley Avenue (specifically, that the access point be gated and be designated for use by emergency vehicles only). The Commission also made the finding that the project was categorically exempt from the CEQA; specifically, the project traffic study accepted by City staff showed minimal traffic increases occurring relative to the surrounding street system as a result of the project. Required street and traffic signal improvements along A Street would effectively mitigate any traffic impact as a direct result of the project. These measures were included as conditions of approval for the project.

After project approval and during the appeal period, Council Member Jones requested that the Planning Commission decision be called-up for Council review.

DISCUSSION

Project Description - The applicant proposes to construct 60 senior apartment units at a density of 60 units per acre within a proposed four-story structure. Under state law, the applicant is not required to provide affordable rental units unless the project receives public subsidies or assistance. The applicant has indicated to planning staff that most Meta Housing projects incorporate some affordable housing units but the number and level of affordability has yet to be determined by the applicant. No density bonus was sought by the applicant for this project. The ground floor will include approximately 6,000 square feet of retail space, as well as administrative/management offices that would serve the senior apartments. Most living units will have one bedroom and one bathroom, but some will have two bedrooms and one bathroom. The size of the units will range from 561 to 900 square feet. There will be both indoor and outdoor open space within the proposed structure consistent with the City's minimum private open space requirements. Primary access to the development will be provided from A Street, with an emergency access from Smalley Avenue. A 26-foot-wide driveway through the project site will provide adequate circulation and accessibility in compliance with Fire Department requirements. Parking for the proposed project will be located beneath the new building (15 spaces) and within a surface parking lot (34 spaces) located behind the proposed building. The total number of spaces (49 total) proposed meets the minimum requirements of the City's Off-Street Parking regulations, including the standard of one-half space for every living unit.

The applicant will be required to meet provisions contained in the City's Green Building Requirements for Private Developments. Conditions of approval will require bicycle parking, designated electric vehicle/clean air/vanpool parking and wiring/stub out for a future electric vehicle charging station.

The Central City Commercial (CC-C) Zoning District allows high-density residential use (up to 65 units per acre) as a primary use, with the first floor containing non-residential uses (commercial (retail, personal services, etc.), office, etc.). A conditional use permit is required for ground floor residential use. The proposed 6,000 square feet of ground floor retail space, along with the administrative offices for the senior housing units, will provide an adequate mix of retail, office and housing along this segment of A Street, which is situated near the Hayward BART Station along the periphery of the downtown core. The project is expected to create additional pedestrian traffic to support the shops along Mission Boulevard and A Street and within the Lucky's shopping center.

Pursuant to state law, the applicant will be required to have an on-site resident manager. A condition of approval will reflect this requirement. Also, this is a senior housing project where the age of the residents is restricted to those that are 55 years of age or older. A condition of approval requiring that a deed restriction be recorded against the property will ensure that resident meet this age requirement.

Architectural Design –Renderings of the proposed building show a contemporary architectural design with large composite panels of contrasting colors providing depth and shadow lines to the structure. The proposed building will have a stucco exterior and windows accented with heavy trim. The paint scheme includes a variety of colors that emphasize the building's relief features. First-story entrances along A Street include a traditional storefront design with large glass windows and wide doors.

Primary access from A Street will be through a two-way traffic tunnel that provides access to the rear portion of the site. An arched wall feature with vines growing on the exterior surfaces will be installed along A Street and over the main vehicular entry to the project. The vine covered wall is intended to discourage graffiti. A condition of approval will require that all graffiti be removed within 72 hours of discovery.

The rear façade of the building will also incorporate building offsets and contrasting building colors to create visual interest. Similar architectural features will be used on the east and west building elevations.

Open Space –The minimum total open space required for the proposed project is 6,000 square feet, and the site plan provides a total of 8,062 square feet of space. This total was achieved through a combination of outdoor and indoor areas. There is an outdoor group open space of 4,470-square-feet on the second floor at the front of the building overlooking A Street. There are also areas on the ground floor (522 sq. ft.), second floor (2,272 sq. ft.) and fourth floor (798 sq. ft.) totaling 3,592 square feet of interior private open area as group open space, per the Ordinance. The ground floor interior open space are will be used as a business center for the senior residents. Computers will be available for use by the residents. Classes involving the computers will also be available activities for senior residents. Adjacent to the outdoor open space on the second floor is an interior open space area that will be used as a “club house” multi-purpose room where a local non-profit group will conduct additional senior-related activities. The interior open space on the fourth floor will be used as a library for use by senior residents. A detailed amenity plan for the second floor outdoor open space area will be submitted as part of the construction plans for the project, the design for which to be approved by the City's Landscape Architect.

Site Parking – The 49 parking spaces proposed for the site is the minimum required and is based upon the proposed uses at the site. Non-residential parking in the central parking district is “1.0 space for each 315 square feet of gross floor area . . .” For 5,936 square feet of retail space, a total of 19 spaces are required. The central parking district residential parking requirement is “0.5 space per dwelling unit for multiple-family dwellings providing housing exclusively for the elderly. (Occupancy must be guaranteed, e.g., condition of government funding or grant, or other guarantee acceptable to the City.)” A total of 30 spaces will be provided for the senior housing residents. A deed restriction will be recorded against the property indicating a lower on-site parking standard is in place for senior residents. If the senior housing restriction is eliminated in the future, a higher parking requirement will be applied to the site.

Site Zoning & Primary, Secondary, Administrative & Conditional Uses – The site is zoned *Central City – Commercial Subdistrict (CC-C)*. The applicant is proposing ground floor administrative office space and 5,936 square feet of retail commercial space. The second, third and fourth floors of the building will consist of 60 units of senior housing. The proposed uses of the building are “primary uses” permitted in this zoning district pursuant to the CC-C zoning provisions. The applicant indicated to the Planning Commission that the ground floor office space will serve as support services for the senior housing units and that no specific retail commercial tenants have been secured for the retail space. The marketing and securing of tenants for the retail commercial space will occur once final building and site construction has been completed, according to the applicant.

Site Plan Review Findings - In order for the Site Plan Review Application to be approved, the following findings must be made:

A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City.

The site is currently vacant; thus, there are no existing on-site structures available with which to compare the Project for compatibility. The surrounding structures are a mix of office, commercial and residential uses built during different time periods. The proposed mixed-use building fits within the context of the block and neighborhood in which it is located. The architecture of the surrounding buildings is simple, and the proposed mixed-use senior housing Project is a modest design with appropriate articulation on each elevation. The proposed building colors are mostly earth tones harmonious with the colors of surrounding structures. The massing of the proposed building is consistent with surrounding properties, especially the Baker building west of the project site. The location of the mixed use building forms an additional edge to A Street. Overall, the new mixed use building will be an attractive and compatible addition to the City.

The proposed uses are consistent with the General Plan for the Central City area and the specific zoning regulations governing the site. Ground-floor retail and administrative offices are allowed uses pursuant to the zoning regulations for the site. The senior apartments located on the second, third and fourth floors are also consistent with the City’s land use regulations. The proposed site uses are compatible with the mix of uses abutting the site and

the surrounding neighborhood.

B. The development takes into consideration physical and environmental constraints.

The vacant “L” shaped site consisting of four parcels has been designed to maximize available developable areas for usable on-site parking, landscape buffers, stormwater runoff areas and functional retail space and multi-family dwelling units. The large frontage site along A Street contributes to a harmonious streetscape with adequate sidewalk spaces and a visually inviting ground-floor commercial component. The large landscaped second-floor outdoor space is an area that will allow senior residents to enjoy the outdoors in a protected space above the street level urban environment.

Since the proposed development does not maximize allowable coverage, height, open space and yard setbacks, the Project has a better “fit” within the physical constraints of the site and is actually more compatible with surrounding buildings and the existing neighborhood because it has been designed to fit with the neighborhood, rather than maximize the development allowance for the site. There will be less traffic generated by the Project, more natural light available to adjacent existing structures, less need for on-site parking since it is close to transit, more room for site landscaping, more opportunity for pedestrian circulation and more appropriate areas for such things as trash enclosures, bike racks, and electric vehicle charging stations. This Project fits nicely within the physical and environmental constraints of the site.

C. The development complies with the intent of City development policies and regulations.

The proposed 60 units of senior housing and approximately 6,000 square feet of ground floor retail complies with the intent of City development policies and regulations, in that Hayward Municipal Code Section 10-1.1521(a) allows for a variety of ground floor retail commercial uses to be located within a mixed use development that also includes residential dwelling units above the first floor. In addition, as conditioned, all the development standards and minimum design and performance standards of the Off-Street Parking Regulations will be met. Furthermore, the Project will comply with the intent of City development policies and regulations through compatibility with the context and conformity to contextual constraints of the site, surrounding uses and existing traffic patterns. This Project will “promote housing along with supportive services for households with special needs, ***including seniors***, persons with disabilities, single-parents, and the homeless.” (Hayward General Plan Policy 5.2 - Housing Element) Policy 2.4 of the General Plan Housing Element requires that the City address the housing needs of special populations, which include seniors. This Project will specifically address this need by constructing rental housing units that are anticipated to be affordable to lower income senior households. The Project is also considered transit-oriented housing given the proximity to BART, which implements the General Plan goal/policy that new housing projects be sited near public transit. Finally, Policy 2.5 of the General Plan Housing Element endorses new housing projects that promote sustainable housing practices by incorporating a “whole system” approach to siting, design, and construction, in order to consume less water, and improve water quality, reduce energy use and other resources, and

minimize its impact on the surrounding environment. The Project implements this policy through compliance with the City's Green Building Ordinance and the Environmental Landscape Guidelines.

D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

The proposed 60 units of senior housing and approximately 6,000 square feet of ground floor retail will operate in a manner determined to be acceptable and compatible with surrounding development in that the mixed use project will be compatible with the purpose of the Central City-Commercial (CC-C) Subdistrict. Specifically, the Project will increase overall economic activity in the Downtown area and enhance the vitality of adjacent neighborhoods by establishing a mix of new commercial and residential activities on a parcel that is currently vacant. The Project is compatible in scale and design with existing buildings in the surrounding neighborhood. The Project is also similar to surrounding uses in terms of function, occupancy, circulation, and hours of operation. A traffic study was prepared by the applicant's traffic engineering consultant, STANTEC, showing the Project will add 112 trips in the PM peak hour. This traffic increase equates to less than two vehicles on average per minute, yielding a small net traffic increase. The findings of the traffic study concluded that there will be 1.4 seconds of additional delay in the AM and one-half second of additional delay in the PM peak at the A Street and Lucky's driveway traffic signal. The number of new trips generated by the Project will likely be lower than estimated as the data does not account for the potential number of captured trips (i.e., Project residents who will walk to retail). This project will not create significant impact to surrounding development and the development will be acceptable and compatible with existing nearby residential and commercial uses.

Environmental Review – Staff has determined that this project is exempt from the provisions of the California Environmental Quality Act (CEQA). Pursuant to Section 15332 of the CEQA Guidelines (In-Fill Development Projects - Class 32), the following criteria must be met in order to apply this CEQA exemption to the project:

- (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) the project site has no value as habitat for endangered, rare or threatened species;
- (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) the site can be adequately served by all required utilities and public services.

The majority of concerns with the project received by staff have to do with the traffic impacts that might be generated by the development. Two specific areas of concern are discussed below.

Additional traffic caused by the project - According to the traffic study prepared by traffic engineering consultant, STANTEC (see Attachment VII), the 808 A Street project will add 112 trips in the PM peak hour. This traffic increase equates to less than two vehicles on average per minute, yielding a small net traffic increase. The findings of the traffic study concluded that there will be 1.4 seconds of additional delay in the AM and one half second of additional delay in the PM peak at the A Street and Lucky's driveway traffic signal. These raw numbers don't take into account the small potential number of captured trips (i.e., those who will live in the project that will walk to the retail). Therefore, the number of new trips generated by the development will likely be slightly lower than estimated.

Impact on Smalley Avenue - The project traffic impacts on Smalley are anticipated to be close to nothing, given that the access point will be gated and limited to emergency vehicle access only. However, to address concerns expressed, some additional targeted analysis was done by the project traffic engineer to evaluate the project traffic impacts on Smalley Avenue, should the Smalley Avenue access not be restricted. For outgoing trips from the project, less than 10% of the total number of total peak-hour trips (5 trips) would have come from the Smalley Avenue access point. In-bound trips would not have exceeded more than 5 trips per hour. Overall, adding a total of 10 trips per hour is typical and not noticeable.

In summary, no significant environmental impacts are expected to result from the project, and staff recommends that a Notice of Exemption be filed for the project.

Staff received correspondence from an A Street building owner expressing concern about traffic generated from the site creating congestion during peak traffic hours. The City's Transportation Manager reviewed the proposed project and concluded that the mixed use development would have virtually no impact on A Street or Smalley Avenue.

The proposed project is expected to generate 1,300 daily trips with 42 trips during the a.m. peak hour and 112 trips during the p.m. peak hour. The geometry for the intersection of A Street and Watkins Street will need to be changed to add an eastbound left turn lane to access the project site, which would be paid for by the project proponent. With the recommended improvements and the addition of the project trips, the intersection of A Street and Watkins Street is expected to operate at an acceptable service level during both the a.m. and the p.m. peak hours.

The following are concerns expressed by the business owner and staff's responses to those concerns.

- Pedestrian crossings at the Lucky's driveway and A Street and the potential need for more time at the crossing. Evaluation of adding more pedestrian crossing time when the traffic signal is modified should be part of the project.

Additional pedestrian crossing time has already been added to the signalized pedestrian crossing at the Lucky's driveway and A Street.

- Additional traffic on Montgomery Street and into the neighborhoods. “Local Traffic Only Sign” have been installed on Montgomery Street at A Street.

“Local Traffic Only” Signs were installed at the request of residents living on Montgomery Street. No complaints have been received since the signs have been installed.

- Speeding on A Street and cars screeching out of the traffic signal.

Concerns or complaints about these types of issues should be directed to the Hayward Police Department.

- The Loop has caused an increase in traffic on A Street. Existing businesses west of Mission Boulevard have may have seem an increase in traffic due to The Loop, specifically A Street.

Currently, the City doesn’t have any current data or traffic counts to effectively evaluate this claim. Public Works has not observed an increase in traffic volumes and plans to conduct traffic counts in the near future.

ECONOMIC IMPACT

The project would contribute to the neighborhood and downtown by allowing for development of 60 senior housing units and approximately 6,000 square feet of ground floor commercial retail space at a density and massing that would be similar to other developed sites in the surrounding area. Such development would contribute to the character and vitality of downtown and the surrounding neighborhood, including the Lucky supermarket and retail center across A Street.

FISCAL IMPACT

Construction of the 60 units of senior housing would increase the property values above the current value of land as a vacant parcel and, in turn, generate property taxes that the City would receive. Annual property taxes are paid at a rate of assessed value of the property, of which the City receives approximately fifteen percent of the property taxes paid.

In terms of costs associated with the public services, particularly public safety services, the total estimated approximate annual General Fund expenditure for the new population created by the development would be \$113,746, and total projected annual revenues associated with the project would be \$93,938. Therefore, the roughly estimated annual fiscal impact to the City’s General Fund would be a negative \$19,809.

Although not recommended as a condition of approval when the project was presented to the Planning Commission on July 11, staff is recommending a new project condition of approval (condition #140 in Attachment II) that requires that the developer pay the costs of project impacts through a community facilities district (CFD) for public safety services. The applicant would be required to pay for the analysis to determine if the CFD is warranted.

The applicant is required to pay \$579,180 in park in-lieu fees (\$9,653 per unit) and School Impact fees of \$2.97 per square foot prior to issuance of a Certificate of Occupancy.

PUBLIC OUTREACH

On May 31, 2013, an initial notice of receipt of the site plan review application was mailed to the Prospect Hill Neighborhood Association and to every property owner and occupant within 300 feet of the subject site, as noted on the latest County Assessor's records. Planning staff received several responses as a result of that notification. Some of those who received the Referral Notice complained that 14 day was not long enough to comment on the project.

The Development Services Director considered the concerns of property owners and occupants within 300 feet of the subject site and decided to do two things:

- Send another referral notice to all interested parties that another comment period for the project would run from June 14th to June 28th; and
- Given the importance of this project, the Development Services Director decided to have the Planning Commission review the merits of this project instead of having an administrative decision made regarding this Site Plan Review request.

On June 19, 2013, a Notice of the Planning Commission public hearing was published in *The Daily Review*. In response, the property owner of the adjacent three-story commercial office building west of the project site expressed opposition to the project based upon traffic concerns. A Mission Boulevard business owner echoed similar concerns about the project (see Attachment IX).

Staff received a comment requesting a locked gate or fence and emergency vehicle access only be employed at the Smalley Avenue access to the project site. The letter stated that Smalley Avenue is too narrow to handle extra traffic flow or loss of street parking. Another comment letter was submitted by a resident of Smalley Avenue voicing concerns over traffic with the project (see Attachment IX). Two letters of support were submitted and received from the Hayward Chamber of Commerce (see Attachment VIII).

On September 6, 2013, a Notice of this City Council public hearing was sent to every property owner, occupant and other interested individuals within 300 feet of the subject site and to the Prospect Hill Neighborhood Association. Also, a Notice of this hearing was published in *The Daily Review* newspaper. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice.

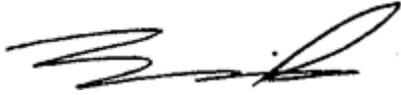
SCHEDULE

The City Council decision on the project is final. If Council approves the project, the applicant will submit permit applications with fees and construction details and drawings for review and approval by various City departments.

Prepared by: Damon Golubics, Senior Planner

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David
City Manager

Attachments:

- | | |
|-----------------|--|
| Attachment I | Resolution |
| Attachment II | Recommended Conditions of Approval |
| Attachment III | July 11, 2013 Planning Commission Staff Report Minus Attachments |
| Attachment IV | July 11, 2013 Draft Planning Commission Meeting Minutes |
| Attachment V | Area & Zoning Map |
| Attachment VI | Plans, Perspectives & Photos of Other Meta Housing Projects |
| Attachment VII | Traffic Study |
| Attachment VIII | Project Comments and Correspondence (For The Project) |
| Attachment IX | Project Comments and Correspondence (Against The Project) |

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Councilmember _____

RESOLUTION FINDING THE PROJECT CATEGORICALLY EXEMPT FROM CEQA REVIEW AND APPROVING SITE PLAN REVIEW APPLICATION PL-2013-0168 PERTAINING TO A PROPOSED SIXTY (60) UNIT SENIOR RENTAL HOUSING DEVELOPMENT WITH GROUND FLOOR RETAIL SPACE LOCATED AT 808 A STREET

WHEREAS, on May 6, 2013, Aaron Mandel for Meta Housing (Applicant) submitted Site Plan Review Application No. PL-2013-0168, which concerns a request to construct 60 senior housing rental units and 5,936 square feet of ground floor retail space (the “Project”) on the property located at 808 A Street; and

WHEREAS, the Project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, Infill Development; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on July 11, 2013, finding that the Project is categorically exempt from environmental review in accordance with CEQA Guidelines, Section 15332, Infill Development, and approving Site Plan Review Application PL-2013-0168 to construct 60 senior housing units and 5,936 square feet of ground floor retail space; and

WHEREAS, Council Member Jones requested that the Planning Commission decision be called-up for City Council review in accordance with the applicable provisions in the City’s Municipal Code; 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 17, 2013.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. Pursuant to CEQA Guidelines Section 15332, the Project has been found to be categorically exempt from environmental review since the Project meets all parameters of an infill project.

2. Pursuant to the infill project exemption, the Project must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The Project is consistent with the general plan designation City Center – Retail and Office Commercial and the requirements set forth in the Central City Commercial zoning district.
3. Projects defined as infill must occur within city limits on a project site of no more than five acres substantially surrounded by urban uses. The Project is within the incorporated boundaries of the City of Hayward and is approximately .97 acres in size. Existing urban development currently surrounds the site on all sides.
4. Infill project sites must have no value as habitat for endangered, rare or threatened species. The currently vacant site has no natural vegetation or trees on the site and some of the site has areas that have been paved, thus reducing any opportunities as habitat for endangered, rare or threatened species.
5. This infill Project was carefully assessed in terms of impacts to the surrounding circulation patterns, additional noise generated by the Project, impacts on existing air quality and impacts to water quality. The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The applicant's traffic study showed only minimal impacts to the existing street system. The Project will not generate much noise; however, the existing traffic on A Street may impact residents of the senior housing units. A condition of approval requires that the Project comply with General Plan Appendix N – Noise Guidelines for the Review of New Development and present an analysis showing that interior noise levels comply with the City's noise standards to the Building and Planning Divisions for review and approval prior to issuance of a building permit for the Project. Such analysis shall be prepared by a state licensed acoustical engineer. Short term air quality impacts may occur during the construction phase of the Project, but there are negligible long term air quality impacts associated with the Project. Standard Project water quality requirements will be in place to ensure there is no adverse impact to water quality.
6. This infill Project can be adequately served by City water and sewer facilities currently serving the neighborhood, and electrical power and gas service to the Project site is also available at adequate capacity for the development.
7. The determination that the Project is categorically exempt from environmental review in accordance with the CEQA Guidelines, Section 15332, Infill Development, was independently reviewed, considered and analyzed by the City Council and reflects the independent judgment of the City Council; and such independent judgment is based on substantial evidence in the record.
8. The Project complies with CEQA, and evidence to support using the infill exemption was presented to the City Council, which reviewed and considered the information contained therein prior approving the Project. The custodian of the record of proceedings upon

which this decision is based is the Development Services Department of the City of Hayward, located at 777 B Street, Hayward, CA 94544.

SITE PLAN REVIEW

1. **The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City.**

The site is currently vacant; thus, there are no existing on-site structures with which to compare the Project for compatibility. The surrounding structures are a mix of office, commercial and residential uses built during different time periods. The proposed mixed-use building fits within the context of the block and neighborhood in which it is located. The architecture of the surrounding buildings is simple, and the proposed mixed-use senior housing Project is a modest design with appropriate articulation on each elevation. The proposed building colors are mostly earth tones harmonious with the colors of surrounding structures. The massing of the proposed building is consistent with surrounding properties, especially the Baker building west of the Project site. The location of the mixed-use building forms an additional edge to A Street. Overall, the new mixed-use building will be an attractive and compatible addition to the City.

The proposed uses are consistent with the General Plan for the Central City area and the specific zoning regulations governing the site. Ground-floor retail and administrative offices are allowed uses pursuant to the zoning regulations for the site. The senior apartments located on the second, third and fourth floors are also consistent with the City's land use regulations. The proposed site uses are compatible with the mix of uses abutting the site and the surrounding neighborhood.

2. ***The development takes into consideration physical and environmental constraints.***

The vacant "L" shaped site consisting of four parcels has been designed to maximize available developable areas for usable on-site parking, landscape buffers, stormwater runoff areas and functional retail space and multi-family dwelling units. The large frontage site along A Street contributes to a harmonious streetscape with adequate sidewalk spaces and a visually inviting ground-floor commercial component. The large landscaped second-floor outdoor space is an area that will allow senior residents to enjoy the outdoors in a protected space above the street level urban environment.

Since the proposed development does not maximize allowable coverage, height, open space and yard setbacks, the Project has a better "fit" within the physical constraints of the site and is actually more compatible with surrounding buildings and the existing neighborhood because it has been designed to fit with the neighborhood rather than maximize the development allowance for the site. There will be less traffic generated by the Project, more natural light available to adjacent existing structures, less need for on-site parking since it is close to transit, more room for site landscaping, more opportunity for pedestrian circulation and more appropriate areas for such features as trash

enclosures, bike racks, and electric vehicle charging stations. This Project fits nicely within the physical and environmental constraints of the site.

3. ***The development complies with the intent of City development policies and regulations.***

The proposed 60 units of senior housing and approximately 6,000 square feet of ground floor retail complies with the intent of City development policies and regulations, in that Hayward Municipal Code Section 10-1.1521(a) allows for a variety of ground floor retail commercial uses to be located within a mixed-use development that also includes residential dwelling units above the first floor. In addition, as conditioned, all the development standards and minimum design and performance standards of the Off-Street Parking Regulations will be met. Furthermore, the Project will comply with the intent of City development policies and regulations through compatibility with the context and conformity to contextual constraints of the site, surrounding uses and existing traffic patterns. This Project will “promote housing along with supportive services for households with special needs, *including seniors*, persons with disabilities, single-parents, and the homeless.” (Hayward General Plan Policy 5.2 - Housing Element.) Policy 2.4 of the General Plan Housing Element requires that the City address the housing needs of special populations, which include seniors. This Project will specifically address this need by constructing rental housing units that are anticipated to be affordable to lower income senior households. The Project is also considered transit-oriented housing given the proximity to BART, which implements the General Plan goal/policy that new housing projects be sited near public transit. Finally, Policy 2.5 of the General Plan Housing Element endorses new housing projects that promote sustainable housing practices by incorporating a “whole system” approach to siting, design, and construction, in order to consume less water, and improve water quality, reduce energy use and other resources, and minimize its impact on the surrounding environment. The Project implements this policy through compliance with the City’s Green Building Ordinance and the Environmental Landscape Guidelines.

4. ***The development will be operated in a manner determined to be acceptable and compatible with surrounding development.***

The proposed 60 units of senior housing and approximately 6,000 square feet of ground floor retail will operate in a manner determined to be acceptable and compatible with surrounding development in that the mixed-use project will be compatible with the purpose of the Central City – Commercial (CC-C) Subdistrict. Specifically, the Project will increase overall economic activity in the Downtown area and enhance the vitality of adjacent neighborhoods by establishing a mix of new commercial and residential activities on a parcel that is currently vacant. The Project is compatible in scale and design with existing buildings in the surrounding neighborhood. The Project is also similar to surrounding uses in terms of function, occupancy, circulation, and hours of operation. A traffic study was prepared by the applicant’s traffic engineering consultant, STANTEC, showing the Project will add 112 trips in the PM peak hour. This traffic increase equates to a less than two vehicles on average per minute, yielding a small net traffic increase. The findings of the traffic study concluded that there will be 1.4 seconds

of additional delay in the AM and one-half second of additional delay in the PM peak at the A Street and Lucky's driveway traffic signal. The number of new trips generated by the Project will likely be lower than estimated as the data does not account for the potential number of captured trips (i.e., Project residents who will walk to retail). This project will not create significant impact to surrounding development and the development will be acceptable and compatible with existing nearby residential and commercial uses.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby finds the Project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, Infill Development, and approves Site Plan Review Application PL-2013-0168 to construct 60 senior housing units and 5,936 square feet of ground floor retail space, located at 808 A Street, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

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

CONDITIONS OF APPROVAL

Site Plan Review Application No. PL-2013-0168

Meta Housing Corporation (Applicant)

SITE PLAN REVIEW

General

1. In accordance with Zoning Ordinance §10-1.1520, subject to all conditions listed below, the approval is for the Site Plan Review Map Project as shown in the City's Project files as:
 - a. Exhibit A – 808 A St. Hayward Senior Housing,” prepared by Phillip Banta & Associates Architecture, dated May 3, 2013, Sheets 01 to 18, Conceptual Landscape Plan and Conceptual Irrigation Plan, and labeled Project Number PL-2013-0168 and stamped received May 3, 2013 by the Planning Division.
2. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. 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.
4. 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 indicated otherwise herein.
5. All construction shall meet the California Building Code (CBC) and all applicable City of Hayward Building Codes and amendments.
6. 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 and amendments in use by the Hayward Fire Department.
7. A Registered Civil Engineer shall prepare all improvement plans, unless otherwise indicated herein. Also, A Licensed Architect shall prepare all architectural plans, unless otherwise indicated herein.

Planning Division

8. If a building permit is issued for construction of improvements authorized by the Project approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been

expended as determined by the City Building Official, Planning Manager and/or the Development Services Director in reliance upon the project approval.

9. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Development Services Director prior to implementation.
10. Plans for building permit applications shall incorporate the following:
 - a. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b. A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of the building.
 - c. Plans shall show that all new utilities will be installed underground.
11. Prior to issuance of a building permit:
 - a. Final colors and materials selection shall be presented to the Development Services Director for review and approval.
 - b. The developer shall submit a soils investigation report to the satisfaction of the City Engineer.
12. This project is approved as a mixed use development with elderly/senior housing. The minimum age for all occupants shall be 55 years. Information regarding this requirement shall be contained in a recorded restriction or covenant, language to be approved by the City, and said restriction shall not be removed without written permission of the City. The restriction shall be recorded prior to occupancy of any unit.
13. This project shall be defined as a “Covered Project” pursuant to the City of Hayward’s Green Building Requirements for Private Developments. Prior to obtaining a Certificate of Occupancy, the applicant shall submit documentation demonstrating the building(s) has been GreenPoint Rated, or similar level per another green building rating system as approved by the City Building Official, as well as all required documentation to demonstrate full compliance with the California Building Energy Efficiency Standard (Title 24, part 6) at the time of permitting. The Certificate of Occupancy shall state that the project complies with the City’s Private Development Green Building standards.
14. The applicant shall provide five (5) dedicated, covered and secure bicycle storage/parking for the senior residents. On-site bicycle parking shall comply with the 2010 California Green Building Standards Code (short-term and long-term bicycle parking requirements), or standards in effect at the time of building permit application submittal.

15. The applicant shall supply two (2) dedicated bicycle parking rack for non-residential tenant employees and visitors. On-site bicycle parking shall comply with the 2010 California Green Building Standards Code (short-term and long-term bicycle parking requirements) or standards in effect at the time of building permit application submittal.
16. The applicant shall provide electrical stub outs/wiring for a future electric vehicle charging stations for use by the residents and tenants of the commercial/retail/office space. An electrical charging station shall be installed within 5 years of this approval.
17. The applicant shall provide three (3) marked parking stalls for “Clean Air/Vanpool/EV” vehicles. Standards for this type of parking are pursuant to the 2010 California Green Building Standards Code or standards in effect at the time of building permit application submittal.
18. The applicant and all future property owners of the senior housing and commercial/retail/office project site shall secure and retain a property management firm responsible for all building maintenance and upkeep of the property grounds. The applicant shall provide evidence to the City of Hayward that a suitable property management firm has been retained for upkeep and maintenance of the property, buildings and grounds, which shall be reviewed by the City prior to this firm being retained by the applicant or owner of the property. Approval authority shall rest with the Development Services Director.
19. The property management firm responsible for maintenance of the buildings and grounds shall maintain all fencing, parking surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. in good repair. If necessary, the property management firm shall complete all routine building maintenance in a reasonable time period. The premises shall be kept clean at all times.
20. The two existing on-site billboards shall be removed from the project site prior to the commencement of any improvements occurring at the site. At no time shall replacement billboards be allowed on the project site.
21. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.
22. Any satellite dishes for retail use shall be located as near as possible to the center of the roof to limit visibility from the ground.
23. The applicant/property owner/permittee shall ensure that an on-site resident manager resides at the senior housing complex pursuant to the provisions in State law.
24. The residents shall not use the parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These spaces shall be monitored by the applicant and property management firm. The applicant or property management firm shall remove vehicles parked contrary to this provision. The developer shall include in the lease agreement of all tenants the authority to tow illegally-parked vehicles.
25. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated

in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.

26. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for reading must be provided to meters.
27. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
28. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Development Services Director or his/her designee.
29. Prior to issuance of a building permit for the project, the developer/subdivider shall submit expected rents for all senior living units.
30. Prior to issuance of a building permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.
31. The applicant shall comply with General Plan Appendix N – Noise Guidelines for the Review of New Development. Evidence shall be presented and submitted to the Building and Planning Divisions for review and approval prior to issuance of a building permit for the project that clearly shows that interior noise levels of all new housing units comply with these standards. Such analysis and evidence shall be completed by a state licensed acoustical engineer.
32. The applicant shall provide improvement plans that meet all City standards and submittal requirements and include the following information:
 - a. A detailed drainage plan, to be approved by the ACFC&WCD and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed drainage plan shall be approved by the City Engineer and if necessary, the ACFC&WCD prior to issuance of any construction or grading permit.
 - b. A detailed Stormwater Treatment Plan and supporting documents, following City ordinances and conforming to Regional Water Quality Control Board's "Staff recommendation for new and redevelopment controls for storm water programs."

Architecture, Site Amenities and Details

33. The visual terminus for the arched vehicular entrance is proposed for a bio-treatment planter with low grass planting. This bio-treatment area shall be relocated elsewhere on site, and this area shall be enhanced to create an innovative and attractive terminus from A Street. The

design shall not exclude vertical green wall, water elements, difference material and texture treatments, 3-dimensional enhancements, movements, and etc.

34. Eliminate trash staging area between two planters that will be visible from pedestrians on A Street. Trash staging should be provided on the same side as the trash enclosure is located and near it to prevent litters and debris.
35. The applicant shall investigate reversing the water quality planters with the secondary exit corridors on the east and west end of property. The proposed exits to A Street create narrow passage, though gated, could be areas where trash gets collected and could attract undesirable activities. At best it will look vacant at all times. Water quality planters could have more than grass planting to provide greener street edge. Maximize the planter length by relocating the exit door on the residential building ground floor and the interior door to Service Provider room.
36. Do not specify *Magnolia grandiflora* even if the same tree species exists on A Street as street trees. *Magnolia* planted in the sidewalk in tree wells causes heaving to the sidewalk and often damages road pavement. The existing street tree at the eastern edge could be replaced to be consistent with the new street trees. Propose tree species that will enhance the project frontage.
37. Design and construction of the arched wall along A Street shall contribute to the safety of residents and provide interesting space division. Acceptable materials may include metal frames with perforated sheet metal infill panels, with decorative motif cuts, or sheet metal with perforation, or expandable mesh. Steel/metal frames and infill panels should have diverse paint finishes. The Development Services Director or his or her designee shall review and approve the final architectural design and detail of the building feature.
38. The exterior stairs to the second floor roof garden shall have landing depth equals to stair width at every five (5) vertical feet

Landscaping

39. As part of the improvement plan approval process, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's *Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes*.
40. A 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. A 4" wide x 4" high blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward, Landscape Architect/Planner and City Engineer. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.

41. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.
42. Street Trees. Provide one 24-inch box street tree per 20 to 40 lineal feet in the street fronting landscape setback areas. All trees shall be planted a minimum of 5 feet 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.
43. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within 7 feet of pavement or buildings, and as directed by the landscape architect.
44. When bio-retention areas are located adjacent to pavement including curbs, sidewalks, walkways and structure, additional 12 inches wide leveled landscape area shall be provided before the side slopes in the treatment areas.
45. The applicant shall investigate whether all masonry walls, solid building walls, trash enclosures or fences facing a street or driveway can be continuously buffered with shrubs and vines. Trash enclosure shall have a minimum 5' interior planting width on 3 sides and shall be screened with a minimum 5-gallon shrubs and vines.
46. All above ground utilities and mechanical equipment shall be screened from the street with minimum 5-gallon size shrubs in a continuous manner.
47. The landscape in the parking lot must conform to Zoning Ordinance Chapter 10, Article 2 Off-Street Parking Regulation: Section 10-2.650 LANDSCAPING: A 6-foot wide landscape endcap that is measure from face of curb to face of curb shall be provided at the end of each row with shade trees, shrubs and live groundcovers. In addition, a medium to large shade tree shall be provided at every 6 spaces in each row in an island or a tree well. A minimum tree well dimension shall be 5 feet x 5 feet measured from back of curb to back of curb. When tree well curb serves as a wheel stop, additional planting areas shall be provided that equal the vehicular overhang. The curb shall be Class B Portland Cement Concrete constructed to a height of 6 inches above the finished pavement.
48. Parking and aisles shall be no closer than 5 feet to a building and shall be no closer than 5 feet to a property line in residential zones or where abutting residential zoning districts, 7 feet to a building or property line if a 2-foot vehicular overhang is allowed, or 7 1/2 feet to a building or property line if a 2-1/2-foot vehicular overhang is allowed.

Engineering & Transportation

49. The following forms shall be completed and submitted with improvements and/or grading plans:
 - a) Hydromodification Management Worksheet
 - b) Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet
 - c) Development and Building Application Information Impervious Surface Form

- d) Project Applicant Checklist of Stormwater Requirements for Development Projects
 - e) C.3 and C.6 Data Collection Form
 - f) Table 3.1: Standard Tracking and Reporting Form for Potential Special Projects
 - g) Numeric Sizing Criteria used for stormwater treatment (Calculations).
50. Any damaged and/or broken curb, gutter and sidewalks along the property frontages shall be removed and replaced as determined by the City Inspector.
 51. The applicant shall install one standard L.E.D. street light on Smalley Avenue.
 52. The applicant shall remove and replace the existing curb, gutter and sidewalk on Smalley Avenue and construct new 7.5' sidewalk adjacent to the curb & gutter. All existing driveways on A Street frontage shall be removed and replaced with standard curb, gutter and sidewalk.
 53. Along the Smalley Avenue frontage, the pavement shall be milled and overlaid with a minimum 2" Asphalt Concrete directly in front of the project site.
 54. All storm drain inlets must be labeled "No Dumping – Drains to Bay" using City approved methods. The applicant shall be responsible for this work.
 55. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate the entire areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
 56. The owner/developer shall execute a "Storm Treatment Measures Maintenance Agreement" (as prepared by the City of Hayward and is available in the Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
 57. A copy of the Notice of Intent (NOI) from the State Water Resources Control Board shall be provided to the City prior to the start of grading.
 58. Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by the City Engineer. All reports such as Soil Report, SWPPP, and SWMP are to be submitted in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the project engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report. Documents that are clipped or stapled will not be accepted.
 59. The proposed BMPs for the project shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page 30). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5-12 has a section titled "BMP Design Criteria for Flow and Volume". These materials are available on the internet at www.cabmphandbooks.com.

60. The proposed fire lane shall be dedicated as Public Utility Easement (PUE), Private Access Easement (PAE), Sanitary Sewer Easement (SSE), Water Line Easement (WLE) and Emergency Vehicle Access Easement (EVAE).
61. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved by the Alameda County Flood Control and Water Conservation District and the City Engineer.
62. The developer shall implement the traffic signal modifications and striping improvements identified in the traffic study. The traffic signal modifications shall include adding an eastbound left turn (EBLT) phase to the existing traffic signal and restriping A Street to provide the EBLT pocket. The modifications shall include adding video detection and accommodating the City's adaptive traffic signal system (SCATS). Modifications will also include an evaluation for more time needed for pedestrians crossing A Street. If it is determined that additional time is required for pedestrians to safely cross A Street, the developer shall work with City staff to ensure additional pedestrian crossing time have been programmed into all signal programming for the A Street/ Lucky's driveway signal.
63. The crosswalk across A Street from Lucky's shopping center to the property frontage shall be perpendicular to the curb and not at an angle. Curb ramps shall be installed consistent with City standards.
64. The applicant shall install an emergency gate or series of removable bollards at the Smalley Avenue ingress and egress point into the project site. Prior to installation and construction of an emergency gate or series of removable bollards at the Smalley Avenue ingress and egress into the project site, any final design of such feature shall be reviewed and approved by the Public Works and Fire Departments.
65. Ninety days after issuance of the Certificate of Occupancy for the project, a review of the traffic conditions surrounding the project site shall be undertaken. City staff and the applicant shall review traffic conditions on A Street, Smalley Avenue and other streets that may be impacted by the project. The City may require the applicant's traffic consultant to submit an analysis of the traffic impacts of the development on the surrounding street system for review and consideration by the City staff.
66. The developer shall be responsible for working with Lucky's shopping center owner(s) to obtain the necessary permits for restriping the northbound on A Street at the Lucky's traffic signal.
67. Developer shall install LED streetlights along the A Street property frontage consistent with what the City has installed as part of the Route 238 Corridor Improvement Project and the poles shall be painted green to match the others in the corridor.
68. After installation of the sanitary sewer manhole, sewer laterals, and storm drain on A Street, repair work shall be ground 2 inches and overlaid with asphalt pavement from curb to curb and for the entire property frontage.

69. The designed bio-retention treatment area shall use a Bio-retention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 29, 2012. Plan details of the bio-retention system shall be submitted on future sets of development plans. Also, the entire site shall drain to the proposed bio-retention areas.
70. New curb & gutter on A Street shall identical to the existing.
71. The propose storm drain on A Street shall be 12”.

Fire Department

72. Clarify building construction type and determine fire flow.
73. Determine required fire flow. A fire flow shall be provided in accordance with the 2010 California Fire Code Table B105.1 based on the construction type and building area. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13, or 75 percent-reduction plus sprinkler water flow, whichever is larger. The resulting fire flow shall not be less than 1,500gpm.
74. To provide water/fire flow test data information on the plan, including static pressure, residual pressure, pitot pressure, test flow, calculated available water flow at 20psi and test date. This information may be available from Hayward Public Work Department. The water data shall be less than 5 years old. A new water test would be required if update data is not available.
75. Indicate on the site plan the location of existing and new fire hydrants. The minimum number of hydrants should be provided in accordance with the 2010 California Fire Code Table C105.1. The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Additional hydrant is required if the above requirement is not met. New fire hydrants shall be placed at least 50 feet from the building to be protected. Where it is not feasible to place them at that distance, they may be in closer proximity in approved locations.
76. The driveway at the back (north) of the building should be constructed to be fire access road.
77. The building is determined to be a high-rise building per Fire Code Ordinance. The building design should meet high-rise requirements in accordance with California Building Code. If some high-rise building requirements are not met, a fire/life safety report is required from a licensed fire protection engineer to demonstrate the design would provide equivalent level of life/fire safety. If some high-rise requirements are not met, a fire/life safety report is required from a licensed fire protection engineer to demonstrate the design would provide equivalent level of life/fire safety.
78. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs. and shall be surfaced so as to provide all-weather driving capability.
79. Fire apparatus access roads 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 City of Hayward Fire Department fire lane requirements.

80. The building is required to install fire sprinkler system in accordance with NFPA 13.
81. Standpipe systems shall be provided in accordance with NFPA 14.
82. Underground fire service line shall be installed in accordance with NFPA 24.
83. Fire alarm system with occupant notification shall be provided in accordance with 2010 CFC Section 907 and NFPA 72 Standards for all buildings. Emergency voice/alarm communication system is a requirement for high-rise buildings.
84. Building exiting requirements shall meet the 2010 CBC.
85. Extinguisher placement shall conform to 2010 CFC Section 906.
86. All new fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants.
87. Address and premise identification approved numbers shall be placed on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property. Dimensions of address numbers or letters on the front of the buildings shall be approved by the fire department.
88. Prior to issuance of Building or Grading Permits a final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control and submitted to the Hayward Fire Department to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.
89. Prior to grading: Structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure hazards posed to development construction workers, the environment, future residents and other persons are mitigated.
90. 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 residents or the environment. These structures shall be documented and removed under permit when required.
91. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but shall not be limited to: actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
92. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

93. If hazardous materials storage and/or use are to be a part of the facility's permanent operations then a Chemical Inventory Packet shall be prepared and submitted with building plans to the City of Hayward Fire Department at the time of application for construction permits.

Solid Waste & Recycling

94. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
95. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.
96. Trash enclosures and/or recycling area(s) shall be covered

Storm Drainage

97. The storm drains in the street shall be located one (1) foot from the face of curb for pipes, twenty-four (24) inches in diameter and smaller, and two (2) feet from the face of curb for pipes twenty-seven (27) to forty-eight (48) inches in diameter. Alternative design may be approved by the City Engineer.
98. Storm drain pipes in the street shall be a minimum of twelve (12) inches in diameter with a minimum cover over the pipe of three (3) feet.
99. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site is not to augment runoff to the District's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities. If there is augmented project-generated runoff, off-site and/or on-site mitigation shall be provided.
100. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
101. No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.

102. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods. Refer to City Standard SD-401A.
103. 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 San Lorenzo Creek facilities.
104. The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.
105. Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.
106. An encroachment permit from ACFC&WCD is required for any modification and/or alteration of the existing outfall structures or connections to San Lorenzo Creek. All workmanship, equipment, and materials shall conform to Alameda County Flood Control District standards and specifications.

Storm Water Quality Requirements

107. A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Engineering and Transportation Division staff for review and approval. Once approved, the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
108. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.
109. Before commencing any grading or construction activities at the project site, the developer shall obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
110. The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
111. 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 and direct runoff shall discharge into a landscaped area or a grassy swale prior to stormwater runoff entering an underground pipe system.

112. 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.
113. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, as determined by the City Engineer and Landscape Architect, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance."
114. The developer 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.

Requirements During Construction

115. In the event that human remains', archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
116. Compliance with the City of Hayward's Construction and Demolition Debris Ordinance is required. To obtain a building permit, the attached Construction and Demolition Debris Recycling Statement must be completed with signature approval by the City's Solid Waste Manager.
117. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.
118. 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 8:00 AM to 5:00 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 housing units;

- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
- f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
- g. The developer shall participate in the City's recycling program during construction;
- h. Daily clean-up of trash and debris shall occur on A Street and Smalley Avenue and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- i. 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;
- j. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- k. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- l. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- m. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
- n. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- o. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- p. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- q. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- r. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- s. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- t. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be

maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;

- u. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
- v. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
- w. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
- x. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.

Other Utilities

- 119. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. All facilities necessary to provide service to the dwellings, including transformers and switchgear, shall also be undergrounded.
- 120. All electric system, including transformers, shall be installed underground within the development. Design and installation shall be in accordance with Pacific Gas and Electric Company regulations.
- 121. The joint trench design and location shall meet the approval of the City Engineer.
- 122. All surface-mounted hardware (fire hydrants, electroliers, etc.) along the private streets and driveways shall be located outside of the sidewalk within the Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Hayward Fire Chief.
- 123. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
- 124. The developer shall provide and install appropriate facilities such as conduit, junction boxes, individual stub-outs, etc., to allow for future installation of a City-owned and maintained fiber optic network within the subdivision.
- 125. 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. Engineer's estimate of costs, including landscape improvements;
 - c. Signed Final Map;
 - d. Signed Subdivision Agreement; and,
 - e. Subdivision bonds.

Prior to the Construction with Combustible Materials

126. Required water system improvements shall be completed and operational prior to the start of combustible construction.
127. The developer shall be responsible to adhere to all aspects of the approved Storm Water Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.
128. 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.
129. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The developer shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
130. Tree protection measures information shall be provided for the off-site trees that are proposed to remain in place, where the site improvements or home construction would occur within the drip lines of such trees.

Prior to the Issuance of Certificate of Occupancy or Final Report

131. All buildings shall be designed using the 2013 California Building Code or the latest building codes, alternative codes shall be subject to the determination and approval by the Building Official.
132. Park Dedication In-Lieu Fees are required for all new dwelling units. All Park dedication in-lieu fees shall be paid prior to issuance of a Certificate of Occupancy for a residential unit.
133. Final Hayward Fire Department inspection is required to verify that requirements for fire protection facilities have been met and actual construction of all fire protection equipment have been completed in accordance with the approved plan. Contact the Fire Marshal's Office at (510) 583-4910 at least 24 hours before the desired final inspection appointment.
134. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
135. All 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.
136. 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.

137. 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.
138. The applicant shall submit an Auto CAD file format (release 2010 or later) in a CD of approved final map and 'as-built' improvement plans showing lot and utility layouts that can be used to update the City's Base Maps.
139. The applicant shall submit an "as built" plan indicating 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 specie, buildings and appurtenant structures; and
 - c. Final Geotechnical Report.
140. The developer shall pay the costs of providing public safety services to the project should the project generate the need for additional public safety services. The developer may pay either the net present value of such costs prior to issuance of building permits, or the developer may elect to annex into a special tax district formed by the City and pay such costs in the form of an annual special tax. The developer shall post an initial deposit of \$20,000 with the City prior to submittal of improvement plans to offset the City's cost of analyzing the cost of public safety services to the property and district formation, should the developer elect to annex into a special tax district.



DATE: July 11, 2013

TO: Planning Commission

FROM: Damon Golubics, Senior Planner

SUBJECT: **Site Plan Review Application PL-2013-0168 - The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, Infill Development. Meta Housing Corporation, Aaron Mandel (Applicant) / Sean Sullivan (Owner) – Request to build 60 units of Senior Housing and approximately 6,000 square feet of ground floor retail and office space on a vacant property.**

The project site includes four parcels at 808 A Street, located on the north side of the street midblock between Mission Boulevard and Montgomery Street and is located in the Central City Commercial (CC-C) Zoning District.

RECOMMENDATION

That the Planning Commission finds that the project is categorically exempt from the California Environmental Quality Act and approves the Site Plan Review application for 60 units of Senior Housing and approximately 6,000 square feet of ground floor retail/office space on a vacant, 0.97-acre property, pursuant to the attached findings and the conditions of approval.

SUMMARY

The proposed senior housing project will be an attractive addition to the Downtown area with well-designed amenities to serve the needs of residents and add significantly to the image and vitality of the surrounding neighborhood. All units meet the minimum yard, height, and performance standards, including adequate private space and group open space requirements. Staff supports the proposed project because it is well-designed and provides much needed senior housing in the Downtown area. The project is also well situated in close proximity to City Hall the Hayward BART station, a full-service supermarket with banking and other services, and a variety of retail establishments in downtown Hayward. Analysis conducted by staff and others, including a detailed traffic study, suggests that the impacts associated with the project will be insignificant.

BACKGROUND

The proposed four-story project would occupy four contiguous parcels, which will be merged to create one lot. The existing parcels are vacant except for two billboards located in the southern

portion of the site along the A Street frontage. The site has a few scattered paved areas but no structures.

The site is flat and located within a fully developed urban area. Commercial, office and residential uses surround the site. Some existing buildings adjacent to the project site are one to three stories in height. Specifically, there is a three story commercial building west of the project site, one- and two-story apartment buildings adjacent to the project site along the north and west property boundaries, and along the eastern property boundary are one story commercial buildings and a gas station.

DISCUSSION

Project Description - The applicant proposes to construct 60 senior apartment units at a density of 60 units per acre within a proposed four-story structure. Pursuant to the City's Inclusionary Housing Interim Relief Ordinance now in effect, the applicant is not required to provide affordable rental units or pay in-lieu fees for such units, since this is a rental unit project. However, the applicant has indicated to planning staff that most Meta Housing projects incorporate some affordable housing units but the number and level of affordability has yet to be determined by the applicant. No density bonus was sought by the applicant for this project.

The ground floor will include approximately 6,000 square feet of retail space and management offices to serve the senior apartments. Most living units will have one bedroom and one bathroom, but some will have two bedrooms and one bathroom. The size of the units will range from 561 to 900 square feet. There will be both indoor and outdoor open space within the proposed structure, consistent with the City's minimum private open space requirements. Primary access to the development will be provided from A Street, with a secondary access from Smalley Avenue and a 26-foot-wide driveway through the project site for adequate circulation and accessibility in compliance with Fire Department requirements. Parking for the proposed project will be located beneath the new building (15 spaces) and within a surface parking lot (34 spaces) located behind the proposed building. The total number of spaces (49 total) provided is consistent with the City's Off-Street Parking regulations.

The applicant will be required to meet provisions contained in the City's Green Building Requirements for Private Development. Following these code provisions, the applicant will be required to incorporate green building aspects into the project. Conditions of approval will require additional green/sustainable feature, including bicycle parking, designated electric vehicle/clean air/vanpool parking and wiring/stub out for a future electric vehicle charging station. It is expected that additional Green Building Ordinance strategies will be incorporated into the interior building design that will enhance the well-being of the occupants and support a health community and natural environment.

The Central City Commercial (CC-C) Zoning District allows high-density residential use (up to 65 units per acre) as a primary use, but the first floor of any new development must generally be commercial (retail, personal services, etc.) or office uses. The proposed 6,000 square feet of ground floor retail space, along with the administrative offices for the senior housing units, will provide an adequate mix of retail, office and housing along this segment of A Street, which is situated between

the Hayward BART Station and the main downtown core. The project is expected to create additional pedestrian traffic to support the shops along Mission Boulevard and A Street and within the Lucky's shopping center.

The two existing billboards currently located on the proposed development site will be removed as part of the overall project. These signs will not be reinstated anywhere on the site or on the new building. As shown in Attachment VII, staff has included a recommended condition of approval to require removal of the existing billboards.

Pursuant to state law, the applicant will be required to have an on-site resident manager. A recommended condition of approval is included to reinforce this requirement (see Attachment VII). In addition, since this will be a senior housing project where the age of the residents is restricted to those that are 55 years of age or older, a condition of approval will require the recordation of a deed restriction by the property owner to ensure that all residents meet this age requirement.

Architectural Design – Renderings of the proposed buildings show a contemporary architectural design with large composite panels of contrasting colors providing depth and shadow lines to the structure. The proposed building will have a stucco exterior and windows accented with heavy trim. The paint scheme includes a variety of colors that emphasize the building's relief features. First-story entrances along A Street include a traditional storefront design with large glass windows and wide doors.

Primary access from A Street will be through a two-way traffic tunnel that provides access to the rear portion of the site. An arched wall feature with vines growing on the exterior surfaces will be installed along A Street and over the main vehicular entry to the project. The vine covered wall is intended to discourage graffiti. A condition of approval will require that all graffiti be removed within 72 hours of discovery.

The rear façade of the building will also incorporate building offsets and contrasting building colors to create visual interest. Similar architectural features will be used on the east and west building elevations.

Open Space – The minimum total open space required for the proposed project is 6,000 square feet, and the site plan provides a total of 8,062 square feet of space. This total was achieved through a combination of outdoor and indoor areas. There is an outdoor group open space of 4,470-square-feet on the second floor at the front of the building overlooking A Street. There are also areas on the ground floor (522 sq. ft.), second floor (2,272 sq. ft.) and fourth floor (798 sq. ft.) totaling 3,592 square feet of interior private open area to be used as group open space, per the Ordinance. A detailed amenity plan for the second floor outdoor open space area will be submitted as part of the construction plans for the project. The design must meet the approval of the City's Landscape Architect.

Site Plan Review Findings - In order for the Site Plan Review Application to be approved, the following findings must be made:

A. The development is compatible with on-site and surrounding structures and uses and is

an attractive addition to the City.

That the proposed 60 units of senior housing and approximately 6,000 square feet of ground floor retail is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the new structure is designed to be compatible with the surrounding neighborhood, including adjacent office, retail, commercial and residential uses surrounding the site. The development is also compatible surrounding structures in terms of mass and bulk. Some surrounding structures are large and monolithic, while others are smaller volumes. The project design bridges this gap by operating a singular volume that is broken down into smaller elements. Uses are similarly bridged; the ground floor blends into the busier retail and commercial aspects of A Street, while the housing component ties to the nearby residential zoning. The structure is carefully designed and detailed to be an attractive addition to the city. Lastly, the design contains elements of existing adjacent buildings and, as conditioned, will meet current landscape, development and Hayward Design Guidelines standards. The project design responds to neighboring environments by optimizing available access, views and solar orientation. As previously mentioned, the project has been deemed exempt pursuant to CEQA since the project meets all the criteria for an in-fill project.

B. The development takes into consideration physical and environmental constraints.

The approval of Site Plan Review Application No. PL-2013-0168, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 In-Fill Development Projects (Class 32) since (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site can be adequately served by all required utilities and public services

C. The development complies with the intent of City development policies and regulations.

The proposed 60 units of senior housing and approximately 6,000 square feet of ground floor retail complies with the intent of City development policies and regulation in that Hayward Municipal Code Section 10-1.1521(a) allows for a variety of ground floor retail commercial uses to be located within a mixed use development that also includes residential dwelling units above the first floor. In addition, the proposed project, as conditioned, will meet all development standards and minimum design and performance requirements of the Off-Street Parking Regulations. Furthermore, the project will comply with the intent of City development policies and regulations through compatibility with the contextual constraints of the site, the surrounding neighborhood, existing traffic patterns, and the Downtown area. This project will “promote housing along with supportive services for households with special needs, including seniors,

persons with disabilities, single-parents, and the homeless.” (Hayward General Plan Policy 5.2 - Housing Element)

D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

That the proposed 60 units of senior housing and approximately 6,000 square feet of ground floor retail will operate in a manner determined to be acceptable and compatible with surrounding development in that the mixed use project will be compatible with the purpose of the CC-C Subdistrict. Specifically, the project will increase overall economic activity in the downtown area and enhance the vitality of adjacent neighborhoods by establishing a mix of new commercial and residential activities on a parcel that is currently vacant. The project is compatible in scale and design with existing buildings in the surrounding neighborhood. The project is also similar to surrounding uses in terms of function, occupancy, circulation, and hours of operation.

Environmental Review – It has been determined that this project is exempt from the provisions of the California Environmental Quality Act (CEQA). Pursuant to Section 15332 of the CEQA Guidelines (In-Fill Development Projects - Class 32), the following criteria must be met in order to apply this CEQA exemption to the project:

- (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) the project site has no value as habitat for endangered, rare or threatened species;
- (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) the site can be adequately served by all required utilities and public services.

The bulk of the concerns received associated with the project had to do with the traffic. Two specific areas of concern are discussed below.

Additional traffic caused by the project. According to the traffic study that STANTEC prepared (see Attachment III), the 808 A Street project will add 112 trips in the PM peak hour. This traffic increase equates to a less than two trips per minute, yielding a small net traffic increase. The findings of the traffic study concluded that there will be 1.4 seconds of additional delay in the AM and one half second of additional delay in the PM peak at the A Street and Lucky’s driveway traffic signal. Also, raw numbers or data don’t take into account the captured trips (i.e. those who live in the residential area that will walk to the retail). The number of new trips generated by the development will likely be lower than estimated and shown here.

Impact on Smalley Avenue. The impact on Smalley should be quite insignificant given the low amount of trip generation. Some additional targeted analysis was done by the project traffic engineer to evaluate the project traffic impacts on Smalley Avenue. For outgoing trips from the project, less than 10% of the total number of total trips (5 trips) would come from the Smalley Avenue access point. In bound trips would not exceed more than 5 trips per hour. Overall, adding a total of ten trips per hour is typical and not noticeable.

Generally speaking, traffic engineers suggest that most people utilize signalized traffic intersections, versus non-signalized traffic intersections, and both the project traffic engineer and the City's Transportation Manager conclude that most vehicle trips to and from the site will occur along A Street.

No significant environmental impacts are expected to result from the project. Staff is recommending that a Notice of Exemption be filed for the project.

Project comments received - Staff received correspondence from an A Street building owner expressing concern about traffic generated from the site creating congestion during peak traffic hours. The City's Transportation Manager reviewed the proposed project and concluded that the mixed use development would have virtually no impact on A Street or Smalley Avenue.

The proposed project is expected to generate 1,300 daily trips with 42 trips during the a.m. peak hour and 112 trips during the p.m. peak hour. The intersection geometry for the intersection of "A" Street and Watkins Street will need to be changed to add an eastbound left turn lane to access the project site. With the recommended improvements and the addition of the project trips, the intersection of "A" Street/Watkins Street is expected to operate at an acceptable service level during both the a.m. and the p.m. peak hours.

The following are concerns expressed by the business owner and staff's responses to those concerns:

- Pedestrian crossings at the Lucky's driveway and A Street; the need for more time at the crossing. Evaluation of adding more pedestrian crossing time when the traffic signal is modified should be part of the project.

Additional pedestrian crossing time will be addressed at the time signal improvements are made for the project. This is a recommended condition of approval.

- Additional traffic on Montgomery Street and into the neighborhoods. "Local Traffic Only Sign" have been installed on Montgomery Street at A Street.

"Local Traffic Only Sign" were installed at the request of residents living on Montgomery Street. No complaints have been received since the signs have been installed.

- Speeding on A Street and cars screeching out of the traffic signal.

These types of issues are normally dealt with by the Hayward Police Department. Such concern or complaints should be voiced to that City Department.

- The Loop has caused an increase in traffic on A Street. Existing businesses west of Mission Boulevard have may have seem an increase in traffic due to The Loop, specifically A Street.

Currently, the City doesn't have any recent data or traffic counts to effectively evaluate this claim. Public Works has not observed an increase in traffic volumes and plans to conduct traffic counts in the near future once The Loop project is complete.

PUBLIC CONTACT

On May 31, 2013, a Referral Notice was mailed to the Prospect Hill Neighborhood Association and to every property owner and occupant within 300 feet of the subject site, as noted on the latest County Assessor's records. Planning staff received several responses as a result of that notification. Some of those received the Referral Notice complained that 14 day was not long enough to comment on the project.

The Development Services Director considered the concerns of property owners and occupants within 300 feet of the subject site and decided to do two things:

- Send another referral notice to all interested parties that another comment period for the project would run from June 14th to June 28th; and
- Given the importance of this project, the Development Services Director decided to have the Planning Commission review the merits of this project instead of having an administrative decision made regarding this Site Plan Review request.

On June 19, 2013, a Notice of this Public Hearing was published in *The Daily Review*.

The property owner of the adjacent three-story commercial office building west of the project site expressed opposition to the project based upon traffic concerns. A Mission Boulevard business owner echoed similar concerns about the project (see Attachment V).

Staff received a comment requesting a locked gate or fence and emergency vehicle access only be employed at the Smalley Avenue access to the project site. The letter stated that Smalley Avenue is too narrow to handle extra traffic flow or loss of street parking. Another comment letter was submitted by a resident of Smalley Avenue voicing concerns over traffic with the project (see Attachment V).

Two letters of support were submitted and received from the Hayward Chamber of Commerce (see Attachment IV).

NEXT STEPS

The Planning Commission decision begins a 10-day appeal period. If there is no appeal or Council member call-up within that time period, the applicant may proceed with the approved project or, if the Commission denies the project, may file an appeal to the City Council.

Prepared by: Damon Golubics, Senior Planner

Recommended by:



Ned Thomas, AICP
Planning Manager

Approved by:



David Rizk, AICP
Development Services Director

Attachments:

- | | |
|----------------|---|
| Attachment I | Area & Zoning Map |
| Attachment II | Development Plans |
| Attachment III | Traffic Study |
| Attachment IV | Project Comments and Correspondence (For The Project) |
| Attachment V | Project Comments and Correspondence (Against The Project) |
| Attachment VI | Findings for Approval |
| Attachment VII | Conditions of Approval |



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Council Chambers
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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 Faria.

ROLL CALL

Present: COMMISSIONERS: Loché, Trivedi, McDermott, Lammin
CHAIRPERSON: Faria
Absent: COMMISSIONER: Márquez, Lavelle
CHAIRPERSON:

Commissioner Trivedi led in the Pledge of Allegiance

Staff Members Present: Camire, Conneely, Cruz, Frascinella, Golubics, Thomas

General Public Present: 24

PUBLIC COMMENTS

None

PUBLIC HEARING

1. Conditional Use Permit No. PL-2013-0133 – The proposed project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Facilities - Tony Ancheta for Revere Tattoo (Applicant) / Kwok Low (Owner) - Request to operate a Tattoo Studio at 214 Harder Road, Unit D, in the Neighborhood Commercial (CN) Zoning District.

Assistant City Attorney Maureen Conneely announced that because there were only five Planning Commissioners present the applicant was given the option, and had accepted, to continue the item to the July 25, 2013, meeting to gather the four votes necessary to either approve or deny the application. She also announced that no further notice would be provided.

2. Site Plan Review Application PL-2013-0168 - The proposed project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, Infill Development. Meta Housing Corporation, Aaron Mandel (Applicant) / Sean Sullivan (Owner) – Request to build 60 units of Senior Housing and approximately 6,000 square feet of ground floor retail and office space on a vacant property. The project site includes four parcels at 808 A Street, located on the north side of the street midblock between Mission Boulevard and Montgomery Street and is located in the Central City Commercial (CC-C) Zoning District.

Planning Manager Ned Thomas introduced Senior Planner Damon Golubics who provided a synopsis of the report noting that a project like this would usually be administratively approved, but comments received about possible traffic impacts in response to the public notice prompted the Development Services Director to present the application to the Commission for its recommendation.

Commissioner Loché disclosed that he met with Aaron Mandel of Meta Housing to discuss the project. He said the .5 parking spaces per unit jumped out at him, and he asked what the required number of parking spaces would have been if the complex was not for seniors 55 and older. Senior Planner Golubics said one covered space per unit and half a space uncovered. Commissioner Loché commented that was a pretty big difference.

Commissioner Loché noted the parcel was zoned Central City Commercial, which allowed for entertainment uses, and he asked if there were any uses that were not allowed because the retail was located below senior residential. Senior Planner Golubics said the way he read the zoning regulations there would be no restrictions on specific uses that might be a disturbance to seniors including a mini nightclub. Mr. Golubics said the Commission could add a condition that could limit uses.

Commissioner Loché asked if the traffic study cited in the report took into consideration the change in traffic flow due to the mini-loop. Senior Planner Golubics said the study was conducted while the loop was being implemented.

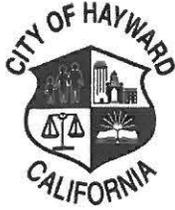
Commissioner Lamnin noted the report mentioned the loss of four parking spaces and she asked the location of the spaces. Senior Planner Golubics directed her attention to the proposed secondary driveway onto Smalley Avenue. Commissioner Lamnin disclosed she had also met with the applicant.

Commissioner Lamnin asked if parking would be provided for bicycles and the cars generated by the proposed retail. Senior Planner Golubics explained that the parking for the complex would be for both the retail and the residents.

Commissioner Lamnin asked if the Hayward Police Department (HPD) had any concerns about the project or the area in general. Mr. Golubics said the project was referred to HPD for comment and nothing was returned with regards to crime, traffic, or in general. Commissioner Lamnin asked if Senior Planner Golubics had any sense of the number of PD reports generated from that area and Mr. Golubics said no.

Commissioner Lamnin said she understood the area was in flux until the construction of the mini-loop was complete, but she expressed concern that people would use alternative routes to avoid traffic signals and there might be an impact to Smalley Avenue which was a fairly narrow street. She asked staff if any thought had been given to that possibility. Senior Planner Golubics said the traffic study was completely focused on the intersection of A Street and the Lucky parking lot and impacts were limited and acceptable; no major impacts were found.

Transportation Manager Don Frascinella reiterated the findings cited by Mr. Golubics and noted because impacts were minimal to the A Street intersection, it was concluded that the impact to Smalley Avenue would be even less or no impact at all. Commissioner Lamnin asked if staff thought people might try to cut through the complex and Mr. Frascinella said speed lumps would be installed on the road going through the complex and he noted on public streets people went out of their way to avoid speed lumps.



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Regarding the public notice for the project, Commissioner McDermott commented that not only did the public have problems with their emailed comments bouncing back and with phoning in comments, others said they received the notice late. Commissioner McDermott noted that in response to these problems staff had produced a second notice and she asked if the method of communication was publishing another legal ad in the newspaper. When staff indicated yes, Commissioner McDermott said that concerned her because very few people subscribed to the paper and there might be people interested in the project that they were not hearing from.

Commissioner McDermott said she was unclear if everyone in the complex had to be 55 years old or older. She asked if a senior tenant could have someone residing with them under the age of 55 years and Senior Planner Golubics said no, a deed restriction on the building would require that all residents be 55 or older.

Commissioner McDermott asked how the project would “promote housing along with supportive services for households with special needs, including seniors, persons with disabilities, single-parents, and the homeless,” per the site plan review findings included in the staff report. Senior Planner Golubics explained that that specific language was taken from the City’s General Plan and he pointed out that “including seniors” was shown in bold in the report because that was the portion that was applicable to the project.

Commissioner McDermott asked if the units would be affordable. She pointed out that the Commission had discussed ways of maintaining affordable senior housing in the past. Senior Planner Golubics said staff had asked the same question and he explained that there was no official designated component as part of the project, but he said he spoke with the applicant who had indicated that one component would be affordable. Mr. Golubics said the applicant could respond to the question during their presentation. Commissioner McDermott confirmed with staff that most units were one-bedroom and that the cost could be controlled by the rent amount.

Commissioner McDermott said she agreed with Commissioner Loché that the amount of available parking was a concern because with only 49 parking spots for the 60-unit complex, the assumption had been made that not everyone would be driving a car and she didn’t think that assumption was correct. She also pointed out that the total number of bike rack spots was five for the residents and perhaps three more for the retail. Commissioner McDermott reiterated that parking was a concern for her as well as the impact on Smalley Avenue residents because the street was narrow.

Commissioner Trivedi said he was glad someone wanted to develop the site noting the lot had been empty for a long time and contributed to blight. Although a lot of work had gone into the project so far, he said, he also had some concerns. Commissioner Trivedi said that depending on the nature of the proposed retail, the amount of parking may not be adequate. He acknowledged that the lot was small and there wasn’t room for more, but because the senior residents might use the bulk of the spots available, parking might be a challenge.

Commissioner Trivedi said he read the traffic study and saw that impacts were low at the intersection of A Street and the Lucky parking lot, but he asked staff to address his concern that the impact might be

greater on a smaller auxiliary street like Smalley Avenue. He asked Senior Planner Golubics to speak to the scope of the traffic study and Mr. Golubics deferred to the Transportation Manager.

Transportation Manager Frascinella said the scope of the study was to look at the primary ingress and egress into the proposed project site. He explained that while the signalized intersection of A Street and the Lucky drive-in needed a lot of improvement, staff would only consider the project as having a significant impact if traffic levels moved down to an E or an F (A being the best) and they had not. Mr. Frascinella reiterated that because that intersection was the primary access point for the project, and impacts were not significant, he could conclude that the impact to Smalley Avenue would be even less.

Transportation Manager Frascinella noted that the project would only add a total of one hundred and twelve p.m. peak hour trips to traffic counts at that intersection, or, in other words, two additional cars per minute. He said over the course of an hour that was very few trips being added and even less would be on Smalley.

Commissioner Trivedi confirmed that the p.m. peak hour had the highest level of traffic and Mr. Frascinella said yes. Commissioner Trivedi asked staff if they had considered the potential impact to the Lucky parking lot if residents found there wasn't a sufficient amount of parking onsite. Commissioner Trivedi noted the Lucky parking lot was already tight and traffic sometimes backed up almost across the entire width of the lot while waiting for the signal at A Street. He said that made the lack of parking at the proposed project a more pressing concern.

Transportation Manager Frascinella explained that in terms of enforcement, because the Lucky parking lot was private it was up to them to determine how to deter or stop people from parking there. He noted that signs could be installed that stated that parking was for Lucky shoppers only.

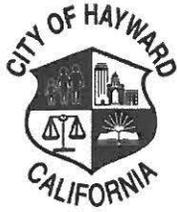
Commissioner Trivedi asked if parking on Smalley Avenue was by permit or open to everyone and Transportation Manager Frascinella said it was open parking. Commissioner Trivedi asked if parking was timed and Mr. Frascinella said he didn't think so. Commissioner Trivedi said maybe that was something the City could consider.

Commissioner Trivedi asked staff if there were any concerns with a gas station being located next to residential. Senior Planner Golubics acknowledged it was unique situation, and explained that noise was a potential concern, but noted noise could be mitigated with heavier insulation and thicker windows on the units that interfaced with the gas station. Mr. Golubics commented that other similar projects had gone forward and there hadn't been any problems. Commissioner Trivedi confirmed that those mitigation measures were not part of the current plan, but could be, and staff said that was correct.

Chair Faria asked staff to confirm that the 49 parking spaces would be shared by the residents and the retailers and staff said yes. Chair Faria commented that the City must not be expecting a whole lot of business at those shops and Senior Planner Golubics said that conclusion could be made with 6,000 square feet of retail.

Chair Faria also noted that existing businesses on Smalley Avenue used most of the parking available in the area and she asked if that was taken into consideration. Senior Planner Golubics said he didn't think that was taken into consideration as part of the applicant's analysis. Chair Faria said the project would be a great addition to the area, but she did have some concerns about parking.

Chair Faria opened the Public Hearing at 8:05 p.m.



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Aaron Mandel with Meta Housing Corporation in Los Angeles, said noise concerns could be addressed in the conditions of approval for the project. Regarding traffic on Smalley Avenue, Mr. Mandel said they would be happy to put bollards at the back driveway or a gate to limit access to emergency vehicles only, noted it would be better for the City to have through access, but indicated they would defer to the preference of the community and City. Regarding affordability, Mr. Mandel explained that Meta Housing was a mission-oriented, for-profit business, but 20% of units were set aside for affordable housing. He said they were still deciding on the number of units that would be affordable, but he said it would be at least 12 units. Regarding notice to the surrounding businesses and residents, Mr. Mandel said he didn't know the exact process, but noted an extra week had been provided for comments.

Regarding parking, Mr. Mandel pointed out that the number of parking spots was per City code for both the retail and residential and he added that Meta Housing had not requested a reduction in the number of spots in exchange for affordability or anything else. He noted that Meta Housing had developed an extensive amount of senior housing projects in urban infill areas, very similar to this application, both pure residential and mixed use, and he said the project was adequately parked. Mr. Mandel said one of the intents of the project was to promote the use of public transit, in this case BART and the bus system. Mr. Mandel also clarified that the parking was shared, which meant parking was set aside for the businesses during the day, and then opened for residential during the evening hours. He said that was close to .8 parking spots per unit and for a senior housing project in an urban location they expected extra parking to be available outside of business hours.

Regarding the proposed retail, Mr. Mandel said they didn't expect the retail space to remain empty and Meta Housing felt the proposed parking was adequate. He mentioned that the retail should complement the neighborhood.

Mr. Mandel asked if there were any questions and noted the architect for the project was present as was a representative from the third-party property management company that would provide onsite management for the complex.

Commissioner Lamnin asked Mr. Mandel if he knew the approximate range that would be charged for rent and he said the high side would be between \$1,800 to \$2,000, and considerably less for the affordable rents. He pointed out that the costs could change in the two years it would take to complete the project.

Commissioner Lamnin asked about the proposed solar and Mr. Mandel asked his architect, Matthew Baran, to come up.

Matthew Baran, architect with Philip Banta & Associates Architecture located in Emeryville, said the Commission's idea to incorporate the solar addition onto the roof was preferable because that location made it more visible and they were trying to promote the sustainable characteristics of the project. Other sustainable characteristics, he said, included the landscaping, the living wall and the solar orientation, and that all tied into the limited parking and the location being next to a BART station.

Commissioner Lamnin asked if any provision would be made for caregivers under the age of 55 or a tenant who was raising a grandchild. Mr. Baran introduced Property Manager Jeff Passadore.

Jeff Passadore, Cambridge Real Estate Services in Portland, Oregon, explained that generally speaking those that provide care to a resident do not necessarily need to conform with all occupancy guidelines

and age was one exception; they would not need to conform with age restrictions that applied to the property. Commissioner Lamnin asked about grandchildren and Mr. Passadore explained each situation was case specific and involved whether or not the resident had formal custody of the child versus temporary custody. He said it would be considered on a case-by-case basis. Commissioner Lamnin pointed out that Hayward had a fairly high number of kinship families.

Commissioner Lamnin asked Mr. Passadore if he managed any other properties in California and he said Cambridge managed approximately 40 apartment communities in Northern California.

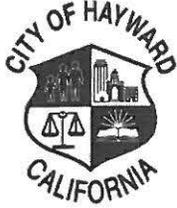
Commissioner Trivedi asked Mr. Mandel if Meta Housing specialized in senior-oriented communities and Mr. Mandel explained that the owner of the company got his start by exclusively managing senior housing, but had eventually expanded to include general occupancy. He said two-thirds of the properties managed were specifically for seniors and he noted they had an expertise in the design issues that came along with senior housing as well as the management style. Mr. Mandel explained that the differences that came with senior housing included smaller units, providing more common space, and engaging seniors with activities by working with the non-profit agency Engage. Mr. Mandel pointed out that the activities provided by Engage were free of charge to residents.

Commissioner Trivedi asked if the apartments were designed with any features specifically geared towards seniors and Mr. Mandel said beside certain surfaces and grab-bars, not really. Mr. Mandel noted that active seniors were targeted, 55 not being that old, he said, with the goal to provide safe, quality housing for residents to age in place. Mr. Mandel did note that the project would include a fitness center, something not always provided for in the family units. He also emphasized the community room and noted it would include a library.

Commissioner Trivedi asked Mr. Mandel what was envisioned for the retail space and what the timeframe would be with the development of the rest of the project. Mr. Mandel explained that they planned for neighborhood retail that would complement the Lucky center and some of the retail down the street. Mr. Mandel said they didn't have specific types of retail in mind and wouldn't have a broker take a look until the project was under construction; recruiting retail tenants was at least a couple years down the road. Mr. Mandel commented that the project was designed to break into three pieces of approximately 2,000 square feet each. Commissioner Trivedi asked if the residential and retail would be developed concurrently and Mr. Mandel said yes, but noted it was impossible to rent out retail without having the space available to view.

Commissioner McDermott asked if classes would be offered at the onsite gym and Mr. Mandel said absolutely, a variety of classes including art, writing, yoga, movie nights and bingo would be available. He said the wellness classes offered by Engage were part of the non-profit's mission statement to improve people's lives.

Commissioner McDermott asked what amenities would be provided for each of the units such as a refrigerator, washer and dryer, and dual-pane windows. Mr. Mandel said all kitchen appliances would be standard including microwave and dishwasher, but washers and dryers would be part of a community laundry room. Mr. Baran confirmed the laundry room would be on the second floor and said dual-pane windows were standard. Under LEED guidelines, Mr. Baran pointed out, developers were required to



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meet or exceed Title 24 Energy Standards. Commissioner McDermott commented that dual-pane windows would also help with noise concerns.

Commissioner McDermott asked what the cost per square foot would be and Mr. Mandel said he didn't have that in his figures, but concurred with Ms. McDermott that it would be whatever the market could bear or approximately \$1.75-\$2.00 per foot per month.

Commissioner McDermott suggested a restaurant for the retail space because of the built-in clientele and because the City was looking for additional restaurant choices. Mr. Mandel said they would love to get a restaurant in there.

Noting the proposed project was in the downtown entertainment area, Commissioner Loché asked Mr. Mandel to describe what security measures would be taken. Mr. Mandel explained that all the Meta Housing communities had a full security camera system covering all ingress and egress into the complex. He said residents would have to use key cards to get into the residential areas. Parking areas would be accessible to non-residents, Mr. Mandel said, but everything else would be locked and tracked via key card. Commissioner Loché confirmed parking areas would also be under camera surveillance and Mr. Mandel said absolutely; parking areas, elevators, hallways, and the computer center would all have security cameras.

Commissioner Loché asked Mr. Mandel to show him the different parking that would be available for both the residential and the retail, which Mr. Mandel did on one of the presentation slides. Mr. Mandel also pointed out that parking was often improved by good signage and good management and Meta Housing intended to provide both.

Mark Ebner, with address in Lafayette, said he was speaking in favor of the project and said it was well designed and well crafted. Mr. Ebner said he was a big fan of Meta Housing's operations and projects, and having them in Hayward would be wonderful.

Commissioner Lamnin asked Mr. Ebner what his history was with Meta Housing and Mr. Ebner explained that he was a general contractor and had tried to solicit their work for many years. He said they had both had projects in Hollywood and as he watched their project he saw it was very well built and very well managed.

Derek Wu, Champlain Street resident, said building a project that ran from A Street to Smalley Avenue would create a lot of traffic on Smalley and he said people would use the drive to cut through the property. Mr. Wu said the entrance of his business was located on Smalley right across from the proposed driveway and the additional traffic would cause a danger to his customers. He also commented that several parking spots on Smalley would be lost because of the driveway and because residents would need additional places to park. He also cautioned that, if open, the back area of the project would be used for drug activity and he suggested a fence and/or locked gate for emergency use only.

Ray Baker, with property address on A Street next to the proposed development, said he was very concerned about the features and impacts of the project. Mr. Baker said the solar design bothered him because of the height of the building and he said something that massive should be at a different location

with better accessibility to public transit. He said noise was already a factor, as was traffic on A Street. Mr. Baker noted he'd been at the location for many years, taking over a piece of property that originally served as a hospital. He pointed out there was no traffic control or management on A Street and he'd brought that to the attention of Mr. Frascinella numerous times. In the last couple of years, Mr. Baker

said he'd contacted the HPD about traffic concerns and they had turned a deaf ear. During a public meeting a month ago, he said, HPD officers said they had no plans for traffic enforcement on A Street. Mr. Baker said there was already a hazard for pedestrians trying to cross A Street and he asked the Commission to imagine elderly and disabled people trying to maneuver the intersection. He said he wasn't opposed to senior housing; the project was unworkable at that location. Mr. Baker noted that the traffic study submitted by the Planning Department was provided by the developer, and up until that night, the City's traffic division had nothing to say about the potential impacts. Mr. Baker said it was an imposition on the public to be told at the last minute that there wasn't a traffic problem on Smalley Avenue and he disagreed; there was a problem at Smalley and Montgomery and a problem ten times worse at Smalley and Mission Boulevard. He concluded by saying Planning staff should have met with residents and business owners in the area and given people more time to respond.

Kim Huggett, President of the Hayward Chamber of Commerce with business address on Main Street, said it was unusual for him to represent members on both sides of the issue. He said concerns expressed in letters included with the report discussed both the traffic and parking issues, but it appeared both could be addressed by the developer. Speaking for members in the downtown core, Mr. Huggett said they were very excited about this and another major development to be heard by the Commission that could potentially rejuvenate the downtown area by bringing in residents who would be using downtown retailers, restaurants and services. Noting there was already six downtown galleries, Mr. Huggett said he could see the Hayward Art Council using an element of the facility, and although he hadn't discussed that with the developer, he saw a lot of potential at the site. Mr. Huggett also commented that the Chamber had six to eight members who dealt with senior housing and although the elements of each situation weren't exactly the same, he noted that limited parking did not limit access to the facilities. Mr. Huggett pointed out that the Chamber was a downtown business, was aware of traffic on A Street, but was confident the Traffic Engineer's analysis was accurate. He welcomed Meta Housing to downtown.

Lori Juarez, with business address on Smalley Avenue, said she worked for Bay 1 Auto Collision, which was located right next to the proposed development. Ms. Juarez said they were pleased that some sort of development was coming in because the lot had been empty for a long time, and although the proposed development looked nice, they had serious concerns about traffic and parking on Smalley. She pointed out that the traffic study had only looked at A Street and then City staff had inferred the impact to Smalley. She said she didn't think that was fair to the businesses on Smalley. Ms. Juarez said every day the available parking on Smalley was filled by the current residents, businesses on the street, and by workers who parked on Smalley and then walked to businesses on Mission. She emphasized Smalley was a very narrow street and having a driveway that exited to Smalley and losing the parking spaces would have an impact to businesses and she asked the Commission to take that into consideration and not just look at impacts to A Street. Regarding parking, Ms. Juarez said she heard two different things: that there would be specific spots for residents; and that parking during the day would be limited to retail. Ms. Juarez reiterated that the concern was parking and traffic on a narrow street like Smalley.

Commissioner Lamnin asked Ms. Juarez how she heard about the development and the Planning Commission meeting and Ms. Juarez said she was told by a friend who lived in Brentwood and saw it in the Contra Costa Times. Ms. Juarez said Bay 1 really didn't receive timely notification and they were worried. Commissioner Lamnin asked if she had seen a blue notice card and Ms. Juarez said no.



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Commissioner McDermott asked what type of business she was representing and Ms. Juarez said auto body repair. Commissioner McDermott asked her why the parking spaces were important and Ms.

Juarez said parking was used by employees, customers coming in for estimates, and she noted that when customers of other businesses parked on Smalley, even pulling cars into Bay 1's garage could be a challenge. Ms. Juarez said other businesses were having problems too because during the day, Smalley Avenue was packed.

Commissioner McDermott asked if placing time limits of one to two hours on parking would help and Ms. Juarez said no because the time limits would impact employees and make an already difficult situation even more challenging. Ms. Juarez pointed out that limited parking times would impact residents parking in front of their homes.

Mr. Mandel pointed out that any development coming into that site would need to eliminate the four parking spots on Smalley Avenue to have two points of ingress and egress for fire and safety. As property owners, Mr. Mandel said they would support some sort of restriction on parking including one or two hour time limits and some exempt passes for owners and employees.

Chair Faria asked Mr. Mandel to confirm that he was amenable to having a gate at Smalley for emergency purposes only and Mr. Mandel said yes, but noted parking would still be eliminated for the driveway. Mr. Mandel also pointed out that traffic would then funnel onto A Street and the turnaround in the project would be tight. He reiterated that having the street go through would be better, but that he would do whatever the community wanted.

Chair Faria asked if closing the gate would eliminate any internal parking at the complex and Mr. Mandel said no. Mr. Baran added that the project was designed as two-way access so closing one side would not be an issue.

Commissioner Trivedi asked Mr. Baran if he had any concerns about how tight parking was and Mr. Baran said he followed the City's parking standard. Mr. Mandel said Meta Housing had developed around 40 projects similar to this, with 3,500 units, of which 3,000 were senior, so they had a pretty good feel for parking and felt the lot was adequate. Commissioner Trivedi asked if the lot conformed to the standards applied at the other projects and Mr. Mandel said absolutely and noted that this project, unlike most of the others, was within a quarter mile of a major transit stop. He said the project fit a lot of the green standards and met government initiatives to promote housing near transit hubs. Mr. Mandel said having limited parking would promote not driving so much.

Commissioner Trivedi clarified that he was talking about the layout of the parking, not the number of spots. Mr. Mandel said the two-way driveway was 26 feet wide and the parking spots were standard, not compact.

Chair Faria closed the Public Hearing at 8:24 p.m.

Commissioner Trivedi asked staff for details about proposed improvements to the pedestrian crossing at A Street. Senior Planner Golubics said the crosswalk would be straightened, additional signal

improvements with signal heads facing the development, and a left turn lane coming into the project. Mr. Golubics added that the time to cross the intersection would be reevaluated when the improvements were made. Commissioner Trivedi asked for confirmation that the population of the development would be taken into account and signal would also have audible cues.

Commissioner Trivedi said a lot of the concerns of the Commission could be addressed either by the developer or via the conditions of approval for the project including noise mitigation and the parking

situation on Smalley Avenue. He said he wanted to give credence to the folks who live and work in that area and if they were concerned about traffic impacts then he thought it was advisable to close the driveway at Smalley to only allow emergency vehicles. Commissioner Trivedi said he also appreciated that losing the four parking spots was a downside for the existing businesses but pointed out any new development would probably eliminate the spots. He said he was ready to develop conditions so the Commission could approve the project.

Commissioner Loché asked staff if the Commission could create a condition that would set the number of low income units and Assistant City Attorney Conneely said no. Unless the City was offering some subsidies, she said, the project would not be subject to the City's inclusionary housing ordinance. Ms. Conneely pointed out that the developer had indicated that setting aside some units for low income was normally part of their projects so if the developer had no objection, a percentage could be included in the conditions of approval.

Commissioner Loché asked the developer if they would be opposed to including the 20% mentioned earlier as a condition of approval. Mr. Mandel said they would prefer not to in order to preserve flexibility with their financing, and he noted some lenders didn't like the restrictions in the case of foreclosure. Mr. Mandel said Meta Housing liked to provide more (than 20%) if they could and if the City had subsidies or fee deferrals or waivers available they could increase the affordability of the complex.

Commissioner Loché said he liked that the solar panels were visible and he noted that the entrance on Smalley could be closed after the project was completed if there was more traffic than anticipated. Assistant City Attorney Conneely suggested a gate at Smalley Avenue be included in the conditions of approval that evening. She pointed out that it would be difficult to bring the project back and add a condition after the Site Plan Review process had taken place. Commissioner Loché asked if anything could be done after Site Plan Review, even by the developer, and Ms. Conneely explained that adding a condition of approval would give staff the latitude to evaluate traffic impacts six months after occupancy and close the entrance to emergency vehicles only if needed.

Ms. Conneely expressed concern that adding complexity to the conditions of approval might be cause to continue the item and direct staff to conduct further work with the developer. Commissioner Loché said he would like to see the option to close the Smalley entrance in the conditions, however, he would prefer that the development begin with the driveway open.

Regarding parking, Commissioner Loché said the location was so close to BART and downtown public transportation hubs that this was one place limited parking could work.

Commissioner Loché concluded that the project was attractive, nobody wanted the vacant lot, and if the City wanted "substantial development," there was no place in downtown to put it where there wouldn't be an impact on traffic. He said the plan was to mitigate traffic impacts the best as possible, and



**MINUTES OF THE REGULAR MEETING OF THE
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Council Chambers
Thursday, July 11, 2013, 7:00 p.m.
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reiterated he wanted something in the conditions that allowed the City to address any impacts to Smalley Avenue.

Commissioner Lamnin mentioned that the Commission had discussed the need to create developments where residents could age in place and the Meta Housing application had a base age of 55 rather than the usual 62. She said she also appreciated the developer's commitment to affordability and encouraged the City to find ways to expedite, defer, or waive development costs to increase the potential for affordability. Commissioner Lamnin encouraged the developer to consider a partnership for provided services to reduce overhead and noted there were 700 non-profit agencies in Hayward, many of which focused on affordability and/or seniors.

Commissioner Lamnin commented that the conditions of approval were a little less specific than past projects and she asked staff if phrases like "will consider" and "should evaluate" would make the conditions more difficult to enforce. Senior Planner Golubics said staff worked carefully and closely with the development team to craft conditions that were acceptable to have the project move forward. He agreed that some conditions weren't as strong worded, but that was at the request of the applicant for a variety of reasons including being able to secure financing. Mr. Golubics encouraged the Commissioners to tighten language where they felt it was needed.

Commissioner Lamnin moved the staff recommendation with an amendment to condition of approval number 62 to change the phrase "Modifications may" to "Modifications will" include an evaluation; and she asked that a new condition, and she suggested numbering it Condition 62a, be added, to require an evaluation of traffic on Smalley Avenue, with a provision to add a gate or other mitigation measures, if needed. Senior Planner Golubics suggested adding a timeline for the evaluation. When Commissioner Lamnin changed her mind from three months after occupancy to before occupancy, Commissioner Trivedi pointed out that she wasn't really adding a condition to close the entrance at Smalley to emergency vehicles only if she was requiring an impact study. The impact should be negligible, he said, if there was a gate, and a new study not needed. Commissioner Lamnin said she wasn't convinced closing the entrance was the right answer for the community and said she had safety concerns about not having another access point and thought there might be advantage to the flow of traffic to keep it open.

Senior Planner Golubics asked if the traffic impact study was to be completed by staff, the applicant or as a joint effort. Commissioner Lamnin said the study should be completed by the applicant, but in collaboration with the City's traffic department.

Commissioner Loché seconded the motion.

Commissioner McDermott agreed with Commissioner Trivedi that the entrance should be closed at Smalley Avenue and said she wouldn't be able to support the motion.

Commissioner Trivedi commented that there was no thoroughfare now, the developer was willing to close the thoroughfare, and the residents didn't want a thoroughfare, therefore he felt the easiest solution was to close the project to through traffic. That said, Commissioner Trivedi said if the only way to move the project forward was to keep the thoroughfare open and conduct a study three months later to make a final determination, he would support that, but it wouldn't be his preference.

Commissioner Loché said by having the road closed from the beginning the Commission was assuming that it would not have worked with it open. He said it made more sense to start with it open, as staff suggested, have it evaluated, and see what was best. Commissioner Loché said assuming it wouldn't work would be a mistake.

Chair Faria said she was in favor of closing the gate from the beginning based on the concerns expressed by residents and businesses on Smalley. She said the proposal was good and the City needed the senior housing and the driveway was not being closed off in a permanent manner. Chair Faria said she would support the motion.

Commissioner Lamnin agreed with Commissioner Loché's comment that the City won't know what worked until a study was conducted, but she pointed out that problems on Smalley Avenue already existed so a study might be useful. She suggested amending her motion to have the Neighborhood Partnership Program hold a meeting to get community input.

Commissioner Trivedi asked her to repeat the motion and asked if the decision on the gate would be pending the Neighborhood Partnership meeting and Commissioner Lamnin said no and clarified that rather than a traffic study she was suggesting having a gate and separately, gathering input from the community for all the issues on Smalley. Commissioner Trivedi said the motion needed four votes to pass, so he said he would second the friendly amendment to the motion.

Commissioner Trivedi asked if the Commission would be able to review the retail development later and Senior Planner Golubics said that as conditioned, there was nothing that needed to come before the Commission for review. Assistant City Attorney Conneely added unless the retailer required a conditional use permit to operate.

Planning Manager Thomas said three other things to consider were one, if the driveway was left open the residents would most likely complain if it was later closed; if the driveway was closed from the beginning the impacts to the A Street intersection would be greater; and finally, even if the driveway was blocked with a gate that could be opened, the parking would still be lost on Smalley.

Commissioner McDermott said the developer was agreeable and having the gate closed from the start was a compromise with the existing Smalley Avenue residents and businesses.

Commissioner Trivedi agreed with Planning Manager Thomas' comment that new residents would complain if the gate was closed after initially being open, and pointed out the traffic impact to the A Street intersection was only two additional vehicles per hour. Chair Faria pointed out that with the gate closed on Smalley, the impact to A Street would be three cars an hour more.

Chair Faria asked Commissioner Lamnin to restate her motion. Commissioner Lamnin added she also liked the solar panels being visible, and the size and boxiness of the project had been mitigated. She said marketing would be the key to attracting residents who didn't have multiple cars or recreational vehicles and hoped the retail would also be geared toward businesses that didn't draw a lot of cars.

Commissioner Lamnin moved the staff recommendation with an amendment to language in Condition of Approval number 62, and added a condition of approval that required the gate remain closed at Smalley Avenue to only emergency vehicles, and with an evaluation of traffic impacts to ensure there was minimal impact from construction to the existing neighborhood. Commissioner Trivedi seconded the motion.



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The motion to find that the project was categorically exempt from the California Environmental Quality Act and approve the Site Plan Review application for 60 units of Senior Housing and approximately 6,000 square feet of ground floor retail/office space on a vacant, 0.97-acre property, pursuant to the findings and conditions of approval, with two amendments to: 1. Amend language in Condition of Approval No. 62 from “Modifications may” to “Modifications will” and, 2. Add a condition of approval requiring the installation and closure of a gate at the Smalley Avenue entrance to only allow emergency vehicles to pass, and to conduct an evaluation on traffic impacts to ensure minimal impacts from construction to the existing neighborhood, was approved 5:0:2.

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

COMMISSION REPORTS

3. Oral Report on Planning and Zoning Matters

Planning Manager Thomas gave the Commission an update of future topics.

4. Commissioners' Announcements, Referrals

Commissioner Lamnin requested that staff work with Neighborhood Services Manager David Korth to meet with residents on Smalley Avenue and, in addition, look at the City's Public Hearing noticing process and look for ways to increase communication to interested parties.

APPROVAL OF MINUTES

5. April 25, 2013 – Unanimously approved with Commissioners Lavelle and Márquez absent

May 9, 2013 – Unanimously approved with Commissioners Lavelle and Márquez absent

May 23, 2013 – Unanimously approved with one minor change, Commissioners Lavelle and Márquez absent, and Commissioner Trivedi abstaining

ADJOURNMENT

Chair Faria adjourned the meeting at 8:59 p.m.

APPROVED:

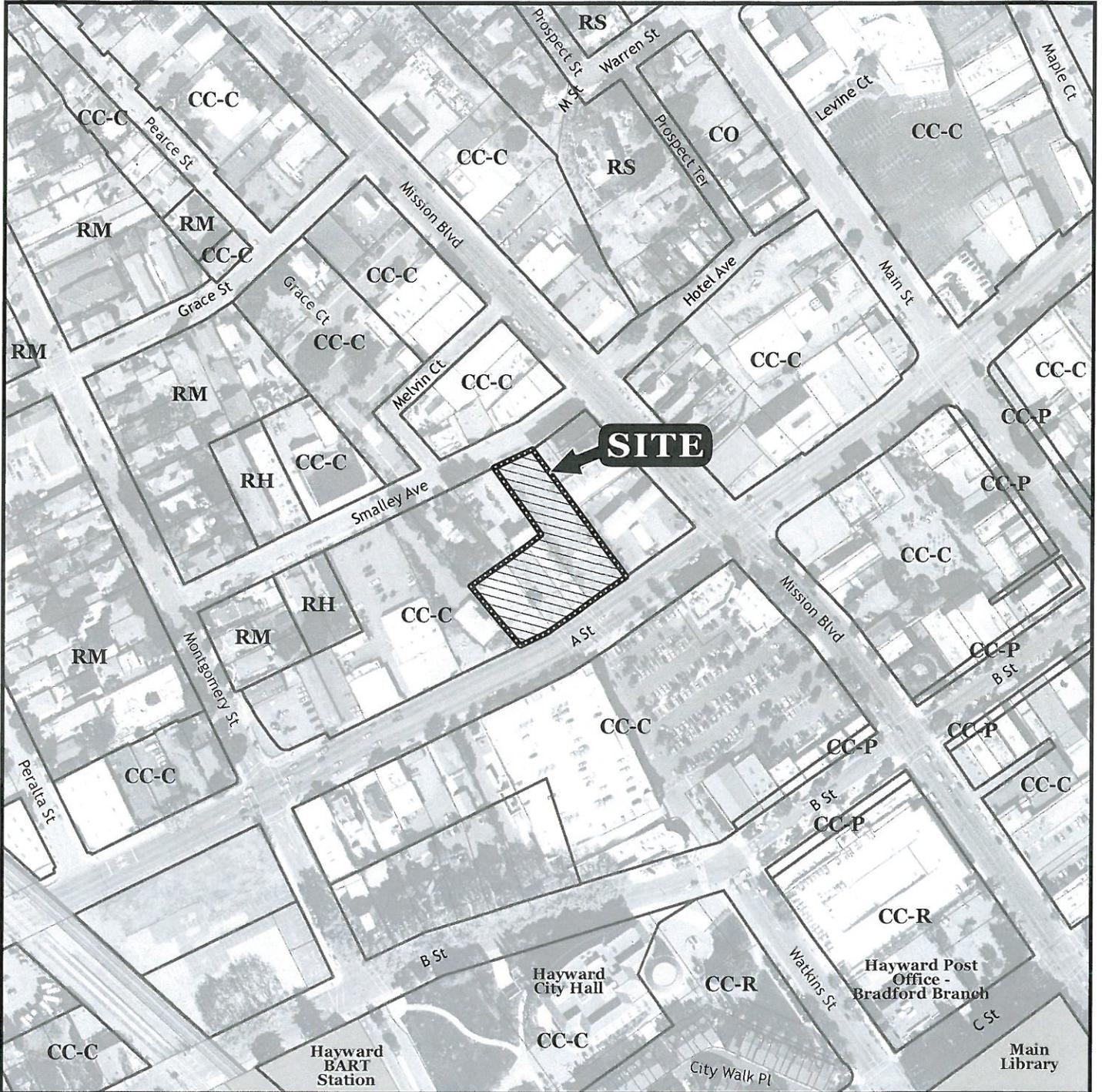
Dianne McDermott, Secretary
Planning Commission

ATTEST:

Yolanda Cruz, Deputy City Clerk
Office of the City Clerk



Area & Zoning Map



PL-2013-0168 SPR

Address:
808 A Street

Applicant:
Aaron Mandel

Owner:
Sean Sullivan

Zoning Classifications

RESIDENTIAL

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

COMMERCIAL

- CO Commercial Office

CENTRAL CITY

- CC-C Central City - Commercial
- CC-P Central City - Plaza
- CC-R Central City - Residential

808 A ST. HAYWARD SENIOR HOUSING

PROJECT DESCRIPTION:
PROPOSED 60 UNITS OF SENIOR HOUSING AT 808 A STREET, HAYWARD, CA

CONSTRUCTION TYPE: TYPE V WITH STEEL BEAMS AND STEEL COLUMNS

Project Data		
	Allowed	Proposed
General Plan	Commercial / High Density Residential	
Zoning	CC-C Central City Commercial	
Lot Size	42,050 s.f.=0.97 Acres	
Max Density	65 Maximum Units per Acre	60 units
Gross Commercial s.f.		5,936 S.F.
Gross Residential s.f.		47,373 S.F.
Front Setback	0 Required	0-6' Proposed
Side Setback	5 Required	5'-14' Proposed
Rear Yard Setback	0 Required	29' Proposed
Max Building Height	55' Allowed	52'-6" Proposed
Driving Aisle Width	20' two way 12' one way	
Back up Width	20' width at compact spaces ; 26' at standard spaces	
Fire Lane Width	20' width at the ground floor and 13'6" clear above	
Parking Space	9'x19' standard; 8'x15' compact	

INDOOR	Units (residential)		Commercial s.f.	Circulation s.f. Elev. / Stair / Utility / Lobby	Total
	No.	habitable s.f.			
L 1			5,936	5,880	11,816
L 2	18	11,181		2,594	13,775
L 3	21	13,786		2,734	16,520
L 4	21	13,786		2,734	16,520
Total	60	38,753		13,942	52,695

PARKING SPACE ANALYSIS
OF RESIDENTIAL PARKING 30 SPACES (0.5 RATIO)
OF COMMERCIAL PARKING 19 SPACES (5,936 S.F./ 315)
TOTALS 49 SPACES

OPEN SPACE ANALYSIS
USABLE OPEN SPACE REQUIRED : 100 S.F. / UNITS 6,000 S.F.
USABLE OPEN SPACE PROVIDED :

	INDOOR	OUTDOOR
GROUND LEVEL	522 S.F.	
2ND FLOOR	2,272 S.F.	4,470 S.F.
3RD FLOOR		
4TH FLOOR	798 S.F.	
TOTAL		8,062 S.F.

PROJECT TEAM DIRECTORY

OWNER / CLIENT

Melo Housing
1640 S. Sepulveda Bl., Suite 425
LA, CA 90025
Aaron D. Mandel
TEL: 310-575-3543
amandel@melohousing.com

ARCHITECT

Philip Banta & Associates Architecture
6050 Hollis St. Emeryville, CA. 94608
Philip Banta
TEL: 510.654.3255 x212
pbanta@bantadesign.com

LANDSCAPE

MJSDesign Group
Mark Schottinger
949-675-9964
mark@mjsdesigngroup.com

CIVIL

Pacific Engineering & Construction, Inc.
Mark Waldman
415-974-1853
amwaldman@sbcglobal.net

SHEET LIST

- 01: COVER SHEET
- 02: VICINITY MAP AND PHOTOS
- 03: SITE SURVEY
- 04A: SITE PLAN
- 04B: ROOF PLAN
- 05: GROUND FLOOR PLAN
- 06: 2ND FLOOR PLAN
- 07: 3RD FLOOR PLAN
- 08: 4TH FLOOR PLAN
- 09: ENLARGED UNIT PLANS 1
- 10: ENLARGED UNIT PLANS 2
- 11: ENLARGED UNIT PLANS 3
- 12: ENLARGED UNIT PLANS 4
- 13: ELEVATIONS NORTH & SOUTH
- 14: ELEVATIONS EAST & WEST
- 15: SECTIONS AA & BB
- 16: PERSPECTIVE 1
- 17: PERSPECTIVE 2
- 18: PERSPECTIVE 3
- L1: LANDSCAPE PLAN
- L2: IRRIGATION PLAN
- C1: VESTING TESTING TRACT MAP
- C2: HORIZONTAL CONTROL PLAN
- C3: GRADING UTILITY PLAN
- C4: STORMWATER CONTROL PLAN
- C5: REFERENCE TOPO

PROJECT NUMBER
PL-2013-0168 SPR

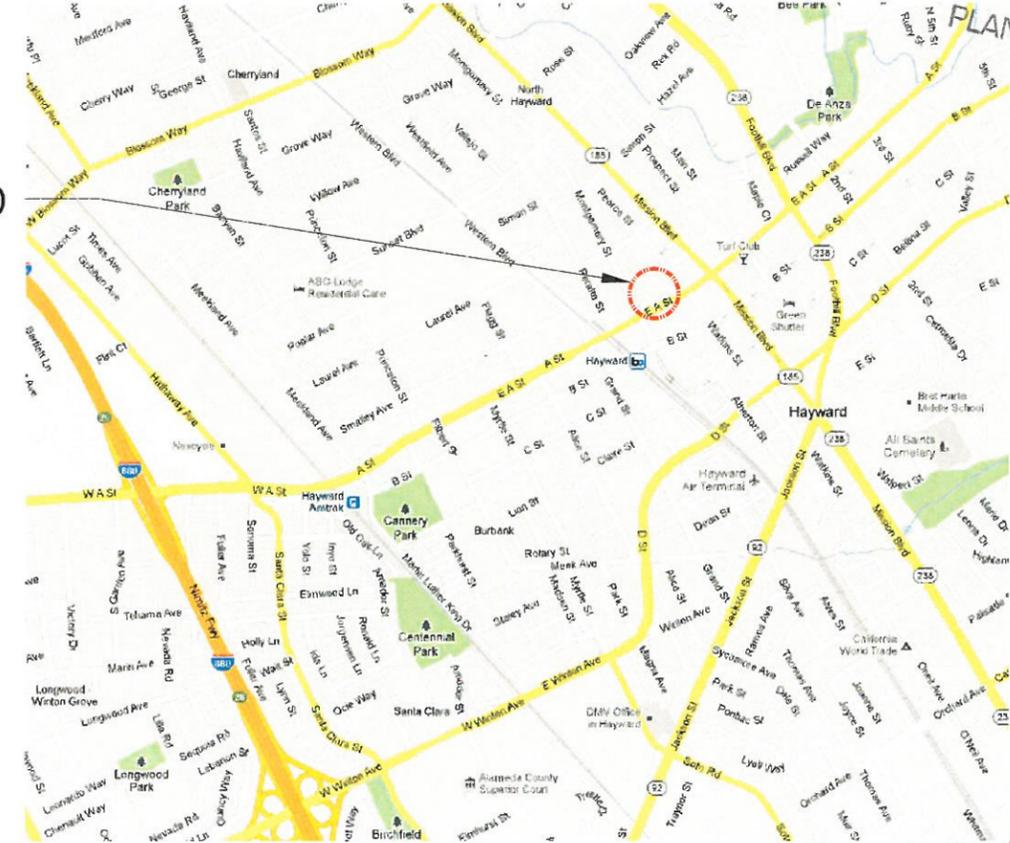
RECEIVED
MAY 03 2013

PLANNING DIVISION



Aerial Map

PROPOSED SITE



Site Location Map



View @ A St. looking North- West



View of adjacent Apartment Building along Smalley Ave.



View of site from Smalley Ave. looking South



View along Smalley Ave. looking West



View @ A St. looking North



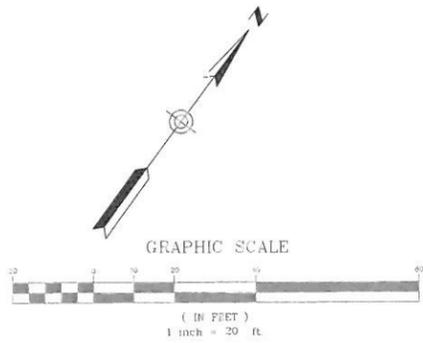
View @ A St. looking North-East



2 VICINITY PHOTOS
SCALE N.T.S.

1 VICINITY MAP
SCALE N.T.S.





SURVEYORS CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A FIELD SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT AT THE REQUEST OF SEAN SULLIVAN ON 05/21/2013.
 I HEREBY STATE THAT ALL EXISTING GRADES AND CONTOURS DELINEATED UPON THIS PLAN ARE BASED UPON THE CITY OF HAYWARD DATUM.
 I FURTHER STATE THAT THE PARCEL DELINEATED UPON THIS SURVEY IS THE SAME AS THAT SHOWN ON THE CURRENT COUNTY ASSESSMENT ROLL AS CONTIGUOUS UNITS.

BARRY A. PIERCE
 LICENSE EXPIRES 09/30/2014
 DATE _____

NOTES: TO ANYONE HAVING ANY TYPE OF INTEREST IN THIS MAP PLEASE BE ADVISED AS FOLLOWS:

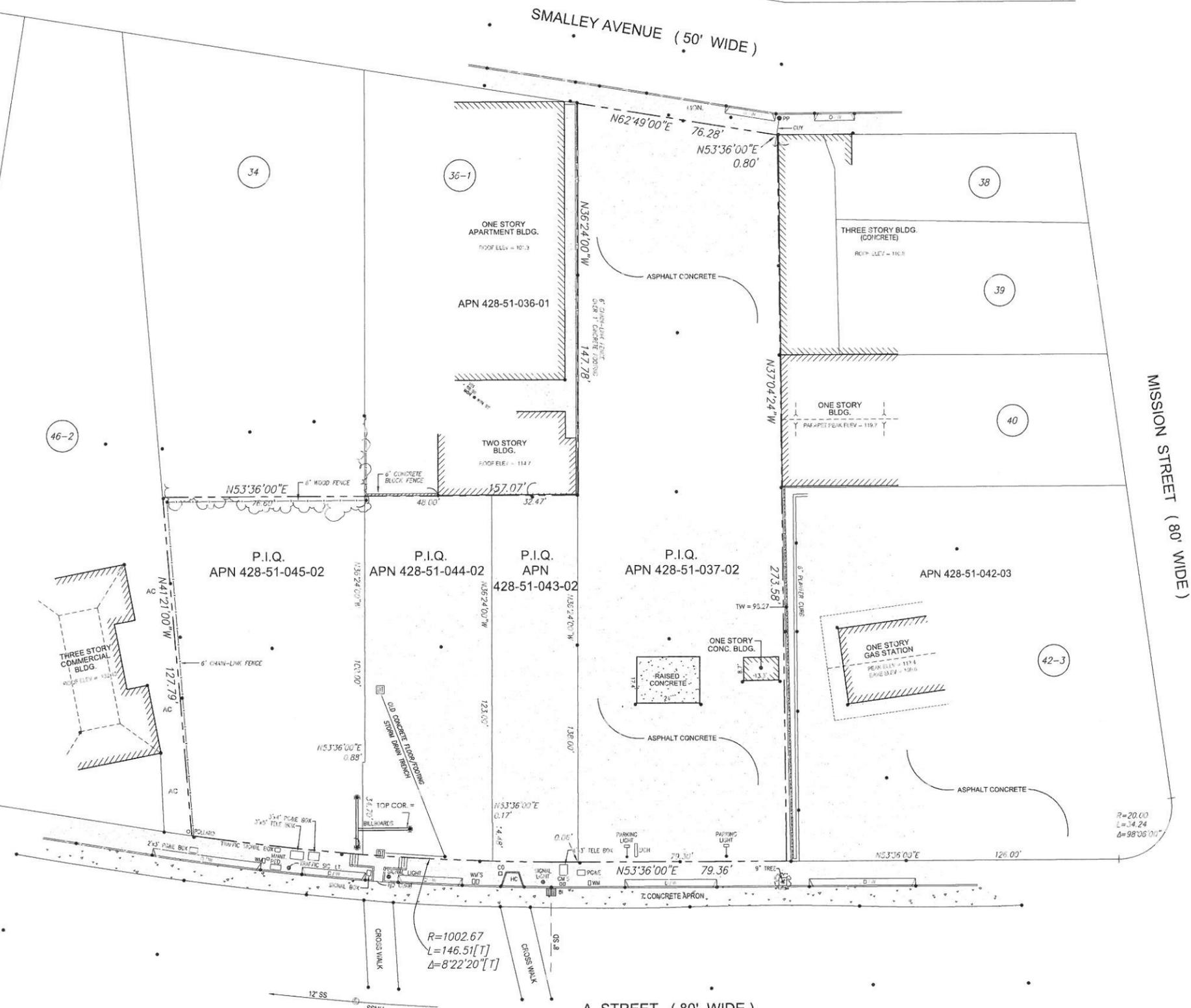
1. THAT ALL TITLE INFORMATION INCLUDING DOCUMENTS IF ANY WAS OBTAINED FROM THE PUBLIC RECORDS AND THAT THE INFORMATION IS BELIEVED TO BE CORRECT AND COMPLETE.
2. THAT THIS MAP WAS PREPARED AS A PROFESSIONAL INSTRUMENT OF SERVICE AND THAT IT REMAINS THE PROPERTY OF TRANSMERICAN ENGINEERS WHETHER THE PROJECT (IF ANY PROPOSED) ON THE SITE IS COMPLETED OR NOT.
3. THAT ANY INFORMATION ON THIS MAP AND ANY INSTRUMENTS PREPARED BY TRANSMERICAN ENGINEERS IN RELATION HERETO SHALL NOT BE USED FOR ANY OTHER PURPOSE THAN THAT BUILDING PERMIT.
4. THAT ANY IMPROVEMENTS CHANGES WITHIN THIS SITE OR THE ADJACENT SITE THEREOF AS WELL AS TITLE TRANSFERS OF THE PROPERTY IN QUESTION (EXCEPT FOR ALTA MAPS) AND, IF OF THE NATURE OF A MORE YEARS FROM THE DATE OF THIS MAP (PRECEDENCE CONVEYANCE FIRST) SHALL VOID ALL INFORMATION HEREON UNLESS A RE-SURVEY IS REQUIRED TO REVEAL CHANGES OR RE-CORRECT THIS MAP.
5. THAT THIS INFORMATION SHALL NOT BE USED FOR ANY IMPROVEMENT SHOWN UNLESS STATED IN ITEM NO. 3 ABOVE.
6. THAT THE USE OF THIS MAP BY OTHER CONSULTANTS OR CONTRACTORS ON BEHALF OF OUR CLIENT SHALL PROMPT THE IMMEDIATE FULFILLMENT OF ALL CLIENTS OBLIGATIONS TO TRANSMERICAN ENGINEERS UNLESS OTHERWISE AGREED TO.
7. THAT UNDERGROUND UTILITIES (OTHER THAN SEWER) IF ANY WERE OBTAINED FROM INFORMATION PROVIDED TO TRANSMERICAN ENGINEERS BY UTILITIES COMPANIES. TRANSMERICAN ENGINEERS DOES NOT ASSUME ANY RESPONSIBILITY FOR THE EXISTENCE OR THEIR ACTIVITY AS SHOWN.
8. THAT THE UTILITY BOXES, MANHOLES, HANDHOLES, ETC. EXISTENCE ON THE SURFACE AS SHOWN HEREON HAVE BEEN LOCATED BY FIELD SURVEY.
9. IT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS INVOLVED TO RESOLVE ALL ISSUES RELATING TO PROPERTY DISPUTES WHICH MAY ARISE OUT OF INFORMATION SHOWN HEREON.

SPECIAL NOTES

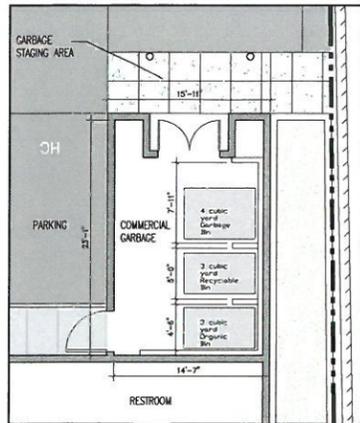
1. ELEVATIONS SHOWN AS "ROOF ELEV.": HEREON ARE IN FACT THE ELEVATIONS OF THE HIGHEST POINT OF SIDE WALLS. THESE ELEVATIONS MAY BE EITHER THE ROOF OR THE PARAPET ELEVATION OF SUCH ROOF. FLAT ROOF LEVELS WERE NOT VISIBLE FROM SURVEY POINT.
2. "PARAPET ELEV.": SHOWN HEREON ARE THE HIGHEST POINT OF SUCH PARAPET.
3. "ROOF PEAK ELEV.": AND "EAVES ELEV.": (IF ANY SHOWN HEREON) ARE THE HIGHEST POINT OF ROOF PEAKS AND THE LOWEST POINTS OF ROOF EAVES RESPECTIVELY.

ABBREVIATION

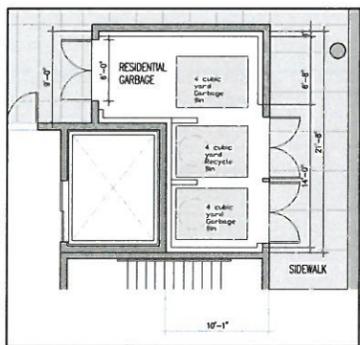
A.C.	ASPHALT CONCRETE
BLDG.	BUILDING
CLR.	CLEAR
CL	CENTER LINE
CO	CLEANOUT
CONC.	CONCRETE
CCR.	CORNER
C.B.	CATCH BASIN
D.W.	DRIVEWAY
DI	DROP INLET
ELEV.	ELEVATION
EP	EDGE OF PAVEMENT
GV	GAS VALVE
HC	HANDICAP RAMP
P.I.Q.	PROPERTY IN QUESTION
P.L.	PROPERTY LINE
TC	TOP OF CURB
W.M.	WATER METER



1 SURVEY
 SCALE 1/20" = 1'-0"

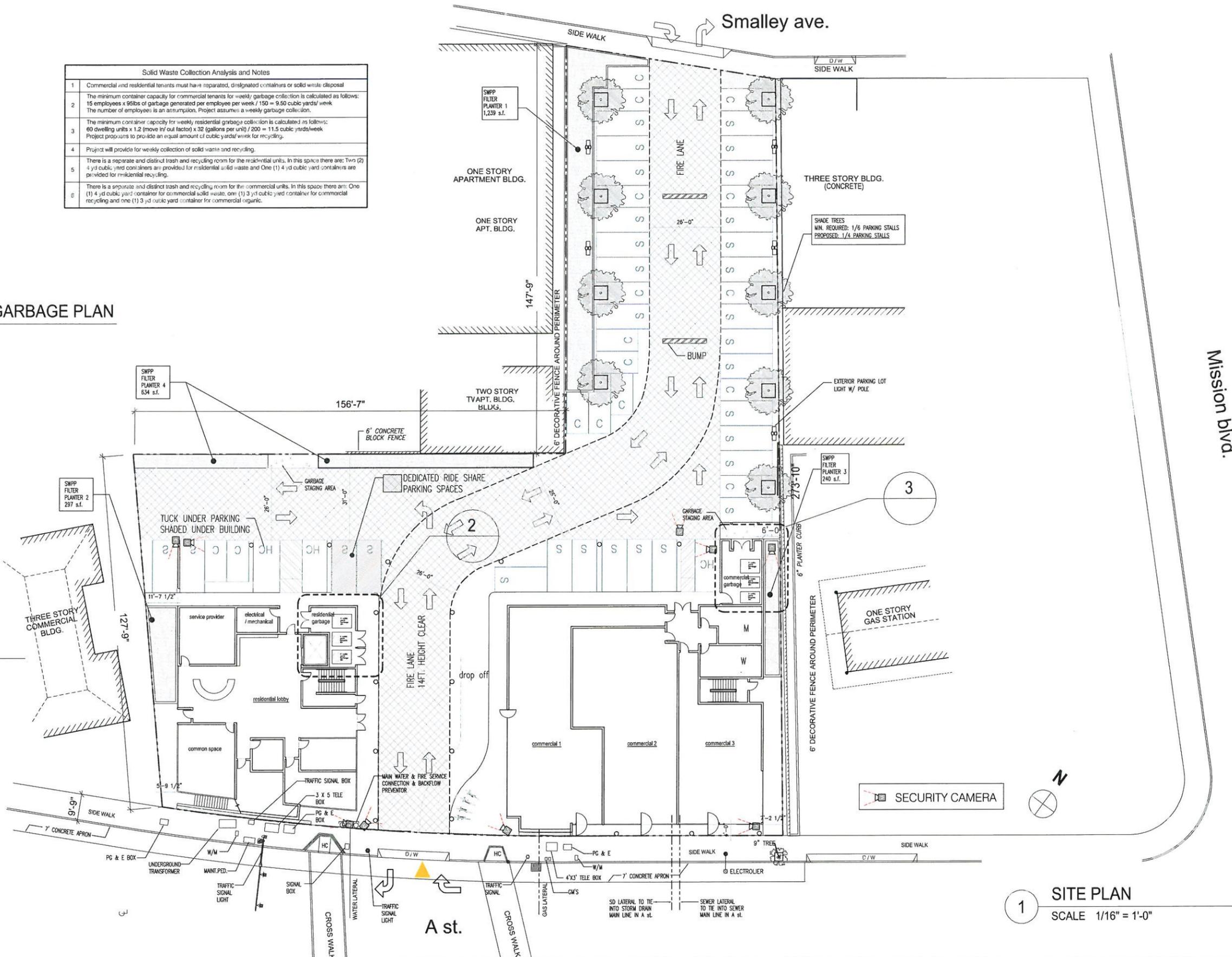


3 ENLARGED COMM. GARBAGE PLAN
SCALE 1/8" = 1'-0"

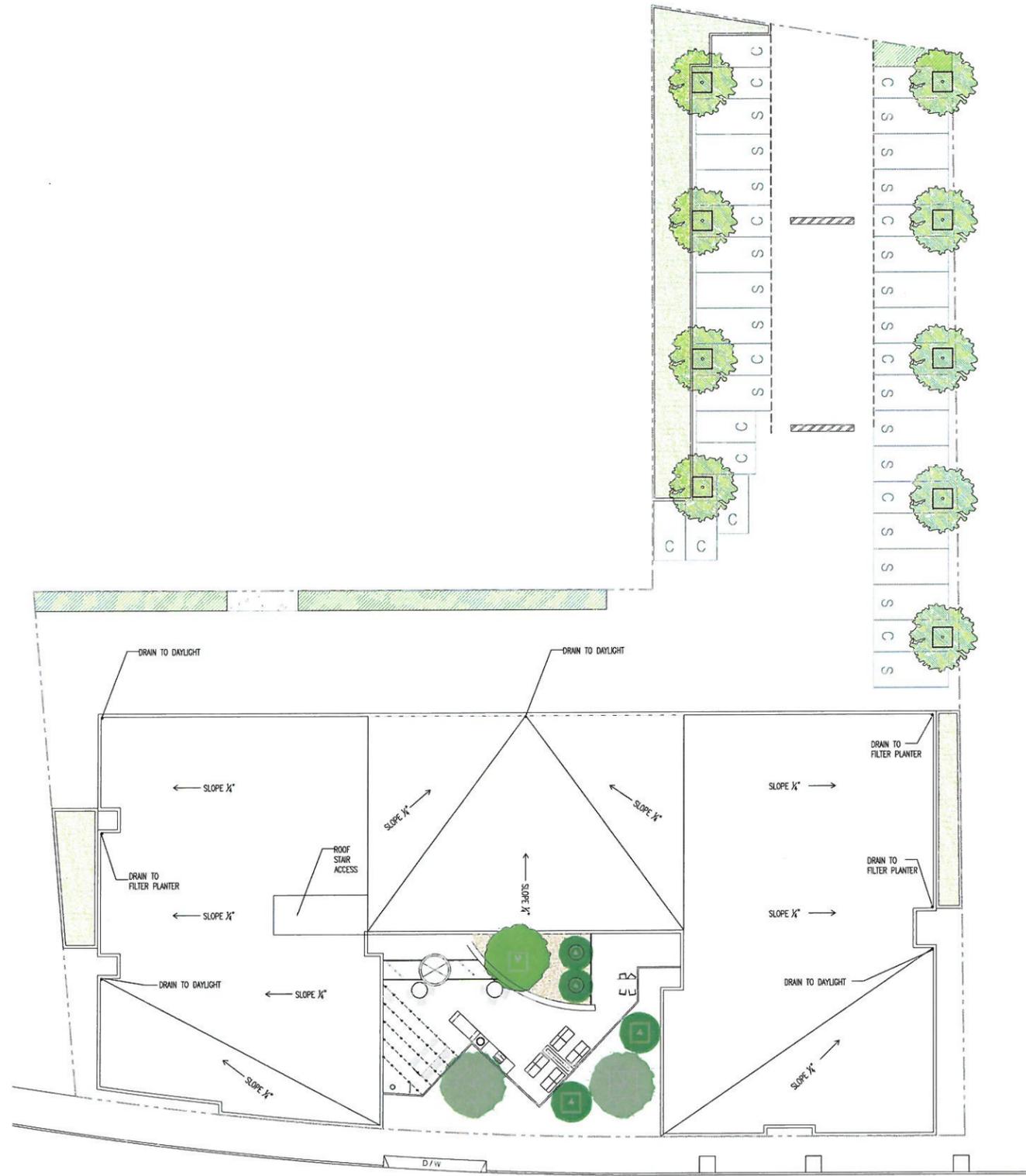


2 ENLARGED RESID. GARBAGE PLAN
SCALE 1/8" = 1'-0"

Solid Waste Collection Analysis and Notes	
1	Commercial and residential tenants must have separated, designated containers or solid waste disposal
2	The minimum container capacity for commercial tenants for weekly garbage collection is calculated as follows: 15 employees x 98lbs of garbage generated per employee per week / 150 = 9.50 cubic yards/week The number of employees is an assumption. Project assumes a weekly garbage collection.
3	The minimum container capacity for weekly residential garbage collection is calculated as follows: 80 dwelling units x 1.2 (move in/out factor) x 32 (gallons per unit) / 200 = 11.5 cubic yards/week Project proposes to provide an equal amount of cubic yards/week for recycling.
4	Project will provide for weekly collection of solid waste and recycling.
5	There is a separate and distinct trash and recycling room for the residential units. In this space there are: Two (2) 4 yd cubic yard containers are provided for residential solid waste and One (1) 4 yd cubic yard containers are provided for residential recycling.
6	There is a separate and distinct trash and recycling room for the commercial units. In this space there are: One (1) 4 yd cubic yard container for commercial solid waste, one (1) 3 yd cubic yard container for commercial recycling and one (1) 3 yd cubic yard container for commercial organic.

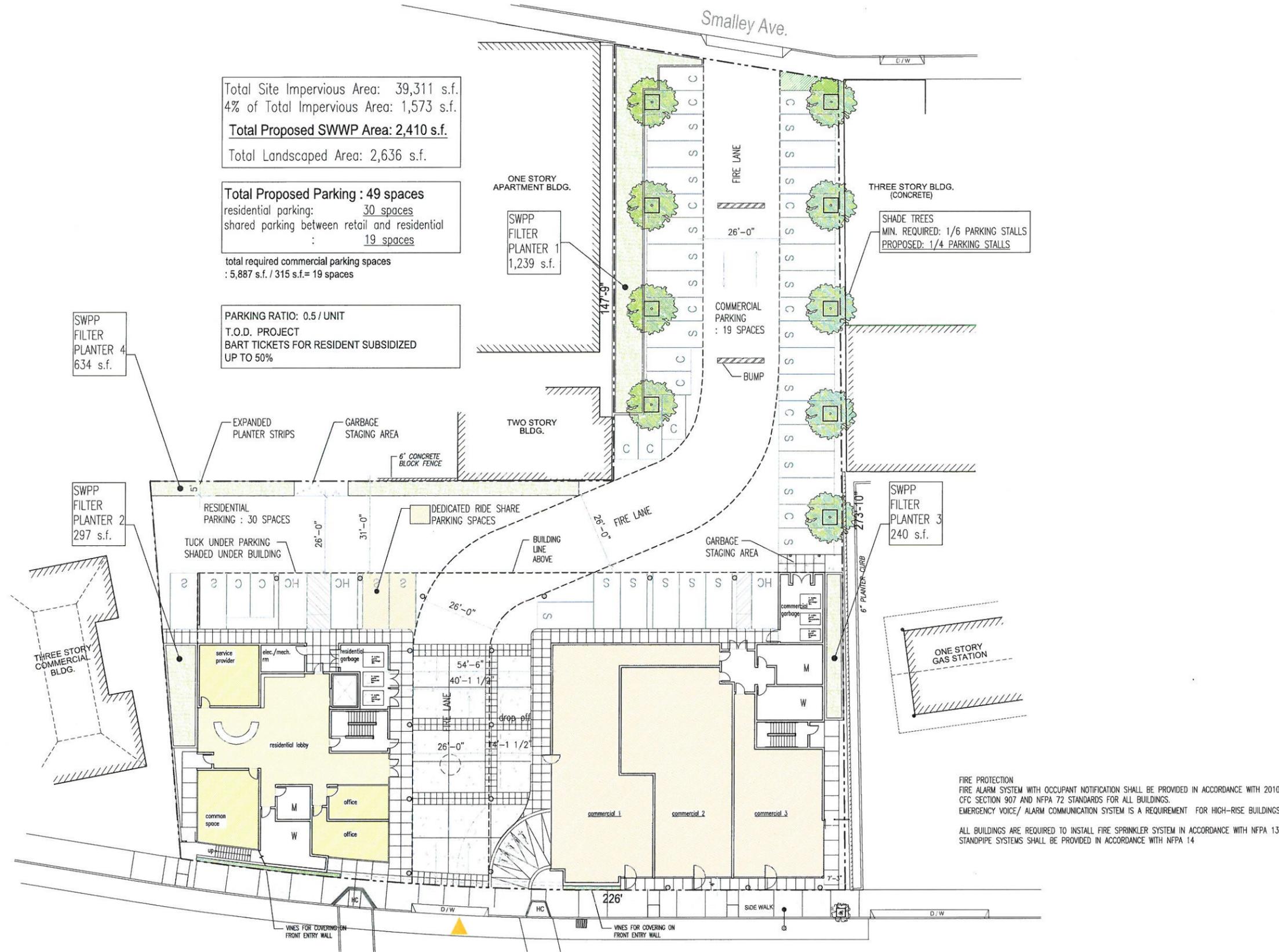


1 SITE PLAN
SCALE 1/16" = 1'-0"



1 ROOF PLAN
SCALE 1/16" = 1'-0"





Total Site Impervious Area: 39,311 s.f.
 4% of Total Impervious Area: 1,573 s.f.
Total Proposed SWWP Area: 2,410 s.f.
 Total Landscaped Area: 2,636 s.f.

Total Proposed Parking : 49 spaces
 residential parking: 30 spaces
 shared parking between retail and residential : 19 spaces
 total required commercial parking spaces : 5,887 s.f. / 315 s.f.= 19 spaces

PARKING RATIO: 0.5 / UNIT
 T.O.D. PROJECT
 BART TICKETS FOR RESIDENT SUBSIDIZED UP TO 50%

SWPP FILTER PLANTER 4
 634 s.f.

SWPP FILTER PLANTER 2
 297 s.f.

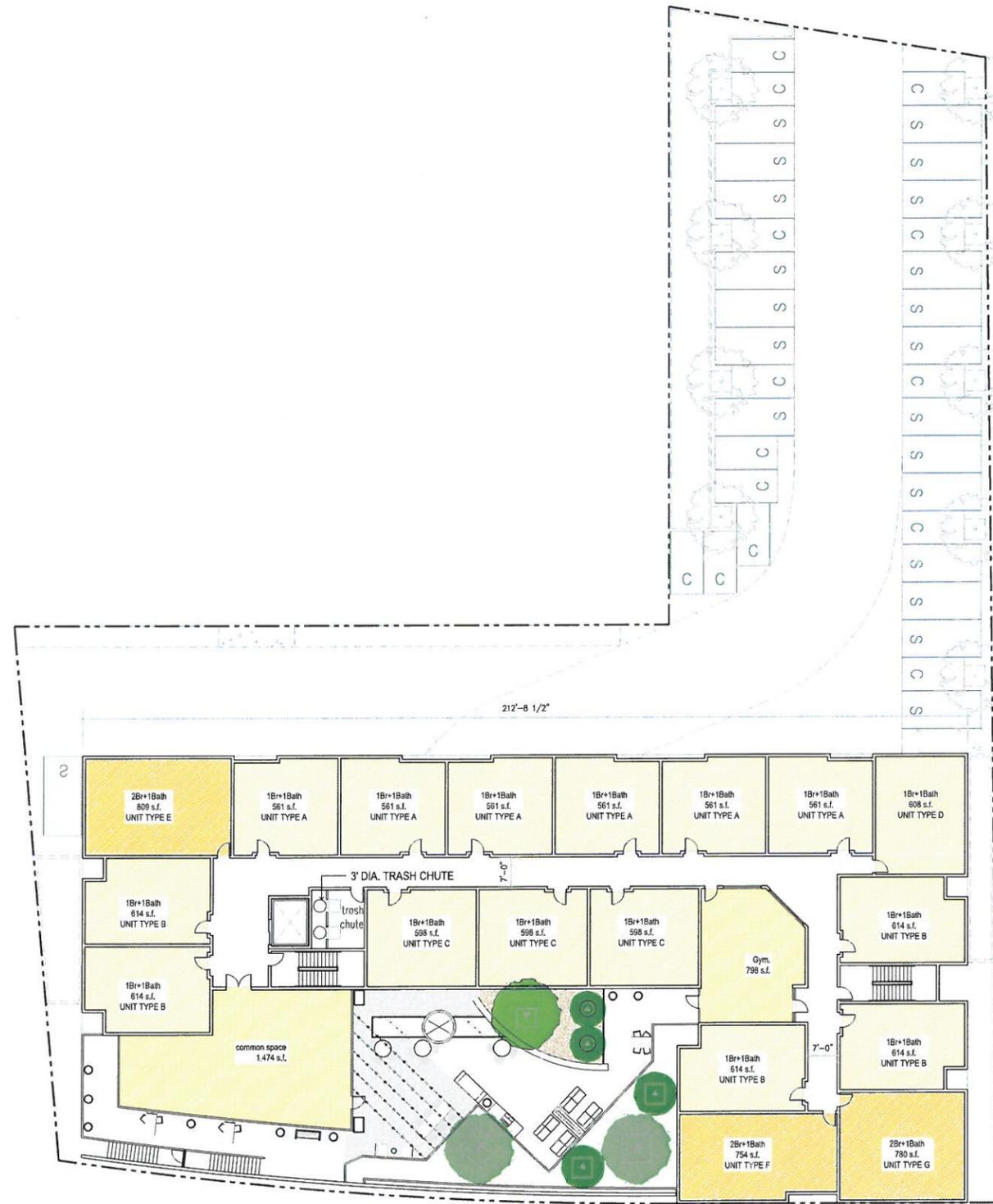
SHADE TREES
 MIN. REQUIRED: 1/6 PARKING STALLS
 PROPOSED: 1/4 PARKING STALLS

SWPP FILTER PLANTER 3
 240 s.f.

FIRE PROTECTION
 FIRE ALARM SYSTEM WITH OCCUPANT NOTIFICATION SHALL BE PROVIDED IN ACCORDANCE WITH 2010 CFC SECTION 907 AND NFPA 72 STANDARDS FOR ALL BUILDINGS.
 EMERGENCY VOICE/ ALARM COMMUNICATION SYSTEM IS A REQUIREMENT FOR HIGH-RISE BUILDINGS
 ALL BUILDINGS ARE REQUIRED TO INSTALL FIRE SPRINKLER SYSTEM IN ACCORDANCE WITH NFPA 13
 STANDPIPE SYSTEMS SHALL BE PROVIDED IN ACCORDANCE WITH NFPA 14

1 COMMERCIAL GROUND FLOOR PLAN
 SCALE 1/16" = 1'-0"





18 UNITS / FLOOR
 (3 TWO BED + 15 ONE BED)

INDOOR COMMON SPACE: 1,474 S.F.
 INDOOR GYM : 798 S.F.
 OUTDOOR DECK : 4,470 S.F.

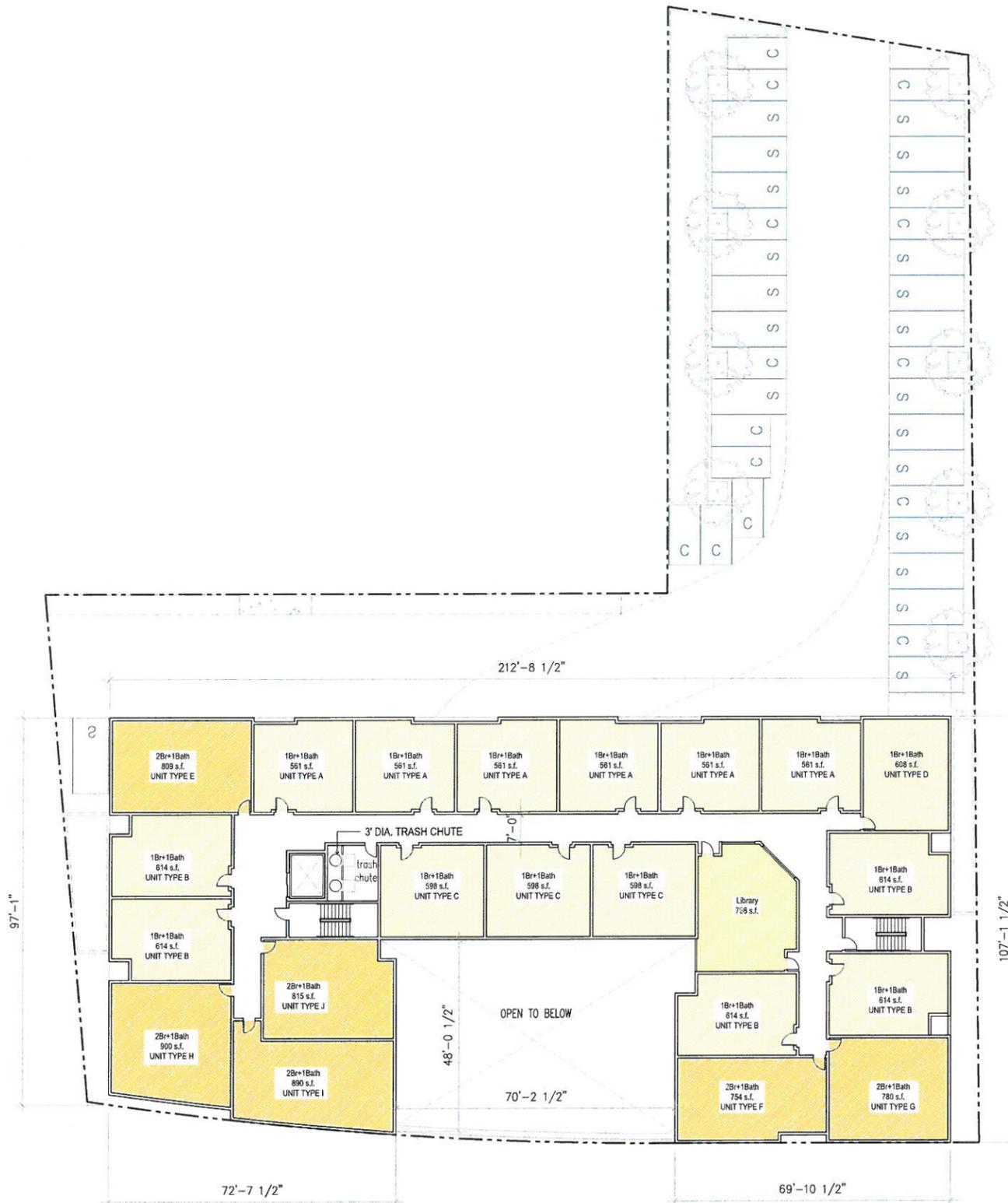
1 2ND FLOOR PLAN
 SCALE 1/16" = 1'-0"



21 UNITS / FLOOR
 (6 TWO BED + 15 ONE BED)

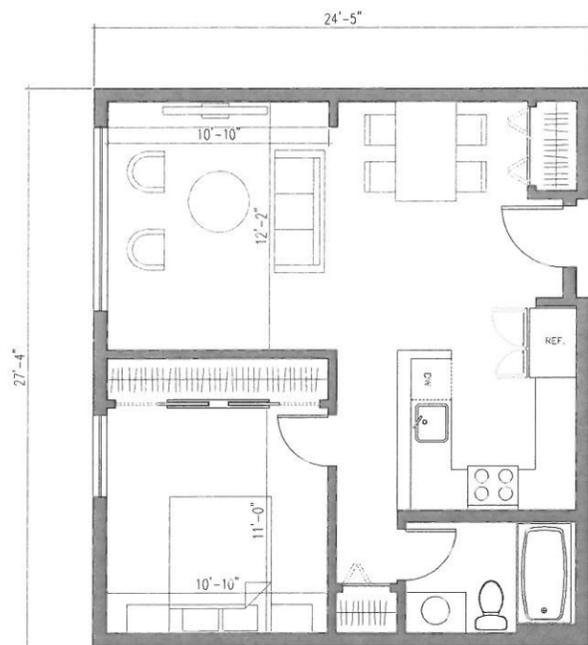
INDOOR COMMON SPACE: N/A
 LAUNDRY : 798 S.F.
 OUTDOOR DECK : N/A

1 3RD FLOOR PLAN
 SCALE 1/16" = 1'-0" 

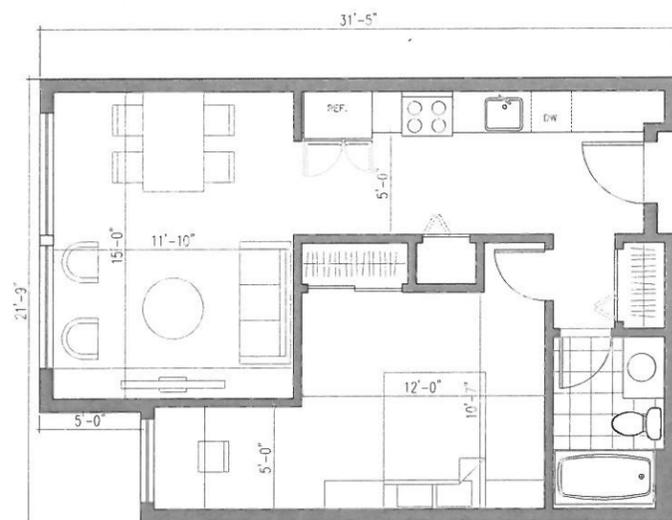


21 UNITS / FLOOR
 (6 TWO BED + 15 ONE BED)
 INDOOR COMMON SPACE: 798 S.F.
 OUTDOOR DECK : N/A

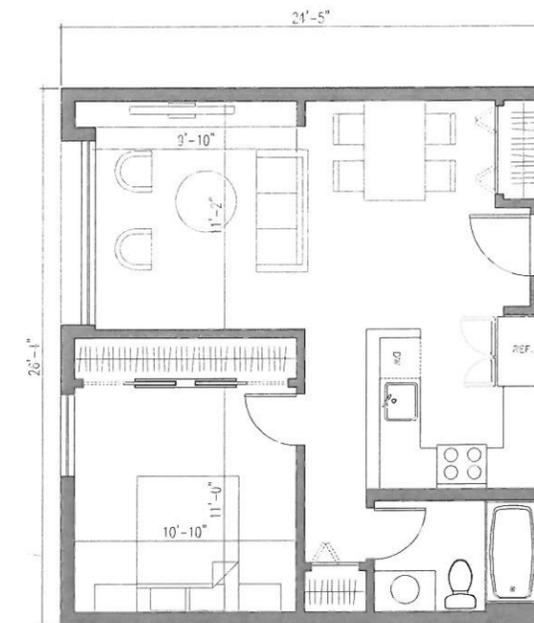
1 4TH FLOOR PLAN
 SCALE 1/16" = 1'-0"



UNIT TYPE C
1BR + 1BATH
599 s.f.

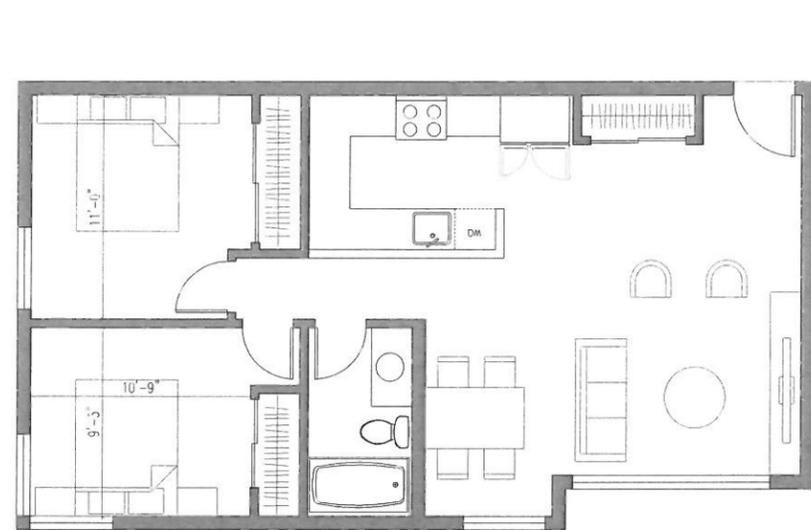


UNIT TYPE B
1BR + 1BATH
614 s.f.



UNIT TYPE A
1BR + 1BATH
561 s.f.

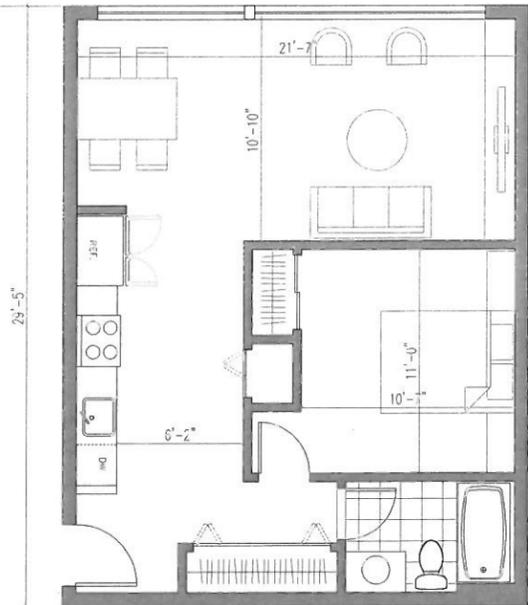
1 UNIT PLANS
SCALE 1/4" = 1'-0"



UNIT TYPE F
2BR + 1BATH
754 s.f.

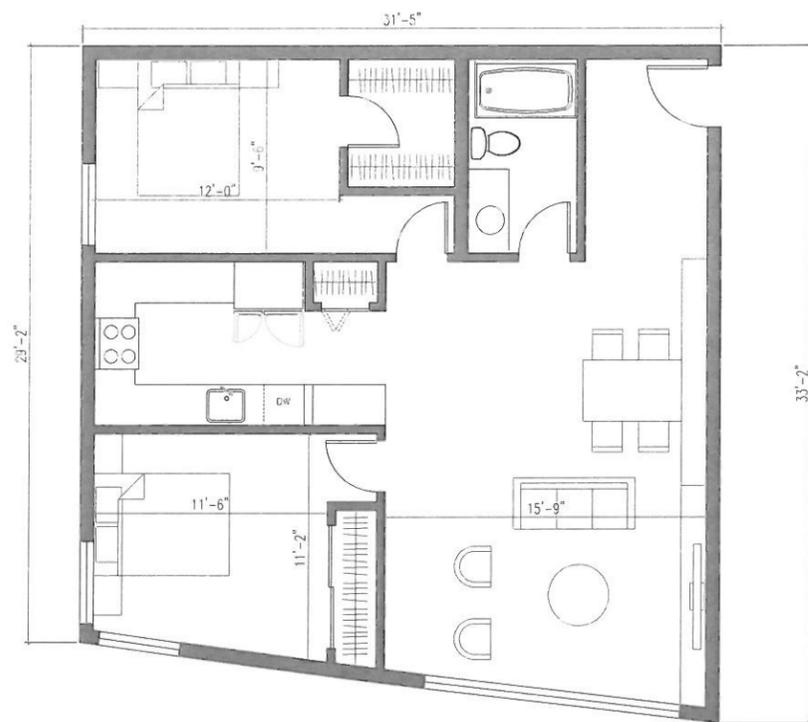


UNIT TYPE E
2BR + 1BATH
809 s.f.

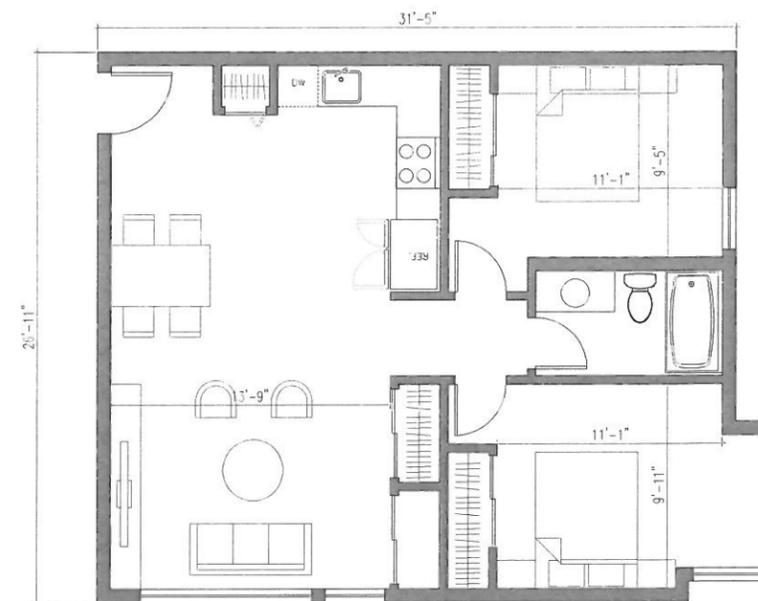


UNIT TYPE D
1BR + 1BATH
608 s.f.

1 UNIT PLANS
SCALE 1/4" = 1'-0"

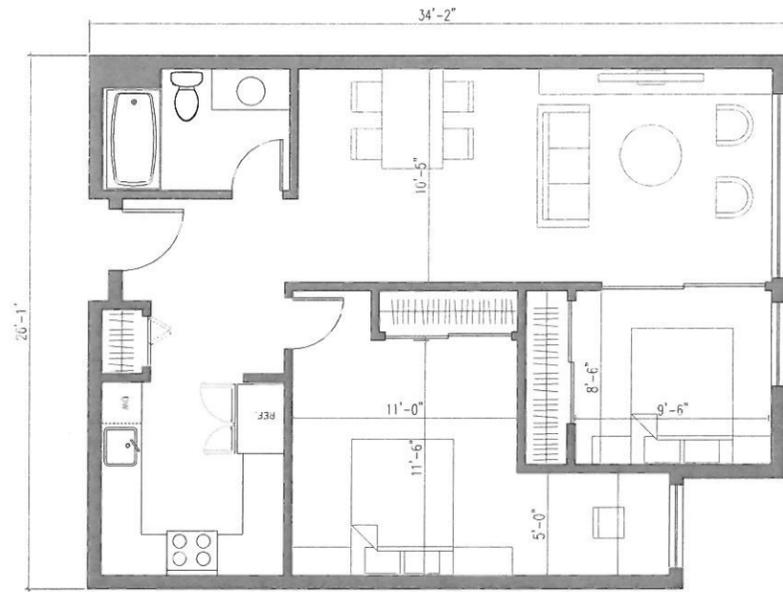


UNIT TYPE H
2BR + 1BATH
900 s.f.

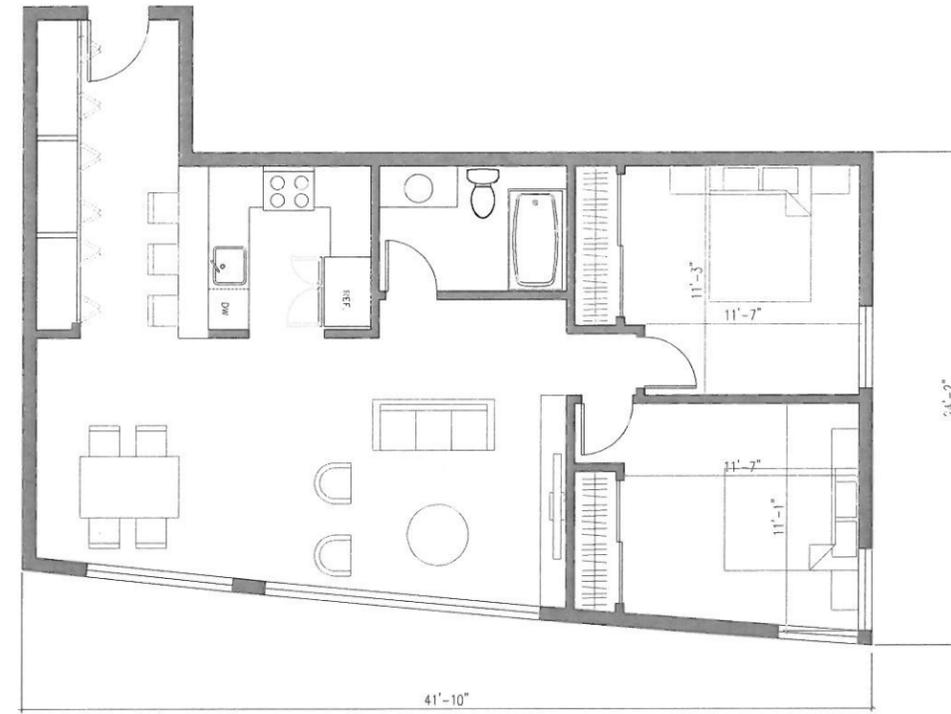


UNIT TYPE G
2BR + 1BATH
780 s.f.

1 UNIT PLANS
SCALE 1/4" = 1'-0"



UNIT TYPE J
2BR + 1BATH
815 s.f.



UNIT TYPE I
2BR + 1BATH
890 s.f.

1 UNIT PLANS
SCALE 1/4" = 1'-0"



2 NORTH ELEVATION
SCALE 1/8" = 1'-0"



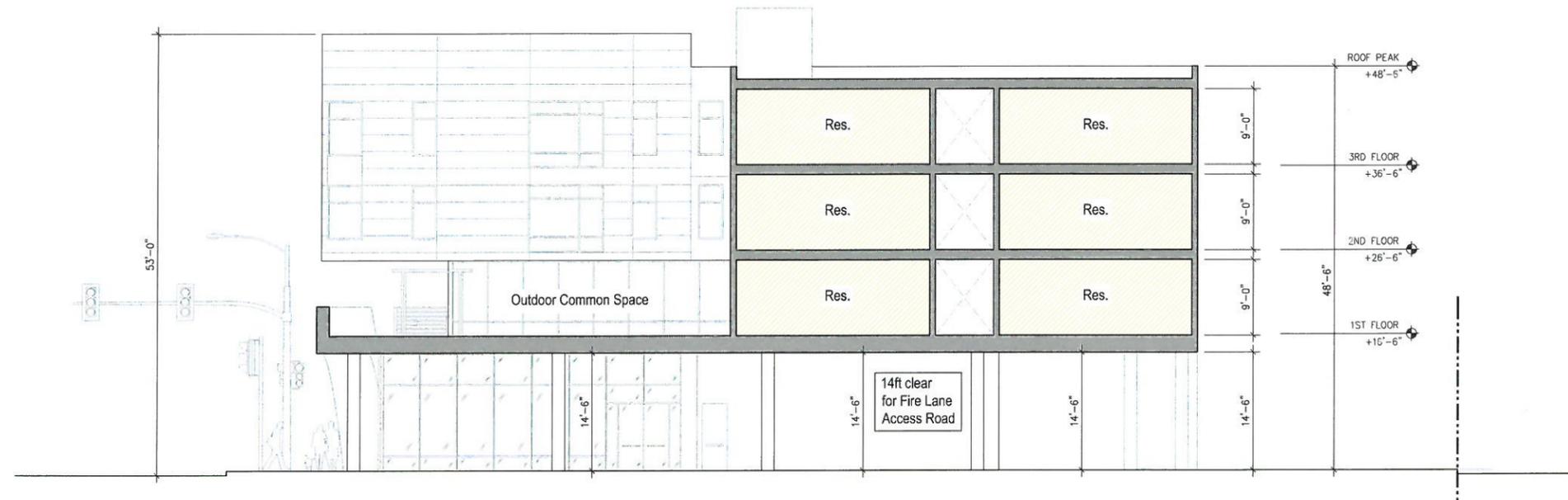
1 SOUTH ELEVATION
SCALE 1/8" = 1'-0"



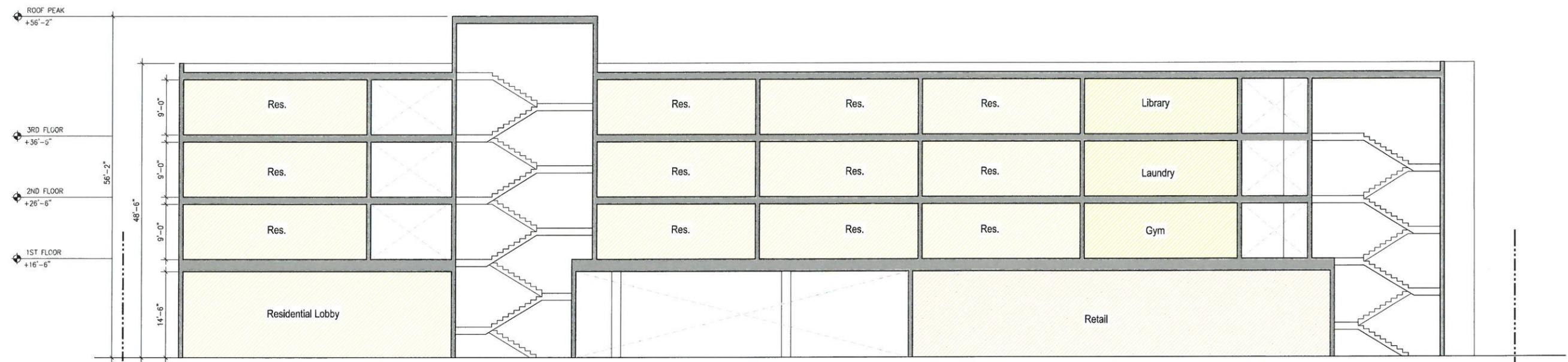
2 WEST ELEVATION
SCALE 1/8" = 1'-0"



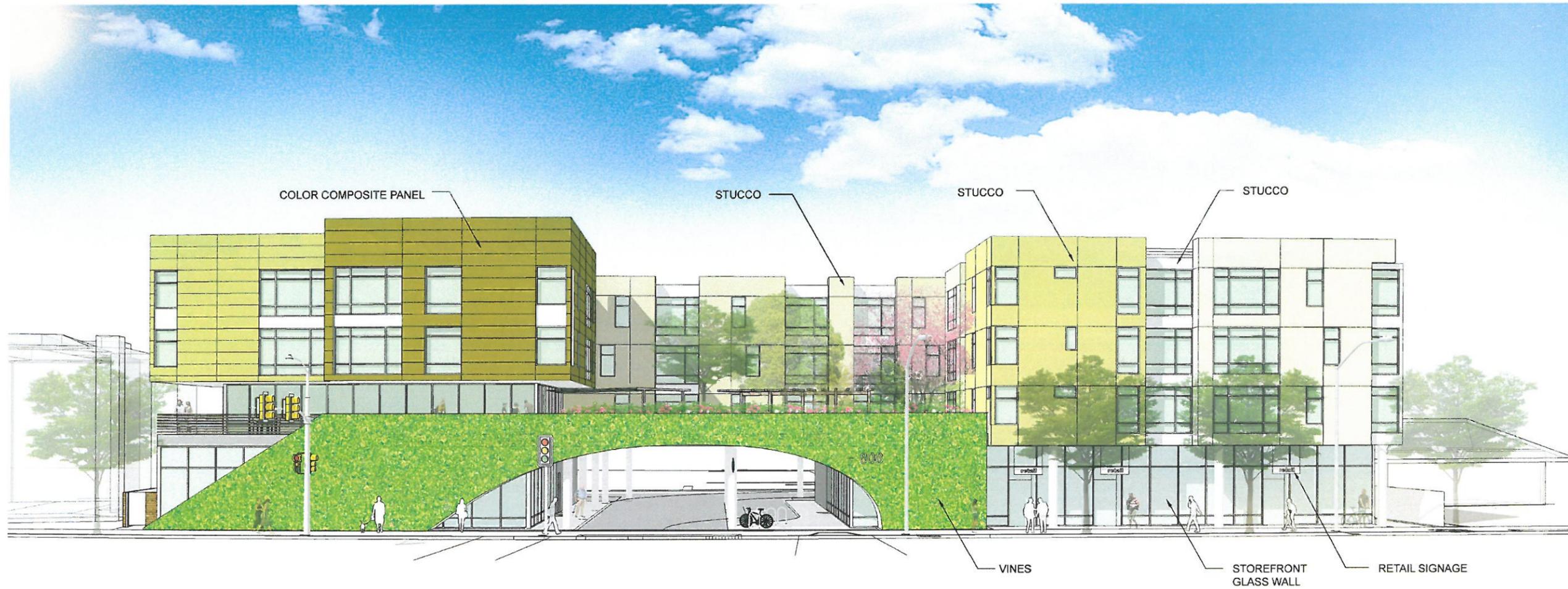
1 EAST ELEVATION
SCALE 1/8" = 1'-0"



2 SECTION BB
SCALE 1/8" = 1'-0"



1 SECTION AA
SCALE 1/8" = 1'-0"

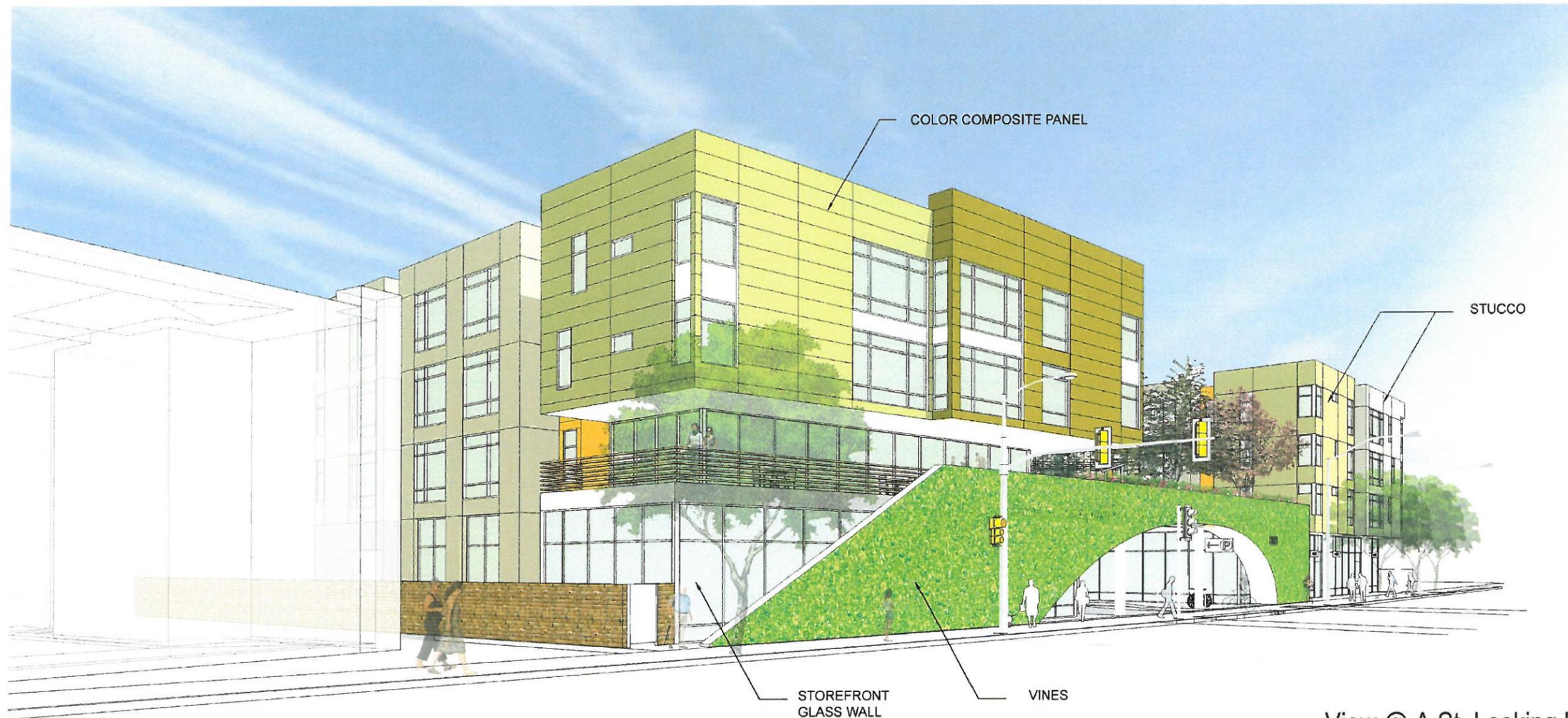


View @ A St. Looking North

1 PERSPECTIVE
SCALE N.T.S.

RETAIL SIGN NOTES:

1. For all establishments, the maximum number of signs permitted per frontage is 2. The maximum number of signs permitted per establishment is 4.
2. Foothill Boulevard and "A" Street within the CC-C and CC-P Zoning Districts. The maximum sign area is 2 square feet per linear foot of primary frontage, and 30 percent of the allowable sign area of the primary frontage is allowed as the sign area for the secondary frontage.
3. Horizontal hanging signs, suspended from a canopy, awning, or marquee, may be placed above an entry. A hanging sign shall not exceed 8 square feet in size (4 square feet per side). Hanging signs erected before July 22, 1936, shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent.



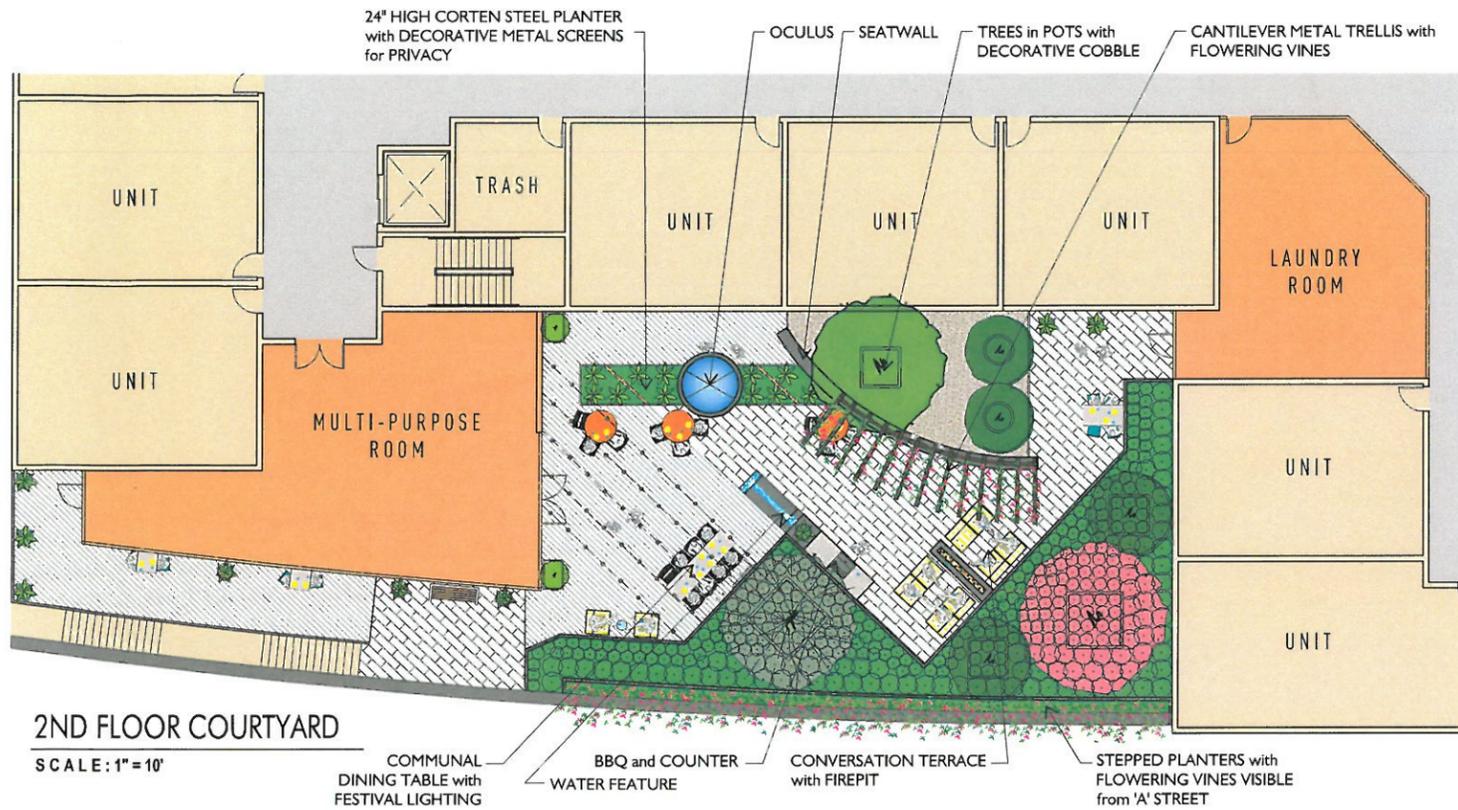
View @ A St. Looking East

1 PERSPECTIVE
SCALE N.T.S.



View @ A St. Looking West

1 PERSPECTIVE
SCALE N.T.S.



2ND FLOOR COURTYARD
SCALE: 1" = 10'

PLANTING CONCEPT STATEMENT:

THE 'A' STREETScape with ASSOCIATED RETAIL STOREFRONTS, PROJECT ENTRY 'TUNNEL' and RESIDENT COURTYARD ARE RECOGNIZED AS ESSENTIAL PLACE-MAKING LANDSCAPE OPPORTUNITIES. TO ACHIEVE THE QUALITY OF "PLACE" EACH OF THESE AREAS ARE GIVEN DIFFERENTIATED UNIQUE CHARACTER and IMAGE WHICH COLLECTIVELY STRENGTHENS THE IDENTITY OF THE MIXED-USE COMMUNITY.

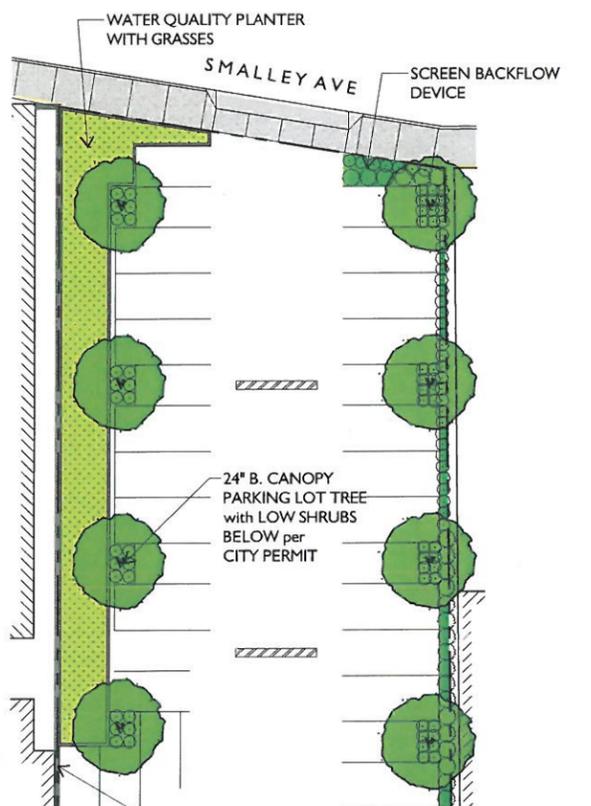
EASE OF ACCESSIBILITY and INTERCONNECTED LINKAGES ENCOURAGES PEDESTRIAN ACTIVITIES and FACILITATES DAILY RESIDENTIAL and COMMERCIAL INTERACTION.

PLANTING DESIGN PRINCIPLES INCLUDE:

- USE OF LANDSCAPE DESIGN TO PROVIDE A DISTINCT IDENTITY.
- PROVIDE A PLANTING SCHEME EMPHASIZING FORM, LEAF TEXTURE and FOLIAGE COLOR in a CONTEMPORARY ARRANGEMENT OF LARGE BROAD MASSINGS.
- PROVIDE PLANT SPECIES with UNIQUE CHARACTERISTICS USED SINGULARLY CREATING FOCAL POINTS and POINTS OF INTEREST.
- SELECT PLANT MATERIAL THAT CREATES LONG TERM SUSTAINABILITY.
- APPLY SUSTAINABLE LANDSCAPING STRATEGIES TO THE GREATEST EXTENT POSSIBLE.
- SELECT PLANT MATERIAL FOR THEIR WATER CONSERVATION QUALITIES, LOW MAINTENANCE and ADAPTED TO THE LOCAL CLIMATE.
- SELECT PLANT MATERIAL BASED ON HYDROZONES - SUN and SHADE. FURTHER DETAILED PLANTING PLANS will be REFINED and EXPANDED BASED ON NUANCES in the BUILDING DESIGN and EXPOSURES.

PRELIMINARY PLANT PALETTE

SYMBOL	BOTANICAL NAME/ COMMON NAME	SIZE	WATER USE
●	'A' STREET STREETScape		
●	MAGNOLIA GRANDIFLORA SOUTHERN MAGNOLIA - STANDARD (PER EXISTING CONDITION)	24" BOX	MED
●	PARKING LOT TREE		
●	KOELREUTERIA BIPINNATA CHINESE FLAME TREE - STANDARD	24" BOX	MED
●	TREE at PROPERTY LINE		
●	PLATANUS ACERIFOLIA 'YARWOOD' LONDON PLANE TREE v. YARWOOD	24" BOX	MED
●	TREE at PROPERTY LINE		
●	ARBUTUS x 'MARINA' HYBRID STRAWBERRY TREE - MULTI	24" BOX	MED
●	OLEA EUROPEA 'SWAN HILL' FRUITLESS OLIVE	36" BOX	MED
●	TABEBUIA IPE PINK TRUMPET TREE	36" BOX	MED
●	VERTICAL, EVERGREEN at PROPERTY LINE		
●	BAMBUSA OLDHAMII GIANT TIMBER BAMBOO	15 GAL.	MED
●	PITTOSPORUM EUGENIODES N.C.N.	15 GAL.	MED
●	WATER QUALITY PLANTERS		
●	CAREX DIVULSA (SUN EXPOSURE) DENSE SEDGE	1 GAL.	MED
●	CHONDROPETALUM TECTORUM (SHADE) SMALL CAPE RUSH	1 GAL.	MED
●	SHRUBS		
●	LARGE SHRUBS (5 GAL. MIN. SIZE at 3' o.c.)		
●	DIETES VEGETA		MED
●	ESCALONIA 'FRADESI'		MED
●	PHOTINA FRASERI		MED
●	PODOCARPUS MAKI		MED
●	PITTOSPORUM SPECIES		MED
●	TORIBA		MED
●	MEDIUM SHRUBS (5 GAL. MIN. SIZE at 3' o.c.)		
●	CALLISTEMON 'LITTLE JOHN' DWARF BOTTLEBRUSH		LOW
●	GREVILLEA 'CANBERRA' GREVILLEA		LOW
●	LEUCOPHYLLUM FRUTESCENS EXAS RANGER		LOW
●	PHORMIUM HYBRIDS		LOW
●	NEW ZEALAND FLAX		MED
●	RAPHIOLEPIS SPECIES		MED
●	INDIA HAWTHORN		MED
●	RAPHIOLEPIS U. MINOR DWARF HAWTHORN		MED
●	VERBURNUM 'SPRING BOLD?' VERBURNUM		MED
●	SMALL SHRUBS (1 GAL. MIN. SIZE at 24" o.c.)		
●	AGAVE SPECIES		LOW
●	ALOE SPECIES		LOW
●	COPROSMA KIRKII CREEPING COPROSMA		MED
●	RAPHIOLEPIS CLARA DWARF HAWTHORN		MED
●	ROSMARINUS PROSTRATUS DWARF ROSEMARY		LOW
●	POTTERY		
●	LARGE POTTERY (15 GALLON MINIMUM SIZE)		
●	CITRUS SPECIES		
●	CUPRESSUS SEMPERVIRENS		
●	TRACHYCARPUS FORTUNEI		
●	ACCENT POTTERY (15 GALLON MINIMUM SIZE)		
●	AGAVE ATTENUATA		
●	MEXICAN AGAVE		



CITY OF HAYWARD STANDARD LANDSCAPE NOTES:

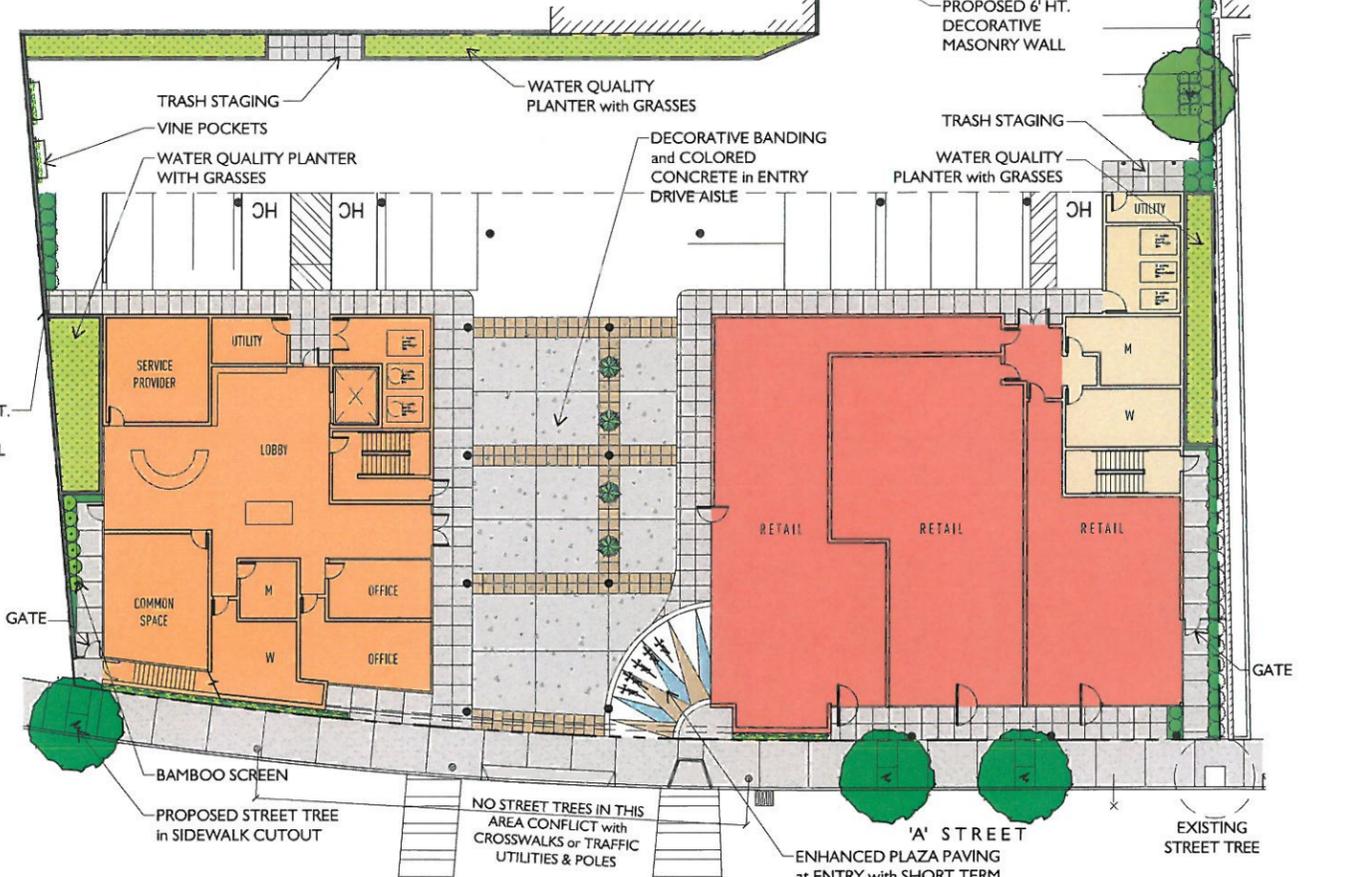
1. PROVIDE ONE 24" BOX STREET TREE PER 20 to 40 LINEAL FEET in the STREET FRONTING LANDSCAPE SETBACK AREAS. ALL TREES PLANTED A MIN. OF 5 FT. AWAY FROM ANY UNDERGROUND UTILITIES, A MIN. OF 15 FT. FROM A LIGHT POLE, AND A MIN. 30 FT. FROM THE FACE OF A TRAFFIC SIGNAL, OR AS OTHERWISE SPECIFIED BY THE CITY. TREES BE PLANTED ACCORDING TO THE CITY STANDARD DETAIL SD-122 AND THE DETAIL SHALL BE INCLUDED IN THE LANDSCAPE PLANS.
2. ROOT BARRIERS INSTALLED LINEARLY AGAINST THE PAVING EDGE in ALL INSTANCES WHERE A TREE IS PLANTED WITHIN 7 FT. OF PAVEMENT OR BUILDINGS, AND AS DIRECTED BY THE LANDSCAPE ARCHITECT.
3. MASONRY WALLS, SOLID BUILDING WALLS, TRASH ENCLOSURES OR FENCES FACING A STREET OR DRIVEWAY CONTINUOUSLY BUFFERED WITH SHRUBS AND VINES. TRASH ENCLOSURES HAVE A MIN. 5' INTERIOR PLANTING WIDTH ON 3 SIDES AND SCREENED WITH A MIN. 5-GALLON SHRUBS AND VINES.
4. ALL ABOVE GROUND UTILITIES AND MECHANICAL EQUIPMENT SCREENED FROM THE STREET WITH MIN. 5-GALLON SIZE SHRUBS in a CONTINUOUS MANNER.
5. THE LANDSCAPE in the PARKING LOT CONFORMS TO ZONING ORDINANCE CHAPTER 10, ARTICLE 2 OFF-STREET PARKING REGULATION: SECTION 10-2.650 LANDSCAPING: A 6-FOOT WIDE LANDSCAPE END CAP THAT IS MEASURED FROM FACE OF CURB TO FACE OF CURB IS PROVIDED AT THE END OF EACH ROW WITH SHADE TREES, SHRUBS, AND LIVE GROUNDCOVERS. in ADDITION, A MEDIUM TO LARGE SHADE TREE IS PROVIDED AT EVERY 6 SPACES in EACH ROW in AN ISLAND OR A TREE WELL. -TREE WELL DIMENSION OF 5 FT X 5 FT MEASURED FROM BACK OF CURB TO BACK OF CURB. WHEN TREE WELL CURB SERVES AS A WHEEL STOP, ADDITIONAL PLANTING AREAS PROVIDED THAT EQUAL THE VEHICULAR OVERHANG. THE CURB IS CLASS B PORTLAND CEMENT CONCRETE CONSTRUCTED TO A H. OF 6 IN. ABOVE FINISHED PAVEMENT.

EXISTING TREE SURVEY:

NO EXISTING TREES ON-SITE. SITE PREVIOUSLY DEMOLISHED. NO ARBORIST REPORT REQUIRED.

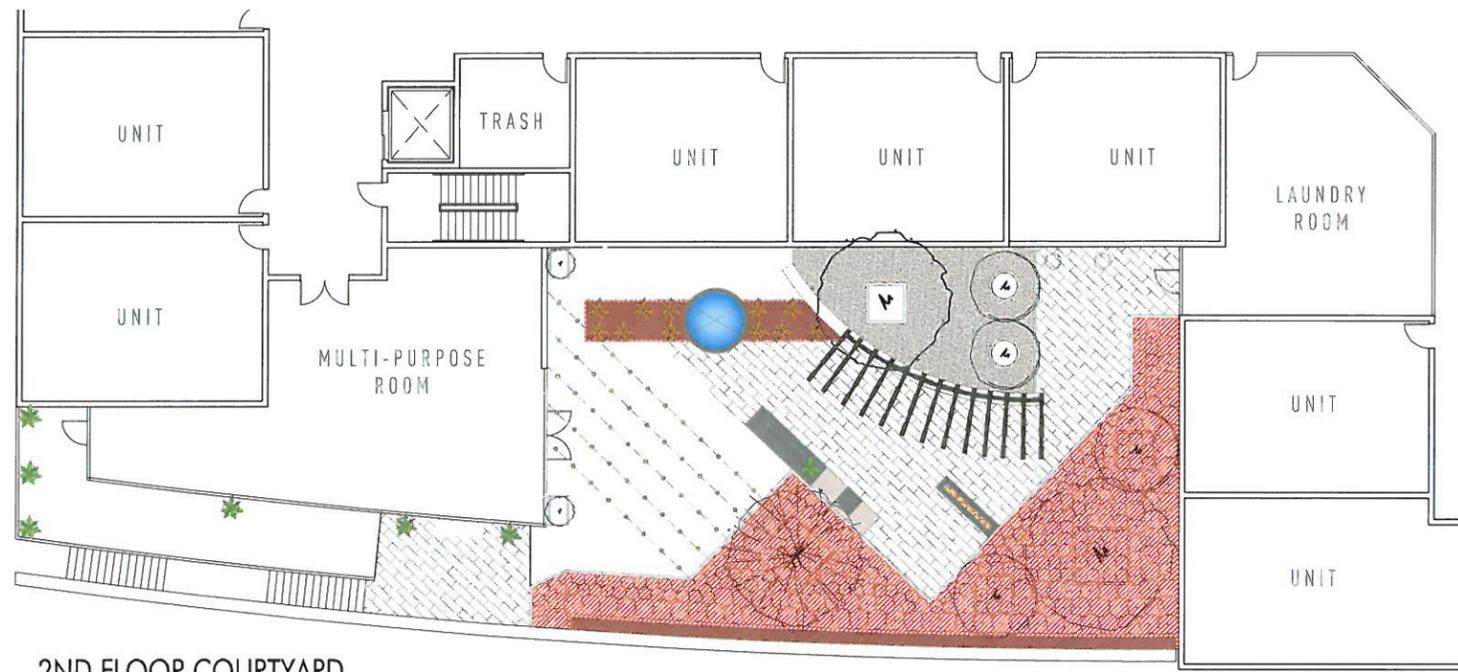
COMPLIANCE NOTE:

CONCEPTUAL LANDSCAPE PLAN IS in COMPLIANCE WITH THE CITY OF HAYWARD ENVIRONMENTALLY FRIENDLY LANDSCAPE GUIDELINES AND CHECKLIST FOR NEW MULTI-FAMILY REDSIDENTIAL PROJECTS.

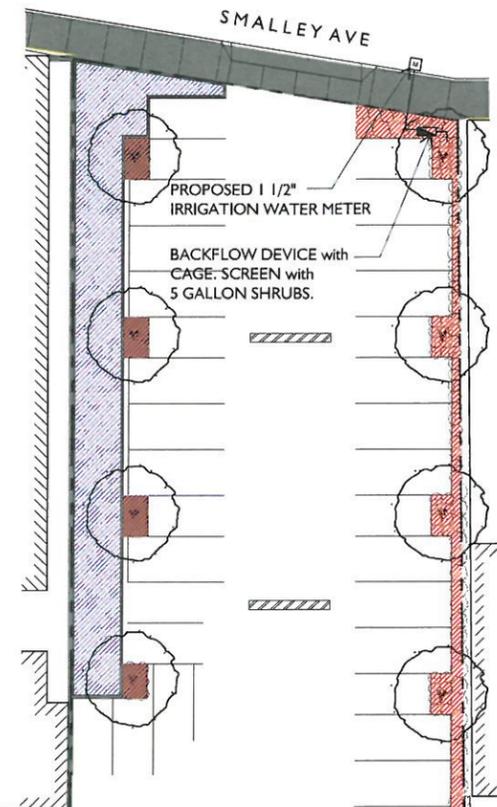


GROUND LEVEL
SCALE: 1/16" = 1'-0"

STREET TREES:
226 L.F. FRONTAGE MINUS 98 L.F. for CONFLICTS with STREET UTILITIES.
128 L.F. at 40' O.C. MAX = 3 TREES.
4 TREES PROVIDED.



2ND FLOOR COURTYARD
SCALE: 1" = 10'



IRRIGATION CONCEPT NOTE:

THE FOLLOWING IS A SUMMARY OF THE PROPOSED IRRIGATION CONCEPT FOR THE LANDSCAPED AREAS:

PURPOSE: TO PROVIDE THE LANDSCAPE MAINTENANCE COMPANY A MECHANICAL DEVICE TO DISTRIBUTE WATER AND ENSURE PLANT SURVIVAL IN THE MOST EFFICIENT MANNER AND WITHIN A TIME FRAME THAT LEAST INTERFERES WITH THE ACTIVITIES OF THE RESIDENTS.

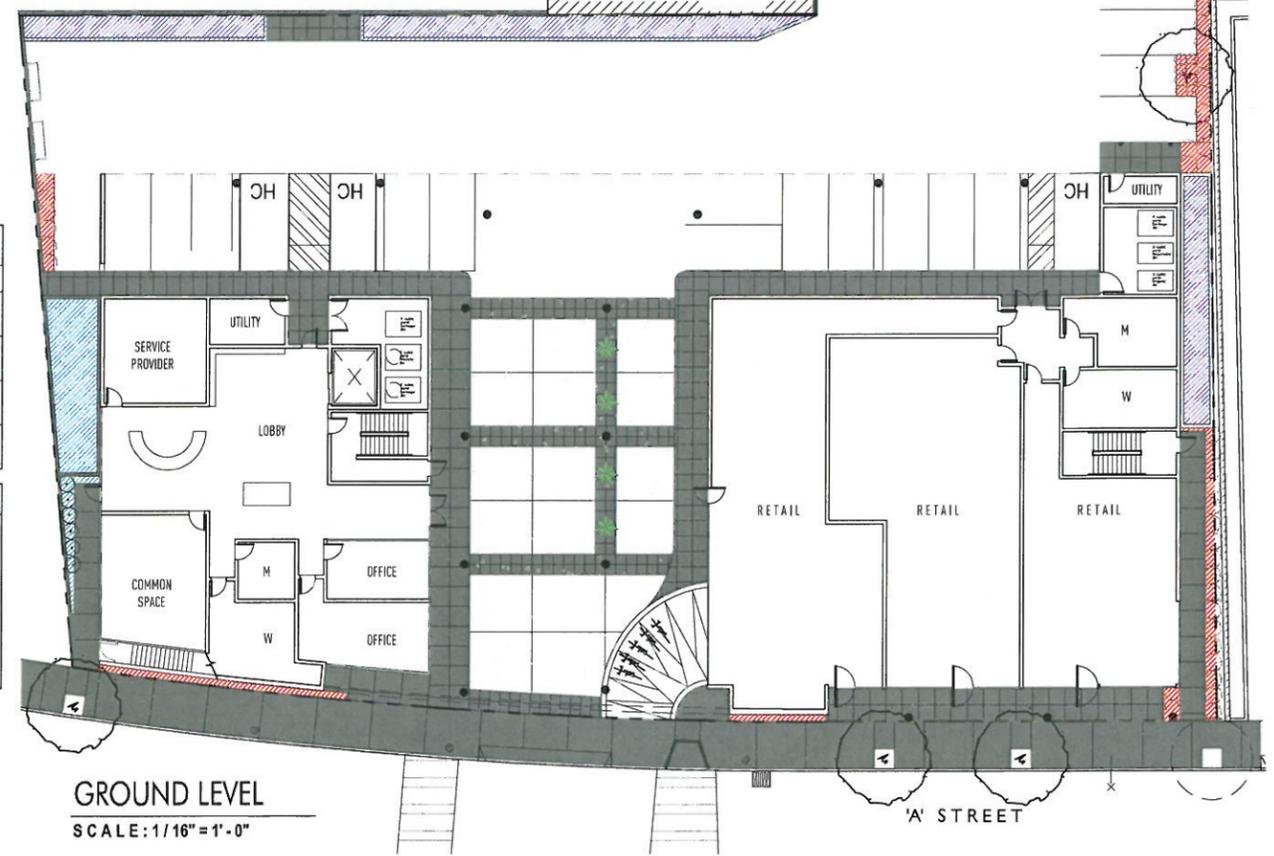
CONCEPT: THE SYSTEM WILL DERIVE ITS WATER FROM THE CITY OF HAYWARD WATER PURVEYOR / PUBLIC WORKS DEPARTMENT. ALL POINTS OF CONNECTIONS WILL BE PROTECTED BY A BACKFLOW PREVENTION UNIT IN ACCORDANCE WITH CITY OF PUBLIC WORKS STANDARDS. THE SYSTEM WILL UTILIZE VARIOUS TYPES OF IRRIGATION HEADS COMPATIBLE WITH THE AREA BEING WATERED AND INFILTRATION RATES OF THE SOIL WITH MATCHED PRECIPITATION RATES. THE SYSTEM WILL BE CONTROLLED BY MOISTURE SENSING EQUIPMENT. VALVES PROGRAMMED FROM AUTOMATIC CONTROLLERS WILL MAXIMIZE EFFICIENT WATER APPLICATION.

TO AVOID WASTED WATER, THE CONTROLS WILL BE OVERSEEN BY A FLOW MONITOR THAT WILL DETECT ANY BROKEN SPRINKLER HEADS TO STOP THAT STATION'S OPERATION, ADVANCING TO THE NEXT WORKABLE STATION. IN THE EVENT OF PRESSURE SUPPLY LINE BREAKAGE, IT WILL COMPLETELY STOP THE OPERATION OF THE SYSTEM. ALL MATERIAL WILL BE NONFERROUS, WITH THE EXCEPTION OF THE BRASS PIPING INTO AND OUT OF THE BACKFLOW UNITS. ALL WORK WILL BE IN THE BEST ACCEPTABLE MANNER IN ACCORDANCE WITH APPLICABLE CODES AND STANDARDS PREVAILING IN THE INDUSTRY. WATERING WILL CONFORM WITH CITY OF HAYWARD WATER CONSERVATION REQUIREMENTS.

THE PRELIMINARY LANDSCAPE PLANS INDICATE TWO HYDROZONES BASED ON EXPOSURES: SUN AND SHADE. FURTHER DETAILED PLANTING PLANS WILL BE REFINED AND EXPANDED BASED ON NUANCES IN THE BUILDING DESIGN AND EXPOSURES.

IRRIGATION HYDROZONE KEY		
SYMBOL	ZONE	SIZE
	SHADE EXPOSURE	55 SF.
	SUN EXPOSURE	2,350 SF.
	RAISED WATER QUALITY PLANTER SHADE	300 SF.
	RAISED WATER QUALITY PLANTER SUN	2,140 SF.

- IRRIGATION WATER CONSERVATION FEATURES:**
- THE FOLLOWING MEASURES WILL BE INCORPORATED INTO THE PROJECT TO CONSERVE WATER:
1. Installation of automatic 'smart' irrigation controller with rain-sensor and weather track.
 2. The use of subsurface drip tubing (Netafin or equal).
 3. The use of low water consuming plants.
 4. Soil amendment to achieve good soil moisture retention.
 5. Mulching to reduce evapotranspiration from the root zone.



GROUND LEVEL
SCALE: 1/16" = 1'-0"

VESTING TENTATIVE TRACT MAP 7988
FOR CONDOMINIUM PURPOSES: 64 RESIDENTIAL AND 2 COMMERCIAL UNITS

COUNTY OF ALAMEDA
STATE OF CALIFORNIA
JULY 2008



VICINITY MAP
NTS

SHEET INDEX	
C.1	VESTING TENTATIVE TRACT MAP
C.2	HORIZONTAL CONTROL PLAN
C.3	PRELIMINARY GRADING, DRAINAGE, AND UTILITY PLAN
C.4	STORMWATER CONTROL PLAN
C.5	TOPOGRAPHIC MAP

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA IS DESCRIBED IN THE FIRST AMERICAN TITLE COMPANY, PRELIMINARY TITLE REPORT, ORDER NUMBER: 0192-3036672, PAGES 9-12.

APN NUMBERS:

428-51-045-02 - (9,288 SQ. FT., 0.21 ACRES)
428-51-044-02 - (6,576 SQ. FT., 0.15 ACRES)
428-51-043-02 - (4,473 SQ. FT., 0.10 ACRES)
428-51-037-02 - (21,714 SQ. FT., 0.50 ACRES)

TOTAL AREA AFTER MERGER:

42051± SQ. FT./ 0.96± ACRES

ZONING:

EXISTING/PROPOSED - CENTRAL CITY COMMERCIAL SUBDISTRICT (CC-C)

GENERAL MAP NOTES:

- PARKING ANALYSIS PROVIDED ON ARCHITECTURAL SHEET, 1. UNDERGROUND PARKING CONFIGURATION AND CIRCULATION IS SHOWN ON ARCHITECTURAL SHEETS. UNDERGROUND PARKING IS EXCLUSIVELY FOR RESIDENTS ONLY.
- COMMON AREAS SHOWN ON ARCHITECTURAL SHEETS IS FOR RESIDENTIAL USE ONLY.
- 64 RESIDENTIAL UNITS PROPOSED, INCLUDING 2 COMMERCIAL SPACES ON GROUND FLOOR. SEE ARCHITECTURAL DRAWINGS FOR INDIVIDUAL UNIT SIZES AND CONFIGURATION.
- ALL EXISTING ASPHALT AND CONCRETE TO BE RECYCLED.
- BOUNDARY INFORMATION BASED OF RECORD INFORMATION PROVIDED BY OTHERS.

TENTATIVE MAP NOTES:

- REMOVE EXISTING OUTDOOR ADVERTISING BULLITON BOARDS.
- REMOVE EXISTING BUILDING.
- REMOVE EXISTING ADA RAMP AND CROSSWALK STRIPING.
- RELOCATE EXISTING ADA RAMP AND CROSSWALK STRIPING.
- REMOVE EXISTING DRIVEWAYS AND REPLACE WITH NEW DRIVEWAYS.
- EXISTING STREET TREE TO BE REMOVED AND REPLACED. SEE LANDSCAPE PLANS FOR PLANTING PLAN.
- RESIDENTIAL BALCONY ABOVE, OVERHANGING PROPERTY LINE AS SHOWN. SEE ARCHITECTURAL PLANS FOR ADDITIONAL DETAILS.

SUBDIVIDER / OWNER:

EAST BAY CAPITAL HOLDINGS, LLC
1699 VALENCIA STREET
SAN FRANCISCO, CA 94110
PH: (415) 206-1578

ENGINEER (PREPARED BY):

PACIFIC ENGINEERING & CONSTRUCTION, INC
35 STILLMAN STREET, SUITE 126
SAN FRANCISCO, CA 94107
PH/FAX: (415) 974-1853

SIGNED:

GEOTECHNICAL ENGINEER:

FRANK LEE & ASSOCIATES
10 KOOTENAI COURT
FREMONT, CA 94536
PH: (510) 657-7792

SURVEYOR:

MICHAEL FORD LAND SURVEYING, INC.
8910 SONOMA HWY, SUITE 128
PO BOX 1243
KENWOOD, CA 95452
PH: 707-883-6468
FAX: 707-883-5744

ARCHITECT:

PHILIP BANTA ASSOCIATES ARCHITECTURE
6250 HOLLIS STREET
EMERYVILLE, CA 95608
PH: 510-654-3255

OWNER'S CERTIFICATION:

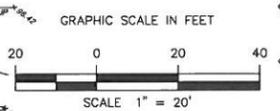
I EAST BAY CAPITAL HOLDINGS, LLC. AGREE TO THE FILING OF SAID MAP AND AGREE TO COMPLY WITH THE PROVISION OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO PROCESSING AND APPROVAL OF SAID MAP.

SIGNED:

UTILITY INFORMATION

ABOVE GROUND EVIDENCE OF UTILITIES WAS FIELD LOCATED AND IS SHOWN ON THIS SHEET. SUB-SURFACE UTILITY INFORMATION WAS PROVIDED BY THE FOLLOWING SOURCES AND ADDITIONAL VERIFICATION OF THIS INFORMATION SHOULD BE CONSIDERED MANDATORY IF TO BE USED FOR DESIGN PURPOSES:

SANITARY SEWER	HAYWARD SANITARY
STORM DRAIN	CITY OF HAYWARD
WATER	PACIFIC GAS AND ELECTRIC
NATURAL GAS	PACIFIC GAS AND ELECTRIC
ELECTRICITY	TELEPHONE
TELEPHONE	ATT&T



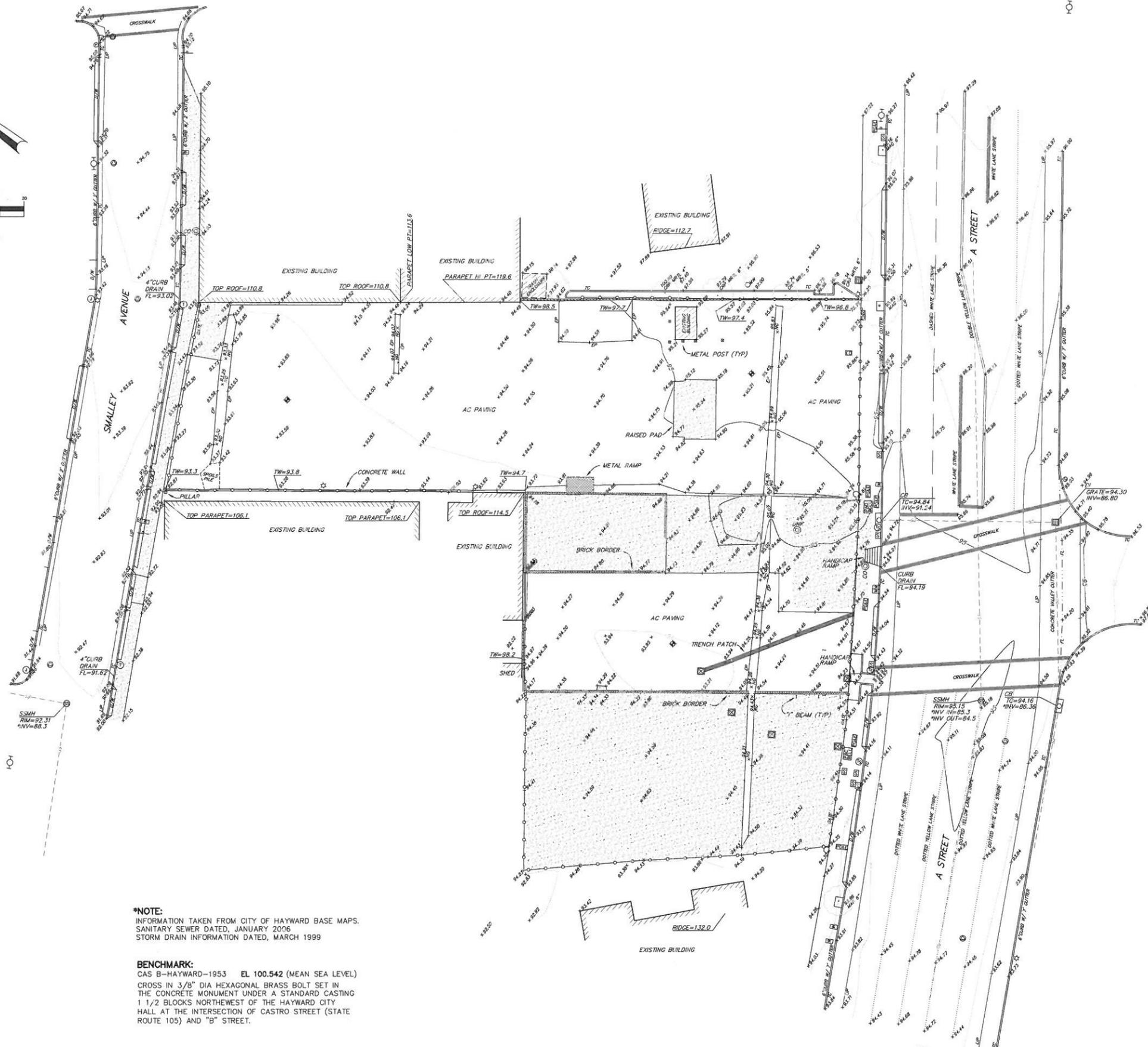
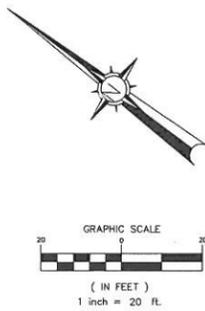
Pacific Engineering & Construction, Inc.
Consulting Engineers & Contractors

35 Stillman Street, Suite 126, San Francisco, CA 94107
Phone/Fax: (415) 974-1853 Cell phone: (415) 516-8545
email: amwaldman@sbcglobal.net

VESTING TENTATIVE TRACT MAP

DRAWN	JOB NUMBER	APPROVED	DATE	REVISION DATE
MW	NA		7/31/08	N/A

SHEET #
C.1



LEGEND

	DRAIN INLET
	DRAIN INLET, NO GRATE, FILLED IN
	CATCH BASIN (CURB INLET)
	STORM DRAIN MANHOLE
	SANITARY SEWER MANHOLE
	TELEPHONE POLE
	CLEANOUT
	FIRE HYDRANT
	WATER VALVE
	WATER METER
	ELECTRIC OUTLET
	TRAFFIC SIGNAL BOX, VAULT, OR PEDESTAL
	TRAFFIC SIGNAL
	TELEPHONE POLE
	JOINT UTILITY POLE
	GUY POLE
	ELECTRIC BOX
	BOLLARD
	SIGN
	STREET LIGHT/SITE LIGHT
	SOILS TESTING HOLE
	UNKNOWN UTILITY
	PACIFIC BELL BOX
	PG&E BOX
	CHAIN LINK FENCE
	CONCRETE
	CONCRETE BLOCK RETAINING WALL
	SPOT ELEVATION
	UNDERGROUND STORM DRAIN, SANITARY SEWER
	TREE SYMBOL & DRIP LINE
	MAGNOLIA
	GRAPE MYRTLE
	TC
	FL
	TW
	NG
	LIP
	EP
	D/W

***NOTE:**
 INFORMATION TAKEN FROM CITY OF HAYWARD BASE MAPS.
 SANITARY SEWER DATED, JANUARY 2006
 STORM DRAIN INFORMATION DATED, MARCH 1999

BENCHMARK:
 CAS B-HAYWARD-1953 EL 100.542 (MEAN SEA LEVEL)
 CROSS IN 3/8" DIA HEXAGONAL BRASS BOLT SET IN
 THE CONCRETE MONUMENT UNDER A STANDARD CASTING
 1 1/2 BLOCKS NORTHWEST OF THE HAYWARD CITY
 HALL AT THE INTERSECTION OF CASTRO STREET (STATE
 ROUTE 105) AND "B" STREET.

michael ford inc.
 land surveying
 8910 sanoma hwy suite 12b
 po box 1243, hayward, ca 94542
 p 707.833.6488 - f 707.833.5744
 www.michaelfordinc.com

boundary surveys
 topographic mapping
 aerial topography
 subdivision mapping
 construction staking
 g.i.s. base maps

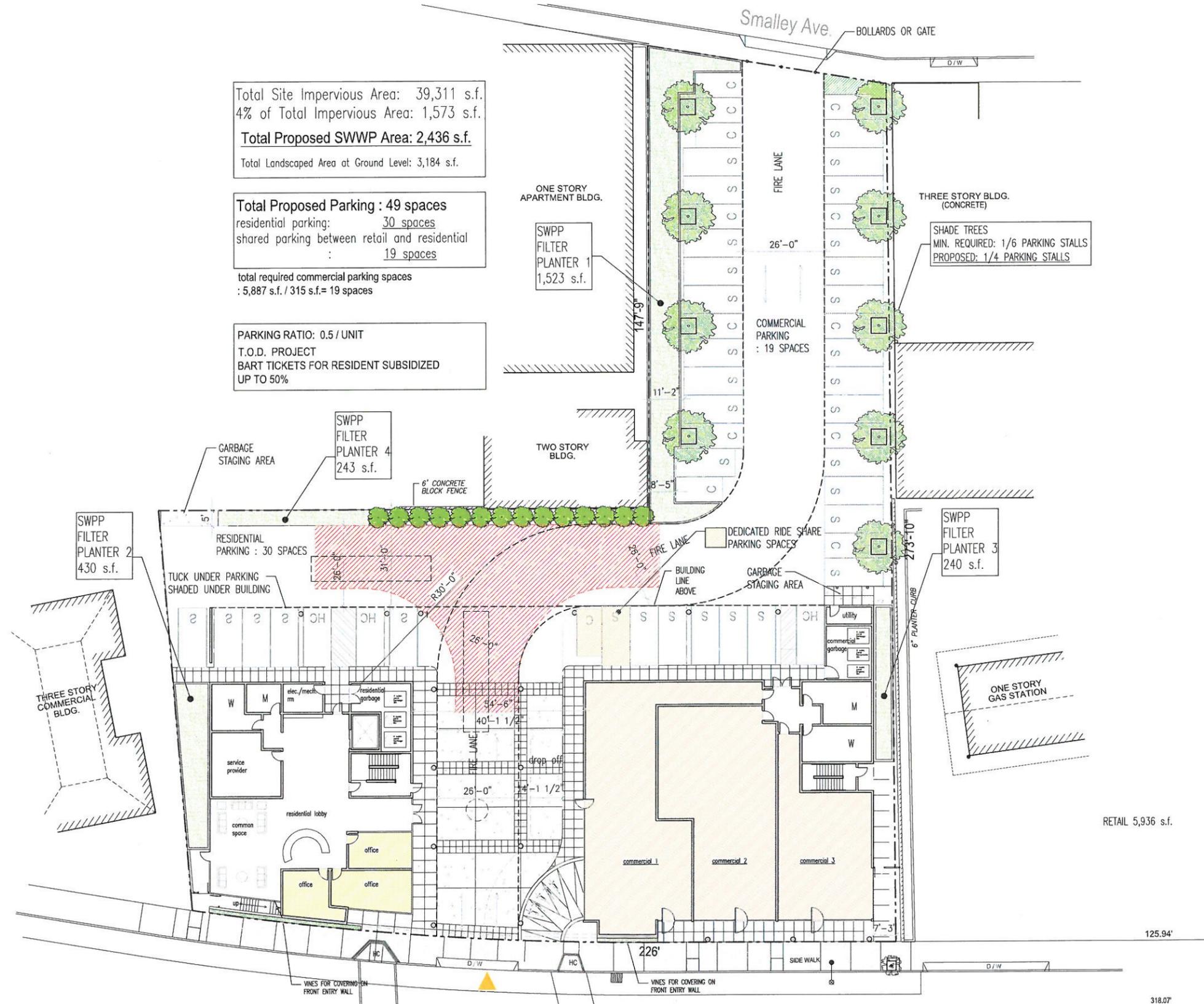
SURVEYOR'S STATEMENT
 THIS MAP IS BASED ON A FIELD SURVEY MADE
 BY ME OR UNDER MY DIRECTION ON 5-7-08
 AND REPRESENTS THE VISUAL SURFACE
 CONDITIONS AS OF THE DATE OF SURVEY.



808 A STREET
 HAYWARD, CA
TOPOGRAPHIC MAP

REVISIONS:

DATE:	5/21/08
DRAWN BY:	JR
CHECKED BY:	MEF
SCALE:	1" = 20'
JOB NUMBER	081708
DWG. FILE	1708-TP.DWG
SHEET	C.5



Total Site Impervious Area: 39,311 s.f.
 4% of Total Impervious Area: 1,573 s.f.
Total Proposed SWWP Area: 2,436 s.f.
 Total Landscaped Area at Ground Level: 3,184 s.f.

Total Proposed Parking : 49 spaces
 residential parking: 30 spaces
 shared parking between retail and residential : 19 spaces
 total required commercial parking spaces : 5,887 s.f. / 315 s.f. = 19 spaces

PARKING RATIO: 0.5 / UNIT
 T.O.D. PROJECT
 BART TICKETS FOR RESIDENT SUBSIDIZED UP TO 50%

1 GROUND FLOOR PLAN
 SCALE 1/16" = 1'-0"





Perspective 1

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6050 HOLLIS ST. EMERYVILLE, CA 94608 510-654-3255

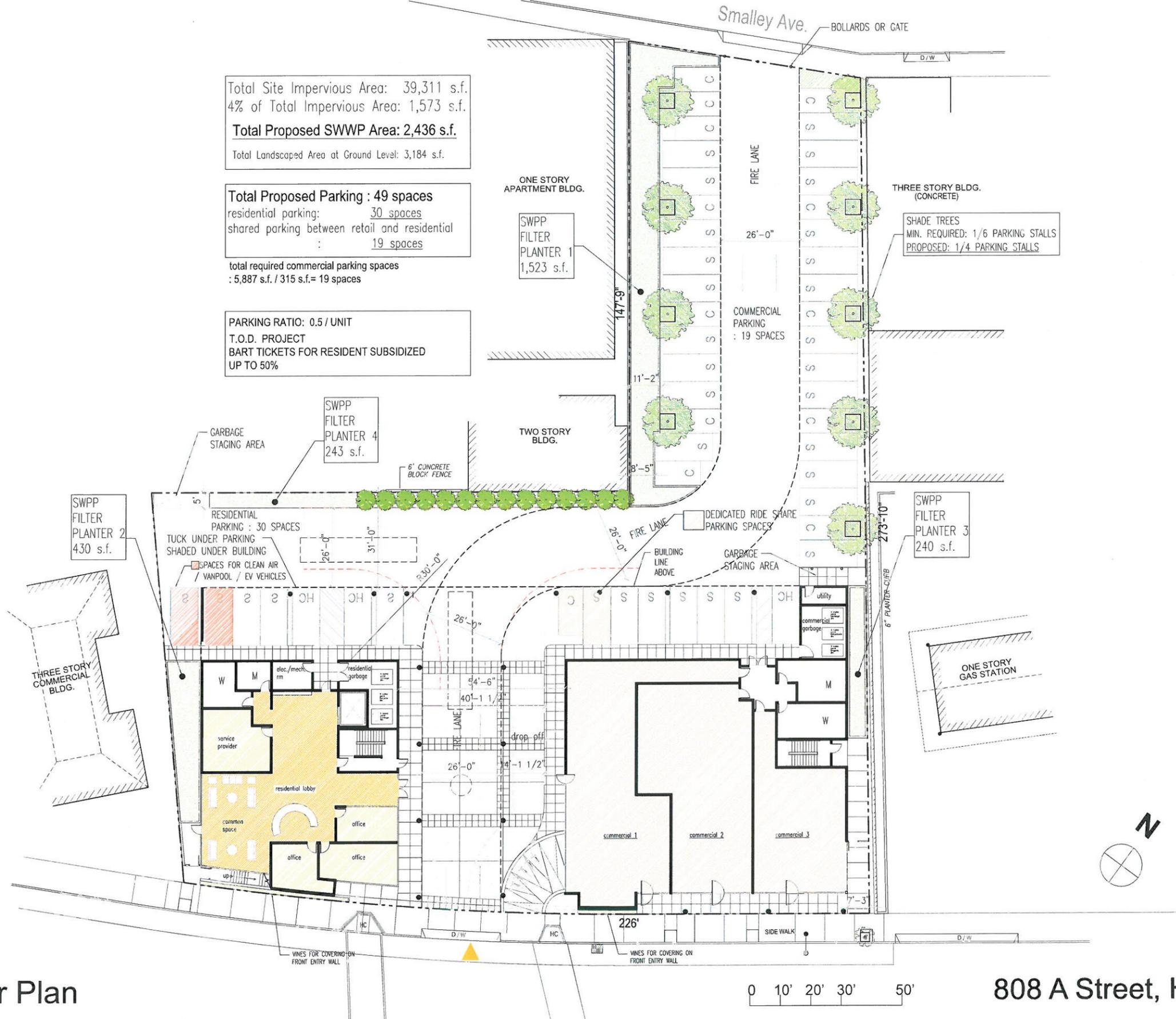
808 A Street, Hayward CA.
July 11th, 2013



Perspective 2

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6050 HOLLIS ST. EMERYVILLE, CA 94608 510-654-3255

808 A Street, Hayward CA.
July 11th, 2013



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PARKING RATIO: 0.5 / UNIT
 T.O.D. PROJECT
 BART TICKETS FOR RESIDENT SUBSIDIZED UP TO 50%

SWPP FILTER PLANTER 2
 430 s.f.

SWPP FILTER PLANTER 4
 243 s.f.

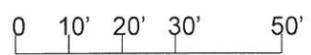
SWPP FILTER PLANTER 1
 1,523 s.f.

SHADE TREES
 MIN. REQUIRED: 1/6 PARKING STALLS
 PROPOSED: 1/4 PARKING STALLS

SWPP FILTER PLANTER 3
 240 s.f.

Ground Floor Plan

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 6050 HOLLIS ST. EMERYVILLE, CA 94608 510-654-3255

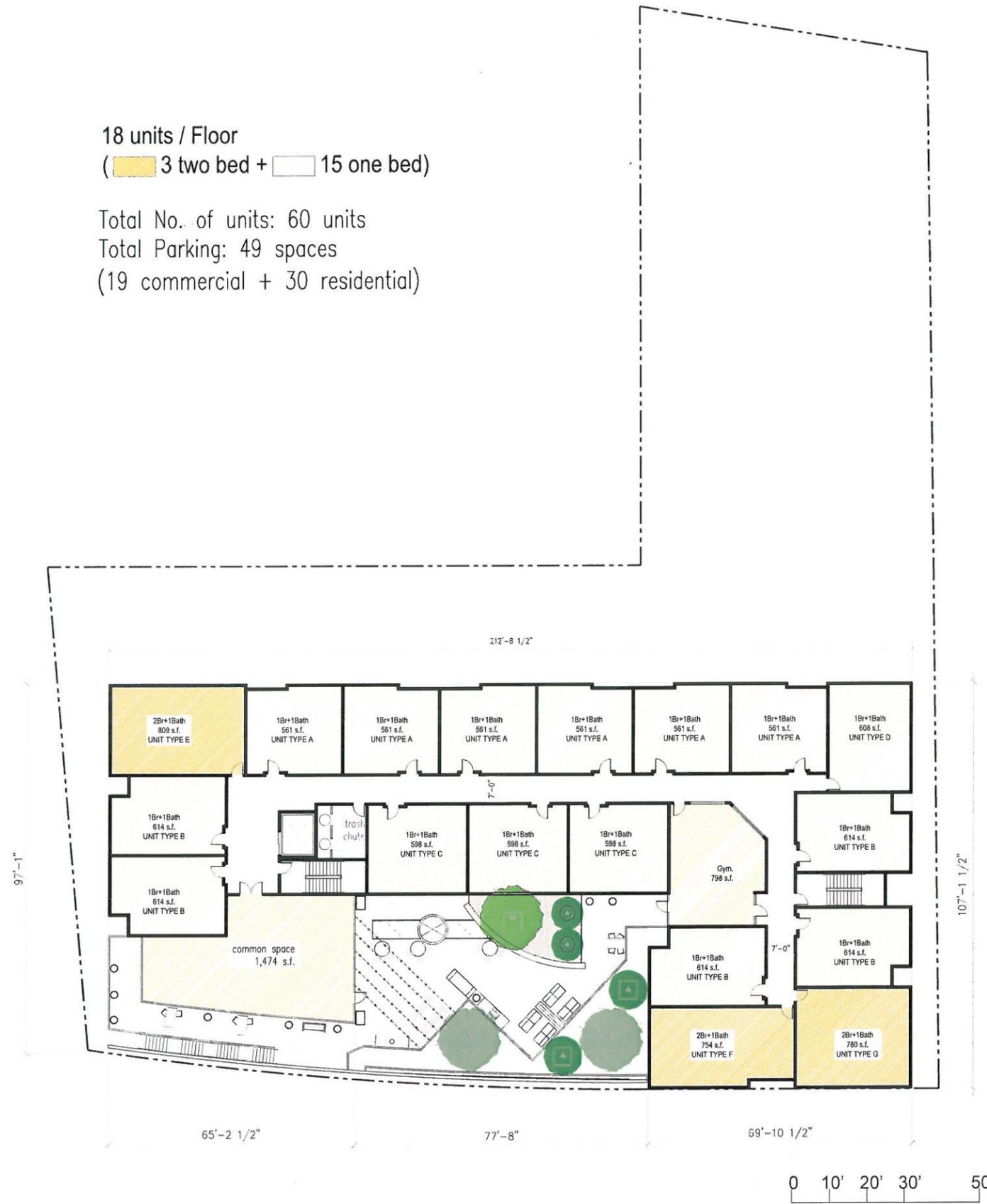


808 A Street, Hayward CA.

July 11th, 2013

18 units / Floor
 (3 two bed + 15 one bed)

Total No. of units: 60 units
 Total Parking: 49 spaces
 (19 commercial + 30 residential)



Second Floor Plan

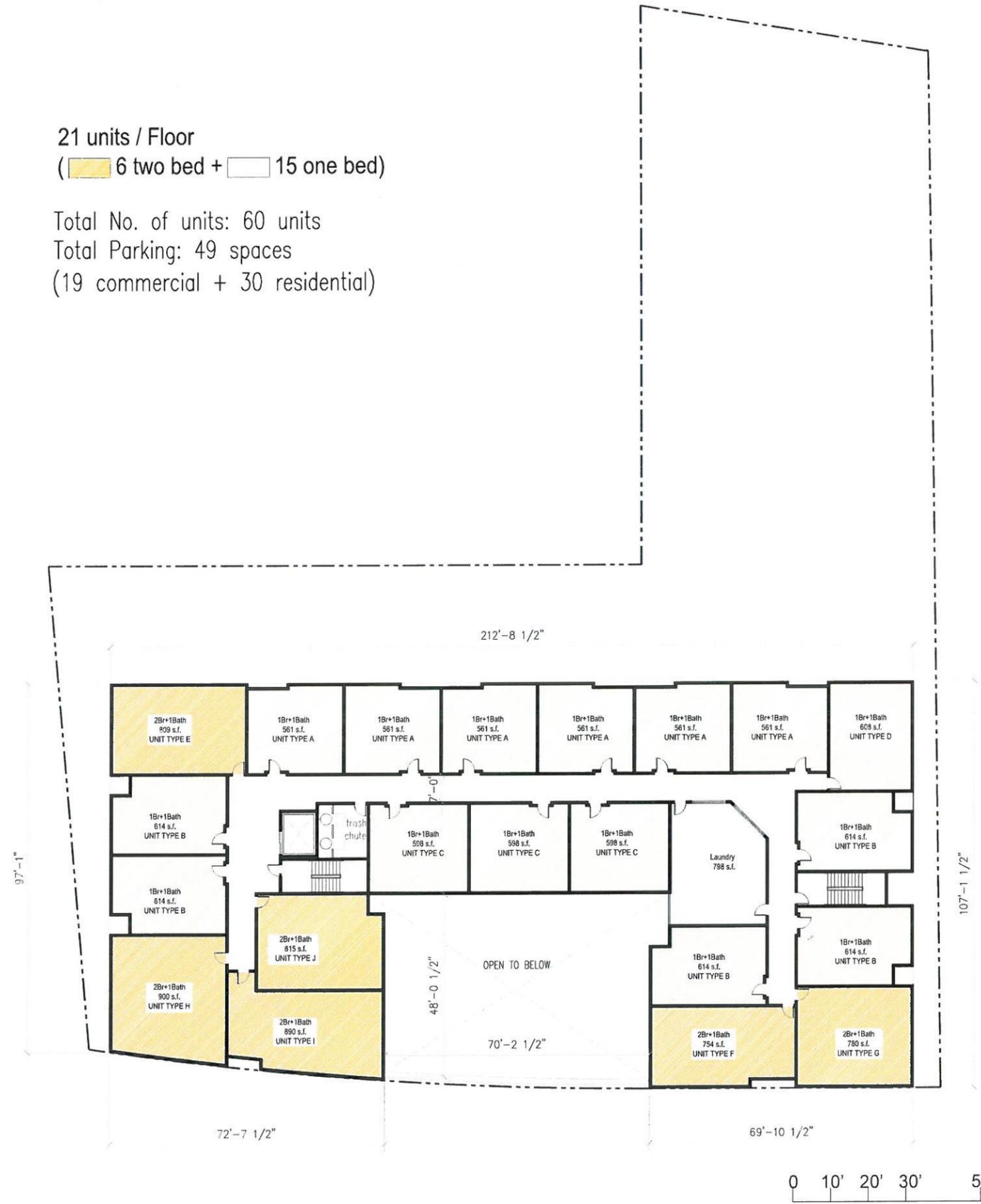
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808 A Street, Hayward CA.

July 11th, 2013

21 units / Floor
 (6 two bed + 15 one bed)

Total No. of units: 60 units
 Total Parking: 49 spaces
 (19 commercial + 30 residential)



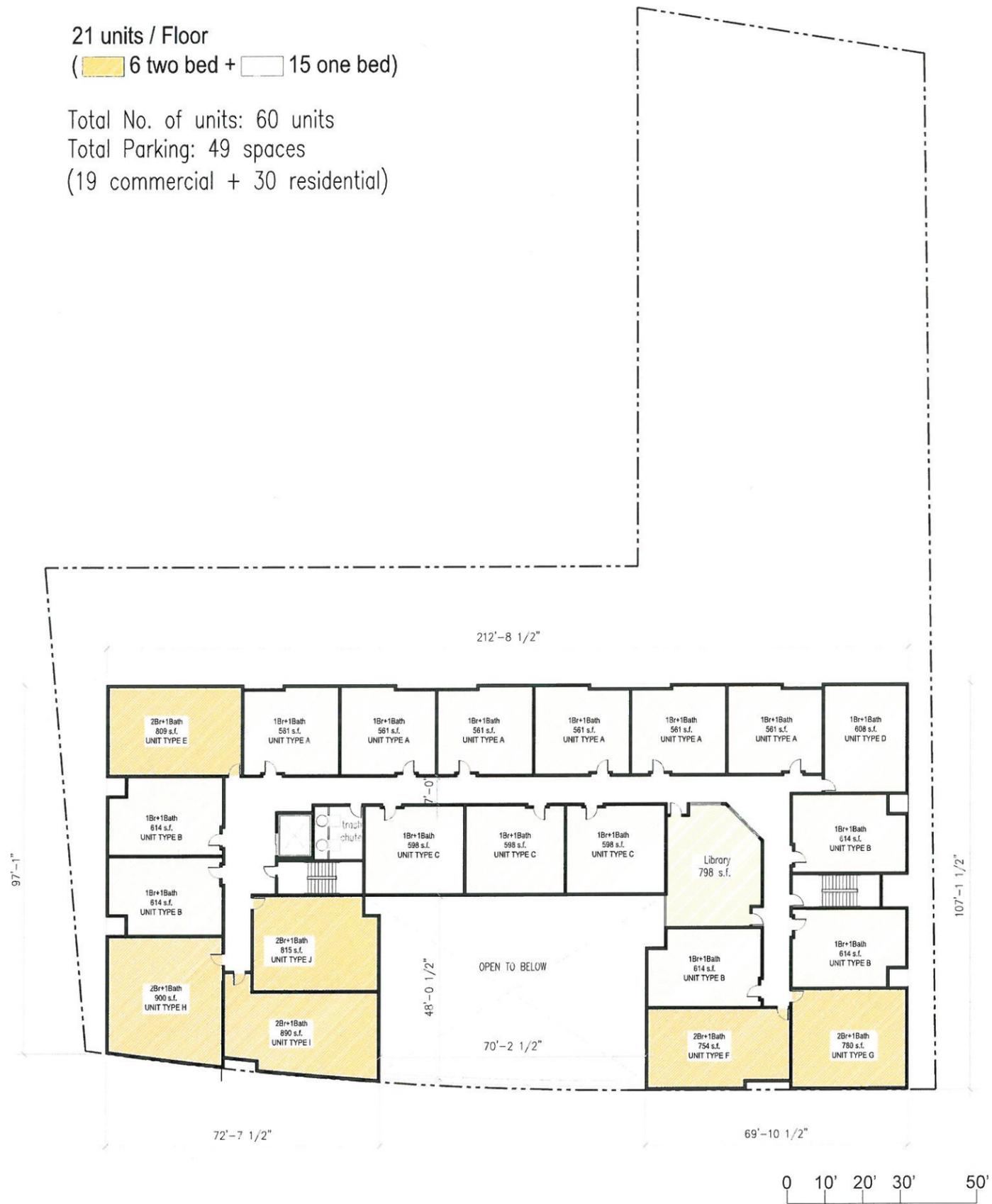
Third Floor Plan

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808 A Street, Hayward CA.
 July 11th, 2013

21 units / Floor
 (6 two bed + 15 one bed)

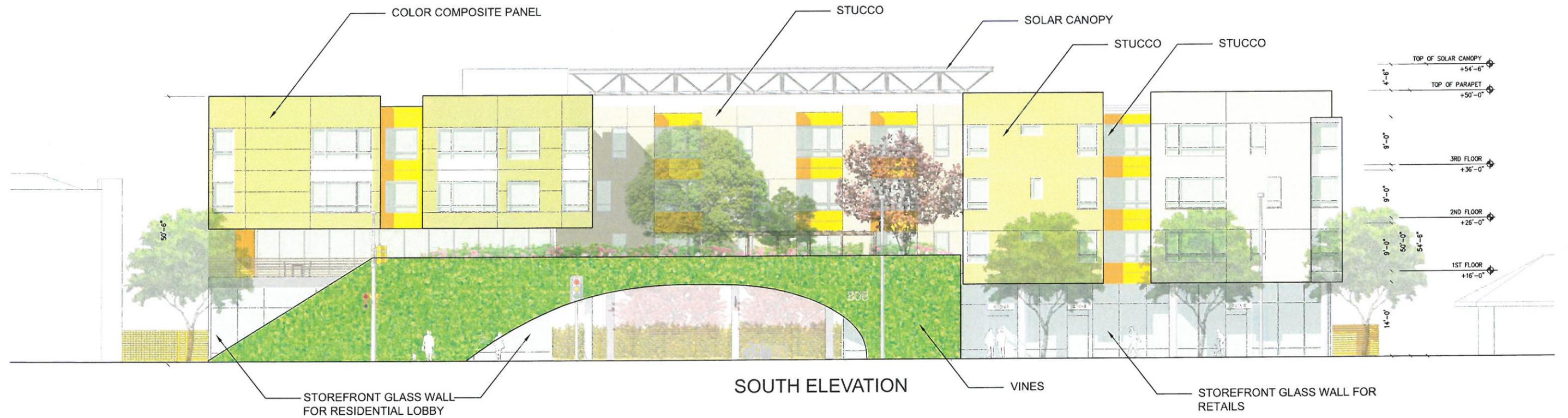
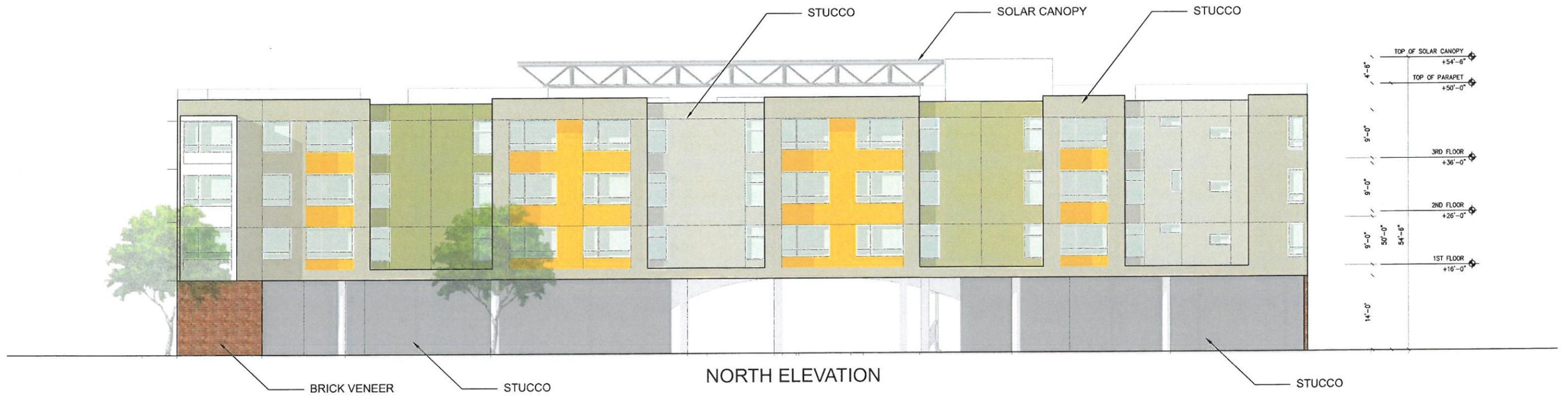
Total No. of units: 60 units
 Total Parking: 49 spaces
 (19 commercial + 30 residential)



Fourth Floor Plan

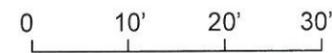
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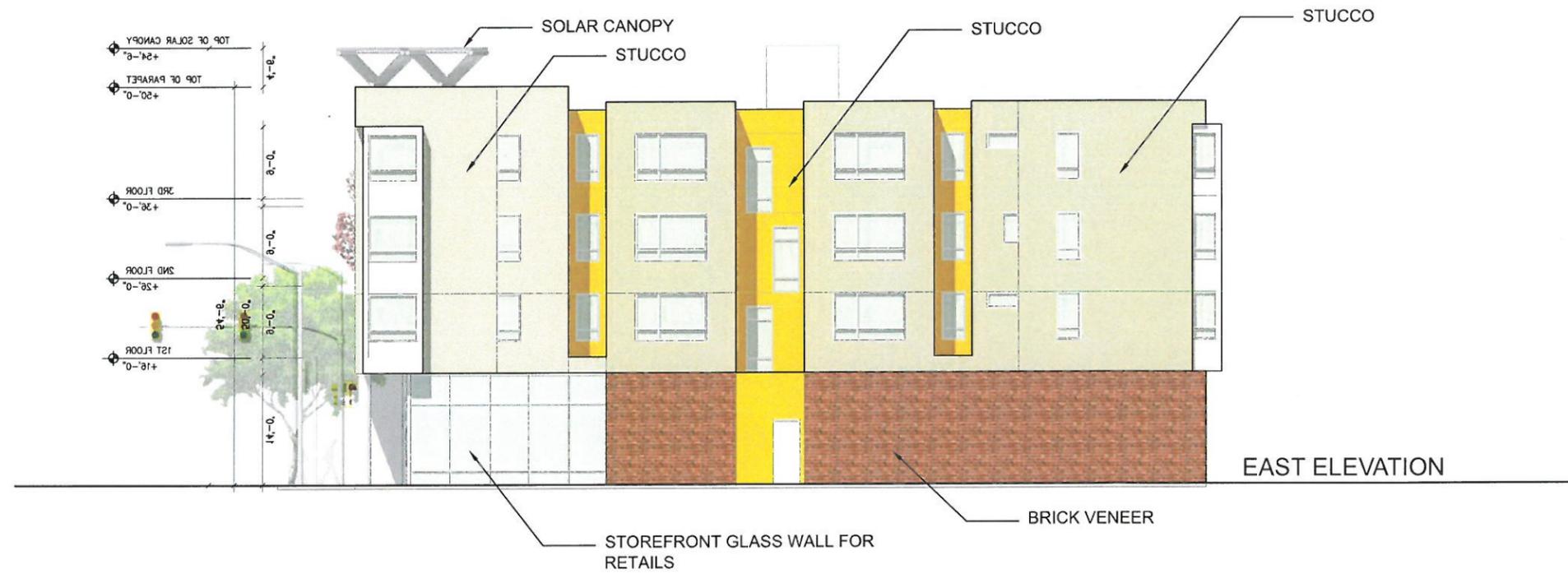


Elevations

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808 A Street, Hayward CA.
 July 11th, 2013



Elevations

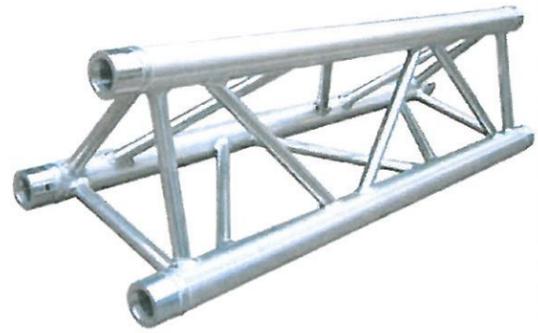
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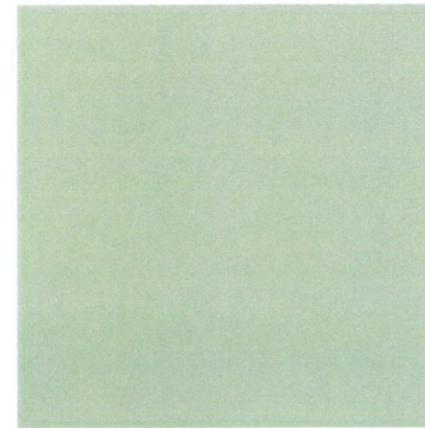
Hayward CA.
 July 11th, 2013



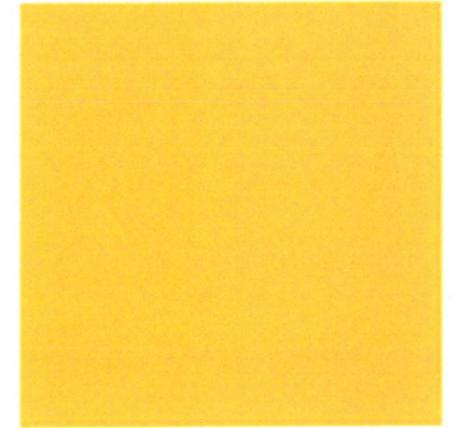
COLOR COMPOSITE PANEL



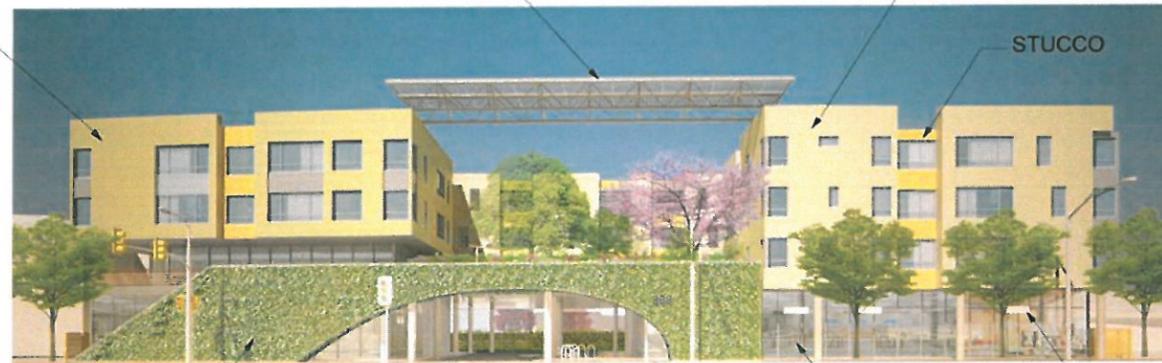
SOLAR CANOPY, PAINTED STEEL TRUSSES SUPPORTING PHOTOVOLTIC PANELS



STUCCO



STUCCO



VINES

STOREFRONT GLASS WALL

RETAIL SIGNAGE

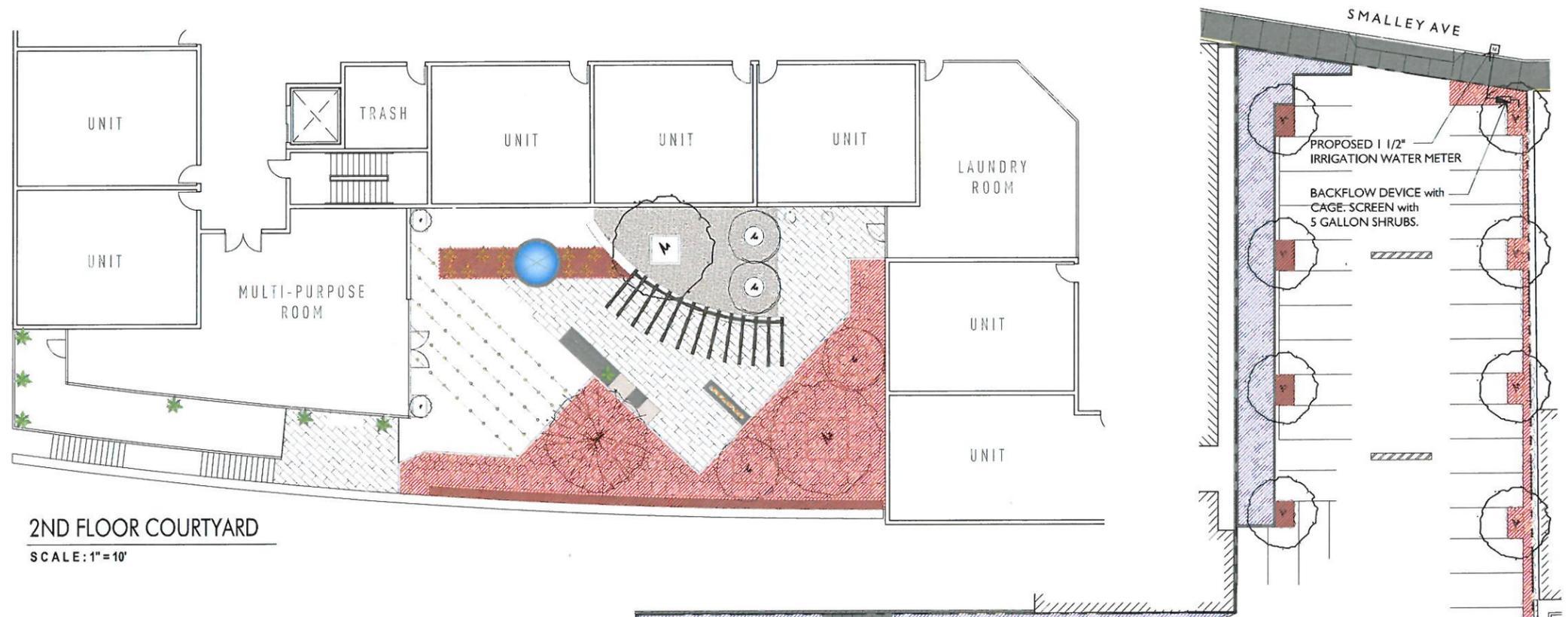


MATERIAL SAMPLES

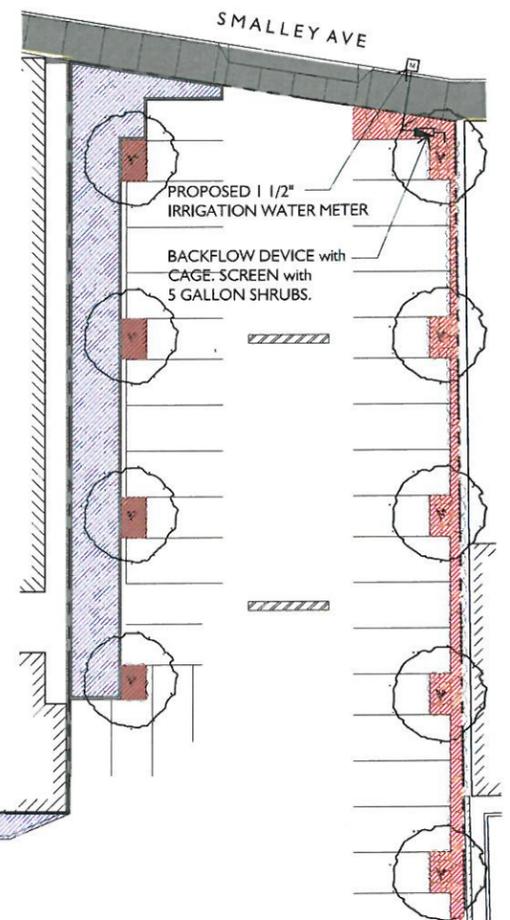
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808 A Street, Hayward CA.

July 11th, 2013



2ND FLOOR COURTYARD
SCALE: 1" = 10'



IRRIGATION CONCEPT NOTE:

THE FOLLOWING IS A SUMMARY OF THE PROPOSED IRRIGATION CONCEPT FOR THE LANDSCAPED AREAS:

PURPOSE: TO PROVIDE THE LANDSCAPE MAINTENANCE COMPANY A MECHANICAL DEVICE TO DISTRIBUTE WATER AND ENSURE PLANT SURVIVAL IN THE MOST EFFICIENT MANNER AND WITHIN A TIME FRAME THAT LEAST INTERFERES WITH THE ACTIVITIES OF THE RESIDENTS.

CONCEPT: THE SYSTEM WILL DERIVE ITS WATER FROM THE CITY OF HAYWARD WATER PURVEYOR / PUBLIC WORKS DEPARTMENT. ALL POINTS OF CONNECTIONS WILL BE PROTECTED BY A BACKFLOW PREVENTION UNIT IN ACCORDANCE WITH CITY OF PUBLIC WORKS STANDARDS. THE SYSTEM WILL UTILIZE VARIOUS TYPES OF IRRIGATION HEADS COMPATIBLE WITH THE AREA BEING WATERED AND INFILTRATION RATES OF THE SOIL WITH MATCHED PRECIPITATION RATES. THE SYSTEM WILL BE CONTROLLED BY MOISTURE SENSING EQUIPMENT. VALVES PROGRAMMED FROM AUTOMATIC CONTROLLERS WILL MAXIMIZE EFFICIENT WATER APPLICATION.

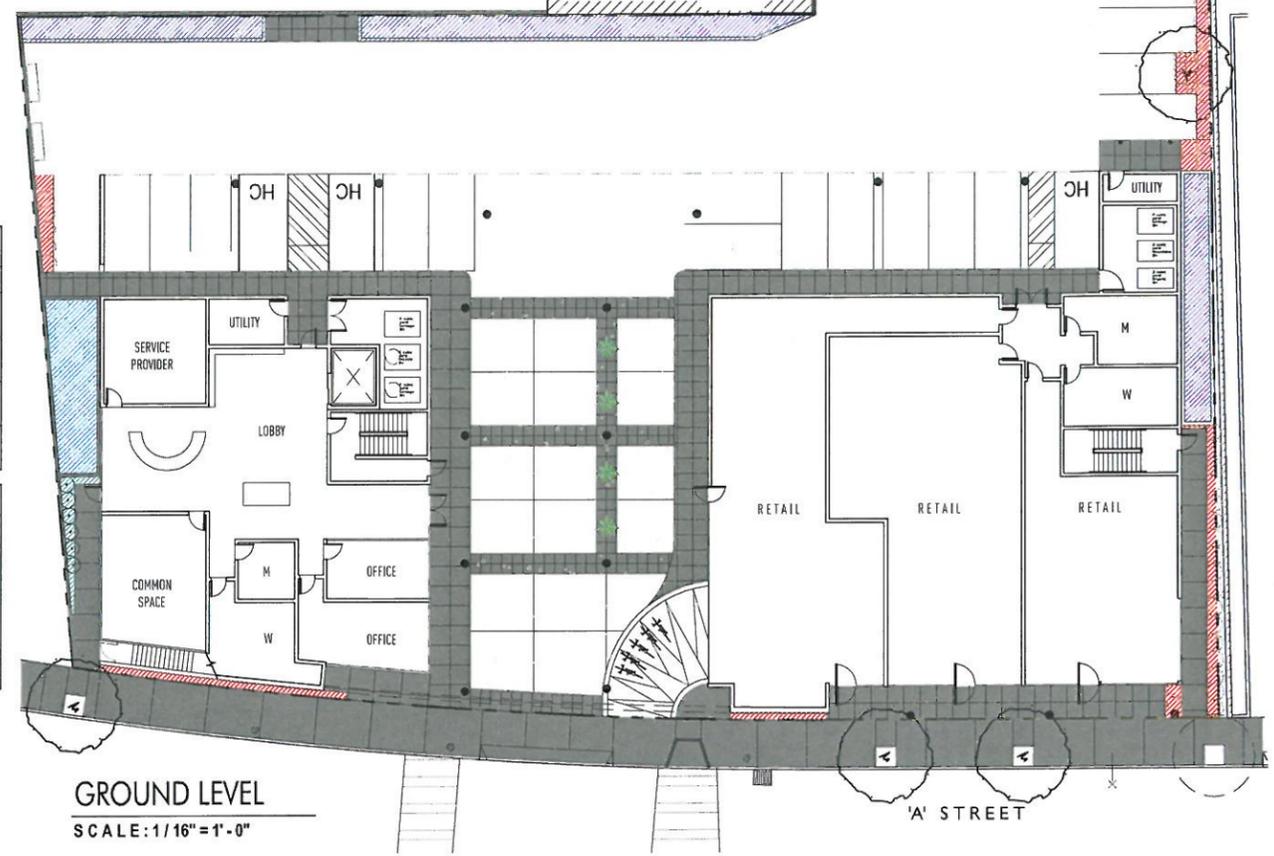
TO AVOID WASTED WATER, THE CONTROLS WILL BE OVERSEEN BY A FLOW MONITOR THAT WILL DETECT ANY BROKEN SPRINKLER HEADS TO STOP THAT STATION'S OPERATION, ADVANCING TO THE NEXT WORKABLE STATION. IN THE EVENT OF PRESSURE SUPPLY LINE BREAKAGE, IT WILL COMPLETELY STOP THE OPERATION OF THE SYSTEM. ALL MATERIAL WILL BE NONFERROUS, WITH THE EXCEPTION OF THE BRASS PIPING INTO AND OUT OF THE BACKFLOW UNITS. ALL WORK WILL BE IN THE BEST ACCEPTABLE MANNER IN ACCORDANCE WITH APPLICABLE CODES AND STANDARDS PREVAILING IN THE INDUSTRY. WATERING WILL CONFORM WITH CITY OF HAYWARD WATER CONSERVATION REQUIREMENTS.

THE PRELIMINARY LANDSCAPE PLANS INDICATE TWO HYDROZONES BASED ON EXPOSURES: SUN AND SHADE. FURTHER DETAILED PLANTING PLANS WILL BE REFINED AND EXPANDED BASED ON NUANCES IN THE BUILDING DESIGN AND EXPOSURES.

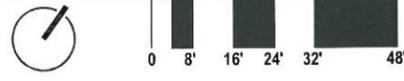
IRRIGATION HYDROZONE KEY

SYMBOL	ZONE	SIZE
[Green hatched box]	SHADE EXPOSURE	55 SF.
[Red hatched box]	SUN EXPOSURE	2,350 SF.
[Blue hatched box]	RAISED WATER QUALITY PLANTER SHADE	300 SF.
[Purple hatched box]	RAISED WATER QUALITY PLANTER SUN	2,140 SF.

- IRRIGATION WATER CONSERVATION FEATURES:**
- THE FOLLOWING MEASURES WILL BE INCORPORATED INTO THE PROJECT TO CONSERVE WATER:
1. Installation of automatic 'smart' irrigation controller with rain-sensor and weather track.
 2. The use of subsurface drip tubing (Netafin or equal).
 3. The use of low water consuming plants.
 4. Soil amendment to achieve good soil moisture retention.
 5. Mulching to reduce evapotranspiration from the root zone.



GROUND LEVEL
SCALE: 1/16" = 1'-0"



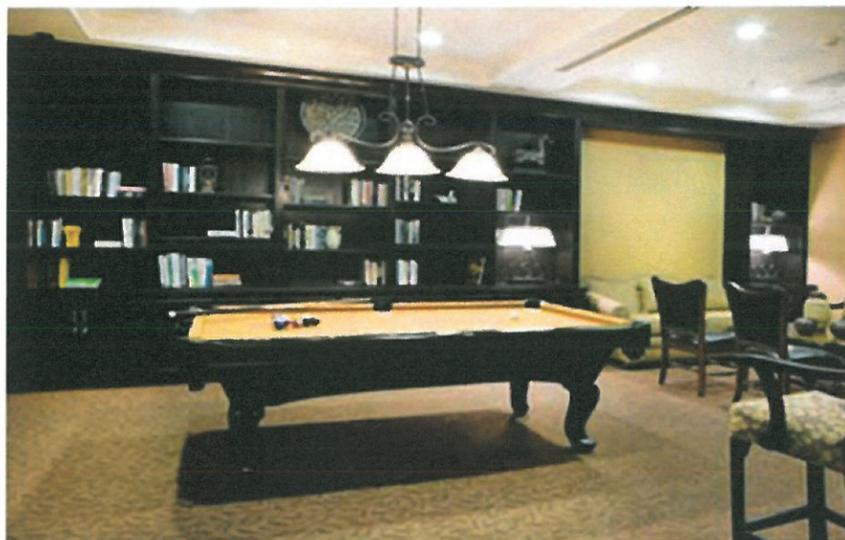
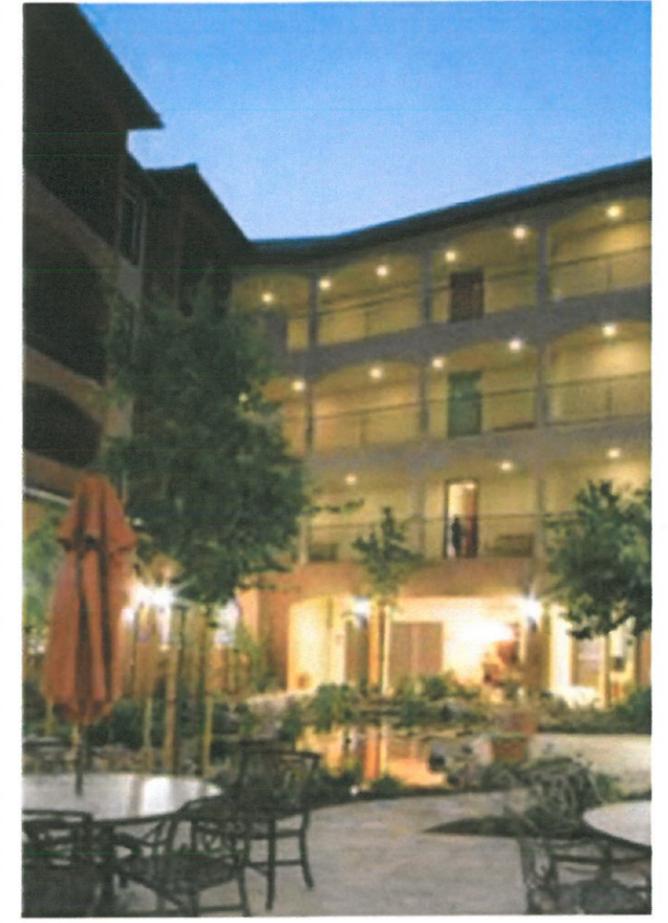


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 Los Angeles, CA 90025
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Adams & Central Mixed-Use Development

1011 E. Adams Boulevard
 Los Angeles, CA 90011

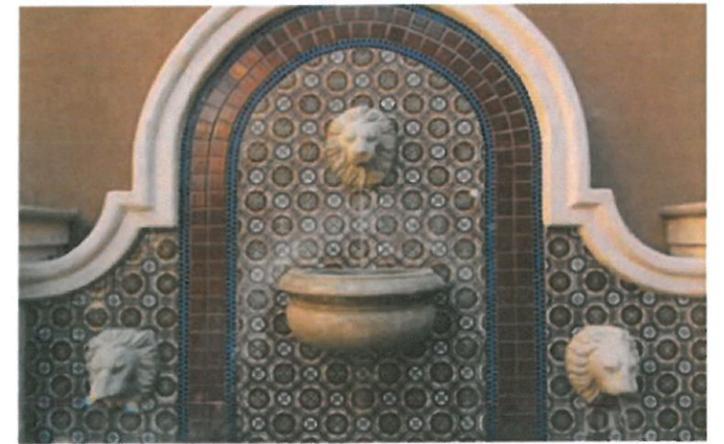
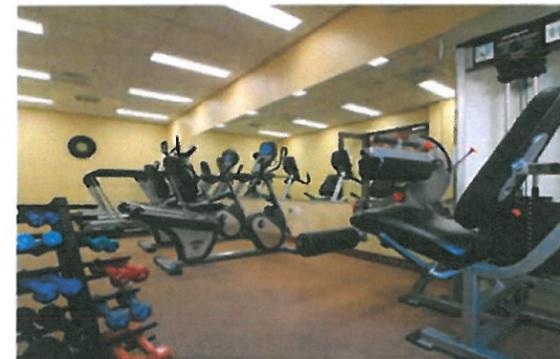


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Asturias Senior Apartments

9628 Van Nuys Blvd.
 Panorama City, CA 91402

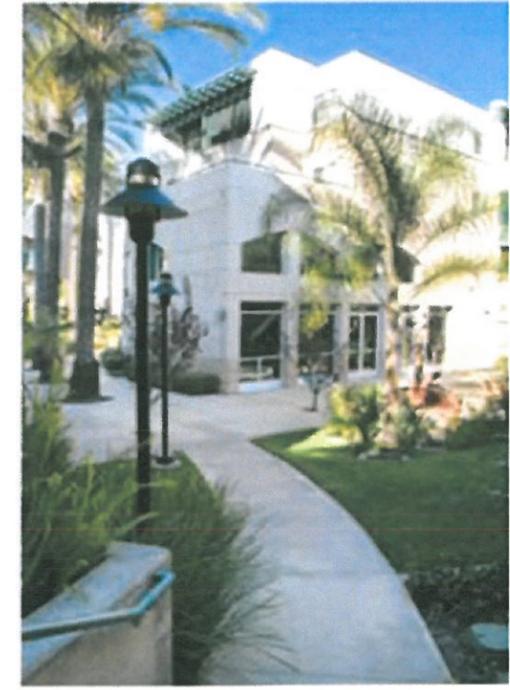


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Cantabria Senior Apartments

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Park Plaza Senior Apartments

6755 Rhodes Avenue
North Hollywood, CA 91606



Stantec

Stantec Consulting Services Inc.
 901 Market Street
 San Francisco CA 94103
 Tel: (415) 992-9500
 Fax: (415) 882-9523

May 2, 2013

Attention: Aaron Mandel

Vice President
 Meta Housing Corp.
 1640 Sepulveda Blvd., Suite 425
 Los Angeles, CA 90025

Dear Mr. Mandel,

Reference: Traffic Study for the 808 "A" Street Development in the City of Hayward

In response to your request, this letter report presents Stantec's traffic impact analysis for the proposed mixed-use development in the City of Hayward. The proposed project is located at 808 "A" Street located at the intersection of "A" Street and Watkins Street. The project sponsor proposes to build a mixed-use development consisting of 60 senior housing units and 5,887 square feet of retail space. Project access to and from the site would be through two driveways located on the north side and the south side of the project. One driveway would form the fourth leg for the intersection of "A" Street and Watkins Street. The other driveway would provide access to the project site from Smalley Avenue. Figure 1 shows the proposed site plan for the project.

This study addresses the traffic impacts of this mixed-use development at the intersection of Watkins Street and "A" Street and identifies the modifications needed at this intersection to add the access driveway as the north leg of the intersection. Existing roadway and the intersection operations (without the project) are compared with expected future conditions (with the project).

Analysis and Methodology

The intersection of "A" Street and Watkins Street was selected for the a.m. and the p.m. peak level of service (LOS) analysis after consultation with City of Hayward staff. This intersection was analyzed for the following two scenarios:

- Existing Conditions - Current (Year 2013) traffic volumes and roadway conditions
- Existing Plus Project Conditions - Identical to Existing Conditions, but with traffic added from the proposed project and modified intersection geometry

LOS analysis was conducted for both of these scenarios. A LOS rating is a qualitative description of intersection operations and is reported using an A through F letter rating system to describe travel delay and congestion. LOS A indicates free flow conditions with little or no delay, and LOS F

Reference: Traffic Study for the 808 "A" Street Development in the City of Hayward

indicates jammed conditions with excessive delays and long back-ups. The study intersection was analyzed using the 2010 Highway Capacity Manual (HCM) methodology.



Figure 1: Project Site Plan

Impact Criteria

The City's service level standard is LOS D for signalized intersections using the 1994 Highway Capacity Manual methodology. Intersections that exceed this service level threshold are considered

Reference: Traffic Study for the 808 "A" Street Development in the City of Hayward

impacted and should be considered for mitigation. Since the purpose of this impact analysis is to determine the improvements needed at this intersection to add the project driveway, HCM 2010 methodology was used to provide a better estimate of queue length expected at the intersection with the trips added from the proposed project.

Existing Conditions - LOS Analysis

The existing a.m. and p.m. peak hour turning movement volumes were collected at the study intersections on a typical weekday in April 2013. Appendix A includes the peak hour turning movement volumes at the study intersection.

Table I summarizes the results of the intersection LOS analysis for existing conditions. The detailed LOS calculations are included in Appendix B. The study intersection operates at acceptable service levels of LOS A during the a.m. peak hour and LOS B during the p.m. peak hour.

TABLE 1: Peak Hour Intersection Levels of Service - Existing Conditions

ID	Intersection	Control	Existing Conditions			
			A.M. Peak		P.M. Peak	
			Delay	LOS	Delay	LOS
I	"A" Street / Watkins Avenue	Signal	8.7	A	11.0	B

Notes: Delay = Average control delay in seconds per vehicle, LOS = Level of Service

Project Trip Generation

Trip generation of the proposed project was estimated based on rates provided in the Trip Generation, 8th Edition published by the Institute of Transportation Engineers (ITE). The proposed senior housing and retail use are expected to generate 1,300 daily trips with 42 trips (22 inbound and 20 outbound) during the a.m. peak hour and 112 trips (57 inbound and 55 outbound) during the p.m. peak hour. Table 2 summarizes the expected trip generation for the proposed project.

TABLE 2: Project Trip Generation

Land Use (ITE Code)	Size		Daily Trips	A.M. Peak					P.M. Peak				
				In %	Out %	In	Out	Total	In %	Out %	In	Out	Total
Senior Housing Detached (220)	60	du	223	35	65	4	9	13	61	39	10	6	16
Retail (820)	5.9	ksf	1,077	61	39	18	11	29	49	51	47	49	95
Total Trips			1,300			22	20	42			57	55	112

Source: ITE Trip Generation, 7th Edition and SANDAG Traffic Generation Rates

Note: DU Dwelling Units
 ksf 1,000 square feet

Reference: Traffic Study for the 808 "A" Street Development in the City of Hayward

Although a portion of the trips will access from the driveway on Smalley Street, however, for a conservative analysis, it was assumed that all trips will use the driveway at "A" Street and Watkins Street. The project trips were distributed on the existing street network based on existing travel patterns and knowledge of the study area. These trips were added to the existing turning movement counts to generate the intersection volumes for the Existing plus Project conditions.

Intersection Improvements

The following improvements are recommended for the intersection of "A" Street and Watkins Street to accommodate the proposed project driveway:

- Add an eastbound left turn lane as shown in Figure 2. This would require salvaging the existing signal mast arm on the southeast corner and replacing it with a longer mast arm with additional signal heads.
- Restripe the northbound to include one left turn lane and one through-right shared lane as shown in Figure 2.
- The project driveway should include one left turn lane and a through-right shared lane as shown in Figure 2.
- Install video detection for the project driveway to accommodate SCATS operations at the intersection.
- Install and modify signal equipment in the field as needed and will be identified as part of the final intersection modification drawings.
- Adjust the crosswalks based on the proposed driveway location

Figure 2 illustrates the geometric improvements needed to accommodate the proposed project.

Reference: Traffic Study for the 808 "A" Street Development in the City of Hayward



Figure2: Geometric Improvements at "A" Street and Watkins Street

Existing Plus Project Conditions - LOS and Queuing Analysis

Geometric improvements at the intersection of "A" Street and Watkins Street as shown in figure 2 was included as part of Existing plus Project Conditions analysis. Table 3 summarizes the results of the intersection LOS analysis. The detailed LOS calculations are included in Appendix B.

Under Existing plus Project Conditions, the intersection of "A" Street and Watkins Street is expected to continue to operate at an acceptable service level of LOS B during both the a.m. and the p.m. peak hours. With the addition of project trips, the delay at the existing intersection is expected to increase by 1.4 seconds/vehicle during the a.m. peak hour and by 0.5 seconds/vehicle during the p.m. peak hour.

Stantec

May 2, 2013
 Aaron Mandel
 Page 6

Reference: Traffic Study for the 808 "A" Street Development in the City of Hayward

TABLE 3: Intersection Levels of Service – Existing plus Project Conditions

ID	Intersection	Control	Existing Conditions				Existing + Project Conditions			
			A.M. Peak		P.M. Peak		A.M. Peak		P.M. Peak	
			Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1	"A" Street / Watkins Avenue	Signal	8.7	A	11.0	B	10.1	B	11.5	B

Notes: Delay = Average control delay in seconds per vehicle, LOS = Level of Service

Queueing analysis was conducted for Existing plus Project Conditions to determine the required length for the eastbound left turn lane. As shown in Table 3, the eastbound left turn queue length is expected to be less than 26 feet for 95 percent of time during the a.m. and the p.m. peak hours. Therefore, it is recommended that a 50-foot left turn lane is provided for the eastbound left turn movement. This would match with the length of the left turn lane provided for the westbound direction.

TABLE 3: Intersection Queue Analysis – Existing plus Project Conditions

ID	Intersection	Control	Existing+Project Conditions			
			A.M. Peak		P.M. Peak	
			Direction	95- Percentile Queue (ft.)	Direction	95- Percentile Queue (ft.)
1	"A" Street / Watkins Avenue	Signal	Eastbound Left	24	Eastbound Left	26

Cost Estimate for proposed Improvements

A preliminary cost estimate was prepared for the intersection upgrade needed to accommodate a protected left turn lane for the eastbound direction. The signal upgrade is expected to cost approximately \$68,300 for the construction materials and its installation. This cost estimate does not include other cost needed to cover the design cost, and other administrative costs. This cost also does not include any contingency.

Conclusions

The proposed project is expected to generate 1,300 daily trips with 42 trips during the a.m. peak hour and 112 trips during the p.m. peak hour. The intersection geometry for the intersection of "A" Street and Watkins Street will need to be changed to add an eastbound left turn lane to access the project site. With the recommended improvements and the addition of the project trips, the intersection of "A" Street/Watkins Street is expected to operate at an acceptable service level during

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May 2, 2013
Aaron Mandel
Page 7

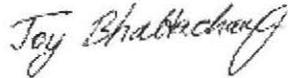
Reference: Traffic Study for the 808 "A" Street Development in the City of Hayward

both the a.m. and the p.m. peak hours. The signal upgrade cost (not including curb and gutter design and other associated costs) is expected to be approximately, \$68,300.

Thank you for the opportunity to provide this analysis. Please call me with your comments and/or questions.

Best regards,

Stantec Consulting Services Inc.



Joy Bhattacharya, PE, PTOE
Senior Project Manager
Tel: (415) 281-5507
Fax: (415) 882-9523
Joy.bhattacharya@stantec.com

Appendix A: Turning Movement Counts

Appendix B: LOS Calculations – Existing and Existing plus Project Conditions

Appendix C: Preliminary Cost Estimate



Stantec

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San Francisco CA 94103
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Appendix A: Turning Movement Counts

All Traffic Data

(916) 771-8700

orders@atdtraffic.com

City of Hayward

File Name : 13-7254-001PM Watkins-A Street

Site Code : 00000000

Start Date : 4/24/2013

Page No : 1

Groups Printed- Unshifted

Start Time	Southbound				A Street Westbound				Watkins Street Northbound				A Street Eastbound				Int. Total
	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
16:00	0	0	0	0	6	135	0	141	19	0	41	60	0	121	34	155	356
16:15	0	0	0	0	6	160	0	166	28	0	35	63	0	106	25	131	360
16:30	0	0	0	0	11	147	0	158	25	0	31	56	0	126	18	144	358
16:45	0	0	0	0	13	129	0	142	22	0	48	70	0	115	22	137	349
Total	0	0	0	0	36	571	0	607	94	0	155	249	0	468	99	567	1423
17:00	0	0	0	0	8	161	0	169	25	0	50	75	0	113	34	147	391
17:15	0	0	0	0	8	146	0	154	26	0	37	63	0	146	29	175	392
17:30	0	0	0	0	11	144	0	155	18	0	48	66	0	133	36	169	390
17:45	0	0	0	0	10	124	0	134	29	0	51	80	0	136	37	173	387
Total	0	0	0	0	37	575	0	612	98	0	186	284	0	528	136	664	1560
Grand Total	0	0	0	0	73	1146	0	1219	192	0	341	533	0	996	235	1231	2983
Apprch %	0	0	0	0	6	94	0	0	36	0	64	0	0	80.9	19.1	0	0
Total %	0	0	0	0	2.4	38.4	0	40.9	6.4	0	11.4	17.9	0	33.4	7.9	41.3	0

Start Time	Southbound				A Street Westbound				Watkins Street Northbound				A Street Eastbound				Int. Total
	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
Peak Hour Analysis From 16:00 to 17:45 - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 17:00																	
17:00	0	0	0	0	8	161	0	169	25	0	50	75	0	113	34	147	391
17:15	0	0	0	0	8	146	0	154	26	0	37	63	0	146	29	175	392
17:30	0	0	0	0	11	144	0	155	18	0	48	66	0	133	36	169	390
17:45	0	0	0	0	10	124	0	134	29	0	51	80	0	136	37	173	387
Total Volume	0	0	0	0	37	575	0	612	98	0	186	284	0	528	136	664	1560
% App. Total	0	0	0	0	6	94	0	0	34.5	0	65.5	0	0	79.5	20.5	0	0
PHF	.000	.000	.000	.000	.841	.893	.000	.905	.845	.000	.912	.888	.000	.904	.919	.949	.995

All Traffic Data

(916) 771-8700

orders@atdtraffic.com

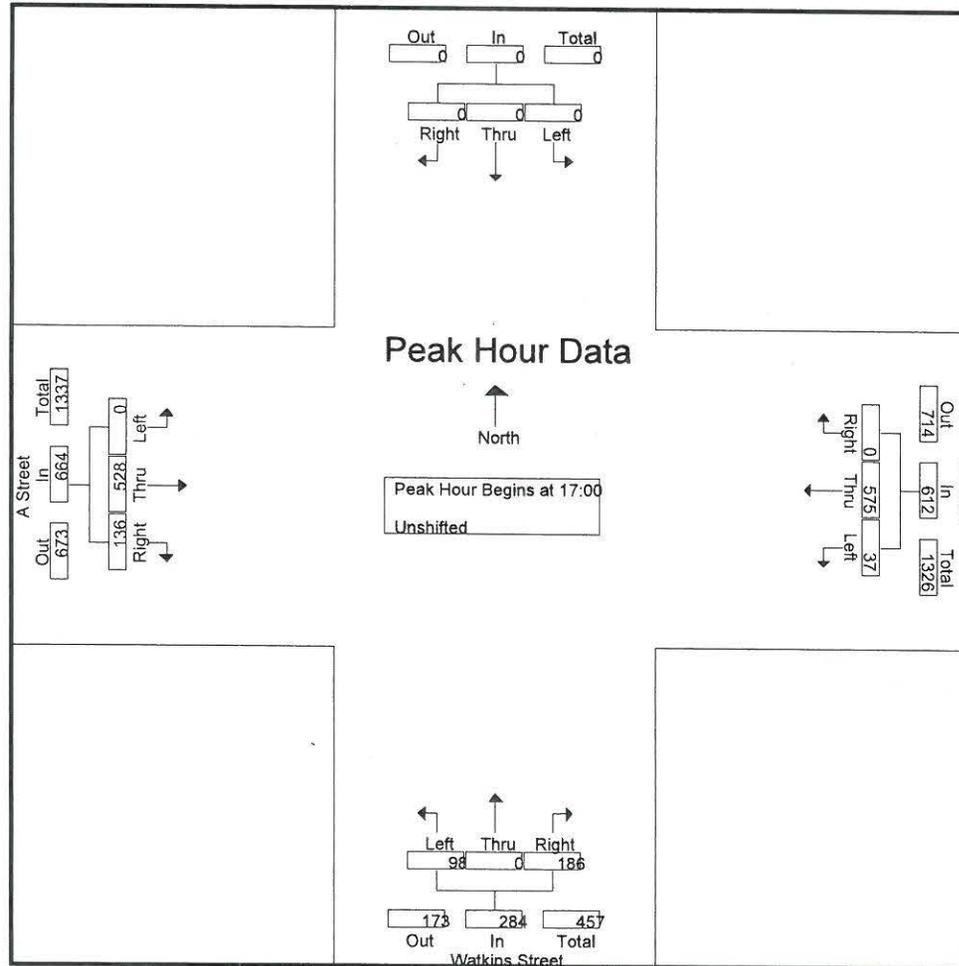
City of Hayward

File Name : 13-7254-001PM Watkins-A Street

Site Code : 00000000

Start Date : 4/24/2013

Page No : 2



All Traffic Data

(916) 771-8700

orders@atdtraffic.com

City of Hayward

File Name : 13-7254-001AM Watkins-A Street

Site Code : 00000000

Start Date : 4/25/2013

Page No : 1

Groups Printed- Unshifted

Start Time	Southbound				A Street Westbound				Watkins Street Northbound				A Street Eastbound				Int. Total
	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
07:00	0	0	0	0	5	143	0	148	7	0	12	19	0	58	17	75	242
07:15	0	0	0	0	7	167	0	174	10	0	17	27	0	53	12	65	266
07:30	0	0	0	0	23	198	0	221	6	0	15	21	0	64	26	90	332
07:45	0	0	0	0	27	195	0	222	12	0	23	35	0	78	20	98	355
Total	0	0	0	0	62	703	0	765	35	0	67	102	0	253	75	328	1195
08:00	0	0	0	0	28	175	0	203	18	0	19	37	0	65	25	90	330
08:15	0	0	0	0	18	196	0	214	17	0	24	41	0	59	23	82	337
08:30	0	0	0	0	13	183	0	196	16	0	25	41	0	79	21	100	337
08:45	0	0	0	0	16	143	0	159	30	0	22	52	0	73	22	95	306
Total	0	0	0	0	75	697	0	772	81	0	90	171	0	276	91	367	1310
Grand Total	0	0	0	0	137	1400	0	1537	116	0	157	273	0	529	166	695	2505
Apprch %	0	0	0	0	8.9	91.1	0	61.4	42.5	0	57.5	27.3	0	76.1	23.9	34.4	106.6
Total %	0	0	0	0	5.5	55.9	0	61.4	4.6	0	6.3	10.9	0	21.1	6.6	27.7	119.5

Start Time	Southbound				A Street Westbound				Watkins Street Northbound				A Street Eastbound				Int. Total
	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
Peak Hour Analysis From 07:00 to 08:45 - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 07:45																	
07:45	0	0	0	0	27	195	0	222	12	0	23	35	0	78	20	98	355
08:00	0	0	0	0	28	175	0	203	18	0	19	37	0	65	25	90	330
08:15	0	0	0	0	18	196	0	214	17	0	24	41	0	59	23	82	337
08:30	0	0	0	0	13	183	0	196	16	0	25	41	0	79	21	100	337
Total Volume	0	0	0	0	86	749	0	835	63	0	91	154	0	281	89	370	1359
% App. Total	0	0	0	0	10.3	89.7	0	61.4	40.9	0	59.1	27.3	0	75.9	24.1	34.4	106.6
PHF	.000	.000	.000	.000	.768	.955	.000	.940	.875	.000	.910	.939	.000	.889	.890	.925	.957

All Traffic Data

(916) 771-8700

orders@atdtraffic.com

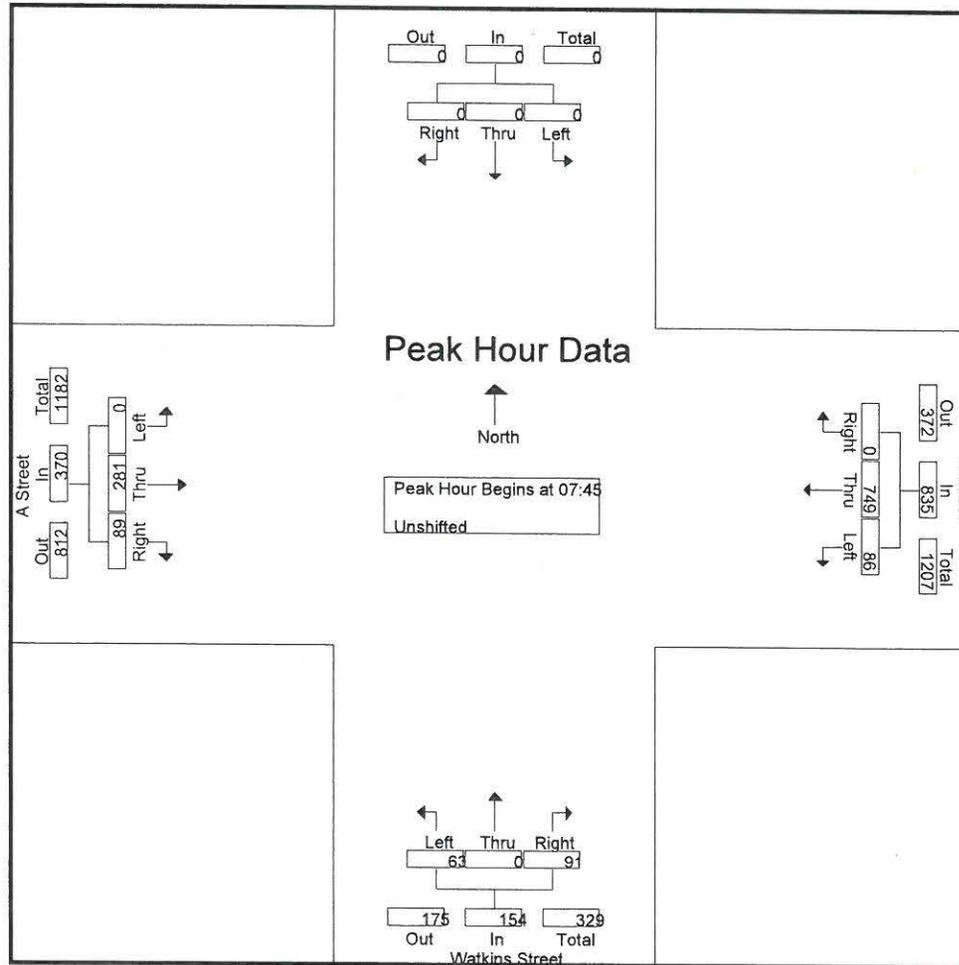
City of Hayward

File Name : 13-7254-001AM Watkins-A Street

Site Code : 00000000

Start Date : 4/25/2013

Page No : 2





Stantec

Stantec Consulting Services Inc.
901 Market Street
San Francisco CA 94103
Tel: (415) 992-9500
Fax: (415) 882-9523

Appendix B: LOS Calculations – Existing and Existing plus Project Conditions

HCM 2010 Signalized Intersection Summary

1:

5/2/2013

	→	↘	↙	←	↖	↗
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑		↘	↑↑	↘	↗
Volume (vph)	281	89	86	749	63	91
Number	6	16	5	2	7	14
Initial Queue, veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)		1.00	1.00		1.00	1.00
Parking, Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow Rate	1863	1863	1863	1863	1863	1863
Lanes	2	0	1	2	1	1
Capacity, veh/h	1809	562	120	2798	160	142
Arriving On Green	0.66	0.66	0.07	0.79	0.09	0.09
Sat Flow, veh/h	2753.7	847.8	1774.0	3632.4	1774.0	1583.3
Grp Volume(v), veh/h	206.7	195.5	91.5	796.8	67.0	96.8
Grp Sat Flow(s),veh/h/ln	1862.7	1713.1	1774.0	1769.6	1774.0	1583.3
Q Serve(g_s), s	2.8	2.9	3.4	4.1	2.4	4.0
Cycle Q Clear(g_c), s	2.8	2.9	3.4	4.1	2.4	4.0
Proportion In Lane		0.495	1.000		1.000	1.000
Lane Grp Cap(c), veh/h	1235.4	1136.2	120.2	2798.4	159.6	142.5
V/C Ratio(X)	0.167	0.172	0.761	0.285	0.420	0.680
Avail Cap(c_a), veh/h	1235.4	1136.2	502.9	2798.4	502.9	448.8
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.000	1.000	1.000	1.000	1.000	1.000
Uniform Delay (d), s/veh	4.3	4.3	30.7	1.9	28.8	29.6
Incr Delay (d2), s/veh	0.1	0.1	9.5	0.3	1.8	5.6
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
Lane Group Delay (d), s/veh	4.3	4.4	40.2	2.2	30.6	35.1
Lane Group LOS	A	A	D	A	C	D
Approach Volume, veh/h	402			888	164	
Approach Delay, s/veh	4.4			6.1	33.3	
Approach LOS	A			A	C	
Timer						
Assigned Phase	6		5	2		
Phase Duration (G+Y+Rc), s	48.46		8.54	57.00		
Change Period (Y+Rc), s	4.00		4.00	4.00		
Max Green Setting (Gmax), s	30.00		19.00	53.00		
Max Q Clear Time (g_c+I1), s	4.91		5.40	6.08		
Green Extension Time (p_c)	9.08		0.16	10.72		
Intersection Summary						
HCM 2010 Control Delay			8.7			
HCM 2010 Level of Service			A			

HCM 2010 Signalized Intersection Summary

1:

5/2/2013

	→	↘	↙	←	↖	↗
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑		↘	↑↑	↘	↗
Volume (vph)	528	136	37	575	98	186
Number	6	16	5	2	7	14
Initial Queue, veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)		1.00	1.00		1.00	1.00
Parking, Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow Rate	1863	1863	1863	1863	1863	1863
Lanes	2	0	1	2	1	1
Capacity, veh/h	1813	465	56	2554	293	262
Arriving On Green	0.63	0.63	0.03	0.72	0.17	0.17
Sat Flow, veh/h	2888.3	734.4	1774.0	3632.4	1774.0	1583.3
Grp Volume(v), veh/h	361.1	337.8	41.1	638.9	110.1	209.0
Grp Sat Flow(s),veh/h/ln	1862.7	1733.1	1774.0	1769.6	1774.0	1583.3
Q Serve(g_s), s	6.2	6.3	1.6	4.3	3.9	9.0
Cycle Q Clear(g_c), s	6.2	6.3	1.6	4.3	3.9	9.0
Proportion In Lane		0.424	1.000		1.000	1.000
Lane Grp Cap(c), veh/h	1180.2	1098.1	55.6	2553.5	293.3	261.8
V/C Ratio(X)	0.306	0.308	0.739	0.250	0.375	0.798
Avail Cap(c_a), veh/h	1180.2	1098.1	251.0	2553.5	527.0	470.4
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(l)	1.000	1.000	1.000	1.000	1.000	1.000
Uniform Delay (d), s/veh	5.9	5.9	33.9	3.3	26.3	28.4
Incr Delay (d2), s/veh	0.1	0.2	17.3	0.2	0.8	5.5
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
Lane Group Delay (d), s/veh	6.0	6.1	51.2	3.6	27.0	33.9
Lane Group LOS	A	A	D	A	C	C
Approach Volume, veh/h	699			680	319	
Approach Delay, s/veh	6.0			6.5	31.5	
Approach LOS	A			A	C	
Timer						
Assigned Phase	6		5	2		
Phase Duration (G+Y+Rc), s	48.78		6.22	55.00		
Change Period (Y+Rc), s	4.00		4.00	4.00		
Max Green Setting (Gmax), s	37.00		10.00	51.00		
Max Q Clear Time (g_c+I1), s	8.27		3.62	6.34		
Green Extension Time (p_c)	10.66		0.03	12.06		
Intersection Summary						
HCM 2010 Control Delay			11.0			
HCM 2010 Level of Service			B			

HCM 2010 Signalized Intersection Summary

1:

5/2/2013

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	13	281	89	86	749	7	63	2	91	6	2	12
Number	1	6	16	5	2	12	7	4	14	3	8	18
Initial Queue, veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking, Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow Rate	1863	1863	1863	1863	1863	1863	1863	1863	1863	1863	1863	1863
Lanes	1	2	0	1	2	0	1	1	0	1	1	0
Capacity, veh/h	25	1762	548	120	2577	25	236	3	149	161	22	133
Arriving On Green	0.01	0.65	0.65	0.07	0.70	0.70	0.10	0.10	0.10	0.10	0.10	0.10
Sat Flow, veh/h	1774.0	2728.1	847.8	1774.0	3684.1	35.2	1392.5	34.9	1553.7	1290.8	231.1	1386.9
Grp Volume(v), veh/h	14.1	206.7	195.5	91.5	402.9	401.6	67.0	0.0	99.0	6.5	0.0	15.2
Grp Sat Flow(s),veh/h/ln	1774.0	1862.7	1713.1	1774.0	1862.7	1856.5	1392.5	0.0	1588.6	1290.8	0.0	1618.0
Q Serve(g_s), s	0.5	2.8	2.9	3.2	5.2	5.2	2.9	0.0	3.8	0.3	0.0	0.5
Cycle Q Clear(g_c), s	0.5	2.8	2.9	3.2	5.2	5.2	3.4	0.0	3.8	4.1	0.0	0.5
Proportion In Lane	1.000		0.495	1.000		0.019	1.000		0.978	1.000		0.857
Lane Grp Cap(c), veh/h	24.7	1203.2	1106.5	119.8	1303.0	1298.7	235.9	0.0	152.2	160.5	0.0	155.0
V/C Ratio(X)	0.573	0.172	0.177	0.764	0.309	0.309	0.284	0.000	0.651	0.041	0.000	0.098
Avail Cap(c_a), veh/h	197.4	1203.2	1106.5	451.3	1303.0	1298.7	478.9	0.0	429.3	385.8	0.0	437.3
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(l)	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.000	1.000	1.000	0.000	1.000
Uniform Delay (d), s/veh	30.8	4.4	4.5	28.8	3.6	3.6	27.5	0.0	27.4	29.4	0.0	26.0
Incr Delay (d2), s/veh	19.2	0.1	0.1	9.6	0.6	0.6	0.7	0.0	4.6	0.1	0.0	0.3
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Lane Group Delay (d), s/veh	50.0	4.5	4.5	38.5	4.2	4.2	28.2	0.0	32.0	29.5	0.0	26.2
Lane Group LOS	D	A	A	D	A	A	C		C	C		C
Approach Volume, veh/h		416			896			166				22
Approach Delay, s/veh		6.1			7.7			30.5				27.2
Approach LOS		A			A			C				C
Timer												
Assigned Phase	1	6		5	2			4				8
Phase Duration (G+Y+Rc), s	4.88	44.63		8.25	48.00			10.02				10.02
Change Period (Y+Rc), s	4.00	4.00		4.00	4.00			4.00				4.00
Max Green Setting (Gmax), s	7.00	35.00		16.00	44.00			17.00				17.00
Max Q Clear Time (g_c+1), s	2.50	4.87		5.19	7.22			5.78				6.09
Green Extension Time (p_c)	0.00	9.00		0.13	9.45			0.60				0.59
Intersection Summary												
HCM 2010 Control Delay				10.1								
HCM 2010 Level of Service				B								

HCM 2010 Signalized Intersection Summary

1:

5/2/2013

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	36	528	136	37	575	19	98	2	186	18	2	35
Number	1	6	16	5	2	12	7	4	14	3	8	18
Initial Queue, veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking, Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow Rate	1863	1863	1863	1863	1863	1863	1863	1863	1863	1863	1863	1863
Lanes	1	2	0	1	2	0	1	1	0	1	1	0
Capacity, veh/h	582	1780	457	56	2550	82	313	3	276	160	15	266
Arriving On Green	0.62	0.62	0.62	0.03	0.71	0.71	0.18	0.18	0.18	0.18	0.18	0.18
Sat Flow, veh/h	771.6	2861.5	734.4	1774.0	3589.1	115.9	1361.4	16.3	1569.5	1165.7	86.3	1510.0
Grp Volume(v), veh/h	39.1	361.1	337.8	41.1	331.4	328.1	110.1	0.0	211.2	19.6	0.0	40.2
Grp Sat Flow(s),veh/h/ln	771.6	1862.7	1733.1	1774.0	1862.7	1842.3	1361.4	0.0	1585.8	1165.7	0.0	1596.3
Q Serve(g_s), s	1.4	6.4	6.4	1.6	4.4	4.4	5.2	0.0	8.9	1.1	0.0	1.5
Cycle Q Clear(g_c), s	1.4	6.4	6.4	1.6	4.4	4.4	6.7	0.0	8.9	10.1	0.0	1.5
Proportion In Lane	1.000		0.424	1.000		0.063	1.000		0.990	1.000		0.946
Lane Grp Cap(c), veh/h	582.4	1159.0	1078.4	55.7	1323.3	1308.8	312.8	0.0	279.0	159.8	0.0	280.8
V/C Ratio(X)	0.067	0.312	0.313	0.738	0.250	0.251	0.352	0.000	0.757	0.122	0.000	0.143
Avail Cap(c_a), veh/h	582.4	1159.0	1078.4	252.1	1323.3	1308.8	498.9	0.0	495.7	319.1	0.0	499.0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(l)	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.000	1.000	1.000	0.000	1.000
Uniform Delay (d), s/veh	5.3	6.2	6.2	33.8	3.6	3.6	27.4	0.0	27.6	32.3	0.0	24.5
Incr Delay (d2), s/veh	0.0	0.2	0.2	17.2	0.5	0.5	0.7	0.0	4.2	0.3	0.0	0.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Lane Group Delay (d), s/veh	5.3	6.4	6.4	51.0	4.0	4.0	28.0	0.0	31.8	32.7	0.0	24.7
Lane Group LOS	A	A	A	D	A	A	C		C	C		C
Approach Volume, veh/h		738			701			321				60
Approach Delay, s/veh		6.3			6.8			30.5				27.3
Approach LOS		A			A			C				C
Timer												
Assigned Phase		6		5	2			4				8
Phase Duration (G+Y+Rc), s		47.79		6.21	54.00			16.38				16.38
Change Period (Y+Rc), s		4.00		4.00	4.00			4.00				4.00
Max Green Setting (Gmax), s		36.00		10.00	50.00			22.00				22.00
Max Q Clear Time (g_c+I1), s		8.44		3.62	6.42			10.91				12.05
Green Extension Time (p_c)		10.49		0.03	11.98			1.49				1.41
Intersection Summary												
HCM 2010 Control Delay				11.5								
HCM 2010 Level of Service				B								

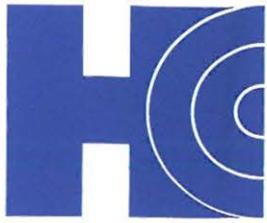


Stantec

Stantec Consulting Services Inc.
901 Market Street
San Francisco CA 94103
Tel: (415) 992-9500
Fax: (415) 882-9523

Appendix C: Preliminary Cost Estimate

Preliminary Concept Level Engineer's Estimate					
For Traffic Signal Items Only (not including Civil Work required at the intersection)					
Agency	City of Hayward			Date:	5/3/2013
Description	Signal Modification				
Location	"A" STREET AND WATKINS STREET INTERSECTION				
Prepared by	STANTEC				
Item No.	Item Description	Quantity	Units	Unit Cost	Total
1	MOBILIZATION	1	LS	\$4,000.00	\$4,000
2	TRAFFIC CONTROL	1	EA	\$8,000.00	\$8,000
3	29-5-100 POLE WITH MAST ARM	1	EA	\$12,000.00	\$12,000
4	29-5-100 FOUNDATION	1	EA	\$1,500.00	\$1,500
5	LUMINAIRES	1	EA	\$500.00	\$500
6	INSTALL VIDEO DETECTION FOR THE DRIVEWAY	1	EA	\$5,000.00	\$5,000
7	TRAFFIC SIGNAL POLE WITHOUT MAST ARM	3	EA	\$1,500.00	\$4,500
8	12"x3 TRAFFIC SIGNAL HEAD	6	EA	\$800.00	\$4,800
9	PEDESTRIAN SIGNAL HEAD	2	EA	\$500.00	\$1,000
10	PEDESTRIAN PUSH BUTTON	2	EA	\$500.00	\$1,000
11	REMOVE SIGN FROM EXISTING POLE AND INSTALL ON NEW POLES	4	EA	\$500.00	\$2,000
12	REMOVE & SALVAGE EXISTING MA POLE & FOUNDATION	1	EA	\$5,000.00	\$5,000
13	RELOCATE EMERGENCY VEHICLE PREEMPTION DETECTOR	1	EA	\$500.00	\$500
14	INSTALL EMERGENCY VEHICLE PREEMPTION DETECTOR	1	EA	\$1,000.00	\$1,000
15	MODIFY SCATS SETTINGS AT THE INTERSECTION	1	EA	\$2,000.00	\$2,000
16	INSTALL BATTERY BACKUP SYSTEM	1	EA	\$8,000.00	\$8,000
17	SIGNING AND STRIPING MODIFICATION	1	LS	\$3,500.00	\$3,500
18	CONDUCTOR INSTALLATION AND SPICING	1	LS	\$4,000.00	\$4,000
TOTAL :					\$68,300



HAYWARD
CHAMBER of
COMMERCE

June 11, 2013

Damon Golubics
City of Hayward, Planning Division
777 B Street
Hayward, Calif. 94541

RECEIVED
JUN 14 2013
PLANNING DIVISION

Mr. Golubics,

Thank you for the opportunity to comment on the Meta Housing project for 808 A St., calling for 60 units of senior housing and 6,000 square feet of retail space on vacant property.

The proposal is an outstanding concept that brings together smart, attractive design in a package that meets our city's need for senior housing while removing blighted property. Many business owners have expressed to me their support for this project as part of a process to rejuvenate our downtown area with new residents who will be shopping, banking, and dining.

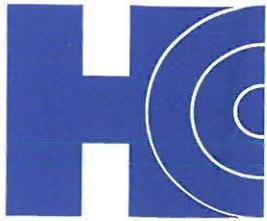
My office is just a block away from the project and my staff and I are eager to have these new neighbors. Feel free to contact me with any questions.

Regards,



Kim Huggett
President & CEO

cc: Meta Housing



HAYWARD
CHAMBER of
COMMERCE

RECEIVED
MAY 17 2013
PLANNING DIVISION

May 15, 2013

Damon Golubics
Planning Division
City of Hayward
777 B Street
Hayward, CA 94541

Mr. Golubics,

Thank you for the opportunity to comment on the proposed senior housing project by Meta Housing at 808 A Street in downtown Hayward. As spokesman for the 600 businesses and organizations of the Hayward Chamber of Commerce, I see this project playing two critical roles for our city: providing needed senior housing in a neighborhood close to essential services; and contributing to the rejuvenation of downtown Hayward by providing clients for retail, banking, dining, and other services.

I am pleased that this project will fill a vacant, blighted zone of our city with the distinctive and striking design of Philip Bonta & Associates. I am impressed with the earth-toned colors on the stucco and composite panels, the landscaping with trees and vines by MJS Design Group, and the dramatic entry arch. The project addresses blight with greenery and intelligent design, will revive local property values, will add shoppers for downtown businesses, and will bring additional life to a downtown that offers residents street parties, concerts, and other special events open to seniors.

I have received only positive reaction from downtown business owners about this project and urge you to give it a favorable review. Contact me for any additional information you may require.

Sincerely,


Kim Huggett
President & CEO

Law Offices of
RAYMOND N. BAKER
770 A STREET, SUIT 304
Hayward, CA 94541
(510) 537-2100

RECEIVED

JUN 28 2013

PLANNING DIVISION

June 28, 2013

City of Hayward, Planning Division
ATTN: Damon Golubics
777 B Street, 2nd Floor
Hayward, CA 94541

RE: 808 A Street, Hayward, CA

To Whom It May Concern:

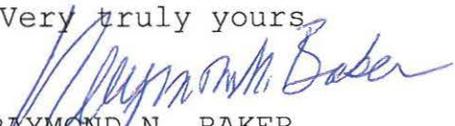
The application filed by Aaron Mandel for a sixty unit senior occupancy at 808 A Street should be denied because the access to this development is too hazardous to both pedestrians and vehicles. The planned access on A Street is hazardous to pedestrians and vehicles alike because of the congested traffic conditions on A Street.

The Hayward Police Department has for a long time failed to enforce the traffic laws on A Street. At a public meeting on June 27, 2013 the Hayward Police Department representative stated it has no plans to enforce traffic laws on A Street.

The proposed access onto Smalley Avenue will increase the hazardous driving conditions now existing on Smalley Avenue especially at the intersections of Smalley Avenue at Mission Boulevard and Smalley Avenue at Montgomery Avenue. Both of these intersections are considered blind due to parking of vehicles on Montgomery Avenue and on Mission Boulevard.

I also object to the loss of four parking spaces on Smalley Avenue which will have a substantial effect to my business. Further, there is a precedent for denial of access from the 808 A Street development because the City denied access to the owner of the property of Larry's Tire Express, 750 A Street and Aaron's, 730 A Street. I urge the City make available the City's traffic study concerning the traffic conditions on Smalley Avenue. If the City cannot make such information available to the public, then an environmental study of the 808 A Street development should be undertaken by the City.

Very truly yours,


RAYMOND N. BAKER

RNB/rf

DOWNTOWN MUFFLER SERVICE
22419 MISSION BLVD.
HAYWARD, CA 94541
(510) 582-6996

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JUN 28 2013
PLANNING DIVISION

City of Hayward, Planning Division
777 B Street, 2nd Floor
Hayward, CA 94541

The undersigned is an owner (X) resident () at corner
Smalley Ave., Hayward, CA 94541.

The undersigned strongly objects to the proposed development at 808 A Street on the grounds that any increase in traffic from the development onto Smalley Ave. will increase the hazardous driving conditions on Smalley Ave., especially at the intersections of Smalley Ave. at Mission Blvd. and Smalley Ave. at Montgomery Ave. I also object to the loss of four parking spaces on Smalley Ave. which will have a substantial effect to my business and/or residential use of Smalley Ave. Further, there is a precedent for denial of access from the 808 A Street development because the city denied access to the owner of the property of Larry's Tire Express, 750 A Street and Aaron's, 730 A Street. I urge the City make available the City's traffic study concerning the traffic conditions on Smalley Ave. If the City cannot make such information available to the public, then an environmental study of the 808 A Street development should be undertaken by the City.

Dated June 27, 2013


Signature

Derek Wu

June 26, 2013

Mr. Damon Golubics
City of Hayward, Planning Division
777 B Street
Hayward, CA 94541

RECEIVED
JUN 27 2013
PLANNING DIVISION

Subject: Re Project located at 808 A Street, Application No. 2013-0168

Dear Mr. Golubics:

We all knows we needs good plan to improve downtown Hayward, I know is very hard;
What is the downtown Hayward going to be? I don't have ideal, this is beyond my knowledge.

The Project on the "808 A Street", one of the entrance/exit at Smalley Avenue on the current plan,
I am request for fence and locked gate at Smalley Avenue, only for emergence uses.

The reason is:

1. The entrance/exit is just on my front door of my building is cause of danger to anyone entering to or exit from my business.
2. The Smalley Avenue is too narrow to handle the extra traffic and/or loss parking space for customer parking
3. The extra traffic will be negative impact to residential neighborhood on" Smalley Ave"
4. With Fence and locked gate will prevent drug active in the parking lot.

Please taking considering my request.

Sincerely



Derek Wu

To: Damon Golubies

Planning Div.
cc: Bill Quirk

RECEIVED

JUN 19 2013

PLANNING DIVISION

Sir;

In typical Hayward City fashion you invite comments on a planning decision and then make it impossible to do so.

I e-mailed my comments to the address provided before the deadline only to receive notice that the e-mail failed because the address was invalid.

I phoned the number given and kept getting dis-connected by robo-phone. What a blatant maneuver to squelch dissent.

Has anyone in the planning Division ever been on Smalley Ave? If you had, you would see how difficult and disruptive the project would be for the residents of our street. There are houses and apartment buildings ~~one~~ on the small block. Residents include the elderly and small children. Hayward has already severely degraded our living situation with the "Loop". Our street has become a thoroughfare with motorists trying to get around town. This street ²³³⁰ is narrow, has ⁴

parking on one side only. There are four car repair businesses, and one auto parts store. The repair shops park their customers cars in all the available spots. There are trucks double parking on a regular basis. The proposed site would be adding traffic the street can't support!

Then there is the issue of noise and dirt pollution. The noise level day and night is terrible. Machinery, tools, the roar of the vent from the car painting shop. Tow trucks drop loads in the middle of the night. Salvagers are rooting around in dumpsters at three o'clock in the morning. The trash pickup is twice a week, one for residential, one for commercial, banging around at six o'clock in the morning.

To all of this you want to add trucks, backhoes, jackhammers and construction workers. The lot is cement. We'll have to suffer through the breaking up and removal of all that cement. It creates potentially toxic dust which will cover our apartments. This will be a health hazard for residents especially for ^{m284} as an asthmatic⁵.

Most of the residents of this area are low income which is why we're here. It's what we can afford, and we don't have the luxury of moving somewhere else. We are discounted in the scheme of things.

My last point, the stupidity of building a retail site in a city that has a huge vacancy rate for retail. The units, if there is parking will block air and sun and make people's back doors and windows vulnerable to break-ins. The odd shaped lot is simply not conducive to development.

Alice Roeske

Damon Golubics

From: margie@echofairhousing.org
Sent: Thursday, June 13, 2013 1:38 AM
To: Damon Golubics
Subject: 808 A Street, Hayward, CA 94541

I was recently informed that a 60-unit complex is going to be built next door to our offices. I was not notified until late yesterday, and found out second hand. I am concerned about the traffic patterns as they currently exist around ECHO's offices. A Street is fast becoming a raceway. Egress into Smalley is dangerous, likewise egress onto Montgomery and Mission from Smalley. Those are blind streets. The Senior Complex won't help matters. It will add to the traffic, and more of a concern to me, is the seniors' potential for accidents when driving onto the streets surrounding the complex. I myself have escaped being hit several times when coming out onto Smalley, Montgomery, and Mission. Perhaps the city planners can redesign the surrounding streets so they are safer for the new residents. I certainly hope so. It would be a shame if someone got hurt because of poor planning. Sincerely,

Marjorie A. Rocha, Executive Director
ECHO Housing
770 A Street
Hayward, CA 94541
Tel: 510-581-9380 ext. 17
Fax: 510-537-4793
margie@echofairhousing.org

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Damon Golubics

From: Luwana DeYoung
Sent: Thursday, June 13, 2013 2:26 PM
To: Damon Golubics
Subject: Building Plans 808 A st ref PL-2013-0168 SPR

Hello Mr. Golubics,

We own the property at 803 Smalley Ave. Because of personal medical problems, we have been unable to respond to your notification about this project.

We were in contract with the owners/investors last year, and they breached the contract, so it was cancelled. We don't trust them at their word. Perhaps these are new owners.

Would you please e-mail us a copy of the plans and any comments so far. Only 1 out of 10 tenants at the apt got notification, and they are asking me what is happening. They all have concerns about building noise, dust pollution, traffic, etc. We are all concerned about any decisions made without any public meeting.

Thank You,

LuWana DeYoung, Property Owner